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Faculty Senate Chronicle for April 1, 2004

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MINUTES OF THE FACULTY SENATE MEETING OF APRIL 1, 2004

The regular meeting of the Faculty Senate was held on April 1, 2004 in Room 201 of the Buckingham Center for Continuing Education. Chair Dan Sheffer called the meeting to order at precisely 3:00 p.m.

Thirty-two of the sixty-four Faculty Senators were in attendance. Senators Barrett, Drummond, Garn-Nunn, Hoo Fatt, Johanyak, John, Jorgensen, Konet, Matney, Siebert, Sterns, Wilkinson, J.Yoder, Yousey, and Zachariah were absent with notice. Senators Belisle, Braun, Broadway, Carri, Drew, Hanna, Kelly, Krovi, Luoma, Lyons, Maringer, Pope, Shanklin, Soucek, Svehla, and Wallace were absent without notice.

SENATE ACTIONS

- * **APPROVED THE SPRING 2004 COMMENCEMENT CANDIDATES.**
- * **APPROVED UNIVERSITY WELL-BEING COMMITTEE'S RECOMMENDATIONS REGARDING NEW REC CENTER.**
- * **APPROVED THE RESOLUTION REQUESTING THE GOVERNOR TO INTERVENE IN BOARD OF TRUSTEES AND UNIVERSITY OF AKRON AFFAIRS.**

I. APPROVAL OF THE AGENDA - Chair Dan Sheffer stated that he had an amendment to the agenda. He wished to reverse reports A & B because the President had to leave shortly for another meeting off-campus. The Chair then called for a motion to amend the agenda as he had described. Senator Steiner made the motion; Senator Hebert seconded it.

Senator Gerlach then raised a question to the Chairman. Was the Senator correct in his assumption that the body had two items under unfinished business to consider? Chair Sheffer replied that that was correct. Senator Gerlach asked whether the Executive Committee would put out an agenda that included such itemization so that some of us did not have to keep track of this? Chair Sheffer thanked Senator Gerlach for that notion. The body then voted its approval of the amended agenda.

II. APPROVAL OF THE MINUTES OF FEBRUARY 19 AND MARCH 4, 2004 - Chair Sheffer called for consideration of the minutes of the meetings on February 19 and March 4, 2004. Senator Stratton made the motion to approve the minutes of Feb. 19, 2004; Senator Steiner then seconded the motion. No corrections forthcoming, the body voted its approval of the February minutes.

Chair Sheffer then called for a motion to approve the minutes of March 4, 2004. Again, Senator Stratton made the motion, and Senator Steiner seconded it. Chair Sheffer indicated he had one correction which appeared on pg. 28 - in the third paragraph. The phrase, "Senator Gerlach then asked the Chair's permission to rise to a point of personal privilege," should be corrected to read,

"appoint a personal privilege." No other corrections forthcoming, the body then voted its approval of the March minutes.

At this point Chair Sheffer indicated he had no remarks to make. He then directed the body's attention to its next item of business.

III. SPECIAL ANNOUNCEMENTS - Chair Sheffer indicated the Senate next was to consider the list of Spring 2004 commencement candidates. Marilyn Quillin had a list of those candidates. Senator Norfolk made the motion to approve the Spring 2004 commencement candidates; Senator Pelz seconded it. No discussion forthcoming, the body then voted its approval of the Spring 2004 commencement candidates.

IV. REPORTS - Chair Dan Sheffer then invited President Proenza to address the Senate.
REMARKS OF THE PRESIDENT

"Thank you, Mr. Chairman, and thank you colleagues, for accommodating my schedule. I'm trying to make a 4:00 meeting in Cleveland and am not sure if that will work exactly, but close enough. I wanted to share some information with you today, first, to highlight some points that Provost Stroble and I have communicated to your Chair in response to your motion at the Senate meeting of February 19, and certainly, please understand that we appreciate your requesting input on these matters.

First, we have worked to make certain that as many University constituencies as possible are represented on the Operations Advisory Committee or OAC, as we've been calling it for shorthand. We already are adding a part-time faculty representative as well as a student; and Jesse, thank you for reminding us on that matter. We will inform you soon as to those appointments as soon as they are finalized and will continue to honor the offer we have made to the Akron AAUP to add a member of the bargaining unit faculty to the OAC should the Union executive committee decide to accept that offer.

Because of that situation, the Ad Hoc Planning Committee is not represented on the OAC at this time, since all members of that committee are members of the bargaining unit. That fact is noteworthy in answering your questions about communication and cooperation between the OAC and the ad hoc committees. The first representatives of the Ad Hoc Budget and the Ad Hoc Committee on Academic Facilities Planning do serve on the OAC, so they will serve as liaisons for input and information-sharing between the OAC and their respective committees as well as the Faculty Senate as a whole.

You also requested documentation on the University's budgeting process. The OAC has been charged with recommending a 2-year planning and budgeting cycle, and as soon as that plan is written, we will share it with the Ad Hoc Budget Committee and the campus community as a whole.

Next, in regard to the communication and cooperation between the Information Strategic Planning Team (ITS) and the Ad Hoc Planning Committee, first, a representative from the Ad Hoc Planning Committee serves on the ITS Strategic Planning Team which is getting ready to move into

broader-based information gathering. As a team member, that representative will obtain input from and provide information to the Ad Hoc Planning Committee.

The fifth item on your motion asks that we direct appropriate administrative staff to attend the ad hoc committee meetings in response to the request. While I certainly empathize with your intent, I must tell you that we're not willing to recreate in an ad hoc manner those committees that the Board chose to eliminate. Instead, what we've done is create the Operations Advisory Committee so that we might continue to obtain faculty input and involvement broadly and to deal efficiently with focus concerns. In an upcoming meeting of that group we will be adding some members in preparation for discussion on facilities.

Regarding your call for an overhaul of the accounting and budgeting systems, we share your desire for such a system that enables more effective decisions to be made throughout the University. We've begun discussing a long-term strategy, which would include the involvement of appropriate consultants such as those you've recommended; specifically, Dr. Ronald Ehrenberg, the Irving M. Ives Professor of Industrial Labor Relations and Economics at Cornell and Director of the Cornell Higher Education Research Institute.

Finally, in regard to the Inspector General's Report, let me provide a brief update. In completing its review of the ITS carryover funds, the OAC has indicated that those funds are there and are also fully committed to specific projects and uses which make them unavailable for other University purposes. As soon as the OAC has completed its formal report, we will of course share it in full with you.

Regarding the University's required response to the Inspector General, we requested and have been granted an extension to specifically consider the final report of the State Auditor which you may recall I asked for, and, needless to say, that should be available to us in better response to the IG and that request has been granted. The fieldwork on the special audit began on March 1 and is nearing completion. The audit team has indicated that we can expect to receive their final report from the State Auditor's office in early June, and shortly thereafter we will complete our response to the IG.

I would also like to take a moment to share a couple of bits of information about state-level activities and if you would like, about my most recent visit to Washington which was a little warmer and dryer, but that's another matter. As you may know, presidents of the Interuniversity Council have jointly written to Dick Pogue, the Chairman of the Commission for Higher Education and the Economy, offering a consensus set of modifications to the narrative draft of the committee's integrated policy options.

Of particular interest to us is the need to have several higher education representatives appointed to the Ohio Business Alliance for Higher Education and the Economy. Indeed we believe that it's essential that all stakeholders in an alliance need to be represented when there are policy discussions that can materially affect them. Regrettably as it is, for example, in the existing business advice groups in Columbus there are no higher education representatives.

Among other suggestions, we stress that any change in the Ohio Structural Grant Program should not redirect need-based student financial aid from students in public higher education to students in

private institutions and should be guided by principles on how best to increase the participation goals that the commission is setting and which we've long recognized are needed in Ohio.

We also noted that we strongly support the recommendation to amend the Ohio Constitution to allow non-residents of Ohio to serve as university trustees, and I've long championed that in particular. We informed Chairman Pogue that overall we are pleased with the general tone and approach of the narrative and he has been most responsive to my own personal input.

Mr. Chairman, I thank you, and that concludes my report to you. I certainly welcome any questions you may have in brief."

Senator Pinheiro then addressed the President. A few months ago the President had written a letter to the campus community indicating the possibilities of a pay raise or some kind of benefit. The Senator's faculty constituents and other faculty wanted to know that. Was it a reality?

President Proenza replied that it appeared very probably. The exact magnitude was something that we were working on. As all knew, earlier in the week he had sent a general memo about some issues facing campus - the forthcoming retreat as well as some general guiding principles. He hoped that as early as next week he would have some more detailed elements to share that would include some aspects of compensation.

No further questions were asked of the President. President Proenza then thanked the body and stated that Senator Norfolk wrote good letters to the editor.

EXECUTIVE COMMITTEE - Secretary Kennedy then addressed the Senate. The Executive Committee had met twice on March 26 - once as a committee and once again with President Proenza and Provost Stroble. The majority of our discussion centered on the letter the President just mentioned, so there was no reason to repeat that.

The Executive Committee also brought to the table concerns from the Well-Being Committee regarding the recently established fees and usage restrictions to be implemented when the new Rec Center opened. Those concerns ranged from the cost of memberships to restricting access among, for example, retirees. It was noted that VP of Student Affairs Sharon Johnson had met with the Well-Being Committee and presented this information. However, the Well-Being Committee did not feel that it had had enough input. Therefore, the Executive Committee asked whether the President would support Well-Being's involvement in working through this issue. The President stated that he would, and also stated that some of these concerns would be brought to VP Johnson for further consideration.

As Senators would recall, at the March Faculty Senate meeting the body charged the Executive Committee with creating a subcommittee to investigate concerns surrounding student fees. In particular, how student fees were assigned, collected, distributed, and spent by the units that collected them. To that end, the Executive Committee had charged the Ad Hoc Budget Committee to investigate the collection, distribution, and usage of student fees at The University of Akron. Further, the Executive Committee asked that the ad hoc committee request that a member of each of the following Faculty Senate committees join this effort: Student Affairs, Libraries Committee, and

CCTC. The EC also requested that Senator Jesse Mann as ASG representative, be included in this project.

Finally, the Executive Committee on behalf of the Faculty Senate, would like to thank Provost Stroble, Assoc. Provost Nancy Stokes, and all members of the Balanced Scorecard Task Force for their presentation to Senators on March 18. Thank you for your efforts.

Chair Sheffer then invited Provost Stroble to address the body.

REMARKS OF THE PROVOST

"Good afternoon, and I appreciate the expression of thanks. I had my own note that I wanted to thank the senators who attended that information session, and I want to thank the Senators who have collaborated with me in working through this topic, and in facilitating the discussions we had that day. They were enormously helpful to me as I move that initiative forward, and it was a great day.

I have selected several items to talk about today and these are rather miscellaneous in nature, simply because they are the kinds of topics I've had questions about and I thought it would be worthy of a few updates and then I'll be open to the questions that you have. (**Appendix A**, Report of the Provost)

In the first item, an Email Digest went out earlier in the week identifying the transitional leadership for the Institute for Teaching and Learning. The interim co-directors will be Dr. David McConnell, Professor of Geology, and Dr. Paulette Popovich, Assoc. Dean of Instruction at Wayne campus. This was upon the advice of the ITL Advisory Committee as well as a number of individuals I met with, including deans, chairs, and vice presidents. It was felt that in the short term we needed some transitional leadership from two very able people who could help us to chart the future of ITL and to lead particularly the initiatives that we know need strong leadership, both in the area of assessment as well as First Year Experience Task Force.

I also have news that came directly from San Diego yesterday. This is the annual meeting of AAAG, and the Carnegie Cluster Colloquium happens as a part of that meeting. I received an email message from Dr. Angelo who was present, and also a phone call from Assoc. Provost Karla Mugler who was present. I haven't heard from Chand Midha yet but I'm sure I will in due time, and I did not hear from David McConnell, but he was also present. We were able to retain our status as a Carnegie Cluster leader in spite of the transition of Dr. Angelo from this campus. That was not a given, and so part of what we worked very hard to achieve this semester was a smooth transition. It was important to identify interim leadership that could gain the respect not only on this campus but of the AAAG leadership. We've obviously achieved that.

Three of them were present for the Carnegie Cluster colloquium meeting yesterday, and the decision was made that Akron should continue in a leadership role for the coming year. So I think that's a really good news item on the academic front, and it means that we will continue the leadership to figure out how to be successful with students in the first year.

Secondly, I received a number of questions from Senator Gerlach about Summit College, and I'm

not sure I have answers to all of these but will run through the questions and tell you what I know. At our last meeting I introduced Stan Silverman, who's the new dean of C & T College, including Workforce Development and Continuing Education, and he indicated he would provide the leadership for helping to figure out what Summit College would be. He was officially on board as of March 1, and a month later he's made huge progress.

So what I'll start with is telling you about some of the activities he's engaged in. He has met with the entire C & T faculty at least once if not twice. He is an organizational psychologist and understands the need to gain actual data and written input about what the best plans are for moving something of this size and impact forward. That truly was something that was largely absent from the documents that I read about plans for Summit College, which had been initiated in the past year and a half to two years. It wasn't obvious to me that there was substantial input from the faculty at C & T and Continuing Ed and Workforce Development that would ensure that the proposal that will eventually come forward about the college had broad-based input of the people who would be most affected by it.

So he has begun a process as an organizational psychologist to get that input not only in sessions and focus groups and one-on-one interviews with the chairs and the leadership of the college, but also broad-based surveys that gain that kind of input. He has met with deans and talked a bit about this already. He's going to meet with the Provost's Advisory group when we meet next week. At their request, they wanted to have more opportunity for input about Summit College. He met with the A & S chairs in a retreat setting because they clearly have a great interest in how this is going to turn out, and this was an hour and a half discussion that we held at their retreat. So he is moving forward, and is also meeting with members of the community and is seeking funding for scholarships for this entity as it moves forward.

To go back to Senator Gerlach's questions, and who originated the idea of Summit County C & T college faculty administration, the initiative was that of former Provost Hickey. I would say that as I go back and look through the documents, I think Provost Hickey launched the idea, and then as I read reports, there were three or four different groups that were constituted to advance alternative ideas of what this would turn out to look like, some of those faculty-based, some campus-based in campus committees. It came from a variety of sources, but if we had to say who was the one person who put the idea on the table, it was Provost Hickey.

The question is, why? Again, go back to the spirit of what the Board of Trustees resolution says, to build greater experience for the students that that college serves, to attract more students than it currently has not seemed as attractive to. To blend cutting-edge workforce development kinds of programs with associate degrees, and also to figure out whether there's a viable way because of funding formulas in the Board of Regents that we can also offer baccalaureate degrees there.

So we're exploring that; there are already baccalaureate degrees in C & T, but we have discovered that there are some subsidy issues around that. So we're really trying to get a feel on how we organize this entity, whatever it's going to be, to provide maximum benefit for students and invest in those programs in ways that will really serve the community.

As I've met with the CEO of the Greater Akron Chamber, Superintendent of Schools Sylvester

Small (and Dean Silverman has also met with both of those individuals), we know from their viewpoint that right now the C & T College is this jewel that's not known about and is not seen by students in this area or the workforce in this area as a viable alternative. We're out-advertised and out-marketed by the competition. We're also out-priced, so part of the effort is to say how do we deal with those issues and how do we create an entity that creates a very smooth transition into the University and then helps to build success for those students who want to move elsewhere in the University to do further degree programs.

What's the difference between the University C & T College and the proposed Summit County C & T College? We'll have to wait and see what Dean Silverman and his colleagues come up with. What's its purpose and what's to be accomplished, I think I've talked a bit about. Can there be a county college without support coming from county resources and county governmental control? I believe the answer is yes; certainly many community colleges are independent entities not associated with the University and they have their own Board of Trustees and they are taxing entities. That's truly not what we imagined for this college, so our funding mechanisms are going to have to be different from those.

Finally, has this project passed any scrutiny of the Senate and any of its committees? I went back through the Chronicles, and it had been presented by Provost Hickey four or five times in his reports to Faculty Senate. It's not ready to go through that process. We have to have an actual plan that's been agreed upon by a critical mass before it's going to be ready to go through any kind of a process of formal approval.

I also received some questions about the ITS Strategic Planning Steering Committee; particularly, what is its charge and who are the members and what happens next after this short-term charge? That really is my answer - it's 16 people that are meeting weekly in a very short time frame, and they will complete their work for me by end of this semester. It includes faculty, student, part-time instructor, library staff, IT staff, and administrators. We've met three times so far and are going to keep meeting weekly until the end of the semester.

They really have several charges from me; one is, what are some best practices in place at other institutions for how you have an IT division organized within a university? The basic question to these individuals is, give me some recommendations about how the reporting lines for IT ought to work. Because right now you know that VP Ray and I are sharing the reporting, supervision, oversight, budgeting and staffing, those kinds of things in order to keep things rolling from an operational standpoint. This is not the optimal way to think about this being organized on into the future when we really want to connect IT very strongly with the academic mission of the University.

I think we're doing a credible job at the moment of keeping things rolling and not losing sight of things and trying to make decisions with lots of input. But we know that we need to move quickly at some point, and I don't know what to say about how quickly.

At some point we've got to move to what the long-term solution is for what the structure of this is and where it fits in the University and who it reports to. Because what we're doing right now I don't think is the long-term solution. But I needed some help with figuring out what the alternatives might

be, so that's what this group's really about. I've given them more reading than they ever wanted to see on this topic. If you serve with me on a task force, that's part of the deal - I give you reading and you can give me reading. We've been reading and looking at that, and now we're going to start having broad-based conversations as the letter from the President and I indicated.

So I'm going to expect that those people in that steering committee will start to fan out and get the benefit of others' thinking about this, but they're going to wrap up at end of the semester. Then they are going to give me their recommendations, and the President, VP Ray and I and others will figure out what to do with that and then we will move on to the very serious topic of how we decide of the projects that IT's always championed and been in charge of, which of those continue and what we do to manage and lead them.

Then, what are the new ideas that we put on the table or what are the better ways we do those projects so that we're very closely linked to the academic mission of the University? The current steering group isn't quite the right constituted group to do that work, so some of you who have asked me rightly why we don't have reps from every college in that group - when we move into the future we will do that. I know every college has a stake in that part of the thing, but I needed a small, contained group that could have enough representatives from IT that they didn't feel like others were deciding for them without them being substantially represented who they were going to report to or how the reporting lines would work in the future. So it's really a two-faced piece - reporting line, optimal structure, and then that will dissolve and move into a broader-based, how we connect that to academic mission and what is the academic mission for IT. At that point, I'll be very glad to have more participation.

Finally, very soon the Audit Committee of the Operations Advisory Committee will be able to issue a report. In the President's letter that he and I gave and you have hard copy of today, we indicate that that report is coming soon. I've seen two draft versions of it now, so I think we're closing in very quickly. But I asked a subcommittee of OAC to actually sit side by side with budget officers and to look at the books and be able to give us an independent assessment of whether the alleged carryover funds had actually been spent down, and of what was there, was it loose money that could be used for other purposes? I think we'll have their definitive word on that within a week or so. That's it for my formal comments."

Senator Covrig then had a question for the Provost. On the Summit College, workforce development was a key issue. About two months ago he had heard that 26 foundations had met in Akron, and they were pooling their resources as part of an economic plan in the region. Were we involved in any of that or listening to them? Was there any news on that?

Provost Stroble replied that Candace Campbell Jackson could probably tell us more about that. Chair Sheffer then asked whether Senators had any objections to Ms. Campbell Jackson addressing the body. None forthcoming, Ms. Campbell Jackson spoke.

She stated there was a fund for the economic future, and in terms of the 26 foundations, we had a foundation based in Akron, the GAR Foundation which was one of the lead organizations. We were in discussions with the Foundation group about how one went about getting to submit an invitation, because grants were going to be awarded by invitation only. So we were in discussion, dialogue

about how the University can align itself private and public partnerships, to be asked to submit an application and possibly receive a grant. Workforce Development was definitely one of the areas that they were very interested in. Also, some of the University's diversity initiatives, some of its opportunities to work with low-income, disadvantaged, or first generation college students, were also being looked into. So the President had been well-versed and, in fact, attended the conference that was held in February. We were definitely continuing to look into that opportunity. We were right at the table about that.

Senator Pinheiro then asked the Provost about her comment on IT and examining some other institutions in the country. Could she name some of the institutions she was looking at?

Provost Stroble replied that she could not name them off the top of her head. However, if the Senator asked someone who was on the steering committee, perhaps he would get that information. She knew the list included both Ohio institutions and others outside of Ohio. She thought that they had focused on institutions that had had similar Carnegie classifications. So other than that, she could certainly follow up with the Senator and give him the specific names.

Senator Londraville then stated that Biology recently had gone through a search and had lost the top two candidates because of spousal hiring issues. The Executive Committee was charged with looking at this issue, but did the Provost's office have a policy about spousal hiring?

Provost Stroble replied that if the University had a policy, that policy probably would not reside in the Office of the Provost, per say, and her guess was that it would reside in HR.

Senator Londraville then stated that the answer Biology had gotten when we asked was that while there was no policy, it did not mean it could not happen. So in the interest of trying to increase our representation of under-represented groups on our faculty, was it an initiative that the University should take up?

Provost Stroble replied that she would consider it, and that was the best she could promise today. She would put the topic on the table and see where we could go with it.

Senator Norfolk stated that he was interested in the IT issue since he was chair of CCTC. When a plan had been put together, was it the intent then that jobs would be given to CCTC, as a formal charge? Or, was this totally separate from the work that CCTC did? What the Senator was referring to were the specific charges to CCTC - CCTC was formed originally during University Council to deal specifically with these issues; it had carried over to Senate. Now we had a separate committee from CCTC, so were we talking parallel streams of work or were we talking that once decisions had been reached as to where we would go, CCTC would be charged with fixing some of those things or making other decisions and recommendations?

Provost Stroble replied that she would have to go back and examine the bylaws for the specific charge. Was the Senator inquiring about whether CCTC would be charged with deciding issues such as what kind of title or organization VP/CIO division might have in the University?

Senator Norfolk replied that it well be, because it was dealing with all communications technologies.

The full charge was that this was faculty and staff representation.

Provost Stroble replied that, as she thought everyone knew, she had been very purposeful about having a representative of CCTC on this group. Her guess was that there were other constituencies on this campus which felt strongly. Even if they did not have a specific charge like CCTC, they would have felt that they needed the direct connection to this activity. She did not know what else to say other than this was a short-term group. They were not going to continue on into the future. She was willing in the future, as we put together groups, to consider the academic mission part of this as to how best to get that done. Right now we needed to get this group finished with their charge and moving on. Then if she needed to think differently about CCTC having more than a representational role, she would be willing to give that some thought.

Senator Pinheiro then asked a question. Once this report had been finished, were we going to have a VP for Technology then? Before, we had had a VP for Technology, and then, this situation evolved and the position was still there. Or, was it not there? Was the Provost thinking of a position and waiting for the report?

Provost Stroble replied that truly, she was waiting for the report. If the Senator wished to weigh in on that topic with the group, she would be glad to forward his thinking.

Senator Mann then directed a question to the Provost regarding Summit College. He was curious to know what the students thought and had there been action to go out and speak to students at C & T?

Provost Stroble replied that this was absolutely the case. Dean Silverman had responded to student emails he had received. He wished to set up a student forum where all could talk about this. She thought he had been responding one-on-one, but he had also been meeting with groups of students. Senator Mann replied that Dean Silverman had definitely responded to some questions he had forwarded. The Senator was looking at the entire question of whether or not we should create the Summit County College. If students liked it as a C & T College, did they want the change? Were they taken into account as we looked at all of this?

Provost Stroble replied that Dean Silverman would work directly with students on the plans. As we had a plan ready to take through appropriate bodies, it just needed to go through the process it needed to go through. But truly, at this point, the Board of Trustees had charged us to do appropriate planning and to have the appropriate conversations to determine what this college would look like. The Board of Trustees fully intended to do this. They had turned to us and said, "Figure out the how and bring us a plan." We would need to go through the process to get the plan from ideas we had to something that was defensible.

Senator Mann's second question was, was there a student on the ITS Steering Committee?

Provost Stroble replied that she did not have the list with her and did not remember. We certainly selected someone, as she remembered the profile of the person was someone who had been very involved in distance learning kinds of activities and had some knowledge and expertise about this topic as well as an interest. While she did not remember the name, she would be glad to send it to the Senator.

UNIVERSITY WELL-BEING COMMITTEE - The Well-Being Committee had met three times this past month, mostly on topics related to wellness and the new Recreation Center. (**Appendix B**, full report) The committee briefly had reviewed Governor Taft's recent statement regarding the Defense of Marriage Act that allows domestic partner benefits. The committee had also met with Brian Lewis, the Director, and after that with Sharon Johnson, VP of Student Affairs. All members of the committee were present during the discussion with Brian Lewis; those who wanted more details could contact their Well-Being representative. The major item was that the Ocasek Natatorium was being refurbished and would be operated with the Rec Center as one unit. The break in that whole facility was between the Natatorium and Rec Center versus the Field House.

The Field House was going to be operated separately. Mr. Lewis was clear that this was to be a wellness center. There were plans for educational programs and screenings and illness preventions, post-therapy, tracking outcomes with data bases, the potential to have people work one-on-one on health issues, on exercise and nutrition issues as well as the more general kind of recreation program. He also indicated that there was about 200 sq. ft. room allocated for child care. That, however, was a different issue.

At the next meeting, Dr. Johnson provided the following information: A recommendation was being prepared for the administration under which faculty and staff could join for \$27 per month on a semester or summer basis with the possibility for a spouse later. However, there might be family days, but in general, children under 18 would not be using the Center. That was both parts of the Center - the Natatorium and the Rec Center, except for those in special summer camp situations. The focus had been on students because they were paying the fees. At this stage there was no plan to allow retirees to join. But Dr. Johnson said those using the Natatorium at the present time might be allowed to use it.

Senator Erickson continued. The Natatorium would be operating with the Center, and thus would no longer be available free to staff, faculty, retirees or their families. Family use was more general. An employee with children who used the facility over the summer would not be allowed to come any longer, and neither would he/she be able to use the Center unless he/she was a member. Membership, at \$27 per month, was to be done on a semester or summer basis in pieces. Questions arose about the present plan. For example, would the fee be the same for all faculty and staff including part-time faculty? What about child care issues?

The committee also noted that the charge of Well-Being was to concern itself with matters relating to health and well-being such as fringe benefits, insurance pension and leaves. Therefore, the wellness aspect of the Recreation and Wellness Center related precisely to concerns of health and well-being. Studies were being reported daily expressing the importance of exercise as well as nutrition in reducing disease and maintaining health. Regarding the committee's concern with health insurance and the cost for the University, we noted and the Senate passed in May 2002, a resolution to urge development of an effective wellness program as one of the few ways to get at the basic causes of health care costs. We commended Mr. Lewis for his goal, because his goal was to try to encourage those not involved in wellness programs to become involved in the new Center. We were concerned therefore that the plan was for those already exercising at the Natatorium who would be no longer able to do so unless they were members. Not only would they lose a fringe benefit of

University employment, but they would be faced with a real cost to maintain their exercise and therefore might no longer swim. We were also concerned with the barriers to discourage those who needed and hopefully wanted to exercise, from doing so.

She continued. Staff members and part-time faculty pointed out that cost was a significant issue, as well as programs that did not take staff hours into account. The committee therefore recommended to the Senate the following: That the Senate recommend to the President that, given the issues of wellness and its effect on health and potentially on health care costs: 1.) The free use of the Natatorium be continued for faculty, staff and retirees. A way should be found to monitor use in order to eliminate non-members from using the Recreation Center. 2.) That some established times of access to the Natatorium should continue for the supervised children of faculty, staff and retirees, especially during the summer. 3.) That the fee structure be a percentage of salary, with a cap of \$30 per month. 4.) That some period of free access (up to 90 days) be set up, to allow everyone to find out the benefits and wellness available and determine whether they wish to join. 5.) That there be an option for one day or monthly passes, associated with specific programs, since some employees cannot commit to a whole semester. 6.) That retirees be allowed to join the Recreation Center at the same cost as active faculty and staff. 7.) That the Well-Being Committee continue to work with the Recreation and Wellness Center on ways to encourage employees not exercising to take part in activities, because these wellness activities could have a direct impact on our health care costs.

Noting that this was a recommendation from the committee and therefore did not need a second, Chair Sheffer called for discussion of the recommendation.

Senator Londraville asked about the child programs. Did this mean they were discontinuing things like swimming lessons?

Senator Erickson replied that she did not know as it was not clear to them. Mr. Lewis had talked about it being an over-18 facility, but then talked about summer camps. It was not clear; it was one of the questions the committee and we did not know.

Provost Stroble interjected that, after their meeting with Executive Committee of Faculty Senate, she had taken notes. She was not sure she had had every one of these topics but most of them. She had met with VP Johnson this week and expressed the Well-Being's concerns about these topics. She thought that some of them had already been addressed, but probably not all of them because some she needed to do some more research on. The Provost had communicated these to Dr. Johnson and knew that she understood the need to be responsive.

Senator Pinheiro then asked Senator Erickson whether the comment regarding children under 18 not being allowed to use the Rec Center was correct. Senator Erickson replied that that was what the committee had been told.

Senator Pinheiro questioned the reasoning behind that. Weight training would be a different story, but with the state-of-the-art 7 or 8 indoor track we had, he wanted to know the reason why children under 18 could not participate in that.

Senator Erickson said the reason was because we wanted to use this facility for our students. We

were concerned there would be too many other people around. In fact, one person had said that students did not want younger people around. To which Senator Pinheiro replied that they said the same things about old people, too.

Chair Sheffer then stated that this was not addressing the particular motion at the moment. He directed the body's attention to the issues of the motion. After we dealt with the motion, Senators could address the committee and its report.

Senator Sugarman addressed the motion at this time. She was disappointed that retirees would not be allowed to join the Recreation Center and be treated as part of the general community rather than as members of the University community to which they belonged for so long. In section 3359, etc., part C, Benefits and Privileges of Retired and Emeritus Faculty and Staff, the Faculty Manual stated that recreation facilities including the Natatorium, gymnasium, and playing fields were open to retired faculty at the same time as to other faculty. If it were a question of capacity, then they could put a reasonable limit on the number of retirees allowed to join the Recreation Center. But except for grandfathering in of a small number, and that number was six people who were swimming regularly at the Natatorium, retirees would not be allowed to join. Maybe something else other than capacity was working here. Just like they did not want younger people, maybe they did not want older people also. Actually, what we were talking about was probably more principle than reality. She doubted that many retirees would actually opt to join our University Recreation Center, as they probably could find more convenient facilities at comparable cost. Perhaps those facilities would not have a climbing wall, but she did not think many retirees were going to use the climbing wall.

The second question was the same as for faculty and staff which was the loss of a present benefit, the ability to swim at the Ocacek Natatorium at no cost. In the Faculty Manual under the same rule cited before under part B Other Privileges and Benefits, the following statement was made: The swimming pool had periods of open swimming for faculty members and their families. She hesitated to quote from the Faculty Manual thinking, "Were they going to change it just because I quoted from it?" The administration had indicated from the very beginning of a plan for the Recreation Center that a fee would be charged for faculty, staff, and retirees for the new facility, but there never was an indication of a present usage of the Natatorium to be discontinued.

She had been told the reason for not allowing faculty and staff and retirees to use the Natatorium was there was no way to monitor movement. She thought that if there was a willingness, there would be a way to monitor the movement between the Natatorium and the Rec Center. Just as an aside for those who did not know, the Natatorium was named for Oliver Ocacek, who was both a legislator in the state of Ohio and a retiree of The University of Akron and member of the College of Education. I would bet if he was still alive, he would be aghast at the loss of the use of the facility that bore his name.

Senator Mann then spoke, praising Senator Sugarman's oration. On the issue of older people and younger people, there was one other issue which he had not heard mentioned here yet, and that was exactly how it was going to affect the people that had paid for this, the senior class. He himself was a 5th-yr. senior here. He had been here many, many years and had been paying for this over the past few years. He was never going to be allowed to set foot in this facility even though he had paid for it, because he was graduating. He was never even going to be able to walk inside of the building

that he had been paying for. It was the exact same thing for everybody else who was in his graduating class, and he did not feel that that was right. He hoped that the Well-Being Committee would look at that particular issue for all of those students that were in the same quagmire.

Senator Covrig then spoke, stating that some of these discussions did not seem to be focused on the actual recommendation. He pointed out that recommendation 1 was free use continued; no. 6, that the retirees allowed to join the Recreation Center at the same cost as active faculty and staff. So he did not know whether we were speaking to the preamble stuff or we were speaking to the recommendation. Senator Erickson indicated that we were speaking to the motion. Senator Covrig then stated that he was in favor of the motion; it was a pretty strong recommendation.

Senator Stachowiak stated that SEAC had been looking at this issue. He had talked with Dr. Stroble at length today and was encouraged that she has been having conversations with Dr. Johnson. The University paid about \$7,500 for every staff employee or employee in health care benefit costs. Out of that, exercise had been shown to save 20% of that cost, basically \$1,500 per person. At \$27 a month, were we making more money by charging people and discouraging them from going to a health care facility, or were we going to make more money if we encouraged people to go to that facility and get the money back in health care savings on the insurance side? He had given President Proenza four articles concerning this issue and had emailed him numerous times. We were being too nice on this proposal to the President and the recommendation. But if it is such that there had to be a fee generated toward faculty and staff, he hoped that there would be some type of a rebate in health care, choice dollars at the end of the year. So that when we went to pay our insurance, instead of having to subsidize \$100 a month out of his/her own paycheck, that the employee would get that money back in such type of rebate. That would be his suggestion toward the proposal.

Chair Sheffer then asked whether there were anyone who wished to speak against the motion. As no one did, the Chair called for a vote. The recommendation carried with one vote against and one Senator abstaining.

Senator Hebert then stated that his cause for concern was item #2 under Dr. Johnson's remarks. Her remarks stated that the students were going to be able to use the facility because they were paying the debt service but not the cost of operation. With a little quick math, it seemed to him that if we had \$2-3 million of operating costs and you were charging people \$30 a month, that would be roughly \$300 a year. You were going to need 1,000 members to pay the operating costs of that facility or we were going to have to dip into the University budget - salary, folks - to run that facility. Had the University thought about this? If so, how had they thought about it and how was it going to take place? It seemed to him just to break even you were going to need about 1,000 members. He was not sure whether at \$30 a month you were going to get 1,000 members and thought then that this whole plan was going to start taking more money out of an already stressed University budget.

Senator Steiner asked whether anyone knew the amount that students currently paid in their fees that went toward the Rec Center for what they were getting for their membership? It said that for faculty and staff to join it would be \$27-30 per month depending on whether this recommendation was taken or not. He wondered what the student contribution was.

Chair Sheffer asked whether Senator Mann knew, and he did not. Provost Stroble likewise indicated

that she did not. Chair Sheffer stated that the Faculty Senate would find out.

Senator W. Yoder then stated that the question raised was an interesting one. He wished VP Roy Ray were here right now because he had given us a quote a year ago about the cost of maintaining the two new facilities over there. The number that stuck in the Senator's mind was somewhere between \$4-5 million to heat, light, staff those facilities.

Senator Norfolk stated he would offer a comment in support of his colleague. That was why had this body discussed and recommended against building a Wellness Center twice earlier?

Senator Pinheiro stated that he wished to follow up on the question he was interrupted on if it were the right time to do so. He would like Senator Erickson to determine the reason why children under 18 could not participate in the Center and on weekends. And to give an idea, as he had been here 15 years, people who were exercising regularly could be counted on 10 fingers. That would give a feeling for how many people would join.

Senator Erickson stated that following Senator Yoder's remark, she, too, had heard that same number from VP Ray. According to Mr. Lewis, the Rec Center and Natatorium part of the facility were going to do their own maintenance and utilities; it was all going to be separate from the Field House. They were estimating it at \$1.5 million. Mr. Lewis did not know what the cost was for the Field House.

Senator Covrig then stated that one possibility was that some health care plans gave rebates back to their providers. There were some organizations that had a method of repayment back, so that might be something we could explore in the next negotiation with Summa Care or whoever.

Senator Stachowiak then asked whether VP Ted Mallo, being present at the meeting, could please address the reason as to why the 18 age limit would be installed on that facility?

Chair Sheffer asked the body whether there were any objection to VP Mallo speaking. None forthcoming, Mr. Mallo stated that, off the top of his head, he knew of no reason.

Senator Lee wondered whether it had been explored as to whether it was possible for the cost of membership to be provided as a benefit?

Senator Erickson replied that they had explored directly that it could not be part of flexible spending because that was pre-taxed dollars. The IRS had made a statement that memberships of health clubs could not be counted with respect to pre-tax, so that was one issue. The committee had only one week to deal with this; that was what they had been told by Desnay. Then we worked through the choice situation, and it would have to be after tax dollars, not before tax dollars, if they gave that as a choice. This would have to come up the next time.

Senator Kahl then had a question concerning the significant number of freshmen at this University who were under the age of 18. Were they going to be barred from the facility that they were paying for? To which Chair Sheffer replied it was a question for the committee to address.

Senator Pinheiro then asked about item #4 of the recommendation which listed some revenue-generating activities - were these limited activities included?

Senator Erickson stated that she had not taken the material from the full page that Brian Lewis had given them. She had taken it from the minutes of our secretary; each were listed as examples. Senator Pinheiro said that there were revenue-generating activities which were not included here and thought the people in charge of the program should know about.

Chair Sheffer then asked whether Senator Erickson could convey those to the committee. The Senator replied that she would.

Senator W. Yoder stated in reference to the "child under 18," he thought this referred only to children of faculty under the age of 18 who did not attend the University, and not students under the age of 18.

CURRICULUM REVIEW COMMITTEE - (**Appendix C**, Proposals and New Programs)

STUDENT AFFAIRS COMMITTEE - (**Appendix D**, Report)

REPRESENTATIVE TO OHIO FACULTY COUNCIL - (**Appendix E**, Minutes of OFC Meeting on March 12, 2004)

V. UNFINISHED BUSINESS - Chair Sheffer stated that at the last meeting a motion was brought before the Senate and was postponed. The motion was postponed based on a question raised by Senator Gerlach regarding part of the resolution which concerned the Governor and Chairman of the Ohio Board of Regents being asked to intervene in the management of the University by giving direction to our Board of Trustees. Senator Gerlach wondered at that time whether this could be done legally. At that time Senators would recall, we had asked VP Mallo whether he could answer that question and he stated that he did not have an answer at that moment. Therefore, the resolution was postponed until this information could be gathered. The body then directed the Executive Committee to find out from whom we could get this information. Chair Sheffer stated he now would like to report on that and to see whether this was satisfactory to Senators to bring back onto the floor or whether Senators wished the Executive Committee to continue trying to secure a more complete answer.

Chair Sheffer continued. He had had discussions with VP Mallo; he might even now turn to him for a little finer wording on this explanation. But in Chapter 33 of the Ohio Revised Code which was from the legislature, it indicated that The University of Akron was one of those universities within this state that was governed by statute. It received its charge by statute and not by the Constitution itself. If Senators looked in Chapter 33 of the Ohio Revised Code in 3359-01 which dealt specifically with The University of Akron, it said that the Board of Trustees was appointed by the Governor with the approval of the Senate. Contained in 3345 was general information with regard to all state universities. In other words, it laid out many of the statutes to universities. In Chapter 33, section 3333 there was information about the Ohio Board of Regents and the Governor's role. With respect to the Ohio Board of Regents, the Governor appointed the members of the Board of Regents, which was then approved by the state Senate and that the Board of Regents basically has... Chair

Sheffer then turned to Vice President Mallo for correct wording. VP Mallo indicated that the word Chair Sheffer was searching for was "coordinating."

Chair Sheffer then continued. It was coordinating activities. The Governor's role in higher education was basically to appoint the two Boards. The Chancellor's role was to coordinate the activities of the Ohio Board of Regents' Office, so it did not appear that there was a mechanism in which the Governor nor the Chancellor of the Board of Regents could become involved with the day-to-day management of this University through direction of our Board of Trustees. That was his understanding of it. Chair Sheffer then asked the body whether it would have any objection to VP Mallo adding anything to his statement.

VP Mallo stated he thought Chair Sheffer had conveyed that very well. The Governor's office, part of the executive branch of government, was a creature of the state constitution. In the state constitution there was provision for public schools being in the best interest of the state and being the responsibility of the legislature. The legislature had exercised that responsibility by creating state universities, and, in creating state universities, had outlined the procedure by which they were governed. That procedure was to operate via the appointment of trustees appointed by the Governor. In a similar fashion, the Governor, with the advice of the Senate, could also recommend the removal of trustees. So it worked in both directions. But beyond that, the role of the Governor in any kind of oversight authority with regard to the governing board was very limited. The only situation that he was aware of was the situation that occurred with Central State University several years ago, when they were in a fiscal crisis and the state had had to take over the institution. That was a process again governed by the legislature that did involve the Governor making special appointments to affect that.

Chair Sheffer then called for questions regarding this portion of old business. Senator Hebert asked whether it would be appropriate at this time to present an amendment to the resolution. Chair Sheffer replied that it would. That was the next item which was to bring the resolution back for discussion. This was the resolution in March 2004 Chronicle given to Senators at the last meeting. The body was now dealing specifically with the, "Therefore be it resolved, UA requests the Governor and Chairman Roderick Chu," and so forth...

Senator Hebert stated he wished to avoid the controversy about the legalities by proposing an amendment. This was that in the first part of the resolution that began with, "Therefore, be it resolved that the UA Faculty Senate requests," and going down through, that we delete the words in the last sentence "by directing" and change that to "requesting the UA Board of Trustees," and then deleting, "to" at the end. So in that third sentence it would read: "Therefore be it resolved that the UA Faculty Senate requests that Governor Taft and Mr. Roderick Chu, Chair of the Ohio Board of Regents, intervene in the management of the University by requesting that the UA Board of Trustees, 1,2,3,4, etc."

Senator Norfolk seconded the amendment. Chair Sheffer called for discussion of the amendment. Senator Gerlach stated that he supported it in general but thought the word ought to be stronger. The word that he would use instead of requesting, was "urging."

Senators Hebert and Norfolk both accepted that as a friendly amendment.

Chair Sheffer then reread the change and asked whether all were clear on the wording. Senator Lee stated he was not completely clear. He understood the effort and the idea. Was not the problem "intervene" rather than the word, "direct?" Was not the report that the Governor and the Chancellor could not intervene? He had a question about how this amendment fixed the problem.

Senator Gerlach replied that the Senate really needed a dictionary to make sure of this, but to intervene in an affair seemed to mean to put yourself into it, get yourself into it somehow. And since he doubted that they had any kind of legal power to do anything more than urge, they could not direct or command, etc., he guessed the Governor could tell the Board of Trustees, "I'm going to recommend the Senate dismiss you all and I'll appoint a new Board of Trustees." That would be something, but one would have to persuade the Governor first to assess the reasoning here. It would be an interesting exercise to see how the Governor and the Chancellor reacted to this request that they simply step in and did some urging on our behalf.

Senator Fenwick stated that he was going to suggest that we get rid of the word "intervene" and just say "urge," dropping that line that said intervening in the management of the University. He thought, going back to some of his colleagues who clearly supported the intent of this resolution, some of them were uncomfortable with that word intervene because it did open up a whole can of worms. He then offered an amendment to delete, "intervene in the management of the University."

Senator Hebert for clarification stated that if Senator Fenwick were striking that part of the sentence, he himself then would accept that as a friendly amendment.

Parliamentarian Cheung asked whether that could be read back with Senator Fenwick's amendment. Secretary Kennedy did so: "Therefore, be it resolved that the UA Faculty Senate request that Governor Taft and Mr. Roderick Chu, Chair of the Ohio Board of Regents, urge the UA Board of Trustees to..."

Senator Fenwick indicated that that was his intent; Senator Norfolk seconded the amendment.

Chair Sheffer then called for further discussion of the amendment. Senator Kolcaba wondered whether there were any benefit at all to bringing in our local representatives to the legislature since it seemed to be a legislative matter rather than...

Chair Sheffer pointed out that that was not speaking to this amendment, per se, and to deal with the amendment and then the body would deal with the whole resolution again. He again called for further discussion. None forthcoming, he called for a vote on the amendment. With one abstention by Secretary Kennedy and no votes in opposition, the body voted its approval of the amendment.

Chair Sheffer then directed discussion back to the entire motion. Senator Kolcaba brought her original question about also making this a legislative matter, at least with local representatives, back on the floor.

Chair Sheffer indicated that if the Senator wished to add that wording, she needed to offer language to do so.

Senator Hebert stated if she wished to add something in that line in the paragraph that began at the bottom of the pg. where it said, "Therefore, be it further resolved that a copy of this resolution be sent to the North Central Accrediting Agency," maybe at that point it could say, "and to the area legislators" because we had been in contact with them.

Senator Kolcaba indicated that she agreed with the Senator's remarks. Chair Sheffer stated how it would read: "and our local representatives to the state legislature."

Senator Norfolk added that the suggestion that it just read, "appropriate" representatives in the state legislature because we had Wayne College.

Therefore, Chair Sheffer once again read the amendment: So to add, "accrediting agency and appropriate state representatives to the state legislature."

Senator Norfolk then seconded the amendment. Once again, Chair Sheffer then called for further discussion. None forthcoming, a vote on the amendment was taken. With one abstention by Secretary Kennedy and no votes in opposition, the amendment passed.

Chair Sheffer indicated that the motion was back for further discussion.

Senator Stratton then asked for a point of clarification. If the Governor and Chancellor Chu chose not to do anything, what was the intent of this body?

Senator Witt replied that we would be disappointed in them.

Senator Steiner had a question regarding the rationale for forwarding a copy to the accrediting agency, NCA. What was the reasoning behind that?

Senator Witt replied that the Senate had actually talked about reporting back to NCA regarding the changing of the rules and University governance. It now seemed that that was part of that process. We would like to keep our accrediting body apprised of what the faculty felt about governance and how it was changed.

Chair Sheffer called for further discussion. None forthcoming, he called for a vote on the motion. With four abstentions and one opposition vote by Secretary Kennedy, the motion passed with the remaining 25 Senators present voting in favor of it. (Resolution, **Appendix F**)

Chair Sheffer then called for additional old business.

Senator Gerlach stated that the Senate had passed a motion on Feb. 19 to consider at this date what further action it should take, if any, concerning the Inspector General's Report of the subsequent handling of the Senate's request. The President had indicated in writing what action he was taking, so that was what was to be considered. No one wanted to do anything at the moment until waiting to see what would happen. Now the question was, did we want to take any further action on this or let it alone?

Chair Sheffer asked whether it were the will of this body to bring this back on the floor to deliberate at the moment? No one offered a motion.

VI. GOOD OF THE ORDER - Senator Erickson stated that all had been invited to hear the 2002 Nobel Prize winner in Economics, Dr. Vernon Smith, at the Grunberg Lecture on Mon., April 12 at 2:30 p.m. in the Student Center Theatre. Tickets could be obtained from the Library; the event was open to all faculty, staff, students, and the general public. Please tell colleagues and students to attend; it was for them all.

No other item for the good of the order forthcoming, Chair Sheffer called for a motion to adjourn. This was moved and seconded. The meeting adjourned at 4:34 p.m.

Transcript prepared by Marilyn Quillin

REPORT OF THE SENIOR VICE PRESIDENT AND PROVOST
FACULTY SENATE
April 1, 2004

- News: Institute for Teaching and Learning
Appointment of Interim Co-Directors: Drs. David McConnell and Paulette Popovich
Retention: Carnegie Cluster Leadership
- Summit College Update
- ITS Strategic Planning Steering Committee: Charge and Membership
- Operations Advisory Committee: Progress on Audit of VPCIO Carry-Over Funds
- Questions?

REPORT OF WELLBEING COMMITTEE TO FACULTY SENATE

APRIL 1ST ,2004

The Wellbeing Committee has met three times since the last Senate meeting, on mostly on topics related to wellness and the new Recreation and Wellness Center.

1. Domestic partners. The Committee briefly reviewed Governor Taft's recent statement regarding Ohio's recently enacted Defense of Marriage Act, and noted that it states that state universities – whether unionized or not – are allowed to provide domestic partner benefits under the new act.

2. Recreation and Wellness Center. Brian Lewis, Director of Recreation and Wellness Services, made a presentation to the Committee about the status and plans for the new Recreation Center that included the following information:

1. The projected opening date for the Center is August or September of 2004.
2. The Ocasek Natatorium is also being refurbished. It will be operated with the Center as one unit. .
3. Students, faculty, and staff are being surveyed with respect to such matters as their interests and desires for the Center.
4. A significant amount of faculty/staff programming is planned for the Center, including
 - (i) educational programs (e.g., lectures, classes, and outreach programs);
 - (ii) screenings (e.g., blood pressure, cholesterol, skin cancer, carpal tunnel syndrome, metabolism, stress testing, bone density, wellness inventory, health inventory, and fitness assessment);
 - (iii) illness prevention (e.g., ZipFit, weight loss courses, stress relaxation, case calls, and incentive programs);
 - (iv) post-therapy (e.g., cardiopulmonary rehabilitation and physical therapy phase II);
 - (v) tracking outcomes (e.g., CSI software, Wellsource, and Access databases);
 - (vi) programs (e.g., activity leagues, individual programs, campus department competitions, and competitions v. Kent State).
5. Approximately 200 sq. feet had been allocated for child care. It was not clear whether child care would be provided.

Mr Lewis also stated that a major goal of the Recreation and Wellness Center was to encourage the use of the Center by those who were not already involved in exercise and wellness activities as these were important in maintaining health.

At our next meeting, Dr. Johnson, Vice President for Student Affairs continued the discussion on plans for the new Recreation and Wellness Center. The following is a summary of the discussion and information Dr. Johnson provided:

1. A recommendation is being prepared for the administration under which (i) faculty and staff could join for \$27 per month, on a semester or summer basis and (ii) a spouse or child 18 or over of a faculty or staff member could join, perhaps for a little less. There will be some family days and/or times when younger children would be allowed to use the Center. In general, children under 18 would not be using the Center, except for those in special Summer camp situations.

2. The focus has been on the students and their use of the Center, because they will be paying significant student fees that, generally, will pay the debt service – but not the cost of operations – for the Center.
3. There is no plan at the current time to allow retirees to join, but Dr. Johnson said that those using the Natatorium at the present time may be allowed to do so.
4. The Natatorium will be operated with the Center, and thus will no longer be available free to staff , faculty, retirees or their families..
5. The question of whether membership fees should be the same for all faculty and staff, or should be dependent on salary was discussed. The present plan is for fees to be the same for all faculty and staff, including part-time faculty.
6. There will not be child care available at all times on a drop in basis. It is possible that child care could be made available on a reservation basis, to be paid for by the parent who could only use the child care while the parent was using the Center.

The Committee then met to discuss the issues relating to the new Recreation and Wellness Center. We noted that the charge of Wellbeing is to “concern itself with matters relating to health and well-being, such as fringe benefits, insurance, pension and leaves” and that the wellness aspect of the Recreation and Wellness relates precisely to concerns of health and wellbeing. Studies are being quoted almost daily stressing the importance of exercise as well as nutrition is reducing disease and maintaining health. As a Committee concerned with the health insurance and its costs for the University, we noted that our recommendations of May 2002 included development of effective wellness programming as one of the few ways to get at the basic causes of health care costs. The Committee commends Mr. Lewis for his goal of trying to encourage those not involved in wellness programs to become involved in the new Center. We were concerned therefore that the plan was for those already exercising at the Natatorium to be no longer able to do so, unless they were members. Not only did they lose a fringe benefit of University employment, but they would be faced with a real cost to maintain their exercise and therefore might no longer swim. We were also concerned with the barriers that could discourage those who needed and hopefully wanted to exercise from doing so. Staff members and part-time faculty pointed out that cost was a significant issue, as well as programs that did not take staff hours into account.

The Committee therefore recommends to the Senate the following:

That the Senate recommend to the President that, given the issues of wellness and its effect on health and potentially on health care costs,

- 1. The free use of the Natatorium be continued for faculty, staff and retirees. A way should be found to monitor use in order to eliminate non-members from using the recreation center.**
- 2. That some established times of access to the Natatorium should continue for the supervised children of faculty, staff and retirees, especially during the summer.**
- 3. That the fee structure be a percentage of salary, with a cap of \$30 per month.**

- 4. That some period of free access (up to 90 days) be set up, to allow everyone to find out the benefits and wellness available and determine whether they wish to join.**
- 5. That there be an option for one day or monthly passes, associated with specific programs, since some employees cannot commit to a whole semester.**
- 6. That retirees be allowed to join the Recreation Center at the same cost as active faculty and staff**
- 7. That the Wellbeing Committee continue to work with the Recreation and Wellness Center on ways to encourage employees not exercising to take part in activities, because these wellness activities could have a direct impact on our health care costs.**

Respectfully submitted
Elizabeth Erickson,

Chair, Wellbeing Committee

**Proposals Approved By Provost
To Faculty Senate April 2004**

Buchtel College of Arts and Sciences

Proposal No.	Department	Title
AS-04-23	Biology	New course 3100:604 Topics in Integrative Biology
AS-04-32	Chemistry	New course 3150:631 Metals in Medicine
AS-04-35	Psychology	Change pre-reqs for 3750:727 and 3750:750
AS-04-37	Psychology	Change required semester enrollment for practicum
AS-04-44	English	Change course description 3300:600
AS-04-45	English	Change requirements for MA in English
AS-04-51	Modern Languages	Change pre-reqs for 300 and 400 level Spanish courses
AS-04-65	Computer Science	Change course title 3460:497/597
AS-04-67	Computer Science	New course 3460:697 Ind Study Computer Science
AS-04-71	Statistics	Change title 3470:692
AS-04-74	Sociology	Change in MA Sociology degree requirements
AS-04-80	Sociology	Change pre-req for 3850:601
AS-04-82	Sociology	Change pre-req for 3850:700
AS-04-84	Sociology	Change pre-req for 3850:723
AS-04-87	Mathematics	Change allowable repeats for 3450:489/589
AS-02-100	Mathematics	Change course name 3450:135
AS-04-102	PAUS	Deletion of certificate in Mid-Career in Urban Studies

College of Business Administration

Proposal No.	Department	Title

Community and Technical College

Proposal No.	Department	Title

College of Education

Proposal No.	Department	Title

College of Engineering

Proposal No.	Department	Title

College of Fine and Applied Arts

Proposal No.	Department	Title
FAA-04-07	Art	Add req course; delete req course BA Art Educaion
FAA-04-09	Art	New course 7100:474 Advanced Photography for Non-Majors
FAA-04-10	Art	New course 7100:374 Photography II for Non-Majors
FAA-04-27	SLPA	Change in mode of delivery 7700:230
FAA-04-40	Art	Change in art history elective
FAA-04-70	FCS	Course number change 7400:695 to 7400:595
FAA-04-71	Communications	New course 7600:546 Women, Minorities and Media
FAA-04-73	FCS	Change in Child Life program requirements

University Libraries

Proposal No.	Department	Title

School of Law

Proposal No.	Department	Title

College of Nursing

Proposal No.	Department	Title

College of Polymer Science and Polymer Engineering

Proposal No.	Department	Title

University College

Proposal No.	Department	Title
UC-04-01		Transfer of 5600:110 Career Planning from College of Ed to University College

Wayne College

Proposal No.	Department	Title

**Proposals Approved By Provost
New Programs To Faculty Senate March 2004 and Board of Trustees April
2004**

College of Arts and Sciences

Proposal No.	Department	Title
AS-04-19	PAUS	Certificate in Public Affairs: Public Management; Non-profit Management; Local and Regional Development; Policy Analysis; Program Evaluations; Urban Affairs
AS-04-47	Political Science	Undergraduate certificate in Conflict Management for Educators
AS-04-52	Sociology	Combination of Sociology: Corrections and Sociology: Law Enforcement into Sociology: Criminology and Law Enforcement – to be submitted to OBR

College of Business Administration

Proposal No.	Department	Title
BA-04-02	Management	Graduate certificate in Human Resource Management
BA-04-45	Marketing	Minor in Direct Interactive Marketing
BA-04-46	Marketing	Minor in Database Marketing

Student Affairs Committee Report to Faculty Senate, March 1, 2004

The Student Affairs Committee was charged with investigating issues regarding allegations and complaints concerning unfair, unduly burdensome practices regarding the ordering, availability, and pricing of textbooks on this campus. According to the Executive Committee, reports of inadequate numbers of books being ordered, an inability of departments to list course textbook lists on their home pages without censure, and exorbitant cost markups had been made.

These concerns, and a request for detailed faculty input, were e-mailed to all department chairs on February 11, 2004, with the request that it be distributed to all faculty members. To date, thirty-one responses were received. These included:

- 14 complaints of insufficient number of books ordered
- 5 complaints of textbook prices being too high, or the markup too great
- 4 statements of positive experiences with Barnes & Noble, and with Patrick Duff, specifically
- 2 complaints concerning the inability to get ISBN numbers of textbooks
- 2 complaints of “lost” orders
- 1 complaint about books being back-ordered
- 1 statement that there needs to be better communication regarding textbook ordering practices
- 1 statement regarding “the real scandal is with the publishers”
- 1 request that “text requests be posted months in advance on the info link of PeopleSoft. With that advance notice, students who didn’t get their texts well in advance through whatever source would have nobody to blame but themselves.”
- 1 no comment
- (Interestingly, no one addressed the issue of censure of text lists on home pages).

On February 9, Patrick Duff, the Student Union Barnes & Noble Bookstore manager, met with the committee, and spoke to these concerns. Mr. Duff stated that the issue of not enough textbooks is a real challenge. He reports an average of a 26% return (to the publisher) rate, and pays a 10% fee on texts they send back. They work on “just-in-time” inventory – the days of having stock lying around are over. The text ordering process for fall begins in early February. When students special order a textbook, only 40% pick them up, so that now B&N requires a \$10 deposit. Sometimes students say they can’t get the books, when, indeed, a book is

available. Book buying is based on a 2-year sales history, enrollment, and the number of books sold. The bookstore encourages faculty to come to the bookstore two weeks before the semester begins to be sure everything is as they wish. B&N grades all their clerks on helpfulness, and strives to give the best possible service. Mr. Duff stated that they have no problems with their customers per se. Every new student is given bookstore information during New Student Orientation. However, some students want to purchase books on Financial Aid. Barnes & Noble is a private company, and not an agent of the University, so this is not possible.

Mr. Duff stated that the price of books is set in the contract between Barnes & Noble and The University of Akron. Mark-up is 25% on net price for texts and 40-50% for trade books. The following is taken directly from the B&N contract:

B. Sale of New Books

1. Sale of New Books. *B&N will offer new books (textbooks, reference books and recommended books) for sale at a price that is no greater than (i) the publisher's list price or (ii) a 25% gross margin on net priced books, inclusive of restocking fees, return penalties and freight surcharges. "Net priced books" are defined as books purchased from publisher's suggested list price or when the publisher's discount to B&N is less than 20%. Notwithstanding the foregoing, "course packs" and textbooks purchased from publishers with restrictive or non-returnable text policies will be priced at up to a 30% gross margin.*

B&N must give the book lists to their competitors (on Exchange Street). This practice of disclosure resulted from litigation which took place several years ago. The University's contract with B&N does offer them exclusivity. Faculty websites may list author, title and price. However, B&N is not obligated to disclose the ISBN number. (Mr. Duff made the analogy that giving out the ISBN number "would be like going to an auto parts store and asking for the part number so that you could go elsewhere to buy it. It is just not good business practice").

Other issues covered:

- The reservation system is handy; however, some students never pick up their books.
- Books may be cheaper on-line because they are old editions.
- Barnes & Noble Bookstores is a different business entity than B&N.com or the superstore division.
- Pat Duff is involved in a mentoring group with eight other stores, as there are very rigid rules to run this business.

The Committee suggested that B&N send a flyer to all faculty concerning ordering protocol, and that Pat Duff visit departmental faculty meetings and dean's meetings to make sure the procedures are clear to everyone. He is researching and addressing each individual response from the thirty-one faculty members who replied to the inquiry. The Committee believes that a better understanding of the content of the University's contract with B&N would allay some of the faculty's questions and misconceptions about pricing, ordering, and disclosure. We are

currently seeking permission to see this document in its entirety.

Mr. Duff offered this advice to faculty, “If you have a problem with lack of textbooks, please communicate immediately with the bookstore, specifically the textbook manager or the store manager. They can usually turn the situation around in about four days.” Mr. Duff felt the article entitled “Students caught in a bind” in The Beacon Journal on Sunday, February 22, was timely and well written, and should help everyone have a better understanding about the high cost of textbooks. He also suggested that there is a helpful website resource for book information and publisher contacts www.facultycenter.net. Mr. Duff informed us of upcoming bookstore outreach activities:

April 6, Textbook Coordinator meeting

April 20 and 21, Faculty Bookstore Information Sessions. SU 306

Come and meet Patrick Duff and Linda Friend, and bring your questions and concerns.

Overall, the Committee has a favorable impression of the way the bookstore personnel work to serve the University community. The Committee will continue to discuss these issues with Mr. Duff, report the outcomes to the Executive Committee, and respond to any questions generated by this report.

Respectfully submitted,

Deborah Gwin

Chair, Student Affairs Committee

MINUTES

Ohio Faculty Council

March 12, 2004

Ohio Board of Regents Suite

Rhodes Office Tower

Present: Mummy (Ohio State), Wolff (Toledo), Bloemer (Ohio U.), Wright (Ohio U.), Sheffer (Akron), Witt (Akron), Hassan (Central State), Muego (Bowling Green), Marcus (Central State), Konangi (Cleveland State), Phillips (Medical College of Ohio), Shipka (Youngstown State).

Guests: Jim McCollum, Executive Director, Inter-University Council
Herb Asher, Emeritus Professor of Political Science, formerly
Special Assistant to the University President for
Government Relations, The Ohio State University

Tom Shipka called the meeting to order at 12:45 p.m.

The minutes of the February 13, 2004, meeting were approved as prepared by Rodger Govea and distributed electronically.

Jim McCollum discussed a variety of current issues in higher education including:

The press release by Governor Taft on the Defense of Marriage Act. He said that it was an important statement of legislative intent, prompted by requests from the legal staffs at the University of Miami and The Ohio State University, which will make it possible for institutions to establish domestic partner benefits.

The federal Higher Education Reauthorization Act. The issue of transfer of credits has surfaced at the national level and there may be language in the eventual law about this matter. He said that the Senate would not act on this legislation until 2005.

The Ohio Sales Tax Recall. A broad-based coalition is trying to head off the recall. If the recall were to succeed, the loss in revenues to Ohio in FY 04 is estimated at \$800 million and the loss in FY 05 is estimated at \$1.3 billion. Petitions for the recall are being challenged at the county level. He said that the General Assembly could preempt Secretary Blackwell by eliminating the sales tax sooner than would occur by a recall. One problem is that the General Assembly sees the sales tax as a temporary increase. The state deficit is now between \$3 and \$5 billion.

The Governor's Budget Cut. The State Share of Instruction and Student Financial Aid were spared cuts but all other higher education budget lines were cut. He estimated the higher education cuts at \$13.6 million in FY 04 and \$13.7 million in FY 05. He opined that visits by the university presidents to editorial boards, which led to editorials warning against higher education cuts, influenced the Governor.

The Governor's Commission on Higher Education and the Economy. He said that dialogue between IUC and the Commission had secured compromise on a number of items that could have been problematical if not amended from recent drafts and that dialogue is continuing on unresolved items. He said that two-year public institutions, to increase their enrollments, are seeking caps on first year student enrollment at four-year public schools. Two-year and four-year school presidents are trying to reach an accommodation on this issue.

STRS. The Health Care Advocates continue to work effectively with STRS. None of the pending legislation on STRS has passed and seems to be in a "holding pattern."

Herb Asher reflected on his career in government relations for Ohio State and offered a variety of observations including:

In Ohio politics, a version of the state motto applies: "With money all things are possible."

Ohio has never had a great tradition of supporting higher education except for facilities.

There are very few champions of higher education in state politics and government. This is particularly problematical when money is tight, as is the case now. Compared to K-12, higher education has little grass roots support.

There is a Catch 22 in higher education. The more we involve parents and students to promote higher education appropriations, the more legislators are likely to impose salary caps to give relief to parents and students.

The good old times of plentiful funding of higher education are unlikely to return.

Dealing effectively with the political establishment on behalf of higher education requires a multi-faceted approach, involving faculty, staff, parents and students, presidents, business leaders, alumni, etc. The OFC can be an effective player as part of this multi-faceted effort. Inviting legislators to campus to see niche programs and to visit with outstanding faculty is a good tactic. The legislators need not be local ones only. For instance, a school might invite the members of the Finance Committee in the Senate. This is "friend-raising." When you bring a legislator to campus, make sure not to allow an individual with a narrow personal issue or gripe to dominate the legislator's time. A poor visit can do more harm than good.

Don't expect much help from the Ohio Chamber of Commerce. This group wants less regulation and lower taxes. But the Ohio Business Roundtable has been supportive of higher education. Working with local chambers and growth associations can be helpful, however.

No single Ohio public institution of higher education has great numbers of alumni in the legislature, contrary to Michigan, where dozens are from the University of Michigan and Michigan State.

Votes and money both count when trying to influence legislators but votes count more than money. If a legislator believes that an action will endear him/her to a sizeable constituency or endanger support by such a constituency, he/she will become responsive in most cases.

There was a follow-up question and answer session involving both guests.

Tom Shipka announced that the resolution on the K-12 science curriculum adopted by OFC at the last meeting had been forwarded to the Ohio Board of Education. He reminded members that the next meeting is Friday, April 9. The meeting concluded at 2:45 p.m.

Submitted by Tom Shipka

Faculty Senate Resolution
April 1, 2004

Whereas, The University of Akron is a metropolitan, State (of Ohio) supported, institution of higher education, which has a mission of educating students, creating and disseminating knowledge, and service to the community, region, state and nation.

Whereas, the UA Board of Trustees has taken numerous actions since the April, 2003, certification of the Akron-AAUP including (but not limited to) those listed in Attachment 1.

Whereas, the above mentioned actions of the UA Board of Trustees are damaging the reputation of the University in the larger academic community (see references to the Chronicle of Higher Education article and AAUP letter in Attachment 2), and creating an atmosphere of uncertainty, anxiety, distrust, and despair among the faculty, staff, students, and even many administrators, which is negatively impacting the ability of the University to effectively accomplish its mission.

Whereas, the Faculty Senate, as the elected voice of the faculty and campus community, continues to have serious concerns that the above mentioned actions of the Board are causing and will continue to cause irrevocable harm to our beloved institution, and will not stand idly by and permit such misguided actions by the UA Board of Trustees to continue without objection.

Therefore, be it resolved that the UA Faculty Senate requests that Governor Taft and Mr. Roderick Chu, Chair of the Ohio Board of Regents, urge the UA Board of Trustees to:

- (1) reinstate the faculty governance language previously removed by the Board, until such time as new provisions have been legitimately negotiated;
- (2) provide access for direct communications with the Board by representatives of the faculty and staff; and
- (3) follow both the spirit and the letter of the law (regarding contract negotiations) and "bargain in good faith," and if need be, reconstitute the administration's negotiating team so as to better represent the administration that will have to "live" with the contract once it is in place.

Therefore, be it further resolved, that a copy of this resolution be sent to the North Central accrediting agency and appropriate representatives to the state legislature as an indication of the progress being made by the administration in integrating faculty into the governance and budgeting processes at The University of Akron.

Faculty Senate Resolution
March, 04

Attachment 1

UA Board of Trustees actions since April, 2003

1. Unprecedented dismantling of shared governance/leadership, which demonstrated that the UA administration is “out-of-step” with norms regarding administrative reaction to the certification of a faculty union.

During the summer of 2003 the Board of Trustees made unilateral changes to the UA Faculty Manual, which removed the Faculty Senate from its tradition role in shared governance. These changes included:

Rule 3359-10-02. Faculty Senate Bylaws

- Faculty Senate's duties were narrowed from being the “legislative body of the university” to the “legislative body of the faculty regarding its academic mission”
- Faculty senators were removed from the Planning and Budget Committee
- Eliminated the Facilities and Planning Committee
- Eliminated faculty input to academic calendar decisions by restructuring the Academic Policies and Calendar Committee as the Academic Policies Committee
- Reference Committee now reviews Senate policy only
- Faculty Research Committee reviews grant proposals, but now makes no funding determinations
- Department Chairs were removed from eligibility to serve on Senate
- Amendments to Senate Bylaws must now go to the BOT and there is no procedure established for Board review/disposition of Senate Bylaws.

Rule 3359-20-02 Organization of the university

- Rules detailing the selection and duties of President, Provost, Vice Presidents, Deans and Dept Chairs have been completely rewritten.

Note especially Section (G) (9) (a)

Individual faculty members.

- (a) Each faculty member is an integral part of the organization of academic supervision and instruction. ~~Through the means outlined in the preceding paragraphs of this section of the faculty manual, the faculty member has a definite voice in establishing university rules, regulations, and procedures, and is obligated to use that voice whenever asked to do so or whenever the faculty member sees fit to do so.~~ The faculty member is also charged with effectively preparing for, conducting, and administering all classes assigned, and working to improve instruction in these classes and in the university.

Rule 3359-20-03 The faculty: general personnel policies

- No rules specified for selecting a president - specifically no faculty participation in the presidential selection process is defined.
- Faculty no longer participate in selection of the provost
- Faculty no longer participate in selection of deans
- Faculty no longer participate in selection or review of department chairs.

Rule 3359-30-01 Guidelines for academic retrenchment due to financial exigency.

- Faculty Advisory Committee reduced from "review" to "discussion" as well as not included in parties consulted by the Board (discussion cannot delay Board action)
- Faculty Advisory Committee stripped of right to certify that criteria are followed
- Added new language: "For purposes of this rule, a "financial exigency" is defined as a situation requiring reduction or reallocation of resources or reorganization or elimination of programs which cannot be accomplished through normal academic, budgetary, and personnel processes. The emergency may be caused by a decline in student enrollments, a reduction in state appropriations or allotments, a loss of income from non-state sources, or some serious event or condition requiring anticipated or unanticipated major expenditure reductions. The emergency may be university-wide or it may be restricted to only one school, department, program, or area."

These changes were adopted without debate on September 30, 2003 and resulted in: (a) the "Union In, Governance Out" article in the October 10th 2003 issue of the Chronicle of Higher Education and (b) a six (6) page letter (see attachment 2) expressing grave concern regarding this unusual action from the National AAUP to President Proenza and Board Chairwoman Graves.

Note: In March, 2002 the Faculty Senate issued a resolution, which denounced the administration's claim that real shared leadership had been realized on this campus (see attachment 3).

2. Failure to follow Ohio law - and to bargain in good faith.

During the Fall, 2003 semester the Board of Trustees unilaterally imposed health care cost sharing, (after the Akron-AAUP had filed to open collective bargaining negotiations). This action was taken by the administration because there was "no money available for an offsetting raise pool" (see OIG report for evidence that there was money available to offset health care cost increases), and amounted to a salary reduction for most campus employees, on January 1, 2004.

In addition, the Board's unwillingness to insist on a reasonable approach to collective bargaining negotiations serves no constituency at the University. Yet, the administration has purposely elected to approach negotiations in an adversarial, high-cost, long-term manner, which (in all likelihood) could result in an acrimonious relationship between the faculty and the administration. Overtures suggesting that interest-based (mutual gains), low-cost, quickly completed negotiations would go along a long way in boosting campus-wide morale (and would make good sense for a university with the financial and operating problems facing UA) have been sternly rebuffed (without explanation).

3. A general lack of administrative oversight, and disregard for legitimate concerns and complaints from faculty and staff.

The Board of Trustees has repeatedly denied requests to be addressed by representatives from the Faculty Senate and Akron-AAUP. Further, resolutions to the Board and Administration, made after considerable faculty senate deliberation, have repeatedly gone unheeded. We find it disheartening that the Board would intentionally stifle interaction with representatives of the faculty, staff, and contract professionals. One could easily argue that this persistent disregard for faculty and staff input by UA administrators led to the January 14th, 2004 Ohio Inspector General's report alleging numerous instances of fiscal mismanagement and graft by a direct subordinate of the President, and a lack of oversight by the President. The general perception by faculty and staff is that the primary reason this issue was ultimately referred to Columbus was because of the lack of response to legitimate faculty and staff concerns and by upper-level administrators.

4. Excessive turnover in the upper-level administration.

Another concern (related to lack of action by the Board) is the disturbing and destabilizing effects of rapid turnover in numerous key upper level administrative positions including the Provost, Associate Provosts, VP for Student Affairs, and Registrar, among others. The Board has not provided an environment that is conducive to long-term association with the University by upper-level administrators.

Faculty Senate Resolution
March, 04
Attachment 2

Letter from National AAUP (Robert Kreiser) to President Proenza and Board Chairwoman Graves regarding concerns stemming from the elimination of faculty involvement in governance at The University of Akron

Faculty Senate Resolution
March, 04
Attachment 3

Faculty Senate Resolution passed in March, 2003 denouncing the administration's claim that real shared leadership had been realized on this campus