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The University of Akron Faculty Senate Chronicle

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## Faculty Senate Chronicle January 15, 1985

Heather M. Loughney

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1984-85, No. 4 (29 pages)

January 15, 1985

Strategic Planning Advisory and Review Committee

With the appointment of constituency representatives to the Strategic Planning Advisory and Review Committee (SPARC), the complete membership is now as listed below:

President's Cabinet:

Dr. John S. Watt, Acting Senior Vice President and Provost  
Mr. George W. Ball, Assistant to the President  
Dr. H. Kenneth Barker, Dean, College of Education and Special Assistant to the President  
Miss Charlene K. Bickel, Administrative Assistant to the President  
Mr. Donald L. Bowles, Acting Vice President for Administrative Services  
Mr. R. Wayne Duff, Vice President for Business and Finance  
Mr. Richard L. Hansford, Vice President and Dean of Student Services  
Mr. Kenneth L. Hoyt, Vice President for Institutional Advancement

Representatives:

Dr. Linda L. Moore, Associate Professor of Communication, representing Teaching Faculty  
Mr. Stuart M. Terrass, Director, Institutional Studies and Research, representing General Faculty  
Mrs. Desnay Ann Severit, Coordinator, University Benefits Office, representing Staff  
Ms. Lynn Yanyo, representing graduate students  
Mr. Rob Kochis, representing undergraduate students

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DEADLINE: For grants from the Research (Faculty Projects) Committee: FEBRUARY 18, 1985

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COMMITTEE CHANGES

General Faculty Advisory Committee, 1984-85

Mrs. Gretchen A. Laatsch, Associate Director, Gardner Student Center, elected to serve a one-year term

General Faculty Grievance Committee, 1984-85

Mr. Joseph Migden, Academic Advisor, elected to replace Dr. Kelvie Comer

Faculty Rights and Responsibilities Committee, 1984-85

Dr. Dale L. Jackson has been elected Chairman of the Faculty Rights and Responsibilities Committee

Search Committee for Director of Athletics

Mr. J. Dale Foster, correct title is Director of Personnel Relations and Programs



UNIVERSITY DATES

- December 10      The University of Akron Department of Music, Theatre and Dance  
presents "An Evening with the Guitar", Stephen Aron, Conductor,  
Guzzetta Recital Hall, 8:15 p.m.
- December 11      Akron Symphony Orchestra and Chorus presents "Family Holiday  
Christmas Concert", directed by Alan Balter, Thomas Hall, 7:30 p.m.
- December 13      The University of Akron Department of Music, Theatre and Dance  
presents the University Woodwind Choir, "A Swarm of Bees",  
Georgia Peeples, Conductor, Guzzetta Recital Hall, 8:15 p.m.
- December 14      The University of Akron Department of Music, Theatre and Dance  
presents the University Flute Choir, Guzzetta Atrium, 12 noon  
  
President's Holiday Open House, Cardinal Dining Room, Gardner  
Student Center, 3-5 p.m.
- December 14, 15      Ohio Ballet presents "The Match Girl", and "Galante Taenze",  
and 16      Thomas Hall: December 14 at 8:15 p.m.; December 15 and 16  
at 2:15 p.m.
- December 15      Final Instructional Day for Fall 1984 Semester.  
  
The University of Akron Department of Music, Theatre and Dance  
presents "TUBACHRISTMAS", Tucker Jolly, Conductor, Thomas Hall  
Lobby, 11:30 a.m.  
  
Basketball, Akron vs. Maryland-Eastern Shore, Rhodes Hall, 7:30 p.m.  
  
The University of Akron Department of Music, Theatre and Dance  
presents the University Orchestra, Richard Duncan, Conductor;  
Stephanie Brown, pianist, Thomas Hall, 8:15 p.m.
- December 16      The University of Akron Department of Music, Theatre and Dance  
presents the University Concert Band, Richard Jackoboice,  
Conductor, Guzzetta Recital Hall, 3 p.m.
- December 17-22      Final Examination Period for Fall 1984 Semester.
- December 22      Basketball, Akron vs. Kent State, Rhodes Hall, 7:30 p.m.
- December 23      Reception for Graduating Seniors and their families,  
Thomas Hall, 2-4 p.m.
- December 24-25      Christmas Holiday, University Closed.
- December 28, 29      Thomas Hall presents the Ballet Metropolitan in "The Nutcracker":  
and 30      December 28 and 30 at 8:15 p.m.; December 29, special matinee  
at 2:30 p.m.
- December 31, 1984      University closed.  
January 1, 1985
- January 6      World-At-Our-Door Travelog, "Bermuda", narrated by Ralph Gerstle,  
Thomas Hall, 2:30 p.m.



UNIVERSITY DATES (continued)

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|------------|--|
| January 19 | January Degree Conferral.  |
| January 21 | Classes resume, day and evening.   |
| January 22 | <u>Celebrity Series</u> presents Hal Holbrook in "Mark Twain Tonight", Thomas Hall, 8:15 p.m.                          |
| February 3 | <u>World-At-Our-Door Travelog</u> , "Thailand Today—Old Siam", narrated by Cmdr. Karl E. Stein, Thomas Hall, 2:30 p.m. |
| February 6 | Regular <u>meeting of University Council</u> , Leigh Hall 307, 3 p.m.  |
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THE UNIVERSITY OF AKRON CHRONICLE—Policy and Contents

In following its policy of publishing official reports of the University Faculty, University Council, and the Administration each month during the academic year, the Chronicle will also provide formal notices of general faculty meetings, legislative action and other data of particular import for the faculty and staff. Any comment concerning the contents of the Chronicle may be directed to the office of the Acting Senior Vice President and Provost.



MINUTES OF MEETING OF UNIVERSITY COUNCIL, December 6, 1984, continued

The regular meeting of the University Council was called to order by the Chairman, Acting Senior Vice President and Provost, Dr. John S. Watt, at 3:00 p.m. on Thursday, December 6, 1984, in Leigh Hall 307.

Fifty-six of the 75 members of Council (including three ex officio for 1984-85) were present. Those absent with notice were: Mr. Lloyd C. Anderson, Mr. David Barr, Dr. Charles Dye, Dr. Robert Eley, Dean C. E. Griffin, Dean Louis Hill, Ms. Cynthia Hostetler, Mrs. Julia Hudson, Dean Donald Jenkins, Mr. Kenneth McCormick, Dr. Warner Mendenhall, President William Muse, Dr. Charles Poston, Dr. Arjan Sadhwani, Miss Barbara Sculley, Dean Tyrone Turning. Absent were: Mr. Walter Mortin, Mr. John Myers and Dr. John Works.

The Chairman called for consideration of the minutes of the regular meeting of the University Council of December 6, 1984 as printed in The University of Akron Chronicle of November 15, 1984. It was moved and seconded that the minutes be approved as circulated.

Inasmuch as President Muse was unable to attend today's meeting, Dr. Watt moved to the next agenda item, "Special Announcements" and called upon Dean Carrino for a report on the United Way Campaign. Dean Carrino announced that the amount collected as of December 6, 1984 is \$72,964.98 which represents 93.5 percent of our assigned goal of \$78,000.

The Chairman moved to the next special announcement concerning Founders Day, recalling that the 101st annual Founders Day was observed on Tuesday, February 8, 1983. In February 1982, the University celebrated its Centennial Founders Day with a convocation at 11 a.m. and the traditional Educational Conference in the afternoon. Upon recommendation of the administrators and the University Council, it was decided to hold the Educational Conference at five-year intervals (the next one to be in 1987), but to maintain the custom of paying tribute to the founders of Buchtel College and The University of Akron—Mr. and Mrs. John R. Buchtel and Dr. and Mrs. Parke R. Kolbe. Accordingly, the wreath ceremony will be held this year on February 12, 1985 at 11 a.m. in the lobby of Buchtel Hall, after which the wreaths will be taken to Glendale Cemetery to the graves of the founders, as has been the tradition.

Referring to the third item under "Special Announcements", Dr. Watt issued a reminder that final examinations should be offered only during final examination week. According to two resolutions passed by Council over the years, proper academic policy mandates that final examinations not be given during the last week of classes.

The Chair called upon Mr. Baldwin who presented the list of candidates (then before Council) for the January 1985 Degree Conferral and moved approval without addition, pending completion of all requirements, approval by their respective collegiate faculties, and approval by the University Board of Trustees at its December 19, 1984 meeting, for degrees to be conferred January 19, 1985. The motion was seconded and carried.

Dr. Watt asked Dr. C. Frank Griffin to begin the reports of the standing committees with a statement from the Procedural Committee. Dr. Griffin said the Procedural Committee met on November 16, 1984 and set the agenda for today's meeting. A second item of business considered was a request from the Black United Students regarding cancellation of classes for a half day on Thursday, February 7, 1985 in honor of Dr. Martin Luther King. This request was referred directly to the Academic Policies, Curriculum and Calendar Committee. That committee's recommendations have been circulated to University Council today as a part of the committee report.

Reporting for the Academic Policies, Curriculum and Calendar Committee, Mr. Baldwin referred to the committee's report which had been circulated to Council and presented the



MINUTES OF MEETING OF UNIVERSITY COUNCIL, December 6, 1984, continued

first item, FA-85-01, a curriculum proposal from the Department of Social Work, which changes the course title, the prerequisite and the degree requirements. He moved approval. The motion was seconded and carried. (Curriculum changes will appear in the Appendix to these Minutes.)

Continuing to the second item, Student Disciplinary Procedures, Mr. Baldwin briefly reviewed the proposed changes in the procedures as proposed in the summary document contained in the committee report: on pages 1 through 10 are changes made in an attempt to delegatize the language—for example, "attorney" is changed to "adviser"; suggested changes regarding the size and make-up of the Hearing Board, reducing the number from six to four with the chairman to be an elected official rather than one appointed by an outside agency; on pages 13-14, deletion of current section relative to Review Board. With the elimination of the Review Board, the Hearing Board would get the allegation with the final decision to be made by the President. Concluding his summary on behalf of the Academic Policies, Curriculum and Calendar Committee, Mr. Baldwin moved acceptance of the report.

Hearing a second, the Chairman repeated the motion that the report from the Academic Policies, Curriculum and Calendar Committee with regard to the Student Disciplinary Procedures be approved and called the question.

The Chair recognized Dr. Fleming who said in reading through the document, he found it to be replete with errors and a number of inconsistencies and referred especially to the sexist language and several instances where "he" or "she" has been taken out with reference to student, but reference to the Dean of Student Services is consistently "him". He wondered if it is to be assumed that the Dean of Student Services could never possibly be other than a "him". In Dr. Fleming's opinion this document will exist over a period of time beyond Dean Hansford's sojourn and the language should be changed accordingly, and suggested that it be referred back to the committee for reconsideration, redrafting and perhaps invite someone with a knowledge of the English language to edit the final document.

Dr. Watt said an attempt to remove the sexist language had been made (a few instances might possibly have been missed) and the present committee takes responsibility only for those statements appearing in caps; the rest of the document was taken from the Manual which had been done many years ago.

Dr. Fleming called the Chair's attention to page 7, where, following the second paragraph, a paragraph appearing in the original document had been omitted.

Dr. Watt asked Dr. Gerlach and Dean Hansford to check this out while the discussion continued. He added at this point that the Student Affairs Committee has a different version on the changes in this document which could not be reconciled among the subcommittees hence the decision to present both documents to Council today for recommendation for approval. The document from the Academic Policies, Curriculum and Calendar Committee is presented at this time only because it appears first on the agenda. Obviously, the motion on the floor is to approve this report which, like all other reports, is subject to debate and amendments. Consequently, if anyone wishes to discuss the Student Affairs version, the proper procedure is to move to amend what is on the floor. The basic difference in the two documents is that the Student Affairs version retains the Review Board and substitutes the President as the appellate source.

Dean Hansford told Council that the Student Affairs Committee voted to retain the appellate part of the document, to reduce by one each faculty and student member making it two and two and recommended that this be retained for a period of two years, at which time the entire procedure would be reviewed to ascertain if it has worked satisfactorily. He said that is the only substantive difference between the two committees.



MINUTES OF MEETING OF UNIVERSITY COUNCIL, December 6, 1984, continued

Dr. Gerlach emphasized the importance of the Policies Committee's recommendation on the plight of the Review Board, offering a few points of explanation. The decision to eliminate the Review Board was based on the premise that the system had become cumbersome and long drawn-out and this would expedite justice on the principle that justice delayed is justice denied to all parties. Since the Hearing Board is, in itself, an appeals body, the Review Board was not necessary to the cause of due process. However, provision needed to be made for an ultimate appeal and the committee recommended the President of the University. It later developed that this was unacceptable to the President, so if his wishes are to be respected, an amendment should be proposed here to retain one appeals step by specific proviso, making the ultimate appeal to the Senior Vice President and Provost. Dr. Gerlach then moved that the report as proposed for adoption be amended so that the ultimate appeal would be the Senior Vice President and Provost.

Hearing a second to the motion to amend, the Chairman called the question. The motion carried with no opposing votes.

Rob Kochis spoke against the elimination of the Review Board saying this new proposal, all in the name of efficiency, takes away the student's right to an attorney while retaining the University's right to use an attorney; cuts the size of the Hearing Board in half from three students and three faculty to one student and two faculty. Mr. Kochis moved to amend the Student Disciplinary Procedures proposal now before Council to put the Review Board back into the process from the version presented by the Academic Policies, Curriculum and Calendar Committee.

Answering the Chair's call for comments, Dean Hansford noted that, although not directly related to the amendment, the initiation for changes in procedures came from University Council and from at least two faculty who were concerned about certain cases which had taken a long time to resolve and when the opportunity presented itself at Council to make what appeared to be meaningful changes, a number were brought forth with the realization that some would be controversial. In all of these, the changes which were legally sound, there was due process, and there was fairness. He said it is a question of how far to go in this matter and he for one would rather err in going further than may be necessary with an appeals body since the students do feel so strongly about it.

Professor Roth spoke in opposition to the amendment maintaining that the Review Board is the exact composition as the Hearing Board and performs the same functions. Other points he made were (1) this is not a legal court, (2) the Hearing Board is for due process, and (3) the Review Board cannot see or hear witnesses. With only one board, knowing there would be no further appeal, the Hearing Board would be much more careful of convicting.

In answer to Dr. Lehrman's question about procedures - whether all evidence is available to the Review Board, Dean Hansford told him that normally, evidence is available, including transcripts; the Review Board does not have the power to call witnesses on its own. Dr. Fleming said that in courts of law, the Appeals Court does not rule on guilt or innocence; it rules only on whether the law was followed. At this University, a Review Board would not have the competence to rule; hence it would become a legal matter and most likely go from the University into the state legal system.

Mr. Kochis added that the Review Board is not considered a retrial by the students, but an instrument to ascertain that the procedures were followed correctly by the Hearing Board and that the rules and regulations of the University were correctly applied.

There being no further discussion, the Chairman called for a vote on the amendment—to add the Review Board back into the process from the version presented by the Academic Policies, Curriculum and Calendar Committee. The Chairman announced the vote was 8 for



MINUTES OF MEETING OF UNIVERSITY COUNCIL, December 6, 1984, continued

the amendment; 29 against. The amendment failed.

The Chairman then opened the proposal from the Academic Policies, Curriculum and Calendar Committee for continued discussion and recognized Dr. McGucken.

Dr. McGucken spoke to Item II.) on page 3, "Doing any act or coercing another, including the victim, to do any act of initiation into any student or other organization that causes or creates a substantial risk of causing mental or physical harm to any person." He moved to remove the words "a substantial" and substitute for them the word "any". The motion was seconded.

Following a brief discussion, the Chair called the question on the amendment. The motion failed.

Dr. d'Amico, referring to the student amendment, moved to amend by modifying the composition of the original committee from two and two back to three and three.

Hearing a second, the Chairman opened the question for discussion.

Dr. Gerlach rose to oppose the motion. He said the original intent was to simplify the process in terms of the number of people involved and there are real difficulties in actually getting a number of people together; when a hearing board is assembled there must be the same number of alternates summoned to serve in the event of any of the regulars are challenged off the board. He proposed an amendment to the amendment—"there shall be two faculty and one student on the Hearing Board", thereby reducing the number to a total of three.

The Chair called for a second to the amendment. Hearing no second, Dr. Watt announced that the amendment dies for lack of a second. He then called the question on the amendment to change the Hearing Board membership from two and two to three and three. There being no further discussion, the amendment was put to a vote and failed, 8 affirmative and 24 opposed.

Returning to the original motion to approve the proposal from the Academic Policies, Curriculum and Calendar Committee, the Chair recognized Dr. Fleming, who said the document should be resubmitted to the committee for clarification of the language before formal presentation to this Council and he so moved. The motion was seconded.

Dr. Gerlach rose to oppose the motion for lack of substantial proof of the allegation other than some reference to the sexist language. He said since everyone knows what is meant by the generic use of the word "he", it is not necessary to change every "he", "she", and "it" in the document. This should be a job for the Reference Committee.

Dr. Watt said this would be properly recorded in the minutes and if necessary would be turned over to the Reference Committee. He then called the question on the motion to refer the document back to the Academic Policies, Curriculum and Calendar Committee. The motion failed; only one voting in favor.

The Chair then returned to the motion to approve the revised document and called the question. With a vote of 25 affirmative and 7 opposed, the motion carried. The Chairman announced that the Student Disciplinary Procedures will be presented to the Board of Trustees for their approval at the December 1984 meeting.

Mr. Baldwin reported on the matter of a potential grade point policy for extra-curricular activities and said it was decided to refer this to the Policies Subcommittee



MINUTES OF MEETING OF UNIVERSITY COUNCIL, December 6, 1984, continued

for a report to be presented to Council at the February 1985 meeting. Reporting on behalf of the Academic Policies, Curriculum and Calendar Committee, copies of the 1985 through 1989 calendars were distributed for action at the committee's next meeting.

He continued to Item 3 of the Committee's report, Martin Luther King Day. He said this concerned a proposal which was presented to the Academic Policies, Curriculum and Calendar Committee last May which was a proposal for dismissal of classes for May Day and approval of Martin Luther King Day. A memorandum submitted to Dr. Watt suggested that classes be terminated on the 25th of January for a period of 12 noon to 4 p.m. in commemoration of that particular holiday. Dr. Wilson agreed to a compromise for dismissal from 11 a.m. until 1 p.m. on February 7 which is the proposal presented to the Academic Policies, Curriculum and Calendar Committee. Following extensive discussion of that proposal in committee, it was defeated by a vote of 10 to 7. Concluding with that final comment, Mr. Baldwin moved approval of his report.

After hearing a second to the motion, Dr. Watt declared the report on the floor for consideration and vote. For clarification, he stated that a "yes" vote will be a vote to uphold the recommendation of the Academic Policies, Curriculum and Calendar Committee, which is not to have classes dismissed on February 7, 1985 while a "no" vote will deny what the committee did. He then opened the motion for discussion.

Mr. Rodney Yates-Smith proposed an amendment to that motion that classes be cancelled for a period of two hours from noon until 2 p.m. on February 7. He said that the students have a program schedule planned for that day which would run for a period of two hours.

Dr. Watt said the motion was made and seconded, but that there is a question in his mind as to the legitimacy of a motion to amend a report which, in essence, reverses the recommendation of the report. However, since this question needs to be resolved, he accepted the motion to amend and called for discussion. Dr. Gerlach objected to the manner in which this was presented to Council at the last minute, as had happened last year. He objected to the fact that this measure, instead of being introduced to this Council first and foremost in September or October, was not introduced until today, except via the Procedural Committee, who referred it to the Academic Policies, Curriculum and Calendar Committee. He maintained that business should be presented to Council first, after which it would be referred to an appropriate committee. Dr. Watt said that what is being voted on here today would not be an annual occurrence because Martin Luther King Day will become a federal mandate in 1986. Consequently, next year could be a completely different decision. He called the question on the motion to cancel classes on Thursday, February 7, 1985 from noon to 2 p.m. The motion carried with a vote of 32 to 10.

Dean Barker had no report from the Athletics Committee.

For the Campus Facilities Planning Committee, Dr. Savinell said the committee met on the afternoon of November 21, 1984 when Mr. Bowles presented an overview of some of the University's capital projects. The status of several of these projects was presented to the committee and questions of the committee members were answered by Mr. Bowles. Topics for future meetings were discussed.

For the Faculty Rights and Responsibilities Committee, Dr. Dale Jackson said there was no report, but that he had been elected chairman.

Mrs. Ruth Clinefelter circulated copies of the Retirement Incentive Plan from the University of Toledo prior to presenting her report from the Faculty Well-Bring Committee (copy attached). Mrs. Clinefelter moved acceptance of this report. The motion was seconded.



MINUTES OF MEETING OF UNIVERSITY COUNCIL, December 6, 1984, continued

Asked how many state universities in Ohio have this plan, Mrs. Clinefelter said that seven out of eleven are doing this. Mr. Baldwin questioned the status of the seven faculty members who are General Faculty, but come under SERS as opposed to STRS. Mrs. Clinefelter told him that the committee is aware of this and that they will be taken care of. In a spirit of fun, Dr. Jackson called attention to the acronym in this program which is RIP. Dr. Watt told Council that Dr. Helmick is in a position to answer any further questions and that her analysis is in the process of being reviewed by the President's staff, then by the deans, and the President is very close to making a decision on the program.

Mrs. Clinefelter added that there has been no program that the Faculty Well-Being Committee has worked on for the past two years that has created as much interest among faculty members. Dr. Gerlach said he hoped that Council, since the President and others are considering the program, will want to approve this as, at least, an expression of positive interest.

The Chair then called the question on the report. With two negative votes, the motion carried. Council was assured that this sentiment would be communicated to the President.

Dr. Jones referred to Mrs. Barbara Heinzerling, a committee member, who reported as follows for the Library and Learning Resources Committee:

The Library and Learning Resources Committee met on November 28, 1984. A report on library automation was given by Roger Durbin, Library Systems/Planning Officer. Current projections are that the loading of the archival tapes will finish about March 1, 1985. Provisions have been made for approximately 35 terminals in the library to access the system and 7 open ports for telephone access to the system. Plans are to start on-line circulation at the start of spring semester. Faculty introduction/training sessions will be held mid-semester to introduce catalog on-line use. The system will immediately contain an on-line public access catalog of all library catalog holdings, some 1.8 million items. The author's name, title, subject and call number will be available plus key word searching with full Boolean operators. The system will also include: on-line circulation control; a reserve room component; and serials control, which includes check-in of all daily periodicals, e.g. newspapers.

Current plans are to maintain the interface to OCLC's data base so that when data is produced on catalog records, it will go into the mini-computer, the results will be same day availability of catalog holdings rather than the one month long delay for catalog card filing. Within the next calendar year, additions to the system will include: eight additional outside ports; a local acquisition system; and A-V materials booking.

Discussion at the meeting also occurred on the relocation of unbound periodicals. Because of extremely heavy use and a high disappearance rate, a certain number of current periodicals will be housed in the reserve room for controlled access.

Dean Gent, reporting for the Research (Faculty Projects) Committee, said the committee has completed its review and evaluation of applications for Faculty Summer Research Fellowships on November 20, 1984 and made awards to 9 out of 30 submissions. Fifteen awards were made for a total of \$29,585 out of 33 submissions. A sum of approximately \$30,000 remains for further research proposals which will be submitted in January and February. The committee set a deadline for receipt of February 18, 1985. Many worthy requests are received and the committee is able to fund one-half of those. (A complete list of awards appears in the Appendix to these Minutes.)



MINUTES OF MEETING OF UNIVERSITY COUNCIL, December 6, 1984, continued

Dean Hansford submitted the following report from the Student Affairs Committee:

The Student Affairs Committee held its second meeting of the year on November 19, 1984. The meeting began with the Chairman passing out copies of the Student Disciplinary Procedures proposed revisions, minutes from the joint meeting of the Extracurricular Activities and Academic Policies Subcommittees of October 15 and a statement of the proposed study of the extracurricular eligibility standards by the Academic Policies Subcommittee. He also read from the Chronicle the action taken by the University Council approving the motion previously approved by the Student Affairs Committee to eliminate the 2.0 requirement for student participation in extracurricular activities.

The Chairman stated that following that action by the University Council several members requested, and the Council approved a motion, that the Academic Policies, Curriculum and Calendar Committee study thoroughly the whole question of students attending the University and participating in extracurricular activities with grade point averages of less than 2.0.

The Chairman stated that the Student Disciplinary Procedures proposed revisions have been under consideration since last year and that considerable time was spent on the proposed revisions as they are now. There is agreement between the two Subcommittees on the revisions with the exception of the retention of the Review Board. The Extracurricular Activities Subcommittee voted "yes" and the Academic Policies Subcommittee voted "no" on the Review Board retention. The Chairman stated that the two Subcommittees would report to their "parent" committees and then to the University Council.

After considerable discussion about the proposed amendments the Student Affairs Committee approved the Student Disciplinary Procedures amendments with a change regarding the Review Board. The change was to reduce from three and three faculty and student members respectively to two and two and to reconsider the retention of the Review Board after another two years of experience.

Dr. William Fleming presented his report of the meeting of the Faculty Advisory Committee to the Chancellor of the Ohio Board of Regents. (The complete report is printed in the Appendix to these Minutes.) He told Council that the Chancellor still anticipates approval and support by the Governor and the Office of Budget Management for the Ohio Board of Regents' proposed higher education funding for the 1985-87 biennium. It was pointed out that there were only three areas where the budget might be cut: human services funding, not likely; public education, K through 12, not a chance; higher education, vulnerable. He urged faculty to contact their legislators requesting support of higher education. He moved acceptance of his report.

The Chairman, moving to the next agenda item, asked if there was any old business to bring before Council.

Dr. Gerlach referred to a request he made of the Acting Senior Vice President and Provost regarding the removal of advertising in The Buchtelite on term papers for sale. He said the Provost followed through and the advertising ceased, but in a subsequent publication of The Buchtelite there appeared in the classified section an item, "Research catalogs with 1,600 topics, Send \$1 to Research, 407 S. Dearborn, Chicago". He asked the Provost to take action on this.

Dr. Watt said he had followed the rule of Council with his original request and The Buchtelite had acceded without any argument, but since this new ad merely advertises a catalog, his opinion was that it would not be appropriate to stop printing it.



MINUTES OF MEETING OF UNIVERSITY COUNCIL, December 6, 1984, continued

Dr. Gerlach disagreed. He showed Council what he had received in answer to the ad, which is a catalog of the papers available, listing the number of pages, number of footnotes, number of sources cited, etc. In his judgment, the faculty should be concerned about this type of advertising so that nothing is done by individuals or by this Council which in any way suggests a fudging on proper academic work. He said this type of advertising should be stopped, whether it is done by friendly persuasion, by coercion, or whatever, but it is not suitable for anyone in an academic institution to do anything to promote this kind of chicanery.

The Chair, noting that the discussion is still under "Old Business", asked to have a motion put on the floor.

Dr. d'Amico stated that a motion is not appropriate. He mentioned an incident two years ago when he addressed a letter to President Guzzetta on a similar problem. Dr. Guzzetta, after consultation with the University legal offices, replied that there was no control over paid advertisements in The Buchtelite.

Dr. Watt said that if it is the will of Council that he ask the editor of The Buchtelite to retract the advertisement, he will do so, but he must agree with the position that to do anything more than ask, would be inappropriate.

Dr. Gerlach moved that it be expressed as the mind of Council that the Provost or any other proper authorities continue this expression of the belief that taking part in this kind of activity is not appropriate academic enterprise. The motion was seconded.

Answering the call for discussion, Dr. Fleming said the Council might just as well vote against smoke rising; these ads are already on most of the bulletin boards right now. In his opinion, the editor of The Buchtelite should be thanked for removing the advertisement, but their right to accept offers of paying ads should be honored.

The Chair called the question on the motion. The motion carried.

Dr. d'Amico brought up an item of "New Business" regarding a text book for sale in the Bookstore. The Bookstore is now buying back texts, any and all texts, even those not in use. A memo has been sent to faculty suggesting that they would be happy to buy the books that we have on our shelves. Some of these are complimentary copies and it seems a little unethical to sell books to the used book market when they did not cost anything.

Mr. Forrest Smith said that the Wayne branch has the same type of operation going on, but they decided not to attack the problem, even though they had solicitors in various offices.

Dr. Hinckley said she has been a little concerned about the number of books she receives. They are books that she does not request and does not need, but she receives them both at her office and at her home.

Dr. Anderson suggested that these books, should any faculty wish to get rid of them, could be donated to Mortar Board for their book sale. This would be much more ethical than selling them to solicitors. Mortar Board would welcome the donation.

The Chair called for a motion to adjourn. It was so moved and seconded and the meeting adjourned at 4:40 p.m.



APPENDIX TO MINUTES OF UNIVERSITY COUNCIL, December 6, 1984

CURRICULUM CHANGES

SCHOOL OF LAW

Pursuant to prior University Council authorization (Minutes, February 19, 1970, page 12 of the Faculty Bulletin, March 1970 issue), I certify that the following course changes have been duly adopted by the Faculty of the School of Law at its meeting of November 8, 1984 to be effective beginning the academic term as stated herein.

Effective Fall 1985 and thereafter:

LS-85-01

Delete	9200:636	<u>Development of Law and Legal Institutions.</u> 2 credits.
	9200:653	<u>Law and Social Change.</u> 2 credits.
	9200:645	<u>Government Contracts.</u> 3 credits.
	9200:646	<u>Injuries to Relations.</u> 2 credits.
	9200:662	<u>Legal Regulation of Competition.</u> 3 credits.
	9200:677	<u>Seminar in Judicial Administration.</u> 2 credits.
	9200:660	<u>Labor Relations Law in the Public Sector.</u> 3 credits.
Add	9200:636	<u>Development of Law and Social Change.</u> 3 credits. Historical introduction to the Anglo-American legal system and an examination of the influence of law on society and society on law to illuminate contemporary developments in law and social institutions.
Add	9200:660	<u>Seminar in Workers' Compensation.</u> 3 credits. Jurisdictional and procedural issues; scope of employer liability; defenses; specific remedies.
Credits Description	9200:679	<u>Seminar in Labor Law.</u> 2 credits. <u>TO 3 credits.</u> Prerequisite: 650. Selected issues in two areas of growing importance in the field of labor and employment law: (1) public sector law with an emphasis on state and local (as opposed to federal) labor relations; and (2) employee rights, with an emphasis on common law remedies, but with some consideration given to new rights of employees created by statute and collective bargaining agreements.
Add	9200:645	<u>Business Reorganization Under the Bankruptcy Code.</u> 3 credits. Prerequisite: 635. This course covers the six stages of a Chapter 11 (Rehabilitation Under the Bankruptcy Laws) proceeding: (1) commencement of a case; (2) operation of the business; (3) preparation of the plan; (4) creditors' acceptance of the plan; (5) judicial confirmation of the plan; and (6) post-confirmation concerns.
Add	9200:653	<u>Legal Issues in Education.</u> 3 credits. School governance; allowable discipline; constitutional constraints on restricting freedom of expression and on privacy intrusions; tort liability for injuries on school property.



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CURRICULUM CHANGES

The following curriculum changes, in accordance with the Curricula Change process adopted by University Council on December 12, 1974, have had final approval by the Acting Senior Vice President and Provost, or through specific vote by University Council, all effective September 1985 (unless otherwise noted).

BUCHTEL COLLEGE OF ARTS AND SCIENCES

AS-85-01

Philosophy 3600:125  
Add

Theory and Evidence. 3 credits. An investigation of the concept of evidence and the criteria for the evaluation of theories in various areas of study including the natural sciences, the social sciences, and philosophy. The role of scientific information in the formation and justification of value judgments.

BUSINESS ADMINISTRATION

BA-85-01

Marketing 6800:305  
Add

International Business. 3 credits. Prerequisite: 3250:201,202. A basic course in international business which can also provide a platform for more specialized international business courses.

BA-85-02

Marketing 6600:385  
Add

International Marketing. 3 credits. Prerequisite: 6800:305. Provides a basic understanding of the complexities of foreign marketing. It assumes knowledge of the basic international business course.

Drop 6600:330

International Marketing. 3 credits.

BA-85-03

Marketing 6800:405/505  
Add

Multi-national Corporations. 3 credits. Prerequisite: 305 or permission of instructor. Course provides in-depth understanding of the functions, structures, and strategic considerations governing the MNCs through theory and case study analysis.

Drop 6600:429/529

International Business Enterprise. 3 credits.

BA-85-04

Management 6500:673  
Add

Quality and Productivity Techniques. 3 credits. Prerequisite: 601. Introduction to techniques for improving productivity and quality, including statistical process control (SPC), material requirements planning (MRP), just-in-time (JIT) inventory control, and management of the program.



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CURRICULUM CHANGES

BA-85-05

Management

Add 6500:437

Special Topics in Quality Management. 3 credits.  
Prerequisites: 435 and permission of instructor.  
Exploration of advanced topics of interest both to the student and professor. Many special applications, case studies, outside speakers, projects in conjunction with local industries.

BA-85-06

Accounting

Title 6200:630

Tax Research and Planning. TO: Tax Research and Policy.

Title 6200:641

Taxation of Partnerships and Subchapter S Corporations.  
TO: Taxation of Partnerships and S Corporations.

Title, 6200:644  
Description

Income Taxation of Trusts and Estates. TO Income Taxation of Decedents, Estates and Trusts. 2 credits.  
Prerequisite: 633. An in-depth examination of the decedent's last income tax return along with the analysis of income taxation of trusts and estates and their creators, fiduciaries and beneficiaries.

BA-85-07

Finance

Description 6400:699

Seminar in Finance. 3 credits. (Must be repeated for a total of six credits.) Prerequisite: 674 and a total of 15 Phase II graduate credits. Program of independent research in finance area of student's choice, requiring submission of a finished research report.

BA-85-08

Marketing

Add 6600:375

Professional Selling. 3 credits. Prerequisite: 300 or permission of instructor. Study of the role of personal selling in the organization's marketing mix with emphasis on customer problem solving and persuasive communication.

BA-85-09

Management

Add 6500:436

Advanced Quality Control Applications. 3 credits.  
Prerequisite: 322 and 435. Applications of advanced topics including exponential and cusum charts, experimental design, evolutionary operations (EVOPS), planned experimentation (PLEX) and management of the quality function.

FINE AND APPLIED ARTS

FA-85-01--Course changes effective Spring 1985

Social Work

Title 7750:440/540

Social Work Research. TO: Social Work Research I.



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CURRICULUM CHANGES

FA-85-01

Social Work

Prerequisite 7750:430/530

Human Behavior and Social Environment for Social Workers. 3 credits. TO: Prerequisite for 430: 276, 427 or permission of instructor; for 530: permission of instructor.

Add 7750:427/527

Human Development for Social Workers. 3 credits. Prerequisite for 427: 276 or permission of instructor; for 527: permission of instructor. Social Work perspective on human development across the life-cycle. Human diversity approach consistent with the needs of Social Work students preparing for practice.

Add 7750:441/541

Social Work Research II. 3 credits. Prerequisite for 441: 440 or permission of instructor; for 541: permission of instructor. Evaluation of social work intervention with individual, group and community. Processing and interpreting agency information for better practice, policy and administrative decisions.

Add 7750:458/558

Adult Day Care. 3 credits. Prerequisite for 458: 276 or permission of instructor; for 558: permission of instructor. Planning, development, implementing, evaluating and delivery of adult day care services.

Add 7750:459/559

Social Work with the Mentally Retarded. 3 credits. Prerequisite: 276 or permission of instructor. Application of Social Work principles in the provision of social services to meet the needs of the mentally retarded and developmentally disabled and their families.

Change in degree requirement for BA in Social Work (electives reduced to 25 credits):

Add as a requirement:

7750:427

Human Development for Social Workers

3 credits

7750:441

Social Work Research II

3 credits

Remove as a requirement:

3750:420

Abnormal Psychology

3 credits

Change in degree requirement for Bachelor of Arts/Social Work (electives reduced to 29 credits):

Add as a requirement:

7750:427

Human Development for Social Workers

3 credits

7750:441

Social Work Research II

3 credits

Remove as a requirement:

3750:420

Abnormal Psychology

3 credits



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PROJECTS AWARDED BY RESEARCH (FACULTY PROJECTS) COMMITTEE 1984-85  
(Awarded November 6, 1984)

Dr. M. Kay Alderman, Associate Professor of Education Dr. James Doverspike, Professor of Education "Competence Perception and Success in Early Adolescence".	\$ 585.00
Dr. Kim C. Calvo, Assistant Professor of Chemistry "The Conant-Swan Fragmentation Applied to Enzyme Mechanism Based Inhibitors".	2,000.00
Mr. Harry M. Cheung, Assistant Professor of Chemical Engineering "Investigation and Characterization of Droplet/Droplet Interactions in Microemulsions".	2,600.00
Dr. Harry T. Chu, Professor of Physics "Galvanomagnetic Properties of Ultra Thin Films of Pure Bismuth in Strong Magnetic Fields".	2,000.00
Dr. S. D. Darling, Professor of Chemistry "A Study of Alkene and Alkadiene Phosphorus and Sulfur Intermediates in the Diels-Alder Reaction".	1,400.00
Dr. Daniel L. Eley, Associate Professor of Biology "Development of a Technique to Preserve Catecholamine Stores in Transplanted Hearts".	3,000.00
Dr. Robert E. Gaebel, Associate Professor of Classics "Military Mentality in Antiquity and its Place in the Development of Strategy and Tactics".	1,500.00
Dr. James K. Hardy, Assistant Professor of Chemistry "Evaluation of Permeation Sampling for the Phenolic Priority Pollutants".	2,950.00
Mr. Tom T. Hartley, Assistant Professor of Electrical Engineering "A Binocular Vision System for the IBM Personal Computer".	1,400.00
Dr. Lala B. Krishna, Assistant Professor of Mathematical Sciences "A rapid elliptic solver using incomplete factorization".	800.00
Dr. Helen W. Richter, Assistant Professor of Chemistry "Non-Classical Fenton Chemistry and Oxygen Toxicity".	2,000.00
Dr. Daniel J. Smith, Associate Professor of Chemistry "Synthetic Wound Dressings Which Accelerate Wound Healing".	2,000.00
Dr. Daniel Nelson, Professor of History "Scientific Management in American Industry, 1915-1955".	2,800.00
Dr. Monte E. Turner, Assistant Professor of Biology "Regulatory Gene Variation in <u>D. pseudoobscura</u> ".	1,950.00



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PROJECTS AWARDED BY RESEARCH (FACULTY PROJECTS) COMMITTEE 1984-85, continued  
(Awarded November 6, 1984)

Dr. Ronald E. Viola, Associate Professor of Chemistry  
"Aluminum Inhibition of Neurotransmission".

\$ 2,000.00

TOTAL:

\$ 29,585.00

Note: 15 awards were made for a total of \$29,585 out of 33 submissions requesting a total of \$77,510.95.

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APPENDIX TO MINUTES OF UNIVERSITY COUNCIL, December 6, 1984

REPORT ON FACULTY WELL-BEING COMMITTEE—presented by Ruth Clinefelter

The Faculty Well-Being Committee met on November 15 and November 27. On November 15 the committee discussed and voted to recommend to University Council that the University adopt the STRS Retirement Incentive Program in a form similar to that adopted by the University of Toledo. The committee also met with Jeanne Hoffer, College of Nursing, University representative on the state committee promoting the adoption of Employee Assistance Programs at the state universities. On the 27th the committee met with Dale Foster, Assistant to the Executive Director of Personnel, on fringe benefits.

At this time I would like to make a formal recommendation to University Council that the University adopt the STRS Retirement Incentive Plan as follows:

1. The University will purchase for the eligible employee up to and including 5 years of service credit for retirement.
2. The present university phase down program will also be an additional option to those choosing to participate in the retirement incentive program.
3. The STRS retirement incentive program will continue from year to year.
4. If the university desires to discontinue or cancel this program, one year's advance notice will be given.

The Faculty Well-Being Committee was very favorably impressed by the positive presentation of the Toledo plan by Dr. Richard Parry, Associate Vice President for Academic Affairs at Toledo. He stressed the cooperation among trustees, administrators, and faculty, in implementing the plan, and considered that having a multi-year program guarded against the loss of a large number of faculty members in one year which might cause problems to the university. Costs were investigated before the program was adopted, and it was found possible to recover them after the first few years.

I move to acceptance of this report.

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APPENDIX TO MINUTES OF UNIVERSITY COUNCIL, December 6, 1984

REPORT OF THE UNIVERSITY OF AKRON REPRESENTATIVE TO THE FACULTY ADVISORY COMMITTEE TO THE CHANCELLOR OF THE OHIO BOARD OF REGENTS— presented by Dr. William S. Fleming

The Committee convened in Columbus on Tuesday, December 4. After a few brief remarks by William Napier, Vice-Chancellor for External Affairs, the Committee discussed its agenda for the afternoon session with Chancellor Coulter.

Chancellor Coulter still anticipates approval and support by Governor Celeste and the Office of Budget Management for OBOR's proposed higher education funding for the 1985-87 biennium.

However, the Chancellor is certain that the new legislature will vote some roll-back in the State's income tax. Many Republicans were elected with that commitment. Nevertheless, Governor Celeste remains strongly supportive of higher education in Ohio. Chancellor Coulter pointed out that there are only three areas of the State budget that could be cut:

human services funding (not likely);  
public education, K through 12th grade (no chance);  
and higher education (most vulnerable).

Therefore, Chancellor Coulter urged us, as had Napier earlier, to carry this message back to our campuses:

That we urge our colleagues and administrators to contact our State legislators suggesting that they talk to college and university presidents to learn what, say, a 30% cut would do to student fees and the Program Excellence concept.

The Chancellor circulated copies of a Cleveland Plain Dealer editorial dated November 19, 1984 which pointed out that Ohio is currently 47th in the nation in tuition support for this state. Higher education "holds the key in years ahead to Ohio's economic growth and quality of life."

Responding to a question about the institutional profile that OBOR recently sent to each campus, the Chancellor said that these were drawn from accumulated data that institutions have been sending in to the Regent's Office over the past several years. He wants each institution to consider the profile's accuracy, and perhaps suggest emendations where warranted. These profiles are preliminary studies of each campus's student clientele and program emphases. The Chancellor hopes these profiles will help OBOR develop its supplementary funding model based on institutional differences.

On another matter, the Chancellor noted that there is some budgetary protection built into the proposed budget to help those schools, especially two-year colleges, who are facing noticeable enrollment drops.

Respectfully submitted, .

William S. Fleming



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Student Disciplinary Procedures

I. Disciplinary Power of the University

The disciplinary power of the University is inherent in its responsibility to protect its educational purposes and processes through the setting of standards of conduct and scholarship for its students and through the regulation of the use of its facilities. The established standards of conduct apply to a student whenever on property owned, leased, or operated by the University. A student is also expected to abide by applicable federal, state and local laws. The University assesses penalties for violation of its own regulations; however, the student is subject to public laws which the University Police officers (among other law enforcement agencies) are empowered to enforce on property owned, leased, or operated by the University. Such public laws include the Revised Code of the State of Ohio, and ordinances of the City of Akron, which contain regulations relating to disorderly conduct, theft, assault, arson, damaging property, sex offenses, the use of drugs, hazing and mob action.

II. Definition of Student Misconduct

The University of Akron defines student misconduct as student behavior on property owned, leased or operated by the University, that violates codified or explicitly stated University rules and regulations. Minor penalties may be assessed informally under prescribed procedures\*, but the types of misconduct described below may result in the penalties of formal disciplinary probation, suspension, or dismissal. Student misconduct includes:

- A. Plagiarism, cheating, or other forms of academic dishonesty.
- B. Furnishing false or misleading information to University officials or on official University records, or altering or tampering with such records.
- C. Detaining, holding, intimidating, injuring or threatening to injure or coerce by bodily harm any person lawfully upon property owned, leased, or operated by the University or in housing occupied or used by recognized University student groups.
- D. Theft, malicious destruction, damage or injury to property not the student's own.
- E. Appropriating for the student's own use property not the student's own without the consent of the owner or person legally responsible for it.
- F. Possession, use or distribution of marijuana or any narcotic, hallucinogenic or other drug in either the refined or crude form which is prohibited by law.
- G. Unauthorized consumption, possession, or distribution of alcoholic beverages.
- H. Gambling or games of chance as defined in the Revised Code of the State of Ohio and ordinances of the City of Akron.
- I. Illegal or unauthorized possession or use of firearms, explosives, or other weapons.

\*See attachment A.



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- J. Offenses defined as felonies or misdemeanors under the Revised Code of the State of Ohio and ordinances of the City of Akron.
- K. Unauthorized entry into, or use of University facilities.
- L. Active or passive, willful or deliberate obstruction, disruption, or occupation of building entrances, walks, stairways, passageways, approaches, classrooms, offices, parking areas, auxiliary rooms (power, telephone, etc.) or any other space that impedes implementation of authorized programs and functions of the University.
- M. Violation of University regulations prohibiting dogs, other animals, fowl or reptiles on property owned or leased by The University of Akron.
- N. Unauthorized copying of an assignment in computer programming, unauthorized examination or view of the computer accounts for unauthorized purposes, engaging in disruptive mischievous behavior on the computer or any other wrongful use of a computer.
- O. Doing any act or coercing another, including the victim, to do any act of initiation into any student or other organization that causes or creates any risk of causing mental or physical harm to any person.
- P. Failure to comply with directions of University administrative officers and police, or any other governmental law enforcement officers upholding University regulations or faculty within the purview of their authority when carrying out their normal duties.

III. Investigation of Student Misconduct

In all cases of reports of student misconduct that are serious enough to warrant possible disciplinary action resulting in formal disciplinary probation, suspension or dismissal, the incident shall be investigated by the Vice President and Dean of Student Services or his/her designated agent. Reports of alleged misconduct may originate from University faculty or staff, University students, University police officers, area residents, or off-campus government law enforcement agencies.

The fact-finding procedures shall be as follows:

- A. The student named as being in violation of University rules shall be requested in person or by certified mail to the student's last known address to come to the Office of the Dean of Student Services or to the office of the representative of the Dean of Student Services. Where practicable, the University shall seek confirmation of this notice from the student.
- B. On the student's appearance there, the student shall be informed of the report that alleges violation of University rules and regulations.
- C. The student shall be requested to make a statement concerning the reported violation, but prior to this request the student shall be informed that:
  - 1. The student is not required to make a statement, and
  - 2. Any statement the student may wish to make can later be used



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in disciplinary proceedings, and

3. The student has the right to have counsel (as limited herein).
- D. The University prefers to develop responsible student conduct through counseling, guidance, admonition, and example, and it prefers, therefore, to proceed carefully but informally whenever possible. However, if the student so desires, the student may bring an adviser or an attorney with him to any discussion or investigation in which the student is informed of the charge of alleged misconduct. Conferences with the student (and, if the student chooses, with counsel) are designed to develop in depth all facts pertinent to the alleged misconduct. Upon completion of these conferences and the assembling of factual information, the fact-finding procedure shall be terminated if both of the following elements are present:
1. The student denies the alleged misconduct, and
  2. Based on the evidence presented, no University rule or regulation was violated.
- If these conditions prevail, the student shall be informed that the matter is closed with no prejudice to the student or the student's record and the matter is not to be entered on the student's record.
- E. When conferences and investigations reveal that there is probable cause that the student has in all likelihood violated University rules and regulations as demonstrated by the facts or by admission of complicity:
1. The student shall be given an opportunity to explain his/her involvement.
  2. This explanation plus evidence revealed by investigation shall be reduced to a comprehensive, detailed, written report which shall be submitted to the Dean of Student Services for transmission to the University Hearing Board, or
  3. The student if an adult, or the student if a minor and his/her parents or guardian, may request in writing that the case be heard, and the penalty assessed, in confidential session with the Dean of Student Services or his/her representative. The Dean or his/her representative may deny the request and refer the matter to the University Hearing Board.
  4. The procedures of the University Hearing Board shall be described to the student.
- F. If it appears that the matter will be referred to the University Hearing Board:
1. The student shall be informed that the University Hearing Board will meet at a future date to hear the case.
  2. A general description of the charges to be heard by the University Hearing Board will be given the student.
- G. When the case has been referred to the University Hearing Board by the Dean of Student Services or his/her agent, the Board shall schedule a hearing.



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- H. The student if an adult, or the student if a minor and the student's parents or guardian, shall be informed in writing by the Dean of Student Services or his/her agent of the time and place of hearing, the specific University rule or regulation that the student is charged with violating and the facts surrounding the incident on which rest the charges against the student.
- I. If the student fails to respond to the summons to appear in the office of the Dean of Student Services or that of his/her representative for the implementation of the fact finding procedures, and if the investigation reveals that there is probable cause that the student has in all likelihood violated rules and regulations as demonstrated by the facts, the Dean of Student Services or his/her representative shall promptly refer the matter to the University Hearing Board.

IV. Student Procedural Rights

Educational institutions have a duty and the corollary disciplinary powers to protect their educational purpose through the setting of standards of conduct for the students who attend them and through the regulations of the use of institutional facilities. In the exceptional circumstances when the preferred means fail to resolve problems of student conduct, the case shall be heard by the Dean of Student Services or his/her agent, University Hearing Board, or other recognized University judicial body such as the Student Bar Association Honor Code Court. In every instance, proper procedural safeguards shall be observed to protect the student from the unfair imposition of serious penalties.

The following procedural rights shall obtain in all cases for which the penalty of formal disciplinary probation, suspension, or dismissal may be prescribed.

- A. Proceedings are instituted only for violation of University rules and regulations established under Section II of this code and published in a means accessible to students. Penalties imposed for a violation must bear reasonable relationship to the violation.
- B. University officials have the right to enter property owned, leased, or operated by the University for purposes of inspecting for cleanliness, orderliness, safety, and maintenance. However, in cases involving suspicion of misconduct as defined in Section II of this code, except under extreme emergency circumstances, student premises and possessions shall not be searched unless appropriate authorization has been secured and probable cause shown to the designed University authority. For premises such as residence halls controlled by the University, application shall be made to a designated University authority before a search can be made. The application shall specify the reasons for the search and the objects or information being sought. The student should be present, if possible, during the search.
- C. University officials detecting or arresting students in the course of violation of University rules and regulations or public laws shall inform such students of their rights. In conducting investigations, University officials shall respect the right of the individual to refuse to testify against himself/herself.
- D. Pending action on the charges, the status of the student shall not be altered or the student's right to be present on campus and to attend class suspended except for reasons relating to the student's physical or emotional safety and well-being or except that the President of the University may suspend immediately:



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1. When the offense is one or more of the following:
  - a. Detaining, holding, intimidating, injuring, or threatening to injure or coerce by bodily harm any person lawfully upon property owned, leased, or operated by the University;
  - b. Felonies or misdemeanors under the Revised Code of the State of Ohio and ordinances of the City of Akron;
  - c. Unauthorized entry into or use of University facilities;
  - d. Active or passive, willful or deliberate obstruction, or occupation of building entrances, walkways, stairways, passageways, approaches, classrooms, offices, parking areas, auxiliary rooms (power, telephone) or any other space that impedes implementation of authorized programs and functions of the University;
  - e. Failure to comply with directions of University administrative officers, faculty, directors and University police or any other governmental law enforcement officers acting in the performance of their duties.
2. When in the judgment of the President the safety and well-being of student, faculty, or staff or University property is endangered, it shall then be the duty of the President of the University to immediately convene the Hearing Board or provide the suspended student with a hearing as soon as practicable.
- E. Prior to the hearing, the Vice President and Dean of Student Services or his/her representative shall inform the student in writing of the reasons for the proposed information and in sufficient time to ensure the student of opportunity to prepare for the hearing.
- F. The student appearing before the University Hearing Board shall have the right to have an adviser of the student's choice present under the following guidelines:

Hearing Board Guidelines for Advisers

An adviser may be present to protect the rights of the student charged with misconduct, in anticipation of a criminal trial. Such presence shall not be for the purpose of gathering information for use before or during a criminal trial.

An adviser may be present with the charged student in the hearing room. However, the student shall speak and act on his/her own behalf. Questions asked or testimony given by the charged student shall be limited to elements directly related to the alleged violations.

Should the adviser desire to object to the proceedings or any other issue relevant thereto, the adviser may raise a continuing objection once that will be noted by the presiding member.

The charged student, during the course of the hearing, may request a recess. Such requests may be granted by the presiding member if, in his/her opinion, good cause exists therefor.



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The presiding member of the Hearing Board will assure an orderly hearing process in order to observe fairness and due process. The presiding member is authorized to exclude persons from the hearing who are disruptive, or the presiding member may postpone the hearing due to such disruption.

The presiding member and other members of the Hearing Board may request advice from a University attorney when necessary; or, upon request of the presiding member, a University attorney, if reasonably available, may be present to advise the Hearing Board. However, the role of such University attorney shall be limited as provided for herein regarding the adviser of an accused.

- G. The Dean of Student Services or his/her agent shall provide a hearing before a University Hearing Board consisting of two faculty members and two students, with a like number of alternates therefor, unless the student, if an adult, or the student, if a minor, and the student's parents or guardian, file a written request for a hearing by the Dean of Student Services or his/her agent. A hearing by the Dean of Student Services or his/her agent may be granted only:

1. When the student has pleaded guilty to the charges, and
2. When based on the evidence presented, a University rule or regulation was violated.

The Dean of Student Services or his/her agent shall conduct the hearing as a counseling-type interview in which time the immediate welfare of the accused and the welfare of the University are preeminent and the rehabilitation of the accused is also of vital concern. The Dean of Student Services or his/her agent shall then implement the disciplinary action that is appropriate to the circumstances.

If the accused student refuses to go before the University Hearing Board, or the Dean of Student Services or his/her agent, a hearing may proceed without the student being present and penalty imposed in accordance with the findings.

- H. A student appearing before the University Hearing Board may plead guilty. The student also has the right to have his/her innocence or guilt determined by the University Hearing Board. In the latter case, the burden of proof rests on the University. To provide for a fair and impartial hearing, the following elements shall pertain.

1. No member of the University Hearing Board shall be a party to prior investigation of the case against the student, not be placed in a position of developing or presenting the case. If any member is unavoidably involved, the member must be disqualified.
2. The Presiding Member of the Board shall conduct the hearings, and shall be responsible for providing a tape recording of the hearing and supervising preparation of a summary.
3. The Presiding Member of the Board shall advise the student of the charge by reading the Notice of Hearing to the student, after which the Presiding Member shall inform the student that the student may deny or admit, totally



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or in part, the charges levied against the student. A complete admission of guilt would require no further proceedings, except that any student should be offered the opportunity to present evidence of character, scholarship, or previous record of good conduct bearing only upon the extent of the penalty to be assessed by the University Hearing Board.

4. A denial or partial denial of the charges by the accused student shall require the presentation of evidence supporting the charges. This presentation of the evidence shall be made by the person designated by the President of the University to present evidence and information. Such evidence may consist of oral testimony made under oath and the introduction of any physical exhibits necessary to support the charge. The student shall be given an opportunity to hear and question adverse witnesses as well as present evidence in his/her own defense. The Presiding Member of the Board shall exercise normal discretionary controls, prevent abusiveness, require relevance and ensure the expeditious pursuit of information. A standard of substantial evidence shall apply to all hearings. (Substantial evidence is evidence affording a substantial basis of fact from which the fact in issue can be reasonably inferred.)
5. The report of the University Hearing Board shall consist of a simple statement covering the chronological sequence of the hearing procedure, together with a summary of evidence presented to the University Hearing Board, and the conclusions reached by it on the basis of such evidence, and finally, the recommended penalty or disposition of the case. The report shall be signed by call members of the University Hearing Board, and any member may append to the report his dissent or nonconcurrence with the majority. The Presiding Member shall transmit the findings and recommendations of the University Hearing Board to the Vice President and Dean of Student Services or his/her agent. The Vice President and Dean of Student Services and his/her agent shall notify the student of the decision and advise him/her right of appeal. Unless the student presents notice of appeal within 48 hours, the Vice President and Dean of Student Services or his/her agent shall implement the recommended penalty or disposition of the case. If the student files for appeal, the penalty shall be held in abeyance pending appeal.
6. The decision of the University Hearing Board shall be final subject only to the student's right of appeal to the Senior Vice President and Provost.

V. University Hearing Board

- A. Composition: The University Hearing Board shall be composed of four members as follows:
  1. Two faculty members appointed by the Vice President and Dean of Student Services from a Hearing Board pool elected by all full-time members of the faculties of the respective colleges in the same manner and proportion as their elected representation on University Council. Elections to the Hearing Board pool shall be held in conjunction with the annual elections to determine University Council membership.
  2. Two student members appointed by the Vice President and Dean of Student Services from a Hearing Board pool of student members. The student members



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shall be recommended by a majority vote of the Associated Student Government, or, in the case of a graduate student accused of misconduct, the student members shall be recommended by a majority vote of the Graduate Student Council.

3. Each Hearing Board shall select its own presiding member.
  4. The accused student shall have the right to challenge any member of the University Hearing Board, for good cause: and, at the discretion of the Vice President and Dean of Student Services, the challenged member may be excused and a substitute member appointed.
  5. The Vice President and Dean of Student Services or his/her representative shall attend all meetings of the Hearing Board.
- B. Procedures. When a case of alleged student misconduct is to be heard by the University Hearing Board, all of the student procedural rights which appear under IV of this code shall pertain, and the following procedures shall be adhered to:
1. The Presiding Member shall request the Vice President and Dean of Student Services or his/her agent to immediately notify the student suspected of misconduct. Such notification shall include:
    - a. Written notification presented in person to the accused, or sent by certified mail to the last known address of the accused; and, whenever reasonably practicable, the University shall seek to have the accused verify receipt thereof.
    - b. The specific charge and the facts which purport to sustain that charge.
    - c. The time and place at which the accused student is to appear before the University Board.
  2. The University Hearing Board shall have the authority to call upon any member of the faculty or student body who, in its opinion, might have pertinent information. Only information which will tend to establish either a violation or an absence of violation will be admitted.
  3. The accused student may deny or admit totally or in part the charges levied against him/her. If the student denies or denies in part the charges, the student shall have the opportunity to hear and question adverse witnesses. The person designated by the President to present evidence and information shall have the right to question all witnesses for the defense, and members of the Hearing Board shall have the right to ask questions of all witnesses. The Presiding Member of the Board shall exercise normal discretionary controls, prevent abusiveness, require relevance, and ensure the expeditious pursuit of information. The accused shall not be required to testify against himself/herself.
  4. All members of the University Hearing Board shall be present at all hearings on a particular case. Guilt and penalty shall be decided by a majority vote. The Presiding Member shall participate in the balloting.



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5. The hearings shall be confidential unless the accused requests the Presiding Member to conduct public or open hearings. Such requests shall be granted.
6. The decision of the University Hearing Board shall be final, subject only to the student's right of appeal to the Senior Vice President and Provost.

VI. Authority for Amendments

The procedures outlined in this document are the instrument of the Board of Trustees of The University of Akron. The Board may be approached with proposed changes and amendments through channels outlined in its Bylaws.

ATTACHMENT A

Procedure for Assessment of Minor Penalties Relative to  
Minor Incidents of Academic Dishonesty

A student alleged to have committed a minor incident of academic misconduct may: if the student so desires, have the matter resolved and minor penalty assessed in confidential session with the respective faculty member and department head. The resolution thereof and minor penalty assessment shall, if, agreed upon, be reduced to writing and executed by the student and department head in which the course was offered. However, in the event the student disagrees or the faculty member or department head do not concur with informal resolution or minor penalty, then the matter shall be resolved in accordance with the regular student disciplinary procedures.



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