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Faculty Senate Chronicle October 20, 1989

Heather M. Loughney

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October 20, 1989

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SR. VP & PROVOST

Any comments concerning the contents of The University of Akron Chronicle may be directed to the Office of the Senior Vice President and Provost.

THE UNIVERSITY OF AKRON - ACADEMIC CALENDAR

	<u>1989-90</u>	<u>Preliminary 1990-91</u>
FALL SEMESTER		
Classes Begin	Mon.....August 28	Mon.....August 27
*Labor Day	Mon.....September 4	Mon.....September 3
Day and Evening		
Veterans Day		
(Classes Held)	Sat.....November 11 (Fri.....Nov 10 Staff Holiday)	Sun.....November 11
**Thanksgiving		
Break	Thrs-Sat..November 23/25	Thrs-Sat..November 22-24
Classes Resume	Mon.....November 27	Mon.....November 26
Final Instructional		
Day	Sat.....December 9	Sat.....December 8
Final Examination		
Period	Mon-Sat..December 11-16	Mon-Sat..December 10-15
Commencement	Sun.....January 7	Sun.....January 6
SPRING SEMESTER		
* Martin Luther King		
Day	Mon.....January 15	Mon.....January 14
Day and Evening		
Classes Begin	Tues.....January 16	Tues.....January 15
Spring Break	Mon-Sat..March 19-24	Mon-Sat..March 18-23
Founders Day	Fri.....May 4	Fri.....May 3
***May Day	Fri.....May 4	Fri.....May 3
Final Instructional		
Day	Sat.....May 5	Sat.....May 4
Final Examination		
Period	Mon-Sat..May 7-12	Mon-Sat..May 6-11
Commencement for		
Law School	Sat.....May 19	Sat.....May 18
Commencement	Sat.....May 26	Sat.....May 25
SUMMER SESSION I		
First 5 and 8 Week		
Sessions Begin	Mon.....June 11	Mon.....June 10
* Independence Day	Wed.....July 4	Thrs.....July 4
First 5-Week		
Session Ends	Fri.....July 13	Fri.....July 12
SUMMER SESSION II		
Second 5-Week		
Session Begins	Mon.....July 16	Mon.....July 15
8-Week Session		
Ends	Fri.....August 3	Fri.....August 2
Second 5-Week		
Session Ends	Fri.....August 17	Fri.....August 16
FALL SEMESTER BEGINS	Mon.....August 27	Mon.....August 26

* University closed

** University closed from Wednesday, November 22 at 5 p.m. until Monday, November 27 at 7 a.m.

*** Classes cancelled from noon to 5 p.m.

ADDITIONAL MEMBERS TO STANDING COMMITTEES OF UNIVERSITY COUNCIL

Elected by Full-Time Faculty:

Faculty Well-Being Committee

Ms. Barbara A. Bucey.....Academic Advising

Selected by Executive Committee:

Academic Policies, Curriculum and Calendar Committee

Dr. Stephen H. Aby, Dr. Abdul A. Al-Ruba'iy, Mrs. Joan E. Baumgardner, Mrs. Karin J. Billions, Mr. Dan L. Buie, Dr. Robert A. Figler, Dr. John E. Frederick, Dr. John F. Gwinn, Mr. Elmore J. Houston, Mr. William S. Jordan, Ms. Joyce E. Mirman, Dean Russell Petersen, Ms. Betty Rogge, Dr. Joseph Walton, Dean Wallace Williams

Athletics Committee

Mrs. Cheryl L. Buchanan, Dean Frank N. Kelley, Mr. Thomas J. Liggett, Ms. Paula Parker, Dr. Neal C. Raber, Mr. Dennis K. Sullivan, Mr. Michael Golemo, Dean William E. Klingele

Campus Facilities Planning Committee

Dr. William H. Beyer, Mr. Clifford G. Billions, Dr. Dale E. Coons, Dr. Gary Frank, Mr. Tom A. Goosby, Ms. Gretchen A. Laatsch, Ms. Kate LeJeune, Dr. Joseph V. Navari, Dr. Glen O. Njus, Dr. Allen G. Noble, Dr. John H. Olive, Dr. Susan Speers, Dr. Harvey L. Sterns, Dean Nicholas Sylvester

Library and Learning Resources

Dr. Janis Campbell, Dr. Alice Christie, Dr. J. Richard Elliott, Dr. Elizabeth B. Erickson, Dr. Avraam I. Isayev, Mr. Christopher Meyer, Mr. Paul Richert

Reference Committee

Dr. Jacqueline M. Anglin, Dr. Faith Helmick, Dr. Elaine F. Nichols, Mrs. Diana Sousa

Research (Faculty Projects) Committee

Mrs. Ann D. Bolek, Dean Patricia L. Carrell, Dr. James E. Grover, Dr. Jon M. Hawes, Dr. Sebastian V. Kanakkanatt, Dr. Isadore Newman, Dr. Daniel B. Sheffer, Dr. James L. Throne, Mr. Dudley B. Turner, Mrs. Adele A. Webb

Student Affairs Committee

Dr. Darlene K. Ahnberg, Mrs. Jutta T. Bendremer, Mrs. Jeanne Cebulla, Ms. Nancy Cushion, Associate Provost Robert Dubick, Mr. Robert D. Hahn, Mr. W. Neal Holmes, Mr. Edward Hopson, Dr. Orville R. Keister, Mr. James Neilson, Mrs. Phyllis G. O'Connor, Mr. Joseph Pallotta, Mr. Charles T. Salem, Dr. Lynn Smolen, Ms. Susan Stearns

ADDITIONS TO UNIVERSITY COUNCIL MEMBERSHIP, 1989-90

Elected from the Faculty:

College of Fine and Applied Arts

Mr. Christopher P. Meyer (filling the unexpired term of
Dr. Mary Rainey)

Dr. Susan D. Speers (filling the unexpired term of
Mr. David Jamison)

College of Polymer Science and Polymer Engineering

Dr. John E. Frederick (filling the unexpired term of
Dr. Frank Harris)

Contract Professionals

Mr. Dan L. Buie, Academic Advising (1989-91)

Dr. Diane Vukovich, Developmental Programs (1989-90)

Elected from Student Organizations:

Associated Student Government

Ms. Paula Parker

Non-Traditional Student Government

Ms. Betty Rogge

Ex Officio Non-Voting Members:

Dr. Jerry E. Drummond, Chair, Faculty Well-Being Committee

Dr. Susan Speers, Chair, Department/Division Heads Committee

**MINUTES OF UNIVERSITY COUNCIL MEETING
October 5, 1989**

The regular meeting of the University Council was called to order by the Chairman, Senior Vice President and Provost, Dr. Frank Marini, at 3:05 p.m. on Thursday, October 5, 1989 in Leigh Hall 307.

Sixty-two of the 81 members of Council were present. Those absent with notice were President William Muse, Dean Patricia Carrell, Dean Isaac Hunt, Dean Russell Petersen, Dr. David Bernstein, Dr. Janis Campbell, Dr. Alice Christie, Mr. Lyle Dye, Dr. Gary Frank, Dr. John E. Frederick, Dr. Don Gerlach, Dr. Roger Keller, Dr. Elaine Nichols, and Dr. F. Bruce Simmons. Absent without notice were Dr. Paul Lam, Dr. Allen Noble, and Student Bar Association Representative Nancy Cushion. At the time of this meeting, two student representatives were still to be named.

Item No. 1 - Remarks of the President. Since President Muse was not in attendance, there were no remarks.

Item No. 2 - Consideration of the Minutes of the University Council Meeting of May 4, 1989, as printed in The University of Akron Chronicle of May 31, 1989. The Chairman called for any corrections to the minutes. In response to a question from Dr. William Beyer, Dr. Gary Oller, Secretary of Council, indicated that there were some problems with the lists of members of the standing committees of Council as they were printed in the Chronicle. Some appointments had been made after the Chronicle had gone to press, and others had been inadvertently omitted. He noted that he had been contacted by Mr. Clifford Billions and Ms. Ann Bolek, who told him that their names had been omitted from the Campus Facilities Planning Committee and the Research Committee. Dr. Oller stated that corrected lists would appear in the next Chronicle, but if there were people who thought that their names were not where they were supposed to be, they should contact him. There being no further corrections, the Chairman called for a motion to adopt the minutes. This was moved, seconded, and approved by Council.

Item No. 3 - Remarks of the Presiding Officer. The Chairman stated that he had been asked by the Executive Committee to speak to a few items, and he would try to do so.

The first item was the General Studies Task Force report. He reminded Council that he had in hand a report from a task force on General Studies which had been formed before he came to Akron and which had delivered its findings shortly after his arrival. Out of that report, a General Studies Advisory Committee had been created which was to address some questions within the general structure of the Task Force report. That committee had finally reported to him last spring. The report of that committee was somewhat different in a number of respects from the report of the original Task Force. The issue for him was how to proceed with these two reports. He could call them to the attention

to proceed. The rest of Council was there and surely understood what was going on in the proposal. There being no further discussion, the Chairman called for a vote and Dr. Jackson's motion to postpone was defeated.

The Chairman then returned to a discussion of the substitute motion for item 4.b.: "should these recommendations IN THE OPINION OF THE OMBUDSMAN not receive due consideration and/or implementation." After a bit of discussion clarifying the exact wording of 4.b. with the proposed amended language, Council voted to insert the phrase "in the opinion of the Ombudsman" into the proposal.

The Chairman then reminded Council for the benefit of new members that what it had been doing was going through the proposal and working from a statement prepared by Dean Hunt which identified certain changes about which either he or the Office of General Counsel of the University had made comments or recommendations. There were no comments for 4.c. coming from Dean Hunt, so Council proceeded to 4.d. There Dean Hunt proposed striking the language which said "with written permission from the subject of the record to release the information," and adding the language "pursuant to Ohio law governing such personnel records;" and somewhat further down on the page after the word "Ombudsman," he proposed adding "to the extent authorized pursuant to Ohio's public records law, but subject to the exceptions provided therein." Dean Griffin moved these changes, and the motion was seconded. Since there was no discussion, the Chairman called for a vote and the motion was passed.

The next change was in section 4.f., where Dean Hunt had suggested that after "...must be respected," the phrase ", to the extent authorized by law" should be added. This was moved and seconded, and then Council voted its approval.

The Chairman then moved on to the bracketed statements regarding sections 5.a. and 5.e., which as Dean Hunt had noted in his introductory remarks last year concerning proposed changes to the document were statements made by the General Counsel of the University:

[Section 5.a. is subject to the provisions of Chapter 1347 and Section 149.43 of the Ohio Revised Code. Anonymity and confidentiality may not attach to public records or personnel information systems as defined in Ohio law, except to the extent that specific exclusions exist to authorize non-disclosure. The records maintained by the Ombudsman would constitute public records at a minimum, and would likely qualify as a personnel information system as well. This section is also subject to the records management requirements of "state records," R.C. 149.32 et seq.]

(At section 5.e.)

[The following provision conflicts with the statutory discretion vested in The Board of Trustees in R.C. 3359.03 (i.e., Only The Board of Trustees "...shall employ, fix the

compensation of, and remove,... such...professors...as may be deemed necessary.)]

Since Dean Hunt was not in Council, the Chairman wondered whether anyone else wished to speak to these asides of advice or to any changes in section 5.

Dr. Fleming regretted that Dean Hunt was not available because he had a question regarding what was intended as would likely qualify as a personnel information system. He understood that legally such documents would become part of the public records of the procedures of the University, but he was not clear on the import of qualifying as a personnel information system.

The Chairman, although not a lawyer, attempted a clarification. He thought that the advice that it would be held to be a personnel information system was gratuitous and, in this context, pointless since it had already been noted that they would constitute public records. Dean Hunt seemed to be saying that even if they would constitute public records, he believed that it would be at a minimum and, moreover, would also be held to be a personnel information system. A personnel information system was simply a data system supporting personnel actions such as salaries, hirings, and firings; it was the bureaucratic apparatus of a personnel system. Since the Office of the General Counsel assured Council that the material would be held to be public records at a minimum, the Chairman thought that the definition as a personnel information system was not terribly illuminating. There were a number of attorneys in the room, and if they wished to advise Council to the contrary, he welcomed their comments.

Dr. Fleming accepted the Chairman's explanation, which agreed with his own interpretation. A discussion then ensued on how to amend section 5.a. to put it in line with the comments in brackets. An amendment originally offered by Dr. Helmick, which was slightly altered by Dr. Fleming and seconded, read: "In order to protect the anonymity of the complaints and the confidentiality of the complainant, these RECORDS, TO THE EXTENT PERMITTED BY LAW, shall be accessible only..." A vote was taken, and Council gave its approval.

In regard to the second bracketed comment, both Dr. Buchthal and Dr. Fleming noted that the situation had been misunderstood. What was being created here was an office of Council, created by Council, and within the jurisdiction of Council. The faculty member who would be occupying the position would be an elected person standing for a particular duty in regard to Council. It was not a matter of hiring or firing someone, or overriding or even infringing upon the Board's authority.

The Chairman agreed with this intent, but he did not think that it was correct to characterize the office of Ombudsman as one belonging to Council. It actually was a University office. The point was well made, though, that no one was talking about fixing compensation or denying employment of someone on the payroll. The bracketed comments spoke to

the Board's ability to hire, fire, and set compensation, which was not germane to section 5.e. Since the bracketed statements represented advice to Council from the Office of the General Counsel and nothing more, Associate Provost Bonniwell suggested that Council ignore the advice and move on.

The Chairman announced that all of Dean Hunt's proposed amendments and comments had now been dealt with. He thought that it was now appropriate, given the length of time that had been spent working with the proposal and the different composition of the body, for Council to reflect on whether there were other passages to which it might want to return to discuss or amend, since the time for a vote on the entire document seemed to be approaching.

Ms. Ann Bolek noted that the College of Polymer Science and Polymer Engineering had been omitted from section 6, in which the colleges were listed for the committee to be formed to select candidates for the position. It was also noted that Wayne General and Technical should be corrected to read Wayne College.

Mr. Dean Carro also pointed out that in section 6 it stated: "The candidate receiving a simple majority of the ballots cast shall be declared elected." He reminded Council of the difficulties it had at its last meeting electing members to the Executive Committee. Did Council want this election to be decided by a simple majority, when if there were more than two candidates this could be difficult to achieve?

Dr. Lawrence Focht moved to delete the first paragraph of section 4, take the items lettered 4.a. through 4.f. and append them to the presently-numbered section 5 (Operations of the Office), and re-label them as items f through k. Then, item 5 would become item 4, and item 6 would become 5. This motion was seconded.

Dr. Frank Griffin was concerned that one statement in the paragraph which would be deleted, namely "...recommendations made by the Ombudsman are concerned with faculty and academic matters...", was not carried anywhere else in the document. Dean Griffin pointed out that it was so noted in section 1: "The University of Akron shall have a faculty Ombudsman with principal concern for faculty affairs."

Dr. William McGucken reminded Dr. Focht that when this issue was raised at the last meeting, Dr. Gerlach had indicated that the simplest solution to the problem of section 4 was to strike the words "such as," which had been inserted as one of Dean Hunt's amendments. What was wrong with that? Dr. Focht replied that this really would not solve things because none of the lettered items in section 4 dealt with faculty or academic matters. Every one of them was operational.

Council then voted on Focht's motion and gave its approval.

Dr. Fleming then moved to postpone a final decision on the Ombudsman proposal until the next meeting of Council. He argued that, given the number of changes that had been made, it would be best to wait

and allow both Council members and colleagues to have an opportunity to see a clean, corrected copy of the proposal in its final form before making a final decision. This motion was seconded.

Dean Griffin disagreed, saying that Council had made some rather modest changes in a document which had been in front of it for seven-and-a-half months. He was not sure how much was going to be served by looking at it again over a period of another month.

Dr. Diana Chlebek agreed with Dr. Fleming and noted that, since examination of the document had been stretched out over such a long period of time with some substantial changes along the way, it was a good idea to wait and see all the changes in a clean final version.

After a bit more discussion, the Chairman stated that the motion was that a clean copy of the proposal would be prepared and then published in the Chronicle and that further discussion would be postponed until the next meeting, although it was understood that changes to the document were still possible at the next meeting before the final vote. Council then voted, and the motion was defeated.

Dr. Robert Holland indicated that in the last section of the proposal it said, "The committee shall solicit nominations from the entire faculty and shall select at least two but not more than three candidates (acceptable to University Council)..." Could anyone tell him what was meant by "acceptable to University Council?"

The Chairman said that it seemed to suggest that the selection committee would compose a ballot of three or fewer names and would check with University Council about those names prior to issuing a ballot. However, that interpretation was open for correction.

Dr. Buchthal commented that he would find it awkward to sit in Council and pass judgment on the names submitted. He moved to strike the phrase "acceptable to University Council" from the sentence, and this was seconded. Since there was no discussion, Council then voted its approval of this motion.

It was then moved and seconded that the Ombudsman proposal be approved as amended. The Chairman called for discussion.

Dr. Farona stated that the University had a fairly elaborate system of appeals already in place. He did not know how many cases these committees heard along the way to the top of the pipeline, but he imagined not too many. Having had their cases heard, how many faculty members with grievances and appeals had felt that they had been treated unfairly by going through this system? He did not think that by adding another person as a sort of adjunct to the pipeline would accomplish anything. Council had heard last year what the cost of this kind of office could be. The cost at Ohio State was \$250,000, and while at Akron the cost might not be that high, it would still not be a trivial sum. With the budgetary problems the University was now facing and people not being overwhelmed by their most recent raises, he did not

think that the office of Ombudsman was necessary at all. The cost would far exceed the gain.

Dr. Jackson commented that there was a system for looking at grievances which worked reasonably well. However, he did not think that this Ombudsman system was simply a repetition of the current system of formal grievances and appeals. It was a system which worked in other institutions to hear problems, gripes, and groundswells, and could be seen as a kind of safety valve. In the years during which he had been a member of Council, he had noted that the body had a tendency to adopt policies in times of peace and quiet. Thus, when rougher waters were ahead, there was already a mechanism in place to deal with them. He did not think that a system such as the Ombudsman was a hard price to pay for an insurance policy so that bias could be stamped out easily, instead of waiting for some major conflagration. It had the ability to get rid of major problems before they arose.

Dr. Frank Griffin also wanted to speak in favor of the proposal. Based on his personal contact with a number of faculty members, he thought that there was a sense that our grievance system in many areas was no grievance system at all. A major problem was that almost all of the procedures terminated with an administrator. The importance of the Ombudsman proposal was that it allowed him to take a grievance directly to the Board of Trustees after having exhausted all other possibilities. He thought that it would be very important to the faculty to get a sense that there was a real grievance procedure.

Dr. Fleming said that he could support the measure for two reasons. One was that he thought that the University operation was such that ultimate appeal to the Ombudsman would be rarely called upon. The other was that it was a substitute for a formal grievance arrangement. The Ombudsman would be a kind of friend of the court, a human being who could be talked to and who could check things out before an actual court case would come up. He understood that occasionally the University did have to face court suits over these sorts of things, and anything which could be done to avoid that situation would be to the good. As a third point, he noted that it was rather doubtful that the cost of the office would run to \$250,000. There was no anticipation of establishing a major office with several secretaries and so forth. If it ever did become very costly, it would be within Council's jurisdiction to modify the office or even abolish it.

Dr. John Bee wanted to speak against the proposal and said that some of the difficulties which he had with it were reflected in the comments of his colleagues, Drs. Griffin and Jackson, who seemed to him at least to some degree to conflict with each other. Drs. Jackson and Fleming characterized the Ombudsman as someone whose function was, in fact, to serve as a safety valve and prevent grievances of a serious nature from arising. He thought that would be a perfectly legitimate and valid function for an Ombudsman, along with other routine functions of helping to coordinate activities, disseminating information, serving as a sounding board, and, in general, being helpful. However, Dr. Griffin betrayed the main thrust of this Ombudsman proposal when he

said that he had talked to a lot of faculty members and they did not like the grievance procedures which we now have in place. If one looked at how the Ombudsman functioned and what he was allowed to do in this document, it was obvious that it was a grievance procedure. Why else would the Ombudsman need to be able to take something directly to the Board of Trustees if someone aggrieved felt that it had not been sufficiently handled on campus. Dr. Bee did not think that there was any way that the document, as it now read, could be interpreted as anything other than an additional grievance procedure - not as an Ombudsman.

Dr. Bee also emphasized that the document as it now stood made no real effort to articulate the Ombudsman function in relation to the existing structure of University governance and procedures that were now in place. He could not imagine how the Ombudsman as described here, taking grievances seriously and going to the Board, could do this without running afoul of already established mechanisms and procedures that began at the department level, went through the collegiate level, and then on up to the Provost's and President's offices. There was no confusion here. This was not an Ombudsman proposal, but one that if implemented would cause serious disruption and confusion to a procedure which was already there. He intended to vote against it and hoped that other Council members would do so as well.

Dr. Griffin asked Dr. Bee to define what he meant by an Ombudsman and how this proposal was not an Ombudsman proposal. Dr. Bee responded that operationally he would define an Ombudsman as a person who carried out functions that were outlined in the document under sections 2.a., 2.b., in some contexts 2.c., and even 2.f. - anything which would make the Ombudsman a coordinating person, a person who disseminated information or attempted to clarify, explain, and informally address specific faculty difficulties. The way this document was structured, this was impossible. The overriding thrust of the proposal was found in what used to be section 4.b. What the proponents of the document wanted was another grievance procedure, which he thought would be in direct conflict with what was presently in place and cause serious problems.

Dean Jane Martin also spoke against the proposal and wanted to follow up on what Dr. Bee had been saying. If there was dissatisfaction with the grievance procedures, the thing to do was address those procedures and not propose a substitute document which would readdress what were seen as some inadequacies of an existing grievance procedure. She was not aware of any dissatisfaction with them, but she was new here and admitted that she might not be fully informed. It did seem a costly measure to address this issue, and she had heard some variance in terms of what its use might be. On the one hand, it might be seen as a prevention document, and on the other hand, it would be seen as an additional grievance document. For these reasons, she thought that the proposal should be defeated.

Dr. Jackson was puzzled by some of these comments. He read out a portion of section 2.d. (Functions of the Ombudsman): "...without~~X~~ superseding any existing grievance procedures or channels of appeal..."

Ms. Ann Bolek asked for a clarification regarding the election procedures as specified in section 5 of the proposal. It stated that the selection committee would be formed early in the fall semester. If the proposal were passed by Council, the timing for this as specified in the document was already passed.

The Chairman replied that if Council were to pass the proposal, this would not make it policy. It would still have to be forwarded to the President, who had a number of courses of action which he could follow. Eventually it would or would not go to the Board of Trustees, and that could take time, too. If the document went into effect some time this year, clearly the schedule for early fall could not be followed. He assumed that the procedure would still be carried out, but it would be done later in the academic year.

Dr. Bee wanted to respond to Dr. Jackson's point about section 2.d. He was not sure in this context what "superseding" meant. Was it "go before," or "in front of," or "prior to in time?" Agreeing with Dr. Jackson's comment that it literally meant "above," Dr. Bee noted that chronologically it would then mean "before." Was he then to understand that the Ombudsman would not be able to function until all other grievance channels had run their full course and were completed? If not, since the grievance procedures presently were based on an orderly progression of who communicates at what point with whom and on what subjects, and the Ombudsman was free to proceed at whatever level, it seemed to him that the Ombudsman was acting in a way that did stand independently of the existing structure with a status which was unclear in regard to that structure. He found very little comfort in the phrase in 2.d. as it pertained to his concerns with the document.

Dr. Jackson stated that he had not read the phrase to have a temporal meaning, but he interpreted it to relate to authority. It was not talking about a matter of time - "replacing before or after;" it meant "without replacing."

Dr. Fleming spoke about the safety valve aspect of the Ombudsman position as expressed in what used to be item 4.b. of the proposal. There was no mechanism on campus at present which went beyond appointed administrative decision making, and the safety valve idea would have a salutary effect on faculty morale. The possibility of its availability would give comfort in the same way that a parachute on an airplane made him feel more secure, even though he hoped that he never had to use it. This safety valve was the heart of the document, and in choosing a respected professor to hold the position of Ombudsman, Council could probably rely on that individual to treat this with respect and moderation and not to simply run wild with some new authority.

Dean Martin wanted to know whether an additional step was needed beyond the Board of Trustees, if the Ombudsman was to continue action until there was compliance with his recommendations. What if the Board did not comply. What was the next higher authority?

Dr. McGucken wanted to remind Council that the origin of this

proposal in a sense came from the President himself. His recollection was that about two years ago the President and other administrators had met with a selected group of faculty, and in conversation with Dr. Jackson, the President had come to the conclusion that perhaps this community did need an Ombudsman. This proposal may not have been what he had in mind and, as the Chairman had reminded Council, the President, if he wanted, could turn it down. Dr. McGucken thought that the proposal should be sent on to him anyway and see what would happen.

Dean Griffin thought that he was perfectly willing to admit that the President had had a bad idea.

Dean Wallace Williams had serious reservations about the component of the proposal which allowed the Ombudsman to go to the Board of Trustees. He thought that Council should recognize that the Board was the policy setting component of the University and did not deal with the day-to-day operations of the institution. It charged the President to deal with those, and there would be a serious conflict if the proposal were passed as it now stood.

Associate Provost Bonniwell liked the safety valve aspects of the proposal and the manner in which those aspects might function, but his main concern was that the Ombudsman as envisioned here was not a University Ombudsman and that therefore there were groups on Council and in the University family which would not be represented. He wanted to see a proposal for an Ombudsman who served the entire University.

As there was no further discussion, the Chairman called for a vote and reminded Council that it had approved an earlier stipulation that this would be by secret ballot. The results of this ballot were 34 no, 25 yes. Therefore, the proposal for a Faculty Ombudsman was defeated. (For a copy of the final version, see Appendix C.)

Council then moved on to the next item of business, which was to amend Council Bylaws by deleting section 3359-10-03 (D), with the appropriate renumbering of sections E through H as D through G (see Appendix D).

Dr. Oller read a statement from Dr. Gerlach, the proposer of the amendment, who could not be in Council:

The amendment designed to delete section D of University Council Bylaws 3359-10-03 was offered because during the 1988-89 academic year the student representatives almost totally neglected their duty to attend. Council met 10 times (9 regular and 1 special meetings).

Two students missed all 10 meetings.

One student missed 9.

One student missed 8.

One student missed 7.

One student missed 6.

Two students missed 4.

In addition, at one special meeting which could not be held for lack of a quorum, all eight students failed to appear, when the attendance of only one of them would have established the quorum so that business could proceed. This record of poor attendance and neglect of responsibility suggests that the students do not deserve representation in University Council and that its ability to carry on its business should not be thwarted by such a sizable bloc of its membership.

Dean Long wanted to speak against the motion. He did not think that what one group of students failed to do in one year should penalize other students in other years.

Dr. Buchthal moved to table the motion, and this was seconded. Council voted and the motion was defeated.

Dean Nicholas Sylvester did not see how Council could call itself a University Council and exclude the students. If students were now on the Board of Trustees, surely they should be members of University Council.

Dr. Fleming commented that in reading there was a saying that those who don't read are just as bad off as those who can't. By being represented on Council by students who did not show up, as Dr. Gerlach's research had shown, the student body had been ill or very poorly represented on this body, and that seemed to bespeak a lack of interest.

Dean Dubick wanted to emphasize that there were many problems related to membership on a body such as this for students. For example, student members in the non-traditional area usually had to give up time at work in order to attend the meetings. He emphasized that his office and others which were associated with students who were in elected positions would try to inform students of their responsibilities with regard to this obligation in order to help increase attendance and participation. He asked that Council not withhold from this group their representation because of the behavior of a past group.

Dean Sylvester thought that it was clear that the students had gotten the message since they had been present for the past two meetings, and he reiterated his belief that they ought to have an opportunity to participate.

Dr. Fleming asked how many students were in attendance and from what constituencies. The Chairman requested that student representatives identify themselves and their constituencies. They then did so, and these included Betty Rogge (Non-Traditional Student Government), who indicated that she had taken time off from work to attend; Dave Weil (Student Bar Association); Kate LeJeune (Graduate Student Government); James Neilson (President of Associated Student Government), who noted that he had not taken a class this semester in order to have Thursday hours free to attend Council meetings; Joe Pallotta (Associated Student Government); and Edward Hopson (Associated Student Government). This gave a total of six, with two more to be

appointed. Mr. Neilson pointed out that one of his appointments was in the room, but her appointment had not yet been approved by the Associated Student Government Senate.

Dr. Fleming stated that he doubted that there were many people in Council, either faculty or administrators, who were opposed to student participation in the body, as long as it did not adversely affect the operations of Council through absence or non-attendance. He thought that there had been a definite grievance against students who had not been fulfilling their obligation.

Mr. Joseph Pallotta responded that the student representatives this year were not the same ones who had held the offices last year. The problem had been realized, and there had been a search for students who would be more conscientious and more responsible to their obligations. He believed that the new student representatives were making the commitment to be at meetings and to do their jobs.

Ms. Ann Bolek supported the students' role in Council and thought that their representation was needed.

The Chairman then called for a vote, and the motion to delete the item in the Bylaws was defeated.

Item No. 9 - Adjournment. A motion was made to adjourn. This was seconded, and Council voted its approval. The meeting ended at 4:56 p.m.

Plans for Future Meetings FAC spent time working on both specific and general topics for future meetings. The following were developed: October 2 meeting - Ask Ann Moore to discuss Access & Success plans and activities. December 5 meeting - host a luncheon honoring Chancellor Coulter. January meeting - Ask Duane Rogers to discuss OBOR proposals on capital budget recommendations.

General topics - 1) Faculty involvement in lobbying. Desirability? Coordination?; 2) Issue of growth of enrollments in the 90's accompanied by increased faculty retirements and the need for replacements; 3) Discussion of OBOR/Chancellor's staff tracking more accurately the growth/number of administrative staff at each campus; 4) Issues related to the hiring and use of part-time faculty; and 5) How drugs and the drug issue might be handled at both the state and the local level.

AFTERNOON SESSION

Chancellor Replacement Process Chancellor Coulter indicated he knew nothing about the progress of the search for his successor except that it was actively underway. He felt that its being an exclusively OBOR search with a small three person committee improves the chances for a less lengthy search. He said that he had talked to Chair Ward and expressed these ideas among others.

1. The new Chancellor should be a professional and not a political choice.
2. The new person will have to play an important role as a bridge for higher education between the current governor and the next governor.
3. OBOR should be looking not necessarily for an Ohioan to serve, even though all Chancellors to date have been pulled from within the state.

He also said that he felt OBOR wanted to employ someone who would continue and expand on their recently developed directions and programs of excellence. He said he hoped that OBOR would urge the new Chancellor to continue the advocacy role for higher education that he had initiated. In response to the question of the role of FAC with the new Chancellor, he asserted that he hoped it would be similar to his, since FAC was the only unfiltered faculty input that a Chancellor has.

Capital Budgeting Chancellor Coulter stated that during the early Summer the various campuses submitted their capital improvement budgets for the next two years. As usual, the requests exceeded substantially the amount OBOR feels is fiscally desirable. The Chancellor indicated some of the areas where funding would be recommended. These included:

1. Renovation of existing facilities; 2. Support for facilities that would meet the growing demand for research. This has been given further focus by a report from the Research and Economic Development

Council which argues that increased emphasis on scientific training demands not only increased operating funds, but also some capital investment; 3. The need to aid two-year institutions in expanding facilities to meet the economic demands and expectations of their communities; 4. Support for two types of library development. One for the creation of regional library storage facilities. These would most likely be in the Northeast and possibly the Southwest areas of Ohio. These buildings would follow generally the floor plan of the Ohio State edifice. The other area of support will be to begin financing the instituting of the electronic Ohio Library Information System (OLIS) which would tie all academic units into a common data base, and in time could connect with a national data base.

The Chancellor said that OBOR might well begin to reverse itself on the danger of increased bonded indebtedness. He pointed out that by the early 1990s a substantial decline will begin on bond payments as many of the bonds reach maturity. This would permit new bonding without increasing further the debt payment load for higher education.

The Chancellor was asked why there were often long delays between the approval of capital expenditures and the actual work being done. He stated that there were, in general, several reasons among which were the time for planning and the actual architectural drawing and delays at the state level. In addition, at times there are cost matters which make moving ahead on construction difficult or even impossible.

Chancellor's
View of the
Future

When the Chancellor was asked for his views about future developments in higher education, he laid out the following:

1. There will be a growing need for closer connections between higher ed and public expectations, needs, and desires. Among these are the issues of access and success, concern for care of the aging, drug useage and control, etc.; 2. There will be a continuing need for higher ed to better educate the public for the work place. This will place the greatest burden on the two-year schools in that much of the demand will be technical in nature. He added, that it is the responsibility of the humanities to constantly articulate the broader values of a liberal education; 3. There will be increasing inter-related ties between institutions, higher education and the public, and higher ed and other business/government bodies; 4. There will be an ever growing need for higher education to produce doctoral graduates to meet the changing demands for education and to fill the vacancies created by retirements in the 1990s.

Future
Meetings

The next meeting of FAC will be at 10:30 a.m. on Monday, Oct. 2. The November meeting will be the Roscoe Village Retreat on Thursday-Friday Nov. 9 & 10. The December meeting will be at 10:30 a.m. on Tuesday, Dec. 5.

Respectfully submitted,

Stuart R. Givens

Stuart R. Givens
Secretary Pro Tem

APPENDIX C

Proposal for a Faculty Ombudsman (As defeated by Council 10/5/89)

1. The University of Akron shall have a Faculty Ombudsman* with principal concern for faculty affairs. The office shall be occupied by a tenured professor, respected for impartiality and independence, for a set term of three years. It shall be adequately staffed and funded in a manner consistent with its function, and the Ombudsman shall be assured of at least the average salary increments awarded to the colleagues of the department or discipline from which the Ombudsman originates.
2. The Functions of the Ombudsman shall be:
 - a. to collect and provide information about University policies, practices, and procedures, and seek to obtain clarification of the University's modus operandi; to honor all reasonable requests for information pertinent to the functions and purposes of the office, and to seek actively for answers to all such inquiries, providing them to the inquiring parties and, where it seems desirable, to the University community at large
 - b. to advise faculty and others of whom to consult and what procedures to follow in order to pursue whatever business or complaint they may have;
 - c. to hear, investigate, and attempt to resolve justly and equitably those complaints and grievances that may arise against the University or against any of its constituent parts or members;
 - d. without superseding any existing grievance procedures or channels of appeal, to mediate disputes and assist in protecting the proper rights and interests of those who remain dissatisfied with the results of pursuing existing procedures and channels, and to propose to the pertinent parties remedies for arbitrary or capricious actions or for lack of action or for unreasonable or untimely delays in action;
 - e. to report independent findings and recommendations to the appropriate authorities within the University by the most expeditious means possible, and to the University community to the extent that this seems objectively to be most beneficial;

*In deference to its etymology, the word ombudsman is used in its traditional form, to refer to a man or to a woman doing the job.

- f. to inform the appropriate administrative officers, legislative bodies, and faculties within the University community what procedures and policies seem to be defective or inadequate to the protection of substantive rights, and to recommend remedies; to propose interim relief pending the use or adoption of procedures necessary to assure due process; and to notify appropriate officers and faculty when there is a failure to implement the due process already established;
 - g. to recommend to the appropriate authorities adjustments in cases of complaint and findings of inequitable faculty salaries.
- 3. Access to public records and information as the Ombudsman believes required to fulfill the functions of the job shall be provided by all members of the University community, subject to the exceptions from such disclosure provided by Ohio Statutory Law or Ohio Common Law rights of privacy. Any requests from the Ombudsman for information must receive the highest priority from every member of the community. The Ombudsman shall also be given efficient means for communicating with the University community whenever necessary.
- 4. Operations of the Office:
 - a. The office shall keep suitable records of complaints, findings and recommendations. In order to protect the anonymity of the complaints and the confidentiality of the complainant, these records, to the extent permitted by law, shall be accessible only to members of the staff of the office of the Ombudsman which shall under no circumstances employ student personnel. At the end of a particular Ombudsman's term, that Ombudsman, after consulting with the University archivist, shall decide which records shall remain for the successor, which shall be committed to the University Archives, and which shall be destroyed. In addition, that Ombudsman shall describe the conditions under which persons shall have access to the various records of that office stored in the Archives;
 - b. Although the Ombudsman may, after careful consideration, make exceptions with respect to matters of major importance, normal function of the investigations will be on the bases of first come, first served;
 - c. the Ombudsman shall make an annual report to the University community and also issue special reports as are deemed useful from time to time;

- d. the Office of Faculty Ombudsman may be evaluated and reviewed by University Council at any time after one full year of operation;
 - e. the Office of Faculty Ombudsman may be abolished at any time by the majority vote of the University faculty upon recommendation of university Council.
 - f. the Ombudsman shall make recommendations to the president, faculty and administrative offices but will not exercise powers which are beyond the legal authority of the university and which are specifically vested in particular individuals or offices by law, or Rules and Regulations of the Board of Trustees;
 - g. should those recommendations in the opinion of the Ombudsman not receive due consideration and/or implementation, the Ombudsman has the right and obligation, upon two weeks' written notice, to submit the case, in writing, to The Board of Trustees for action at their next meeting;
 - h. the Ombudsman shall not make University policy or replace established legislative or judicial procedures, although investigating any and all of these, raising questions about them, and making recommendations for their improvement and efficient functioning are to be considered proper activities of the office;
 - i. information from individual personal and personnel records shall be secured only pursuant to Ohio law governing such personnel records, but access to all other records and files bearing on a complaint is guaranteed to the Ombudsman, to the extent authorized pursuant to Ohio's public records law, but subject to the exceptions provided therein;
 - j. the Ombudsman shall publish timely reports to the faculty and administrative outlining the ongoing activities of the office and especially focusing on those recommendations which have not yet met with compliance;
 - k. however, while the Ombudsman has wide latitude in promulgating findings and recommendations, the requests of complainants that their anonymity be preserved must be respected, to the extent authorized by law.
5. A selection committee shall be formed early in the fall semester of the year preceding the start of the Ombudsman's term of office. The committee shall consist of one member elected from each college (Arts & Sciences, Business, Community & Technical, Education, Engineering, Fine & Applied Arts, Law, Nursing, Polymer

Science and Polymer Engineering and Wayne College) and the Library. The committee shall solicit nominations from the entire faculty and shall select at least two but not more than three candidates to stand for election by a written ballot of the faculty. The election is to be completed by the end of classes in the spring semester. The candidate receiving a simple majority of the ballots cast shall be declared elected.

APPENDIX D

Amendment to Council Bylaws:

3359-10-03 Composition of Council

(D) Eight student representatives comprising four students from the undergraduate day enrollment selected in such manner as determined by Associated Student Government, two evening students selected in such manner as determined by the Evening Student Council, one student selected from the Graduate Student Council in a manner agreeable to such Council, and one student selected from the Student Bar Association in a manner agreeable to such Association.

Appropriate renumbering of sections E through H as D through G.

DR. JOSEPH M. WALTON
OFF: SENIOR VP & PROVOST
BH 107