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

assurance that we had established and would abide by administrative policies to deal with cases of scientific misconduct. The statement of initial assurance, showing that such policies were in place on this campus, had to be filed by January 1, 1990. The NSF/PHS statement of initial assurance included 18 topics, which our campus policy had to include. Because failure to comply with the deadline would have jeopardized a number of Federal grants, I directed that the Associate Vice President for Research cooperate with the University's General Counsel to draft an interim policy which complied with the 18 detailed requirements and which could be presented to the Board of Trustees. I consulted with the Council of Deans on this matter; I recommended to the President the adoption of such a policy. It was drafted and adopted by the Board effective December 29, thereby protecting our research grants.

Because of the immediacy of the deadline, I had urged the President to adopt the course of action with which we are not fully comfortable. We believe that a university scientific misconduct policy should be formed by faculty debate and discussion. It is for this reason we adopted the policy, identifying it as an interim policy. It is also for this reason that I am recommending that this Council forward the interim policy to APCC for review and recommendations so the revised policy can be in place by the time we have to give the assurance next. I will forward the copy - the interim policy - to Executive Committee if I've not already done so, with the hope it could be referred to the appropriate committee of University Council.

That concludes my remarks. Are there any questions?

Dr. Gerlach asked whether Council could not move on this last matter and send it directly to APCC instead of waiting for the Executive Committee to do it. When the Chairman replied that there was no procedural reason why it could not be done, Dr. Gerlach so moved, and this was seconded. Council then voted to refer the matter of the interim policy on scientific misconduct to the APCC, and gave its approval.

Item No. 4 - Special Announcements. There were no special announcements.

Item No. 5 - Reports of Committees.

A. Executive Committee - Dr. Oller, the Secretary, reported that the Committee had met on January 18. It considered the agenda for today's Council meeting and, in order to facilitate the flow of business, discussed whether certain items should be placed under committee reports or new business. The Committee decided that since they were to be presented but not voted on today, the revisions to the Faculty Manual from the Reference Committee and the report from the Ad Hoc Committee on Part-Time Faculty Rights and Grievance Committee would go under the reports of these respective committees. Since there was

the possibility of some discussion as well as action regarding it, the proposal for the 1990-91 academic calendar from the APCC was placed under new business. The Committee then set dates for its future meetings this semester - February 15, March 15, and April 19.

B. Academic Planning and Priorities Committee - No report.

C. Athletics Committee - There was no report, but the Chairman stated that he had been informed that Mr. David Jamison, the University's representative to the NCAA, wanted to address the body to report on the NCAA convention which he had attended in January. Council gave its approval for Mr. Jamison to speak.

Mr. Jamison passed out a summary sheet (see Appendix A) and said that there were originally 103 proposals introduced, 83 of which were discussed at the convention. He had listed on this sheet those which he thought had academic impact. These had been debated by the faculty athletics representatives group in a caucus prior to the convention and then voted on at the convention. There would be a full briefing with the coaches next week to make sure that they were up to date on all of the regulations.

Mr. Jamison then wanted to highlight some of the propositions listed in the summary. Proposition 12 was one of some concern both to faculty and admissions officers. To participate in intercollegiate athletics or be a scholarship player, a student athlete had to complete a core curriculum in high school and achieve a 2.0 in that core curriculum. The original version of this had said that students who failed to do that before they graduated from high school could, after leaving high school, take one of those core courses somewhere else. It had not specified where, and some faculty members at the convention envisioned a cottage industry growing up to offer courses to these people around the country. The Pacific 10 Conference sponsored an amendment, which we supported, saying that the course had to be taken at the student's own high school; this was the version which passed.

Proposition 24 was the long-awaited requirement to disclose upon graduation data, including admissions data, for student athletes compared to all students in the institution. Proposition 26 was controversial; it changed the requirement for what was called a partial qualifier, a student who lacked either the test score or core course requirements which allowed them to get need-based financial aid, not athletic aid. It was designed to try and give those students an opportunity to attend the institution.

The most debated proposition (a full day) was Proposition 30, which was the first major effort by the NCAA to begin to limit the impact of playing seasons and practice on student athletes. It was nowhere near where it ought to be or where it was going to be, but it was a beginning. A limitation on length of season and the number of practices in non-revenue sports (not football or basketball) would be studied this year, and changes were made to football and men's basketball. Limits

were being placed on spring football practice. At Akron we would be having only 16 practices this spring; we never had Sunday practice, so we were in compliance with that. There would be limited contact during spring practice, which would be over by April 19 so that practice would be done long in advance of final exam week. The rest of the proposition dealt with basketball, and those points would not go into effect until 1992.

Other propositions which might be of some interest were the series 52, 53 and 54, which dealt with the problems of substance abuse, particularly the use of steroids. The NCAA had gone for the first time to year-round testing for banned substances, especially for steroids.

Another problem area for four-year institutions had been junior college transfers. There were two propositions which dealt with that. Many students were transferring from one junior college to another (as many as four junior colleges in two years). Proposition 57 stated that if students were claiming to be graduates, they had to have been at that junior college for at least three semesters. Proposition 66 said that the credits had to be actual transferable credits that The University of Akron would accept.

Proposition 99, the last one on the summary sheet, was a limitation of the women's softball season to the academic year. On the surface it appeared to be a good one; however, for schools in the northern half of the country, this meant cramming 26 games into a fairly short period of time when the sun was shining. It meant more games during the season for these athletes and, therefore, less study time. Mr. Jamison thought there should be a look at the impact of this on the athletes who were involved.

In answer to questions relating to Proposition 24, Mr. Jamison noted that the admissions and graduation data would be reported by sport on a five-year graduation period basis.

Dr. Gerlach wondered whether Mr. Jamison could tell Council what preparation went into the work of getting ready for this convention. Were propositions circulated early enough that our own Athletics Committee might have an opportunity to study them, or were they all simply thrown at the convention members on the floor as surprises?

Mr. Jamison replied that each institution was entitled to one vote, and President Muse had attended this year's convention. He therefore voted on these for the institution. These proposals were usually circulated in draft form about December 10 or 15. He had consulted with the President, other faculty athletic representatives, and Mr. Jim Dennison. Whether Mr. Dennison had consulted with the Athletics Committee, he was not sure. President Muse, however, had gotten viewpoints and opinions from faculty, Mr. Dennison, and members of the NCAA Presidents Commission, a separate body elected by their fellow chief executive officers.

Mr. David Buchthal wanted to know whether it would be a good idea for Mr. Jamison to be a regular member of the Athletics Committee. Mr. Jamison replied affirmatively, but thought that he should not have a vote on the Committee.

Dr. Buchthal then moved that the NCAA faculty representative be made a member of the Athletics Committee on a regular basis, and the Chairman interpreted this as a referral of the question to the Reference Committee for reflection on the issue and on what language would need to be changed in the Bylaws of the University Council. Since there was no objection, the Chairman assumed the approval of the body.

D. Academic Policies, Curriculum and Calendar Committee - Assistant Provost Joseph Walton reported that the Committee met on January 23. The report from the Curriculum Subcommittee included reference to a discussion on the circulation of curriculum proposals, the role of Graduate Council in the curriculum process, and the possible automation of some portion of the circulation process. It was agreed that the Curriculum Subcommittee would continue to look at the curriculum change process and would make a recommendation to APCC in the future.

The Policy and Calendar Subcommittee reported that it had considered the withdrawal policy and transfer credits for minors as well as a memorandum from a faculty member concerning the admission application deadline. APCC would take up the latter question at a future meeting. APCC approved the preliminary 1990-91 University Calendar which was submitted to University Council members and the Executive Committee within the last few days.

In a calendar-related issue, APCC asked Assistant Provost Walton to express its view that the ULLR remain open during the weekend following Thanksgiving Day. Dr. Stephen Aby, a member of APCC and Education Bibliographer, had informed him that the ULLR does remain open on Saturday and Sunday following Thanksgiving. Therefore, there seemed to be no problem in this regard.

Dr. McGucken wanted to raise a matter which had been mentioned in the preceding report, as well as in the Chairman's own remarks. It concerned the admissions application deadline. While Dr. Walton stated that the issue would be taken up at a future meeting of the APCC, one might get the impression, in light of the Chairman's remarks, that the matter had been settled. For that reason, he wanted to call attention to it now. Although he did not have his notes with him, for the benefit of those Council members who were not aware of this matter, he briefly filled in the background.

A memo had been sent out in the fall informing faculty that certain deadlines had been set for admissions applications. A faculty member who had some disagreement with the policy brought it up at a subcommittee meeting of the APCC. As it was discussed, the members realized that this was a matter for Council which had been brought

neither to Council nor APCC. A motion was made to APCC which referred the matter to its next meeting. Dr. McGucken was not much concerned with the policy, but with a very important principle. He recollected that the Board of Trustees Bylaws empowered only University Council to set admissions policies. The Council Bylaws then allowed APCC to work on such matters when they were referred to it by Council. From what he had heard on the matter from the Chairman, the process here had been from faculty member to Council of Deans to Provost, who had made the decision. He did not think that the Provost's office could make these decisions. It had been set down in the Bylaws of the Board of Trustees that it was in the power of the University Council to decide and alter these matters. He thought that the new policy was invalid and moved that it be referred to the APCC for its consideration. This was seconded.

Since there was no discussion, the Chairman called for a vote, and Council gave its approval.

E. Campus Facilities Planning Committee - No report.

F. Faculty Rights and Responsibilities Committee - No report.

Dr. Gerlach wanted to know whether it was proper to make a motion at this point for Faculty Rights and Responsibilities to undertake something, and the Chairman had no objection. Dr. Gerlach wanted to make this motion in light of what was reported in the minutes of the last meeting of Council about a subject that was raised there, and about which the Chairman had discoursed at some length. The motion was this: That the Council direct the Faculty Rights and Responsibilities Committee to consider the question of instructors' eligibility for promotion to assistant professor to determine whether or not the Faculty Manual and other University regulations allow for this, and to recommend what provisions should be made to clarify the issue one way or the other. This was moved and seconded.

Since there was no discussion, the Chairman called for a vote and Council gave its approval.

G. Faculty Well-Being Committee - Dr. Jerry Drummond reported that, although no specific issues or problems had been brought before the Committee, it continued to monitor developments in the area of health benefits and in other areas of interest to the faculty. At this time there did not appear to be anything that was "sneaking up" on the Committee, and those in administrative posts seemed committed to keeping it informed. The Committee would be meeting in approximately two weeks for what would be an information session.

H. Library and Learning Resources Committee - No report.

I. Reference Committee - Mr. Michael Jalbert reported that the Committee had concluded its task of reviewing the Faculty Manual and had made arrangements for the distribution of it to all faculty. The

Committee had begun to receive some questions from different concerned faculty as to certain language, and he asked members of Council to continue sending questions in so that the Committee could have an opportunity to review them as a group rather than trying to field them one at a time on the floor of Council next month.

J. Research (Faculty Projects) Committee - No report.

K. Student Affairs Committee - No report.

L. Ad Hoc Part-Time Faculty Rights and Grievance Committee - Mrs. Linda Weiner reported that the Committee thought that its report ought to be read and considered by members of Council before it actually reached the floor of Council. To that end, the report was being copied and would be sent to all members. She asked that the discussion of the report and voting begin at the next meeting in March.

Item No. 6 - Report of the Akron Representative on the Faculty Advisory Committee to the Chancellor of the Ohio Board of Regents - Dr. June Burton reported on the meeting of December 7, 1989 (for the minutes of this meeting, see Appendix B). She stated that the morning speaker was retiring Vice Chancellor Dwayne Rogers, who spoke candidly about the capital budget process. A few points made by him were worth sharing with Council:

1. About 15% of the amount the State votes for higher education annually now goes to debt service on construction bonds, i.e. \$250 million per year. However, a major change is occurring. In 1970 the State sold 25-year bonds, then in 1980 it changed its policy due to double-digit interest rates and shortened bond life to pay off in 15 years. Therefore, in the mid-1990's these bonds will begin to pay off in such a way as to make it prudent now to begin to spend more dollars on needed construction.
2. Last year the Ohio Board of Regents dealt with the issue of increased funding of research facilities. In short, it removed its former bias against them by loaning additional funds to institutions and by providing "Action Grants."
3. Rogers criticized the political process, where he sees two different things happening simultaneously:
 - a. Institutions lobby to get things the OBR doesn't support, thereby changing the Board's priorities. For example, the Ohio Board of Regents doesn't build football stadiums, never recommends dormitories, and treats parking as an auxiliary matter.
 - b. Cities want buildings the Ohio Board of Regents doesn't recommend, which also shifts the Board's priorities. Among these he named Ameriflora, convention centers,

and performing arts halls in general, and he specifically named Akron's Inventors Hall of Fame.

Rogers went on to say that State money is "laundered through joint-use agreements," although he added that he thinks the Toledo Convention Center does have a good university-use purpose as a continuing education center.

4. Universities ought to have their own capital fund raising drives to assist the State financing of construction.
5. The quality of institutional planning varies across the State, but generally there is room for improvement. Bad planning slows down construction. Something approved today will be usable in four years, at best.

In response to questions from the Committee, Dr. Burton said that Rogers made several interesting admissions at his last meeting before retirement:

1. Institutions play games with priority lists submitted to the Ohio Board of Regents. They are aware of this, and so OBR reorders their priority lists; they don't fall for it.
2. Local institutions decide whether existing structures like Polsky's will be razed or remodeled, but OBR reviews plans carefully to decide whether the plans are viable. He said that initially the Board of Regents was skeptical of Polsky's remodeling project as pork barrel, because it contained far more space than the OBR planned to provide us during the next five years (to be used later than nine years off); however, they changed their minds after carefully reviewing our plans.
3. No funding is allowed for childcare centers, but there may be some in the near future.
4. Faculty ought to be actively engaged in the university planning process in order to improve it. He said that the Ohio Board of Regents now makes a mistake in site visits by going solely to the administration of the departments requesting a building instead of to the faculty, whose input he views as more crucial to quality for money spent.
5. The Ohio Board of Regents never builds on speculation of future growing enrollments. "Let them lease for awhile" is the policy.

After lunch, the Committee was addressed by the retiring Chancellor, William Coulter, who noted that the Ohio university presidents ought to listen to and consult faculty more if they really wanted to improve higher education in this state.

Finally, the next Chancellor, according to all reports, will be a woman, Elaine Hairston.

Item No. 7 - Unfinished Business. The first item of unfinished business was an amendment to the Faculty Manual Section 3359-20-02, Organization of the University (B)(5)(b)(iv), regarding evaluation of department heads [see Appendix C (1)]. The Chairman reminded Council that this had come from the Faculty Rights and Responsibilities Committee, and had then been subject to an amendment offered by Dr. McGucken. There was also a substitute amendment to Dr. McGucken's amendment offered by Dr. Noble [see Appendix C (2)] and Council would now deal with that substitute, which read as follows: "...with all full-time members of the department faculty. **AS A PART OF THIS REVIEW, THE DEAN SHALL CALL A MEETING OF ALL THE FULL-TIME FACULTY OF THE DEPARTMENT AND A YES-OR-NO SECRET BALLOT OF THE FULL-TIME FACULTY IN THE DEPARTMENT ON RETENTION OF THE DEPARTMENT HEAD AS HEAD SHOULD BE TAKEN.**" The Chairman reminded Council members that the words SHOULD BE TAKEN had been inserted at the end of the third sentence when the minutes of the last meeting had been amended earlier.

Dr. Noble said that the thrust of his substitute was to ensure that it was clear who should call the meeting, and that a yes-no ballot of the full-time faculty should be part of that meeting. He was in sympathy with Dr. McGucken's amendment, but he thought this was a little more precise and more clearly spelled out the procedure.

Dr. John Bee, in light of Dr. Noble's rationale, raised the question of whether or not the proposed language accomplished the goals which he stated. The language sounded to him like it obligated the dean to do separate actions which were not specified to be part of the same event. It would not seem to be at all contradictory that the dean might call a meeting of the full-time faculty and, under different circumstances in a different place, call for a secret ballot.

Dr. McGucken noted that he, too, had difficulty with the substitute and hoped that Council would reject it. He referred to a comment of Dr. Noble's from the discussion at the last meeting in which he stated that "it really depended on the inclination of the dean as to how freewheeling he wanted to let the discussion be in that meeting." Dr. McGucken thought that the dean should not be at the meeting at all, and that this meeting would be handled as were all faculty meetings for appointment, reappointment, tenure, and so on. That is, that the full-time faculty would meet and they would make a recommendation to the dean. It puzzled him that initially the faculty were empowered as they were in the Faculty Manual to advertise a position, bring people in, interview them, and then make a recommendation to the dean; but that same faculty four years later could not put through much the same process, getting together, discussing, and then making a recommendation to the dean. For that reason, he hoped that Council would defeat this substitute and return to his amendment.

Since there was no further discussion, the Chairman called for a vote and the Noble substitute was defeated.

Council then moved back to the McGucken amendment [see Appendix C (3)].

Dr. McGucken stated that at the last meeting Dean Carrell had suggested that following the route he proposed in the amendment would lead to a popularity contest. It was unfortunate that this had been said, because he might have used similar language in describing what was now in place. He had not done so because what he wanted to stress was professionalism and a maturing institution. The issue of who would call the meeting was a red herring because, whenever the department head came up for review, the dean could inform the department head that he had to call a meeting of the full-time faculty. This went on all the time; the department head had the schedules of his faculty and knew when they were free. He also thought that the department head should not be at this meeting. This was consistent with all the other practices in related areas of appointment, promotion, and so on. The department head could call the meeting, and then the full-time faculty could elect a chair. This was what professionalism was all about. This sort of thing was done frequently - a chairman was elected, business was conducted, and then a recommendation was relayed to the dean. So he saw no difficulties here.

Dr. Michael Faron, noting that, according to the wording, if the incumbent department head did not get an affirmative vote a search would be undertaken for a new head, asked the Chairman whether this automatically meant that a position for a new faculty member - namely, the department head - would be approved by the Provost. The Chairman responded that he would feel no such obligation, but suggested that this discussion might wait for the moment. The only matter before Council now was the sentence "The ballot shall be taken at a meeting of the full-time faculty called to consider the retention of the head."

In response to a question regarding whether the results of the secret ballot would be made known immediately at the same meeting, Dr. McGucken responded that the correct assumption would be that they would, because in all similar cases whenever a secret ballot was taken it was always immediately announced within that meeting.

Mr. James Nolte wanted to know if he was correct in assuming that if a person was not in attendance he would not be entitled to vote. Dr. McGucken responded that this was correct. Mr. Nolte then noted that his division was rather large, and it was difficult to find a time when it was possible for 35 or 40 people to meet. His division usually met on weekends for action on RTP, but it did make it difficult to make certain that every full-time faculty member would be available on that specific date to make that particular vote.

The Chairman commented that the interpretation given thus far - that the secret ballot would be taken at the meeting and the results

would be announced at that meeting - would preclude voting by absent members.

Dr. Bee had difficulties with this provision, and he wanted to get other members' views on it. On one hand, there was the possibility of a meeting of the full-time faculty with fewer than all the full-time faculty in attendance. This was not extraordinary; it happened all the time and, under those circumstances, a majority of the members present and voting passed the motion. If half or slightly more than half the faculty were present, and half of them voted to retain the head, that motion would, under those terms, pass. But the same section specifically said here "If the head does not receive a majority affirmative vote of the full-time faculty members in the department,..." It did not say "of the members present and voting." There would then be the rather anomalous situation of someone getting a majority of the members present and voting but not getting a majority of the full-time faculty membership in the department, at which point it seemed to him that further interpretation would be needed to deal with this difficulty.

Dr. Dale Jackson regarded these situations as potential red herrings, because this was an important matter. It would come up only once every four years, and he imagined that the faculty members would be sufficiently interested to attend such an important meeting. The matter which Dr. Bee had brought up would really not come into effect.

Dr. Bee replied that he would like to believe that, but he thought that to say that it was a red herring was a red herring. People often cannot attend meetings for a variety of reasons. If he came down with appendicitis, no matter how important he believed the matter was, he probably was going to choose to be in the hospital at that time. Unforeseen events did take place. There was an obvious need here simply to decide one way or the other and then be clear and unequivocal in the language used. If it only took place once every four years, that was a long time between mistakes.

Dr. Buchthal thought that, if this amendment passed, Council could come back and amend the next sentence.

The Chairman then called for a vote and reminded members that they were voting on whether or not, by amendment, to insert the sentence "The ballot shall be taken at a meeting of the full-time faculty called to consider the retention of the head." A vote was then taken, and the amendment passed by a vote of 28-15.

Council then returned to the main motion, now amended, from the Faculty Rights and Responsibilities Committee.

Dr. Buchthal stated that there were three things which concerned him. First, with regard to the problem raised by Dr. Bee earlier, Council might wish to amend the language of the motion "If the head does not receive a majority affirmative vote of **THOSE** full-time faculty

members," to indicate those who are in the meeting. Another concern regarding a department or division which would not be authorized to increase its strength. If that were known, the people voting might be influenced by the thought that they would be candidates to replace the person whom they were voting out of office. Thus, there would be the problem of conflict of interest. A third possibility, however, was that this statement might not even be necessary. If a department head got a vote of 10% approval, leaving it to the department head or dean with this public knowledge would probably have the desired effect.

Dean Nicholas Sylvester commented that someone had just talked about red herrings every four years. The motion read to him as though any time the majority of the faculty wanted to review the department head, they could. Perhaps he misunderstood the wording, but it read that way to him. The Chairman replied that this interpretation was correct, that a majority of the full-time faculty members could cause a review at any time. Dean Sylvester noted that this would distress him. Under the old policy, they could call for a review; on the other hand, they could not vote a department head out. But, under this thing if passed, they could vote him or her out.

With respect to the secret ballot, Dr. Bee stressed that he thought that, whatever language the Council adopted, it was important that all faculty be voting. Dr. Frank Griffin noted that the whole issue of the secret ballot was important because he knew of several circumstances where faculty members had suffered from reviews which did not remain confidential. Comments were sent back to department heads, and the faculty members were punished. It was really critical to have the secret ballot, or one did not get a review that reflected the voice and contentions of the department. Dr. Bee agreed with this sentiment but was afraid that, in an effort to gain the secret ballot, Council was creating a problem much worse than the one which it was solving.

Dr. Gerlach wondered whether an answer might be to add some little statement at the appropriate place to the effect that each department might, by its own internal rules, decide whether or not absentee ballots were permitted.

Dr. Susan Speers wanted to speak regarding the entire amendment. It seemed to her that Council was focusing on whether the main power to which the department head answered was the faculty or the administration. She had been in other situations where faculty were allowed to vote for the head, and it did become a popularity contest. They invariably voted for those who would allow them to do as they pleased, as opposed to the administration. The administration was looking after the professionalism of the University, and the faculty, especially in large departments, were looking after their own individual interests. Therefore, she would speak against the amendment.

Dean Wallace Williams wanted to know what would happen if the results of his assessment through private interviews with all faculty in a department with 15 members differed from the vote when perhaps only

eight or nine members might vote. How was that to be reconciled?

Dr. Alice Christie then moved the following amendment after "...retention of the head." **"FACULTY MEMBERS NOT PRESENT AT THE MEETING SHALL HAVE THE OPPORTUNITY TO VOTE BY ABSENTEE BALLOT."** This was seconded. Dr. Christie stated that it seemed to her that the problem was not with the vote itself, but with making sure that all faculty voted so that the decision would not be made by only a percentage of them. In her department, the secret ballot was always used for RTP, and arrangements were always made for those faculty who could not be at the meeting or who had to leave to teach or for whatever other commitments they might have. By making allowance for an absentee ballot, full representation of the faculty would be assured.

Dean Sylvester stated that the ballots were fine as long as they were not binding on anyone. With regard to the point raised by Dean Williams, what if you had a situation in which all of the faculty said in interviews that the department head was fine. Then a vote was taken, and the results were negative. Since the vote would be binding, the situation now required a search for a new department head when there really was not a problem. He saw great danger in having secret ballots that forced people to do things in spite of the fact that it might be the wrong thing to do.

Dr. Jackson thought Dean Sylvester was highly mistaken. If someone would not tell you something to your face in an interview, but would vote that way in a secret ballot, it could be that he didn't trust the person who interviewed him. Maybe it was as clear as that.

A vote was then taken on this amendment, and it was approved.

Dr. Lawrence Focht said that he was against the motion as amended, although as a faculty member he probably should be for it. However, he did not think that it was a sound management principle for people to be able to choose and fire their own boss. He did not see how an organization could be run that way. In a small department with three or five members, the department head could be right and the majority of members wrong, and this amendment would set up a mechanism by which it would be mandatory to fire the head anyway. He thought that it would be better to leave things as they now stood and to defeat this.

Dr. Farona commented that at the present time there seemed to be no effective way to remove a department head except by faculty insurrection and so forth. This motion seemed to take things to the opposite extreme. If the department head did not get an affirmative vote, he was automatically relieved of his position; and it obligated the Provost to open a position for a department head and initiate a search. There should be some sort of compromise position in which a yes-no vote could be taken but it would not necessarily remove the department head at that time. There could be other ways that the situation might be resolved - consultation, meetings with the dean and department - before the department head was removed. He would like to see some sort of

compromise but could not suggest one himself.

Dr. Speers suggested that if the department head was opposed by two-thirds of the department, this might be sufficient reason to initiate his removal. However, if it was close to a 50-50 split, she did not think that one could count on that percentage. People had seen how student evaluations sometimes turned into popularity contests, and she would hate to see a department run on that basis.

Dr. Buchthal proposed a compromise by striking the words "If the head does not receive a majority affirmative vote of the full-time faculty members in the department, or..." This would allow for the mandatory vote, but then it would be left to the discretion of the department head and the dean. If 33% of the department's faculty thought that the head was doing a good job, it would be up to the head and the dean to decide whether that was strong enough to continue. However, the faculty would have had its say, and this would be public.

Dr. Farona thought that this might be acceptable, as long as it obligated the department to review the head again in a relatively short period of time - not four years, but perhaps a year later - to see if things had improved.

Dr. Buchthal then formally made the motion to strike the words as noted above, and this was seconded. Since there was no discussion, the Chairman called for a vote, and the motion was approved by a vote of 28-16.

Discussion then returned to the question of automatic approval for a search and a new position if the head was removed. The Chairman stated that there were no circumstances under which he would participate in allocating a new position to a department simply because faculty had voted to remove a department head. Following this language, a replacement would have to be found by appointing a search committee, but he would constrain the search and search committee in ways that would not produce an additional position - either by searching inside the department or, in extreme cases, elsewhere within the University.

Dean Russell Petersen was bothered by the fact that the proposal now mandated the search but not the replacement of a department head whose service was no longer required by the faculty.

The Chairman, reading in the Faculty Manual beyond the language before Council and into a subsequent section, pointed out that it said there that "a search for a replacement shall be undertaken by the procedures described herein." Those procedures provided for the appointment of an acting head and the initiation of a search. It read, "In exceptional circumstances where the department is unable to resolve its leadership problem or where the dean considers there are serious questions concerning academic standards the dean shall designate an acting department head to serve a specified term, and a search committee shall be established."

Dr. Bee then proposed an amendment by deleting the phrase "a search for a replacement shall be undertaken by the procedures described herein," and replacing it with the phrase **"THE HEAD SHALL BE TERMINATED AS HEAD AND PROCEDURES FOR A REPLACEMENT UNDERTAKEN ACCORDING TO THE PROVISIONS OF THE FACULTY MANUAL."** This was seconded.

After further discussion of the procedures and provisions in the Faculty Manual for this, the Chairman called for a vote and the amendment was approved.

Council then voted on the main motion as it had been amended, and gave its approval (for the language of the final, approved amendment, see Appendix D).

After a bit of confusion, Council moved on to consider an amendment to the Faculty Manual Section 3359-20-02, Organization of the University (B)(5)(b)(vi), which deleted the language found there and replaced it with the sentence **"EACH COLLEGE DEAN SHALL CONDUCT SUBSTANTIVE REVIEW OF APPROXIMATELY ONE-FOURTH OF THE DEPARTMENT HEADS EACH YEAR."** (See Appendix E.)

Dr. Tom Miles, Chairman of the Faculty Rights and Responsibilities Committee, stated that this came to Council as a seconded motion from his committee. The purpose of the revision was to relieve the college deans and other administrative officials from the task of consulting with elected officials of University Council within each college for the purpose of conducting substantive reviews of the department heads each year.

Dean Frank Kelley noted for the record that there were only two departments in his college which made the one-fourth distinction rather difficult. The Chairman noted that there were colleges with no departments.

After a discussion regarding the need for the one-fourth distinction or the entire section, Dr. Bee proposed an amendment which read as follows: **"EACH COLLEGE DEAN SHALL CONDUCT SUBSTANTIVE REVIEWS OF ALL DEPARTMENT HEADS IN THE COLLEGE WITHIN A FOUR-YEAR INTERVAL."** This was seconded.

Since there was no discussion, the Chairman called for a vote and the amendment was approved (for the language of the final, approved amendment, see Appendix F).

Item No. 8 - New Business. The first item of new business was an amendment to the Faculty Manual Section 3359-20-037 Guidelines for Initial Appointment, Reappointment, Tenure and Promotion (C)(8)(c)(iii), which read as follows:

An adverse recommendation initiated by the college dean may be appealed to the College Appeals Committee which will report its findings to the dean. **IN CASES INVOLVING**

TERMINATION, the review will be timed to comply with the schedule described section 3359-20-034, Terminating Employment.

This came as a seconded motion from the Faculty Rights and Responsibilities Committee.

Dr. Gerlach asked for confirmation of his assumption that the addition of the four words "In cases involving termination" was simply to clarify in the minds of some who might be confused that this referred to termination matters, as opposed to tenure and promotion. There was a need in matters of termination to be careful about the timetable being observed, as opposed to the situations of tenure and promotion.

With the permission of the body, Dr. Miles confirmed this and indicated that the section of the current version of the Faculty Manual which dealt with this could be found on page 38. There were three different phases that faculty members might find themselves in relative to times of the year in which they had to be notified, depending on length of service. This amendment would ensure that this would coincide with these provisions.

The Chairman then called for a vote, and the amendment was approved (Appendix G).

The next item of new business was the proposed calendar for the 1990-91 academic year. This was presented as a seconded proposal by Dr. Walton from the Academic Policies, Curriculum and Calendar Committee. Dr. Walton noted that there was one slight change this year in that the dates for the intersessions after the fall and spring semesters were now being indicated in the calendar.

Mr. James Inman asked whether it was really necessary to indicate that classes would be held on Veterans Day, which fell on Sunday, November 11. Did we have classes on Sunday?

Mr. James Nolte replied that there were classes in his own division which had been held on Sundays. They did not meet on campus per se, but they were classes of the University that were held at another facility for credit.

A discussion then followed over some confusion as to the date of Martin Luther King Day in 1991. The proposed calendar listed it as occurring on Monday, January 14, yet a number of members had their own calendars, which indicated that it would be celebrated on the 21st. Dr. Buchthal proposed that this be handled by amending the calendar to read that the spring semester would begin on Monday, January 14, when classes would be held, and that classes would be cancelled and Martin Luther King Day celebrated on January 21, the national holiday. If he was in error as to the date, since he had said "on the national holiday," it could be fixed later. This was seconded.

The Chairman then called for a vote, and the amendment was approved.

Dr. Bee then called the question, and a vote was taken to terminate debate on the entire proposed calendar. This was approved by Council, and the Chairman then asked for a vote on the adoption of the calendar as amended. Council voted its approval (see Appendix H).

Mr. Nolte then asked whether the precedent of printing in the Chronicle the formal minutes of the meeting of the Faculty Advisory Committee to the Ohio Board of Regents would be continued. He had a copy which he wished to give to the Secretary. The Chairman responded that Council had a tradition here which was not to vary from tradition, and, therefore, if this had been done in the past, it probably should be continued.

Item No. 9 - Adjournment. Dean Williams moved for adjournment, and this was seconded. Council gave its approval, and the meeting ended at 5:00 p.m.

APPENDIX G

Amendment to Faculty Manual Section 3359-20-037 Guidelines for Initial Appointment, Reappointment, Tenure and Promotion (C)(8)(c)(iii) (as presented by the Faculty Rights and Responsibilities Committee and passed by University Council):

An adverse recommendation initiated by the college dean may be appealed to the College Appeals Committee which will report its findings to the dean. **IN CASES INVOLVING TERMINATION**, the review will be timed to comply with the schedule described section 3359-20-034, Terminating Employment.

APPENDIX H
THE UNIVERSITY OF AKRON - ACADEMIC CALENDAR

| | <u>1989-90</u> | <u>Preliminary 1990-91</u> |
|---------------------------------------|---|----------------------------|
| FALL SEMESTER | | |
| Day and Evening Classes Begin | Mon.....August 28 | Mon.....August 27 |
| *Labor Day | Mon.....September 4 | Mon.....September 3 |
| Veterans Day (Classes Held) | Sat.....November 11 (Fri.....November 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 |
| Spring Intersession thru | Mon.....December 31 | Fri.....January 11 |
| Commencement | Sun.....January 7 | Sun.....January 6 |
| SPRING SEMESTER | | |
| Day and Evening Classes Begin | Tues.....January 16 | Mon.....January 14 |
| * Martin Luther King Day | Mon.....January 15 | Mon.....January 21 |
| 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 |
| Summer Intersession thru | Mon.....May 13 | Fri.....June 7 |
| 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.

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

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