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Faculty Senate Chronicle October 21, 1988

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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.

MINUTES OF UNIVERSITY COUNCIL MEETING
October 6, 1988

The regular meeting of the University Council was called to order by the Chairman, Senior Vice President and Provost, Dr. Frank Marini, at 3 p.m. on Thursday, October 6, 1988 in Leigh Hall 307.

^{Sixty}
~~Fifty-nine~~ of the 80 members of Council were present. Those absent with notice were Dr. David S. Bernstein, ~~Mr.~~^{Dr.} Roger Durbin, Dr. Paul Merrix, Dean Claibourne Griffin, Dean Elizabeth J. Martin, Acting Dean Joseph M. Walton, Dean Wallace T. Williams, and Mr. Roger Ryan. Absent without notice were Dr. Eric Birdsall, Dr. Dolores Bower, Mr. J. Dean Carro, ~~Dr. Diana Chlebek~~, Mr. Lyle Dye, Mr. Michael J. Jalbert, Dr. Roger Keller, Dr. William McGucken, Dr. James Richardson, Dr. Judy Wilkinson, Associated Student Government Representative Tony Brown, Graduate Student Government Representative Cindy Porter, and Student Bar Association Representative Parker Edmiston.

Item No. 1 - Remarks of the President. The Chairman introduced President Muse, who said that the only item on his agenda was a response to a request from Dr. Don R. Gerlach regarding questions about the Salary Equity Task Force. The President thought that these had all been answered in the UA News article about it, but he indicated that all recommendations to him from the Task Force had been presented to the Board of Trustees, which acted on them at its September meeting, and all had been implemented. He asked for any other questions.

Professor Elton Glaser commented that one of his colleagues was disturbed to discover that The Buchtelite was again running ads for term papers. He wondered whether a possible solution might not be to have the University run "counter ads" underneath these ads, stating University policy on plagiarism and the consequences for a student caught turning in a paper which was not his own work. President Muse responded that he thought that might be a good suggestion, and that it was important for the policy on plagiarism to be reiterated so that our students would know and understand it.

Dr. Gerlach asked about the general recommendations which the Salary Equity Task Force had made, and whether any or all of them might interest the faculty and possibly be disseminated to it. President Muse answered that the comments of the Task Force, which were labelled "observations," had been sent to all of the deans and department heads and discussed by them at a retreat in late September. They were the primary group - administrators involved with salary decisions - to whom the observations were directed; but President Muse indicated he had no objection to

their being made available to any other group that might want to examine them. None of the observations, which were very helpful, were made for action of the Council. President Muse then asked Council members who were department heads if they remembered anything differently. Dr. Marini replied that he did not, but since some of the observations pertained to how departments behaved, he thought that they would be of interest to some and therefore should be widely circulated. Dr. Marini said that a way to achieve this would be devised.

Since there were no more questions or comments for President Muse, he was thanked by the Chairman and left the meeting.

Item No. 2 - Consideration of the Minutes of the Meeting of University Council, September 1, 1988, as printed in The University of Akron Chronicle on September 16, 1988.

Dr. Gary H. Oller presented the corrections which had been received as follows:

- Page 5: In listing members of the College of Engineering Search Committee for dean, Dr. Louis Roemer's appointment is Professor of Electrical Engineering and not Biomedical Engineering.
- Page 6: The dates for Nursing faculty meetings have been changed. They will be scheduled for October 24th, November 28th, February 27th, March 27th, and April 24th.
- Page 15: The listing of University Council membership elected from faculty - elected from the Library, the name should be Dr. Roger Durbin, not Mr. Roger Durbin.
- Page 16: Listing of University Council Standing Committees: Under Faculty Rights and Responsibilities Committee, the term for Faye Dambrot, Allan Cabral, and Celal Batur should be 1988-91. Also on this page under Faculty Rights and Responsibilities Committee, David Brink should be Mr. David Brink, not Mrs. David Brink.
- Page 18: The list of members of the Research Committee: Dr. Keith Klafehn's name was omitted from that list.
- Page 19: Dr. Linda Weiner, in the second paragraph from the bottom, should be Mrs. Linda Weiner.
- Page 27: At the bottom of the page, Dr. Gerlach makes the same motion twice, having it seconded but never approved. At the bottom of page 27 the sentence "The motion was seconded" should be stricken, and then the second motion at the top of page 28 should

be removed, and then the next sentence should read
"The motion was seconded and approved."

There being no additional corrections, a motion was made to accept the minutes as amended, and it was seconded and approved.

Item No. 3 - Remarks of the Presiding Officer. The Chairman reminded Council that he was still looking for a parliamentarian for Council. No nominations for a non-member of Council to serve in that capacity had yet reached him, and he would appreciate any suggestions. He also asked the chairs of standing committees to give copies of their reports to Mrs. Linda McPherson in order to help the Secretary in writing the minutes of Council.

Dr. Marini noted that at the retreat for deans and department heads to which President Muse had referred earlier, it came to his attention that there were difficulties in interpreting some of the changes recently made by Council in regard to retention, tenure, and promotion. He wanted to report to Council the interpretations with which he, the deans, and department heads would be working this year so that if they were not correct, action could be taken this year to change them. To questions concerning the composition of the retention, tenure, and promotion committees, Dr. Marini said that in those cases where membership was defined as "at least all tenured members of the departmental faculty," he assumed that this language had the intent of saying that non-tenured members of the departmental or, indeed, any faculty should not serve on that committee. The language might be interpreted to include people from outside of the department but not interpreted to mean to include all tenured members, and it may also include some non-tenured members.

Also, as was noted last year when Council debated this, in at least two colleges which do not have departments - the School of Law and the College of Nursing - it appears that any appeals committee in those colleges will have the same people serving on it who were part of the original recommending committee. For the moment, Dr. Marini's interpretation was that this was true so that college appeals committees in those colleges would have members on them who were on the original recommending committee and against whose recommendations the appeals were being lodged. Unless changes in the rules or other assumptions were offered, Dr. Marini asked that Council permit these to stand and that the Faculty Rights and Responsibilities Committee take note of these ambiguities and deal with them.

Mr. James Inman said that he had no objection to Dr. Marini's interpretations, but that historically in the College of Business non-tenured, as well as tenured, faculty had been members of retention committees. By putting all retention, tenure, and promotion committees together and saying only tenured members could serve, Council was taking away from what had been the practice of the College of Business.

While the Chairman had a question as to whether the language "at least all members of the tenured faculty" applied to both tenure and retention committees, it was noted that Wayne College was in the same position as the School of Law and the College of Nursing regarding membership of recommending and appeals committees. Dr. Marini then suggested that perhaps proper procedure would be to interpret the language in the case of tenure committees to mean that non-tenured members could not serve. In retention committees, it could be interpreted in a way that would allow the addition of non-tenured members in cases where that was what the college guidelines required and did not present a problem with any other college or University policy. Dr. Marini repeated that the Faculty Rights and Responsibilities Committee should try to deal with these problems, but that for this year he was quite comfortable working with these interpretations and wanted Council to be aware of what they were.

Returning to his remarks, the Chairman reported that, as the faculty had already been notified, the numbers of people filing for early retirement were 105 from STRS and 70 from SERS.

The Chairman reported that the General Studies Committee would be presenting him with a report in four or five weeks, and at that time he would meet with the Committee to review its recommendations. Last year, Council had instructed him to proceed to consider and implement the so-called administrative part of the original Task Force report, while the curricular aspects would be studied by the General Studies Committee and would ultimately come before Council in some form as regular curricular changes. However, he postponed dealing with those administrative structural changes until he had an opportunity to see what kinds of curricular changes the General Studies Committee might be recommending. More information on this subject might be available by Council's next meeting or shortly thereafter.

Another item on which the Chairman wished the Council to be informed was the question of administrative policy about maximum permissible teaching loads for part-time faculty. The University policy, in force for some time, has been 11 hours per academic year, although out of necessity liberal exceptions have been made. While Dr. Marini had thought for a number of reasons that this policy should be more strictly adhered to than in the past, this had caused hardships for some departments which were heavily dependent upon part-time instructors. After discussion with department heads and deans, he agreed to raise the maximum from 11 to 12 hours per year and to reconsider the question where exceptions had been made. While exceptions should still be made rarely, it was true that in some areas, such as freshman composition and the teaching of developmental courses, our habits had made us so dependent on this structure that it would be difficult to scale back. As circumstances warranted in certain areas, exceptions would be made, but the policy would eventually have to be squared away.

To Dr. Dale Jackson's question of whether these policies emanated from Council or "on high," the Chairman responded that "on high" was a matter of interpretation, but that his understanding was that it was an administrative policy articulated by the Provost's office. To this Dean Jack Watt added that the proposal was worked on by the deans for three or four months and then emanated from the Provost's office. To Dr. Jackson's recollection that Council had discussed this issue and even voted on it, Dr. Marini replied that this was one of the reasons why he thought that Council would be interested in the matter. During Council's discussion, a number of figures other than 11 or 12 had been mentioned - 15, 16, 18 - but the policy had not been changed. During the debate, he had noted that it was an administrative policy but one that directly affected the teaching faculty and, therefore, he was appreciative of any recommendation the Council might have. At that time, there was a recommendation of change.

Item No. 4 - Announcements. A number of requests of Council members were made by the Chairman in order to facilitate the work of the Secretary of Council. These included identifying themselves when recognized by the Chairman and seating themselves as closely as possible to the front of the room to leave space at the back for late arrivals and visitors, and to make it easier for the recording equipment used for taping Council meetings for the Archives to pick up members' voices. Members elected to the chairs of the standing committees of Council were also asked to give their names to either Dr. Oller or Mrs. McPherson. Finally, chairs of those committees were asked to let Dr. Oller know by the Monday before each Council meeting whether their committees would be making motions to Council. This related to a change to be proposed in the Executive Committee report that the order to committee reports be changed so that committees not presenting motions would report first.

Item No. 5 - Reports of Standing Committees.

A. Executive Committee - Dr. Gary Oller, Secretary, reported that the Committee met on September 14th to set the agenda for the October 6th meeting of Council. The Committee decided that in the future motions made by standing committees of Council would not be separated from their reports, but presented as a part of them and dealt with by Council at that time. The chairs of the standing committees would be asked to let the Executive Committee know if they had motions to present so that the order of reports might be arranged to allow those committees with no motions to report first. The Committee also decided not to automatically refer items of new business to a particular committee of Council, but to recommend that action to Council in the Executive Committee report.

Five items of new business were placed on the Council's agenda and the Committee had referral recommendations for the last two of them (Items D and E). It recommended that Item D

(Part-Time Faculty Resolution on Grievance Procedure - see Chronicle Appendix C) be referred to the Faculty Rights and Responsibilities Committee for further study, and that Item E (Adding New Faculty Ranks - see Chronicle Appendix F) be referred to the Academic Policy, Curriculum, and Calendar Committee for study. Finally, it was reported that October 20th and November 17th were dates set for the next two meetings of the Committee.

The motion for referral of Items D and E to committees was seconded by Dr. Michael Faron. In discussion, Dr. Gerlach suggested that the items be voted on separately, as he had a question about the destination of Item E. The Chairman considered them divided and took Item D first. A vote was taken and the motion carried. On Item E, Dr. Gerlach rose to wonder whether Council might prefer to create a special or ad hoc committee to look into the question of creating new faculty ranks, but he himself did not feel strongly enough about it to amend the motion. Council then voted its approval on the motion.

B. Academic Planning and Priorities Committee - Dr. Marini reported that the Committee met on September 19th to discuss Early Retirement Incentive Program position reallocations, and that the Committee members would be forwarding their responses to him before the next meeting on October 14th.

~~Associate~~ C. Academic Policy, Curriculum, and Calendar Committee - Assistant Provost Constance Cooper reported that the Committee met on September 27th and had divided its membership into a Curriculum Subcommittee and a Policy and Calendar Subcommittee. Three carryover agenda items from 1987-88 for the Policy and Calendar Subcommittee are (1) the withdrawal policy, (2) University Press, and (3) mid-term grade reporting.

D. Athletics Committee - No report.

E. Campus Facilities Planning Committee - Mr. Art Pollock reported that at its initial meeting on September 22nd the Committee elected him as Chairman and Miss Miriam Joliat as Secretary. Outgoing Chairman, Mr. Dennis Kleidon, reviewed the Committee's activities of the previous year and several issues which may be addressed in the coming year were then discussed. A meeting with Vice President Roger Ryan was arranged for October 24th to brief the Committee on the status of the Polsky move and other current building projects.

F. Faculty Rights and Responsibilities Committee - Dr. Thomas Miles, elected Chairman at the Committee's initial meeting on September 29th, reported that, in addition to that action, the Committee had designated that the Secretary's position would be shared on a rotating basis. No further business was conducted.

The Chairman then recognized Dr. Keith Klafehn who, as a new member of Council, asked that members honor the Secretary's

request to identify themselves when speaking in order to help him and others become familiar with all members of Council.

G. Faculty Well-Being Committee - Dr. June Burton reported that the Committee had seen data regarding the operation of the Employee Family Assistance Program and that no objections had been raised to renewing the present contract with Family Services. A question raised regarding overwithholding from faculty salaries for summer sessions received the following response from Mr. Hank Nettling:

"Submit a new Form W-4, increasing the number of allowances. This may be done at any time during the year. Some individuals may wish to use different withholding allowances in the summer and academic year. Personnel in the Payroll Office will be happy to assist individuals who wish to change W-4 withholding allowances."

The Committee had no further business to complete at that time.

H. Library and Learning Resources - Dr. Robert Kent reported that at its meeting on September 27th, the Committee established three standing subcommittees: Budget (chaired by M. Savage), User Concerns (chaired by J. Burton), and Space (chaired by W. Fleming). Dr. Durbin, representing Dr. Hodowanec, reported on the status of the library budget, cataloging procedures, and library space.

I. Reference Committee - No report.

J. Research (Faculty Projects) Committee - Dr. Carl McMillan reported that announcements had been sent to all University faculty concerning the October 14th deadline for faculty research grants and the October 28th deadline for faculty research summer fellowships. Meetings of the Research Committee had been set for October 28th and 31st to elect a Chairman for this year and to review the grant applications that had been submitted.

K. Student Affairs Committee - Dean Robert Dubick reported that the Committee members met on September 13th and divided themselves into two subcommittees: Extracurricular Activities and Awards, Scholarships, Grants, and Loans. There was also a discussion of a draft of the Procedures Respecting Registered Student Organizations. After recommendations and comments had been incorporated into the document, it would be presented again to Council as requested.

Item 6 - Report of the Akron Representative on the Faculty Advisory Committee to the Chancellor of the Ohio Board of Regents. Dr. Mary Rainey, Akron representative, presented her report (for the complete report, see Chronicle Appendix A) and, along with two of her predecessors in the office,

Dr. Walter Arms and Dr. William Fleming, made two motions. The first was "that the UA Council Representative to FAC/OBOR be elected at the final spring semester meeting;" the motion was seconded by Professor Fleming. The Chairman noted that this did not represent a change in Council Bylaws and recognized Dr. Arms, who spoke in favor of the motion. He noted that Akron was the only institution which did not elect its representative at the end of the school year. This meant that our representative missed the summer orientation process which the organization provided. Mr. David Jamison, another predecessor in the position, also supported the motion but suggested that after voting on the motions Council should clarify the procedure on voting for this office, especially regarding those who were entitled to vote. A vote was taken on the motion, and it carried.

Dr. Rainey then presented her second motion, which stated that "the term of service of the elected representative to OBR shall be two consecutive academic years." The motion was seconded by Dr. Fleming. There being no discussion, a vote was taken and the motion passed.

Mr. Jamison then offered a motion that the Reference Committee study the issue of how elections for this position be conducted and report back to Council for implementation and further review. The motion was seconded. Dr. Gerlach proposed that the Committee consider two ways of accomplishing this task - either by creating a standing rule of Council or by incorporating a provision in the University Council Bylaws. The Chairman then asked for a vote, and Council approved the motion.

Item No. 7 - Old Business. There was no old business.

Item No. 8 - New Business.

A. General Faculty Representation to University Council.
(See Chronicle Appendix B - This item, which proposes a change in University Council Bylaws, may be discussed today but not voted on until the ~~next~~ meeting of Council.) As the first item of new business, the resolution recommending University Council representation for members of the Instructional Group of the General Faculty and Contract Professionals was moved by Dr. Frank Griffin and seconded by Dr. Gerlach. Dr. Griffin then urged the body to submit this proposal for review and pointed out one error in the recommendations that needed to be changed under Item 3. It said, "Add under Section 3359-10-9 Article (C) a section (c)..." That should be corrected to (d). He then noted that the motion would give Council elected representation for the contract professionals and that under parts 3 and 4, part 3 would give membership to the Academic Planning and Priorities Committee, and part 4 membership to the Faculty Rights and Responsibilities Committee.

Dr. Fleming asked for a point of clarification because there

were two classes of contract professionals - instructional and non-teaching. Did this proposal apply to both groups or one? Dr. Griffin responded that it only applied to the instructional class.

Mr. Jamison stated that he favored representation in Council of contract professionals, but he could not see why it should just be limited to those people who were instructional. Council was not a Faculty Senate nor did it deal only with academic matters, but it discussed issues important to everybody in the University. Since the recommendation could not be voted on today anyway, he suggested that members think about whether the other group of contract professionals ought not to be included as well. Dr. Fleming responded that if definitions were broadened to that extent, eventually even the janitorial staff could have a representative in Council. He was concerned that the Council, which he had understood as primarily an academic body which made decisions about the academic nature of the University, might, in large part, lose its character if Council's representation were broadened too much.

Dr. Dale Jackson wondered whether some of the implications of membership on some of the standing committees had been explored. Could we have a situation where, for example, we would have non-faculty members on appeals groups for tenure? With no further discussion forthcoming, the Chairman indicated that this issue would be taken up at our next meeting, when it could be discussed further and acted upon. Mr. Jamison moved to lay it on the table, and this motion was seconded and approved.

B. Proposal for Faculty Ombudsman. (See Chronicle Appendix G) The Chairman noted that it had been moved at our last meeting that the Executive Committee place this item and any other materials relating to it which it wanted the body to consider on today's agenda. He then recognized Dr. Gerlach, who moved that the proposal be adopted. The motion was seconded by Dr. Griffin.

Dr. Farona stated that this sort of proposal had been presented before and always rejected because the cost of the office outweighed its benefits. He noted the sizeable expenditure mentioned by Dr. Burton when she originally introduced this proposal from the Faculty Well-Being Committee in Council last spring. Finally, with the number and variety of appeals processes already in existence at the University, the placing of another person in the pipeline would not accomplish anything, except perhaps in a few special cases.

Dr. Gerlach responded that there were no guarantees to what the cost might be and that, in the past, Council had been told to act as it thought it should in matters and not worry about cost, which was an administrative matter. He noted that Section I of the proposal stipulated that the position be occupied by a tenured faculty member whose salary, he assumed, would be the

basic cost of the position, along with additional costs, whatever they might be, for secretarial help. He also commented that a safeguard was put into the proposal that the ombudsman receive at least average salary increments from his colleagues or department, which would further guarantee the ombudsman's independence and also adequate funding. There must be some merit recognized in this office and its function so that its holder would not be penalized for not keeping up with his discipline or publishing.

Dr. Gerlach stated that he was willing to answer any other questions about a proposed ombudsman of independent standing, which he thought was strongly needed on this campus. There were checks and balances in the program which provided that the ombudsman would not supersede any existing grievance procedure. However, the ombudsman would be a kind of watchdog to make sure that those procedures were carried out. He pointed out that the proposal contained good features and perhaps these should be taken section by section rather than discussed in a haphazard manner.

Dr. Fleming asked whether the tenured professor holding the position would be taken out of his discipline without teaching responsibilities and ~~allowed~~^{required} to devote his full time to the office.

Dr. Gerlach responded that there was no easy answer, and one would have to proceed on a trial-and-error basis to see what amount of time the job would require in relation to the amount of teaching duties assigned, if any. There was a provision in the proposal to allow Council to review and evaluate the office yearly and any changes, including abolishing it, could easily be accomplished.

In regard to costs, Dr. Griffin noted that, according to Ohio Board of Regents data, between 1985-1987 about 200 administrators were added to this campus with no change in the number of faculty. The cost of an ombudsman would be moderate in comparison to these increases.

Correct
at 11/3
meeting
see
attach

Dr. Burton asked to clarify a point on the costs relating to what she had presented in the spring meeting, but the Chairman said that since she was not a member of Council, she could not. While Council did have a provision which allowed people to speak to it with the permission of the body, he was interpreting that as not meaning in the midst of Council action that was proceeding. If asked, however, he was prepared to make a ruling which could be appealed. Dr. Burton repeated her request to speak and was told that she could not.

Professor Forrest Smith pointed out that the selection committee for the office did not include a member from Wayne College and wished to amend the proposal to add one. The Chairman noted that this was an oversight and could be rectified

by a friendly amendment. Dr. Gerlach stated that he was willing to accept one if that was appropriate.

Dr. Farona then requested that, because of the pertinent information which she had, Dr. Burton be allowed to speak and present that data.

The Chairman repeated that, while Council had provisions to allow people to speak before it with its permission, he would normally not expect that to occur during a debate or discussion. However, since Dr. Burton has been cited as a reference in this debate, perhaps she should be allowed to speak. There being no objection to this, the Chairman then recognized Dr. Burton.

Dr. Burton stated that the figures which she presented last year were for schools that had an ombudsman who would deal with everyone on campus (faculty, staff and students), but that was not the kind of office which this proposal was presenting.

When asked by Dr. Farona for the figures, she said that at Ohio State University, the ombudsman earned \$61,800 last year, one assistant earned \$28,900, another \$28,040, and a fourth person who had just been hired would be making \$28,000. With these salaries and fringes, plus direct and indirect costs, the total cost was about \$250,000 a year. She reiterated that this was for an ombudsman who dealt not just with faculty but with everyone on campus.

Dr. Glaser had three questions about points within the document. In regard to number 2, item e, it stated that the ombudsman was "to report independent findings and recommendations to the appropriate authorities by the most expeditious means possible, and to the University community to the extent that this seems objectively to be most beneficial." He wondered what "objectively to be most beneficial" meant.

Dr. Gerlach responded that this related to giving the ombudsman an ability to publicize, to apply his judgment in an objective and reasonable way to whether or not it would be beneficial for the University community to be apprised of certain findings.

Dr. Glaser's second question related to number 2, item g, regarding inequitable faculty salaries. According to the language of the document, "to recommend adjustments in cases of complaint of inequitable faculty salaries; and in cases in which the aggrieved faculty member and the respective departmental authority, or the dean of the college involved, or the provost, or the president of the University agree, to arbitrate or arrange any arbitration for a settlement of the dispute," does this mean that the ombudsman has the power to set faculty salaries?

Dr. Gerlach supposed that he did, but he emphasized the qualifications of the preceding language. The ombudsman could

Dr. Frank Griffin said that he wanted to correct something that he had said at the last meeting. He had stated that, according to the Ohio Board of Regents Basic Data Series, from 1985 to 1987 there had been an increase of 200 administrators on this campus. He had done this by comparing 1985 (containing F84 data) and 1987 (containing F86 data). That statement was erroneous on two counts. First, under the column which bears the heading "Administration," the net increase was 126.9 (a 9% increase), not 200. Second, in this column as "Administration" are listed non-academic administrators, clerical and office workers, student staff support, maintenance workers, custodians, and food service workers. He went on to add that in the Faculty Support category, consisting of professional staff, non-teaching GA's, and technicians, there was an increase of 17 or 4%. He considered all of these as support personnel. Dr. Griffin also pointed out that administrators with faculty rank, such as the President, are apparently listed as faculty in the data. He thanked Dr. Linda Moore for this information and concluded with one additional comment. The faculty showed a decline of 11 or 1%, while support personnel had increased by 9%. The student to faculty ratio had gone from 21 to 1 up to 23 to 1.

*minutes
page 11*

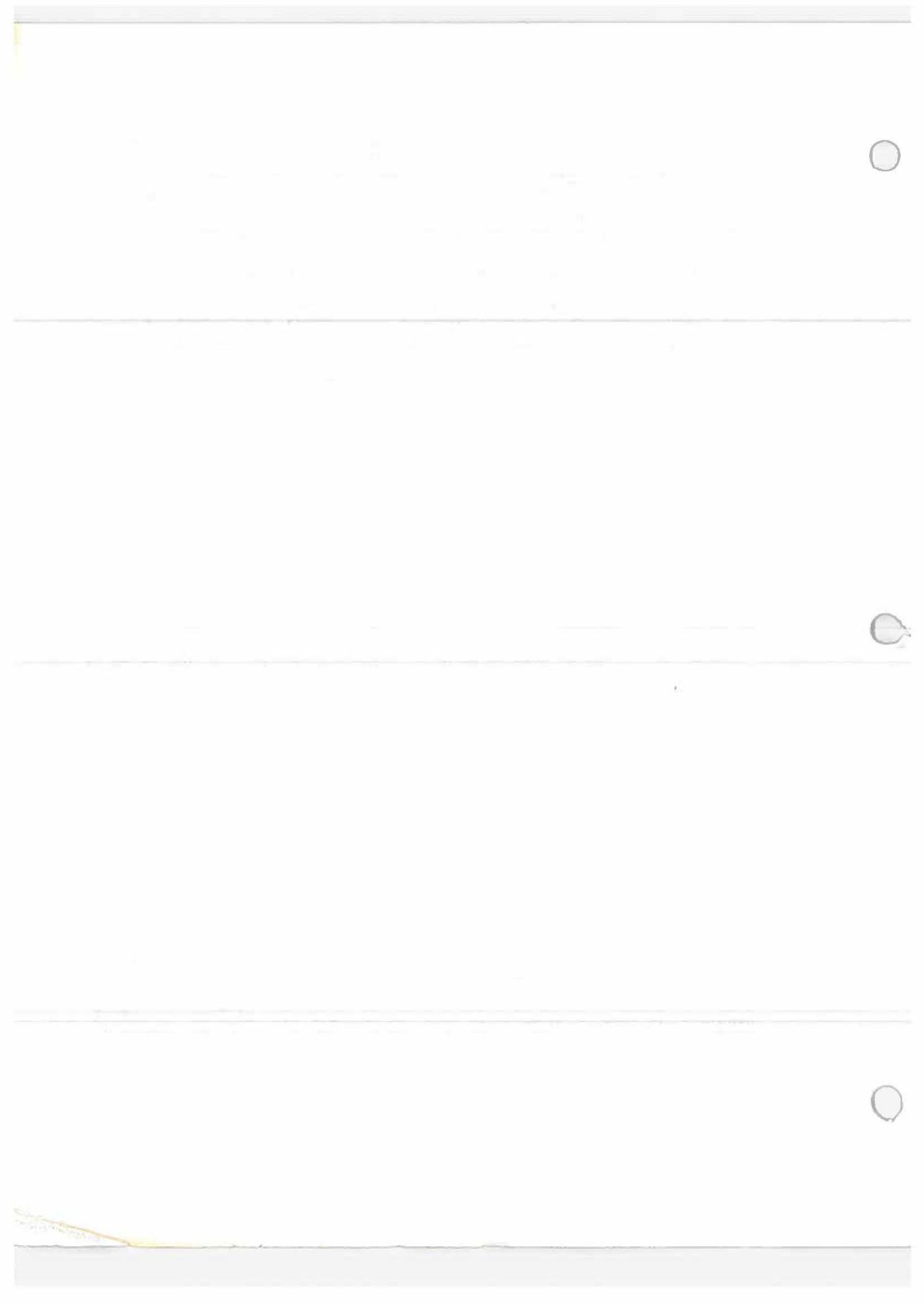
Dr. Fleming wanted to amend his remarks on page 11 as reported to read in the first paragraph: "Dr. Fleming asked whether the tenured professor holding the position would be relieved of his teaching and required to devote his full time..." He wanted to change "allowed" to "required" in order to emphasize that there might be a professor who wanted to keep teaching duties, but he would be required to give them up to serve as Ombudsman.

Dr. Farona noted that on page 15, fourth paragraph, he was named as having asked for a vote count. He believed that it was Dean Isaac Hunt who had made the request, and Dean Hunt agreed.

Mr. Elton Glaser suggested that the comment attributed to the Chairman at the end of the third full paragraph on page 4 might need to be clarified. The sentence read "The language might be interpreted to include people from outside of the department but not interpreted to mean to include all tenured members, and it may also include some non-tenured members." The Chairman said that he would consider it.

There being no further corrections to the minutes, a motion was made to accept them as amended and this was seconded. Council then voted its approval.

Item No. 3 - Remarks of the Presiding Officer. The Chairman noted that he had still received no suggestions from Council members regarding candidates for a parliamentarian. Mr. William Harpine, who served last year, could not do so this fall because of a schedule conflict. However, he was available in the spring and was willing to serve. Therefore, the Chairman was inclined to do without a parliamentarian for this and the December meeting and have Mr. Harpine start in the spring semester.



not act unilaterally. Regarding the subject of salary inequities and the Task Force which dealt with them this past summer, he noted that this was a perfect case as to why an ombudsman might very well be beneficial.

Dr. Glaser continued that he was disturbed to see an ombudsman, whom he envisioned as an expeditor of processes and informer to the University community, being given power which the University president now has - namely to set a salary. He was not sure that an ombudsman should have that power.

His last question related to number 5, item a, regarding the operations of the office. At the end of this paragraph, it stated "that Ombudsman shall describe the conditions under which persons shall have access to the various records of that office stored in the Archives." He asked whether this policy should not be established in this document and not left to the discretion of an individual ombudsman.

Dr. Gerlach responded that it might very well be so, but he wanted to return to the previous point about fearing the ombudsman as an arbitrator. All parties, including the president, had to agree to it or else there would be no arbitration. Thus there was a suitable check. The key to all of this was in the opening of the document where it was emphasized that if you wanted an ombudsman, he had to be an independent person, utterly trusted, and have the confidence of the faculty. While it might be difficult to find such a person, we could at least make a stab at it.

Dr. John Bee rose to speak against the proposal, although he was not necessarily against the idea of an ombudsman of some sort. His specific reservation was that the proposal presented an ombudsman only for the faculty and not the rest of the University community. Also, given all of the well-elaborated procedures and structures we had on campus to deal with the kinds of problems which the proposed ombudsman would be addressing, he could not see how that ombudsman could function without superseding all of the existing channels that in the past few years had been worked out in some detail within colleges, departments and the University as a whole. He was also concerned with the wide latitude within which the ombudsman would be able to operate and with the creation of a position of unlimited power and authority, independent of what we already had in place.

Mrs. Linda Weiner asked whether both full-time and part-time faculty would have access to the ombudsman.

Dr. Gerlach answered that they would, since the proposal used the term faculty and made no further distinctions. He reacted to Dr. Bee's fears about the tremendous and dangerous power of the ombudsman by noting that we lived in a republic in which there was no such thing as an absolute veto power. Yet in

our own academic community, such a power did exist at a variety of administrative levels and it was a replication of monarchical power. This too was a tremendous power and there seemed to be no check against it. Since Congress or a state legislature could override, by substantial majority, the veto of an executive officer, might not something of that nature (possibly the ombudsman system) be appropriate for our community as well?

Dr. Fleming pointed out that in number 4, item f, the words "complaints" should be "complainants." He also raised a question in regard to number 5, item a, saying that now when we are seeing state attorneys general, in cases relating to drug testing, subpoenaing student medical histories and records which were originally set up as confidential, aren't we placing a terrific burden on the ombudsman to decide what materials, all of which might be in danger of being subpoenaed, he would keep or destroy? He wondered whether a legal opinion could be sought on this.

Dean Isaac Hunt thought that 5a might have serious problems with Ohio's public records laws in terms of what is and what is not confidential and suggested that the legal office ought to examine this before Council decided to pass the proposal.

Dean James Long spoke against the proposal because it was limited only to faculty. He thought that the other groups on campus, staff and contract professionals, might want to create their own ombudsman as well. This would ultimately triple the cost for the University with three separate ombudsmen.

Dean Watt supported the opinions of Dr. Bee and Dean Long and thought that if contract professionals belonged in Council, they also should be included in this kind of document. An ombudsman should represent the whole University, if we are going to have one, but this document did not convince him that we should.

He also thought that the direct access to the Board of Trustees would circumvent the normal processes in the University. Because this document was flawed in these ways, he presented an alternative proposal for ombudsman, originally offered to Council last spring, and moved to substitute it for the document on the floor.

The motion was seconded and copies were distributed.

Dr. Gerlach spoke against this motion since most of the Council members had not had a chance to see it prior to the meeting. He thought that more time was needed to study it, and so he moved that "we postpone further consideration of the subject until the next meeting of Council, at which time we will take it up as the first item of old business."

This motion was seconded and passed.

C. Chemistry Department Motion on Tenure Policy. (See Chronicle Appendix D) Dr. Farona moved that the proposal be adopted and Mr. Jamison seconded the motion. Dr. Farona then asked that items 1-3 be discussed together and then item 4. He stated that the University policy to hire new faculty without tenure regardless of their position and stature at the time of their employment here made it extremely difficult to recruit advanced faculty. It was insulting to candidates for positions as holders of endowed chairs, eminent scholars, or department heads to be told that they could not have tenure at The University of Akron until they earned it. Many would not even consider a position without tenure. Hence this policy hurts us in recruiting good people.

In this proposal, item 2 insured that administrators were also included, and item 3 protected people on our own campus, who upon promotion to Associate Professor would also be granted tenure. Item 4 moved the final opportunity for the initiation of the tenure review process back to the beginning of the sixth year so that a department, in making this most important decision about a faculty member, might have as long as possible - five full years - to evaluate the person. While item 4 was not a critical issue at the moment, Dr. Farona thought that this would improve the tenure process on the campus.

Mr. Jamison thought that the motion raised a number of significant issues, but that the matter should be discussed with our colleagues in the colleges for reactions. He then moved to table the proposal, and this was seconded by Mr. Forrest Smith.

Council approved the motion by voice vote, and then Dr. *Dean Hunt* Farona asked for a vote count. The motion passed 24-12.

Dr. Lawrence Focht then asked to introduce another item of new business and presented a proposal (See Chronicle Appendix E) from the College of Engineering which asked the President to forward to the Board of Trustees proposed changes, which were included in it, to the Faculty Manual and the Regulations of the Board of Trustees relating to tenure. The proposal adopted that morning by the College of Engineering would permit the granting of tenure upon appointment to deans and department heads. This had some relationship to the previous proposal which Council had just tabled, but a major difference would be that tenure would not be automatic. It would require that the department tenure committee consider the granting of tenure prior to the appointment being made.

There followed some moments of confusion and discussion in which the Chairman asked for clarification of the motion and discussed the propriety of its wording - "directing the President to." Dr. Gerlach noted that the proper motion should simply be that Council adopt the proposal. The Chairman agreed but added that whether the motion was properly made or not, the intent was clear and Council now had the proposal before it to debate,

discuss, and act upon. If approved, it would proceed as all other documents that were adopted by Council to the President, and, in accordance with normal procedure, from the President to the Board or back to Council, or die there with an explanation.

Dr. Maryhelen Kreidler asked whether this was being offered as a substitute to the previously-tabled motion from Chemistry, and the Chairman said that it was a separate motion which had the effect of being an alternative approach to the same problem.

Dean Watt thought that both the tabled motion and this one addressed a serious problem which should be studied slowly for all of its ramifications. He moved that the College of Engineering proposal and the whole question be referred to the Faculty Rights and Responsibilities Committee. This was seconded and approved.

Dr. Farona then moved to have his motion removed from the table and this was seconded.

This motion was approved by Council. Then Dr. Farona moved that this proposal from the Department of Chemistry be referred to the Faculty Rights and Responsibilities Committee along with the document from the College of Engineering. This was seconded and approved.

Item No. 9 - Motion for Adjournment. Dean Hunt made a motion for adjournment, which was seconded and approved.

APPENDIX A

REPORT OF THE UA REPRESENTATIVE, FACULTY ADVISORY COMMITTEE
TO THE CHANCELLOR, OHIO BOARD OF REGENTS
SEPTEMBER 22, 1988

A two-hour orientation for new members was held during which a brief written history of FAC was provided and its purposes reviewed. Sample minutes were distributed indicating the types of issues discussed. FAC was established in January 1968 as a result of a suggestion made by a statewide AAUP group. Its purposes are 1) to serve as a line of communication from the Chancellor to faculty on important matters and 2) to provide an independent source of information concerning individual campuses. The focus of the committee, however, is to be system wide rather than to deal with matters of concern on individual campuses. Examples of concerns dealt with have included:

- a. Budgets and Budget Models
- b. Capitol Improvement Fund Distribution
- c. Student Fees and Assistance Programs
- d. Retirement Legislation and Faculty Benefits
- e. Law and Order Legislation for Campuses
- f. Faculty Load and the Academic Work Week

New officers were elected for the 1988-89 year. They include both long experienced and relatively new faculty members. They are Dick Miller, Miami University, Chair; Nancy Rudd, Ohio State University, Vice-Chair; and Hugh Munro, Kent State University, secretary.

A retreat for FAC members is planned for October 13 and 14, 1988 for FAC members to discuss Minority Student Access and Success based on:

- a. The papers of a summer 1988 conference at Stonybrook on student access and success from a faculty perspective.
- b. Answers from individual institutions to special efforts being made in the following four areas:
 1. Admissions and outreach to minorities
 2. Mentoring
 3. Scholarship
 4. Financial assistance

Please write a note to me at 215 Schrank Hall South, by October 10, if you have or know of any activities; you will be contacted and included in the report from The University of Akron.

The FAC worked on listing items for items agenda for the year. Most items were perennial concerns with the exception of two: access and success of minorities and monitoring the internationalization of Ohio Higher Education.

In response to a UA faculty member's concern on how to obtain reviewers comments on successful Program Excellence grants, the following information was obtained. A content analysis of reviewers comments on successful and unsuccessful excellence programs during the most recent round of awards is being drawn up for distribution. Ten winning proposals are available in the booklet, entitled Selected Award Winning Program Excellence Proposals. A second document recommended for grant writers is Examples of Documentation for Program Excellence. Individual winning proposals can be viewed in files at OBOR in Columbus. Contact Linda Ogden, Ohio Board of Regents, 3600 State Office Tower, 30 East Broad Street, Columbus, OH 43266-0417; phone (614) 466-4168.

The afternoon session with the Chancellor included:

- a. Distribution and discussion of the attached Higher Education Operating Appropriations; and
- c. Reaction to "Toward the Year 2000: Master Plan for Higher Education." A copy of the three volumes of this plan is available to individuals upon request from the Ohio Board of Regents. It calls for the achievement of four goals during the remainder of the 20th century. Goal 1 is to develop a first class system of higher education which is recognized for its responsiveness to state needs; Goal 2 is to assure that all Ohioans are prepared for a lifetime of changing careers; Goals 3 is to provide leadership in the development of collaborative strategies for economic and social change; Goal 4 to seek support for a strong financial foundation for excellence in higher education.

Respectfully submitted,

Mary C. Rainey

OHIO BOARD OF REGENTS
HIGHER EDUCATION OPERATING APPROPRIATIONS
(Thousands)

	Final Appropriation 1987-1988	1988-1989	Regents' Recommendation 1989-1990	1990-1991
INSTRUCTION				
Instructional Subsidies	\$1,043,326.1	\$1,083,653.2	\$1,249,929.8	\$1,408,974.7
SELECTIVE EXCELLENCE				
Eminent Scholar	\$0.0	\$4,500.0	\$0.0	\$4,500.0
Program Excellence	0.0	3,000.0	0.0	3,000.0
Academic Challenge	11,000.0	11,400.0	13,300.0	14,700.0
Research Challenge	10,563.6	12,546.1	13,298.9	14,163.3
Productivity Challenge	2,200.0	2,200.0	3,580.0	3,820.0
Ohio Supercomputer	3,000.0	4,500.0	5,000.0	4,500.0
Library Access System	0.0	0.0	250.0	250.0
Indep College Challenge	0.0	0.0	0.0	1,000.0
Sub-Total	\$26,763.6	\$38,146.1	\$35,428.9	\$45,933.3
ACCESS				
Ohio Instructional Grants	\$50,500.0	\$54,850.0	\$69,000.0	\$88,200.0
Single Parent Grants	0.0	0.0	4,000.0	5,000.0
War Orphans	1,520.2	1,931.0	2,203.9	2,505.3
Academic Scholarships	3,591.0	3,591.0	3,591.0	3,591.0
Developmental Education	2,017.0	2,097.7	5,000.0	5,325.0
Urban Initiatives	199.5	199.5	300.0	300.0
Central State Supplement	8,088.5	8,088.5	8,225.0	8,225.0
Student Choice Grants	15,527.4	15,527.4	21,000.0	22,900.0
Access Improv Projects	150.0	150.0	450.0	450.0
Access/Retention Incentive	0.0	0.0	9,123.6	10,084.0
Minority Graduate Opportunity	0.0	0.0	2,000.0	2,250.0
Early Intervention	0.0	0.0	2,000.0	4,000.0
School/College Transitions	0.0	0.0	750.0	750.0
Demonstration Laboratories	0.0	0.0	600.0	600.0
Sub-Total	\$81,593.6	\$86,435.1	\$128,243.5	\$154,180.3
RESEARCH, PUBLIC SERVICE, MISC				
Aerospace Institute	0.0	0.0	440.0	264.0
Undergraduate Improvement	0.0	0.0	45.0	3,048.0
Agriculture R & D Center	\$19,151.1	\$19,541.6	20,714.1	22,060.5
Cooperative Extension	11,224.4	11,453.3	12,590.5	13,408.9
Urban Universities	2,565.4	2,668.1	3,178.2	3,412.0
Labor Education Service	1,211.9	1,211.9	1,284.6	1,368.1
Displaced Homemakers	269.0	279.7	296.5	315.8
OSU-Sea Grants	199.5	199.5	211.5	225.2
Artificial Intelligence	350.0	350.0	371.0	395.1
OU-Innovation Center	187.0	187.0	198.2	211.1
Rural University Projects	254.0	269.0	285.1	303.7
Central St Water Resources	300.0	300.0	318.0	338.7
Cleveland St Haz Mat Prog	100.0	150.0	159.0	169.3
Shawnee State U. Supplement	1,000.0	3,200.0	4,000.0	4,000.0
Sub-Total	\$36,812.3	\$39,810.1	\$44,091.7	\$49,520.4
HEALTH MANPOWER				
Clinical-Medicine				
OSU	\$13,605.6	\$13,605.6	14,694.0	15,649.2
UC	11,190.4	11,190.4	12,085.6	12,871.2
MCOT	8,722.3	8,722.3	9,420.1	10,032.4
WSU	4,096.5	4,096.5	4,424.2	4,711.8
OU	4,096.5	4,096.5	4,424.2	4,711.8
NEOUCON	4,096.5	4,096.5	4,424.2	4,711.8
Clinical-Dental				
and Vet Med	981.5	981.5	1,060.0	1,128.9
CMRU-Medicine	5,195.3	5,195.3	5,610.9	5,975.6
-Dental	792.5	572.0	300.0	0.0
Primary Care	3,679.4	3,679.4	3,973.8	4,232.0
Family Practice	7,598.4	7,598.4	8,206.3	8,739.7
Geriatric Med	1,329.7	1,329.7	1,636.1	1,742.4
Child Abuse Prevention	256.0	262.2	0.0	0.0
OSU Cancer Hospital	0.0	1,000.0	0.0	0.0
Podiatric Clinical	1,000.0	1,225.0	1,298.5	1,382.9
Area Health Educ Center	1,700.0	1,900.0	2,164.0	2,554.7
Medical Education Finance Study	0.0	0.0	250.0	0.0
Sub-Total	\$68,340.6	\$69,551.3	\$73,972.0	\$78,444.4
PLANNING & COORDINATION				
Personnel Services	\$2,017.4	\$2,161.6	\$2,490.0	\$2,650.0
Maintenance	740.3	762.6	800.0	840.0
Equipment	10.0	23.8	40.0	40.0
Library Planning	49.5	0.0	0.0	0.0
Information Systems Improvement	0.0	0.0	260.0	250.0
Sub-Total	\$2,817.2	\$2,948.0	\$3,590.0	\$3,780.0
FACILITIES				
Facilities Renovation	\$0.0	\$0.0	\$18,700.0	\$18,700.0
Equipment Replacement	0.0	0.0	13,000.0	13,000.0
Police & Fire	265.8	265.8	281.7	300.1
BGSU-Telecommunications	1,000.0	0.0	0.0	0.0
Sub-Total	\$1,265.8	\$265.8	\$31,981.7	\$32,000.1
TOTAL	\$1,260,919.2	\$1,320,809.6	\$1,567,237.6	\$1,772,833.1
Debt Service	\$188,882.0	\$225,740.0		

APPENDIX B

GENERAL FACULTY REPRESENTATION TO UNIVERSITY COUNCIL

Whereas Contract Professionals/Instructional (General Faculty) constitute a large number of members of the University community, and

Whereas Contract Professionals/Instructional are integrally involved in student development, academic placement, assignment, advisement and remediation, and

Whereas Contract Professionals/Instructional participate in curriculum planning and evaluation, program development provision of academically-related services and outreach activities, and

Whereas Contract Professionals/Instructional are an essential part of the teaching/learning component of the University community, and

Whereas Contract Professionals/Instructional currently have no representation on University Council, with the exception of those holding office by virtue of administrative assignment or by administrative appointment by the President.

Be it resolved that the following changes be made to the Constitution of University Council:

1. Add under Section 3359-10-03 a section (I) to read, "A representative of the Contract Professionals/Instructional (General Faculty) shall be elected as a voting member."
2. Add under Section 3359-10-04 a section (H) to read, "The elected Contract Professional/Instructional representative shall be elected by members of the Contract Professionals/Instructional by normal democratic procedures, utilizing the secret ballot, by procedures adopted by Council."
3. Add under Section 3359-10-9, Article (C) a section (c) to read "One Contract Professional/Instructional elected by the Contract Professionals/Instructional."
4. Add under Section 3359-10-9, Article (F) a section (c) to read "One Contract Professional/Instructional elected by the Contract Professionals/Instructional."

Further be it resolved that the procedures for electing the Contract Professional/Instructional representatives to Council

and to the above-mentioned standing committees be determined by an Ad Hoc committee of the Contract Professionals/Instructional appointed by the Contract Professionals Advisory Committee.

(Note: For the purpose of this resolution, the definitions of General Faculty and Contract Professionals engaged in instruction are

- 1) those who report to the Provost
- 2) plus members of the Computer Center and the Black Cultural Center

The rationale for this is that these people are also primarily engaged in the teaching/learning process.

APPENDIX C

RESOLUTION

University Council recommends to the President that the grievance procedure for part-time faculty be the same as that for full-time faculty (Faculty Manual, 3359-20-036).

Rationale

The current Part-Time Faculty Grievance Procedure (copy attached) requires a part-time faculty member to appeal to a committee consisting of the Associate Provost, the Director of Academic Personnel Services, and three part-time faculty members appointed by the President to hear this complaint. This Part-Time Faculty Grievance Committee makes its recommendations to the Provost, who may accept the recommendation in whole or in part or may reject it in its entirety.

This procedure is unfair for the following reasons:

1. Members of the Faculty Rights and Responsibilities Committee, which hears full-time faculty grievances, are elected by the full-time faculty; part-time faculty members of the Part-Time Faculty Grievance Committee are appointed by the President.
2. The Faculty Grievance Procedure (Full-Time) states that "The President of the University shall not be involved in the grievance procedure until such time as the Committee rejects a grievance or the Committee, after completing the final review, decides to submit its recommendations to the President." Under the Part-Time Faculty Grievance Procedure, the President is involved in the grievance from the beginning, since he appoints the three part-time faculty committee members.
3. Untenured, non-contracted part-time faculty are expected to arbitrate freely with two members of the Administration.
4. There is no provision for "conciliation" nor for the aggrieved to appeal the decision of either the Committee or the Provost.

More importantly, since the Faculty Manual's definition of University Faculty includes "all persons giving instruction for college credit in the University," part-time faculty should also be covered by the Manual's Faculty Grievance Procedure.

THE UNIVERSITY OF AKRON

PART-TIME FACULTY GRIEVANCE PROCEDURE

A part-time faculty member who wishes to file a grievance shall follow these procedures:

1. The part-time faculty member shall first attempt to reconcile the grievance through the department or division head.
2. If the part-time faculty member does not feel the matter has been resolved satisfactorily, he or she may file an appeal to the appropriate academic dean. Such an appeal must be stated in writing giving the nature of the grievance and the reason for appeal.
3. If the part-time faculty member feels that the grievance has not been resolved satisfactorily by the academic dean, he or she may appeal to the Part-time Faculty Grievance Committee. This Committee is composed of the Associate Provost, the Director of Academic Personnel Services (Chairman), who receives the complaint, and three part-time faculty members appointed by the President to hear this complaint. The three part-time faculty members so appointed must hold a lecturer rank equal to or higher than that of the person filing the complaint and cannot be from the same discipline or teaching area as the complainant. The Part-time Faculty Grievance Committee on receiving the complaint will make every effort to reconcile the matter in an expeditious manner and will make its recommendation to the Vice President and Provost for final determination. The Part-time Faculty Grievance Committee has jurisdiction over such complaints only so long as the aggrieved has not filed with any other agency.
4. The Vice President and Provost may accept the recommendation of the Part-time Faculty Grievance Committee in whole or in part or may reject it in its entirety. In any case, the decision which the Vice President and Provost makes is final.

APPENDIX D

I move that the University Council approve the following changes in the tenure policy and transmit these as recommended amendments to the Board of Trustees for consideration for adoption.

1. All new faculty members hired at the rank of Associate Professor or Professor shall be appointed with indefinite tenure upon entering the University if they, at the time of acceptance of an offer to join the faculty at The University of Akron, already hold a tenured position at an accredited American university.
2. The policy outlined in (1.) shall apply to administrators who will concurrently hold a senior rank in an academic department.
3. Tenure is automatically granted to University of Akron faculty who are promoted to the rank of Associate Professor.
4. The tenure review process may be initiated at the request of a candidate at any time during his or her probationary period, but must be initiated no later than the first semester of the sixth year of untenured service.

Respectfully submitted,

Michael F. Farona
Natural Science Representative

APPENDIX E

PROPOSED CHANGE TO THE FACULTY MANUAL
TENURE UPON INITIAL APPOINTMENT FOR DEANS AND DEPARTMENT HEADS
FACULTY MANUAL - 3359-20-02 (B)

(3) The Deans of Degree-Granting Colleges and Schools

(a) The Deans of Degree-Granting Colleges and Schools are appointed by the Board upon recommendation of the President through the Senior Vice President and Provost. They hold office at the discretion of the President. They are responsible to the President through the Senior Vice President and Provost, and are selected as follows:

(i) A Search Committee is established consisting of representatives elected by the full-time faculty of the college, a representative from the college student body appointed by the President from recommendations from the college.

(ii) The Search Committee recommends a candidate or candidates to the Senior Vice President and Provost.

**** (iia) The Search Committee may petition, in writing, the Senior Vice President and Provost to implement Paragraph (ba) under Part C, Reappointment and Tenure*, Section 3359-20-03 The Faculty: General Personnel Policies.

(iii) If the recommended candidate or candidates are not acceptable or available, the Senior Vice President and Provost requests the Search Committee to recommend additional candidates.

(b) The Deans are the administrative heads of their respective colleges and schools. Each Dean is charged with the general supervision of the interests of the college or school, in accordance with the policies and rules established by its

**** Indicates addition to Faculty Manual.

PROPOSED CHANGE TO THE FACULTY MANUAL
TENURE UPON INITIAL APPOINTMENT FOR DEANS AND DEPARTMENT HEADS

FACULTY MANUAL - 3359-20-02 (B)

(5) Department Heads

- (a) Department heads (and division chairs in the Community and Technical College and directors of schools in the College of Fine and Applied Arts) are appointed by the Board upon recommendation of not less than two-thirds of the faculty members of the department or division, the Dean of the college, the Senior Vice President and Provost, and the President; hold office at the discretion of the President; and are responsible to the Deans of their colleges. They are the administrative heads of their respective departments, divisions, or schools and are charged with the general supervision of all departmental, divisional, and school interests in accordance with policies established by the Board, the President, their Dean, their faculty, and University Council. Both the administration and the faculty will bear in mind that department heads, division chairs, and directors of schools have special obligations to build departments and divisions strong in scholarship and teaching capacity.
- (b) Department heads, division chairs, and directors of schools are selected and shall hold office as follows:
 - (i) The Search Committee is elected by the full-time faculty of the department, division, or school and may include members from outside the department, division, or school. It may also include a student or students selected by the appropriate student body.
 - (ii) The Search Committee makes its recommendations to the department, division, or school faculty who, with the agreement of not less than two-thirds of the department, division or school faculty, in turn recommends a candidate or candidates to the Dean of the college.

- (iia) The Search Committee may petition, in writing, the Senior Vice President and Provost to implement Paragraph (ba) under Part C, Reappointment and Tenure*, Section 3359-20-03 The Faculty: General Personnel Policies.

**** Indicates addition to Faculty Manual.

PROPOSED CHANGE TO THE FACULTY MANUAL
TENURE UPON INITIAL APPOINTMENT FOR DEANS AND DEPARTMENT HEADS

FACULTY MANUAL - 3359-20-03 (c) (2)

(b) At the request of the faculty member, tenure may be considered prior to the fifth year in professional rank but not earlier than the end of the second year in rank, provided the candidate has demonstrated at least three years of acceptable college teaching at another institution at the rank of Assistant Professor or higher or has been granted tenure at another institution. Once a faculty member has requested a probationary period of less than five years, the probationary period may not be changed.

****(ba) This paragraph can only be implemented upon written petition from the Search Committee and with written approval from the Senior Vice President and Provost. With such approval, the Search Committee may recommend granting tenure to the candidate with the initial appointment provided that:

1. the candidate is of professorial rank;
2. the candidate has been granted tenure at a previous institution;
3. the candidate must receive a positive recommendation after evaluation by the established tenure procedures of the department in which the candidate would hold professorial rank.

(c) The award of tenure and promotion to a higher rank may occur at the same time provided guidelines for both actions have been followed.

(d) A full-time appointment for two semesters shall equal one year of active service. Summer sessions or leaves without compensation granted for one-half or more of any semester may not be counted toward the probationary period for tenure. Tenure may be granted effective with the fall or spring semester.

(e) Academic tenure recommendations are initiated and proposed by the decision of tenured members of each department to appropriate Deans and the President. In the event that there are no tenured members in the department, the department chair or the appropriate Dean shall make the necessary recommendation.

**** Indicates addition to Faculty Manual.

PROPOSED CHANGES TO THE BOARD BYLAWS AND REGULATIONS
TENURE UPON INITIAL APPOINTMENT FOR DEANS AND DEPARTMENT HEADS

REGULATIONS OF THE BOARD OF TRUSTEES

3359-2-03 Academic Personnel.

- (A) Appointment and Tenure. Without limiting the authority of the Board as conferred and defined by law to act in such matters upon its own motion, the following principles and rules shall govern full-time faculty appointments and tenure:
- (1) Instructors, Assistant Professors, Associate Professors and Professors shall be appointed by the Board upon recommendation of the President of the University for an initial period of one year. Instructors and those not on indefinite tenure shall receive annual notices of reappointment if their continued service is desired.
 - (2) Instructors shall be subject to annual appointment.
 - (3) (a) Assistant Professors, Associate Professors and others, at the discretion of the Board, may be appointed to indefinite tenure after at least one year of service in a professorial capacity at The University of Akron.

(b) Appointments to indefinite tenure shall mean that reappointment each year is not necessary. Persons placed on indefinite tenure shall receive formal notice thereof.
 - **** (c) Deans and Department Heads of professorial rank may receive indefinite tenure upon initial appointment provided that Paragraph (ba) under Part C, Reappointment and Tenure*, Section 3359-20-03 has been implemented and executed.
 - (4) Indefinite tenure may be granted not later than the end of the fifth year of active service in a professorial capacity at The University of Akron. If at the end of five years the Board decides not to grant indefinite tenure, notice of dismissal may be given, to take effect at the end of the sixth academic year.

**** Indicates addition to the Board Bylaws and Regulations.

APPENDIX F

OFFICE OF THE PRESIDENT

September 7, 1988

TO: Provost Frank Marini
FROM: William V. Muse *Bie*
SUBJECT: Adding New Faculty Ranks

As I have discussed informally with you and University Council, I would like to see The University of Akron establish the ranks of Distinguished Professor and University Professor as ranks to which our faculty could be promoted. I am asking you to present this proposal to the appropriate University Council committees for discussion and possible presentation to the Board of Trustees.

My rationale for presenting this proposal is that we need to provide recognition and rewards to our faculty who are continuously productive throughout their careers. Many faculty are promoted to the rank of professor relatively early in their careers. This would provide two additional ranks to which they could aspire and would provide the institution with the opportunity to recognize those individuals who achieve at the highest levels.

Here are some of my thoughts about the two ranks:

1. Distinguished Professor

We presently have three faculty members who have been named Distinguished Professor, but this rank is not one that is listed as a regular rank to which

Provost Frank Marini
September 7, 1988
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faculty can be promoted. Neither is there a regular review process for selection of individuals to be promoted to this rank. I would like to see Distinguished Professor as a regular rank and one for which there is annual consideration as part of the RTP process. The criteria for selection and promotion to Distinguished Professor would need to be spelled out. The process would have to include a University-wide review committee which might eventually consist of all those individuals who previously have been promoted to Distinguished Professor. Initially, however, this committee would need to be composed of other individuals. This committee, in my thinking, would review all candidates who are proposed by the departments and deans and would present its recommendations to the provost. Understandably, the criteria for promotion for Distinguished Professor would need to be high and, as a general guideline, I would propose that the number be limited to two percent of the full-time teaching faculty. I would also be willing to consider a stipend that would be paid to each Distinguished Professor, who is not already a chaired professor, as a salary supplement in recognition of this individual's standing within the university community.

2. University Professor

The rank of University Professor would be available to individuals who have already attained the rank of Distinguished Professor and have continued to be productive for a period of years. Clearly, the number of faculty who would attain this rank would be very small, and I would propose that the number of University Professors be limited to one percent of the full-time teaching faculty. The criteria for promotion to University Professor and the selection process would

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need to be spelled out. It would be my thinking that, while a Distinguished Professor might be selected on the basis of outstanding performance in a particular area (i.e. teaching or research), a University Professor would be an individual who had achieved distinction in both dimensions. An additional salary supplement might also be considered for University Professors, in those cases where they were not already receiving a supplement from an endowed chair or professorship.

Obviously, there are a lot of details and procedures that will need to be worked out to make these two ranks operative. I will be happy to provide additional insights I have or respond to any questions that may be raised as this proposal is being considered.

jao

APPENDIX G

Proposal for a Faculty Ombudsman

1. The University of Akron shall have a Faculty Ombudsman* with principal concern for faculty affairs. The office of Ombudsman shall be one of high prestige, accountable directly to the Board of Trustees. 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 to clarify 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 of 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; and in negotiating the settlement of grievances, to carry independent recommendations to the Board of Trustees in those cases in which the President of the University disagrees
 - e.) to report independent findings and recommendations to the appropriate authorities by the most expeditious

*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.

means possible, and to the University community to the extent that this seems objectively to be most beneficial

- f.) to advise the appropriate administrative officers, legislative bodies, and faculties of 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 adjustments in cases of complaint of inequitable faculty salaries; and in cases in which the aggrieved faculty member and the respective departmental authority, or the dean of the college involved, or the provost, or the president of the university agree, to arbitrate or arrange any arbitration for a settlement of the dispute.
3. Access to such official files and information as the Ombudsman believes required to fulfill the functions of the job shall be provided by all members of the university community. 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. While the Ombudsman is authorized to function in the widest possible context and with minimum constraints, the investigations and recommendations made by the Ombudsman are concerned with faculty and academic matters:
 - a. 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
 - b. should those recommendations be ignored or modified, the Ombudsman has the right and obligation, within two weeks notice, to take the case to the Board of Trustees for action at their next meeting
 - c. 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

- d. information from individual personal and personnel records shall be secured only with written permission from the subject of the record to release the information, but access to all other records and files bearing on a complaint is guaranteed to the Ombudsman
- e. 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
- f. however, while the Ombudsman has wide latitude in promulgating findings and recommendations, the requests of complaints that their anonymity be preserved must be respected.

5. 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 complaint, these 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.
6. 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

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*and Wayne
General and Technical*
elected from each college (Arts & Sciences, Business, Community & Technical, Education, Engineering, Fine & Applied Arts, Law, and Nursing) and the Library. 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) 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.

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APPENDIX H

THE UNIVERSITY OF AKRON
UNIVERSITY OMBUDSMAN

Preamble

The Office of the University Ombudsman shall be a place where students, faculty, and staff can get assistance in resolving problems, issues, concerns, etc. The Ombudsman will function as a facilitator who is there to help an individual get reliable information, to get assistance as to the proper procedures to follow or offices to work with, and to obtain expeditious and fair treatment by any part of the University. The Ombudsman is not a defender of the complainant nor a defender of the University or its various offices; rather the Ombudsman is a neutral third party who listens to the complaint or concern and determines the best way to help the complainant. The best way to help the complainant may be to provide information about University procedures or other matters; to refer the complainant or the complaint to another University office; to discuss the complaint with relevant University offices or individuals; to attempt to conciliate or arbitrate; to make recommendations to relevant offices or individuals; or to provide other assistance.

The University Ombudsman:

should be a full time faculty member, contract professional, or staff member who shall be assigned to Ombudsman duties full time during the term of appointment (except that if a faculty member is appointed, that person may chose to continue some teaching as long as the teaching duties do not interfere with the Ombudsman duties);

should be a person who can easily establish rapport with others; should be easy to talk to, available, flexible, able to withstand criticism and think creatively;

should be a determined, tireless fact finder who can carry on logical and sequential investigations;

should be able to handle critical problems expediently, pulling together a variety of facts and perspectives in order to focus on the essentials of problems or complaints;

should have a sense of justice and fairness and recognize both of these for all the individuals concerned and for the institution;

should educate, mediate, advise, all the while being sensitive to any individual's concern;

should have, or be able to quickly develop, a good

understanding of the University as a whole and how its various elements operate and interrelate.

1. Office of University Ombudsman: Establishment, Appointment, Evaluation, Abolition

- a) The University of Akron shall have an University Ombudsman.*
- b) The University Ombudsman shall be appointed by the President after consultation with University Council, the Staff Employee Advisory Committee, the Contract Professional Advisory Committee and other appropriate parties; the University Ombudsman shall serve a set term of three years, though successive terms are permissible after appropriate consultation and reappointment.
- c) The Office of University Ombudsman may be reviewed and evaluated by University Council at any time after one full year of operation; such evaluation shall include input from the Staff Employee Advisory Committee, the Contract Professional Advisory Committee and other appropriate parties.
- d) University Council may recommend abolition of the Office of University Ombudsman at any time after one full year of operation; after consultation with the Staff Employee Advisory Committee, the Contract Professional Advisory Committee and other appropriate parties, the President shall decide whether to abolish or continue the office and shall notify University Council and other appropriate parties of the decision and its rationale.

2. Functions of Ombudsman

The functions of the Ombudsman shall be:

- a) to facilitate the resolution of problems, issues, concerns, and complaints of faculty, students, and staff members of the University;
- b) to collect and provide information about University policies, practices, and procedures, and to clarify 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;

*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.

- c) to advise faculty, staff, and students whom to consult and of what procedures to follow in order to pursue whatever business or complaint they may have;
- d) to listen to complaints or problems and, working with all relevant parties and offices, to attempt to resolve justly and equitably such complaints or problems;
- e) 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; and in negotiating the settlement of complaints or problems, to make independent recommendations to the President when necessary;
- f) to report independent findings and recommendations to the appropriate administrative officers, University bodies, councils, committees, etc., and faculties by the most expeditious means possible, and when reports to the University community seem desirable, to recommend to the President that such a report be made;
- g) to advise the appropriate administrative officers, University bodies, councils, committees, etc., and faculties of 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 of 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;
- h) to review cases of complaint regarding a salary adjustment and share the review, conclusions, advice, and recommended action with appropriate parties.

3. Duties of Ombudsman

Functioning in the widest feasible context consistent with law, University policy and Presidential directive and with minimum constraints, the Ombudsman shall:

- a) make recommendations to any office, body, council, committee, etc., but will not exercise powers which are beyond the legal authority of the University or which are specifically vested in particular individuals or offices; when such recommendations are ignored, to apprise the President of the circumstances and recommend action to the President;

- b) to follow University policy and established legislative or judicial procedures, but with the prerogative of investigating any and all of these, raising questions about them, and making recommendations for their improvement and efficient functioning;
- c) secure information from individual personal and personnel records only with written permission from the subject of the record, but have access to all other records and files bearing on a complaint;
- d) make timely reports to the President, to University Council, and, when the Ombudsman and the President deem it desirable, to the University community or the appropriate segment of the University community; such reports shall outline the continuing activities of the office, the progress the office has made in the cases it has examined and activities it has undertaken, and the degree of success the office has had in having its recommendations followed;
- e) respect requests which complainants may make for the preservation of their anonymity;
- f) see that suitable records are kept of complaints, findings and recommendations; in order to protect the anonymity of the complainants and the confidentiality of the complaint, these shall be accessible only to members of the staff of the office of the Ombudsman which shall under no circumstances employ student personnel;
- g) consult with the University archivist at the end of the Ombudsman's term of office, and after such consultation decide which records shall remain in the office for the next Ombudsman, which records shall be destroyed, which records shall be committed to the University Archives, and which persons shall have access to the various records of that office stored in the Archives and under which conditions such persons shall have such access;
- h) normally consider complaints and investigations on a first come, first served basis, making exceptions to this order only when, in the Ombudsman's considered judgment, matters of major importance require such exceptions;
- i) make an annual report to the University community and also issue special reports as are deemed useful from time to time.

4. Ombudsman's Access to Information

Access to such official files and information as the Ombudsman believes are required to fulfill the functions of

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the job shall be provided as expeditiously as possible by all members of the University community. All members of the University community should cooperate as fully as possible with any request for information from the Ombudsman. The President shall provide efficient means for communication with the University community when in the judgment of the Ombudsman and the President such communication is desirable.

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