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## Faculty Senate Chronicle March 27, 1989

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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 SPECIAL UNIVERSITY COUNCIL MEETING  
February 23, 1989

After asking Council members to move down to the front of the room and to speak loudly during the meeting, the Chairman, Senior Vice President and Provost Frank Marini, called the special meeting to order at 3:05 p.m. in Leigh Hall 307.

Forty-<sup>nine</sup>seven of the 82 members of Council were present. Those absent with notice were President William V. Muse, Associate Provost Hilton Bonniwell, Associate Provost Constance Cooper, Dean Claibourne Griffin, Dean Frank Kelley, Dean Joseph Walton, Dr. Walter Arms, Mr. William Becker, Mr. Lyle Dye, Dr. Susan Hardin, Dr. Roger Keller, Mr. James Nolte, and Dr. Mary Rainey. Absent without notice were Dean Tyrone Turning, Dr. Jackie Anglin, Dr. David Bernstein, Dr. Roger Creel, Dr. James Divoky, Dr. Frank Harris, Dr. A. Isayev, Dr. Maryhelen Kreidler, Dr. Paul Lam, Dr. Paul Merrix, Dr. Tom Miles, Mr. George Pope, Dr. F. Bruce Simmons, Dr. David Timmerman, Dr. Judy Wilkinson, Associated Student Government Representatives Andrew Milligan, Tony Brown, and Michelle Walulik, Graduate Student Government Representative Cindy Porter, Non-Traditional Student Government Representatives Carol Adams and Leigh Cromleigh, and Student Bar Association Representative Parker Edmiston.

The Chairman noted that Governor Celeste was speaking on campus at 4:00 p.m. in the Summit Lounge of the Gardner Student Center. President Muse had suggested that if Council finished its business early, its members might wish to come and hear the Governor's remarks.

The Chairman said that the only order of business for this special meeting was the proposal for a Faculty Ombudsman, and he asked how the Council wished to proceed. After a discussion of the proper procedures and the documents being used, it was decided to work in the following manner: Using Appendix H of the Chronicle for December, 1988 (pp. 38-41), which presented a version of the Ombudsman proposal as amended so far by Council and incorporated as well the suggested revisions made by the Office of Legal Affairs (noted in boldface print at the points where they were to be inserted), Council decided to take each of the suggested revisions in turn as amendments to the original document (Appendix F of the November, 1988 Chronicle). Dean Isaac Hunt would move each of these amendments and then explain the reasons for their insertion into the document.

Dean Hunt moved to amend Section 1 by adding three insertions, which appeared in boldface in Appendix H to the original document.

1. The University of Akron shall have a Faculty Ombudsman\* with principal [Is the word "principal" necessary, or does it raise unintended implications?] concern for faculty affairs as provided herein. 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, subject to the provisions for termination for cause, financial exigency, and other such policies adopted and from time to time amended by The Board of Trustees and affecting the employment status of tenured faculty. 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, subject only to approval of The Board of Trustees.

Mr. Elton Glaser wondered about the last clause: "subject only to the approval of The Board of Trustees." Was it really necessary to state this since everyone's salary was subject to their approval? Wasn't this stating the obvious?

Dean Hunt replied that under the laws of the University it was necessary to make clear that the ultimate power in determining what the Ombudsman could do was vested in the Board. This insertion attempted to make that point. The Chairman added that the language here would refer only to the raises in the Ombudsman's salary. Dr. William Fleming thought that the language should stay in as a matter of courtesy.

Dr. Don R. Gerlach rose to state that although he was not violently opposed to the proposed amendment, he would probably vote against it for a number of reasons. He thought that in our society there were things which were stated as black or white and others which were not - that is, there were certain things which were obvious to anyone of common sense. There was no need to clutter up this document with these sorts of additions. Our Council Bylaws were not full of them. In regard to these additions from the Office of Legal Affairs (OLA) he was reminded of what Disraeli had once said about lawyers "ever illustrating the obvious, explaining the evident, and expatiating the commonplace." He also reminded Council of what Alexander Hamilton had written in Federalist Paper No. 84 concerning agitation about the lack of a Bill of Rights in the Constitution. It was not only unnecessary but also dangerous, because the Bill would contain various exceptions to powers which were not granted by the Constitution. The exceptions could be used as a pretext to claim more than was originally granted. Why declare that things shall not be done which there is now no power to do? Relating this to the amendment under discussion, Gerlach noted that the tenured professor, chosen as Ombudsman, would obviously be bound by all the University rules and regulations relating to his faculty position. Ultimately all approval for those strictures rested with the Board. Everyone recognized that fact and there was no need to clutter up this document by constant reiteration of it.

The Chairman asked for further discussion. He noted that all three changes were being voted on and called for a vote. The amendments were defeated. The language of paragraph "1" then read as follows:

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.

Dean Hunt then presented the amendments to paragraph "2.a.", which were seconded.

2. The Functions of the Ombudsman shall be:

- a. to collect and provide information about University policies, practices, and procedures, and to ~~clarify~~ obtain clarification of the University's modus operandi; to honor all reasonable requests for information pertinent to the functions and purposes of the office, and to seek actively for answers to all such inquiries, providing them to the inquiring parties and, where it seems desirable, to the University community at large; and, not to represent or create the impression that the Ombudsman is the official University spokesperson in such matters;

Mr. Glaser thought it would be very difficult, if not ludicrous, to have the Ombudsman constantly and actively representing himself as not being something: "I am not the official spokesperson for the University." The point was made in a less cumbersome way in paragraph "2.e." where similar language was provided. He would speak against inserting the words at the end of "2.a." for these two reasons.

Dr. Gerlach spoke against both parts of the proposed amendment. In the first one, substituting "obtain clarification of" for "clarify" suggested that the Ombudsman was in a pacific or passive mode. The Ombudsman should be able to clarify matters for people who make inquiries. Obviously this meant obtaining information as required and passing it on, but the active was much more suitable for the purpose. He repeated Hamilton's statement about declaring that things should not be done which there was no power do to. Why would an Ombudsman even pretend to represent himself as an official University spokesperson? If he wasn't authorized to be one, he could not be one. He therefore opposed both amendments as unnecessary.

Dean Hunt thought that the Ombudsman had no power to clarify University policy and practice. All he could do was obtain clarification. To state that the Ombudsman could clarify a University policy implied that he would have more power than this document would give him.

Dr. Fleming offered an amendment to change "to obtain clarification" to "seek to obtain clarification", and this was seconded and approved as a friendly amendment. On the advice of Dean Hunt,

Dr. Michael Farona moved that the two amendments for this paragraph be separated so that Council could vote on each individually. This motion was approved by Council.

Council then voted its approval of the first change, "seek to obtain clarification" for "clarify". It then voted on the second change, which was defeated.

The language of "2.a." then read as follows:

2. The Functions of the Ombudsman shall be:

- a. to collect and provide information about University policies, practices, and procedures, and ~~SEEK to clarify~~ **OBTAIN CLARIFICATION OF** the University's modus operandi; to honor all reasonable requests for information pertinent to the functions and purposes of the office, and to seek actively for answers to all such inquiries, providing them to the inquiring parties and, where it seems desirable, to the University community at large

Dean Hunt then proposed the following amendments for "2.b." which were seconded.

- b. to ~~advise~~ assist faculty ~~and others~~ of whom to consult and of what procedures to follow in order to pursue whatever business or complaint they may have;

In explaining the amendments, Dean Hunt noted that "and others" had been stricken here because this was a faculty, not a University, Ombudsman.

Dr. Gerlach opposed the amendment if for no other reason than because the language when amended would make absolutely no sense - "to assist faculty of whom to consult." Some other change needed to be put in, but he was not offering any proposal.

Mr. David Jamison wanted to indicate his feeling that the suggestion for clarification in regard to the removal of "and others" pointed up the problem of the overall document. Council had begun a long time ago with a University Ombudsman to whom a lot of our people could go, and it had narrowed the position to someone to whom only the faculty would have access. This bothered him. Perhaps the original proposers had not intended this. In the first paragraph the Ombudsman was described as being principally concerned with faculty affairs. He interpreted this to mean that a faculty person held the office, but the Ombudsman could still be responsive to other groups on campus. The faculty had a number of places on campus to go for help, but many other groups did not. Would any of the original proposers of the plan comment on this?

Dr. Gerlach noted that the word "principal" in the first paragraph meant what it said. The people who had put the proposal together were

principally faculty; and, therefore, thought that they should be proposing largely for the faculty, although some others might be involved. The words "and others" in "2.b." left an opening so that if the office were to proceed, the language would not necessarily exclude or absolutely prevent an Ombudsman from undertaking to help others on their request. The original proposers, while leaving this possibility for expansion, wanted to emphasize that their feelings and concerns were more as faculty; and they thought that they had the best line on faculty concerns. In earlier discussion, a question had been raised regarding whether or not the position of Ombudsman would be a full-time one. He doubted that it would initially. The tenured professor would probably be assigned teaching duties until it was clear that his business was such as to justify a reduction or elimination of teaching load. He thought that Council should leave the words "and others", as well as "advise", here because advising was what was emphasized here, or at least should be. This was not the place for ambiguity. As members might recall from earlier discussions, the cost of the position would depend on whether it was a faculty or University one. A faculty Ombudsman would be rather small, with limited resources, while the office could get quite big when handling students and other problems. There was a need to clarify and not leave ambiguity in the definition for this role. It should be one or the other.

Dean Hunt, as the mover of the motion, offered the following change in language "to assist faculty in determining (strike out 'of') whom to consult and what procedures to follow", and this was accepted.

The Chairman then called for a vote and the amendment to "2.b." was defeated. The language in "2.b." then remained as follows:

- 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;

There was no amendment of "2.c."

Dean Hunt then moved the following amendment to "2.d." which was seconded.

- d. without superseding any existing grievance procedures or channels of appeal, or supervisor/subordinate relationships, 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;*

Mr. Glaser wanted a clarification of what "or supervisor/subordinate relationships" meant.

Dean Hunt responded that it was an attempt to indicate that while the Ombudsman was trying to mediate disputes and assist in protecting the proper rights and interests of those who were dissatisfied with existing grievance procedures and channels of appeal, lines of authority would not be altered by any of his actions. The Ombudsman would not have the power to modify or alter grievance procedures or reporting lines in the sense of supervisor relationships.

Mr. Glaser replied that since grievances were likely to come from subordinates about supervisors, this change suggested that the Ombudsman could not get involved in this. Dean Hunt answered that, although he understood how Mr. Glaser could infer that, it was not the case at all. What was meant was that the Ombudsman would not have the power to alter grievance procedures or channels of reporting.

Dr. Fleming argued against the proposed wording, which he believed to be redundant. Channels of appeal were established and the Ombudsman had no power to change them or to interfere in any material way in the supervisor/subordinate relationship. He had the power to argue, or discuss, or mediate, but he had no power to change and, therefore, the wording was redundant.

The Chairman then called for a vote on this amendment to "2.d." and it was defeated.

Dr. Walter Yoder made a motion, which was seconded, to move the introductory clause of "2.d", "without superseding any existing grievance procedures or channels of appeal," to the end of the section in order to begin "2.d." with the phrase "to mediate disputes..." and bring it into line with the other sections in "2". Dr. Fleming spoke against this, noting that moving the introductory conditional clause to the end would tend to de-emphasize it and put it in a place where it would have less impact.

The Chairman then called for a vote on Yoder's amendment, and it was defeated.

Dr. Gerlach rose to make a motion that the words at the end of the section, "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," which had been stricken by Council in earlier discussion of the proposal, be reinserted into the document. The motion died for lack of a second.

The language of "2.d." then read as follows:

- 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;*

Dean Hunt then made the following amendment to "2.e." which was seconded.

- e. to report independent findings and recommendations to the appropriate authorities **within the University** by the most expeditious means possible, and to the University community to the extent that this seems objectively to be most beneficial, **not as official or media spokesperson for the University, but in the capacity of Ombudsman;**

Dr. Lawrence Focht moved to divide the two amendments of the section and this was approved by Council.

A vote was taken on the first amendment - the addition of "within the University" - and it was passed.

There was no discussion regarding the second amendment in the section (the phrase "not as official or media spokesperson for the University, but in the capacity of Ombudsman"); a vote was taken and the amendment was defeated. Section "2.e." then read as follows:

- e. to report independent findings and recommendations to the appropriate authorities **WITHIN THE UNIVERSITY** by the most expeditious means possible, and to the University community to the extent that this seems objectively to be most beneficial;

Dean Hunt, wondering whether we were having fun yet, moved the following amendment to "2.f." which was seconded:

- f. to ~~advise~~ **inform** the appropriate administrative officers, legislative bodies, and faculties **within the University community** 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;

A motion was made to separate the amendments in the section, and this was seconded and approved.

Dr. William McGucken asked Dean Hunt why the word "inform" should replace "advise". Dean Hunt responded that it was not clear to him that the Ombudsman was in an advisory position in regard to University officials. He tried to inform people and give information regarding whom to see who could give advice. It was perhaps not an appropriate

thing for the Ombudsman to be advising an administration official.

Dr. Gerlach said that if the word "advise" was replaced by "inform", then the word "of" two lines down needed to be changed. The word "of" would be redundant and removing "advise" for "inform" meant also removing "of".

The Chairman then asked for a vote and the amendment carried.

The second amendment in this section, "within the University community", was then discussed. Dr. Gerlach wondered where else would they be but in the University. Mr. Jamison responded that it clarified which legislative bodies were meant in the section.

The Chairman then called for a vote and the amendment was passed. The language of the revised "2.f." then read as follows:

- f. to ~~advise~~ INFORM the appropriate administrative officers, legislative bodies, and faculties WITHIN THE UNIVERSITY COMMUNITY ~~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;

Dean Hunt, noting that there were no changes in "2.g.", then moved on to section 3 of the proposal. The section with the proposed amendments read as follows:

3. Access to such ~~official files~~ public records and information as the Ombudsman believes required to fulfill the functions of the job shall be provided by all members of the University community, subject to the exceptions from such disclosure provided by Ohio statutory law or Ohio common law rights of privacy [R.C. 149.43; chapter 1347 of Ohio Revised Code]. Any requests from the Ombudsman for public 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.

Dean Hunt then moved that the words "such official files" be stricken and replaced with "public records". This motion was seconded.

Mr. Glaser was worried by this change because it seemed to cut the investigative ability of the Ombudsman. Apparently, all files would be public record. On the other hand, the Ombudsman would not be granted access to many of the official files - the very files which could be most relevant to his work. Therefore, he would speak against this change.

Mr. Jamison replied that the term "official files" had no meaning. He did not know what his official file was. Changing it to "public record" would give clarification and actually help the Ombudsman in his job.

The Chairman added that the definition of public records was extremely broad as it applied to Ohio and other agencies. He had been advised that it covered anything that he gathered in his office, or received in an official capacity, or created - even notes to himself.

Mrs. Faye Dambrot then asked Council for permission to speak, and this was granted. She said that she knew of cases where a faculty member had been denied access to letters relative to promotion and tenure and student evaluations. She did not know what these fell under, but they had been denied. She spoke strongly against this amendment because the Ombudsman would not have the necessary information to perform the job.

The Chairman stated that faculty were allowed access to their files. If he knew of a case where this had been denied, he would put a stop to it. Faculty members were able to see their files.

Dr. McGucken asked Dean Hunt why he was offering the amendment.

Dean Hunt responded that it clarified the Ombudsman's power. "Official file" had no legal meaning in Ohio statutory law, while "public record" did. Dr. McGucken asked if the change in language would in any way make it impossible for the Ombudsman to get his hands on any document which he needed. Dean Hunt again replied that it would only strengthen and clarify the Ombudsman's power, because the term "official file" had no meaning in law.

Dr. Farona asked a question with reference to Mrs. Dambrot's example about documents - outside letters, etc. - which a department head might have on file. Were they a part of the public record - official or not?

Dean Hunt replied that he could not answer the question with respect to official and unofficial files. He would have to talk about it on a case-by-case basis. There were some exceptions to the right of privacy. With some of those requirements, access might be limited. The question was on a case-by-case basis.

Dr. David Buchthal asked who did not have access to public records. When Dean Hunt replied "No one," Dr. Buchthal wondered what section 3 meant.

Dr. Dale Jackson, being concerned that all information might not be forthcoming for use by the Ombudsman, moved the following change to the opening of section 3: "Access to public and official records and any other information that the Ombudsman believes is required to fulfill the functions of the job..." This was seconded by Mr. Glaser.

Dr. Buchthal commented that that seemed to allow the Ombudsman

access to even those records not public by state law - those that were subject to confidentiality.

Dr. John Bee spoke against the amendment because there was nothing in it which added to what was already there.

Dr. Jackson replied that he wanted to make certain that public records and information were separated so that the information was different from public records. Dr. Bee said that, as he read the sentence, it was.

Dr. Mary Ellen Atwood asked whether anyone could tell her of a record in her personnel file on campus which might not be public record.

Dr. Faith Helmick answered that health, medical, and insurance records would be examples, as well as criminal, adoption, and law enforcement records, which were not likely to but conceivably could be in our own law group files.

Dr. Gerlach wondered about the type of things referred to by Mrs. Dambrot, including student evaluation of faculty members. What about his diaries in which the real minutes of Council were kept. He sometimes wrote these on campus. The Chairman responded that the comments which Dr. Gerlach made in his diaries were excluded, but the comments which he (the Chairman) made in his were included. He reiterated that he knew of nothing to permit a denial of a faculty member to see such things as evaluations etc.

Mr. Jamison was surprised at Mrs. Dambrot's reaction, because the amendment seemed to broaden the access to information by clearly defining an area instead of leaving it in a term subject to someone else's definition of "official files."

Dr. Fleming stated that he now was convinced that "public record" was the best wording. Mr. Glaser called the question, and the Chairman noted that there was no need to vote on that since he did not see anyone seeking the floor.

A vote was then taken on Dr. Jackson's motion, and it failed. Then Council voted on changing "official files" to "public records", and it carried.

Dr. Focht then suggested changing the "as" between "information as the" to "that". After some discussion of the matter, he withdrew the motion.

Because Dean Hunt had to leave, the Chairman continued to read the other proposed amendments, but this required that someone else move the motions.

The next amendment added the phrase "subject to the exceptions from such disclosure provided by Ohio statutory law or Ohio common law rights of privacy (R.C. 149.43; chapter 1347 of Ohio Revised Code)" to section 3. This was moved by Mr. Jamison and was seconded.

There was no discussion; a vote was taken and the amendment was passed.

The next amendment inserted the word "public" in the phrase "Any requests from the Ombudsman for public information..," and this was moved by Dr. Farona and then seconded.

Mr. Glaser spoke against this, noting that public records might have a legal understanding but that did not mean that public information did as well. It was likely that the Ombudsman might have to gain access to private information as well. Adding "public" here would place restrictions on him. Mr. Jamison agreed, stating that information could be either public or private.

Dr. Farona objected that we couldn't insist that the Ombudsman have access to something which was private. "Public" needed to be added here.

Dr. Bee noted that in light of the discussion, the term "public" further muddled the water.

After a bit more discussion, a vote was taken on the amendment and it was defeated. The final version of section 3 read as follows:

3. Access to ~~such official files~~ PUBLIC RECORDS and information as the Ombudsman believes required to fulfill the functions of the job shall be provided by all members of the University community, SUBJECT TO THE EXCEPTIONS FROM SUCH DISCLOSURE PROVIDED BY OHIO STATUTORY LAW OR OHIO COMMON LAW RIGHTS OF PRIVACY. Any requests from the Ombudsman for information must receive the highest priority from every member of the community. The Ombudsman shall also be given efficient means for communicating with the University community whenever necessary.

The Council then proceeded to paragraph 4. The first amendment added the words "such as" at the end of the first paragraph. This was moved and seconded. A vote was then taken and the amendment passed. The final version of 4 read as follows:

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, SUCH AS:

The next amendment added the words "by law, or rules and regulations of the Board of Trustees" to the end of section "4.a." This was moved and seconded. Since there was no discussion, the Chairman called for a vote and the amendment was approved. The final version of "4.a." read as follows:

- 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 BY LAW, OR RULES AND REGULATIONS OF THE BOARD OF TRUSTEES;

The first amendment in "4.b." was to strike the words "be ignored or modified" and replace them with "not receive due consideration and/or implementation." The opening phrase would then read "should those recommendations not receive due consideration and/or implementation." This was moved and seconded.

Dr. Fleming offered a friendly amendment which would change "due" to "timely" because he thought that "due consideration" was a vague term. This was moved and seconded. Dean Jane Martin spoke against Fleming's amendment, commenting that "due consideration" encompassed the sense of "timely", as well as indicating proper and adequate attention.

A vote was taken and the motion was defeated.

Council then returned to the original amendment and voted its approval.

The next amendment to "4.b." read as follows:

- b. should those recommendations ~~be ignored or modified,~~ not receive due consideration and/or implementation, the Ombudsman has the right and obligation, ~~within~~ upon two weeks written notice, to ~~take~~ submit the case, in writing, to The Board of Trustees for action at their next meeting;

It was decided to take all three of the changes together. These were moved and seconded.

Dr. Fleming offered a minor amendment to add an apostrophe after the "s" in "two weeks."

Dr. Bee wanted to know who provided two weeks' notice. The section as written did not seem to make this clear.

Dr. Fleming thought that the wording meant on two weeks' written notice from the Ombudsman to someone in authority. Should the recommendations not be treated with due process, the Ombudsman was obligated to give two weeks' notice that he would take the necessary action.

Dean Wallace Williams and Dr. Farona both were uncertain about who would receive the notice. Dr. Farona wondered why it needed to be submitted at all. If it was already decided that the case had not received due consideration, the Ombudsman would submit the case in writing right to the Board. The Chairman replied that it was meant to be a courtesy.

After some further discussion, the Chairman stated that the section meant that when the recommendations were ignored in some way, the

Ombudsman had the right and obligation to submit the case to the , modified only by the fact that he gave two weeks' notice to the person neglecting the recommendations.

Dr. Gerlach rose to oppose one segment: the words "in writing." While it might be appropriate for the Ombudsman to provide written notice of his intended action, he should be allowed to present his case to the Board in whatever way he might manage. To specify only "in writing" suggested that he would have no right whatsoever to make any oral presentation to the Board unless it deemed to give him authorization. If student members were going to be added to the Board and have access to it, why could Council not guarantee that an Ombudsman could have the right to an oral presentation if such a case should arise. He moved to strike out the words "in writing." This was seconded.

Dr. Helmick spoke against Gerlach's amendment because the words "in writing" did not preclude an oral presentation, but it did insure that there was a record that it was submitted.

Dr. Gerlach replied that he understood that but to specify "in writing" was to narrow the case too much. He wanted to keep it as open as possible.

Mr. Jamison noted that the Board could invite anyone it wanted to speak. It had that choice and this statement just made sure that there was a record.

Dr. Fleming agreed that the Board had that authority. However, he understood "in writing" here to exclude oral presentations.

The Chairman then called for a vote on Gerlach's amendment and it was defeated.

Council then returned to the original amendment and it passed. The revised "4.b." then read as follows:

- b. should those recommendations ~~be ignored or modified~~ NOT RECEIVE DUE CONSIDERATION AND/OR IMPLEMENTATION, the Ombudsman has the right and obligation, ~~within~~ UPON two weeks' WRITTEN notice, to ~~take~~ SUBMIT the case, IN WRITING, to The Board of Trustees for action at their next meeting;

Mr. Jamison then asked whether this was the proper time to present a different amendment to "4.b.", or did the Chairman prefer to finish all Dean Hunt's amendments first.

The Chairman responded that he would prefer to deal with all amendments to "4.b."

Mr. Jamison then moved to strike all of section "4.b." and this was seconded by Dr. Bee. Mr. Jamison explained his motion as follows: If the Ombudsman functions as he should, there would be many

recommendations with which people would disagree. This could create a steady stream of cases going to the Board. Also, it is not clear about who decides on what is due consideration. Altogether, this section would create an inappropriate line of communication to the Board.

Dr. Gerlach made a vigorous objection to Jamison's motion. If Council passed this, it would have not an Ombudsman, but a Nonbudsman. He then asked permission to read a statement from Dr. Edwin Wagner, who had submitted it to him because he could not attend the meeting. The following is the text of Dr. Wagner's letter:

As one of the faculty who helped draft this proposal, I would like to speak specifically to the importance of retaining provision 4-b regarding the right of the Ombudsman to bring an unheeded recommendation before the Board of Trustees as a last resort. It is my belief that expunging 4-b would eviscerate the proposal.

I am well aware that, technically, 4-b could be construed as an abrogation of the authority of the President. However, since both the President and the Ombudsman would presumably be presenting their respective briefs before the Board, what would emerge would be an orderly exposition of the President's dissenting position as well as the Ombudsman's complaint. And the Board, of course, would be under no obligation to accept or even act upon the Ombudsman's recommendations.

Surely this would be preferable to situations where faculty members, either individually or by proxy, go over the President's head and voice unofficial complaints to the Board - an occurrence I am told which recently took place. At least an official complaint from the Ombudsman would keep honest disagreement within the University family. Furthermore, it is my conviction that the very existence of this court of last appeal will constrain the President and the Ombudsman to work out their differences so that there would be no need to seek redress from the Board.

Finally, from a pragmatic point of view, let me iterate that this proposal would go a long way toward mollifying those faculty members who distrust the administration's sincerity and good faith, provided 4-b is retained. Without 4-b, the Ombudsman could easily be perceived as being no more than a glorified one-man grievance committee. Therefore, I would urge that 4-b be viewed as an essential and integral component of the proposal. In fact, in my opinion, if you vote against 4-b you might as well vote against the entire proposal.

Thank you for hearing me out.

Mr. Glaser also wanted to speak against the motion. The document had already been altered by many added qualifications and changes and, if Council removed this item, it removed the Ombudsman's main power, which was the power to inform. He had to have the right and obligation to take information up to the highest level of authority, which was the Board of Trustees.

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Dr. Fleming also opposed Jamison's motion. It violated the argument for an Ombudsman. Also, it offered very little confidence in the person whom Council might choose as Ombudsman. He would obviously exercise discretion and would be a buffer against abusing the system. If he didn't, Council could rescind his office.

The Chairman then told Council that he had been informed by his secretaries that there was no longer a quorum (only 39 members were still in attendance) and, therefore, business could not continue.

Dr. Bee moved for adjournment, which was seconded. Before Council adjourned, it was decided that the Executive Committee would set a date for another special Council meeting to continue discussion of the Ombudsman issue.

(See Appendix A - Proposal for a Faculty Ombudsman (As amended by University Council 2/13/89).

MINUTES OF UNIVERSITY COUNCIL MEETING  
March 2, 1989

The regular meeting of the University Council was called to order by the Chairman, Senior Vice President and Provost, Dr. Frank Marini, at 3:07 p.m. on Thursday, March 2, 1989 in Leigh Hall 307.

Fifty-seven of the 82 members of Council were present. Those absent with notice were President William V. Muse, Associate Provost Dubick, Dean Claibourne Griffin, Dr. George Hodowanec, Dr. Eric R. Birdsall, Dr. Dolores Bower, Dr. Roger Durbin, Dr. Gloria Harman, and Dr. Elaine Nichols. Absent without notice were Dr. Walter Arms, Dr. Diana Chlebek, Dr. F. Harris, Dr. A. Isayev, Dr. Roger Keller, Dr. Paul Lam, Dr. Paul Merrix, Dr. David Timmerman, Dr. Judy Wilkinson, Dr. Walter Yoder, Associated Student Government Representatives Tony Brown, Roni Rosenberger, and Michelle Walulik, Graduate Student Government Representative Cindy Porter, Non-Traditional Student Government Representative Leigh Cromleigh, and Student Bar Association Representative Parker Edmiston.

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

Item No. 2 - Consideration of the Minutes of the Meeting of University Council, February 2, 1989, as printed in The University of Akron Chronicle on February 22, 1989. Dr. Gary Oller, Secretary of University Council, announced that no corrections had been received.

Dr. David Buchthal made two corrections: (1) On page 38, the course which was dropped - 3450:136 - is Systems of MEASUREMENT not MANAGEMENT. (2) On page 40, the two courses listed there are Introductory Statistics I and II, not Introductory Statistics. 1.2.

Mrs. Linda Weiner objected to the use of the phrase "part-time people" in the second paragraph from the bottom on page 10, noting that it was not a term which she would use. She agreed to the Secretary's suggested change of "people" to "faculty."

Dr. William McGucken stated that it had been called to his attention that there was a problem with the 1989-90 calendar as printed on page 36 regarding the date of the Spring commencement. He had not had time to check this, but thought that someone should. The Secretary said that it would be looked into. (Subsequently, the Provost's office checked the calendar and concluded that it was correct as printed. The confusion appears to lie in the fact that the calendar printed in the December Chronicle started with the current 1988-89 academic year. When reprinted in the February Chronicle, the academic year now coming to a close was omitted; and if you assumed that the column for 1989-90 is for the current academic year, it would appear that the calendar is one day off on each date.)

Dr. Don R. Gerlach asked that the Secretary register the time when

the Council meetings ended, as well as when started. This would be an indication in the minutes of how long Council labored each day. He also made an observation on the use of the "moratorium" on pages 11 and 13. Both the Chairman and President Muse had denied that there was a moratorium on raises. In checking on the meaning of the word, he had found that it means, simply, a delay. Therefore, moratorium was the correct term to use in describing the situation in regard to raises this year.

Since there were no other corrections, the minutes were approved.

Item No. 3 - Remarks of the Presiding Officer. There were none.

Item No. 4 - Special Announcements. There were none.

Item No. 5 - Reports of Standing Committees.

A. Executive Committee - Dr. Oller, Secretary, reported that the Committee had met on February 17. As its first item of business, it formed an ad hoc committee to examine the rights of part-time faculty. Chosen for membership were Robert Holland, Dale Jackson, George Makar, Lorelei Gibbs, William Alford, Allan Larris, Ray Brown, Lynn Heberling, and Linda Weiner.

The Committee then set the agenda for the March 2 meeting of Council. It was decided that the Committee would report two proposals which it had received regarding Council representation for Contract Professionals (which were attached to the agenda circulated to Council members) and that the question of Contract Professional representation would be listed on the agenda as an item of New Business concerning which a Council member might wish to make a motion.

B. Academic Policies, Curriculum and Calendar Committee. Associate Provost Constance Cooper, the Chair, reported that the Committee had met on February 21 and recommended to Council the continuance of the rank of Distinguished Professor with the provisions for selection as detailed in its proposed changes to Section 3359-20-03 (The Faculty: General Personnel Policies) of the Faculty Manual (see Appendix B). She then asked Dr. McGucken to speak to this issue.

Noting that the proposal had come from the Committee and was moved and seconded, Dr. McGucken first explained that the initial paragraph of the proposal, which was crossed out, was from the 1987 Faculty Manual and had been changed last year by Council. That change could be seen in the copy of the revised Manual (which had been sent to Council members from the Reference Committee and which Council would be discussing later) on page 26, item A(1)(a)(ii), and it was that paragraph which ought to have been crossed out in this proposal. It was to be replaced by a new initial statement describing the rank, and then three paragraphs relating to the procedure for selecting Distinguished Professors.

The new first paragraph read:

The title of Distinguished Professor shall be awarded only to

one who, already holding the rank of Professor for five or more years, continues to excel in teaching and in scholarly activity or artistic performance at The University of Akron at a level significantly beyond the expectations for the rank of Professor.

The thinking was that the title ought not to be awarded immediately. The individual receiving the award ought to demonstrate over a substantial number of years excellence in all those areas. Five seemed a reasonable number of years. There was also a lack of specificity in requirements because no one knew how many Nobel prize nominations or Carnegie Hall concerts or whatever would be significantly beyond what was necessary for a full professor, and that would be determined by faculty in a department, in a college, and from the University. President Muse had told the Committee that he would like to see this position well-noted. It would be well-noted by an award of suitable salary increase, and then the individual would have the position conferred upon him or her at Commencement.

After the Chairman suggested that Council discuss the document in its entirety as though it were going to vote on all its parts as one item, Dr. McGucken commented on the procedure for selection. The proposal stated that persons nominated for Distinguished Professor could be nominated either by majority vote of the nominee's department, division, or college, or by the dean of the college. The idea of having the dean do it was to take care of a situation where there might be rivalry within a department and some deserving individual might not get the departmental vote. Therefore, the dean would be free to make a nomination, and upon his making a nomination or a department making a nomination, the college review committee would be convened.

This review committee would be created by each college. (Originally, the Committee had considered a review committee with a member from each department in the college, but it then realized that there were some colleges - Law, for example - which don't have departments.) All nominations would come to this review committee. If it approved, the nomination would then go to this review committee. If it approved, the nomination would then go forward, passing through the dean's office. However, the dean could not stop it, but he would have the right to add his or her comments to the recommendation. The nomination would then pass on to the University Distinguished Professor Recommendation Committee, which would be made up of one representative from each college. This committee would forward a recommendation to the Provost, but the Provost could not turn it down. He would send it on to the President with whatever comments he wished to make.

Dr. Gerlach thought that the Committee had shown considerable thought about this whole business, but he had his doubts about some of the provisions regarding procedure. Since there were not review committees at the college or University level for the ordinary ranks to constitute promotions or for questions of tenure, he could not quite see the necessity for creating them for the Distinguished Professor rank. He preferred to let things be carried on in the ordinary way in which departments and deans recommended on up the line for promotions for

assistant, associate, and full professor. He also was concerned that this could be an opening lead to set up college or University-wide committees to review questions for regular promotions or tenure. In the best conservative interest, he thought that things should be left as much as possible as they were, and only those changes which were absolutely necessary should be made.

Dr. McGucken responded that there was no intention that this should ever escalate into college-wide committees for promotion and so on. These procedures arose out of a situation last year in which President Muse received a nomination for Distinguished Professor which had not gone through any review committees. He felt a bit uneasy making the decision and thought that if there were a series of committees such as those which have been proposed here he would benefit from faculty advice and be more confident in granting this title.

Dr. Michael Farona also supported these procedures because they would act as filtering processes. Many departments might have people whom they would like to nominate, but not all people nominated would necessarily be distinguished. The college review committees could at least filter out the better ones and forward them rather than having them all going forward and putting the selection burden on one person.

Dr. Mary Ellen Atwood thought that the committees would also serve another good purpose. Within departments only faculty members holding the rank to which the person wished to be promoted and above sat to make the final decision. Since there would not be a large number of Distinguished Professors, it would be a good idea to have these people on college-wide committees making decisions on others who wished to come up to that rank.

Before putting the question to a vote, the Chairman wanted to check two points about the proposal with the Committee members. First, the paragraph "WE ALSO RECOMMEND THE FOLLOWING PROCEDURES FOR NOMINATIONS AND CONFERRAL OF THE DISTINGUISHED PROFESSORSHIP" was not to be taken as a part of the motion. Second, the numbering in the proposal did not correspond to the numbering which would be required in the Faculty Manual. The Reference Committee could handle this later, but what was labeled as (2) would, in fact, be 3359-20-03 A(1)(a)(ii).

A vote was then taken and Council approved the proposal.

Associate Provost Cooper then continued her report and noted a number of curricula proposals which APCC recommended for approval (see Appendix C). These were listed on the memorandum circulated to Council members. She then moved that the first set of proposals for which there were no objections be considered together for approval, and this was seconded. (These were curriculum proposal nos. AS-89-4, 8, 22, 31, 33 and 34; CT-89-6, 7, 10, 11, 12, 13 and 14; BA-89-6 and 7; ED-89-2 and 3; and NU-89-3.)

A vote was taken, and these proposals were approved.

Associate Provost Cooper then presented those proposals which had

been approved with objections (AS-89-5, 16, 26 and 32; and CT-89-8). In response to questions from Dr. Gerlach and Dr. William Fleming, she discussed the nature of the objections to each of the five proposals.

AS-89-5, a curricular change in the Department of Mathematical Sciences, had two objections from Mr. Elton Glaser and Dean Jack Watt. Glaser dropped his objection at the Council meeting and Watt, as a member of the Curriculum Committee had already voted to approve the proposal.

AS-89-16, a clarification of the foreign language requirement for the Ph.D. in Urban Studies which proposed that the requirement be satisfied by demonstrating advanced research capabilities with a mainframe computer or a microcomputer, was also objected to by Mr. Glaser. His objection read: "Nothing could make me amenable to this proposal. Demonstrating research skills is in no way a substitute for learning a foreign language; neither is a computer language the same as a naturally developed language like German or Russian. If there is some discrepancy between what Cleveland State requires and what we require, let CSU upgrade its requirements to make them more academically rigorous." Associate Provost Cooper said that the Committee had approved the proposal because it was in keeping with general University practice to accept the substitution of computer language instead of a foreign language, as it appears in the Bulletin.

AS-89-26, a revised Bulletin description for the baccalaureate degree in Computer Science, was objected to by Dr. William McMahon. His objection read: "Symbolic Logic should be a listed option for this program. I thought this was already agreed on and dislike having to reiterate the point. People in the computer field and students who have had Symbolic Logic readily recognize its importance for the field; so deleting it is not in the spirit of interdisciplinary cooperation, and it cheapens the degree in question."

AS-89-32, a revised Bulletin description for the master's degree in Statistics from the Department of Mathematical Sciences, was objected to by Mr. Glaser. His objection read: "This proposal would double the number of required courses. Is it wise to lock up a master's degree that tightly? A number of Math's proposals request changes that would reflect new needs of academic disciplines or businesses; that suggests that the curriculum should be more flexible, not more rigid."

CT-89-8, a proposed new course in the Business Technology Division - "Women in Management" - which would deal with gender-related needs and problems of women in management and supervision, had the following objection from Dr. Alan Krigline: This course proposal was circulated to several appropriate Management Department faculty members. Drs. Deitzer, Johnson, Latona, and Lutz all indicated they felt the course should be objected to. I have attached an objection from Dr. Jonathon Rakich and a letter to the Director of Women's Studies prepared in October, 1986. It is the position of our department that this is not an appropriate course; it certainly is not unique, as most of the material comes from various principles-of-management-type courses." Associate Provost Cooper said that the letter referred to from Dr.

Rakich was in reference to a request from the Director of Women's Studies, Dr. Garrison, asking that a course of this kind be taught in the College of Business Administration, and the College did not wish to do so.

Dr. Fleming moved to consider these proposals separately, and this was seconded. Council then voted its approval.

Associate Provost Cooper then began with AS-89-5. Since the objections to this proposal had been withdrawn, there was no discussion; and Council voted approval of the proposal.

The next proposal was AS-89-16, which Dr. Fleming spoke against. He believed that one of the things which the University should be trying to do was to reduce the amount of parochialism among our students. He would have no objection if the department were offering a Doctor of Science degree or something other than a Ph.D. in this program. In regard to Urban Studies, since a number of the same problems which we had were shared by other countries and would be shared more and more in the future, it was quite appropriate that persons seeking the highest level of expertise in that discipline did have at least a reading acquaintance with a foreign language.

Dr. Gerlach seconded Fleming's sentiment. He was unalterably opposed to the cheapening of the currency. If certain degree requirements were to be such to bind us together in the Arts and Sciences, then there ought to be much more of a common standard to which we adhered. The constant erosion of these standards by making exceptions was not a good idea.

Dr. Michael Farona thought that there was some confusion over the purpose of the proposed change. The undergraduate language requirement in the College of Arts and Sciences was there for cultural purposes, and he would oppose any move to remove it. The language requirement for a Ph.D. was for utilitarian purposes, and in certain cases had become anachronistic - much was translated into English. Computer language was far more important in certain areas than learning to translate a language which would not be used very often and consequently forgotten anyway. He therefore supported the proposal and reminded Council that every area was different, and the collegial approach was to allow the wisdom of individual departments to determine what the extra skills for a Ph.D. should be.

Dr. Buchthal made the clarification that the proposal did not call for replacing a foreign language with a computer language; instead it called for demonstrating advanced research capabilities with a mainframe computer or a microcomputer, which might involve no knowledge of computer language at all.

Dean Walton wanted to speak on behalf of the proposal. The language requirement for Ph.D. degrees had been made more flexible about five years ago, and to have less flexibility for this department would be unfair. If Council voted down this proposal, that particular Ph.D. program would have no language requirement at all. This was not a

substitute but an addition because it was omitted when the original proposal went through.

Dr. Robert Kent then asked for permission to speak, and Council approved his request. As a member of the Geography Department, he wanted to support the opinion of Drs. Gerlach and Fleming. Since much of our own country was becoming multicultural and exhibiting greater diversity, he thought that it was reasonable that people who were involved in planning and administering these areas, especially at this level, have in common other languages and, indeed, other cultures. Perhaps the point which Dean Walton had made was well taken, and maybe made the question somewhat moot, but in a general sense he thought that it was sad to see the standards eroded at the Ph.D. level.

Mr. Glaser stated that Council had already heard his primary objection to this, and he wanted to respond to Dean Walton's recent comment. If Council agreed to put this language in, there still would not be a language requirement, because he did not believe that any of the students in the Urban Studies Ph.D. program would opt to test out in a language but would instead take one of the easier routes.

The Chairman then called for a vote, and the proposal was passed.

The next proposal was AS-89-26, which revised the Bulletin description for the baccalaureate degree in Computer Science. In response to Dr. McMahon's objection, Dr. Buchthal noted that it was not the intent to remove logic from the teaching of computer science. The Department of Mathematical Sciences, however, decided not to require an additional course from the Department of Philosophy as part of the core requirements in Computer Science.

A vote was taken on this proposal, and it was approved.

Council then moved on to AS-89-32, which revised the Bulletin description for the master's degree in Statistics. Dr. Buchthal responded to Mr. Glaser's objections by noting that four years ago in their 33-hour program in Statistics, the Department of Mathematical Sciences had reduced the number of required core courses from 18 to 12. In the intervening years, all the students who had obtained the Master of Science in Statistics had, in fact, taken the two courses that the Department had dropped from the program. This proposal then restored them - now from 12 back to 18; so there was an increase, but there still was ample room for electives as part of the master's degree program.

The Chairman then called for a vote, and this proposal was passed by Council.

The last proposal was CT-89-8, which dealt with the creation of the course "Women in Management." Dr. Gerlach observed that in the rationale for the course the statement which raised his opposition was "Many of the topics covered in this course are the same skills required of any successful manager - male or female." He did not propose that these be separated. Why not treat them accordingly instead of dividing them by sex?

Dr. Fleming commented that the rationale for this course as it was discussed at the general faculty meeting in the Community and Technical College was that women aspiring to or moving into management positions faced certain difficulties and problems which were not ordinarily encountered by males moving into those positions. This course was aimed at working with those women who were either already in management or who were thinking about or had been invited to come into management positions. While it was to be hoped that the need for this kind of course would be of limited duration, at present it seemed to be a worthwhile offering.

Dean James Long spoke in favor of the proposal. The name of the program in which this course would be offered was Business Management Technology. Historically, many women had chosen careers in Secretarial Science and related areas, but now they were becoming more interested in managerial/supervisory jobs. The route to this for many of them was an associate degree in Business Management Technology. Dean Long was convinced that on a temporary basis some people would need to learn formally some of the skills that men had learned informally in life through competition and so forth.

As there was no further discussion, a vote was taken and the proposal passed.

C. Academic Planning and Priorities Committee - The Chairman reported that the Committee had met on February 17 and would meet again on March 3 to begin reviewing the five-year plan updates which had been submitted.

D. Athletics Committee - Dr. George Prough, the Chairman, reported as follows:

The Athletics Committee met on Tuesday February 21 from 3:00 to 3:40 p.m. Seventeen of the available 19 members were present, along with President Muse, Rob Fournier, Mary Ann Tripodi, and Bob Huggins of the Athletics Department.

Athletics Director Jim Dennison discussed the pending acceptance by The University of Akron of an offer to join the Northeast Conference. Included in the Conference are Fairleigh-Dickinson, Long Island, Marist, Monmouth, Robert Morris, Wagner, Mount St. Mary's St. Francis (N.Y.), and St. Francis (Pa.). The Conference includes the following sports for men's competition: baseball, basketball, soccer, cross-country, golf, indoor track, and tennis. In women's sports, the Conference includes softball, cross-country, volleyball, basketball, and tennis.

Among the positive reasons for joining the Conference are the following: There appear to be no options for The University of Akron for the near future. No other conferences are or appear to be becoming available, so continued independent status is seen as the only alternative. By joining a conference, the University achieves several positive results. The Conference is given automatic bids to the NCAA tournament in men's basketball and soccer. Student athletes can work toward achievement of all-league status. The Conference championship

game in basketball is televised on ESPN, giving extra visibility to teams involved. Basketball scheduling will be simplified not only with the automatic scheduling of Conference games, but also the scheduling of bigger name universities will be possible, given the removal of the burden of winning nearly every game for entry to the NCAA tourney. With the regularity of conference schedules and the resultant predictability of related expenses, budgeting for athletics should be improved. Finally, Coach Huggins noted that since conference games are often scheduled to permit student athletes to minimize classes they miss, independents must schedule games during the week, causing many missed classes, or during holiday periods. Conference affiliation should improve the class attendance of student athletes.

The Committee was concerned about the women's program having to leave the North Star Conference. It was noted that the affiliation with the North Star is year to year, and that both conferences operate in similar fashion without automatic NCAA bids. Further, rumors exist regarding the possible exit of several universities from the North Star.

President Muse commended Jim Dennison on the work done to get the Conference bid. He also noted several important points. First, he commented that he is impressed with the academic reputations of the member universities. Also, he is pleased with the geographic compactness of this conference, especially when compared with many others. In addition, The University of Akron has traditionally had strong ties with the northeastern part of the United States, and alumni associations in the New York City/New Jersey and Baltimore/Washington, D.C. areas are among our largest. Student recruiting lately has been very productive in these areas, and Conference affiliation should assist in this regard.

The Committee voted unanimously to support the acceptance of the Conference affiliation of The University of Akron as a voting member in 1989-90 and as a participating member beginning in 1990-91.

Dr. Prough also noted that Louise Kuhn's office, working with Jesse Marquette, was in the process of conducting some research regarding general awareness and general interest in athletics at The University of Akron among three publics: The general public, students, and alumni. This would continue during the spring. He also wanted Council to be aware of the fact that the Committee would meet next week to pursue clarification of some of the issues remaining regarding the drug education and testing program.

E. Campus Facilities Planning Committee - No report.

F. Faculty Rights and Responsibilities Committee - Dr. Tom Miles, the Chairman, reported that the Committee had met on February 15 to review the Committee C (of AAUP) Statement on Teaching Evaluations, which Council had referred to it (see Appendix D). He was now moving a revised version of that statement for approval by Council, and the motion was seconded.

Dr. Gerlach rose to state that this proposal carried some

difficulty for him. On the one hand, he welcomed a system of safeguards for use in regard to this nefarious practice, but he thought that it was ironic that the business of evaluations, which had first been foisted on faculty from on high, was now going to be in the first place legitimized by Council when it had never approved the practice as required. He thought that if we were to have evaluation processes and forms, they certainly should be developed by the various faculties affected, but he did not propose to say that Council ought to order that it be done across the board. He was still in favor of a larger degree of voluntarism than that.

On a further point of detail in item 2, he wanted to know why it was stated there that it was only to be strongly recommended that the process of teaching evaluation be reviewed at least every three years. In the original document from Committee C, this review was required. It seemed to him that if we were to have such evaluations, they should be subject to repeated scrutiny. On the basis of his own investigations, he thought that the whole evaluation process was highly suspect and unreliable. In taking the evaluations required by the Department of History semester by semester, he had not learned a thing that he had not been aware of before. He highly resented being evaluated by people in those courses who were getting D's and F's. Who gave them the credentials to evaluate him? How was he to respond to the disparity of the remarks, which ranged all the way, on the one hand, from "Dr. Gerlach is to history what Bernie Kosar is to the Cleveland Browns" - he was also likened to Rick Flair, a national wrestler with a reputation as a lady killer - and, on the other hand, to a statement in the section where students could make recommendations for improving the course that the Department hire a hit man to get Gerlach. Given this kind of nonsense, one could see why he was not terribly keen on teaching evaluations, at least not by undergraduates at the lower level of freshman and sophomore. One could detect a difference between evaluations written by good students and those getting D's and F's. Also, there was a difference in the way that upperclassmen and graduate students perceived a faculty member and a course under evaluation. The longer they were in the works, the more tolerant they became of those of us who were old crocks. All of this explained why he was going to have to do whatever he did in voting on this measure. In reviewing his position, he concluded that if we had to have evaluations, he supported the safeguards, but he was not inclined to support the idea of sanctioning the evaluations when they had already been sneaked in on the faculty, and this seemed to be Council's final sanction for what was otherwise an illegitimate process.

Dr. Fleming stated that he had long ago accepted the value of evaluations in his own classes and preferred to conduct them by means of an instrument which he had some confidence in and did not burden the students too much. He was a bit wary of standardized, system-wide evaluations. He wanted to ask the Committee to give further study to the way in which the results of these evaluations were employed by the peers and superiors of teachers. He also thought that there was entirely too much frequency of evaluations and asked the Committee to consider that as well. With those considerations, he could support the proposal.

Mr. Glaser asked whether the proposal was meant to deal with both student and peer evaluations. So far the discussion had dealt only with student evaluations. Dr. Miles answered that the whole Committee had thought that the student evaluations should not stand alone and that peer evaluations should be considered as well.

Mr. Glaser also asked in regard to item 3 whether, given what Council had heard recently on the Ombudsman issue, the phrase "treated with due confidentiality" had any teeth in it. Given the State's Public Records Act, did that phrase actually mean anything anymore. Dean Isaac Hunt responded that he doubted it.

Dr. McGucken moved to delete the fifth line in item 4 beginning "...prior to the forwarding of it to..." He thought that the whole line was unnecessary, if the last sentence of item 4 in caps was acceptable to Council. This was seconded by Mr. James Inman.

Mr. David Jamison stated that he supported the amendment, but he wanted to clarify that what was moved here in the paragraphs with numbers in front of them was the entire thing. For the convenience of some who had seen a prior version, certain parts were in large type and certain parts were stricken out, but the whole thing was moved as though it had been all typed the same.

The Chairman stated that Jamison's statement was correct. The only thing on this subject that had been moved was this language. The Committee had for convenience's sake, for those people who had seen an earlier version which had come from a committee of a faculty organization, indicated ways in which the committee had changed it. These strikeouts and boldfaces had reference only to an earlier version which had no standing here in this discussion. The only thing that had standing in this discussion was this document, which was moved on behalf of the Committee. It was confusing to list it this way because it suggested there were deletions and additions to a policy that had already been accepted, at least by this body, or been moved before by this body; but that was not so.

Council then voted on McGucken's amendment, and it carried.

Mr. Jamison asked the Chairman of the Committee for clarification in regard to the last sentence of paragraph 4, "A uniform procedure shall be adopted in accordance with no. 2 above respecting which data will be forwarded to high administrative offices." Who adopted the procedure? The sentence referred back to paragraph 2, but that section was not very specific about who did what. It just said that some procedures would be developed by the faculties which should be in writing. Also, what were the high administrative offices?

Dr. Miles responded that the procedures adopted would be up to the individual departments. The Committee was not proposing any uniform instrument by which faculty members would be elevated. Its concern lay in insuring that the results of the evaluation, by whatever procedures a specific department chose to use, be handled uniformly.

Dr. McGucken made a motion to amend the second sentence of paragraph one to the following: "Statistical data and summaries of results, as deemed appropriate by the discipline/level/department faculties, CONCERNING AN INDIVIDUAL FACULTY MEMBER shall be made available to THAT faculty member." This would insure that only the concerned faculty member could receive the pertinent information. The motion was seconded.

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

Dr. McGucken then moved to strike the word "These" from beginning of paragraph 2, and this was seconded. A vote was then taken, and Council voted its approval.

Dr. Gerlach, in an attempt to make the whole evaluation procedure voluntary, moved to amend the first paragraph as follows: "If evaluation processes, forms, and so on are developed, they shall be developed or agreed to by..." and the motion was seconded.

Mr. Glaser thought that the intent of the document and probably of Council was that the evaluations be required. It was a good idea to have a uniform practice throughout the University and then to have the individual forms be uniform within a department or college or whatever. He did not want to make the process optional; he wanted it to be mandatory, as the document stated.

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

Dr. Gerlach then moved to amend the language at the end of paragraph two to read "The process of reviewing teaching evaluation shall be reviewed at least every three years by the appropriate faculty body." The motion was seconded. A vote was then called for, and the motion was passed.

A discussion then followed on the proper procedure to deal with some minor matters of grammar (leave it for the Reference Committee?) and the question of where this statement was to go in the Faculty Manual. Dr. Miles noted that while the Committee had found two places within the Manual where the statement could be inserted, it thought that it was more appropriate that it be appended to the Manual and recommended that action.

The Chairman noted that the recommendation that the statement be appended to the Manual and the description of its contents as guidelines made the proposal a bit different than other things which had come before Council. He then called for further discussion.

Since there was no further debate, Council then voted on the main motion to approve the proposal, and it was passed (see Appendix E).

G. Faculty Well-Being Committee - No report.

H. Library Learning Resources Committee - Dr. Robert Kent, the

Chairman, reported that the Committee had met on February 7. The Library Director reported to the Committee on a number of issues pertinent to the University Community, particularly the approval by the Northeast Ohio Provosts group of a plan for a high-density book storage facility in Rootstown for the public universities of northeast Ohio. This plan has been forwarded to the Ohio Board of Regents for review.

The Committee continued to discuss and investigate problems of user security and library space. The implementation of the high-density storage facility would ease some of the space problems, but would not resolve the critical need for more student study space, space for frequently-circulating books and journals, space for an adequate current periodicals reading room, or the extreme shortage of basic operating space for the Science and Technology Library.

The Committee was preparing recommendations with regard to library security and space needs for the consideration of the Library Director and the University Council. It would be presenting these soon.

I. Reference Committee - Dr. Sue Hardin, the Chair, moved that the corrected Faculty Manual, which had been presented to Council at its last meeting, be accepted by the body. The motion was seconded.

Dr. Gerlach wondered why the word "the" had been removed before references to University Council. The name of the body was The University Council. Dr. Hardin said that the Committee would be happy to put "the" back in.

Mr. Glaser had three pages which he wished to discuss. First, in regard to 3359-20-01 (C) at the top of page three, the sentence in caps reading "THE AFFIRMATIVE ACTION AND EQUAL EMPLOYMENT OPPORTUNITY OFFICE, LOCATED IN BUCHEL HALL..," why was it necessary to state "located in Buchtel Hall?" If that office were moved elsewhere, then the description would become invalid.

After a bit of discussion, Dr. Faith Helmick said that she had recommended to the Reference Committee that the statement be added for purposes of clarification. She had thought that this was a good place to refer to the office which handled the policy on Affirmative Action stated in this section of the Manual. She agreed that "located in Buchtel Hall" was not necessary and withdrew the words.

Mr. Glaser's second question related to 3359-20-02 (F)(1)(b) on page 18: "It is the duty of the Vice President for Administrative Services to be responsible for administration of functions encompassed by the separate departments of Human Resources..." This seemed to him to be suffering from prepositional overload. He moved changing the wording to "It is the duty of the Vice President for Administrative Services to administer functions..." and this was seconded.

After some discussion and minor changes in the wording of the amendment, the motion read "The Vice President for Administrative Services administers the functions..." Council then voted and passed the amendment.

Dr. Helmick called Council's attention to 3359-20-03 (C)(2)(a) on page 33, line 27 - "department/division chair." There had been an attempt to be very consistent about using the words "department head/division chair." She wanted to move to change page 33, line 27 to "department HEAD/division chair," as well as page 34, line 10, where "department chair" should be changed to "department HEAD."

With the assent of the Reference Committee, Council agreed to the changes.

Dean Hunt, in reference to 3359-20-02 (G)(1) on page 19, noted that the last sentence in (1) stated: "It is comprised of the following colleges, schools, and divisions." Yet subparagraphs a and b thereunder were not definitions of any colleges. There followed a discussion of the intent of this section and how it could be modified.

Dr. Gerlach then noted that what Council was now engaged in was the business of the Reference Committee. Dr. Hardin said that the Committee would be happy to accept written suggestions about proposed wording changes, which it would consider for next year.

After further discussion of ways to change 3359-20-02 (G)(1), including a suggestion from Dr. Helmick that the name of Wayne General and Technical College be changed to its new name - Wayne College - throughout the handbook, Dr. Mary Rainey called the question.

The Chairman reminded Council that there were presently no amendments before it and that the question had been called on the main motion, which was to adopt the language of the revised Faculty Manual. He interpreted that as to adopt the language as Council had amended it in friendly discourse, including the change of Wayne Technical to Wayne College. Council then voted to terminate debate. Before Council voted on the main motion, the Chairman noted that the loose discussion affecting 3359-20-02 (G) on page 19 came to no conclusions, and no changes were made there. Council then voted on the main motion, and it was approved. The Chairman reminded the Reference Committee that Council had approved the Manual with the clear instructions that the Committee still had some cleaning up to do. If people had suggestions on improving the Manual, it would be helpful to send these to the Chairman of the Reference Committee.

J. Research (Faculty Projects) Committee - Dr. Carl McMillan, the Chairman, reported that 24 proposals had been submitted for the spring research grant competition. The Committee would be meeting on March 3 and 6 to review these proposals and select those to be funded. (See Appendix F for a listing of proposals approved for funding by the Committee after these meetings.) An ad hoc committee had been established to advise the Research Committee as to suggestions on how it should go about evaluating proposals. It had already met several times and would be meeting on March 9 to decide on final recommendations.

K. Student Affairs Committee - No report.

VI. Report of the Akron Representative on the Faculty Advisory

Committee to the Chancellor of the Ohio Board of Regents. Dr. Mary Rainey stated that the meeting had been cancelled, and there was no report. (See Appendix G for copies of the minutes of the Advisory Committee to the Chancellor for 1/18/89 and 2/7/89.)

VII. Unfinished Business. Turning to Unfinished Business and General Orders, the Chairman announced that the first item was an action which proposed to amend the Faculty Manual with reference to salary payments (see Appendix H).

In the discussion which followed, an amendment to the document was proposed by Linda Weiner which would have included part-time faculty in the proposed biweekly pay plan and this, as well as other aspects of the proposal, were discussed. It was then noted that the proposal itself had never actually been moved and seconded. Mr. Michael Jalbert then so moved, and the motion was seconded.

Mr. Inman stated that he thought Council should first discuss the "biweekly" motion before going on to discuss the other issues which had already been raised in regard to the inclusion of part-time faculty, etc. The Chairman agreed that debate on those other issues was out of order until the "biweekly" amendment had been discussed.

Mr. Mark Soppeland, the Chairman of the Faculty Well-Being Committee, asked for permission to speak and Council granted it to him. He thought that the issue here was money; Council could not proceed until it knew how much such a scheme would cost. He did not want to lose .5 percent of his salary just to get a paycheck every two weeks.

Dr. Buchthal moved to table the motion until Council could get an adequate figure on what the cost of the change would be. Dr. Gerlach responded that the motion was not in order; if the intention was to postpone discussion until a certain time, the correct motion was to postpone until such-and-such a time.

Dr. Buchthal again moved to table the motion. This was seconded, and then Council voted its approval.

The next item under Unfinished Business was a proposal to amend Faculty Manual section 3359-20-02 (5)(vi), regarding review of department heads (see Appendix I). Dr. Oller moved the motion, which was then seconded. Dr. Oller stated that he had been asked to present this by some of his colleagues, and indicated that the proposal added two things to the Manual. First of all, it specified the procedures for the review - how the review of the department head should be carried out. One important element there was the anonymous written evaluation solicited from each member of the department in question. The second thing which the amendment added was a mechanism for action if the majority of the members of a department gave an unfavorable vote for the retention of the department head.

Associate Provost Cooper wondered whether there ought to be some indication of how often the department head should be reviewed. Dr. Buchthal asked Dr. Oller whether it was the intention that only if the

department head failed to get 60 percent would all the anonymous faculty letters be circulated to all the relevant faculty. Dr. Oller responded that this was the way he read the language of the amendment. In response to Associate Provost Cooper's question, the Chairman noted that two paragraphs up from this point in the Manual there was a statement that the comprehensive review would occur every four years.

Dr. Farona asked whether the dean's interview with each faculty member in the department was mandatory. He thought that this might be rather unwieldy in large departments. Perhaps voluntary interviews might be better here. The Chairman responded that the intention of this language was that every four years the dean had to talk with each faculty member. Associate Provost Cooper added that this was already a part of the Manual.

Mr. Glaser wondered why, if the dean was going to interview every faculty member, there was also a need for anonymous written evaluations. It seemed to him suspicious that a faculty member could say anonymously what he or she could not say in the dean's presence. He moved to strike the phrase "and anonymous written evaluations solicited from each member" and "the anonymous faculty letters" because it was simply not fair to the department head who then had to answer an attack from a quarter which he could not judge because he was unaware of its origin.

The motion was seconded and Dean Hunt asked if Mr. Glaser would accept a friendly amendment to merely strike the word "anonymous" from both places. Mr. Glaser agreed.

Dr. C. Frank Griffin spoke very strongly against this motion. One of the problems which now existed in regard to a number of departments or at least colleges was that things which were said to the dean were getting back to the department head along with who said it. As a consequence, that faculty member got hit with a hammer, so to speak. Therefore, you had reviews which amounted to nothing because the faculty were quite frightened to say anything of substance for fear that their statements were getting back to the department head. The anonymous evaluations were critical, then, for getting real evaluations of department heads.

Dr. Gerlach agreed with the comments of Dr. Griffin and wanted to emphasize that from his own personal experience, as well as listening to the experiences of others, that the word "anonymous" was necessary here. It had to do with confidentiality and freedom. He didn't think that any of us sought to stab anyone in the back, but we had to face the fact that certain things did happen to our disadvantage, and we could not be free to speak our minds openly in all cases. Moreover, he testified from his own personal experience that a mere chitchat with the dean was not enough.

Mr. James Nolte could not see a problem with the word "anonymous." As an instructor, he was evaluated in every single class by every single student anonymously, and those evaluations in turn were used every single time that he was considered for promotion, retention, or a pay raise. He would have no objection - in fact, he would prefer to have

his salary, promotion, and tenure questions placed in the hands of an anonymous group of his peers than in the hands of his students. He did not see how the word "anonymous" created such a problem here when it was done on this campus probably a thousand times a year.

At this point, the Chairman relinquished the Chair to Dr. John Bee, President Pro-Tem of Council, in order to speak to this issue. Dr. Marini thought that the question of the anonymity of the written response was more serious than simply whether one had the courage to say in writing, in concealing one's identity, what one did not have the courage to say to the dean when meeting with him, or even whether one's remarks to the dean would somehow leak out of the conversation. He thought that if written anonymous statements from department members were admitted, neither the dean nor anyone else could have any way of knowing that those written statements had actually come from the department. This would allow friends of the department head to load the dice with any number of written unsigned statements, which could be mailed from anywhere on campus, and enemies of department heads could do a great deal of damage under cover of anonymity. The dean and anyone else trying to make sense out of that would have no assurance that these statements even came from faculty, let alone department faculty.

Dr. McGucken stated that he was not sure that he followed Dr. Marini's reasoning because he had received from him just a week ago a form to be filled out anonymously and submitted in connection with review of a dean. There was this practice of anonymous letters or reviews - why not continue it here?

Dr. Marini replied that the important difference here was that the questionnaire was sent to Dr. McGucken as a faculty member in that college. It was true that somebody else might come into possession of it, but the assumption was that since you received it, you would return it. The proposal said "anonymous letters." It was not a form which you received to fill out - it meant anybody with a typewriter and a piece of paper.

Dr. Fleming stated that he also had problems with the anonymous letter. He wanted to amend the proposal in the appropriate place without changing the sense of the other parts with the following: "The dean shall require a secret ballot of all members of each department at least once in every four years, oftener as circumstances may suggest, and that secret ballot shall require a 60 percent approval to retain that department head."

The Chairman stated that there already was a motion on the floor which had to be dealt with first.

Dean James Dunlap wanted to speak in favor of the motion. He had always conducted these interviews in individual departments and always in the abstract. When reviewing them with the department head, the head usually identified the source because he had heard it from faculty members before the dean had. That was not a violation of trust; he had not identified the person. He wanted to support Dr. Marini's position because he had personally experienced very confusing anonymous letters

where he had very serious doubts if they had even come from the College of Business Administration or from the department from which it supposedly came. He had, almost in an investigative manner, tried to determine if they were legitimate or vindictive, and he was not able to do it. He appreciated the posture that some of the Council members had taken, but it was impossible to identify or separate out what was truly coming from the department or what might have been planted or coming from a source outside of the College.

Dr. Frank Griffin thought that procedures could be devised to insure that these written evaluations came only from the faculty members. For example, the dean could send out a special envelope just for each of the faculty members so that he would have to get the responses back in them. As to the evaluations themselves, some form could be devised. It would be more appropriate to change the wording at the end of the proposal where it reads "anonymous faculty letters" to "anonymous faculty evaluations."

Dr. David Bernstein wondered why there could not be a choice regarding whether a written evaluation might be either anonymous or signed. He thought that many untenured faculty would be very reticent in turning in any kind of written evaluation, particularly if it was negative, because they felt that it would get back to them and be damaging. Therefore, there would be nothing submitted by most untenured faculty. The tenured faculty had much less to worry about. Could not the statement read "These written evaluations are voluntary and they may be signed or not signed?"

Dr. Fleming still expressed strong concern about the anonymous letters. These would become part of the faculty's permanent record for anybody to review at any time.

Dr. Buchthal emphasized that these would be public records and could appear in The Buchtelite with a statement such as "This was a letter that castigated a certain department head; nevertheless, they reappointed him." When he graded his students he signed his name to the grade sheet, and he would want them to sign their names to their evaluations, but he was not allowed to require it. When his department head evaluated him, he signed his name and he knew whom to look for if he had problems with it. He was willing to sign his name to an evaluation of a dean or department head and stand by it. He hoped that Council would remove the "anonymous" from the proposal.

Mr. Nolte asked for clarification on the phrase "anonymous written letters." Was the term "letters" designed to introduce new or additional material? Or was this a slip and simply should have indicated that they were anonymous faculty evaluations referring back to the first sentence?

Dr. Oller responded that he was not the author of the proposal, but he assumed that the written evaluations were what was meant here. No new anonymous letters were being introduced. Mr. Nolte replied that it seemed that the issue was not so much the anonymity, but the letters, as opposed to anonymous written evaluations.

Dr. McGucken stated that if the motion was defeated, he planned to move to change "letters" to "evaluations." Then it would say "anonymous written evaluations solicited." So, for department heads, the situation would be exactly the same scheme which existed for deans, because anonymous written evaluations were solicited from us by the Provost.

The Chairman then called for a vote, and the motion carried. Dr. Gerlach asked for the exact figures, and the Chairman called for a second vote in order to ascertain the exact numbers. The vote was 26 in favor, 13 opposed, and 2 abstentions.

Dean Glenn Atwood then moved to delete the words "accompanied by all documentation including anonymous letters" from the proposal, and this was seconded by Dean Dunlap. He explained that when carrying out these interviews, there were times when a faculty member might wish to have his comments kept in confidence with the dean. If the dean were making notes, or if that person had asked that his letter be held in confidence, this document would prevent him from maintaining that confidentiality.

Dr. Buchthal wondered whether the public records act also prohibited us from keeping that information in confidence. Dean Hunt did not think so. You could keep it in confidence, but, if someone knew about the existence of the public records act, he might ask for it. The formal answer was that anyone requesting it could probably get the letter. However, he supported the amendment. If faculty members were required to sign the evaluations, the deans should have the leeway to keep them in whatever confidence they could.

Dr. Gerlach rose to speak against the motion because it would allow the dean to throw a cloak of anonymity over these written materials and hide them from his peers, and anonymity was what had just been removed from the statement. If the dean should not have to send all this documentation forward, then the dean was deciding to exert an anonymity which no one else had the right to do. He reminded Council of W.H. Auden's famous line, "Thou shalt not do as the dean pleases."

Since there was no additional discussion, the Chairman called for a vote. There were 12 in favor, 24 against, and 5 abstentions. The motion was defeated.

Dr. Fleming now offered his amendment to be added to the appropriate place: "The dean shall require a secret ballot of each member of each department at least once in every four years, oftener as circumstances may suggest, and these ballots shall require a 60 percent support for retention of the department head in that office." The motion was seconded. At the request of the Chairman, Dr. Fleming indicated that the language could be inserted in place of "These evaluations shall include a question, 'Shall the department head be retained?'"

To Dr. Hodowanec's question of how the 60 percent figure was arrived at and how it could be applied to a small department with only four members, the Chairman replied that it would be a minimum in the

case of a four-person department and that would mean 75 percent - three out of four. Dr. Fleming said this could be clarified by simply inserting the words "at least 60 percent."

Mr. Glaser asked whether the situation now was that the head was appointed by the dean. If so, was this document empowering the faculty to do something which they were not really empowered to do?

After some discussion, the Chairman indicated that the present wording in the Faculty Manual was that the department heads were appointed by the Board of Trustees upon recommendation of not less than 2/3 of the faculty members of the department. That was for initial appointment. He did not know if that applied to review as well.

Dean Wallace Williams wanted to know what would happen if a department head had lost the confidence of the administration and the dean, but 60 percent of the faculty in his department wished him to continue as head. Did the dean have to accept what the faculty members said, or did he have the authority to remove that individual who might not have carried out responsibilities as he should have. There was a real conflict here.

At this point, the Chairman (Dr. John Bee) pointed out that Council no longer had a quorum, and the meeting was adjourned at 5:20 p.m.

## APPENDIX A

Proposal for a Faculty Ombudsman  
(As amended by Council 2/23/89)

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 SEEK to *ELABORATE* OBTAIN CLARIFICATION OF the University's modus operandi; to honor all reasonable requests for information pertinent to the functions and purposes of the office, and to seek actively for answers to all such inquiries, providing them to the inquiring parties and, where it seems desirable, to the University community at large
  - b. to advise faculty and others of whom to consult and 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;*

\*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.

- e. to report independent findings and recommendations to the appropriate authorities WITHIN THE UNIVERSITY by the most expeditious means possible, and to the University community to the extent that this seems objectively to be most beneficial;
  - f. to ~~advise~~ INFORM the appropriate administrative officers, legislative bodies, and faculties WITHIN THE UNIVERSITY COMMUNITY 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 TO THE APPROPRIATE AUTHORITIES adjustments in cases of complaint AND FINDINGS 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~~ PUBLIC RECORDS and information as the Ombudsman believes required to fulfill the functions of the job shall be provided by all members of the University community, SUBJECT TO THE EXCEPTIONS FROM SUCH DISCLOSURE PROVIDED BY OHIO STATUTORY LAW OR OHIO COMMON LAW RIGHTS OF PRIVACY. Any requests from the Ombudsman for information must receive the highest priority from every member of the community. The Ombudsman shall also be given efficient means for communicating with the University community whenever necessary.
4. 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, SUCH AS:
- 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 BY LAW, OR RULES AND REGULATIONS OF THE BOARD OF TRUSTEES;
  - b. should those recommendations ~~be ignored or modified~~ NOT RECEIVE DUE CONSIDERATION AND/OR IMPLEMENTATION, the Ombudsman has the right and obligation, ~~within~~ UPON two weeks' WRITTEN notice, to ~~take~~ SUBMIT the case, IN WRITING, 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/~~ pursuant to Ohio law governing such personnel records, but access to all other records and files bearing on a complaint is guaranteed to the Ombudsman, to the extent authorized pursuant to Ohio's public records law, but subject to the exceptions provided therein;
- 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 ~~complainants~~ COMPLAINANTS that their anonymity be preserved must be respected, to the extent authorized by law.

5. Operations of the Office:

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

- a. The office shall keep suitable records of complaints, findings and recommendations. In order to protect the anonymity of the complaints and the confidentiality of the ~~complainant~~ COMPLAINANT, 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;

[The following provision conflicts with the statutory discretion vested in The Board of Trustees in R.C. 3359.03 (i.e., Only The Board of Trustees "...shall employ, fix the compensation of, and remove...such...professors...as may be deemed necessary.)]

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

## APPENDIX B

3359-20-03 The Faculty: General Personnel Policies

## (A) Faculty Appointments

- (1) (a) (ii) *The title of Distinguished Professor is given to an individual in recognition of outstanding performance in all fields of his or her professional endeavor and who has received national or international recognition for those achievements.*

THE TITLE OF DISTINGUISHED PROFESSOR SHALL BE AWARDED ONLY TO ONE WHO, ALREADY HOLDING THE RANK OF PROFESSOR FOR FIVE OR MORE YEARS, CONTINUES TO EXCEL IN TEACHING AND IN SCHOLARLY ACTIVITY OR ARTISTIC PERFORMANCE AT THE UNIVERSITY OF AKRON AT A LEVEL SIGNIFICANTLY BEYOND THE EXPECTATIONS FOR THE RANK OF PROFESSOR. THE AWARD CARRIES A SUITABLE SALARY ADJUSTMENT.

NOMINATIONS FOR DISTINGUISHED PROFESSOR MAY BE MADE EITHER BY MAJORITY VOTE OF THE NOMINEE'S DEPARTMENT, DIVISION, OR COLLEGE, OR BY THE DEAN OF THE COLLEGE. UPON RECEIVING OR MAKING A NOMINATION, THE DEAN SHALL CONVENE THE COLLEGE REVIEW COMMITTEE.

EACH COLLEGE FACULTY SHALL ELECT ITS REVIEW COMMITTEE TO CONSIDER SUCH NOMINATIONS. ONLY FACULTY HOLDING THE RANK OF PROFESSOR OR THE TITLE OF DISTINGUISHED PROFESSOR ARE ELIGIBLE TO SERVE. THE COMMITTEE SHALL CHOOSE ITS OWN CHAIR. IF A MAJORITY OF THE REVIEW COMMITTEE APPROVES OF THE NOMINATION, THE DEAN SHALL FORWARD THE REVIEW COMMITTEE'S RECOMMENDATIONS, TOGETHER WITH WHATEVER COMMENTS HE OR SHE WISHES TO MAKE, TO THE UNIVERSITY DISTINGUISHED PROFESSOR COMMITTEE CONVENED BY THE SENIOR VICE PRESIDENT AND PROVOST.

THE UNIVERSITY DISTINGUISHED PROFESSOR RECOMMENDATION COMMITTEE SHALL CONSIST OF ONE MEMBER ELECTED FROM EACH OF THE DEGREE-GRANTING COLLEGES. ONLY THOSE HOLDING THE RANK OR THE TITLE OF DISTINGUISHED PROFESSOR ARE ELIGIBLE TO SERVE ON THIS COMMITTEE, WHICH SHALL ELECT ITS OWN CHAIR. IF A MAJORITY OF THE REVIEW COMMITTEE VOTES FAVORABLY, IT SHALL FORWARD THE RECOMMENDATION TO THE PROVOST. THE PROVOST SHALL FORWARD THE RECOMMENDATION, TOGETHER WITH WHATEVER COMMENTS HE OR SHE WISHES TO MAKE, TO THE PRESIDENT OF THE UNIVERSITY.

**APPENDIX C**  
**CURRICULUM CHANGES**

Due to the length and volume of the curriculum changes, this Appendix will be circulated as a supplement to the Chronicle.

## APPENDIX D

Faculty Rights and Responsibilities Committee  
Revisions to the  
COMMITTEE C STATEMENT ON TEACHING EVALUATIONS  
(REVISED NOVEMBER 1988)

## Introduction

A high standard of instructional quality is a stated goal of this institution. One approach toward achieving this goal is a formal and systematic assessment of teaching. IN SOME INSTANCES, departments and colleges have been required to adopt standardized instruments for the general evaluation of teaching. Results from such evaluations ~~will~~ ~~clearly~~ HAVE AND WILL CONTINUE TO play a role in promotion, retention and tenure and, very likely, in salary recommendations. The University needs guidelines which ensure that the rights and interests of the faculty are observed and protected.

Any evaluation which purports to assess an individual's teaching contribution by a single composite "score" is neither credible nor justifiable. Teaching is recognized as a complex and multi-dimensional endeavor. Its evaluation must be sufficiently sophisticated // comprehensive, and balanced to ensure meaningful and fair results. The literature in this area indicates such an evaluation should include several different methods for assessing teaching, such as student surveys, interviews, self-analysis, review of course syllabus and examinations, and classroom observation by colleagues or trained observers. At present, unfortunately, our required evaluations may consist only of a score from student responses to some standardized questionnaire.

Further concerns are raised by the quality of presently used evaluations which may range from an anonymous survey someone found in a file to a well-researched, validated, and nationally-normed instrument. This unevenness demands great caution and restraint in interpreting the results and in making comparisons. Whether or not faculties can develop better and more appropriate teaching evaluation instruments, the policies for the use and interpretation of such instruments must be developed and clearly stated.

Until such time that there is greater confidence and experience with more uniform and more comprehensive teaching evaluations, the results should be treated with appropriate skepticism and regarded as confidential.

## Recommendation:

Consistent with the above observations and WITH EXISTING PROVISION IN the Faculty ~~Handbook~~ MANUAL, ~~the following should be adopted~~ THE FACULTY RIGHTS AND RESPONSIBILITIES COMMITTEE RECOMMENDS THE FOLLOWING BE ADOPTED as guidelines ~~regarding teaching evaluations for full-time and part-time teaching faculty~~ AND APPENDED TO THE FACULTY MANUAL:

1. The evaluation processes, forms, etc. *should* SHALL be developed and/or agreed to by the various faculties affected, appropriate to the discipline and/or level involved. Statistical data and summaries of results, as deemed appropriate by the discipline/level/department faculties, *should* SHALL be made available to the faculty members.
2. These procedures, rights, and responsibilities developed by the faculties *should* SHALL be clearly stated in writing. No changes *should* SHALL be made in practices without the prior agreement of the appropriate faculties. **IT IS STRONGLY RECOMMENDED THAT THE PROCESS OF TEACHING EVALUATION BE REVIEWED AT LEAST EVERY THREE YEARS.**
3. Evaluation results of individuals are to be treated with due confidentiality by the department head and appropriate department/college committees AND ADMINISTRATORS.
4. Individual evaluations and any statements or interpretations by the department head and/or committee must be shared in writing with the faculty member involved. The faculty member is entitled to append dissenting, supplementary, or other statements to the interpretation of the evaluation prior to the forwarding of it to higher administrative offices. *Raw data should not be forwarded without the written permission of the person evaluated!* A UNIFORM PROCEDURE SHALL BE ADOPTED IN ACCORDANCE WITH NO. 2 ABOVE RESPECTING WHICH DATA WILL BE FORWARDED TO HIGH ADMINISTRATIVE OFFICERS.
5. Faculty *should* SHALL have the same rights to examine their teaching evaluation file as they have *for* TO EXAMINE their personnel file.
- 6/ *The process of teaching evaluation should itself be reviewed at least every three years!*

## APPENDIX E

Committee C Statement on Teaching Evaluations  
(Revised November 1988)  
[As amended by University Council 3/2/89]

## Introduction

A high standard of instructional quality is a stated goal of this institution. One approach toward achieving this goal is a formal and systematic assessment of teaching. In some instances, departments and colleges have been required to adopt standardized instruments for the general evaluation of teaching. Results from such evaluations have and will continue to play a role in promotion, retention and tenure and, very likely, in salary recommendations. The University needs guidelines which ensure that the rights and interests of the faculty are observed and protected.

Any evaluation which purports to assess an individual's teaching contribution by a single composite "score" is neither credible nor justifiable. Teaching is recognized as a complex and multi-dimensional endeavor. Its evaluation must be sufficiently sophisticated, comprehensive, and balanced to ensure meaningful and fair results. The literature in this area indicates such an evaluation should include several different methods for assessing teaching, such as student surveys, interviews, self-analysis, review of course syllabus and examinations, and classroom observation by colleagues or trained observers. At present, unfortunately, our required evaluations may consist only of a score from student responses to some standardized questionnaire.

Further concerns are raised by the quality of presently used evaluations which may range from an anonymous survey someone found in a file to a well-researched, validated, and nationally-normed instrument. This unevenness demands great caution and restraint in interpreting the results and in making comparisons. Whether or not faculties can develop better and more appropriate teaching evaluation instruments, the policies for the use and interpretation of such instruments must be developed and clearly stated.

Until such time that there is greater confidence and experience with more uniform and more comprehensive teaching evaluations, the results should be treated with appropriate skepticism and regarded as confidential.

## Recommendation:

Consistent with the above observations and with existing provision in the Faculty Manual, the Faculty Rights and Responsibilities Committee recommends the following be adopted as guidelines and appended to the Faculty Manual:

1. The evaluation processes, forms, etc. shall be developed and/or

agreed to by the various faculties affected, appropriate to the discipline and/or level involved. Statistical data and summaries of results, as deemed appropriate by the discipline/level/department faculties, **CONCERNING AN INDIVIDUAL FACULTY MEMBER** shall be made available to ~~THE~~ THAT faculty members.

2. ~~These~~ Procedures, rights, and responsibilities developed by the faculties shall be clearly stated in writing. No changes shall be made in practices without the prior agreement of the appropriate faculties. ~~It is strongly recommended that the process of teaching evaluation be reviewed at least every three years~~ **THE PROCESS OF REVIEWING TEACHING EVALUATION SHALL BE REVIEWED AT LEAST EVERY THREE YEARS BY THE APPROPRIATE FACULTY BODY.**
3. Evaluation results of individuals are to be treated with due confidentiality by the department head and appropriate department/college committees and administrators.
4. Individual evaluations and any statements or interpretations by the department head and/or committees must be shared in writing with the faculty member involved. The faculty member is entitled to append dissenting, supplementary, or other statements to the interpretation of the evaluation prior to the forwarding of it to higher administrative offices. A uniform procedure shall be adopted in accordance with number two above respecting which data will be forwarded to high administrative offices.
5. Faculty shall have the same rights to examine their teaching evaluation file as they have to examine their personnel file.

## APPENDIX F

FACULTY RESEARCH GRANTS AWARDED 3/3/89

<u>RG #</u>	<u>Name and Department</u>	<u>Title of Project</u>	<u>Amount</u>
1075	Dr. C. Batur Mechanical Engr.	"Optimization of Energy Use."	\$ 2,400.00
1076	Drs. J. Drummond, B. Leonard, and J. Serafini Mechanical Engr.	"Development of a Simple and Reliable Turbulence Model Based on a Modified Mixing Length Concept."	2,200.00
1077	Dr. Antonia Forster, English	"Ralph Griffiths and the English Book Trade in the Second Half of the 18th Century."	1,405.00
1078	Dr. Kristine Gill Nursing	"Health Professionals' Attitudes Toward Parent Participation."	2,380.00
1079	Dr. H.R. Grant History	"Railroad Station Archi- tecture in Kansas."	2,324.00
1080	Dr. Donald Howard Marketing	"Global Competition and New Zealand Corporations."	517.00
1081	Dr. M.J. Kazmierczak Mechanical Engr.	"Transient Natural Convection in a Fluid Layer and a Porous Medium with Oscillatory Sur- face Temperature: Numerical Modeling and Experiments."	2,700.00
1082	Dr. Jane Leonard History	"Scholar-Official Reformism and the Sea Transport of Tribute Grain in Early Nineteenth-Century China."	2,040.00
1083	Drs. James Lynn and Sharon Lesner Communicative Disorders	"Validation of Hearing Aid Prescription Procedures Using a Digitally Program- mable Hearing Aid."	2,866.00
1084	Dr. Helen Richter Chemistry	"Photochemistry of Phenyl Azides Relevant to Photo- affinity Labeling."	3,000.00
1085	Dr. Peter Rinaldi Chemistry	"Development of 2D-NMR Techniques for the Characterization of Polymers and Bipolymers."	3,000.00

<u>RG #</u>	<u>Name and Department</u>	<u>Title of Project</u>	<u>Amount</u>
1086	Dr. Daniel Smith Chemistry	"Correlation of Urinary Nitrate to Wound Repair in Rats."	3,000.00
1087	Dr. Bruce Taylor Biomedical Engr.	"A Preliminary Investigation into the Noninvasive Measurement of Arterial Pressures."	2,975.00
1088	Dr. James Throne Polymer Engr.	"Device for Automatically Chopping High-Modulus Polymer Fibers."	2,800.00
1089	Dr. Ronald Viola Chemistry	"An Examination of Enzyme Function by Site Directed Mutagenesis."	2,839.00
1090	Dr. Donald Zinger Electrical Engr.	"Low Speed AC Motor Control."	<u>1,700.00</u>
		Total	\$ <u>38,146.00</u>

## APPENDIX G

FACULTY ADVISORY COMMITTEE  
TO THE CHANCELLOR OF THE  
OHIO BOARD OF REGENTS

Minutes of the Meeting of January 18, 1989.

Chairman Miller called the meeting to order with the following members present: R. Anderson, M. Bixler, J. Burgie, L. Esterly, G. Gemmer, M. Ghodooshim, R. Hehman, M. Henning, J. Leeson, P. Macklin, C. Martin-Stanky, P. Michael, T. Milburn, R. Miller, L. Milner, H. Munro, T. Redman, R. Rolwing, N. Rudd, R. Stoner.

MORNING SESSION

**Minutes** Approval of the December 5, 1988 minutes was moved, seconded and carried. Chairman Miller expressed appreciation for the detail and accuracy of the minutes.

**Morning Items** Chairman Miller reported that the next meeting will be 7 February 1989, and the others announced last month seemed at this point to be compatible with the Chancellor's calendar. [The remaining schedule, as of this date, is: 8 March 1989 (Wednesday), 27 April 1989 (Thursday), 17 May 1989 (Wednesday), and the summer luncheon on 6 July 1989 (Thursday)].

Miller announced that the major part of the agenda at the next meeting will be the issues surrounding the "Access and Success..." plan and the proposed document to be forwarded by the Committee to the Chancellor. He suggested that committee members study Rudd's "Redraft of FAC retreat reports" [dated 1/18/89] and we shall discuss it in depth at the February 7 meeting.

**Items for the Chancellor** While waiting for the guest speaker, Chairman Miller suggested that we think about questions for the Chancellor, especially on the issues surrounding the present additional funding proposal. Munro suggested that we obtain copies of the Commission 2000 full report (or a detailed summary) as it does not seem to have been distributed — or reported — in much detail since its release. Miller pointed out that the comparison of institutional salary projections [that CFAC usually reviews in an "Information Sharing" section of the agenda in late winter or early spring] may be heavily contingent on the projections for the success or failure of the proposed tax increases proposed by the Governor. Rolwing reported that there appear to be some hiring freezes going into effect; other members said they were hearing the same thing, and a question from Miller established that the major purpose seems to be re-allocation of personnel and resources. Rudd said that the projection at OSU is that this contract year will be resolved very late because of the uncertainty over the amount of state funds to be available.

Other items for the Chancellor were: reminders of our interest in knowing the details about the tax givebacks; the question of why there is a separate Ohio application for the OIG, rather than accepting the Federal loan application forms; a follow-up on the Owens Tech CFAC membership question; a question by Miller about the possible similarity between the new Iowa Super-Board and the proposed administrative structure for the Ohio "SuperFund" for education; a question about the how the OBCR formula for allocation of administrative costs works if the OSOR data is not fully reliable; and a suggestion by Macklin that it would be helpful to have an update on the guidelines for demo schools for the (mostly) urban centers which are being planned.

Visit by Robert H. Brown, Mr. Brown, a principal and consultant from William M. Mercer  
 Mercer Meidinger Hansen Meidinger Hansen, Incorporated [2500 Corporate Exchange Drive,  
 Columbus, OH 43225], a national benefits consulting firm which provides management services to  
 organizations and institutions, spoke to the Committee at the invitation of Nancy Rudd. Mercer  
 Meidinger Hansen is the largest company in the U.S. and the world that works with employers in  
 setting up and managing health, life insurance, salary, and employee compensation plans, in fact,  
 any aspect of employer relations with employees. The Columbus office, which Brown represents,  
 works with OSU, OU, Wright State, Miami and YSU; the Cleveland office works with CSU and Akron  
 U. His primary topic with the committee was rising health care costs, and strategies for managing  
 health care plans so as to monitor and restrain the premium costs to institutions. There was also  
 a brief discussion of Section 89 of the Internal Revenue Code, inserted into the Tax Reform Act of  
 1986, as amended by the Technical and Miscellaneous Revenue Act of 1988.

Mr. Brown's presentation was based on a large number of overhead slides, with comments  
 accompanying most of them. Because he agreed to and has since supplied interested members of  
 the CFAC with paper copies of the slides and with a thorough analysis of the impact of Section 89  
 prepared by Mercer Meidinger Hansen (titled, "Section 89: Nondiscrimination in Health and Welfare  
 Plans"), these minutes will defer to the documents later supplied by Mr. Brown for further detail  
 on these most troublesome issues. Following Mr. Brown's presentation and questions from the  
 CFAC, he was thanked by Rudd and others for his detailed information and spirit of candor.

#### AFTERNOON SESSION

General Remarks by On the budget, Chancellor Coulter shared with the committee a  
 Chancellor Coulter letter that he has sent to each member of the legislature; it covered:  
 1) what we've done in the last 5-6 years; 2) what we think is important now; and 3) what we  
 suggest for the immediate future, especially what needs to be financed. He said, "I hope you will  
 conclude as I did in this letter that it is hard to find a state that has its act together as well as  
 Ohio." On a related matter, the Chancellor recalled his promise to supply the committee with  
 specific data on the tax givebacks, and distributed a history of the several reductions since the  
 last tax increase.

Chancellor Coulter also distributed copies of the latest "Regents Review" publication, and  
 said that he would see to it all CFAC members are on the mailing list; he observed that it is now  
 published in-house on a MacIntosh, and has "cut the costs [of the publication] like crazy." Other  
 documents distributed by the Chancellor were: final report of the House Committee to Review and  
 Study Ohio's Education System, an abridged version of the Education 2000 Commission report, and  
 a summary of that report prepared by his office.

Discussing the prospects for the Regents' budget proposal, Chancellor Coulter said that  
 "there does not seem to be the same level of dissatisfaction with higher education as there is with  
 K-12," that is, not the same dissatisfaction with OBOR as there is with the state department of  
 education. "Higher education," he observed, "seems right now to be held in high regard by state  
 political leaders." Nonetheless, "the tax measure in the legislature has a long way before it gets  
 to a ballot, and then [there is] much to do to help ensure passage." Even if the tax initiative  
 fails, the Chancellor said that "higher education will probably get as good a budget as we have  
 now". What the Governor has proposed is an educational trust fund that would establish the goals  
 of excellence in performance by education, and access to that system by all people. These goals  
 would be funded by a new 1% increase in the tax on individuals' income and a corporate franchise  
 tax; the two would raise \$1B. The money would be held in a trust with 3 parts: 1) a direct  
 transfer to local schools [part equally per student, part to poorer districts]; 2) a set-aside in a  
 fund to support reform in elementary and secondary education, after the fashion of the Butler  
 report; 3) a separate part of the fund for higher ed — 80% to the instructional subsidy and to

other activities to increase access (to bring student share down and for student assistance), and 20% dedicated to programs for excellence in teaching performance and research (the growth of Selective Excellence programs to come from that fund). The trust fund would be put under control of a board of trustees who would verify that the use of funds would be according to the law that established the fund, and would report regularly to the public. The board would consist of 12 persons: 2 appointed by the State Board of Education, 2 by the Regents, 4 from the CIA (2 from each house), and 4 appointed by the Governor (including the chairman).

Chancellor Coulter said that there has been "lots of reaction, people bouncing off the walls." There have been many opinions, even among OBOR members. Among the issues raised has been the question of whether a tax should be enacted through constitutional amendment. Only one or two voices have said that education does not need more money; most have agreed that more funds need to be allocated, the question is what to spend it on, whether it should go on the ballot, and whether another board should be stacked on top (a "SuperBoard"). Miller observed that Iowa was getting attention because of the idea of a "SuperBoard". The Chancellor said that what he called the "bouncing around" (like the balls used in the Ohio Lotto drawings) represents all these disparate things to "worry about." We have a "first" where a governor has embraced the whole of what higher education wants to do, and has proposed a protected income for higher ed. Among the 'nagging questions' are: Does the Governor have enough clout to pull it off? Should it be on the ballot? What happens if the vote fails? Should there be a superboard? Despite the anxiety about another 'level' of administration, there will have to be some sort of accountability, but many degrees are possible, including a mindless love-affair with statistics. Actually, it can be considered that a superboard is a device [necessary] to "sell" the tax. Miller observed that an oversight board would have to have staff, and Munro wondered about the four to be appointed by Governor; the Chancellor responded that he didn't know what the Governor has in mind. Munro observed that if the Governor were to specify that these four NOT be state office holders, not politicians, but representatives of from parent groups and the citizens of Ohio, the idea might just win some favorable PR; the Chancellor agreed.

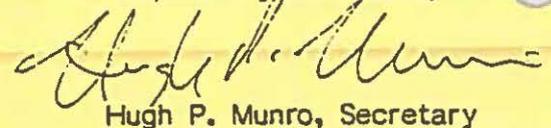
To a question about a guaranteed share of the budget to education, Chancellor Coulter said that it is unlikely that the General Assembly will accept such a notion for the proposed plan. Although some of the first reactions to the Governor's proposals were of the knee-jerk kind, there is much to read and ponder and discussion will continue for awhile before positions harden. The next Governor's budget will likely be another 'crummy budget' like 2 years ago; when this comes out some opinions may change. Coulter suggested that faculty ought to see and think about this for awhile; everybody bounces off the wall for awhile on first encountering this plan. Milner said that he had made a presentation on the Master Plan to his faculty, and the reception was enthusiastic. Coulter called attention to Wright State's endorsement of the Master Plan. The Chancellor answered a question with the view that accountability is a very strong element in the Education 2000 plan, and legislators — in different ways — seem to agree. The Governor has said that people do not see a connection between spending more money and anything good coming from it. Munro reported that some local superintendents are saying that the proposal still doesn't provide enough money; the Chancellor responded that that is the OEA point of view, but there is not enough known about the plan yet, and there are some understandable fears.

**Responses by** The Chancellor asked Vice-Chancellor Duane Rodgers to come in to respond  
**Duane Rodgers** to CFAC questions about the application procedure for student grants, esp. why Ohio still has a requirement for a separate application (different from the Federal application) for student grant money. Rodgers reported that a study on state financial aid systems began with the assumption that perhaps there ought to be a way to give students options for which form they fill out, but concluded, "Why have another form?" Of course, the other point of view is that the income eligibility program (proxy for financial need) needs to know a lot less for the Ohio grants

than the needs-analysis that the federal government requires. The Ohio program cuts off at \$25k income, whereas the fed goes beyond \$30k. The state form is less intimidating than others; low-income, minority students may use this form more readily than the more complicated federal application. Also, there is a timely answer in 3 weeks for Ohio applications, whereas other systems take more time. Finally, Rodgers said that the item is on the agenda of the Chancellor's office, and if improvements can be made, they will be: "We know that financial aid is often the most important element in a decision to continue one's education." The Chancellor added that if we are serious about expanding access, then financial aid must be interwoven into an access/success strategy rather than being an outboard program; it is now at the policy level, a principal instrument for facilitating access. Ghodooshim observed that OIG recipients must be full-time, but for Pell grants they may be part-time students; he asked if a study had been done to see how many persons have completed both forms? Rodgers said that the triggering proposal for the present review is to try to reduce the paperwork; there has also been a recommendation to move the application deadline from August to October. But the problem is even larger, as institutions have their own forms for other aid packages.

**Items for the Chancellor** The Chancellor said he will get back to us on the Owens Tech question. On the matter of the basic data supplied by universities, VC Rodgers will need to come back and talk to us. With regard to the demo schools, Ann Moore should come back and talk to us. He added that right at the center of our strategies on access/success is early intervention, so the movement toward demo schools should have a common statewide purpose, but the particulars of any given school should be local. Although there is not a dime yet to work with, and thus not much observable progress, there has been a lot of good talk and ideas coming in from all parts of the state.

Respectfully submitted,



Hugh P. Munro, Secretary

FACULTY ADVISORY COMMITTEE  
TO THE CHANCELLOR OF THE  
OHIO BOARD OF REGENTS

Minutes of the Meeting of February 7, 1989.

Chairman Miller called the meeting to order with the following members present: R. Anderson, M. Bixler, J. Burgie, J. Day, I. Domonkos, B. Garwood, M. Ghodooshim, S. Givens, R. Hehman, D. Lairet, J. Leeson, P. Macklih, H. McSwiney, T. Milburn, R. Miller, M. Rainey, J. Rno, J. Robertson, R. Rolwing, A. Smith, R. Stoner, and D. Todt. Guest: C. Traylor.

MORNING SESSION

MINUTES Owing to the absence of the Secretary the minutes for the meeting of January 18th were not acted upon. The chairman appointed Stuart Givens to act as Secretary pro tem for this meeting.

MINORITY ACCESS AND SUCCESS The bulk of the morning session was given over to discussion of the two working reports dealing with minority access and success. Those reports were: The Ballantine Report

Programs Paper and the Rudd Redraft of the FAC Retreat Reports. The gist of the debate was:

1. Programs Paper.

The paper does a nice job of presenting the types of approaches that are currently being followed at various schools, It was suggested that there ought to be a bibliography/citation of sources attached to the report, and a listing of the schools that responded. A caution was made that it be made clear that the non-appearance of a name did not imply that a program ~~did~~<sup>does</sup> not exist. A final point, made questioned the appropriateness of having recommendations attached to a summary report such as the Programs Paper.

2. Rudd Redraft.

The general consensus was that the redrafted report incorporated the views expressed at Roscoe Village, and was a positive, holistic approach to the subject. There was discussion over the question of whether the report should have <sup>a</sup> more statistical basis or remain more a tement of goals and judgment. The FAC seemed to support the latter approach. FAC agreed

that the redraft should be checked for possible omissions and that the report be the primary statement of the group with the Programs Paper being attached as an appendix. Chairman Miller agreed that he would work on a final draft that will be submitted for refinement and approval at either the March or the April meeting.

ITEMS FOR THE CHANCELLOR The following list of items for the Chancellor were developed:

1) the budget situation; 2) The authenticity/usefulness of some of the data provided by CBOF e.g. statistics on administrative officers growth; 3) eligibility of Owens Technical College for regular membership on FAC; 4) <sup>the existence of</sup> ~~are there~~ regulations from OBOR on faculty office sizes, or on the number of faculty to be housed per office?; and 5) the comparability of budget reporting figures, and the Chancellor's views on stricter monitoring of such reports.

#### AFTERNOON SESSION

REMARKS BY CHANCELLOR The afternoon session was called to order by Chairman pro tem L. Budget Phil Macklin. Chancellor Coulter distributed copies of the Executive Budget and of his "Testimony Before the House Finance-Appropriations Committee" of January 31, 1989. The essence of his testimony was that the Executive Budget was grossly unfair to higher education since it changed the historical parity treatment between elementary/secondary education and higher education. This change was not in the percentage increase in support recommended, but in the policy decision to add, for the first time, all lottery income on top of the amount budgeted for elementary/secondary education. The net result of this decision the Chancellor stated to leave higher education hanging out by itself with a \$200 million shortfall from <sup>the</sup> amount needed to operate at inflation corrected current levels. In referring to his testimony he said that it was aimed primarily at making the legislature aware of the inadequacy and un-

fairness to higher education of the Executive Budget. He concluded with the admonition that this was a time to argue and not to panic.

Coulter pointed to the Governor's Educational Excellence Proposal - the recommended referendum - as the reason not to panic. He stated that if the referendum is put on the ballot and approved, higher education would be well funded, i.e. at the level proposed by OBOR to the Governor. The amount proposed in the referendum plus the Executive Budget would provide higher education with \$450<sup>million</sup> additional dollars over the Executive Budget, of which \$200 million would be need to meet current levels. The additional income would mean a reduction in the student share of costs, an increase in OIG support, and adequate funding for a number of access proposals.

The overall thrust of the Chancellor's remarks were that unless the current proposed <sup>dysfunct</sup> budget was changed, higher education during the next biennium would be in serious difficulty.

Usefulness of OECR Data Stoner asserted that some of the data collected by OECR and published in the Data Series was incomplete or at least not helpful. He cited the lack of precision in reporting changes/statistics on administrative personnel. The Chancellor responded by agreeing that the specific information mentioned is not precise. The reason for that is four in the nature of the data base system developed roughly twenty years ago. The system provided for two information sets - one, which includes administrative staff numbers, is meant to be general and present a ~~general~~ system wide background array of information, while the second is budget related and specific in nature so as to afford careful monitoring. He added that OECR did not currently have the staff to revise the total system, but that the proposed "Educational Excellence" Budget did provide for a review of the entire system.

3. Owens Tech Eligibility The Chancellor responded to an earlier request by FAC concerning the eligibility of Owens Technical College for a permanent representative on FAC. He stated the following two year schools were currently eligible for permanent representation: Techn

Colleges - Hocking Tech. and Owens Tech and Community Colleges - Columbus State, Cuyahoga CC, Lakeland CC, Lorain CC, and Sinclair CC. He assured FAC that he would notify the president of Owens Tech of their eligibility.

4. OBOR Facility Rules The Chancellor was asked if there were specific rules as to the square footage of offices and the number of individuals to be housed in a faculty office. He replied that there were rules dealing with the general parameters and on the appropriate use of space. He suggested that specific questions be directed, however, to Duane Rogers.

5. Comparability of OBOR Budget Figures Ghodooshin suggested that there was currently a lack of comparability in budget figures being reported and that OBOR should monitor them more closely. The Chancellor retorted that any such approach implies the centralization of fiscal authority and that OBOR and most, if not all, institutions in the system opposed that.

The next meeting of CFAC is scheduled for Wednesday, March 8.

Respectfully submitted,

*Stuart R. Givens*

Stuart R. Givens  
Secretary pro tem

APPENDIX H

Amend Faculty Manual section 3359-20-04 The Faculty: Personnel Matters and Special Instructions (A) Salary Payments (1) as follows:

Salary checks are distributed by the Office of the Controller on ~~the last banking day of each month~~ A BIWEEKLY BASIS except in December and May when they are distributed at an earlier date. For those faculty who desire a twelve-months' pay schedule, options are available through selected financial institutions. The University Controller can provide details. Salary checks for part-time day and evening teaching and summer session teaching are distributed according to a schedule circulated by the Controller. Upon request a faculty member may have the salary check automatically deposited at a selected bank or other financial institution.

## APPENDIX I

Amend Faculty Manual section 3359-20-02 Organization of the University, (5) (vi) as follows:

Each college Dean, in consultation with the elected members of University Council from that college, shall initially synchronize the review of the department head. In assigning priorities, the Dean shall attempt to have approximately one-fourth of the departments reviewed each year. THE REVIEW SHALL CONSIST OF AN EXAMINATION OF THE DEPARTMENT HEAD'S VITA, INTERVIEWS WITH EACH FACULTY MEMBER, AND ~~ANONYMOUS~~ WRITTEN EVALUATIONS SOLICITED FROM EACH MEMBER OF THE DEPARTMENT IN QUESTION. THESE EVALUATIONS SHALL INCLUDE A QUESTION, "SHALL THE DEPARTMENT HEAD BE RETAINED?" WITHOUT A FAVORABLE VOTE OF 60% OF THE DEPARTMENT FACULTY, A NEW HEAD SHALL BE SELECTED IN ACCORDANCE WITH THE DEPARTMENT'S GUIDELINES. THE DEAN SHALL THEN COMMUNICATE HIS/HER EVALUATION OF SAID DEPARTMENT HEAD TO THE PROVOST AND TO THE RELEVANT FACULTY ACCOMPANIED BY ALL DOCUMENTATION INCLUDING THE ~~ANONYMOUS~~ FACULTY ~~LETTERS~~ EVALUATIONS. RECORDS SHALL BE KEPT OF THIS MATERIAL.