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Any comments concerning the contents in The University of Akron Chronicle may be directed to the Secretary, Dr. Gary Oller (+1910).
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**MINUTES OF THE FACULTY SENATE MEETING
OF APRIL 3, 1997**

The regular meeting of the Faculty Senate was called to order by Chairman H. Michael Cheung at 3:01 p.m. on Thursday, April 3, 1997, in Room 201 of the Buckingham Center for Continuing Education.

Forty-eight of the sixty-nine members of the Faculty Senate were in attendance. Senators Batur, J.Buchanan, Clements, Drummond, Hoover, Isayev, McGucken, Patankar, Reed, and Ross-Alaolmolki were absent with notice. Senators Braun, C.Buchanan, DePaul, Hardy, Maringer, McLinden, Midha, Mothes, Redle and Scott were absent without notice.

SENATE ACTIONS

- * APPROVED LIST OF CANDIDATES FOR SPRING COMMENCEMENT**
- * ENDORSED CONCEPT OF A CENTER FOR TEACHING AND LEARNING AND APPROVED MOTION FOR ITS INCEPTION FOR A TRIAL PERIOD OF TWO YEARS**
- * APPROVED AMENDMENTS AND RECOMMENDATION REGARDING POLICY ON STIPENDS AND OVERLOAD**
- * APPROVED NAME CHANGE FROM THE SCHOOL OF COMMUNICATIVE DISORDERS TO THE SCHOOL OF SPEECH LANGUAGE PATHOLOGY AND AUDIOLOGY**
- * RECOMMITTED PROPOSED NEPOTISM POLICY TO REFERENCE COMMITTEE TO EXTEND TO ALL UNIVERSITY EMPLOYEES**
- * APPROVED AMENDMENTS TO FACULTY MANUAL REGARDING HEALTH INSURANCE**
- * APPROVED RESOLUTION REGARDING DISSEMINATION OF FACULTY MANUAL**
- * POSTPONED DISCUSSION OF CHANGES TO FACULTY SENATE BYLAWS INTRODUCED BY REFERENCE COMMITTEE UNTIL THE MAY MEETING**
- * POSTPONED DISCUSSION OF RECOMMENDATIONS FROM STUDENT AFFAIRS COMMITTEE REGARDING REVISIONS OF STUDENT CODE OF CONDUCT UNTIL THE MAY MEETING**
- * APPROVED CHANGES TO FACULTY MANUAL REGARDING APPEALS PROCESS AND FACULTY RIGHTS AND RESPONSIBILITIES COMMITTEE**
- * POSTPONED DISCUSSION OF AD HOC COMMITTEE REPORT ON SALARY INEQUITY UNTIL THE MAY MEETING**

I. APPROVAL OF AGENDA - The Chairman asked whether there were any additions, deletions or corrections to the agenda. Since there were none, he called for a motion to approve the agenda, and the motion was made by Senator Peggy Richards and seconded by Senator Carol Gigliotti. The body then voted its approval.

II. CONSIDERATION OF THE MINUTES OF MARCH 6, 1997 - Secretary Gary H. Oller said that he had received no corrections to the minutes. Senator William Taggart had a correction to page 10, second paragraph in the sentence which read, "However, we would have to guarantee at least three years and at an inflation rate of 10 percent to get that, and we could not do it on our own." He said that the following needed to be added: "The other state universities must join in the plan." Since there were no further corrections, the Senate approved the amended minutes.

III. CHAIRMAN'S REMARKS - The Chairman reminded committee chairs to plan on reporting, at least in writing, to the body by the next meeting if they had not otherwise had occasion to regularly report to the Senate. The Executive Committee would very much like at least a status report from those committees that had not regularly reported. He also asked the members to reserve the 17th of this month at 3:00 to begin consideration of the budget. The meeting would be held in this room. The members of the Planning and Budget Committee were reasonably sure that they would have a budget available at that time. If the situation should change, he would see that members were notified.

The Chairman did have one item of business which he should have added to the agenda. He apologized for taking it out of order, but it was important that it be taken up at this time. He wanted to entertain a motion to approve the list of candidates for the spring commencement contingent upon successful completion of all degree requirements. This was moved by Senator John Bee and seconded by Senator Ruth Clinefelter.

The Chairman noted that there were lists of the commencement candidates available if anyone wished to look at them. Since there was no discussion, the Senate approved the list of candidates for spring commencement.

IV. SPECIAL ANNOUNCEMENTS - There were none.

V. REPORTS

REMARKS OF THE PRESIDENT - President Marion Ruebel was not in attendance.

REMARKS OF THE PROVOST - Provost Randy Moore was not in attendance.

EXECUTIVE COMMITTEE - Secretary Oller reported that the Committee had met on the 11th of March and set the agenda for today's meeting. It had also met with President Ruebel on March 17 to discuss matters of mutual interest. One of the questions raised at that meeting regarded the role of the Campus Facilities Planning Committee in planning the use of the remaining two floors of the Polsky's Building as well as the proposed change in Bulger Hall. The Committee had also wondered whether the CFPC could take an active role regarding utilization of campus facilities in general as opposed to

controls others might have. Example areas of concern included athletic use of facilities like the weight room and recreational facilities (proposed swim team). The President's response had been that Senator Jerry Drummond, the current Chair of CFPC, should be included in any meetings involved in these areas.

ACADEMIC POLICIES AND CALENDAR COMMITTEE - Senator Bee, the Chair, reported that the Committee had three items to present at today's meeting. The first item was a report with recommendations concerning a proposal to create a Center to Improve Teaching and Learning (Appendix A), which contains the report and recommendations along with accompanying documentation). The original initiative for this had come from the Interim Provost and the Council of Deans, and their proposal had been forwarded to the APCC by the Executive Committee. After an initial review, the Committee had invited Interim Provost Moore to attend a meeting to give it a more complete idea of the underlying concept and to share his thoughts as to how the project might proceed. This meeting had taken place and led to the report which the body had before it.

Senator Bee wanted to point out two or three highlights of this multi-faceted concept which Provost Moore had called to the Committee's attention and two or three things that the Committee had considered in arriving at its recommendation. The basic impetus had been to establish somewhere on campus an entity that would have the resources to do for faculty interested in improving their teaching something roughly comparable to what we had in the form of the Faculty Research Grants Committee. Provost Moore had noted that currently the resources allocated for the latter far exceeded those for the former. There had been in discussion with the Provost the further thought that what was proposed here would be a more robust version of what was now known as the ER&D Center. The understanding was that if it were implemented, what was proposed here would in fact replace that but in many ways mirror its spirit and activities. The motive for proposing the Center was to establish on campus the central resource to assist faculty in a wide range of interests and concerns related to their classroom teaching including but not limited to improving and developing new teaching methods, designing course materials, etc. The proposed center would deal with a variety of activities. Senator Bee also wanted to note that there was further anticipation that whoever was working in this capacity would also have interaction with the persons in the new Media Technology Center and that those two entities would in fact work closely together, but at the same time they would not be a duplication of function. The Center for Teaching and Learning would have the distinct focus.

The Committee had been concerned about the resources that would be necessary to start up such an operation, especially given the information on the communication that had been forwarded to it. However, it had learned upon further conversation with Provost Moore that new resources actually would be rather modest, perhaps even negligible. What had been referred to as staff in the memorandum would be drawn from the existing faculty. There would be an effort to find persons on campus interested in these activities who could be released from some part of their academic load to hold appointment to this duty or function. There would be two of them, as there were now, currently working at the ER&D Center. Therefore, there would be no new resources in terms of staff at least to start out.

The Committee wanted to gain from the Senate the endorsement of the concept which the Provost would then work through with the President and the campus to try to start on some start-up basis on a test run. Another concern which the Committee had had was giving a stamp of approval to a proposal which was well-intentioned but in the end might not work or be needed. Therefore, the Committee

had proposed that this be tried for a trial period of two years. Both of these recommendations which Senator Bee now moved were included at the end of the Committee's report and read as follows: "The Committee recommends: 1. That the Faculty Senate endorse the concept of establishing a Center for the Improvement of Teaching and Learning; 2. That the President allocate the funds and resources and have the consultations with the Interim Provost necessary to initiate this project by the start of classes in Fall '97 for a two year period, after which a further decision on its continuation will be made by the Faculty Senate."

Since there was no discussion, the Chairman called for a vote, and the Senate approved the recommendations with one dissenting vote.

Senator Bee then presented the second item which was a report and recommendations regarding the policy on stipends and overload (**Appendix B**). It had been announced at the March meeting of the Senate that President Ruebel had made permanent the interim policy on stipends and overload that had been published in the June '96 Chronicle. The APCC had been given the charge to review that policy with the view to formulating a final document so it thought that it would have been remiss if it had not proceeded as charged by the Senate. With that in mind, it had examined the policy and again had had the benefit of the conversation with Interim Provost Moore who among other things had been able to enlighten the Committee somewhat as to the background and history of what had given rise to the policy as it had been stated and also some idea as to the goals he had hoped to attain in implementing it.

Senator Bee called members attention to section g of the policy. This section gave the Senior Vice President and Provost latitude to deal with exceptional cases and circumstances. Since that seemed to provide amply for exceptional cases and special circumstances, the Committee thought that it was not a happy thing to have the word "ordinarily" appearing as regularly as it did in the context of the other provisions. In sections b, c, d, and f, it was the thought of the Committee that the regular appearance of "ordinarily" vitiated the policy and undercut it. The policy would have in effect no constraining or guiding influence on the decisions of the campus at large.

The Committee had also asked for feedback from various deans' offices and many had been kind enough to provide it. One of the observations that had been made with regard to section d (compensation ranges established and published by the Senior VP and Provost) was that no such document seemed to exist. With that and the earlier observation in mind, the Committee wished to propose the following: "1. The word "ordinarily" be struck from sections "b", "c", "d", and "f" of the document; 2. The Provost's office be directed to initiate the process necessary to create and publish by September 1, 1997, the compensation ranges for stipends referred to in section "d" of the document." Senator Bee then moved those recommendations.

Senator Devinder Malhotra asked whether in section b people who bought their teaching time due to external grants were exempted.

Senator Bee said that the phrase in (b) "teaching 12 credits of classroom or laboratory instruction" meant 12 credits of assigned teaching activity which would exclude administrative assigned time and, he assumed, external grants and the like. The Committee took the word "teaching" to make that sufficiently clear.

A brief discussion then occurred in which Senator Kris Gill, Senator Dan Sheffer, and Senator Paul John took part regarding possible confusion between student credit hours and faculty load hours in relation to the 12 credits mentioned in item (b). Senator John wanted to make a motion to amend (b) to read "12 load hours" instead of "credits." Senator Bee thought that this was fine and certainly germane to the discussion, but it was not specifically related to the motion presently on the floor.

The Chairman agreed with Senator Bee and apologized for letting the body get sidetracked. Until it had dispensed with recommendations 1 and 2, he asked the body to leave aside the issue of credits versus load hours. The Senate could come back to it later.

Senator John Hebert wanted to speak against recommendation 1. The policy stated that overload of more than 3 load hours per semester would not be approved. That was a firm actual statement, and he did not see why we should be making exception later on. The word "ordinarily" there added something to what was going on because it left some room for exceptions. If we took it out, then we would not be leaving room for the exceptions that would come along later. He liked the word there because it added something to the context. If we took it out, then people were going to say that the policy said it could not be done, and yet the Provost went ahead and did it anyway.

Senator Barbara Heinzerling wanted to make a comment about the September 1, 1997, date in recommendation 2. With the new Provost just coming in and having plenty to do, we might be making his priority list for him by handing him not only the new learning center but this as well. By putting a date on this which was so specific, we were prioritizing it beyond what we might want to. She moved to amend the recommendation and change September 1, 1997 to January 1, 1998. This was seconded by Senator Tim Norfolk. There was no discussion, and the Senate voted its approval.

Senator Hebert moved to amend the APCC's recommendations by striking recommendation 1. This motion died for lack of a second.

The Chairman then called for a vote on adopting recommendation 1 and the amended recommendation 2, and the body gave its approval with one dissenting vote.

Senator John moved to amend section b of the policy by striking the word "credits" and replacing it with two words, "load hours." This was seconded by Senator Gill. Since there was no discussion, the Senate voted its approval.

Senator John wanted to know when this policy officially took effect. The Chairman replied that the policy which the Senate had been amending was in fact already in place. Senator John stated that he then had a question because at the beginning of the fall semester the faculty in the C&T College had been told to address overload and to do it over a 2-year averaging, and now he had a direct conflict. He had some faculty who were at 23 now and would have to 25 next year.

The Chairman responded that this was something Senator John would have to deal with through channels rather than on the floor of the Senate. President Ruebel had announced at our last meeting that this was the law.

Senator Bee had one final item from the APCC. Within the College of Fine and Applied Arts, what had been the School of Communicative Disorders was requesting University sanction for the change of name for their academic unit to the School of Speech Language Pathology and Audiology (Appendix C). This was a change of name only; it involved no change in the administrative structure of the unit. It was a change that had been agreed to within the unit and had been approved by the College of Fine and Applied Arts. The Committee had approved this change and now was presenting it to the Senate for its ratification. He moved that the Senate approve this name change.

Since there was no discussion, the Senate approved the motion.

REFERENCE COMMITTEE - Senator John Green, the Chair, said that there were a number of items that the Reference Committee wanted to bring before the body. The first was on page one of the handout (Appendix D p.32-33) and concerned nepotism policies. These policies had been developed by the Committee pursuant to the charge by the Senate. Up to this point the University had had no nepotism policy in its formal rules although we were covered under the nepotism policy of the state of Ohio. It had been the feeling of the Senate that we should have policies to this effect. The Committee wanted to thank Senator Bill Rich for his work on this policy. It was not able to adopt his language in its entirety, but nonetheless he had done fine work on the policies.

There were two policies - the first one dealt with personnel decisions, the second dealt with academics. It had been the feeling of the Committee that these were two separate areas in which there should be rules alerting the faculty and other employees about nepotism, defining what it was, and that it would not be tolerated. These policies were very simple. The first one read: "No faculty member shall participate in making any personnel decision concerning a member of his or her immediate family." It then went on to define what some of those words meant. The second policy on academic decisions read very much the same way: "No faculty member shall participate in making any academic decision concerning a member of his or her immediate family." Then it had a similar set of definitions as to what those terms meant. The only significant point of controversy in the Committee's deliberations had to do with item (4) in both policies, that is defining family members. The Committee had started out with a very well crafted statement of what constituted a family member, and, as it had worked on it, it had become longer and longer. It had counted most of the fifth cousins and other relatives, but what members had before them now was a fairly comprehensive list of who counted as members of the immediate family. This was one of the questions where it was hard to know what to do. If the Committee made it too long it would go on for pages and pages; if it made it too short, it became cryptic. In any event, this was the compromise that the Committee had come up with. He moved the adoption of these policies.

Senator Edward Lasher asked whether item (3) in the academic policy meant that a relative of a faculty member could not take a course from that faculty member. When Senator Green answered that this was what it meant, Senator Lasher thought this could be a real problem in the case of non-multiple section courses. Senator Green replied that the alternative was a problem too. If faculty members taught members of their own family, there would inevitably be a conflict in terms of grading. That was a problem, but it seemed to him that this was something that would have to be worked out in some other way rather than allowing the faculty member to grade the work of family members. Senator Lasher wondered whether something could be put into the policy stating that another faculty member would grade the papers and give the final grade. He would hate to see the loss of possibility of being able to take certain courses.

Senator Virginia Gunn agreed with Senator Lasher's concern. It would be like not letting a basketball player play for his father who was the coach, if he were the only coach. She thought that there were examples on both sides. One course out of 140 credits probably was not going to make a difference with grade point average or anything else for that student if that teacher taught the only section of the course.

The Chairman wondered whether the language here essentially reflected what was already in the Ohio Revised Code on this matter.

Senator Rich answered that with respect to personnel decisions it did. He would have to go back and look at it more carefully, but he was not at all sure that there was anything in ethics law that would prohibit what was prohibited under the academic decisions part of the policy. This should not taken as a definitive opinion, but it did not seem to him that it would apply to academic decisions, probably because it had not been written with that specifically in mind. The legislature had been concerned more about things that had a more pecuniary element.

Senator Malhotra wondered why this policy had been limited to faculty members. Why had not all employees of the University been included, especially as it pertained to personnel decisions?

Senator Green replied that the way the Committee had interpreted its charge from the Senate had been to develop a policy pertaining to faculty. If it was the will of the body to extend this to other employees, the Committee would amend it, but it did not feel that had been within the charge given to it.

Senator Jesse Marquette was in favor of keeping things clean. He was not troubled by the fact that somebody might not be able to take the course. If there was someone qualified to grade the student in the course, then they were qualified to give the course as independent study. So if you could find someone capable of grading the student in a manner that was appropriate, then they could give them the course as an independent study.

Senator Norfolk moved to include all employees of the University in the policy, and this was seconded by Senator Malhotra.

Senator Rich asked whether this was a motion to amend or to recommit. If it was a motion to amend, then we needed to have language.

Senator Norfolk modified his motion so as to recommit the policy to the Reference Committee in order to have it redrafted to apply to all employees of the University community. This was acceptable to his seconder, Senator Malhotra.

Senator Dan Deckler asked whether it was the Faculty Senate's charge to take care of all employees. The Chairman responded that the Faculty Senate was the only legislative body of The University of Akron, so it could propose policies that wide.

Senator Rich said it seemed to him that there probably did need to be separate policies for faculty and staff because these went into separate places in the Faculty Manual and the Staff Manual. What he would suggest would be more in order, if there was no fundamental disagreement about what

the rules should be as applied to faculty, to have the body approve this proposal and request that the Reference Committee draft a similar policy with respect to other personnel.

The Chairman interpreted that to be a sentiment against the motion to recommit.

Senator Mark Tausig had a slightly different issue. He had noticed that there was an attempt to reconcile the definition of immediate family for purposes of sick leave consistent with the definition of family in the nepotism policy. He thought that this might be quite a different matter in terms of what we defined as immediate family. The issue might be more contentious as it applied to health benefits and the definition of immediate family. He thought that it might necessitate discussion of the definition of immediate family in part I, keeping in mind that that definition would also become consistent with sick leave provisions. Maybe the body would want to expand that definition of immediate family and nepotism and then debate on the sick leave issue.

The Chairman asked that members confine themselves for the moment to debating the issues of whether or not to recommit this to the Committee. He interpreted Senator Tausig's statement to mean that since there were other things to be considered, he did not wish to recommit. Senator Tausig said that this was correct.

Senator Lasher raised again his concerns regarding item (3) in the academic policy. The College of Education's policy was to discourage independent study for a number of reasons, but he would be open to the idea of again having another faculty member grade the projects, papers, or whatever was involved in the course. He would hate to see penalization given students just because a parent, grandparent, uncle, aunt, or another relative was teaching the course.

Senator Rich disagreed slightly with Senator Lasher's interpretation of item 3. It seemed to him that this really focused on evaluation. He was not sure that there was anything in this policy that necessarily precluded a student from sitting in on a faculty member relative's lectures. What was critical was the faculty member not being in a position of evaluating the work - grading a paper, grading an exam, and so forth or deciding whether to award credit. It did seem to him that the policy as written would allow the kind of solution that had been advocated.

Senator Frank Griffin said that this was a point on which he really wanted to be clear. For example, his wife had taken a course from him this past summer. He happened to be the expert in his department in working with teachers and training teachers on how to teach physics and learn physics better. Without getting this course from him, she would not have gotten this course. There were very few people in the state as qualified as he was to teach this kind of course, and there was certainly nobody else in his department scarcely even qualified to grade such a course. He certainly would not want her forbidden from taking courses of these sorts from him.

Senator Green thought that Senator Rich had made an excellent point. When he had responded to the initial question of teaching, he had made the assumption that teaching applied to being instructor of record and the giving of grades and evaluations. But, as Senator Rich had pointed out and it had become clearer to him as the day ensued, there was really nothing in this policy that would prevent someone from receiving instruction from another person that they were related to. This was simply a matter of dealing with evaluations.

Senator Steve Aby asked as a matter of clarification under item (4) whether someone was only an immediate family member if they resided in the same household.

Senator Rich replied that this was not true. The last item on the list was other persons related by blood or marriage and residing in the same household as the faculty member. So if someone was a spouse, child, or a parent they were unqualifiedly an immediate family member. If someone did not fit within any of the previous terms but they were related by blood or marriage, they were an immediate family member only if they also resided in the same household.

After a brief discussion on procedure, Senator Kenneth Siloac moved to amend the motion to recommit to broaden the scope of the recommitment so that the academic policy clearly stated that students, if they were immediate family members as defined by this document, might attend the lectures but would have to be evaluated by someone else. This was seconded.

Senator Lasher asked whether this meant that the person could take the course but not get credit for it. Senator Elizabeth Erickson answered that if the body sent this back to the Committee, it would address these issues.

Senator Hebert wanted to speak against the amendment. He did not see anything in the language that prohibited a student from sitting in. It strictly said that academic decision making should not be done, so he thought that it was opening up a can of worms here by specifying each different possibility in terms of clarification. It was perfectly clear that if you were teaching a class, you could not award a grade to an immediate family member. It did not have to say anything about allowing them to sit in. It was not precluded by the statement, and therefore the amendment was superfluous.

Senator Bee said that he was looking at item (1) of the academic policy which read, "Faculty member includes academic administrators acting either in their faculty or their administrative capacities." Did this mean that it would be impossible for a person to take the course in a department where a parent was the department head, because participation and decision included formal or informal use of his or her authority or influence which we all knew scarcely needed to be spoken to be exerted? The more that he thought about and examined the provisions, he began to conclude that the second policy regarding academics, while well-meant, was causing problems because we were trying to take language applicable for one context - personnel decisions - and apply it to an altogether different context. He was not saying that there was no reason for concern or that it was not legitimate to have a nepotism policy regarding academics. It just seemed to him that the further we tried to specify and micromanage the language here, the more difficulties we created for ourselves. If this was recommitted, he hoped that the charge of the Committee would be to consider the broader questions underlying the general desirability and possibilities for a good policy with regard to academic nepotism. He supported the amendment to broaden the scope of what was to be taken up in the Committee.

Senator Carole Newman said that in her college there had been a number of people, including herself, who had completed their degrees by taking classes from relatives or conversely who had had children or wives in their classes. The President's wife was a graduate of their program. Both had graduate and masters degrees. It was quite possible that the implications of this policy could be much more far reaching than was ever intended. She thought that it did exclude family members from taking advantage of one of the benefits of being a member of this faculty and that was having tuition

remission. As a mother with two sons on campus, this might at some point affect her. She thought that there were a lot of people like herself who could be in this situation.

Senator Rich wanted to address what seemed to be a misunderstanding of what was prohibited here. It has been suggested that this would preclude a child of the President of the University taking a course from someone other than the President, because the President was in a position of authority in the chain of command over the faculty member. That was not a correct interpretation of this any more than it would be a correct interpretation of the personnel provision to say that the daughter or son of the President could not be hired by anyone in the University because the person ultimately reported to the President. What the policy was saying was that the person was not allowed to participate in the making of the decision - the President, for example, ^{the case of} ~~for~~ the President's child. The person was not allowed to participate in making the decision and was not allowed to attempt to influence the decision. In this respect, where personnel decisions were concerned, this was reflective of state law. The real purpose of this was not to change the rules, because it did not change the rules with respect to personnel decisions. The real purpose of this was to inform faculty of what the rules were. If they violated them, they could get into trouble not just with the University but in the judicial system. Now he thought that it was probably true that we did not have to adopt the personnel policy or we did not have to adopt either policy, but he thought state laws probably did not apply to academic decisions, but they were paralleled. If it were a serious problem, if the academic decisions policy were interpreted to apply to someone in position of authority over a faculty member, it presumably would mean the same thing in the context of personnel and that further just could not be.

Senator Bee appreciated the distinction here but thought that he had a fairly robust sense of how the world operated at least within the University. How many people in this room could say that if they were teaching a class in which the department head's child was enrolled, they would not automatically be affected by that? This would not be necessarily more or less than if it were the child of a colleague or a friend or anybody else. What he was simply pointing out was that just because a conversation had not taken place in which the administrator had said, "Now see here, I hope you do right by my child" would not mean that there was not some influence taking place by virtue of the fact of that person's position or their acquaintance or their relationship or any number of myriad interactions they might have with their colleagues. He did not think any language that we might adopt was in fact and in substance going to erase the effect which we were concerned about here. Perhaps insofar as any effects were erased, they might be among the more benign effects and certainly not the ones that if we knew about them we would be particularly troubled by.

Senator Green stated that it might be the way the world worked that some colleagues in violation of their professional standards were indeed influenced by their superiors with regard to family members, but that was not right. We had laws prohibiting murder, but that did not mean that people's vengeful passions were not sometimes exercised, but nonetheless we had those laws. It seemed to the Committee that it was entirely appropriate to have these statements on the books to inform the members of the University community that such behaviors were not accepted.

Senator Lasher said that in reaction to Senator Green, he was still interpreting the policy to say that it would not be allowed for the person to receive credit for the course. So if they needed the course, that would be too bad. This was what he was fighting.

The Chairman reminded the body that the narrow point which it had in front of it at the moment was to broaden the motion to recommit to include language making it clear that the student might sit in on lectures by a relative. That was the particular motion to amend before the Senate, and he wanted the body to move past it at some point.

Senator Bee said that he was prepared to believe that Senator Green and the Reference Committee were capable of untangling those concerns and crafting language that addressed the difficulty. If we recommitted this under the broadened scope of commitment, he hoped that they would keep in mind those concerns that had been identified.

Senator John thought that the body could make a friendly amendment to the motion by adding two words, "and laboratory."

The Chairman responded that he thought that was implicit and was not needed unless Senator John had a specific objection.

Senator Rich wanted to reiterate that this policy addressed only participation in making academic decisions. It did not address instructing someone, so that if it was possible to separate those functions, under those circumstances this policy would not speak to the question of instructing a family member. For that reason, he would oppose the motion to amend the motion to recommit.

Senator Gunn thought that making academic decisions was part of the instruction process. It might be a part we would like to get rid of, but it was key to have someone in your course to make judgements. She thought that part of the problem here was taking personnel decisions that were really spelled out in state law and carrying them over to academic decisions. We might even want to split these two issues because one was pretty clear cut to support the law and the other questioned whether we were going to expand the law. There would be a lot of arguments over that.

Senator Clinefelter called the question. Since there was no objection, the body then voted on Senator Siloac's amendment and it failed. This brought the body back to the original motion to recommit which would direct the Reference Committee to extend this policy logically to include all University employees.

Senator Barbara Bucey asked in regard to academic nepotism policy whether it would mean that we would not have any basketball players that were sons of the coach playing or getting credit for varsity basketball. It was a part of their physical education credit; they got a grade for it she thought.

The Chairman said that the coach should not personally give the grade. Senator Bucey then asked who would sign the grade sheet. Would there have to be a separate grade sheet for the son/daughter/wife?

The Chairman observed that the specific mechanism for this would have to be an administrative decision. Since there was no further discussion on the motion to recommit, the Senate voted its approval. Senator Hebert asked for a division of the house, and this was taken. The motion carried by a vote of 32-10.

Senator Green then presented the second item from the Committee which also had to do with the

definition of immediate family in relation to the sick leave policy for full-time faculty and contract professionals (**Appendix D p.33**). In the process of revising faculty and University policy which the Committee, Chairman Cheung and several others had been trying to do during the past several months, this troublesome issue had come up, and for purposes of getting this to the Senate, the Committee had agreed to bring this definition to the floor. Senator Tausig had already anticipated a little bit of what the Committee was interested in. It had used the same definition of immediate family as in the nepotism policy for lack of an alternative, but it would certainly consider other alternatives. This request for clarification had come from people in the Human Resources Dept. so for purposes of parliamentary situation, the Committee would move the adoption of this motion.

The Chairman said that this would amend a portion of the Faculty Manual that dealt with sick leave and create a definition where there had been none.

Senator Dolli Markovich noted that the phrase "is not limited to" is found in the nepotism policy definition, but it was not included in the sick leave definition. Were members to assume that "is not limited to" meant people who were involved but not married or related by blood and that that would not be included for the sick leave policy?

Senator Green answered that the Committee had removed the language "is not limited to" at the request of our colleagues in Human Resources. They had felt that that language had made it overly broad because then it would extend to all kinds of different relatives that perhaps were not appropriate for a sick leave policy, but they had felt that this particular list that the Committee had developed for the nepotism policy was appropriate. That was the reason for that language. In answer to Senator Markovich's question, it seemed to him that the policy meant exactly what it said - in other words, those particular people listed or people related by blood or marriage and residing in the same household.

Senator Norfolk remembered that two years ago the Senate had passed a specific personal leave amendment. This in its present wording would overturn that.

The Chairman stated that the amendment to which Senator Norfolk was referring had been returned to the body by the President as unapproved. The Executive Committee had informed the body and returned it to Senator Georgia Peeples who had taken no further action.

Senator Rich said that he had unfortunately been unable to attend the Reference Committee meeting at which these matters had been decided because of a schedule conflict of the PBC. He wanted a little more information and suspected that some colleagues might as well concerning the consequences of the change in this definition. He was not familiar with the sick leave policy in general, and so it was not clear to him what the implications of this change were. For that reason he would not be prepared to vote either in favor or against it without knowing a little bit more. He wondered whether the Chair of the Reference Committee or someone else could clarify that for the body.

Senator Green regretted that he could not answer the question. As he understood it from examining the rules under which this malady had arisen, there was no definition in the current rules. In a sense, this was not a change from one definition to another but rather inserting a definition.

Senator Tausig wondered about the relevance of defining immediate family with respect to sick leave and then further how it extended to other kinds of benefits available at the University where he could see the definition of family being more relevant. His guess was that the definition of immediate family included aunts, uncles, nephew, siblings, and that would have very different implications when one was talking about applying for insurance benefits.

Senator Clinefelter said that it might have some possibility for fee remission and other things if there were no exact definition. She thought that the whole thing should be studied thoroughly wherever it applied because the uniformity became very important.

Senator Rich assumed from the fact that we were defining the term "immediate family" that the term was used in some other provision in the sick leave for full-time faculty and contract professionals policy, whatever it might be. All he had been asking was what that policy said about immediate family so that he knew what the consequences of making this definition were. It seemed to him that if the body did not have an answer to that question, it would be irresponsible for the body to vote to approve this change.

The Chairman said that he would entertain a motion to defer consideration of this until the Senate's next scheduled meeting so that it might look at the rules and see what the implication of this definition of immediate family was. It was moved and seconded. The Chairman said that this could be taken up at the next regularly scheduled meeting on May 1 or at the special meeting on April 17 if there was time. It could be old business at that meeting. Since there was no discussion, the Senate approved the motion with one dissenting vote.

The third item which Senator Green presented was two changes to the existing faculty University rules which the Committee thought needed to be brought before the body (**Appendix D p.33**). The first was a change to 3359-20-04 (C) which presently read as follows: "The university has established an insurance program for the regular full-time faculty, auxiliary faculty and full-time staff. This includes group life, accidental death and dismemberment, long-term disability, comprehensive medical and dental insurance plans. This coverage is provided on a noncontributory basis to eligible employees. The faculty member may select a health maintenance organization, at nominal charge, in lieu of the comprehensive medical plan. Complete information concerning the program may be obtained from the office of benefits administration." This would be replaced with the following: "The University has established a group benefits program for the full-time faculty, auxiliary faculty, contract professionals, and full-time staff. UA Choice offers a variety of options to meet individual needs. Part-time faculty, contract professionals and staff are eligible for medical coverage within certain eligibility criteria. Complete information concerning the program is available from the Office of Benefits Administration."

The second change was 3359-20-039 (H)(3) which presently read: "A faculty member released due to financial exigency will receive from the university, to commence at the time of release, a one-year continuance of the university health insurance policy without charge." This would be replaced with the following: "A faculty member released due to financial exigency may receive health insurance via COBRA with the payment of the appropriate fee. Complete information concerning the program is available from the Office of Benefits Administration."

Senator Green said that the Committee was not asking the Senate to pass judgement on the policies that the language referred to but rather to the language itself. There had been some dramatic changes having to do with health insurance at the University which had been enforced for a number of years but which had never been changed in the manual. If people came to the University and read the written documents, they would have a misconception of what our health benefits were. The new language represented what the policies actually were now. When the Committee had worked through these various rules and made various changes, there were a number of very minor editorial changes that had been made and had not been brought to the attention of this body. The Committee would be happy to explain any of those minor changes, but these were two examples where the language changed dramatically from what was in the formal policy adopted by the Board of Trustees and filed with the appropriate authorities in Columbus. The new language came from the Human Resources Department. It was in their judgement an accurate description of our current matters pertaining to insurance. The Reference Committee thought that these were significant enough changes to be brought to the Senate for informational purposes and approval. The Committee recommended these changes.

Senator Siloac asked whether the Committee had read and studied things carefully and whether it agreed with the opinion of the referring body. He had been bothered by the last several motions because it seemed to him that the Committee had been making definitions about things that it did not quite understand. Did the Committee understand fully that this was in accordance with what the referring body had suggested?

Senator Green thought that it was. This was different from the other two things that had been proposed. Those had been actual changes in policy and he regretted that the Committee had been unable to answer all the questions. But one of the reasons that those matters had been brought before the body was to debate those issues and raise those kinds of questions. This was merely a change in description of the policies that were already in force at the University. As best as the Committee could tell, these did reflect an accurate description of what was currently in force. These policies, approved by the Board of Trustees, had already been in force for some time.

Senator Markovich raised a question regarding the use of the term "full-time" in the first sentence of 3359-29-04 (C) as a modifier for staff while it was not used in the third sentence. This led to a brief discussion which included an explanation from Senator Bucey that while there were technically part-time contract professionals they were not designated as such. Senator Rich noted that in the first sentence "full-time" was a modifier for all three - faculty, contract professionals, and staff, and in the third sentence "part-time" served the same purpose. Therefore the second "full-time" preceding "staff" was unnecessary, and he moved to strike it. This was seconded by Senator Norfolk. The Senate then voted its approval.

After a further brief discussion on the problem of the designation part-time contract professional, the Senate approved the new language for the two rules.

The fourth item from the Committee was a resolution dealing with the matter of the Faculty Manual. Senator Green had to mention that if he had a dollar for every time someone had asked when the Faculty Manual would be available, he would be able to retire, no matter how one defined retirement. He had been on the Reference Committee since the inception of the Senate and the Committee had gone through these rules three different times, but he thought that they were now in

order. The problem was that technology had caught up with us, and in a metaphysical sense the Faculty Manual did not exist anymore. What we had called the Faculty Manual was a little binder in which we had put rules and then distributed to people. A decision had now been made to put all of the faculty and University rules on the computer on the World Wide Web. In that sense the little blue binder did not really exist anymore, and our colleagues in the administration would just as soon see it pass in the way of the buggy whip. This did raise the question of how this information would be distributed to members of the University community, and the Committee tried to address that through the resolution now being presented to the Senate (**Appendix D p.34**).

What the resolution basically said was that the University should cease to distribute officially and formally the Faculty Manual, but that it should make available to any person upon request those faculty and University policies either in the form of a computer diskette or in a paper copy. It seemed to him that this confronted the issue head-on and allowed us to have an official policy as to how this information would be disseminated. It cost a lot of money to print up the Faculty Manual, to disseminate it and to then update it occasionally, and these days funds were scarce. There were people who would want to have a paper copy, and there were people who would want to have this loaded up in their computers. Therefore an appropriate compromise would be to cease and desist to distribute the book and to have the official and faculty policies on the WWW but to make those available in other formats to any member of the University upon request. The Committee moved adoption of the resolution.

Senator Clinefelter said that she now had in a large blue folder what was passing for the Faculty Manual which she had downloaded from the Web because she thought that there were occasions when one needed to have it in hand. She did agree that maybe it was not necessary to distribute it to everyone because of the cost, but there was one thing that was very important, and that was that new faculty members receive copies of it as a part of their orientation package. There had been complaints from new faculty members who did not know where to go for various decisions or what to consult. Surely the expense to do this would not be too terribly great. There were times when you needed to have something to take with you to which you could refer. If some statement about copies for new faculty would be included in the resolution, she would go along with it.

After a brief discussion, Senator Clinefelter moved the following amendment which would become the new 3): "Copies of the new Faculty Manual in paper format be distributed to each newly hired full-time faculty member as part of their orientation package." The old 3) would become 4). This was seconded by Senator Bee.

While Senator Malhotra agreed with the sentiment of Senator Clinefelter's motion, he thought that it was also a sort of overkill. A new faculty member coming on campus would have the same prerogative as anyone on campus as stated in 2) to ask for a copy. Therefore the new hire could either download the information or ask for the copy; consequently, he was speaking against the motion.

Senator Richards supported the insertion of the language because when people came to work at this University, they were not necessarily aware of the fact that even such an animal existed. If they did not know that the Faculty Manual existed, then they would not know where to look for it or where to ask for it.

Senator Bucey moved that the words "and contract professional" be inserted after "full-time faculty member," and this was accepted as a friendly amendment.

Senator Rich assumed that we were now dealing with a compound amendment, one that changed the motion in two ways, and he wanted to address the former way. It seemed to him that it would be sufficient to have the University inform the new faculty member and/or new contract professional of the Web address, of the existence of the Faculty Manual and its availability. For that reason, he opposed the motion, ~~because there was a compound advantage to oppose both parts.~~

Senator Griffin commented that, in his experience having been at the University a long time as well as President of the local AAUP chapter several times, he had dealt with people who did not have a clue about what was going on here until they got into trouble. He supported the motion.

Senator Hebert agreed with Senator Rich. The material would be on the Web, and by the time a hard, paper copy was printed out, something would have changed in it and the copy would be out of date. Further he did not see the need for contract professionals to see the Faculty Manual at all. He could understand their need for University policies, but he did not see that they would have any need for the Faculty Manual. He opposed the motion.

Senator Bucey pointed out that contract professionals were part of the Faculty Manual. The rules and regulations which affected them were housed in the Faculty Manual. Did we want to have a separate Contract Professional Manual and a Faculty Manual? She thought not.

Senator Oller noted for the record that there were still many people on this campus who were computer illiterates and who did not even own computers or have access to them. He did not see why it was such a big deal to print something like this up and give it to new hires so that the administration was sure that new faculty were familiar with the guidelines and bylaws of the institution. To even be arguing about this was rather silly.

Senator Rich responded that, at the risk of appearing silly, distributing this document in paper did not ensure that the new faculty members would be apprised of its contents. In fact, the Manual had been distributed in the past in paper and we had been told that there were instances in which faculty members were unfamiliar with it. This was not because they had not received it but because they obviously had not read it. That problem would exist. Giving them a piece of paper would continue not to solve the problem of people not reading the Faculty Manual. It was certainly true that there were some faculty members who were computer illiterate; he assumed that it was decreasing in proportion of the population as each year passed, but it was still not an insignificant number. However, those people were presumably literate and if informed in writing that the Faculty Manual existed and that one was available to them on paper, if they did not have the technological sophistication to read it on-line, it ought to solve the problem as well as anything could.

Senator Malhotra called the question. Senator Hebert asked that the motion be read one more time. After Secretary Oller had read the motion, the body voted its approval.

The Chairman said that Parliamentarian Don R. Gerlach asked to speak to the body, and it gave its approval.

Parliamentarian Gerlach thanked the body for considering this resolution because he wanted to get an updated copy of the Faculty Manual before he died to see the ultimate results. He had always had it on his desk and used it. His question was particularly related to item 2). If we could get a copy of the Manual, might we then also get copies of the updates as they occurred? This was not exactly specified, but he assumed that it was meant.

Senator Green replied that it seemed to him that the intent of this resolution was that the University no longer automatically provided updates to these things. So if anyone requested a copy, they would have to update it themselves when they felt the need.

Senator Bee then called the question which was seconded by Senator Griffin. The motion failed.

Senator Dennis Kimmell assumed that what he was going to propose would take place anyway, but he wanted to make it a formal part of the process. He moved that item 1) have added to the end "and maintain the Manual on the University Web Page." This was seconded by Senator Norfolk. Since there was no discussion, the Senate voted its approval.

The Senate now voted on the entire resolution and gave its approval.

The fifth and final item from the Reference Committee was a series of amendments to the Faculty Senate Bylaws (see **Appendix D,35**). Senator Green introduced them and moved that they be considered at the May meeting following the one-month lay-over rule for Senate By-law changes.

STUDENT AFFAIRS COMMITTEE - Senator Rebecca Gibson, Chair, introduced Mr. Frank Axell, Assistant to the Dean of Student Conduct. The body gave Mr. Axell permission to speak.

Mr. Axell said that he wished to present to the body revisions to the Student Code of Conduct, and he wanted to begin with the campus civility statement (**Appendix E, p.36**). This was a statement authored by Dr. Irving Brandel, Director of the Counseling, Testing and Career Center. It was basically a statement of behavior expectations of students, and it had been endorsed by President Ruebel and would appear in the General Bulletin as well as on the Web page. The Office of Student Conduct wished to add it to the list of revisions it was making to the Student Code of Conduct. It was their belief that campus civility and student conduct went hand in hand. This was the first recommendation.

The second recommendation related to revisions of the Student Code of Conduct that were grammatical and language corrections as well as the elimination of duplication of unnecessary text for improved readability. There were many errors that had been corrected here, but there were no procedural changes in these revisions.

The third recommendation related to changes to the definitions of student misconduct (**Appendix E, p.38-48**). Some of those changes which should have been in caps were not for which he apologized. In letter B, the revised wording would be, "Furnishing false, misleading OR INCOMPLETE information" The addition was mainly in response to allegations of misconduct with which he dealt in the Office of Admissions and Transfers. An example of this sort of misrepresentation would

be a student who applied for admission to the University but failed to note on the application attendance at another institution. Later on the University would find out about it when the student, as a junior or a senior, tried to transfer course work from the unmentioned institution. That was why this had been added here. In letter D, the words "his own" should be stricken and replaced with BELONGING TO THE STUDENT. In letter I, the end would now read "...explosives, FIREWORKS, or other weapons." Currently, the University did hold students responsible for fireworks violations, and therefore they wanted to get that language in there. In letter O, the word "HAZING" was being added before "-doing any act...." Finally in the line "*Procedure for Assessment of Minor Penalties Relative to Minor Incidents of Academic Dishonesty," "Dishonesty" was being replaced with "Misconduct." One of the goals of the Office of Student Conduct was to eliminate the words "discipline" and "dishonesty." It was sticking with the term "conduct" because it responded not only to misconduct but also acknowledged positive conduct on campus.

The final recommendation, which before it was explained could be a matter of contention, was the removal of the Review Board as it currently appeared (Appendix E, p.48-50). This removal had the support of the Office of General Counsel. The process as now described in the Code was both archaic and antiquated. It was a system that repeated another process. For example, if a student went through the University hearing process and was found in violation of a policy, the student could decide to appeal. At that point, any action the University had taken on behalf of the student would be put on hold which could be problematic down the line. He brought to the body's attention a case from Kansas State University, Nero vs. Davenport. A football player had sexually assaulted one student. While that matter was being dealt with, the student had been moved to another hall during spring intersession. While in that hall, the same student sexually assaulted another student. That second student successfully sued Kansas State for not providing for her well-being. The recommendation was then to eliminate the Review Board but not eliminate the student's right to appeal. There would still be student appeal to the Office of the Dean of Students, but it would be in a more timely manner. Currently, if students wanted to appeal, they had a possible 40 days during which they would be allowed to roam free on our campus, and they could be a possible threat. The new appeal would allow for 10 days for the University to respond to that appeal. Descriptions of the current process and the proposed new process were on the last page of the handout (Appendix E, p.51). A lot of this was just being finalized last week and had to go through many offices for approval to make sure that the student's right to appeal in due process was being upheld.

Senator Gibson said that these four separate recommendations were coming from the Committee for the Senate's approval.

Senator Norfolk moved that consideration of the four recommendations be postponed until the next regular meeting on May 1. This was seconded and then approved by the body without discussion.

COMPUTING AND COMMUNICATIONS TECHNOLOGIES COMMITTEE - Senator Rich, Chair, reported that the Committee had been advised by Information Services that it was technically feasible to establish a system of electronic balloting for the election of Faculty Senators within colleges and that such a system probably could be implemented by the beginning of Fall 1997 if given a high priority. The system would require modification of the University's network authentication process and implementation of a Web-based application. Faculty electors would log onto the network and use a Web-based application to cast their ballots. The CCTC recommended that before Information

Services was asked to give this project priority over other needed projects, the affected college faculties should give consideration to whether their members had adequate access to the University's computer network to make use of the system, whether a sufficient number of members would actually make use of the system and whether the system would ameliorate the current problems enough to warrant its development.

Senator Rich wanted to add some information that he had received since the Committee had met. This was the estimate from Information Services that it would take 150 person hrs. of programming time to do this. Information Services was able and willing to do it; the concern of the Committee was that we be sure that this was really going to solve the problems before we asked that resources be allocated. It seemed to him that if it really would solve some significant problems, it was well worth doing. Doing it should not be a huge problem, but it would require some sacrifices to be made including sacrifices of things that were probably of value to faculty members and students in other respects. So some careful thought ought to be given as to whether it really would solve the problems.

Senator Erickson asked what the Committee was recommending - action or no action. Did it want a motion from the floor?

Senator Rich answered that if it were the will of the Senate that this project proceed now because for some reason the Senate had already concluded that this was an adequate solution to the actual problems (whatever exactly they might be), then such a motion would be necessary. However, the Committee was not proposing that. What the Committee was proposing was recommending that the affected college faculties give consideration to these questions before it was decided to proceed with this project.

As a point of clarification, Senator Malhotra wondered where college faculties that had considered this should bring their considered judgement. Did they report back to the Committee? Was the Committee going to look at all these implications and then come back with a more comprehensive report where some of the raised questions would be answered?

Senator Rich thought that the appropriate thing would be for the matter to be brought back to the Faculty Senate. He did not know that the CCTC needed to study the matter any further. He took it that this was an issue mainly in the College of Arts and Sciences. If the Arts and Science faculty or its representatives in this body could provide reasonable assurance that this really would work for them, then that was all that was necessary and it would be appropriate for the body to ask Information Services to proceed with it.

Senator Erickson pointed out that this had gone to the CCTC some 18 months ago. However, she would take this back to the College of Arts and Sciences for further discussion.

Senator Rich wanted to make a few more comments that were intended to help guide the thinking that the college faculty might engage in. He assumed that right now nominating ballots were distributed by paper intramural mail, and the nominations were made through intramural mail, and then a ballot was distributed. Those ballots were returned through intramural mail, and any run-offs, etc. would also go through the intramural mail. In each instance a certain amount of delay was required by the fact that faculty members needed a little time to respond. In each balloting there was counting. It seemed to him that the establishment of an electronic balloting system would save some

of that time, but not a significant amount because most of it was probably giving people time to cast their ballots. What it would really save was the amount of time it took ballots to be returned through intramural mail and some time in counting the ballots, although he assumed that this was not the major element in the delay. Whatever time it would save in counting should be taken into account. Apart from that, it seemed to him all it would save, and he did not mean to suggest that this was not enough, was the amount of time it took for the ballot to be returned, not the amount of time you had to give the person to return it.

Senator Gill asked that debate please be closed.

PLANNING AND BUDGETING COMMITTEE - Senator Marquette, Chair, noted that as so often happened in these matters, the length of his report would be in inverse relationship to the significance of the question. The Committee had a couple of hundred million dollars to distribute and had not figured how it was going to do it yet, but it would let the body know when it did.

VI. UNFINISHED BUSINESS - The Chairman stated that the first item of unfinished business was proposed changes to the Faculty Manual regarding faculty grievances and appeals (see March 6 Chronicle, Appendix B p. 20-21). It was now on the floor for discussion.

Senator Tausig was confused regarding the inclusion of section (g) in 3359-20-037 because it seemed contradictory to section (f). In (g) it appeared that the Faculty Rights and Responsibilities Committee could reenter to review decisions at multiple levels, but it did not seem that there were multiple levels.

Senator Bee responded that the point of section (g) was, as far as the activities of the FRRC were concerned, there were not multiple levels, but there was only one point of appeal. The faculty member might choose which point that was, but there would be only one point.

Since there was no further discussion, the body approved the amendments.

The other item of unfinished business was a report from the Ad Hoc Salary Inequity Committee (see March 6 Chronicle, Appendix G, p.37). This matter was now on the floor.

Senator Barbara Heinzerling had a motion to amend the Committee's report but due to the lateness of the hour moved instead to postpone the discussion until the May 1 meeting. This was seconded by Senator Bee. The body then voted its approval.

VII. NEW BUSINESS - There was none.

VIII. GOOD OF THE ORDER - There were no comments.

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IX. ADJOURNMENT - The Chairman entertained a motion to adjourn until the 17th of April, at which time the body would consider the University budget. A motion was made and seconded; the body voted its approval, and the meeting ended at 5:05 p.m.

Transcript prepared by Marilyn Quinn

APPENDIX A

Report of Academic Policies & Calendar Committee

Proposal to Create a Center to Improve Teaching and Learning

Report and recommendations

At the initiative of Interim Provost Moore and the Council of Deans, a proposal to establish a Center to Improve Teaching and Learning was drafted and forwarded to the APCC through the Executive Committee of the Faculty Senate. After an initial review the committee invited Interim Provost Moore to attend a meeting to give us a more complete idea of the underlying concept and to share his thoughts on how the project might proceed. That discussion has taken place.

The motive for proposing this center is to establish on campus a central resource to assist faculty in a wide range of interests and concerns related to their classroom teaching. These include but are not limited to improving and developing new teaching methods, designing course materials, learning and practicing new presentational techniques, improving testing and grading, evaluating teaching through student feedback, peer review and portfolios, dealing with matters of ethics and providing the means for dealing with renewal, burnout and many other issues an instructor deals with over the course of a teaching career. The proposed center will replace the existing Educational Research and Development Center.

At the start, this unit would consist of staff drawn from the present teaching faculty, perhaps on a joint appointment to the center. There would be some provision for clerical assistance and the unit would work in collaboration with the Media Center now established in the Bierce Library. It is understood that the concept is the more important aspect and that the specifics of personnel, budget, reporting lines, etc. will be worked through in later discussions and trial efforts.

If this unit is established, it will put in place a counterpart to the support the university now provides faculty for research projects. While the initial resources are much less than what is provided for research, the Center will show the university's commitment to teaching and their good faith in supporting faculty in their efforts to develop and improve in this area.

Recommendations

The Committee recommends:

1. That the Faculty Senate endorse the concept of establishing a Center for the Improvement of Teaching and Learning.
2. That the President allocate the funds and resources and have the consultations with the Interim Provost necessary to initiate this project by the start of classes in Fall '97 for a two year trial period, after which a further decision on its continuation will be made by the Faculty Senate.



Interoffice Correspondence

DATE: October 15, 1996

TO: President Ruebel

FROM: Randy Moore *Randy*
Interim Senior Vice President & Provost

SUBJECT: Establishing a Center for the Improvement of Teaching and Learning

Over the years, UA has funded a variety of university-wide offices and programs to help faculty with their research and scholarly work (e.g., Faculty Research Awards, a Research Office to process research proposals, staff for research-related work). Although teaching is our top priority, we have not made comparable university-wide commitments to enhance teaching and learning. Indeed, the ERDC has an annual budget of only about \$6,000 and is staffed by volunteers.

The COD and I are trying to emphasize and support teaching. For example, we've abolished teaching-related chargebacks (e.g., charges for computer lab and classroom connections to the WWW), provided money to colleges to purchase technology that can be used in instruction, and are developing a Media Arcade to help faculty and staff use the technology to improve their work. However, we want to do more.

In an effort to enhance teaching and learning at UA, the COD and I are pleased to recommend that UA establish a Center for the Improvement of Teaching and Learning. Our rationale and plan for developing and operating the Center are described in the attached proposal.

I have asked the Faculty Senate to review our proposal. In the meantime, I'm trying to locate funding to implement the proposal. If you will support this proposal, I ask that you provide money for the following expenses associated with the Center.

Two Educational Specialists @ \$35,000 each	\$70,000
Secretary	24,000
<u>Operating Budget</u>	<u>40,000</u>
Total Requested from You	\$124,000

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A source of this funding could be the \$166,216 that you transferred from the academic budget to your office when you distributed the ERIP money held in your office. As you know, money for the benefits-packages of staff positions are already available in the ERIP fund. My office will pay all other costs associated with the Center.

I'm happy to discuss this with you at your convenience.

xc: Mike Cheung

REPORT OF THE COMMITTEE ON THE IMPROVEMENT OF TEACHING AND LEARNING AT THE UNIVERSITY OF AKRON

(COUNCIL OF DEANS)

The improvement of teaching and learning at The University of Akron should be the highest priority on the institutional agenda. We are at an opportune time to publicly demonstrate our commitment to achieve gains in the improvement of teaching and learning. Comprehensive administrative reorganization, the significant loss of experienced faculty and staff due to ERIP, the advent of increased use of electronic technology in the delivery of instruction, and the prospect of new faculty hires in the junior ranks, all combine to place us at a watershed point in The University's history. We ought now to declare ourselves serious about the pursuit of the improvement of teaching and learning and to back up our declaration with human, physical, and financial resources.

Our current commitment to support faculty efforts in research grantsmanship should be a mirror image of our efforts to improve teaching and learning. We need a front door advocate for the improvement of instruction. We need instructional leaders and staff that are easily identifiable and who will serve to coordinate and provide instruction to our faculty to obtain improved teaching. Such educational specialists will enhance our faculty's participation in the use of new instructional techniques, distance learning systems, the media arcade, mentoring pairings, securing monies for the revision of instruction, and reestablishing the instructional purposes in our Faculty Improvement Leave program.

Our present Educational Research and Development Center has, from the beginning, been consistently underfunded and understaffed and, in spite of these restraints, has achieved wonderful and positive changes in the instructional lives of individual faculty. The past and present leadership of the ERDC is to be commended for its many successes over the years in the quiet improvement of our faculty's teaching. But, such a modest effort needs to be phased out and replaced by the creation of a major academic support unit that will serve as The University's center for the improvement of teaching and learning. The activities of the ERDC (delivery of workshops, awarding of small grants, dissemination of information, and videotaping and evaluation of instruction) should be incorporated into this new center with the expectation that these achievements will be further enhanced considerably. It is no longer appropriate for this University to be satisfied with mere quiet improvement in teaching and learning.

We can no longer accept anything less than a full scale commitment of resources designed to produce dramatic improvements in teaching and learning. We call for no less than the establishment of a University center for the improvement of teaching and learning which seeks parity with our current efforts of support for research and sponsored programs. Our university for the twenty-first century will thrive with such a commitment to the improvement of instruction and improved achievement of student learning outcomes.

We, therefore, propose the following ...

TO ESTABLISH A CENTER FOR THE IMPROVEMENT OF TEACHING AND LEARNING

Human Resources: provide for the hiring of three Educational Specialists, one full-time secretary, three graduate assistants, one student assistant

Physical Resources: provide for office space and work areas for the Center's staff

Financial Resources: provide salary/benefits package for each of the full-time staff, stipend dollars for each 12-month graduate assistant, and operating budget for student assistant salary, materials acquisition, purchase of essential office equipment, funds for grant awards, monies for dissemination of information, photocopying, etc.

The Center will adopt a phase-in calendar of operation that will permit it to coopt all operations of the present EDRC within two calendar years.

The Center will establish an advisory committee of UA faculty that will provide recommendations for the Center's operations and services.

The Center will be accountable to the Senior Vice President and Provost, and will regard the Council of Deans as a resource for its operations and services.

The Center will not interfere with initiatives for the improvement of teaching and learning that already exist within the various departments, schools, colleges, and other units, and will seek to serve as a clearinghouse for information related to these activities.

The Center will liaison with the newly established New Media Center.

The Center will develop an ongoing seminar series throughout each academic year for UA faculty, contract professionals who have instructional assignments, and graduate assistants. Topics would include:

Dealing with Burnout
Integrating Diversity into
Subject Approaches
Faculty Renewal
New Instructional Techniques
Student Relationships
Instructional Design
Communication Skills
Student Collaboration with
Faculty Research
Preparation of Faculty Portfolios
Teaching in Specific Subject Areas
Ethics in Instruction and
Evaluation

Learning Styles
Tips from Master Teachers
Curriculum Renewal
Instructional Innovation
Motivation
Grading and Testing
Mentor Pairings
New Faculty Orientation
Diverse Needs of Students
Use of Collaborative and Active
Methods of Teaching and Learning
Issues in Faculty Life and Career
Safety in Instruction: Faculty Liability
Evaluation of Faculty Teaching

The Center will provide funding for selected faculty proposals for instructional innovation throughout each academic year.

The Center will provide for the dissemination of information related to the improvement of teaching and learning through a monthly newsletter of its own, the purchase of external material, and the establishment of a network of Center Associates at The University who will assist the Center on a volunteer basis.

The Center will provide for the videotaping and evaluation of faculty instruction upon request and upon referral and will seek to encourage active, annual evaluations throughout all instructional units of The University.

The Center will seek to enhance the value of a teaching-oriented culture at The University by encouraging attention to classroom design in all new buildings and in renovated buildings, by playing an active role in the institution's orientation of new faculty, by designing and distributing manuals for part-time instructors, and by establishing a resource center for materials demonstrating programs for improved teaching and learning here and at other colleges and universities.

The Center will provide for incentives to engage in continued professional development for improvement of instruction by faculty through rewards for evidence of such improvement to the faculty and to the instructional unit.

The Center will provide an annual report to the Senior Vice President and Provost and will participate in the planning and budgeting process.

Qus

APPENDIX B**3359-11-x****Interim Policy on Stipends and Overload**

Stipends are to be granted for primarily administrative functions requiring substantial increases in responsibility and for activities not included in the ordinary load of teaching, research and professional service for full-time faculty. Overloads are to be used to relieve temporary shortages in the availability of teaching faculty. Responsibility for approving and administering stipends and overload requests vests with the Senior Vice President and Provost. Budget responsibility vests with the unit making the request.

- a) Requests for stipends or overload must include a rationale for the stipend or overload. A stipend request must indicate the specific responsibilities or activities for which the stipend is compensation. An overload request must indicate how the request is responsive to the teaching mission needs of the unit. All requests for stipends or overload must identify the funding source.
- b) Overload will not ~~ordinarily~~ be awarded unless the faculty member receiving the overload is already teaching 12 ~~credits~~ **LOAD HOURS** of classroom or laboratory instruction in the semester for which overload is requested.
- c) Overload of more than 3 load hours per semester will not ~~ordinarily~~ be approved.
- d) Stipends will ~~ordinarily~~ conform with compensation ranges established and published by the Senior Vice President and Provost.
- e) Differences between each college's approved work load and the requested load must receive prior approval from the Senior Vice President and Provost.
- f) No stipends or overload will ~~ordinarily~~ be granted for service activities.
- g) The above are intended to provide guidance for the regulation of stipends and overload in most circumstances; in critical or exceptional cases, units may appeal to the Senior Vice President and Provost for approval of stipends and overload not conforming to these guidelines. Such appeals must be made in writing and approved by the Senior Vice President and Provost prior to offering the stipend or overload compensation.

Senate recommendation regarding d):

THE PROVOST'S OFFICE IS DIRECTED TO INITIATE THE PROCESS NECESSARY TO CREATE AND PUBLISH BY JANUARY 1, 1998, THE COMPENSATION RANGES FOR STIPENDS REFERRED TO IN SECTION d) OF THE DOCUMENT.

Interim Policy on Stipends and Overload

Report and recommendations

Although President Ruebel announced at the March Faculty Senate meeting that he had made permanent the Interim Policy on Stipends and Overload, the APCC felt they should complete their assignment given last year to review that document with a view to arriving at a final policy. The committee had the opportunity to learn from Interim Provost Moore the history of the policy and to discuss with him the goals in establishing such a policy. Having discussed the document with Interim Provost Moore and having conducted discussion within the committee, the committee proposes the following:

Recommendations

1. The word "ordinarily" be struck from sections "b", "c", "d" and "f" of the document;
2. The Provost's office be directed to initiate the process necessary to create and publish by ~~September 1, 1997~~, JANUARY 1, 1998, the compensation ranges for stipends referred to in section "d" of the document.

APPENDIX C

Name Change for the School of Communicative Disorders

The School of Communicative Disorders in the College of Fine and Applied Arts has requested to change the name of their unit to "The School of Speech-Language Pathology and Audiology."

This is a change in name only and has been approved by the faculty of the unit and of the College of Fine and Applied Arts.

Recommendation

The committee recommends that the Senate approve the name change from "The School of Communicative Disorders" to "The School of Speech-Language Pathology and Audiology."

APPENDIX D

Report of Reference Committee

I. NEPOTISM POLICIES

NEPOTISM POLICY--PERSONNEL DECISIONS

No faculty member shall participate in making any personnel decision concerning a member of his or her immediate family. For purposes of this paragraph, the following definitions apply:

- (1) faculty member includes academic administrators acting either in their faculty or their administrative capacities.
- (2) participation in a decision includes not only making personnel decisions, but also participating in deliberations or otherwise attempting, either formally or informally, to use his or her authority or influence as a faculty member to affect the outcome of the decision;
- (3) Personnel decision includes but is not limited to initial appointment, retention, tenure, and promotion.
- (4) Immediate family members include but are not limited to spouses, parents, grandparents, children, grandchildren, siblings, aunts, uncles, nieces, nephews, cousins, and other persons related by blood or marriage and residing in the same household as the faculty member.

NEPOTISM POLICY--ACADEMIC DECISIONS

No faculty member shall participate in making any academic decision concerning a member of his or her immediate family. For purposes of this paragraph, the following definitions apply:

- (1) Faculty member includes academic administrators acting either in their faculty or their administrative capacities.
- (2) Participation in a decision includes not only making academic decisions, but also participating in deliberations or otherwise attempting, either formally or informally, to use his or her authority or influence as a faculty member to affect the outcome of the decision;
- (3) Academic decision includes but is not limited to awarding grades, evaluating examinations, papers, theses, and projects, granting or recommending the granting of degrees, and making determinations academic status.

(4) Immediate family member includes but is not limited to spouses, parents, grandparents, children, grandchildren, siblings, aunts, uncles, nieces, nephews, cousins, and other persons related by blood or marriage and residing in the same household as the faculty member.

II. Addition to Rule 3359-11-01

Sick Leave for Full-time Faculty and Contract professionals

Definition of immediate family

Add Section A (4).

"Immediate family" is defined as an employee's spouse, parents, grandparents, children, grandchildren, siblings, aunts, uncles, nieces, nephews, cousins, and other persons related by blood or marriage and residing in the same household as the faculty member.

III. Addition to Rule 3359-20-04

The Faculty: Personal Matters and Special Instructions

Replace Section C Insurance with:

The University has established a group benefits program for the full-time faculty, auxiliary faculty, contract professionals, and full-time staff. UA Choice offers a variety of options to meet individual needs. Part-time faculty, contract professionals and staff are eligible for medical coverage within certain eligibility criteria. Complete information concerning the program is available from the Office of Benefits Administration.

Addition to Rule 3359-20-039

Guidelines for Academic Retrenchment Due to Financial Exigency

Replace Section H (3):

A faculty member released due to financial exigency may receive health insurance via COBRA with the payment of the appropriate fee. Complete information concerning the program is available from the Office of Benefits Administration.

IV. Resolution #1

Distribution of Faculty and University Policies

Given the recent revision of faculty and University policies, and the availability of these policies on-line, the Reference Committee recommends the following actions:

- 1) The University of Akron should cease routine distribution of paper copies and paper updates of faculty and university policies to employees.
- 2) The University should make available a copy of faculty and university policies to any employee upon request, either on a computer diskette or in paper.
- 3) The Executive Director of Human Resources be charged with implementing this recommendation as expeditiously as possible.

As amended by Faculty Senate:

DISTRIBUTION OF FACULTY AND UNIVERSITY POLICIES

1. THE UNIVERSITY OF AKRON SHOULD CEASE ROUTINE DISTRIBUTION OF PAPER COPIES AND PAPER UPDATES OF FACULTY AND UNIVERSITY POLICIES TO EMPLOYEES AND MAINTAIN THE MANUAL ON THE UNIVERSITY WEB PAGES.
2. THE UNIVERSITY SHOULD MAKE AVAILABLE A COPY OF FACULTY AND UNIVERSITY POLICIES TO ANY EMPLOYEE UPON REQUEST, EITHER ON A COMPUTER DISKETTE OR IN PAPER.
3. COPIES OF THE NEW FACULTY MANUAL IN PAPER FORMAT SHALL BE DISTRIBUTED TO EACH NEWLY HIRED FULL-TIME FACULTY MEMBER AND CONTRACT PROFESSIONAL AS PART OF THEIR ORIENTATION PACKAGE.
4. THE EXECUTIVE DIRECTOR OF HUMAN RESOURCES BE CHARGED WITH IMPLEMENTING THIS RECOMMENDATION AS EXPEDITIOUSLY AS POSSIBLE.

**V. Amendment to Faculty Senate Bylaws
Reference Committee**

Amend Section V (Permanent Committees)

I. Add to Section C:

"Reference Committee: representative from Human Resources, Office of General Counsel, Office of the Board of Trustees, and Office of Provost."

II. Amend Section H (2) to read:

"Reviews faculty and University policies on a regular basis and submits suggested revisions to the Faculty Senate."

II. Add Section H (3)

"Conducts a year-end review of changes in faculty and University policies in May and submits suggested editorial revisions to the Faculty Senate at the first meeting of the next academic year."

APPENDIX E

Counseling, Testing and Career Center
Akron, OH 44325-4303
216-972-7082

INTEROFFICE CORRESPONDENCE

Date: January 31, 1997
To: Frank Axell
From: *JW* Irv Brandel
Subject: **Campus Civility Statement**

I chaired a campus-wide committee which was designated the Committee to Study the Learning Climate. Faculty, contract professionals, staff, and students were involved on the Committee. We accepted the charge to develop a campus statement of expectations of behaviors necessary to protect our learning climate and ensure an atmosphere of mutual respect and civility. We utilized many avenues of information collection and analysis, including focus groups of students, faculty, contract professionals and staff. We encountered a great deal of enthusiasm for this project. Many people on campus were talking about our efforts and this attempt to address these issues of civility. Many faculty expressed to me the sincere hope that our efforts might genuinely impact the learning climate.

The result of our efforts is "A Civil Climate For Learning: Statement of Expectations." Dr. Marion Reubel, in a letter to me, officially endorsed our statement and gave us permission to publish this statement in the General Bulletin and the A-Book. This was accomplished this year. The statement is designed to interface with other campus statements of behavioral expectations, including the Student Code of Conduct. The last section of our document refers readers to other written expectations of behaviors, including the Student Code. It is the opinion of the Committee that our statement should actually be a part of the Student Code of Conduct and that it should be published in all University major publications, including the schedule of classes.

Those of us who worked on this project which resulted in the civility statement sincerely hope that the document will not be lost over the years or simply be published for face validity in University publications. Our hope is that faculty, student, and administrative groups will point it out to new members of our community each year, will sound their endorsement of it, and will conform their behaviors in harmony with the statement.

A CIVIL CLIMATE FOR LEARNING: STATEMENT OF EXPECTATIONS

THE UNIVERSITY OF AKRON IS AN EDUCATIONAL COMMUNITY OF DIVERSE PEOPLES, PROCESSES, AND PROGRAMS. WHILE ALL OF US HAVE OUR INDIVIDUAL BACKGROUNDS, OUTLOOKS, VALUES, AND STYLES, WE ALL SHARE CERTAIN PRINCIPLES OF PERSONAL RESPONSIBILITY, MUTUAL RESPECT, AND COMMON DECENCY. OUR CAMPUS CULTURE REQUIRES THAT WE MAINTAIN AND EXTEND THOSE PRINCIPLES, FOR WITHOUT THEM WE CANNOT THRIVE AS A HUMANE AND WORTHWHILE UNIVERSITY. TO KEEP OURSELVES AWARE OF THESE SHARED PRINCIPLES, THIS STATEMENT ARTICULATES SOME OF THE EXPECTATION AND RESPONSIBILITIES OF A CIVIL CLIMATE FOR LEARNING ON OUR CAMPUS.

PRINCIPLES OF OUR CAMPUS CULTURE

OUR CAMPUS CULTURE ACKNOWLEDGES THE IMPORTANCE OF ALL IN OUR COMMUNITY FOR THEIR PARTICIPATION IN OUR COMMON ENTERPRISE AS A UNIVERSITY. WE VALUE THE CONTRIBUTIONS AND WE RESPECT THE NEEDS OF STUDENTS, FACULTY, CONTRACT PROFESSIONALS, STAFF ADMINISTRATORS, MAINTENANCE AND SERVICE PERSONNEL, AND EVERYONE ELSE WHOSE WORK AND DEDICATION ENABLES US TO PURSUE OUR INDIVIDUAL AND COLLECTIVE ACADEMIC GOALS.

TOGETHER, WE MAINTAIN AND INTELLECTUAL CULTURE THAT IS ACCESSIBLE, DISCIPLINED, FREE, SAFE, AND COMMITTED TO EXCELLENCE.

BY OUR BEHAVIOR WITH ONE ANOTHER, WE ENDORSE A CULTURE OF DIVERSITY, CELEBRATING THE UNIQUENESS OF THE INDIVIDUAL AND DEVELOPING OUR UNDERSTANDING AND TOLERANCE OF DIFFERENCES IN GENDER, ETHNICITY, AGE, SPIRITUAL BELIEF, SEXUAL ORIENTATION, AND PHYSICAL OR MENTAL POTENTIAL.

WE TAKE RESPONSIBILITY FOR SUSTAINING A CARING CULTURE, NURTURING GROWTH AND FULFILLMENT IN ONE ANOTHER AND IN THE LARGER COMMUNITIES OF WHICH WE ARE A PART.

WE INSIST ON A CULTURE OF CIVILITY, UNITED IN OUR REJECTION OF VIOLENCE, COERCION, DECEIT OR TERRORISM. WE WORK TO INCREASE COLLABORATION, COOPERATION, AND CONSENSUS WITHIN RATIONAL DIALOGUE CHARACTERIZED BY MUTUAL RESPECT AND CONSIDERATION.

OURS IS A RESPONSIBLE CULTURE. WE EXPECT EACH MEMBER OF OUR COMMUNITY TO CARRY OUT RESPONSIBLY HIS OR HER DUTIES FOR PRESERVING THE INTEGRITY, QUALITY, AND DECENCY OF OUR ENVIRONMENT AND OUR DISCOURSE.

EXPECTATIONS AND RESPONSIBILITIES

TO PRESERVE AND PROPAGATE THE CULTURE OF THE UNIVERSITY OF AKRON, EVERYONE MUST ENGAGE IN CERTAIN SPECIFIC BEHAVIORS. ANYONE NEW TO THIS CAMPUS MUST BE AWARE OF THE EXPECTATIONS WE HAVE OF EACH OTHER AND BE COMMITTED TO FULFILLING HIS/HER RESPONSIBILITY IN MAINTAINING OUR CULTURE.

INSIDE THE CLASSROOM, FACULTY ARE EXPECTED TO RESPECT THE SANCTITY OF THE TEACHING/LEARNING PROCESS BY HONORING THEIR COMMITMENT TO STUDENTS IN TERMS OF TIME, FAIRNESS, AND ENTHUSIASM. IT IS THE RESPONSIBILITY OF THE FACULTY TO SET AND ENFORCE THE CLASSROOM RULES OF CONDUCT. FACULTY MEMBERS ARE EXPECTED TO TREAT MEN AND WOMEN, PERSONS OF COLOR AND ETHNICITIES, AND PERSONS WITH VARYING ABILITIES, SPIRITUAL PREFERENCE, OR SEXUAL ORIENTATION WITH EQUITABLE RESPECT AND CONSIDERATION. FACULTY SHOULD VALUE AND PURSUE EXCELLENCE IN TEACHING AS WELL AS RESEARCH. FACULTY SHALL NOT ENGAGE IN SEXUAL OR OTHER FORMS OF HARASSMENT OR ENGAGE IN INAPPROPRIATE DUAL RELATIONSHIPS WITH STUDENTS. FACULTY MUST NOT TOLERATE ACADEMIC DISHONESTY NOR DISCRIMINATION OR HARASSMENT FROM STUDENTS TO OTHER STUDENTS.

STUDENTS ARE EXPECTED TO RESPECT THE SANCTITY OF THE TEACHING/LEARNING PROCESS BY EXPRESSING RESPECT FOR THE FACULTY MEMBER AS THE ORGANIZER AND GUIDE THROUGH THIS LEARNING EXPERIENCE, AS WELL AS FOR FELLOW STUDENTS. DISRUPTIVE, DISRESPECTFUL, DISCRIMINATORY, HARASSING, VIOLENT AND/OR THREATENING BEHAVIOR IS EXPLICITLY PROHIBITED. ACADEMIC DISHONESTY WILL NOT BE TOLERATED. STUDENTS ARE EXPECTED TO TAKE RESPONSIBILITY FOR THEIR OWN LEARNING AND, IN RETURN, CAN EXPECT RESPONSIBLE TEACHING FROM THE FACULTY MEMBER. STUDENTS SHOULD REPORT UNPROFESSIONAL BEHAVIOR ON THE PART OF FACULTY MEMBERS. STUDENTS HAVE A RIGHT TO EXPECT THAT THEY WILL NOT BE SEXUALLY OTHERWISE HARASSED, INTIMIDATED, OR THREATENED.

ON THE CAMPUS, EVERYONE IS EXPECTED TO RESPECT AND PROTECT THE DIGNITY AND FREEDOM OF EACH OTHER. THERE MUST BE THE OPPORTUNITY FOR EXPRESSION OF ALL POINTS OF VIEW, FREE FROM NAME-CALLING OR RIDICULE. ALL MEMBERS OF THE UNIVERSITY COMMUNITY ARE EXPECTED TO BE CIVIL AND TOLERANT OF OTHERS. IT IS THE RESPONSIBILITY OF EACH MEMBER OF THE UNIVERSITY COMMUNITY TO EXPRESS DISSATISFACTION WITH ANYONE WHO FAILS TO MEET THE RESPONSIBILITY OF CIVILITY AND TO REQUEST THAT THEY DO SO. IN THE EVENT THAT COOPERATION CANNOT BE ATTAINED, PROPER AUTHORITIES MUST BE INVOLVED TO INSIST UPON THESE MINIMUM EXPECTATIONS. ONLY BY CAMPUS-WIDE COMPLIANCE TO THESE EXPECTATIONS CAN WE ACHIEVE A CLEAR SENSE OF OUR CAMPUS CULTURE AND, ACCORDINGLY, A SENSE OF MUTUAL PRIDE.

STUDENTS CAN EXPECT THAT ALL REPRESENTATIVES OF ALL DEPARTMENTS AND ADMINISTRATIVE OFFICES WILL TREAT THEM WITH RESPECT, A SENSE OF COOPERATION AND WITH CONCERN FOR THEIR WELFARE. STUDENTS CAN ALSO EXPECT APPROPRIATE COORDINATION OF SERVICES AMONG THEIR DEPARTMENTS.

EVERYONE IS EXPECTED TO RESPECT THE CAMPUS ENVIRONMENT BY BEHAVING IN WAYS THAT PROTECT THE SAFETY, ORDER, AND APPEARANCE OF ALL CAMPUS FACILITIES. EACH PERSON MUST TAKE STEPS TO PRESERVE THE ECOLOGICAL AND AESTHETIC ASPECTS OF THE CAMPUS.

ADDITIONAL BEHAVIORAL EXPECTATIONS

ALL MEMBERS OF THE UNIVERSITY COMMUNITY ARE REQUIRED TO ABIDE BY ALL LAWS AND REGULATIONS OF THE UNIVERSITY OF AKRON, THE CITY OF AKRON, THE STATE OF OHIO, AND THE FEDERAL GOVERNMENT. STUDENTS ARE EXPECTED TO ABIDE BY THE STUDENT CODE OF CONDUCT AND THE UNIVERSITY DISCIPLINARY PROCEDURES. FACULTY, CONTRACT PROFESSIONALS, ADMINISTRATORS, AND STAFF ARE EXPECTED TO ABIDE BY ALL UNIVERSITY REGULATIONS AND PROCEDURES.

The University of Akron**1995-96****STUDENT CODE OF CONDUCT**

You, the students of The University of Akron, are an essential part of this academic community. You enjoy substantial freedom within the framework of the educational objectives of the institution. Accordingly, you should be familiar with the standards of conduct expected at The University of Akron. Securing the freedom necessary for learning in a community so rich in diversity and achieving success toward our educational objectives require the implementation of these standards. It is vital to protect the integrity and safety of this academic community in which we live by guarding against any threatening behavior. As a result, you are accountable for any conduct in violation of these regulations and would be subject to disciplinary sanctions provided within the code.

The freedom to learn depends on your responsibility to maintain appropriate conditions in the classroom, on the campus, and in the larger community. By becoming familiar with the policies and regulations contained herein you can be fully aware of your rights and responsibilities as a student at The University of Akron and have a successful, rewarding experience.

Statement on Rights and Responsibilities
(Approved November 28, 1973)**Preamble**

The University of Akron exists for the discovery, preservation, transmission and enlargement of knowledge; the pursuit of truth; the development of the intellect, character, and personality of students; and, the enhancement of the general well-being of society.

Freedom to teach and freedom to learn are inseparable facets of academic freedom. These freedoms depend upon appropriate opportunities and conditions in the classroom, on the campus and in the larger community. All members of the University community share the right and responsibility to secure and to respect general conditions conducive to enjoyment of these freedoms which are inalienable.

As members of the academic community, students in exercising their freedom have the responsibility of preserving the freedom of others and working for the good of the entire community. The following statement of student rights and responsibilities provides for standards of academic freedom which are essential to any community of scholars.

I. Access to Education

Within the limits of its facilities, The University of Akron shall be open to all applicants who meet its admission requirements. No applicant will be denied admission on the basis of age, race, creed, sex, national origin, sexual orientation, or political beliefs. The University of Akron and its colleges shall publish and make available their admission enrollment, retention, transfer, and degree requirements. By enrolling at The University of Akron, the student signifies his willingness to adhere to University rules and regulations pertinent to his status as a student at the University. However, the student shall be free as possible from imposed limitations that have no direct relevance to their student's education. The University has an obligation to promote the welfare of each of its students and each student has an obligation to promote the welfare of the University.

II. Academic Matters

At The University of Akron students have both the right and the responsibility to engage in free inquiry and expression when relevant to the subject under discussion. Students are responsible for learning the content of any course of study for which they are enrolled and they shall comport themselves in a mature responsible manner and shall be held responsible for maintaining established standards of academic performance. Such standards include avoiding plagiarizing the words or ideas of another and avoiding aiding or abetting the commission of plagiarism by another student.

Students have the right to expect effective instruction and to have their performance evaluated solely on an academic basis. Students should be informed by each instructor at the beginning of each course of the procedures and standards including class attendance requirements, etc., by which they will be graded. Any student who believes unfair treatment has been received in the classroom has the right to seek and receive from the instructor the reason for the instructor's action. If the student still questions the fairness of the instructor's action, the student has the right to appeal in turn to the Head of the Department or Division, the Dean of the College in which the course is given, and the Senior Vice President and Provost.

The faculty have a responsibility to students that transcends the classroom. Students have a right to expect reasonable access to members of the faculty. Faculty members shall maintain office hours and establish alternate means of communication which are reasonable and convenient both for themselves and for the students whom they teach. Students shall be informed of these

arrangements at the beginning of each course of study.

All students are entitled to sound academic advisement and should be provided with competent academic counseling whenever the need arises.

Academic advisement and counseling for the University College and Community and Technical College students shall be conducted by trained counselors in the Office of Academic Advising. Referrals will be made to a faculty member for advice in the area of the student's intended major when requested by the student or suggested by the advisor.

Each student in an Upper a Degree-Granting College, or the Graduate School, or a Professional School has the right to have an academic advisor who is a faculty member of the Department or School in which the student is enrolled. The Student may, upon request, be assigned another advisor by the Head of the Department or by the Dean of the College or School.

The Student shall periodically confer with the advisor to review academic progress and to be informed of those courses which the student must complete in order to fulfill the collegiate or school degree requirements. The College or School shall publish and make available its specific requirements.

The advisor or department shall provide information about requirements for graduation and shall advise the student with regard to electives and number of credit hours carried per semester. With regard to free electives not stipulated in the degree program the student shall have freedom of choice.

III. Student Records

The Registrar's Office maintains the official record of the student's academic performance. To minimize the risk of improper disclosure, academic and disciplinary records should be separate, and the conditions of access to each should be set forth in explicit policy statements. Transcripts of academic records shall contain only information about courses, grades, and notations of academic status. These statements shall reflect only the student's academic performance and academic action taken by the University. Only when required by law shall a notation of nonacademic disciplinary action appear on the academic record. These academic records may be examined by the student in the office of the Registrar in the presence of an authorized official of the University.

Copies of the official and unofficial academic records may not be released to persons or organizations outside the University except upon written request of the student. Under exceptional circumstances where the permission of the student cannot be secured, the appropriate University authorities may exercise their discretion in the release of this information.

Counseling and medical records in the divisions of Student Affairs, in the offices of the academic deans and heads of departments may contain applications for admission, records of interview, and counseling sessions, psychological test results and evaluations, medical and psychiatric evaluations, copies of correspondence and other data necessary for effective counseling. These records are the property of the University and the information contained therein is held in confidence. No record of conviction in a court of law shall be noted in a student's file unless it is reasonably related to the purposes and necessities of the University.

Except in the case of membership in University-recognized student organizations, no written records shall be kept which reflect the political activities or beliefs, of the student. Faculty members and University officials should treat as confidential the information about student views, beliefs, and political associations acquired in the course of their work, unless otherwise directed by the student. Where there is clear and probable danger which might result in loss of life, personal injury, or property damage, the appropriate University officers may release this information without the consent of the student.

When faculty members or University officials are asked to evaluate students and alumni in connection with application for employment, admission to graduate and professional schools, and for other reasons, they are responsible to the recipient and to the student to be scrupulously honest and fair in their judgment. The listing by a student or alumnus of an office, officer or another member of the University community as a reference is regarded as authorization to furnish a full and frank evaluation.

IV. Student Affairs

~~This section of the Statement of Rights and Responsibilities is currently under review:~~ The terms for recognition of a student organization is supplemented by the guidelines available in Student Development, GSC 104. *(Move this sentence to the end of IVA)*

A. Freedom of Association, Inquiry, and Expression

Students are free to organize and join associations to promote their common interest. A student organization which seeks University recognition shall petition the Student Affairs Committee of Faculty Senate, whose recommendation shall be voted upon by the appropriate subcommittee of the Faculty Senate by submitting a constitution, bylaws, a statement of purpose, and criteria for membership. Recognition may be granted by the Faculty Senate; however, University recognition does not necessarily constitute an endorsement of the organization or of the expressions of the organization by the University. It should be noted that all student organizations shall first petition the Office of Student Development when wishing to form a new student organization. *(Insert sentence)*

The terms for recognition of a student organization shall include the following:

1. The purpose, objectives, and activities of the proposed organization shall be consistent with the objectives, rules, and regulations of the University and with municipal, state, and federal law.
2. The organization shall not discriminate on the basis of race, creed, or national origin in the selection of its members or in its programs. Further, there shall not be any discrimination on the basis of sex or age unless some compelling reason related to the objective of the organization can be demonstrated.
3. Each organization shall manage its own finances but shall do so according to the rules and regulations of the University.
4. The organization shall file a current constitution and list of current officers with the Office of Student Development. Membership lists shall not be required.

Upon receiving University recognition, the organization shall seek the consent of a full-time faculty member to serve as its advisor and shall recommend the appointment by the President of the University.

The Faculty Senate may suspend or terminate its recognition of a student organization upon evidence of violation of the terms of its recognition or upon failure of the student organization to adhere to its constitution or bylaws.

Students and student organizations are free to examine all questions of interest to them and to express opinion publicly and privately. They are free to support causes of their choosing by lawful and orderly means, including peaceful assembly and advocacy. In their public expressions and demonstrations, the students or student organizations have a responsibility to make it known that they do not necessarily speak for or act on behalf of the University. The University has the inherent right and responsibility to protect individuals and property and to assure the continuity of the educational process.

All student organizations may invite and hear speakers of their choosing. Students are expected to follow procedures prescribed by the University in requesting and using University facilities for their programs. These procedures shall be designed to insure that there is orderly scheduling of facilities and adequate preparation for the event. University authorities will not use their control of facilities as a device for censorship. The appearance of a speaker on campus in no way indicates agreement with the speaker's views or endorsement of the speaker's position by the University or the sponsoring student organization. The sponsoring group has the responsibility to make reasonable efforts to make this fact known to the academic and larger community.

B. Student Participation in University Governance

Students are free individually and collectively to express in a peaceful and orderly manner their views on matters of University policy and on matters of general interest to the student body. Students shall be provided the opportunity to participate in the formulation and implementation of University policy, both academic and nonacademic, in accordance with the rules and regulations of the Faculty Senate and the Board of Trustees.

C. Student Publications

The University of Akron regards student publications, campus radio stations and other student news media as necessary aids in establishing and maintaining an atmosphere of free and responsible discussion and intellectual exploration on campus. They are a valuable means of providing campus communication, of bringing student concerns to the attention of the University community, and of formulating student opinion on campus issues and on community and world affairs.

If the University provides the funds or facilities or lends its name to the various news media, it may have to bear legal and financial responsibility for the content and operation of the publications and of the programs of the radio stations. Within the restriction imposed by this responsibility, the University is committed to freedom of expression in accordance with the following statements of professional ethics: Criteria of a Good Newspaper-Associate Press Managing Editors Association; Canons of Journalism-American Society of Newspaper Publishers; Statement of Ethical Responsibilities-International Conference of The Student Press, July 1963; Radio, T.V. Code of Good Practices-National Association of Broadcasters; and by the rules and regulations of the Federal Communications Commission which proscribe libel, slander, obscenity, undocumented allegations and

the techniques of harassment and innuendo. WRHA, WZIP-FM and the Radio/T.V. Workshop are governed by regulations imposed by the Federal Communications Commission. The Radio/T.V. Workshop is also governed by the policies of WZIP-FM when broadcasting over the station's facilities.

To ensure the editorial freedom of student publications and campus radio stations, the University to the extent that its legal obligations permit subscribes to the following safeguards:

1. The media should be free of censorship, advance approval of copy and/or programs to be published or aired. The media managers should be free to develop their editorial policy and news coverage.
2. Editors and managers of student news media shall be protected from arbitrary suspension and removal because of student, faculty, administration or public disapproval of their editorial policies or content. Only for proper and stated causes shall editors and managers be subject to removal and then only by orderly and prescribed procedures. These procedures shall be carried out by the appointing authority and include the right of appeal.

All student news media must explicitly state that the opinions expressed are not necessarily those of the University or its student body.

V. Off-Campus Rights and Responsibilities

University students are both citizens and members of the University community. As citizens they enjoy the same rights such as freedom of expression, peaceful assembly, right of petition, and the same obligations as other citizens; and as members of the University community they are entitled to the privileges and subject to the responsibilities which accrue to them by virtue of this membership. University authority shall not be employed to inhibit the exercise of rights of citizenship, either on or off campus, but neither do students have special rights when in violation of the law. Students shall recognize that away from campus while attending a University-associated event, their conduct may reflect upon the University as well as upon the individual.

Students who violate the law may incur penalties prescribed by civil authorities but University authority should never be used merely to duplicate the function of general laws. Only where the University's interests as an academic community are distinctly and clearly involved should its special authority be asserted. When the authority of the University is so asserted, the student shall be provided with the procedural safeguards contained in the Student Disciplinary Procedures. The student who incidentally violates University regulations in the course of the student's off-campus activity should be subject to no greater penalty than would normally be imposed. University action must be independent of community pressure.

VI. Enactment and Amendments

The statement of Student Rights and Responsibilities is the instrument of the Board of Trustees of the University and is enacted pursuant to the sole and exclusive authority of the Board of Trustees to carry on the operation of the University. Nothing contained therein shall be construed to be a delegation of any authority vested in the Board of Trustees to do all things necessary for the continuous and successful operation of the University. The Board may be approached with proposed changes and amendments to this instrument through channels outlined in its Bylaws.

Policies of

The University of Akron

During the early 1960's courts and legislatures throughout the country began re-defining the legal relationship between students and public institutions of higher education. In 1968, the Ohio Legislature enacted into law a mandate requiring Boards of Trustees of State-supported or -assisted institutions in Ohio to enact internal legislation regulating the conduct of students, staff, faculty, and visitors to the campus, and to insure that the college or university may pursue its educational objectives and programs in an orderly manner. The following resolutions enacted by the Board of Trustees of The University of Akron reflect the spirit and substance of the legal relationship between students and institutions of higher education, all in accordance with the directions of Ohio law and the educational mission of The University of Akron.

Regulations Concerning Campus Conduct

Resolution 14-69

WHEREAS the Legislature of the State of Ohio has in Section 3345.21 of the Ohio Revised Code stated that the Board of Trustees of state universities shall adopt regulations concerning the conduct of students, faculty, staff, and visitors; and

WHEREAS the University has from time to time adopted regulations and policies concerning conduct; and

WHEREAS it is deemed advisable by the Board of Trustees of The University of Akron to clarify and restate its regulations and policies; and

WHEREAS this Board invites scholarly faculty members and responsible students to this institution to take full advantage of the learning process; and

WHEREAS students, faculty, staff, and visitors assume an obligation to conduct themselves in a manner compatible with the University's function as an educational institution. Therefore be it

RESOLVED by the Board of Trustees of The University of Akron. That while it does not intend in any way to restrict freedom of speech or the right of persons on the campus to assemble peacefully, it does assert that no person shall engage in the following conduct on properties owned, leased, or operated by the University or in housing occupied or used by recognized University student groups:

Active or passive, willful or deliberate obstruction, disruption, or occupation of building entrances, walks, stairways, passageways, approaches, classrooms, offices, parking areas, auxiliary rooms (power, telephone, etc.) or any other space that impedes implementation of authorized programs and functions of the University;

Detaining, holding, intimidating, injuring, or threatening to injure or coerce by bodily harm any person lawfully upon property owned, leased, or operated by the University or in housing occupied or used by recognized University student groups;

Theft, malicious destruction, damage, or injury to property not personally owned;

Unauthorized entry into or use of University facilities;

Violation of current, published University campus regulations;

Violation of published rules governing residence in property owned, leased, or operated by the University;

Offenses defined as felonies or misdemeanors under the Revised Code of the State of Ohio and ordinances of the City of Akron;

Illegal or unauthorized possession or use of firearms, explosives, or other weapons;

Failure to comply with directions of University officials and police or any other governmental law enforcement officer upholding University regulations and acting in performance of their duties in implementing the provisions of this code; and be it

RESOLVED, further, That violators of the above regulations may be ejected from property owned, leased, or operated by the University and subject to criminal prosecution and/or University discipline which may include, but is not limited to, suspension or expulsion from the University; and be it

RESOLVED, further, That the Administration of this University is empowered to take such action as is necessary and is authorized by Section 3345.21 of the Ohio Revised Code in order to preserve good order on campus and to prevent the disruption of the educational functions of the University.

This Resolution replaces Board Resolution 16-68 adopted June 19, 1968 in accordance with requirements of Section 3345.21 of the Ohio Revised Code.

Student Disciplinary Procedures

Resolution 15-69

I. Disciplinary Power of the University

The disciplinary power of the University is inherent in its responsibility to protect its educational purposes and processes through the setting of standards of conduct and scholarship for its students and through the regulation of the use of its facilities. The established standards of conduct apply to a students whenever he is on property owned, leased, or operated by the University. A Students is are also expected to abide by applicable federal, state, and local laws. The University assesses penalties for violation of its own regulations; however, the students are is subject to public laws which the University Police officers (among other law enforcement agencies) are empowered to enforce on or affecting persons or property owned, leased, or operated by the University. Such public laws include the Revised Code of the State of Ohio, and ordinances of the City of Akron, which contain regulations relating to including, but not limited to, disorderly conduct, theft, assault, arson, damaging property, sex offenses, the use of drugs, hazing, and mob action.

II. Definition of Student Misconduct

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

- A. Plagiarism, cheating, or other forms of academic dishonesty misconduct.
- B. Furnishing false, or misleading, or incomplete information to University officials or on official University records, or altering or tampering with such record.
- C. Detaining, holding, intimidating, injuring or threatening injury or threatening to injure or coerce by bodily harm any person lawfully upon property owned, leased, or operated by the University or in housing occupied or used by recognized University student groups.
- D. Theft, malicious destruction, damage or injury to property not his own belonging to the student.
- E. Appropriating for his own use property not his own without the consent of the owner or person legally responsible for it.
- F. Possession, use or distribution of marijuana or any narcotic, hallucinogenic, or other drug in either the refined or crude form OR DRUG USE INSTRUMENTS AND PARAPHERNALIA which is prohibited by law.
- G. Unauthorized consumption, possession, or distribution of alcoholic beverages.
- H. Gambling or games of chance as defined in the Revised Code of the State of Ohio and ordinances of the City of Akron.
- I. Illegal or unauthorized possession or use of firearms, explosives, fireworks, or other weapons.
- J. Offenses defined as felonies or misdemeanors under the Revised Code of the State of Ohio and ordinances of the City of Akron.
- K. Unauthorized entry into, or use of, University facilities.
- L. Active or passive, willful or deliberate obstruction, disruption, or occupation of building entrances, walks, stairways, passageways, approaches, classrooms, offices, parking areas, auxiliary rooms (power, telephone, etc.), or any other space that impedes implementation of authorized programs and functions of the University.
- M. Violation of University regulations prohibiting dogs, other animals, fowl, or reptiles on property owned, leased, or operated by The University of Akron.
- N. Unauthorized copying of an assignment in computer programming, unauthorized examination or view of the computer accounts for unauthorized purposes, engaging in disruptive, mischievous behavior on the computer, or any other wrongful use of a computer.
- O. Hazing - doing any act or coercing another, including the victim, to do any act of initiation into any student or other organization that causes or creates a substantial risk of causing mental or physical harm to any person.
- P. Failure to comply with directions of University administrative officers and police, or any other governmental law enforcement officers upholding University regulations, or faculty within the purview of their authority when carrying out their normal duties.

***Procedure for Assessment of Minor Penalties Relative to Minor Incidents of Academic Dishonesty Misconduct.**

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

III. Investigation of Student Misconduct

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

The fact-finding procedures shall be as follows:

- A. The student named as being in violation of University rules shall be requested in person or by certified mail to his last known address to come to the Office of the Assistant Vice President and Dean of Students or to the office of the designee of the Assistant Vice President and Dean of Students. Where practicable, the University shall seek confirmation of this notice from the student.
- B. On his appearance there, he shall be informed of the report that alleges violation of University rules and regulations.
- C. He shall be requested to make a statement concerning the reported violation, but prior to this request the student shall be informed that:

1. He is not required to make a statement, and
 2. Any statement he may wish to make can later be used in disciplinary proceedings, and
 3. He has the right to have counsel (as limited herein).
- D. The University prefers to develop responsible student conduct through counseling, guidance, admonition, and example, and it prefers, therefore, to proceed carefully but informally whenever possible. However, if the student so desires, he may bring an advisor or an attorney with him to any discussion or investigation in which the student is informed of the charge of alleged misconduct. Conferences with the student (and, if he chooses, with his counsel) are designed to develop in depth all facts pertinent to the alleged misconduct. Upon completion of these conferences and the assembling of factual information the fact-finding procedures shall be terminated if both of the following elements are present.
1. The student denies the alleged misconduct, and
 2. Based on the evidence presented, no University rule or regulation was violated. If these conditions prevail, the student shall be informed that the matter is closed with no prejudice to him or his record.
- E. When conferences and investigations reveal that there is probable cause that the student has in all likelihood violated University rules and regulations as demonstrated by the facts or by admission of complicity:
1. The student shall be given an opportunity to explain his involvement.
 2. ~~This explanation plus evidence revealed by investigation shall be reduced to a comprehensive, detailed, written A report which shall be submitted to the Assistant Vice President and Dean of Students or his designee for transmission to the University Hearing Board, or,~~
 3. The student if an adult, or the student if a minor and his parents or guardian, may request in writing that the case be heard, and the penalty assessed, in confidential session with the ~~Assistant Vice President and Dean of Students or his designee.~~ The Dean of Students or his designee may deny the request and refer the matter to the University Hearing Board.
 4. The procedures of the University Hearing Board shall be described to the student.
- F. If it appears that the matter will be referred to the University Hearing Board,
1. The student shall be informed that the University Hearing Board will meet to hear the case at a date not to exceed 30 days from the date of the conference.
 2. A general description of the charges to be heard by the University Hearing Board will be given the student.
- G. When the case has been referred to the University Hearing Board by the ~~Assistant Vice President and Dean of Students or his designee,~~ the Board shall schedule a hearing.
- H. The student if an adult, or the student if a minor and his parents or guardian, shall be informed in writing by the ~~Assistant Vice President and Dean of Students or his designee~~ of the time and place of hearing and the specific University rule or regulation that the student is charged with violating, ~~and the facts surrounding the incident on which rest the charges against the student.~~
- I. If the student fails to respond to the summons to appear in the Office of the ~~Assistant Vice President and Dean of Students or that of his designee~~ for the implementation of the fact-finding procedures, and if the investigation reveals that there is probable cause that the student has in all likelihood violated rules and regulations as demonstrated by the facts, the ~~Assistant Vice President and Dean of Students or his designee~~ shall promptly refer the matter to the University Hearing Board.

IV. Student Procedural Rights

Educational institutions have a duty and the corollary disciplinary powers to protect their educational purpose through the setting of standards of conduct for the students who attend them and through the regulations of the use of institutional facilities. In the exceptional circumstances when the preferred means fail to resolve problems of student conduct, the case shall be heard by the ~~Assistant Vice President and Dean of Students or his designee,~~ University Hearing Board, or other recognized University judicial body such as the School of Law Student Disciplinary Committee. In every instance, proper procedural safeguards shall be observed to protect the student from the unfair imposition of serious penalties.

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

- A. Proceedings are instituted only for violation of University rules and regulations established under Section II of this code and published in a means accessible to students. Penalties imposed for a violation must bear reasonable relationship to the violation.

- B. University officials have the right to enter property owned, leased, or operated by the University or housing occupied or used by recognized University student groups for purposes of inspecting for cleanliness, orderliness, safety, and maintenance. However, in cases involving suspicion of misconduct as defined in Section II of this code, except under extreme emergency circumstance, student premises and possessions shall not be searched unless appropriate authorization has been secured and probable cause shown to the designated University authority. For premises such as residence halls controlled by the University, application shall be made to a designated University authority before a search can be made. The application shall specify the reasons for the search and the objects or information being sought. The student should be present, if possible, during the search.
- C. University officials detecting or arresting students in the course of violation of University rules and regulations or public laws shall inform such students of their rights. In conducting investigations, University officials shall respect the right of the individual to refuse to testify against himself.
- D. Pending action on the charges, the status of the student shall not be altered or his right to be present on campus and to attend classes suspended except for reasons relating to his physical or emotional safety and well-being. ~~or except that the Senior Vice President and Provost of the University, acting on authority delegated to him by the President, may suspend immediately.~~
- E. Interim suspension - The President of the University may suspend immediately:
 - 1. When the offense is one or more of the following:
 - a. Detaining, holding, intimidating, injuring, or threatening to injure or coerce by bodily harm any person lawfully upon property owned, leased, or operated by the University.
 - b. Felonies or misdemeanors under the Revised Code of the State of Ohio and ordinances of the City of Akron.
 - c. Unauthorized entry into or use of University facilities;
 - d. Active or passive, willful or deliberate obstruction, or occupation of building entrances, walkways, stairways, passageways, approaches, classrooms, offices, parking areas, auxiliary rooms (power, telephone), or any other space that impedes implementation of authorized programs and functions of the University.
 - 2. When in the judgement of the President the safety and well-being of students, faculty, or staff or University property is endangered, it shall be the duty of the ~~Senior Vice President and Provost of the University~~ Dean of Students or his designee to immediately convene the Hearing Board or provide the suspended student with a hearing as soon as practicable.
- F. Prior to the hearing, the ~~Assistant Vice President and Dean of Students~~ or his designee shall inform the student in writing of the reasons for the proposed disciplinary action, with specific information and in sufficient time to ensure the student opportunity to prepare for the hearing.
- G. The student appearing before the University Hearing Board shall have the right to have an advisor, of his choice, present under the following guidelines:

Hearing Board Guidelines for Advisors

An advisor may be present to protect the rights of the student charged with misconduct, in anticipation of a criminal trial. Such presence shall not be for the purpose of gathering information for use before or during a criminal trial. An advisor may be present with the charged student in the hearing room. However, the student shall speak and act on his or her own behalf. Questions asked or testimony given by the charged student shall be limited to elements directly related to the alleged violations. Should the advisor desire to object to the proceedings or any other issue relevant thereto, the advisor may raise a continuing objection that will be noted by the presiding member.

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

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

- I. The ~~Assistant Vice President and Dean of Students~~ or his designee shall provide for a hearing before a University Hearing Board consisting of two faculty members and two students, with a like number of alternates therefore, unless the student, if an adult, or the student, if a minor, and his parents or guardian, files a written request for a hearing by the ~~Assistant Vice President and Dean of Students~~ or his designee may be granted only:
 - 1. When the student has pleaded guilty to the charges, and
 - 2. When based on the evidence presented, a University rule or regulation was violated.

The Assistant Vice President and Dean of Students or his designee shall conduct the hearing as a counseling-type interview in which the immediate welfare of the accused and the welfare of the University are pre-eminent and the rehabilitation of the accused is also a vital concern. The Assistant Vice President and Dean of Students or his designee shall then implement the disciplinary action that is appropriate to the circumstances.

If the accused student refuses to go before the University Hearing Board, or the Assistant Vice President and Dean of Students or his designee, he may be tried in absentia and penalty imposed in accordance with the findings.

- J. A student appearing before the University Hearing Board may plead guilty. The student also has the right to have his innocence or guilt determined by the University Hearing Board. In the latter case, the burden of proof rests on the University. To provide for a fair and impartial hearing, the following elements shall pertain.
1. No member of the University Hearing Board shall be a party to prior investigation of the case against the student, nor should he be placed in a position of developing or presenting the case. If any member is unavoidably involved, he must be disqualified.
 2. The Presiding Member of the Board shall conduct the hearings, and shall be responsible for providing a tape recording of the hearing and supervising preparation of a summary of the disposition.
 3. The Presiding Member of the Board shall advise the student of the charge by reading the Notice of Hearing to him, after which he shall inform the student that he may deny or admit, totally or in part, the charges levied against him. A complete admission of guilt would require no further proceedings, except that any student should be offered the opportunity to present evidence of character, scholarship, or previous record of good conduct bearing only upon the extent of the penalty to be assessed by the University Hearing Board.
 4. A denial or partial denial of the charges by the accused student shall require the presentation of evidence supporting the charges. This presentation of evidence shall be made by the person designated by the Senior Vice President and Provost of the University Dean of Students to present evidence and information. Such evidence may consist of oral testimony made under oath and the introduction of any physical exhibits necessary to support the charge. The student shall be given an opportunity to hear and question adverse witnesses as well as present evidence in his own defense. The person designated by the President to represent the University's position shall have the right to question all witnesses. The Presiding Member of the Board shall exercise normal discretionary controls, prevent abusiveness, require relevance, and ensure the expeditious pursuit of information. A standard of substantial evidence shall apply to all hearings. (Substantial evidence is evidence affording a substantial basis of fact from which the fact in issue can be reasonably inferred).
 5. Sanctions may include, but are not limited to the following:
 - a. Formal warnings to students represent a written statement of reprimand for a specified conduct violation. Upon issuance of the formal warning, a notation will be made in a student's conduct file indicating that future violations will result in more severe sanctions.
 - b. Disciplinary probation indicates to students that their behavior has resulted in a sanction close to suspension. It is imposed for a definite period of time. Any further misconduct on students' part when on probation may result in suspension from the University.
 - c. Disciplinary suspension prohibits students from attending The University of Akron and from being present without permission on property owned, leased, or operated by the University for the duration of the suspension. The Dean of Students or his designee will determine the effective date of the sanction. If required by the sanction, students who have been suspended must petition for readmission through the Dean of Students or his designee.
 - d. Disciplinary dismissal prohibits the student from attending The University of Akron and from being present without permission on property owned, leased, or operated by the University. Dismissed students would not be considered for readmission for minimum of at least two years if they (1) committed a violent act on campus, especially with a student, faculty, staff as victim, (2) were involved in malicious action that threatened the safety of the campus population, (3) were dismissed for selling narcotics on campus, or (4) have a history of disrupting classes.
 - e. Other educational sanctions may be imposed with or without disciplinary probation including, but not limited to, loss of privileges, termination of housing contract, attendance at the Alcohol and Other Drug workshop, course reinstatement, loss of access privileges, community service, monetary payments for purposes of restitution, reasonable monetary fines, or submission of a letter of apology.
 6. The report of the University Hearing Board shall consist of a simple statement covering the chronological sequence of the hearing procedure, together with a summary of evidence presented to the University Hearing Board, and the conclusions reached by it on the basis of such evidence, and finally, the recommended penalty or disposition of the case. The report shall be signed by all members of the University Hearing Board, and any member may append to the report his dissent or nonconcurrence with the majority. The Presiding Member shall transmit the findings and recommendations of the University Hearing Board to the Assistant Vice President and Dean of Students or his agent. ~~The Assistant Vice President and Dean of~~ presents notice of appeal within 48 hours, the Assistant Vice President and Dean of Students or his agent shall

implement the recommended penalty or disposition of the case. If the student files for appeal, the penalty shall be held in abeyance pending appeal.

6. ~~The decision of the University Hearing Board shall be final subject only to the student's right of appeal to the Review Board.~~

V. University Hearing Board

- A. Composition: The University Hearing Board shall be composed of four members, as follows:

1. Two faculty members appointed by the Assistant Vice President and Dean of Students or his designee from a Hearing Board pool elected by all full-time members of the faculties of the respective colleges in the same manner and proportion as their elected representation on Faculty Senate. Elections to the Hearing Board pool shall be held in conjunction with the annual elections to determine Faculty Senate membership.
2. Two student members appointed by the Assistant Vice President and Dean of Students or his designee from a Hearing Board pool of student members. The Student members shall be recommended by a majority vote of the Associated Student Government, or, in the case of a graduate student accused of misconduct, the student members shall be recommended by a majority vote of the Graduate Student Government.
3. Each Hearing Board shall select its own presiding member.
4. The accused student shall have the right to challenge any member of the University Hearing Board, for good cause; and, at the discretion of the Assistant Vice President and Dean of Students or his designee, the challenged member may be excused and a substitute member appointed.
5. ~~The Assistant Vice President and Dean of Students or his designee shall attend all meetings of the Hearing Board.~~

- B. Procedures: When a case of alleged student misconduct is to be heard by the University Hearing Board, all of the student procedural rights which appear under Section IV of this code shall pertain, and the following procedures shall be adhered to:

1. The Presiding Member shall request the Assistant Vice President and Dean of Students or his designee immediately to notify the student suspected of misconduct. Such notification shall include:
 - a. Written notification presented in person to the accused, or sent by certified mail to the last known address of the accused; and, whenever reasonably practicable, the University shall seek to have the accused verify receipt thereof.
 - b. The specific charge and the facts which purport to sustain that charge.
 - c. The time and place at which the accused student is to appear before the Hearing Board.
2. The University Hearing Board shall have the authority to call upon any member of the faculty or student body who, in its opinion, might have pertinent information. Only information which will tend to establish either a violation or an absence of violation will be admitted.
3. The accused student may deny or admit totally or in part the charges levied against him. If he denies or denies in part the charges, he shall have the opportunity to hear and question adverse witnesses. The person designated by the Senior Vice President and Provost Dean of Students or his designee to present evidence to members of the Hearing Board shall have the right to question all witnesses for the defense, and members of the Hearing Board have the right to question all witnesses for the defense, and members of the Hearing Board have the right to ask questions of all witnesses. The Presiding Member of the Board shall exercise normal discretionary controls, prevent abusiveness, require relevance, and ensure the expeditious pursuit of information. The accused shall not be required to testify against himself.
4. All members of the University Hearing Board shall be present at all hearings on a particular case. Guilt and penalty shall be decided by a majority vote. The Presiding Member shall participate in the balloting.
5. The hearing shall be confidential unless the accused requests the Presiding Member to conduct public or open hearings. Such requests shall be granted.
6. ~~The decision of the University Hearing Board shall be final, subject only to the student's right of appeal to the Review Board.~~

~~VI. Review Board~~

- ~~A. Composition: The Review Board shall be composed of three faculty members and three student members other than those who served on the University Hearing Board adjudicating the case. Review Board members shall be appointed under the same conditions and in the same manner as the members of the University Hearing Board.~~

~~The Assistant Vice President and Dean of Students or his representative shall have the right to attend all meetings of the Review Board as a nonparticipating observer.~~

- ~~B. Procedures: The Review Board shall hear all cases upon the appeal of the accused students. The accused student shall have ten (10) days from the time that he is notified of the decision of the University Hearing Board in which to petition the Review Board for a review. If the student files for appeal, the penalty shall be held in abeyance pending appeal. The appeal~~

shall be in writing and shall set forth the grounds for appeal. The accused student shall direct his written request for review to the Assistant Vice President and Dean of Students or his agent who shall initiate the formation of the Review Board as specified heretofore:

Under compelling circumstances, the ten-day period for filing an appeal may be extended by the Assistant Vice President and Dean of Students or his agent:

When presented with an appeal, the Review Board shall meet within twenty (20) days. The Review Board may:

1. Uphold the decision of the Hearing Board;
2. Order a new trial by a newly empaneled University Hearing Board should circumstances appear to warrant it; or
3. Order a dismissal of charges on the following grounds:
 - a. That the University Hearing Board lacked jurisdiction over the offense or over the person of the accused;
 - b. That there is no substantial evidence to support the finding of guilt of the accused;
 - c. That the finding of guilt is against the manifest weight of the evidence;
 - d. That the accused has been denied a hearing consistent with the substantive and procedural safeguards provided in these procedures;
 - e. That irregularity, misconduct, abuse of discretion, or passion or prejudice on the part of the University Hearing Board prevented the accused from having a fair trial;
 - f. That new evidence was discovered tending to substantiate the innocence of the accused which, with reasonable diligence, he could not have discovered and produced at the time of the trial;
 - g. That false testimony was given by a witness against the accused which ordinary prudence could not have anticipated or guarded against.

The Review Board may, at its discretion, modify, revise, or diminish the penalty, but in no case shall it increase the penalty or the severity with which it works upon the guilty student:

The Review Board shall act by majority vote. The Presiding Member shall participate in the balloting:

The Review Board shall render a decision within ten (10) days of the beginning of its review:

The Presiding Member of the Review Board shall immediately notify the Senior Vice President and Provost, or his agent, and the student affected of the final disposition of each case; in case of suspension or dismissal, the student shall be informed of the procedures for seeking readmission:

VI. Authority for Amendments

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

ASSEMBLY PROCEDURES

RESOLUTION 10-71

WHEREAS The University of Akron recognizes and encourages the exercise of rights consistent with the Constitution of the State of Ohio and of the United States of America. In this regard The University of Akron also recognizes that the First Amendment of the Constitution of the United States of America imposes upon state universities three propositions:

Expression cannot be prohibited because of disagreement of or dislike for its content; and

Expression is subject to reasonable nondiscriminatory regulation of time, and manner; and

Expression can be prohibited if it takes the form of action that materially and substantially interferes with the normal activities of the institution or invades the rights of others, and

WHEREAS The University of Akron is mindful of its responsibility to assure the pursuit of educational programs and to accommodate the needs and rights of all members of the University community. Therefore be it

RESOLVED, That to achieve this, certain assembly* procedures are hereby established to guarantee the fulfillment of the University's mission:

- (a) The sponsoring group or person of any assembly shall register the same with the University Calendar Office, Gardner Student

Center. Registration must be made at least 48 hours prior to the event, except that the President of the University or the President's authorized designee may waive the 48-hour requirement when unusual conditions exist.

- (b) Assemblies deemed by the President of the University or the President's authorized designee to materially and substantially interfere with the normal and scheduled activities of the University are prohibited.
- (c) Assemblies or activities by individuals or members of a group which invade the constitutionally-protected rights of others are prohibited. Persons in violation of this regulation are subject to disciplinary sanctions, including immediate suspension.
- (d) Assemblies shall be restricted to an area appropriate for the activity as determined by the President of the University or President's authorized designee. Normally, these areas will be restricted to Lee R. Jackson Field and Memorial Hall gymnasium, provided that they are not otherwise in use. If the facilities mentioned above are in use, the normal and regular business of the University may go forward without interruption or disturbance. Failure of individuals or members of a group to respond to a request by an authorized University official upholding this regulation, will result in disciplinary action under Section II (L) of the Student Disciplinary Procedures.
- (e) The sponsoring group or person of any assembly is responsible for all normal costs incurred by the University as well as any unusual costs to insure the peaceful accomplishment of the event.
- (f) The sponsoring group or person of any assembly is responsible for making necessary arrangements with other offices and personnel as directed by the University Calendar Office.
- (g) Registration procedures, scheduling of facilities, location of set-up arrangements, etc., shall be administered by the University Calendar Office. Sound equipment may be restricted in locations which are in close proximity to classrooms, laboratories, offices, or University residence units.
- (h) Persons present at any assembly or public display who violate University regulations or who might be considered unruly or unlawful will be deemed participants if they fail to remove themselves when ordered by an authorized University official. At a time when such assemblies might be considered unruly or unlawful, or become disruptive of any University process or violative of any University regulation, bystanders and participants will be ordered to leave and will be subject to disciplinary sanctions including immediate suspension and/or arrest if they do not. This regulation is intended to make it clear that spectators by their very presence contribute to the dimensions of the problems encountered in mass gatherings and that no student is immune from due process of law enforcement when in violation as an individual or as a member of a crowd.
- (i) The use of University facilities for any purpose is subject to hour regulations as established by the University.
- (j) Individuals participating in any assembly, are reminded that they are responsible to local, state, and federal laws as well as to University regulations.

*Any mass meeting, parade, demonstration, assembly, rally, or other form of expression consistent with the civil liberties expressed in the First Amendment to the United States Constitution shall be termed an "assembly" when referring to same in this Code.

TRESPASS REGULATIONS

RESOLUTION 11-71

WHEREAS The Board of Trustees of The University of Akron, pursuant to Ohio Revised Code, Section 3345.21, is required to "regulate the use of grounds, buildings, equipment, and facilities of such college or university and the conduct of the students, staff, faculty and visitors to the campus so that law and order are maintained and the college or university may pursue its educational objectives programs in an orderly manner"; and

WHEREAS the said Board of Trustees desires to further implement said legislation with the enactment of appropriate regulations: Therefore be it

RESOLVED, That

1. Each member of The University of Akron Police Department is hereby designated as a "special police officer: pursuant to Ohio Revised Code, Section 3345.04, with all the duties and powers enumerated thereunder.
2. The following officials of The University of Akron, or any one of them, are hereby authorized to seek the assistance of appropriate law enforcement officers to enforce the regulations of this Board of Trustees and to enforce laws for the preservation of good order on The University of Akron campus and to prevent the disruption of the educational functions of The University of Akron: the President, the Vice President for Administrative Support Services, Assistant Vice President and Dean of Students, and the Chief of the University Police Department.
3. The Trespass Regulations set forth below shall be invoked when the President of the University or the President's designee determines that a situation exists on The University of Akron campus which threatens the maintenance of law and order thereon or which impairs the pursuit of its educational objectives and programs in an orderly manner. Said Trespass Regulations shall come into effect immediately upon publication of the same by the President or his designee. The requirement of publication shall be properly fulfilled when copies of said Trespass Regulations have been posted at several conspicuous locations on The

University of Akron campus and when local news media have been notified. The President or the President's designee shall determine the procedure for the issuance of Visitors' Passes and shall publish the same along with said Trespass Regulations. Said Trespass Regulations are as follows:

- a. No person, other than members of the Board of Trustees, faculty members, employees and students of The University of Akron with currently valid University of Akron identification cards and persons carrying currently valid Visitors' Passes shall enter onto or be upon premises owned by or under the control of The University of Akron.
- b. No person in possession of a Visitor's Pass shall enter onto or be upon premises owned by or under the control of The University of Akron except at the time and destination designated on such Visitor's Pass.
- c. No person, except authorized personnel of The University of Akron in possession of a valid University Identification Card shall enter onto or be upon any part of the premises owned by or under control of The University of Akron which has been previously designated by the said University as being limited to authorized personnel only.
- d. Every person entering onto or being upon premises owned by or under the control of The University of Akron shall, upon request of any University police officer, "special police officer," officer of the University or other law enforcement officer, display the currently valid University of Akron Identification Card or Visitor's Pass issued to such person.
- e. Whoever violates the provisions of these regulations shall be deemed a trespasser and shall be subject to immediate ejection from those premises and arrest for trespass.

Formal Hearing Process (University Hearing Board)

Current Process

Office of Student Conduct (OSC) receives report alleging student misconduct.

OSC sends a subpoena informing the student that a hearing is to be convened.

University Hearing Board (UHB) members [consisting of two faculty members from the student's respective college and 2 students who are ASG chief justices] "hear" the case and deliberate. If substantial evidence exists that shows the student violated the Student Code of Conduct, UHB renders a decision and forwards the results to the Dean of Student.

An official notice is sent from the Office of Dean of Students informing the student of the decision of the UHB.

The student must submit in writing a request to appeal within 10 days of notification of the UHB's decision to the Office of Dean of Students. At that point, any action taken on behalf of the University of Akron is held in abeyance (suspended or put on hold) pending appeal.

A Review Board [consisting of three faculty members from the student's respective college and 3 different ASG chief justices] must be convened within 20 days of the appeal request. The Review Board must then render a decision within 10 days of the hearing. So, we're looking at a possible 40 days at which any University action is suspended, which could prove to be problematic, perhaps dangerous, for our University community. Further, there are only 5 ASG chief justices this year so availability may be concern in coordinating a time for everyone to come together for this hearing.

Formal Hearing Process (University Hearing Board)

Proposed Process

Office of Student Conduct (OSC) receives report alleging student misconduct.

OSC sends a subpoena informing the student of the hearing that is to be convened.

University Hearing Board (UHB) members "hear" the case and deliberate. If substantial evidence exists that shows the student violated the Student Code of Conduct, UHB renders a decision and forwards the results to the Dean of Student.

An official notice is sent to the Office of Dean of Students informing the student of the decision of the UHB.

The alleged violator can appeal in writing the decision of the UHB to the Office of Dean of Students within 10 days of notification of the UHB's decision. The Dean of Students will then conduct a thorough review of the student's basis for appeal. During this period of review, the penalty of the UHB shall be held in abeyance. The Dean of Students will notify the student of the decision regarding the appeal within 10 days of the date of the receipt of the appeal.