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5-1-1997

Faculty Senate Chronicle May 1, 1997

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Chronicle may be directed to the Secretary, Dr. Gary Oller (+1910).
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**MINUTES OF THE FACULTY SENATE MEETING
OF MAY 1, 1997**

The regular meeting of the Faculty Senate was called to order by Chairman H. Michael Cheung at 3:01 p.m. on Thursday, May 1, 1997, in Room 201 of the Buckingham Center for Continuing Education.

Forty-five of the sixty-nine members of the Faculty Senate were in attendance. Senators Bucey, C.Buchanan, J.Buchanan, Chyi, Clements, Gill, Hammonds, Kimmell, Markovich, McLinden, Reed, Ross-Alaolmolki, Scott, Siloac and Taggart were absent with notice. Senators Dubick, Ely, Hardy, Hebert, Hoover, Isayev, Maringer, Newman, Patankar, and Stinner were absent without notice.

SENATE ACTIONS

- * APPROVED THE LIST OF GRADUATES FOR SUMMER COMMENCEMENT**
- * APPROVED TWO RECOMMENDATIONS FROM THE UNIVERSITY WELL-BEING COMMITTEE REGARDING PART-TIME FACULTY WITHDRAWAL OF STRS CONTRIBUTIONS**
- * APPROVED A RECOMMENDATION FOR THE MERGING OF THE SCHOOL OF THEATRE ARTS AND THE SCHOOL OF DANCE INTO THE SCHOOL OF DANCE, THEATRE, AND ARTS ADMINISTRATION**
- * APPROVED A RECOMMENDATION FROM THE CAMPUS FACILITIES PLANNING COMMITTEE REGARDING A SPACE REQUEST FROM THE COLLEGE OF ENGINEERING**
- * APPROVED A PERSONNEL DECISION NEPOTISM POLICY FOR ALL UNIVERSITY EMPLOYEES**
- * APPROVED A MOTION TO REFER THE PROPOSED ACADEMIC DECISIONS NEPOTISM POLICY BACK TO THE REFERENCE COMMITTEE**
- * APPROVED AMENDMENTS TO THE FACULTY SENATE BYLAWS REGARDING THE REFERENCE COMMITTEE**
- * APPROVED A REPORT FROM THE AD HOC COMMITTEE ON SALARY INEQUITY WHICH CREATED A SUBCOMMITTEE OF THE PLANNING AND BUDGET COMMITTEE TO DEAL WITH SALARY INEQUITY AND COMPRESSION**
- * DEFEATED RECOMMENDATIONS FROM THE STUDENT AFFAIRS COMMITTEE REGARDING CHANGES TO THE STUDENT CODE OF CONDUCT**

I. APPROVAL OF AGENDA - The Chairman asked whether there were any corrections, additions or deletions to the agenda. Senator John Green wanted to delete item B. under Unfinished Business - definition of "immediate family" in Rule 3359-11-01. Since there were no other changes, the body approved the amended agenda.

II. CONSIDERATION OF THE MINUTES OF APRIL 3, 1997 - Secretary Gary Oller stated that he had a few minor corrections on page 16 of the Chronicle. In the second paragraph beginning with "Senator Rich assumed...", the last sentence should read, "For that reason he opposed the motion(.)" The rest of the sentence should be removed. In the seventh paragraph beginning also with "Senator Rich," in the third line the phrase reading "been distributed in the past in paper" should read "on paper." Further down the sentence beginning with "It was certainly true that there were some faculty members who were computer illiterate, the phrase "he assumed that it was decreasing in proportion" should read, "he assumed that it was a decreasing proportion."

Since there were no other corrections, the Senate voted its approval of the amended minutes.

III. CHAIRMAN'S REMARKS - The Chairman had an information item. The draft of the Self-Study Report for the North Central Association had been prepared. He believed that everyone had already heard about this through the email digest. He had a copy which he would be reviewing over the weekend, and he would put it on reserve in the Senate office. On May 8 at 10:00 a.m. in the Trustees Room of the Gardner Center there would be an open forum on this document held by the NCA Self-Study Steering Committee. If Senators had comments, they should feel free to attend and convey their reactions to said committee.

IV. SPECIAL ANNOUNCEMENTS - The Chairman called for a motion that the body approve the prospective list of graduates for the summer commencement subject to their successful completion of all appropriate requirements. Senator Ruth Clinefelter so moved and this was seconded by Senator Chand Midha. There was no discussion, and the body voted its approval of the list.

The Chairman announced that Professor Emeritus Paul Garn had passed away in the last month, and he asked the body to stand and join him in a moment of silence.

V. REPORTS

REMARKS OF THE PRESIDENT - President Marion Ruebel made the following remarks:

"Thank you, Mr. Chairman. Let me note for the body that I received the budget as was approved by the Faculty Senate on April 24. I want you to know that I truly appreciate all of the effort that went into the process. I want you to know also that this was the committee's first time through and there's a great deal of effort that goes into something like this. Of the people who made presentations, I appreciate this and I think we'll get better at this from talking about the things that have to do with the true operating budget and how we can realistically meet the goals that we have set

for our individual units and so on. I know it's a tedious process but it is a process we have to go through, and I think by working together with the Senate, the administration, and so on that we will get better at this each year. I want to pay special attention to Senator Jess Marquette for chairing the committee because this is a tedious process. I think last year at my first meeting back on campus Jess showed what a budget looked like and it's not just a couple of sheets of paper. So the budget has to be the culmination of a true planning process that we go through, and I think this one represents some planning - we'll get better at it as we go along. But I want you to know as a body that I will study carefully the report as I prepare my budget recommendations for the Board at its June 25 meeting, at which time I will make this recommendation.

With regard to the Provost search update, the search committee presented its recommendations to me last week. The EEO compliance reports have all been approved and tenure and rank have been voted on by the respective faculties. We are presently obtaining recommendations from the deans and the Provost where needed. One or more candidates will be brought back to campus though, so we can have one more session of very intensive meetings with one or more of the candidates. I'm optimistic though that we'll soon be recommending an excellent person for this very important position for approval to the Board of Trustees very shortly. I'd like to pay special tribute to the people who served on this committee because this is a tedious job and I think that given the circumstances, this was a very difficult task going through this search. I would like to recognize the members of this committee so that the record will show: Professors Braun, who is also a Senator; Collier, Durbin, Gigliotti (who chaired the committee); Hebert, who is also a Senator; Heinzerling (a Senator); Mattice, Pachnowski, Sahl, Vierheller and Vye. Also, Deans Dye and Miller, and students Kelly Gionti and Michele Scott, who served on the committee. I think that the committee did a tremendous job and kept my office informed all the way through and I felt it was very well done.

I would like to announce, too, that I am expanding the duties of Dr. Ed Wilson in my office. Ed has been serving as my special assistant since last fall, and he has successfully met the many challenges I have asked him to confront. I am going to change his responsibilities so that his prime responsibility will be in the area of planning, and as you recall as I reported to this body, one of the dire needs we have on campus is planning. Let me give you an example - when we talk about building new buildings when we can't keep the ones we have now clean. So we've got to look forward in many, many areas and I'm going to ask Ed to assume this prime responsibility. Along with this I'm asking Professor Dick Gigliotti to serve as an interim special assistant in my office, and Dick will work primarily on the academic side of the institution and very closely with the Provost's office, and he will serve as my liaison directly to the Provost's office because I feel this is absolutely necessary for our institution.

With respect to news from the Board of Trustees, at our last meeting I recommended that Dr. John Kristofco be appointed as Dean of the Wayne College. Dr. Kristofco has served since 1991 as the Assoc. Dean for Student Development and Educational Services at Clark State Community College in Springfield, Ohio. He also at the same time has been an adjunct professor at Wright State University. He's held roles of increasing responsibility at Clark State since 1977. He holds degrees from John Carroll University, Cleveland State University, Wright State and The Ohio State University. He will assume his new duties as Dean of the Wayne College on July 1.

Also, I recommended to the Board and they approved 11 new undergraduate programs. These are degree and certificate programs - 5 at the main campus and 6 at the Wayne campus.

The Board also approved the tuition increase of 3% plus 1% effective summer session. This was done in anticipation of a feedback from the state that we don't have definitely at this particular time. The reason they're broken down is that 1% of the increase will go specifically to financial aid; it will be earmarked in this area. One change that will be made this coming year in our fee structure is that we will change the part-time structure. It will now be up to 11.5 hrs. that will be considered part-time instead of 12.5. We're the last state institution to do this, and in other words we're changing the way we classify part-time and full-time. Given our budget this year, this would've meant an additional \$2 million to our budget if we make this increase, and I recall some time ago we tried to do this as an institution; this year the Board accepted it.

Also being reported to the Board and they approved an outreach center being established in Nordonia this year. They approved a lease agreement which will let the College of Education offer classes this summer at Nordonia Hills High School. This is similar to the early arrangements that we had established with Coventry High School and Brunswick High School. I think this is very critical to our metropolitan mission that we start and get more aggressive in reaching out to the immediate area than what we have done, and if we can enter into these formal agreements with specific schools and so on, we too can tie in graduate work with our faculty and this will increase our enrollment on campus. I feel very good about this aggressiveness the Board has approved that we can go ahead and implement.

The Board also approved plans to issue tax exempt bonds to finance several capital projects on campus and refinancing our existing debt where we can get the refinancing at a lower percentage than what we're paying right now. Benefits include low-cost financing for projects, the refunding of existing debt to eliminate restrictive finance, an annual debt service, and a reserve fund for savings.

The Board also approved the conferral of degrees for nearly 2,400 candidates pending completion of their work during the two ceremonies to be held on May 10. They also approved the awarding of an Honorary Doctorate of Law degree to Judge Karen Nelson Moore of the U.S. Court of Appeals for the Sixth Circuit, who will speak at our May 18 School of Law commencement.

Upcoming information that will be hitting the area: On May we are going to implement a very intensive television promotion program through Cleveland, Akron-Canton, through television, radio and newspaper for the upcoming year including summer sessions. Mr. Chairman, I'll be happy to answer any questions."

Senator William Rich asked whether there would be some sort of adjustment made so that the appointment of a new special assistant did not result in a net increase in the number of high level administrators.

President Ruebel replied that there probably would be. Right now he was facing a situation in which he had a number of tasks that had to be done in his office. When he saw that everything was being handled in a proper manner, he would reduce the staff accordingly.

Senator C. Frank Griffin had a question which some of his colleagues had asked him to raise. Who received the income from parking fees which were charged at University parking lots when Canal Park games were held? Did that income go to the University, the city, or a private company?

President Ruebel asked Vice President Paul McFarland to answer the question. Vice President McFarland said that the University would get a commission from the use of its parking lots, but it did not get the revenues direct. It would get a percentage of the money which would be collected by the company and then distributed according to the contract.

REMARKS OF THE PROVOST - Provost Randy Moore made the following remarks:

"Good afternoon everybody. Many of you may have heard about some of these things, but let me tell you some of the activities that have happened or will be happening soon that will possibly affect the professional lives of you and our colleagues. My office has just finished distributing about \$150,000 of summer research grants for enhancing instruction. Some people in here have received some of those awards. We are hoping that this kind of program, whatever the level of funding, will be continued in the future. We spend about the same amount for C-Grants for research; we wanted to emphasize instruction, too.

Along those same lines we now have a new Media Center open. Some of you attended the open house in the basement of the library. Joining that is a media retrieval center with several classrooms up. If this were one of those classrooms, it will be as simple as, let's say you wanted to show a video - you take the video to the library and say "room so and so, Dec. 5, 3:00 p.m." You walk in and hit a button and the screen comes down, the projector comes on and then you hit another button and the video starts. The videos in the library - you could take videos, anything you want at the beginning of the semester and it will be there for you. That's now open.

This morning some of you may have noticed that we unveiled a new Web page. Steve Myers wanted me to read this to you: "This page represents a significant improvement over the previous pages that we've had both graphically as well as the language that delivers content. The pages have been created and will be maintained by a Web team, a group that reports to Steve Myers and that was coordinated by Webmaster Rick Wiggins." The Web team wants to hear your comments about this page; they will be responsive, I promise you. The members of that team are: Steve Myers, Rick Wiggins, Paul Herold, Keith Hunt, Jeffrey Franks, and Andy Walker. If you'd go back to your offices and look at our home page now and if you have comments about it, please be sure to let people know about those comments. We're going to be starting a series of workshops for faculty and staff about how to use technology all the way from how to create a Web page for your class, various other items for the use of technology for instruction, and otherwise. You'll also notice that our admissions form is now on-line. It's been on-line for about a week or two. We're slowly catching up with some of the world.

Lastly, this will probably be my last meeting with the chance to address this group. Let me take a minute or two to thank some people for my time here, especially President Ruebel for giving me the chance to serve in this bad job, as he called it - you were right. Let me also thank the members of this group, especially the ones who were here a little more than a year ago when we went through a rather challenging time for the University. I think in periods like that you realize what leaders do and what non-leaders don't do. I want to thank my colleagues on the Council of Deans

who have been a pleasure to work with both as a dean as well as a Provost, colleagues in the Provost's office, faculty and staff, and especially my colleagues from Arts & Sciences who got me here in the first place. It's been my pleasure to try to serve you. Thank you."

The Chairman wanted to thank Provost Moore on behalf of the body and the faculty in general for the leadership which he had provided at a time when it had been desperately needed.

EXECUTIVE COMMITTEE - (See Appendix A.)

UNIVERSITY WELL-BEING COMMITTEE - Senator Jerry Drummond, Chair, reported that last year the Committee had been charged with dealing with the problem of withdrawal from STRS funds by part-time faculty if possible when it was needed. During the summer the Committee had reviewed the information from last year and now had two possible recommendations before the body, one depending on the other. The first recommendation was that the Office of the General Counsel should study whether or not new legislation regarding STRS removed the apparent coupling of the STRS withdrawal and the ability to qualify for unemployment benefits. Mr. Michael Sermersheim had said that their office could investigate that this summer. He reminded the body that individuals had wanted under certain special situations to withdraw their STRS contributions. Because of the language required for signing off such a withdrawal and also because of the language associated with the applying for unemployment benefits, the Office of General Counsel had thought that it was unwise to permit that. Other universities were permitting it, but Mike Sermersheim thought that they were going to possibly have problems with that decision in the future. But there had been new legislation with STRS; the University had received notice a week or so ago that they were allowing essentially investments in other areas than STRS. This might imply a decoupling of the withdrawal of STRS funds from the qualification for unemployment benefits. The first recommendation then was that the Office of General Counsel investigate this.

If this first recommendation did not solve the problem, the Committee's second recommendation was that the appropriate University administrative office should pursue the possibility of enacting state legislation that would definitively decouple the withdrawal of STRS funds from the qualification for unemployment benefits. The interaction with the state legislative process had to be done through the administration. Because of the complexity of the legal problems, this probably would be a legislative problem, and therefore we needed to go to our state representatives and have them start to deal with this problem.

The Chair asked the body whether it wished to discuss the first recommendation which was that the General Counsel's Office study this further. Since there was no debate, the body voted its approval. The Chair then moved to the second recommendation which would be a resolution from this body to the President's office which would route it to the appropriate administrative officials regarding investigating the possibility of prompting state legislators to help solve the particular problem with STRS.

Since there was no discussion, the body approved the recommendation.

ACADEMIC POLICIES AND CALENDAR COMMITTEE - Senator John Bee, Chair, had one action item to present to the body. It was to approve a name change which would blend the previous School

of Theatre Arts and School of Dance into a single unit titled "The School of Dance, Theatre, and Arts Administration." Since there had been some structural administrative change attached to this recommendation, the Committee thought that it needed to learn more about the history of this proposed change, and it invited Dean Linda Moore to join it which she had done. She gave the Committee the background and history of the internal study and recommendations that had taken place within the College of Fine & Applied Arts. Having heard Dean Moore's presentation, the Committee had discussed the matter further and had voted without dissent to recommend approval for the change. On behalf of the Committee, he was bringing the proposed name change to the body for its approval.

Since there was no discussion, the Senate voted its approval.

Senator Bee stated that he had two other items to report. The Committee had received from Senator Tim Norfolk a communication regarding two concerns that he had. The letter contained two proposals: 1) that every student's transcript should indicate any substitutions made for general education or required courses along with the reason for the substitution; 2) that students must have completed "all general education courses appropriate for their major" in order to be advanced to senior standing. The Committee discussed these proposals. In regard to the first, it concluded that while there certainly were issues and relevant considerations here, it was probably not practical as proposed. Therefore, the Committee was not proposing any action at this time; certainly it would be appropriate if the Senate or the APCC wished to give it further consideration. With regard to the second proposal, the Committee thought that the General Education Advisory Committee would be the most appropriate body to address the concern. Therefore, the Committee again was requesting no action at this time.

ATHLETICS COMMITTEE - (See Appendix B.)

CAMPUS FACILITIES PLANNING COMMITTEE - Senator Drummond, Chair, said that he had three items of business from the Committee. The first was space in Shrank Hall N. that was presently occupied by University Orientation. This space had been assigned to the College of Engineering which planned to use it when Orientation left to house construction technology which had to vacate the Forge Building due to some mechanical problems. Space would be available for Orientation possibly by the end of July when Telecommunications moved from the Union Building to renovated space in the Lincoln Building. It had been determined by the Committee that the space in the Union Building was not appropriate for University Orientation because it was not accessible to those with disabilities and it did not provide a good first impression to students. The Committee therefore recommended that the College of Engineering's request for the space in Shrank be held off for six months to investigate other space on campus that would provide accessibility as well as visibility to the Orientation office. This was to be temporary space until Orientation could be housed permanently. It had been noted in the Committee that Bulger Hall apparently would not be used for dormitory space next year, and it was suggested that this might be a possible location, but that would have to be investigated further.

Since there was no discussion, the Senate approved this first recommendation that the College of Engineering request be held off for six months until proper space could be found for the Orientation program.

The second item from the Committee was a recommendation that the problem of temporary reallocation of classrooms and offices currently in Leigh Hall be immediately addressed. Some of the

problems would be alleviated as Kolbe Hall came on line in November of 97 and the School of Communication vacated Leigh Hall. The renovated facility would also house a classroom which would be of some use, but there was still a need to find 13 classrooms, an alternative place of assembly to substitute for Knight Auditorium and space for four academic units. Senator Drummond was not sure but assumed that this would be coming back to the Committee, but right now it had no direction from the administration as to how this could be done. Before it began to act, it needed some sort of direction from the administration. As far as the Committee was concerned, there had been no recommendations for temporary reallocation of that space in Leigh Hall.

After some discussion of exactly what the Committee was requesting, the Chairman asked the President whether his office would take it under advisement to look into the reallocation of whatever units needed to be relocated out of Leigh Hall. President Ruebel said that it would.

As his last item, Senator Drummond stated that the Committee was volunteering to be part of the solution to getting the planning process back on the front burner and was willing to work on this even if summer meetings might be necessary. That had been David Buchthal's suggestion. The CFPC would be willing to work with Dr. Wilson on this.

The Chairman said that if the Committee would accept it, he would see that Dr. Wilson was informed of its willingness to work with him. Senator Drummond said that he had briefly talked with him to invite him to the Committee's last meeting, but this would make it official.

REFERENCE COMMITTEE - Senator Green, the Chair, said that the Committee had no new business. Was it appropriate to take up its old business now?

The Chairman answered that the strict answer was no, but if there were no other committee reports, the Committee's old business was the next item on the agenda anyway under unfinished business. Since there were no other committee reports, the Senate moved to unfinished business.

STUDENT AFFAIRS COMMITTEE - (See Appendix C.)

VI. UNFINISHED BUSINESS - The Chairman asked Senator Green to present the unfinished business from the Reference Committee. Senator Green stated that the first item of old business from the Committee was the nepotism policy (Appendix D). As per the decision of the body at the last meeting, the Committee had reconsidered this following the specific instructions to change the reference to "faculty" to "all employees of The University of Akron." That had been done, and he now moved its adoption.

Senator Bee requested that separate actions be taken on the personnel decisions and academic decisions portions of the report. Since there was no dissent, the Chairman said that the body would consider them divided. Therefore, the Senate could now discuss the personnel decisions portion of the nepotism policy.

Senator David Redle, who noted that he had not been at the last meeting, wondered whether this item had already been addressed. He had a question about the phrase in (4) which read "other persons related by blood or marriage and residing..." Was that intended to mean that those people

resided in the household of the faculty member? He was not a linguist, but it would seem that there might be some opportunity for confusion with that word "and" after the word "marriage." It could be argued that it could be intended to apply to a full phrase. He proposed a friendly amendment to strike "and" so that the phrase would read, "by blood or marriage residing in the same household as the faculty member."

Senator Green asked Senator Rich, who had been the principal author of this language, to address the question.

Senator Rich said that if the word "and" were misread in the way just suggested, it would then make no sense to list all those other relatives. The only reason for the catchall category, "and all other persons related by blood or marriage" would be if there was some qualifier which applied to them and only to them. To him it would clearly be a misreading to read the qualification "and reside in the same household" to all of the previous categories.

Senator Carol Gigliotti, for purposes of clarification, commented that the way this now read was that if one had an uncle living in one's house, he would be excluded. Was that the way the syntax was supposed to read?

Senator Rich replied that uncles were covered unqualifiedly. If they lived in your house, they were covered. If they lived on another planet, they were covered.

Senator Gigliotti suggested that maybe "in your household" was not needed. Senator Rich answered that if that phrase were removed, it would mean that everybody who was related to you by blood or marriage would be included, and the Committee did not want to make it that broad. That was a very large group. The Committee had chosen to specify certain kinds of relationships in a relatively narrow way. It then added the broader category but qualified it by adding "living in your house" for it to apply.

Senator Holly Mothes pointed out that at the end of (4) it still read "faculty member." Should that not read "employee" instead?

Senator Rich agreed that it should.

Senator Elizabeth Erickson suggested that the comma after "cousins" be changed to a semicolon.

Senator Bee said that he certainly enjoyed wrestling with the subtleties of language, but it struck him that if this was pretty close to if not direct language of the Ohio Revised Code, then, in order for us to get proper license to do this, we needed to be elected to the legislature. If we were attempting to incorporate state law into our own documents, it probably was not helpful to change the language of the law in the process of incorporating it. He urged the body to vote for the language as it now existed.

Senator Redle asked for verification of the exact language of the statute.

Senator Rich responded that it did not come from the statute but came from the opinion of the Ohio Ethics Committee. He did not want to make representation about the exact punctuation because he could not recall it in sufficient detail, but in substance this tracked the opinion of the Ohio Ethics Committee. For that reason and because if one thought about it, there was no ambiguity here, he urged the body to just leave the language alone.

Senator Jack Braun wondered whether changing the language from what was codified in state or federal law would be fundamentally illegal.

Senator Rich had a feeling that there was some misunderstanding here, and he was not exactly sure what it was. This definition tracked the definition in the opinion of the Ohio Ethics Commission on this question. Therefore, we were following the state law. We could deviate from it, but we were not. We could make this definition broader, and there would be nothing illegal about that.

Senator Redle said that all he had been trying to do was to clarify in his own mind whether that "and" belonged there. He withdrew his motion.

Since there was no further discussion, the body voted its approval of the Personnel Decisions Nepotism Policy.

The Senate then moved on to the portion of the nepotism policy dealing with academic decisions.

Senator Ed Lasher stated that he was still concerned because it still seemed to say that an instructor could not have a family member in class.

Senator Green, on the basis of the debate at the last meeting and subsequent discussion in the Committee, commented that this policy did not prohibit a faculty member from giving instruction to a family member. It only prohibited them from being involved in grading or evaluation. So it was more narrowly defined and only referred to the issue of evaluations, not the issue of providing instruction.

Senator Lasher supposed that as far as giving instruction to someone in his family he could say that his kids no longer took instruction from him anyway. What he was really concerned about was that in certain programs there might be only one particular person who could teach a course. This meant that family members could not take that course and complete the program here. This led to the loss of tuition remission, one of our obvious perks. Perhaps as a compromise, (3) could be altered to include the possibility that while another faculty member might not be able to teach the course, they would be able to evaluate the test papers or projects.

The Chairman observed that that arrangement did not appear to be precluded by the policy before the body. He interpreted Senator Lasher's discussion as speaking against the proposed policy.

Senator Griffin had certainly been in favor of the personnel decisions portion, particularly if it had been required by Ohio law. However, since the Committee had extended this to academic decisions, were academic decisions also included in what was required by Ohio law?

Senator Rich answered that he did not think there was anything in state law that required that we adopt the policy concerning academic decision making.

Senator Bee understood the motivation for the policy, but he wanted to speak in opposition to it. With the indulgence of the Senate, he wanted to provide a couple points of view or perspectives. He did not think that it would be wise to adopt this. First, to his knowledge nobody had mentioned any examples of what was being dealt with here. He knew that last time Senator Green had said that we should not wait until murders had taken place to have laws against murder. As a matter of fact, he suspected that there had been a few murders before the law had shown up. If there had not been, then the consequence of having the law certainly had been bad, since there had been 1,000,750,000 murders since the law had been passed. At any rate, we knew cases where faculty members had given themselves a grade; that was not good. We knew cases where colleagues had been giving each other grades; we knew that was not good. He for one knew of no cases where nepotism - favoritism because of kinship - played a role in assigning grades. So there was no problem for this policy to address, and, if we did pass it, it still would not address the other cases which he had just mentioned. If colleagues were of a mind, they could still keep coercing each other and choose to give each other grades.

He went on to state that active evaluation did not imply or entail favoritism. His children would say that a person was crazy if he were to suggest that if they took a course from their father that they would do better than if they had taken it from someone else. He would say that a person was crazy if he suggested that if he (Senator Bee) took a course from his wife, that he would do better than if he had taken it from someone else. It did not seem plausible to him from his experience that we would expect this to be a normal eventuality. Therefore, we had a policy that addressed non-existent problems that moreover seemed unlikely to arise.

He wanted to go further and say that if the body adopted this policy, it would be creating harm because of the reasons that had already been mentioned on the floor of the Senate. There were rare cases where a person's spouse or relative was required to take a course to complete a program for which only that person taught that course. If we adopted this policy, we would be arbitrarily and without even identifying a suspicion of bad behavior precluding that person from achieving his or her academic objective. It has been suggested that someone else could teach the course, and this led him to a further negative consequence. If we started reasoning that way, we would be introducing the possibility of further awkward, inappropriate, and harmful behaviors. He knew of many instances where only one colleague was competent to teach a certain course. If the other members of a department or program were not competent to teach it, they would certainly be reluctant to evaluate it. This would lead to a situation where we would be putting colleagues in a difficult position and inviting them to engage in behaviors with which they might feel difficulty, discomfort and awkwardness. He was certainly not going to advocate that we support academic nepotism, but participation in the provision of instruction and evaluation did not themselves constitute nepotism. The definition of nepotism was favoritism resulting from kinship, and that happened directly if he hired somebody. On the surface though, it did not automatically happen if he had one of his relatives in class. For these reasons, he hoped that the Senate would think twice and rethink another approach to dealing with the real issues that this situation raised but not the one that was proposed today.

Senator Clinefelter said that Senator Bee had made some of the points which she had been going to make. Therefore, she wanted to simply ask a small question here. Was there any particular

situation or occasion that had led to the inclusion or adoption of this clause? Had there been any bad problem that had caused this to be put into the section?

Senator Green answered that there were not any that he was aware of and this applied to the personnel decisions policy as well. The issue of nepotism had been brought to the Senate's attention, and the Senate had forwarded to the Committee a request that policies be developed on this matter. Part of that motivation had arisen from the language in the Ohio Revised Code in Ethics, and as part of doing a thorough job of investigating the issue of nepotism and thinking about what that meant in an academic environment, the Committee had chosen to present these two policies. It had been brought to the Committee as an administrative matter rather than as dealing with a particular instance.

The Chairman remembered that this item had been sent to the Executive Committee by Associate Provost Dawn Trouard, and he asked her whether she would care to address the body on the matter.

Associate Provost Trouard stated that this had been forwarded on behalf of a faculty member who had been requesting assistance in making his dean aware of the policy. There had been certain things developing in his college that he had felt were inappropriate, and she did not think that it had been an isolated case. He had been just asking that the entire faculty have access to the Ohio Revised Code on this, and it had been an academic problem.

Senator Griffin was not aware of what went on on the entire campus, but he wanted to echo the comments of Senator Bee that we were fixing a problem that did not exist. He had just completed 30 years here, and in his time he had never encountered such a problem. He did think that it would cause problems that did not currently exist, and he was strongly against this.

Senator Norfolk commented that without getting specific, he was aware of cases in which family members had been shown preference in grading.

Senator Jesse Marquette thought that this was a matter of the academic integrity of our programs rather than the convenience of some faculty. On the face of Senator Bee's argument that if you evaluated someone you were not necessarily showing favoritism, why were we so appalled by that fact that someone had given himself a grade? Maybe that individual was not showing favoritism. The issue here was that we should not have an academic program where people could engage in activities that were not somehow guaranteed to be protected. We had to have a surety in some form that there was a fairness in the way in which we went about our activities - our grading, our evaluation, our instruction. Now it was not necessarily the case that if someone passed a student in their class who happened to be their child or a nephew or a niece that they would necessarily show favoritism. But it did create the suspicion that it was going on, and we now had anecdotal evidence that it was happening. If it did happen, how should we deal with it?

Senator Marquette went on to say that if we had no preexisting policy that said that this was a bad thing, this would have to be handled each time on an ad hoc basis. We had left the academic administration in a quandary about what to do each time one recognized that something bad had occurred. If there was not some way to ensure the integrity of the academic enterprise - and maybe this policy was not the best way to do it - then we had failed ourselves and our colleagues. He was not saying that everyone who had a relative in class would behave badly, but we could not assume

that they would all behave well and then deal with the problem later. That was basically the approach that was being adopted by the individuals who were objecting to the policy. The best solution might be to send this back to the Committee to deal with the issue of ensuring the integrity of the academic process, although not necessarily prohibiting the activity. He therefore so moved and this was seconded by Senator Clinefelter.

Senator Paul John wanted to know exactly what we were charging the members of the Reference Committee to look at.

Senator Marquette answered that the charge was that the Committee be directed to draft a policy that protected the integrity of the academic mission without necessarily prohibiting the activity of having a relative in class.

Since there was no further discussion, the Senate voted its approval of the motion to refer.

Item B. under unfinished business had been deleted from the agenda, so the body moved to Item C. - amendments of Section V, Permanent Committees of the Faculty Senate Bylaws (**Appendix E**). These were also from the Reference Committee.

Senator Green stated that these were amendments to the Senate Bylaws relating to the Reference Committee. They were being brought forward by the Committee out of its recent experience with what used to be called the Faculty Manual which no longer existed but was now called Faculty and University Policies. It had seemed appropriate to offer these amendments so that future Reference Committees would not face the task that this Committee had faced with this business. He then explained the changes. The first was in section V.C where ex officio non-voting members of the Senate's permanent committees were listed. At the end of the list the Committee was recommending the following addition: "REFERENCE COMMITTEE, REPRESENTATIVES FROM HUMAN RESOURCES, OFFICE OF GENERAL COUNSEL, OFFICE OF THE BOARD OF TRUSTEES, AND THE OFFICE OF THE PROVOST."

The genesis of this proposal was the following: In an attempt to expedite cleaning up our rules and the Faculty Manual, Chairman Cheung had met with people from those offices, and eventually he had brought in one person (Senator Green) from the Reference Committee to sit in on those meetings and try to get the rules straightened out. This seemed a very efficient way to become aware of problems with University policies, editorial changes and so forth, and it seemed to the Reference Committee a worthwhile thing to codify this to add ex officio representatives to the Committee from those four offices. These were the offices that dealt with these questions on a daily basis, and he thought that a number of problems which we had had with the rules would have been avoided if the Reference Committee had been meeting with these administrative officials on a regular basis. People from these offices had been extremely cooperative, but sometimes it took a while to get an answer. Having them represented on the Committee would allow answers to be gotten in a timely fashion.

The second part of the proposal dealt with section V. H. which was a description of duties of the Reference Committee. Item 1 of section H stated that the Committee was to review legislation referred to it by the Senate, and this was not being changed. The Committee however wished to amend item 2 which now read as follows: "Reviews the Faculty Manual annually and submits any

suggested revisions by the February meeting of the Faculty Senate." It seemed appropriate to members of the Committee to alter that to reflect the changes in what used to be called the Faculty Manual. Historically, the Committee had had two jobs. The first one was to review the rules and policies on a timely basis for editorial changes. Related to this was insuring that when there was a policy change which might have repercussions throughout many other policies, some group was responsible for making the appropriate language changes, etc., and presenting them to the Senate. The Reference Committee would continue to perform that important function. The second job of the Committee was perhaps more important and that was being a watchdog by looking at policies of the Faculty Manual and being confident that it knew the origins and meaning of everything that was in those policies. He knew that it would shock members of the body, but every once in a while something slipped in by design or by accident which the faculty did not know about. It was the Committee's task to come to the Senate and say that there was this change and what did the body think about it. Those functions were not exactly spelled out in the bylaws, but it was exactly what the Committee did. The Committee thought that it was important to make this explicit. Therefore, it was presenting two amendments.

The first amendment read as follows: " 2. THE REFERENCE COMMITTEE REVIEWS FACULTY AND UNIVERSITY POLICIES OR PROPOSED POLICIES ON A REGULAR BASIS AND REPORTS THE RESULTS OF THE REVIEW TO THE FACULTY SENATE." That was the "watchdog" rule, although the Committee was not really comfortable with that word because of the implications that it raised. The second amendment was a new number 3 added to the bylaws which would read as follows: " 3. THE REFERENCE COMMITTEE 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." It had seemed appropriate to have a year-end meeting to look at the editorial changes. Since stuff was going up on the Web regularly, the end of the year seemed the most appropriate time to do it. These amendments institutionalized the meetings that Chairman Cheung had initiated and the Committee had found so effective.

Senator Bee fully approved these recommended changes. However, he had one possible modification which he urged the body and the Committee to consider. This was in regard to the proposed wording of H. 2. "REVIEWS FACULTY AND UNIVERSITY POLICIES OR PROPOSED POLICIES ON A REGULAR BASIS AND REPORTS THE RESULTS OF THE REVIEW TO THE FACULTY SENATE." We all would agree that this needed to be done. There was another committee, the Academic Policies and Calendar Committee, that shared a substantial part of that charge. In the interest of clarity with regard to the division of labors, he had alternative wording which he had already shared with Senator Green. The new H. 2 amendment would read as follows: "REVIEWS OTHER FACULTY AND UNIVERSITY POLICIES OR PROPOSED POLICIES FOR CONFLICT WITH EXISTING RULES AND REGULATIONS OR PRACTICES ON A REGULAR BASIS AND REPORTS THE RESULTS OF THE REVIEW TO THE FACULTY SENATE." He moved this as an amendment, and it was seconded by Senator Green.

Senator Green thanked Senator Bee for bringing the ambiguity of the language of the original amendment to the Committee's attention. This was why we circulated policies so that many pairs of eyes could work on it, and he really appreciated that.

Since there was no further discussion, the Senate approved the amendment. The amended proposal was now before the body. Since there was no discussion, the Chairman called for a vote, and the proposal passed with the requisite 60% majority.

The fourth item of unfinished business was consideration of the report the Ad Hoc Committee on Salary Inequity which had been postponed at the end of the last meeting. The original report had been published in the March 6 Chronicle, Appendix G, p. 37.

Senator Barbara Heinzerling wanted to present a modification to that report (Appendix F,1). She moved the amendment which was seconded by Senator Virginia Gunn. She went on to explain the modifications. It was based on several assumptions. The first was that there was a widespread problem of compression on the campus, and the second was that there was a widespread problem of salary inequity. She had done a rough analysis using the law degree as an example (Appendix F,2) and had gone through data from a number of colleges that identified people holding that degree and looked at the salaries over time along with some other factors. Anyone who looked at that preliminary study would find substantial inequities and substantial compression. This was the first basis for the proposed modification. The second basis was that it was unfair to ask individual faculty members to make a case for salary adjustment. That had been done in the past, and it had not been perhaps as successful as it should have been. It certainly placed the burden on a faculty member who might or might not have the access or the expertise to do it. There were labor economists on this campus who were quite capable of helping us build multivariable models so that we ought to be able to address this issue. The final basis for the modification was that it was possible to build a multivariable model that was not specific to colleges and that in fact looked at the contributions of faculty members using a number of variables and could come up with some expectations and then could look at deviations from that expectation.

Senator Heinzerling concluded by noting that at the Senate's last meeting Parliamentarian Don R. Gerlach had suggested that there should be faculty input on these issues. She and her colleagues who had come up with this modification were amenable to that, but in their modification they had suggested the President, the Council of Deans, and the Provost.

Senator Oller had a substitute amendment to the resolution which Senator Heinzerling had just proposed, and he asked for a second so that he could explain it, and his substitute motion was seconded.

Senator Oller stated that in the original report of the Ad Hoc Committee it had recommended the appointment of an ongoing equity committee that would somehow be related to the Senate. In looking at Senator Heinzerling's resolution, he had seen no mention of that. Remembering Dr. Gerlach's comments in the good of the order section of last week's meeting about faculty involvement in this, he had discussed with colleagues ways that there could be a committee that would have both faculty and administrative involvement. It had been suggested that the Planning and Budgeting Committee might be the place to handle this since it already had substantial Faculty Senate representation as well as three deans, the Provost and the President. Since this committee already had a sizeable task every year, it was thought that maybe a subcommittee of PBC could be formed to handle the salary inequity problem. Also the legislation which the body had passed last year to create the PBC allowed for the option of adding additional people to subcommittees of the PBC if the Committee deemed it necessary to deal with this. This was one reason that the PBC had been

considered to deal with these equity issues. Another was that it seemed the logical place to do this since the members were already looking at the budget and had access to the information that their chair, Senator Marquette, had available.

With all this in mind, Senator Oller presented his substitute amendment to Senator Heinzerling's modification of Committee report which read as follows: "II. A. AN ONGOING EQUITY COMMITTEE SHALL BE ESTABLISHED AS A SUBCOMMITTEE OF THE PLANNING AND BUDGETING COMMITTEE WHOSE MEMBERSHIP SHALL INCLUDE BOTH FACULTY AND ADMINISTRATORS.

B. THE SUBCOMMITTEE SHALL determine whether compression and/or inequities in salary exist at The University of Akron in comparison to other MAC universities. If compression and/or inequities do exist at The University of Akron, THE PLANNING AND BUDGETING COMMITTEE IN CONSULTATION WITH ITS SUBCOMMITTEE SHALL identify sources of funds for developing and implementing a salary equity adjustment plan for the University.

C. THE SUBCOMMITTEE IN CONSULTATION with the Council of Deans and the Provost SHALL adopt or develop a multivariable model to predict faculty salaries based upon information of the following sort: merit history, rank, years in rank, years at the University. All faculty salaries SHALL be analyzed using the model. Based upon a statistical design those faculty members whose salaries differ from the predicted salaries by a specified amount/percent SHALL be individually analyzed. A yearly report on progress addressing compression/salary inequities SHALL be filed by THE SUBCOMMITTEE with the Faculty Senate."

Senator Braun wanted to make two comments. Asking a potential committee to see whether there was compression in salary scale was in effect asking them to investigate something that was almost a given. Compression had been endemic to this campus from the early days that he had been here. Spending time on proving its existence was a waste of time. Everyone knew that it existed. This was his first point. The second was that nowhere in the proposal had inequity been defined. Without that definition we would be unable to establish whose salaries should be adjusted and whose should not. For example, the criterion of looking at rank years was mentioned in the proposal. Suppose a faculty member had been here for 25 years but had not performed very well. Therefore, his superiors had not given him good salary increases. Now 25 years later the individual found that his salary was seriously out of whack and complained. Just because he had been here for 25 years, should his salary be put in line with all of the other salaries? Senator Braun did not think that this was the right thing to do, and the example which he had just given had actually occurred. Inequity had to be defined very clearly with categories and subcategories, and it was not a simple thing to do. Whatever committee would be constituted to deal with this needed to consult with the faculty at large before coming up with simple rules and regulations. On the basis of the wording of this amendment he did not think that it would allow any committee to function properly or allow a set of regulations to be drawn that would be followed.

Senator Malhotra, on a point of clarification to Senator Oller, asked whether in the last sentence of the amendment regarding the yearly report to the Senate it should say the PBC filed the report rather than the subcommittee. Senator Oller agreed and accepted that as a friendly amendment.

Senator Mark Tausig was concerned that there was no attempt in the proposal to get at the sources of inequity or compression. He wanted to suggest some additional language so that the subcommittee would look into some of the systematic sources of compression or inequity such as gender biases or the failure of some departments to use merit as a criterion for raises.

The Chairman pointed out that the body was already considering an amendment to an amendment, and it was necessary to first decide whether to substitute this for Senator Heinzerling's modification.

Senator Rich said that the language in the proposal about comparison to other MAC universities seemed to him something of a problem. The point was well taken that equity was not defined here, and that definition was an important question. However, he was not sure that this body ought to try to define it. It was appropriate to leave it for a committee to do. It did seem to him that the question of merit was handled here though because merit history was in the list of variables. He did have some concern with the present wording. For example, differences in salary attributable solely to gender would be by anyone's standards considered inequity. However, the way that this was worded right now, that would be something to be dealt with only if we were more inequitable on the basis of gender than other universities were. If there was inequity on the basis of gender, we ought to be concerned about that whether we were worse than other universities in that regard or not.

Since there was no further discussion, the body voted in favor of the substitute amendment.

Senator Tausig now moved to amend by adding the following sentence after the first sentence in section B.: "Insofar as possible, the subcommittee shall also attempt to determine whether there are any systematic reasons for compression or inequity that might be resolved by changes in University, college or departmental policy." This was seconded by Senator Stephen Aby. Senator Tausig went on to say in regard to Senator Rich's point that making comparisons to other MAC universities presumed that the data was available and in a format that could be directly compared to our own data. He thought that this was a highly unlikely expectation, and he wanted to propose that the requirement of comparing our university to other MAC institutions be dropped.

The Chairman asked that for simplicity of discussion the body first deal with the first proposed modification.

Senator Norfolk suggested that the word "systemic" be substituted for "systematic," and Senator Tausig and his seconder accepted it as a friendly amendment.

The body then voted its approval the Senator Tausig amendment.

Senator Rich moved to delete the phrase, "in comparison to other MAC universities" at the end of the first sentence of item B., and this was seconded by Senator Norfolk. The Senate voted its approval of the deletion.

Senator Braun still thought that rather than leaving it to the subcommittee to determine inequity and compression these still needed to be defined.

Senator Norfolk argued against that on the grounds that until you had seriously analyzed the data, you could not know what to do. The body was charging the subcommittee to actually look at the data first.

Senator Tausig explained that if we were able to successfully establish a multivariable model for The University of Akron, it would take into account all practices that had taken place over years which had produced compression and inequity. In essence, all that was accounted for by applying multivariable equations. You would see inequity because you would be able to look at where individual cases lay from the results you got from applying the multivariable model.

Senator Bee confessed that he shared some of Senator Braun's concerns here. We seemed to have some benchmark of criteria in mind, but the only one that the current language provided was entirely internal. There appeared to be no suggestion that we needed to go beyond that, yet in discussions of both compression and inequity that he had been a party to there had been attempts to relate situations in units, colleges, or professions to those at some other university or sets of universities or some Chronicle of Higher Education survey, etc. He did not have language on the tip of his tongue, but he would hate to be a member of this subcommittee without some more explicit guidance as to what benchmarks or criteria should be used for ascertaining what compression and inequity were. Internal data was not sufficient for this purpose.

The Chairman noted that nowhere in the amendment was the subcommittee prohibited from choosing appropriate external norms to use. It had merely no longer been told that the only norm to use was the MAC universities.

Senator Peggy Richards wanted to speak in favor of the motion primarily because it had history regarding discussions of salary inequities on the campus. Having spent three years on University Council and four on the Faculty Senate, she recalled at least six committees during that time period which had existed at different levels to deal with salary inequity. This was a very forward step for the Faculty Senate to take where we would now have a committee with a specific charge attached to the Senate. She urged members to vote for this motion and establish this committee.

Senator Bee now wanted to move an amendment at the end of the first sentence of Item B. so that it would read, "salary exists at The University of Akron IN LIGHT OF APPROPRIATE INTERNAL AND EXTERNAL STANDARDS." This was seconded by Senator Midha. Senator Rich thanked Senator Bee for providing such clarification for the committee. The body voted its approval of the amendment.

The body then voted on the much amended and substituted amendment to the report of the Ad Hoc Committee on Salary Inequity, and it gave its approval.

The Chairman then stated that the amended report was now on the floor for consideration, adoption or further modification.

Senator Marquette had one point of information for the body. The term "merit history" implied that somebody was going to evaluate meritorious behavior. He had been trying to deal with the salary equity issue by doing an analysis via institutional research for several months now. He hoped that, if the body approved this, people would not whine when they were asked to prepare their

curriculum vitae in some standard form. If we were going to do this seriously, it was going to have to be done with some reasonable input rather than just the sort of artsy-craftsy idea that we were all meritorious.

Senator Braun once more raised his concern about the lack of language defining inequity and compression, but he did not have that language to offer.

Senator Redle asked whether this was really doable.

Senator Heinzerling responded that it was her understanding that multivariable models had been used successfully on several other campuses, and in fact it was doable. The real problem might come in putting together the multivariable model. She was concerned based what Senator Marquette had just said. If you looked at the end result without looking at the input, you could not successfully get to looking at inequities on this campus. You needed to look at output - the so-called meritorious - as well as the input - numbers of students, numbers of credit hour time, research time, etc. Senator Erickson had told her that there were several labor economists on this campus who had in fact been building multivariable models. Therefore, her response was that this could be done.

The body then voted on the amended report of the ad hoc committee and gave its approval (For the final version of the amended report, see **Appendix G.**)

The last item of unfinished business dealt with changes to the Student Code of Conduct including the addition of a campus civility statement. These were presented as a block from the Student Affairs Committee (**Appendix H**).

Senator Norfolk had some serious reservations about some of the wording in the civility statement (**Appen. H, p.39**). To say that everyone had to engage in certain specific behaviors was a very worrisome statement for him. This was under the "Expectations and Responsibilities" section. It read, "To preserve and propagate the culture of the University of Akron, everyone must engage in certain specific behaviors." This was a rather general statement open to a great deal of interpretation, and it filled him with politically correct horror.

Senator Oller pointed out that the last sentence of the third paragraph of the same section needed to be corrected. It now read, "Students have a right to expect that they will not be sexually otherwise harassed, intimidated, or threatened." He thought that an "or" ought to go between "sexually" and "otherwise."

The Chairman believed that this could be treated as a typographic correction.

Senator Bee wanted to know whether the rest of the section after the sentence which concerned Senator Norfolk was intended to specify or enumerate the meaning of the phrase "specific behaviors" in this context.

Mr. Frank Axell answered that the document had been authored by Irving Brandel of the Counseling and Testing Career Center. It was Mr Axell's understanding that this might better read, "Everyone must engage in appropriate behaviors" and therefore not identify any specific behaviors as one could be a really long time identifying them. However, in the Student Code of Conduct

appropriate behavior was discussed, and that was what the Board of Trustees had set forth and what already appeared in the Student Code of Conduct.

Since Mr. Axell was not a member of the body, Senator Rebecca Gibson, Chair of the Student Affairs Committee, proposed replacing the words "certain specific" with "appropriate." This was seconded by Senator George Prough.

Senator Norfolk said that in order to put his own personal fears to rest he would like to see in the same sentence "must" replaced by "should." Senator Gibson and Senator Prough agreed to accept this as a friendly amendment to their motion. The sentence if amended would now read: "To preserve and propagate the culture of The University of Akron, everyone should engage in appropriate behaviors." Since there was no discussion, the body voted its approval of the amended sentence.

Senator Oller, noting the lateness of the hour, suggested that the body turn to what was a major change in the Student Code of Conduct; namely, a change in the appeals process (Appen. H., p.51). There were some things here which he found very troubling and worrisome, and he thought that the best way to handle this was to ask Mr. Axell some questions about how this was exactly being changed. This was the fourth recommendation which the Senate had been given - "Eliminate the Review Board as it currently appears." Was he correct in assuming that the changes would do away with a board of faculty and students who would meet and decide whether or not to change the decision of the original hearing board? Would it only be the Dean of Students who would decide the appeal? When Mr. Axell answered yes to both questions, Senator Oller said that he thought this was putting a great of power in the hands of one individual in terms of dealing with the appeal.

Senator Oller also had a question in regard to the time frame of 10 days. At the last meeting of the Senate when Mr. Axell had introduced this material, he had used as support for these changes the example of having a dangerous person on campus for possibly a few months while the appeals process as it presently existed took place. How often did we actually have appellants who fell into the category of being a danger on campus?

Mr. Axell could not really speak to the numbers, but he knew that in this instance it was an attempt at being proactive. It was preferable to being reactive when a situation arose. We needed to identify what our process would be. Of course, any situation could occur; any student could be found in violation of whatever, regardless of the severity. We might very well have to deal with a serious infraction. Regardless of what the violation might be, we wanted to be very consistent in how we responded to it.

Senator Marquette asked whether the body still had a quorum, and the Secretary said that it did.

Senator Clinefelter wanted to follow up on what Senator Oller had said. If the issue was a matter of time between the original decision and the review board, it seemed to her that one could just make the time table shorter. One would be giving up an awful lot in dropping the review board and relying on the decision of just one person, however well intentioned.

Since no motion to amend had been made, Senator Rich wanted to raise a different issue. In the section labelled "II. Definition of Student Misconduct" (Appen. H, p.45-46), he was concerned

about the proposed change to A. which now read, "Plagiarism, cheating, or other forms of academic dishonesty." The proposed change was to substitute "misconduct" for "dishonesty." If passed, this would create the vague category of student misconduct. He was concerned that it did not give students adequate notice of what was being prohibited. When it said "dishonesty," it at least told you something about what was meant.

Since there was no further discussion, the Chairman called for a vote. When a voice vote was indecisive, he called for a division of the house, and the motion failed by vote of 8 to 15.

VII. NEW BUSINESS - There was none.

VIII. GOOD OF THE ORDER - Senator Richards had four things which she wanted to do very quickly. The first was to commend her co-Senator and colleague, Paul Fowler, who was going to be stepping down from the Senate. He had served the body for four years (three of them on PBC) and had done it all without monetary award or release time. Part-time faculty got no other recognition than just the fact that they did volunteer their services to the University. He had been an incredible colleague, and she was going to miss him very much.

Her second point was to commend Marilyn Quillin who continued to be an outstanding secretary, supporting the body in every way which it needed. She always did it cheerfully, efficiently and well. The body gave Mrs. Quillin a round of applause.

Senator Richards thirdly wanted to commend Secretary Oller who she knew now held the record for the number of Chronicles published as Secretary of either University Council or Faculty Senate. He also always did his job very thoroughly and very respectfully, and it was much appreciated. Finally she wanted to praise Chairman Cheung whose leadership ability had been without parallel these past three years. Probably his only weakness had been that he liked to take on the responsibility sometimes just because it was easier to do it than to farm it out, but he had served the body exceptionally well. He was always very professional and just a perfect leader; the Senate could not have asked for more. Therefore, the body had had a good team to work with, and she thought that it should acknowledge this. The Senate then so acknowledged with a round of applause.

The Chairman reminded the body that it was not rid of him yet, but its appreciation was very much appreciated. He would continue to serve until presiding over the election of his successor, presumably on the first Thursday in September. He hoped that it would be a quiet summer.

IX. ADJOURNMENT - A motion was made to adjourn, which was seconded. The body voted its approval and the meeting adjourned at 5:00 p.m.

APPENDIX A

Report of Executive Committee

FACULTY SENATE BUDGET STATEMENT

March 31, 1997

	<u>YTD Budget</u>	<u>YTD Actual</u>
Total Compensation	\$29,578.90	\$23,374.50
Supplies and Services	94,646.34	3,405.32
Other	4,198.27	3,976.32
ACCOUNT TOTALS:	\$128,423.51	\$30,756.14

Respectfully submitted by
Carol Gigliotti, Vice-Chair

FACULTY SENATE ATTENDANCE RECORD
1996-97

NAME	EXCUSED ABSENCES	ABSENCES
Batur	2	1
Borowiec	2	1
Braun		4
Bucey	1	
Buchanan, C.	2	
Buchanan, J.	3	3
Chyi	1	
Clinefelter	1	
Davis	3	1

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Deckler	3	
DePaul	4	1
Drummond	1	
Dubick		1
Ely	1	1
Erickson	2	
Fowler	1	
Gill	1	
Green	2	
Gunn	1	
Hammonds	1	2
Hardy	3	4
Hebert	1	1
Hines	1	
Hoover	2	2
Isayev	2	1
Jalbert		1
John	1	
Kimmell	2	
Maringer		1
Markovich	2	
McGucken	4	
McLinden	1	2
Midha	1	
Murray	2	
Newman	3	1
Norfolk	1	
Oller	1	
Patankar	1	1
Pelz	1	1
Redle	2	
Reed	2	
Reep	3	
Rich	1	
Richards	1	
Ross-Alaolmolki	10 (on Leave)	
Scott	3	2
Siloac	2	
Smolen		2
Stinner	2	1
Taggart	2	
Witt	1	3
Woodley	2	

APPENDIX B

Report of Athletics Committee

A welcome and introduction of the new committee members that were present was done by Paul John.

Paul John welcomed Dr. Frank Kelly, Chair of the Self-Study Steering Committee, to the meeting.

The first draft report of the self-study was distributed to the committee members present. A copy will be mailed to those not present.

The election of Chair for the committee was deferred to the next meeting due to the lack of Senators present.

Dr. Kelly addressed the committee concerning the NCAA Certification process that the University is now involved with. He stressed the importance of having campus-wide involvement and input to the certification process.

Mike Bobinski then presented an overview of the certification process. There are four basic areas involved in the self-study which are being handled by subcommittees:

1. Governance and Commitment to Rules Compliance;
2. Academic Integrity;
3. Commitment to Equity;
4. Fiscal Integrity.

The report will be submitted by January 1997, and the peer review team will visit the campus in March, 1997. The University of Akron visit is in the third year of the five-year cycle.

Mike stated that there are three levels of certification:

1. Certified;
2. Certified with conditions;
3. Not Certified.

Dr. Kelly then asked for suggestions on ways to communicate to the campus community the self-study report. Some suggestions were:

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1. Distribute to department Chairs to disperse to their faculty;
2. Give copies to the Faculty Senate;
3. Distribute to University committees;
4. Place the report on the University Web.

Mike Bobinski updated the committee on the University's NCAA Life Skills Program:

1. Incoming freshman are required to take a orientation credit course;
2. The Student Athletic Advisory Council's role has been enhanced.

David Jamison reported to the committee a summary from his attendance at the latest NCAA Faculty Representative conference:

1. David Jamison will serve as Chair of the Infractions Committee for a three-year term;
2. The final restructuring of the NCAA will be considered at the January, 1997 meeting;
3. David Jamison will serve on a NCAA Certification peer-review team.

Respectfully submitted by
Paul John, Chair

APPENDIX C

Report of Student Affairs Committee

MEETING OF APRIL 29, 1997

Present: B.Bucey, R.Dubick, R.Gibson, T.Jolly, D.Laconi, D.McNutt, H.Mothes, M.Scott, C.Smith

Absent: T.Alexander, D.Ely, L.Pachnowski, G.Prough

Guests: Frank Axell, Asst. to Dean of Student Conduct; Michelle Campbell, Office of Student Development; Michael Rotonto, Student ASG

The meeting was convened at 2 PM in Polsky, Room 124K, on April 29, 1997.

Approval of the agenda was moved by D. Laconi and seconded by B. Bucey. The body then voted its approval.

Doug Draher, Coordinator of Budget Services, presented the Budget for the Graduate, Law, and Non-traditional Student Groups. There were 23 groups represented with a total budget of \$39,089 (see attachment #SAC1). This report is a recommendation only and will decrease if money is not available. D. Laconi moved that the budget for the Graduate, Law, and Non-Traditional Student groups report be accepted as presented. B. Bucey seconded. The body then voted its approval.

Michael Rotonto, Student ASG, gave a brief presentation in regard to a campus-wide smoking ban. M. Scott, President ASG, spoke in favor of the smoking ban. Letters supporting the ban were given to the committee.

Doug McNutt, Financial Aid Director, gave the following report on Student Financial Aid (see attachment #SAC2-5). R. Dubick moved that the Student Financial Aid report be accepted as presented. M. Scott seconded. The body then voted its approval. **SPECIAL NOTE:** The committee would like to commend the financial aid office and all those involved in promoting financial aid programs to our students. There is a definite improvement in options available and the potential for new options is encouraging. Thanks!.

Michelle Campbell, Office of Student Development, presented a list of The University of Akron registered student organizations (see attachment #SAC6-10). B. Bucey moved that the list be approved as presented. H. Mothes seconded. The body then voted its approval.

May 1, 1997

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D. Laconi announced that the Community and Technical College held a student recognition banquet on April 24, 1997, in the Crystal Room. The banquet honored students from each division in the C&T College.

B. Bucey announced that a post-secondary reception was held this spring for students achieving a 3.0 or better.

C. Smith thanked the committee members for their dedication and commitment and expressed the hope that all would choose to continue with the committee next year. She advised that the committee meet at the beginning of the Fall semester and develop goals for the committee.

No additional concerns were addressed and the meeting was adjourned at 3:00 PM.

Respectfully submitted by Senator Rebecca Gibson
Chair, Student Affairs Committee

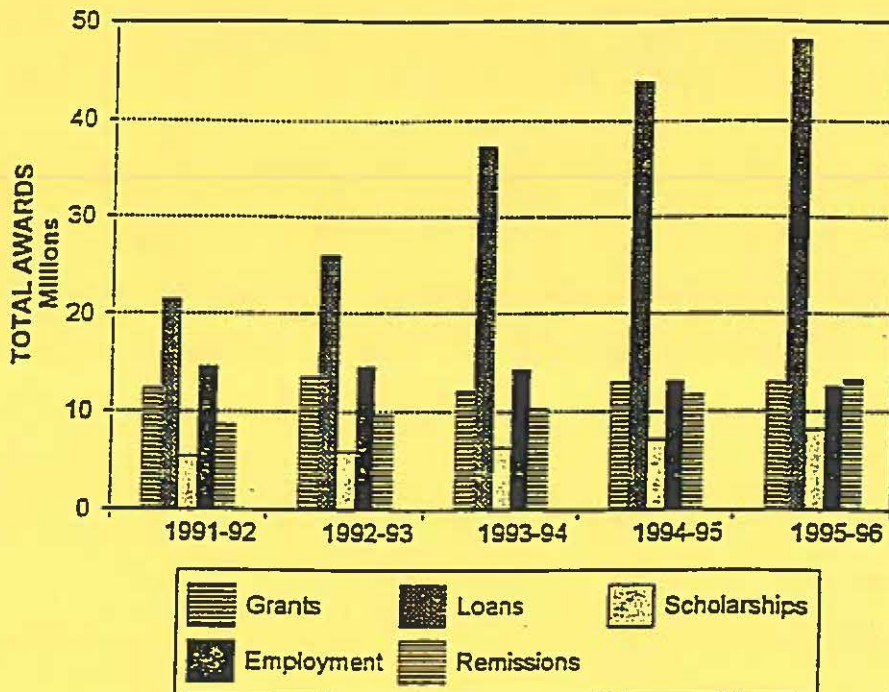
#1 SAC

1997 - 98
EAF RECOMMENDATIONS

GRADUATE, LAW, AND NON-TRADITIONAL
STUDENT GROUPS

Alpha Sigma Lambda	\$550	
Asian Latino Law Student Association	\$1,743	
Associated Student Government	\$13,767	
Black Law Student Association	\$1,056	
Chi Sigma Iota	\$1,775	
Counseling Psychology Graduate Students'	XXXX	2,032
Environmental Law Society	\$1,816	
Graduate Business Association	\$304	
Graduate Student Government	\$696	
Health Law Society	\$0	
Industrial/Organizational Psychology Graduates	\$2,192	
Intellectual Property and Technology	\$300	
International Law Society	\$1,060	
Jewish Law Students Association	\$1,415	
Law Association for Women	\$300	
Minority Graduate Student Council	\$1,484	
National Association of Criminal Defense Lawyers	\$1,234	
Phi Alpha Delta	\$692	
Phi Delta Phi	\$1,681	
Public Administration & Urban Studies	\$1,143	
Society of Plastics Engineers	\$916	
Sports Law & Entertainment Society	\$634	
Student Bar Association	\$2,299	

STUDENT FINANCIAL AID
By Type of Award
AWARDS 1991-92 THROUGH 1995-96



DOLLARS AWARDED

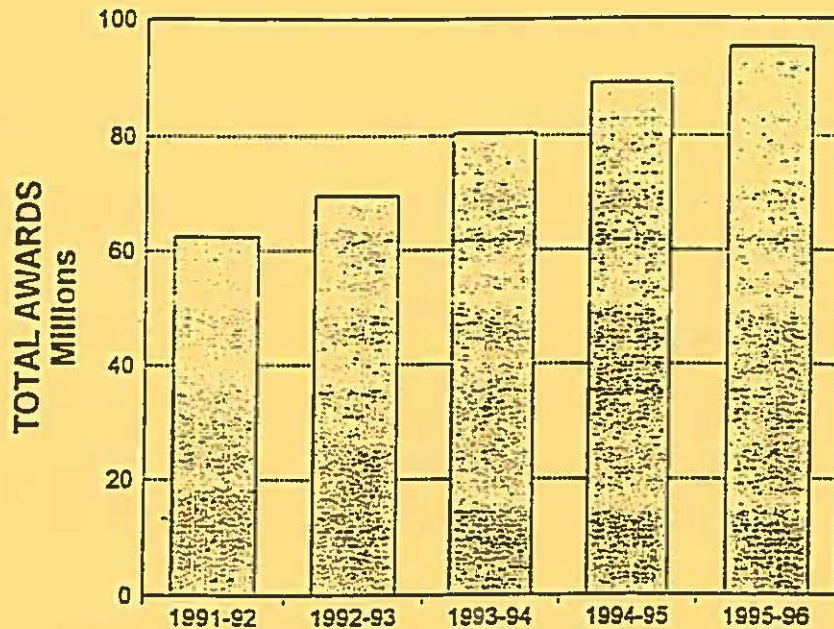
Type	1991-92	1992-93	1993-94	1994-95	1995-96
Grants	\$12,377,944	\$13,527,889	\$12,118,051	\$12,995,658	\$12,993,251
Loans	21,459,827	25,948,811	37,334,816	43,955,908	48,218,715
Scholarships	5,368,410	5,952,974	6,358,315	7,215,451	8,213,837
Employment	14,652,035	14,551,700	14,268,820	13,143,873	12,613,418
Remissions	8,700,539	9,652,808	10,352,313	11,689,291	13,152,814
TOTAL	\$62,558,758	\$69,634,182	\$80,442,315	\$89,010,181	\$95,192,035

NUMBER OF AWARDS

Type	1991-92	1992-93	1993-94	1994-95	1995-96
Grants	11,640	13,070	13,155	12,970	13,473
Loans	9,559	10,400	13,102	14,677	15,653
Scholarships	5,120	5,452	5,373	5,409	5,738
Employment	3,511	3,239	3,243	3,097	2,879
Remissions	N/A	N/A	N/A	N/A	N/A
TOTAL	29,930	32,161	34,874	36,153	37,743

Source : Office of Student Financial Aid

STUDENT FINANCIAL AID
By Source of Funds
AWARDS 1991-92 THROUGH 1995-96



DOLLARS AWARDED

Source	1991-92	1992-93	1993-94	1994-95	1995-96
Federal Funds	\$32,266,417	\$37,603,446	\$47,961,518	\$54,177,067	\$58,147,728
State Funds	2,497,746	2,846,775	2,783,048	3,853,492	4,032,561
University Funds	25,804,103	26,809,154	27,508,982	28,256,786	29,655,709
Externally Funded Awards	1,990,489	2,374,807	2,188,767	2,722,836	3,356,037
TOTAL	\$62,558,755	\$69,634,182	\$80,442,315	\$89,010,181	\$95,192,035

NUMBER OF AWARDS

Source	1991-92	1992-93	1993-94	1994-95	1995-96
Federal Funds	16,932	19,029	21,549	22,359	23,532
State Funds	4,207	4,743	5,029	5,671	5,730
University Funds	6,971	6,297	6,424	6,235	6,361
Externally Funded Awards	1,820	2,092	1,872	1,888	2,120
TOTAL	29,930	32,161	34,874	36,153	37,743

Source : Office of Student Financial Aid

#4 SAC

**STUDENT FINANCIAL AID
BY SOURCE OF FUNDS, 1992-93 THROUGH 1995-96
AKRON CAMPUS AND WAYNE COLLEGE**

SOURCE	1992-93		1993-94		1994-95		1995-96	
	Dollars Awarded	No. of Awards	Dollars Awarded	No. of Awards	Dollars Awarded	No. of Awards	Dollars Awarded	No. of Awards
FEDERAL FUNDS								
Pell Grant	\$10,362,585	6,585	\$8,775,470	6,557	\$8,566,717	5,764	\$8,353,183	6,057
Supplemental Grant	782,858	2,097	1,002,320	1,889	978,777	1,808	1,066,941	1,956
College Work Study	1,069,162	535	1,047,270	515	887,558	557	738,667	456
Perkins Loan	1,393,841	761	1,265,913	804	1,836,114	748	1,268,587	646
Nursing Loan	100,734	54	117,610	87	92,142	60	169,154	100
Guaranteed Student Loan								
Stafford	19,127,557	7,441	26,914,308	8,910	28,886,478	9,455	30,612,494	9,729
Unsubsidized Stafford**	196,007	107	2,903,920	1,209	11,816,261	3,591	14,821,242	4,263
PLUS	1,991,946	631	1,230,785	379	1,011,694	313	1,117,260	281
SLS	2,578,756	818	4,703,922	1,199	101,326	63	0	0
Subtotal	\$37,603,446	19,029	\$47,951,518	21,549	\$54,177,067	22,359	\$58,147,728	23,532
STATE FUNDS								
Ohio Instructional Grant	2,362,446	4,388	2,340,261	4,710	3,450,164	5,398	3,573,127	5,448
Ohio Academic Scholarship	116,000	127	102,167	118	85,000	103	119,667	104
Ohio War Orphans	145,796	58	141,844	54	135,453	51	147,787	51
Ohio National Guard	202,533	170	198,776	147	182,875	119	191,980	127
Subtotal	\$2,846,775	4,743	\$2,783,048	5,029	\$3,853,492	5,671	\$4,032,561	5,730
UNIVERSITY FUNDS								
Scholarships	2,142,158	2,688	2,285,438	2,798	2,632,263	2,861	2,733,918	2,915
Awards (Athletic/Music)	1,429,440	439	1,542,001	412	1,579,724	413	1,734,376	443
Fee Remission	9,652,808	N/A	10,362,313	N/A	11,689,291	N/A	13,152,814	N/A
Loans	102,210	486	97,680	486	99,193	421	160,050	590
Student Employment	4,884,315	1,572	4,872,562	1,596	3,958,548	1,444	3,429,624	1,268
Graduate Assistant/ Fellowship Wages	8,598,223	1,132	8,348,988	1,132	6,267,767	1,056	8,444,927	1,125
Subtotal	\$26,809,154	6,297	\$27,508,982	6,424	\$28,256,786	6,235	\$29,655,709	6,361
EXTERNALLY FUNDED AWARDS								
Scholarships	1,917,047	1,970	2,036,089	1,844	2,500,136	1,862	3,286,109	2,098
Alternative loans*	0	0	0	0	0	0	29,452	11
Law Access Loans (LAL)	457,760	122	100,678	26	122,700	26	40,476	11
Subtotal	\$2,374,807	2,092	\$2,188,767	1,872	\$2,722,836	1,888	\$3,356,037	2,120
TOTAL	\$69,634,182	32,161	\$80,442,315	34,874	\$89,010,181	36,153	\$95,192,035	37,743

**Unsubsidized Stafford Loan Program established during 1992-93.

*New program

Source: Office of Student Financial Aid

	Total \$ Awarded	Number of Full-Rides	Number of T&F Scholarships	Other Scholarships
The University of Akron Enrollment: 25,000	\$2.7 M	20	25	1,900

New program 1997/98: Scholarship for Excellence -- 50 @ \$8,500 = \$425,000
200 full-rides after four years

	\$4.6 M	20	160	4,000
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New program 1997/98: Award levels 5 @ \$15,000/year (20 after four years)
40 @ \$5,000/year (160 after four years)
200 @ \$2,500/year (800 after four years)
555 @ \$1,500/year (2,220 after four years)

	\$3.7 M	14	120	2,970
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	\$3.9 M	161	395	3,114
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New program 1997/98: 25 @ \$1,000 [Transfers

	\$3.7 M	165	25	2,500
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New program 1997/98: ACT + GPA combination
\$3,000, \$2,500, \$2,000, \$1,500, \$1,000

APPENDIX D

I. POLICIES PROHIBITING NEPOTISM

PERSONNEL DECISIONS

No employee of The University of Akron 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) Employee includes but is not limited to faculty members, academic administrators acting either in their faculty or their administrative capacities, other administrators, contract professionals, and staff members.
- (2) Participation in making a personnel decision includes not only making a decision, but also participating in deliberations or otherwise attempting, either formally or informally, to use one's authority or influence to affect the outcome of a decision.
- (3) Personnel decisions include but are not limited to initial appointment, retention, tenure, job performance evaluations, 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 employee.

APPENDIX E

V. Amendment to Faculty Senate Bylaws

Amend Section V (Permanent Committees)

I. Add to Section C, after the sentence on Curriculum Review Committee:

"Reference Committee, representatives 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 other faculty and University policies or proposed policies for conflict with existing rules and regulations or practices on a regular basis and reports the results of the review to the Faculty Senate."

III. 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 F.1

TO: FACULTY SENATE

FROM: GUNN, HEINZERLING, HINES, WITT

DATE: APRIL 3, 1997

RE: MODIFICATION TO REPORT OF THE AD HOC COMMITTEE ON SALARY
EQUITY

Resolution: That the Faculty Senate modify the report of the ad Hoc Committee on Salary Equity as to the provisions of Item II. The modification would be as follows:

II. A. The President's office should determine whether compression and/or inequities in salary exist at The University of Akron in comparison to other MAC universities. If compression and/or 'inequities do exist at The University of Akron, the President's office should identify sources of funds for developing and implementing a salary equity adjustment plan for the University.

B. The Council of Deans and the Provost should adopt or develop a multivariable model to predict faculty salaries based upon information of the following sort: merit history, rank, years in rank, years at the University. All faculty salaries should be analyzed using the model. Based upon a statistical design, those faculty members whose salaries differ from the predicted salaries by a specified amount/percent should be individually analyzed. A yearly report on progress addressing compression/salary inequities should be filed by the Provost's office with Faculty Senate.

APPENDIX F, 2

COMPARISON OF SALARIES OF TEACHING PERSONNEL HOLDING LAW DEGREES

	COLLEGE	DATE OF HIRE UNIVERSITY OF AKRON	PROFESSORIAL LEVEL	DATE ACQUIRED LAST RANK	JD	MASTERS	Ph.D	SEX	MINORITY
A.	C&T	1969	4		YES	YES	NO	M	NO
B.	C&T	1977	4		YES	YES	NO	M	NO
C.	C&T	1987	3	94-95	YES	NO	NO	F	YES
D.	C&T	1979	4		YES	YES	NO	M	NO
E.	C&T	1970	4	94-95	YES	YES	NO	F	NO
F.	BA	1981	4	96-97	YES	YES	NO	M	NO
G.	F&AA	1973	4	93-94	YES	YES	NO	F	NO
H.	F&AA	1972	4		YES	YES	NO	M	NO

KEY

4-PROFESSOR 2-ASSISTANT

3-ASSOCIATE

C&T-COMMUNITY & TECHNICAL COLLEGE

F&AA-FINE & APPLIED ARTS

BA-BUSINESS ADMINISTRATION

*-ADMINISTRATIVE POSITION

ALL SALARIES BASED ON 9 MONTH SCALE

	COLLEGE	DATE HIRED UNIVERSITY OF AKRON	PROFESSORIAL LEVEL	DATE ACQUIRED LAST RANK	JD/LLB	MASTERS	Ph.D	SEX	MINORITY
1.	LAW	1974	4		YES	NO	NO	F	
2.	LAW	1974	4		YES	NO	NO	F	
3.	LAW	1978	3		YES	NO	NO	M	
4.	LAW	1980	4		YES	NO	NO	M	
5.	LAW	1981	4		YES	NO	NO	M	
6.	LAW	1981	3		YES	YES	NO	M	
7.	LAW	1983	3		YES	NO	NO	M	
8.	LAW	1981	4		YES	NO	NO	M	
9.	LAW	1981	4		YES	YES	YES	M	
10.	LAW	1985	4		YES	NO	NO	M	
11.	LAW	1986	3		YES	YES	NO	F	
12.	LAW	1989	3	96/97	YES	NO	NO	F	
13.	LAW	1991	3	95/96	YES	NO	NO	M	
14.	LAW	1991	3		YES	YES	NO	M	

KEY

4-PROFESSOR 2-ASSISTANT

3-ASSOCIATE

ALL SALARIES BASED ON 9 MONTH SCALE

	GRADUATE FACULTY STATUS	96-97	95-96	94-95	93-94
A.	NO	\$63,629 (4)	\$64,530 (4)	\$61,613 (4)	\$59,908 (4)
B.	NO	\$45,178 (4)	\$43,637 (4)	\$41,959 (4)	\$40,617 (4)
C.	NO	\$40,551 (3)	\$53,042 (3)	\$37,839 (3)	\$35,747 (2)
D.	NO	\$44,179 (4)	\$42,593 (4)	\$40,759 (4)	\$39,332 (4)
E.	NO	\$46,770 (4)	\$45,607 (4)	\$43,853 (4)	\$41,551 (3)
F.	YES	\$61,938 (4)	\$51,173 (3)	\$47,903 (3)	\$45,076 (3)
G.	YES	\$51,382 (4)	\$50,053 (4)	\$48,384 (4)	\$44,363 (4)
H.	YES	\$67,694 (4)	\$99,000	\$93,750	\$66,808

	GRADUATE FACULTY STATUS	96-97	95-96	94-95	93-94
1.		\$73,557 (4)	\$73,190 (4)	\$64,673 (4)	\$62,576 (4)
2.		\$76,388 (4)	\$74,037 (4)	\$66,017 (4)	\$63,877 (4)
3.		\$ 61,077 (3)	\$53,264 (3)	\$47,283 (3)	\$45,750 (3)
4.		\$81,297 (4)	\$78,826 (4)	\$73,618 (4)	\$71,231 (4)
5.		\$75,557 (4)	\$73,714 (4)	\$65,504 (4)	\$63,380 (4)
6.		\$66,260 (3)	\$64,644 (3)	\$61,566 (3)	\$59,570 (3)
7.		\$65,586 (3)	\$63,986 (3)	\$60,514 (3)	\$58,939 (3)
8.		\$73,500 (4)	\$70,862 (4)	\$60,977 (4)	\$59,000 (4)
9.		\$77,138 (4)	\$74,769 (4)	\$67,178 (4)	\$65,000 (4)
10.		\$75,557 (4)	\$73,028 (4)	\$64,416 (4)	\$62,135 (4)
11.		\$62,302 (3)	\$58,343 (3)	\$51,957 (3)	\$50,272 (3)
12.		\$57,648 (3)	\$50,925 (2)	\$43,585 (2)	\$42,025 (2)
13.		\$57,952 (3)	\$56,539 (2)	\$47,503 (2)	\$46,350 (2)
14.		\$64,558 (3)	\$62,496 (3)	\$58,548 (3)	\$56,650 (3)

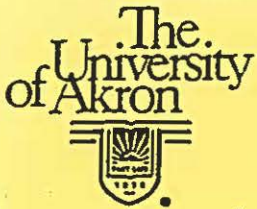
APPENDIX G

**Report of the Ad Hoc Committee on Salary Inequity
as amended by Faculty Senate - May 1, 1997**

March 1997

Members of the committee: Richard Elliott (Chair), Frank Griffin, Bill Rich, Tim Norfolk, Ruth Clinefelter, Dennis Kimmell

- I. In light of the date examined, the committee feels that perceived problems with salary equity, including the issue of salary compression, are significant on the campus.
- II.
 - A. An ongoing equity committee shall be established as a subcommittee of the Planning and Budgeting Committee whose membership shall include both faculty and administrators.
 - B. The subcommittee shall determine whether compression and/or inequities in salary exist at The University of Akron in light of appropriate internal and external standards. Insofar as possible, the subcommittee shall also attempt to determine whether there are any systemic reasons for compression or inequity that might be resolved by changes in University, college or departmental policy. If compression and/or inequities do exist at The University of Akron, the Planning and Budgeting Committee in consultation with its subcommittee shall identify sources of funds for developing and implementing a salary equity adjustment plan for the University.
 - C. The subcommittee in consultation with the Council of Deans and the Provost shall adopt or develop a multivariable model to predict faculty salaries based upon information of the following sort: merit history, rank, years in rank, years at the University. All faculty salaries shall be analyzed using the model. Based upon a statistical design, those faculty members whose salaries differ from the predicted salaries by a specified amount/percent shall be individually analyzed. A yearly report on progress addressing compression/salary inequities shall be filed by the Planning and Budgeting Committee with the Faculty Senate.

APPENDIX H

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

INTEROFFICE CORRESPONDENCE

Date: January 31, 1997

To: Frank Axell

From: *sw* 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 students signifies their willingness to adhere to University rules and regulations pertinent to his status as a student at the University. However, the students 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.~~

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. THE TERMS FOR RECOGNITION OF A STUDENT ORGANIZATION IS SUPPLEMENTED BY THE GUIDELINES AVAILABLE IN OFFICE OF STUDENT DEVELOPMENT.

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.~~
6. **THE ALLEGED STUDENT CAN APPEAL IN WRITING THE DECISION OF THE UNIVERSITY HEARING BOARD TO THE OFFICE OF DEAN OF STUDENTS WITHIN 10 DAYS OF NOTIFICATION OF THE**

UNIVERSITY HEARING BOARD'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 UNIVERSITY HEARING BOARD 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 RECIPIENT OF THE APPEAL.

~~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.

