

## **MINUTES OF THE FACULTY SENATE MEETING OF MARCH 4, 2004**

The regular meeting of the Faculty Senate was held on Thursday, March 4, 2004, in Room 201 of the Buckingham Center for Continuing Education. Chair Dan Sheffer called the meeting to order at 3:00 p.m.

Forty-eight of the sixty-four Faculty Senators were in attendance. Senators Drummond, Garn-Nunn, Jorgensen, Matney, Pope, and Siebert were absent with notice. Senators Braun, Carri, Conrad, Hanna, Kalka, Krovi, Luoma, Maringer, Svehla, and Wallace were absent without notice.

### **SENATE ACTIONS**

**\* APPROVED A RESOLUTION ORIGINATING OUT OF OHIO FACULTY COUNCIL REGARDING THE STATE OF OHIO TEACHING GUIDELINES FOR SCIENCE.**

**\* POSTPONED A RESOLUTION REGARDING FACULTY SENATE'S RESPONSE TO MANAGEMENT OF THE UNIVERSITY UNTIL A LEGAL ISSUE IN THE RESOLUTION WAS CLARIFIED.**

**I. APPROVAL OF THE AGENDA** - Chair Dan Sheffer called for a motion to approve the meeting's agenda. Senator Sterns made this motion which was seconded by Senator Steiner. The body then voted its approval of the agenda.

**II. APPROVAL OF THE MINUTES OF FEB. 5, 2004** - Chair Sheffer introduced consideration of the minutes. Secretary Kennedy reported that she had received no corrections, and none were forthcoming from the floor. The Senate then approved the minutes of Feb. 5, 2004.

**III. REMARKS OF THE CHAIR** - Chair Sheffer stated he wished to get to the business of the meeting as soon as possible. Therefore, he moved on to announcements.

**IV. ANNOUNCEMENTS** - Chair Sheffer stated his one announcement for this meeting was to inform the body of the death of John Pizor, who was a former C&T faculty member who had retired from the University in 1988 from the business technology program. He died during the month of Feb. The Chair then asked all to rise for of moment of silence.

### **V. REPORTS**

**EXECUTIVE COMMITTEE** - Secretary Kennedy stated that the Executive Committee had met with President Proenza and Provost Stroble on Feb. 20. At that time we presented the President with the motion passed at the special meeting of the Faculty Senate on Feb. 19. We discussed the motion as related to our request add part-time faculty, students, as well as the faculty part of the collective bargaining unit to the OAC, the Operations Advisory Committee. The Executive Committee was told that legal counsel was investigating this, and since then, the Executive Committee had learned that the administration had approached the AAUP negotiators with an agreement not to disagree;

that was, to allow faculty members to be on the OAC who were part of the union and for both sides to agree not to make participation on this committee an AAUP issue.

The second item was the ITS strategic plan. The Executive Committee asked Provost Stroble for an update on this, and she stated that she was working with Vice President Ray and would have recommendations to President Proenza soon. As to the committee's makeup, Provost Stroble indicated that membership would be very broad-based and she would keep us posted on this. The Executive Committee had asked for specific information regarding the amounts of money carried over each fiscal year at the University. We had asked whether the 11 carryover was high, low or average, and we were told that our carryover had been steadily declining. In 1996 it was 27, in 2003 it was 11.

The Executive Committee also asked about the ad hoc academic facilities planning request made of Provost Stroble regarding adding staff and administrators to the committee. We were told that this was being examined and would be addressed soon. The Executive Committee reminded President Proenza that Vice President Ray had not yet reported on Senator Lee's request of President Proenza that letters from both the internal and external auditors be made available to the Faculty Senate, and since that meeting the Executive Committee had learned that those reports which were considered to be the state's had either just been or would soon be released for public consumption. Secretary Kennedy stated she believed it was the intention that as soon as those reports were available, they would be forwarded to the Executive Committee.

The Executive Committee had asked about the status of potential raises that the President had mentioned in his campus communication of Feb. 16. The Pres. replied that the Provost and Vice President Ray were looking into this. The Executive Committee also asked for an update on several issues related to the new Student Rec. Center - its status, budget, hires. We were told that Vice President Sharon Johnson would provide an update for us and we would request a written report as well.

The finalized associate degree: As Senators would recall, we approved the APC's motion regarding finalized associate degrees. This was then forwarded to President Proenza who then directed it to Provost Stroble. Provost Stroble declined to support the legislation and recommended that the President return it to the Senate for the following reasons, as the Provost wrote: "After recent consultation with the Office of the Registrar, it has been determined that the new reassessment process can be used to advantage a student who may need to raise his or her GPA. Thus, this proposed action is unnecessary to solve the problem that prompted this proposal. Also, a review of other sister university policies indicates that GPA is not reinitiated in these cases. The policies in place for institutions with branch campuses or associate degrees articulate with intra-institutional baccalaureate degrees duplicate our current policy. Institutions consulted included Kent State, Ohio University, Wright State University, Bowling Green University, and The Ohio State University." The Executive Committee also suggested to President Proenza that outside consultants be brought in to address budgeting issues and concerns and outlining the resolution passed at the Faculty Senate meeting of Feb. 19, item 6 on that special motion. The President asked of the Executive Committee for names of individuals who might be willing to serve as facilitators of two university-wide retreats he was planning. The President stated he was planning to find someone internal to the University to serve in this capacity.

Finally, today Secretary Kennedy had received an email from Senator Witt with two questions. His first item concerned the resolution the Senate passed in Sept. regarding Board of Trustees rule changes. Senator Witt stated that the resolution that the Senate passed charged the Executive Committee with contacting the UA accrediting body. However, upon review of the resolution that was passed, we were not charged thusly. She then read the charge: "The Faculty Senate charges the Executive Committee to investigate whether a supplementary report to NCA is warranted..." As the NCA draft was just up, we were investigating that still, so we had not forgotten it. Also, the second item from Senator Witt dealt with a motion that Faculty Senate passed last April 2003, regarding the use of student fees. The Senate voted to approve the subcommittee to investigate those, however we failed to charge anyone with the creation of that subcommittee. So now we would like to charge the Executive Committee with the creation of that subcommittee to investigate that matter, and that was a motion.

Chair Sheffer indicated that, as that motion came from committee, it did not need a second. He therefore called for discussion of the motion.

Senator Witt then spoke. The reason why that had come up in the past was that he would like to be able to tell students what their fees were used for in very realistic terms. He would like to point to computer labs or whatever and let them see what their money was getting. There was some criticism among students that their fees were too high and they did not see any benefit for them, and this would be an opportunity for us to find out where the money went and we could all be transparent to our students in that regard. It would simply require a little work on our part.

Secretary Kennedy then added that Senator Witt had made some excellent suggestions in terms of who might best serve on that committee.

No further discussion forthcoming of the motion, Chair Sheffer called for a vote. The Senate unanimously passed the motion.

Senator Lee then had a question for Secretary Kennedy. He wanted to know about the resolution of the internal and external audit reports that we had been promised. His understanding was that the explanation was that those were documents that belonged to the state? He was trying to understand what that meant; presumably, those audit reports were delivered to the University?

Secretary Kennedy replied that they had not reached that state yet. To which Senator Lee responded that he was still struggling to understand why the President's report to the Board of Trustees said that one of the main goals was going to be to carry out the recommendations in the 2003 audit reports.

Chair Sheffer then asked whether Vice President Mallo would be willing to shed some light on this issue. He asked the body to grant permission for Vice President Mallo to speak.

Vice President Mallo graciously agreed. The University of Akron was audited by the State Auditor. In order to do that, the State Auditor contracted with a private firm through the University to do that. The firm we were currently under contract with was Price Waterhouse Coopers. That audit firm completed their audit of last year's budget in Oct. of 03 and met with our Board of Trustees in

executive session at the Wayne campus and went over that report with our Trustees. That would have been in executive session, and at that meeting they discussed the management letters as well as the audit itself. But until the audit documents including the full audit were approved by the State Auditor, by law that document was not a public record under the Ohio Public Records Law. So we were not at liberty to release it until the State Auditor approved it, and it was his understanding that within the past few days or week the Auditor had begun to release those reports. Ours should be released very soon if it had not been already released.

Senator Lee thanked Vice President Mallo for his comments.

REMARKS OF THE PRESIDENT - Chair Sheffer then invited President Proenza to address the Senate.

"Thank you, Dr. Sheffer. In deference indeed to your schedule, I'll keep my remarks very brief as well. First, I want to acknowledge the resolution passed by the Senate at its special meeting two weeks ago. I appreciate your expressions of concern and we are already at work to address the issues that you have raised. Provost Stroble will touch on some of those issues in her report today, but I would like to call your attention to one specific item.

On Monday of this week the University presented the Akron AAUP negotiating team with a memorandum regarding participation in the Operations Advisory Committee by faculty who are members of the bargaining unit. We would like to ensure that faculty input into operational matters is obtained in a manner that is effective and in keeping with the role of the AAUP as the faculty's exclusive bargaining representative. This morning the Akron AAUP replied to that offer by asking for a formal memorandum of understanding, and we will provide a draft in response to that request. I will continue to seek ways to obtain input from all campus constituencies about budgetary needs and other operational issues as I've said over and over, and to involve faculty in an appropriate and effective manner that does not violate approved labor practices or undermine and thus slow progress in negotiations.

Finally, I want to inform you that the representatives of the Auditor of State are on campus as part of the special audit that I requested in response to the Inspector General's report. That special audit is in progress and will take several weeks to complete and we expect that that report would be issued in early summer. That's all for today, and I'll be happy to entertain any questions you may have, unless you want to proceed directly to your schedule."

Senator Fenwick then directed a question to the President. In the President's report from the Board in Jan., he had mentioned that Peoplesoft 8 implementation would cost the University about \$12,400,000. According to what the Planning & Budgeting Committee provided the Senate last Feb., that cost was estimated at \$6 mil.

President Proenza replied that he thought the difference might be in the time frames involved. He suggested that Senator Fenwick ask Vice President Ray for the full proposal that he put on the table. As the President recalled, it was a 3-year budget, and that may be part of the answer. Most of it was in terms of hardware, but the Senator should please ask Vice President Ray for details

Senator Fenwick then asked for clarification of the amount.

Senator Stratton addressed the President. In the President's message to the faculty reporting on the Board's action with respect to Mr. Wasik's suspension, he wondered whether the President could clarify exactly what it was that the Board found was inappropriate in his behavior and whether or not the action taken by the Board was commensurate with that offense.

President Proenza replied that it would be appropriate for General Counsel to report, as the President was not there at that time. Because the President had made the recommendation, the Board heard Mr. Waskik's appeal.

Once again, Chair Sheffer asked whether the body had any objections to Vice President Mallo addressing that question.

Vice President Mallo stated that there were basically two issues that the Board focused on, influencing poor judgment. One had to do with meals that Mr. Wasik had participated in by a vendor with whom the University was doing business, or seeking to do business with. The second had to do with meals or at least a meal that had been engaged in with a vendor but for which Mr. Wasik also submitted a reimbursement request. So in other words, it was a meal of which Mr. Wasik had dinner with a vendor doing or seeking to do business with the University, at the same time turning in a travel expense report that requested reimbursement for that meal. Those were two of the primary issues which the Board of Trustees concluded reflected that he exercised poor judgment. There were many other issues considered, and the hearing lasted around 4 hrs., so there was quite a bit of other information that came before the Board for their consideration, but those were two issues that were quite clear in the Board's mind that reflected poor judgment.

Senator Hebert thanked the President for his comments regarding the negotiation. The Senator noted that he himself tended to be a bit confused about something. In many documents the President sent out regarding issues, the President refer to us, the faculty, and the university community as colleagues. The Senator had with interest read the President's report to the University on the "Landscapes and Mindscapes." At the back of that report the President happened to refer to the negotiations that were going on between the administration and the Akron AAUP which was made up entirely of University faculty, as an external obstacle. The Senator was wondering whether the President could shed some light on the context of that characterization.

President Proenza replied that he would be happy to. It was probably a poor choice of placement, Senator Hebert, but it certainly simply reflected on a new environmental issue for the University that did involve our colleagues.

Senator Mann addressed the President, stating that the last time he was at Senate, the Senator had requested and they had discussed some of the aspects of an audit. The President had mentioned that the costs would be high. Given that the representative from the state of Ohio was here on campus, the Senator was wondering whether the President would take a few minutes to find out what exactly those costs would look like. And whether the President would be so kind as to report back to Senate what that actually looked like with numbers given that they were here, and assuming the President would probably see them.

President Proenza replied that they had had an open meeting. He then asked Vice President Mallo whether there were any other details that could be shared at this point.

With the body's permission, Vice President Mallo spoke. He stated that in a similar fashion to what he had indicated earlier regarding the state audit report, any engagement letter with the State Auditor was also considered to not be a public document subject to disclosure under the Ohio Public Records Law until such time as they completed their audit.

Senator Lee then spoke, stating that, while he did not know the Ohio Public Records Law, usually they were about the documents that had to be provided to the public. He was wondering whether it was in the University's discretion even though these records were not technically public records, whether they could be disclosed.

Vice President Mallo replied that he would be happy to discuss that with the State Auditor's office. He might point out that the Public Records Law was in one section of the Revised Code in the provisions of law regarding the State Auditor. The section under the auditor's chapter of the code included the provisions to which he was referring that exempted certain of their activities from the Ohio Public Records Law.

REMARKS OF THE PROVOST - Chair Sheffer then invited Provost Stroble to address the body.

"Good afternoon, and I've given you a handout as I typically do with the topics I'll make brief remarks about, the top item here being an update about the celebration of teaching and learning (**Appendix C**). This is an event that is co-sponsored by Faculty Senate, so the Provost's Office and Institute for Teaching & Learning appreciates that co-sponsorship, and I wanted to give you this opportunity today to see the lineup of events and to invite your full participation on that day. Recently, maybe just today or yesterday, the call for papers and to make actual presentations as part of the celebration day when out by email from Associate Provost Angelo, and I hope you will respond to that as well.

The next item, and Dan Sheffer asked me to make a clarification and a correction here in my wording - rather than saying that this next meeting is an actual special Senate meeting, he prefers we use the language that this is a meeting for Faculty Senators so that we do not have the need for all of the minute-taking and recording that's necessary around calling something a special Senate meeting. So we are scheduled for March 18, and my office will be working with others to give those who attend the latest information about where we are on Balanced Scorecard development.

The next item down - Operations Advisory Committee - we did have our first meeting and here are bullet points that give you some information about what the work of that committee is at this point. I have a subcommittee that's looking at the VP/CIO carryover funds and doing a careful report back to the committee to say, here's what we have verified about the dollar amount, their designated use, and how much flexibility we have in the funds that are there on a going-forward basis. So I anticipate by the March 16 meeting to have their report back. I felt it important that we have independent verification of what's already been reported to us about those funds, which is that the vast majority of them were carried over, not spent down, and that they tend to fall into two categories - tech fees and

other designated uses of the funds. But I've asked others to look with the budget office at those records and to give us an independent verification, and if there are additional questions, to raise those so that we can feel we've exhausted this topic appropriately so there will not continue to be questions on any of our parts.

That committee is also reviewing some literature about higher education finance and budgeting, which I've asked them to read. They will on a going-forward basis give us some advice about what a budgeting and planning cycle might look like over a 2-year period. It's a desire that we would match the planning and budgeting cycle with the fact that we operate on biennium awards in the state of Ohio, rather than dealing with this one year at a time to try to the extent possible to do planning on a 2-year cycle. I've asked that group to give me their best thinking, and it will be partly based on the reading that they're doing as well as some surveying we can do of other institutions. They are to tell me what they would advise about the process by which units can make requests so that we can get the best information possible and how we would move forward in a decision-making process for those whose responsibility it is to prepare a budget and to take it for Board of Trustees approval.

So that's very preliminary and we've not even begun that discussion, but it is partly in answer to the request that we had from the Executive Committee to explain the budget process. I am asking this committee to give me some advice about what that looks like in the future. The next meeting is on March 16, 2004. I am in the process of working with the President to identify some student representation as well as part-time faculty representation, and as you heard earlier, we still have not come to closure on the issue of faculty representation, faculty who are members of the bargaining unit.

To let you know about other operational issues, a program review work group which I had shared with you in the fall semester chaired by Chand Midha has been meeting every two weeks. They have requested that I meet with the President and Vice President Ray and with Vice President Mallo and others and to come to some agreement about how serious we actually are about program review and whether it actually will entail not only meeting the requirements of NCA and having a good academic process for reviewing programs, but will it additionally entail the possibility of reallocation of funds. So I can't give you that answer today because we haven't met, but it is on my calendar and I hope at an upcoming meeting to be able to tell you more about how this process of program review overlaps with Balanced Scorecard and overlaps with a planning and budgeting cycle. As you can see, many operational systemic sorts of conversations are going on at the same time and it will be my desire to make those come together in ways that cause us not to be in conflict with one another in processes, but to make them come together.

I do know that another aspect of program review that we're really trying to coordinate with very closely is what happens in some of our programs around accreditation requirements that are specific to particular programs and to not cause workload to increase disproportionately. Program review comes up with one set of procedures that are totally foreign or on a different cycle of schedule than what we need to do for our program accreditors, as well as RACGS, which is requiring us to complete review of all doctoral programs in the next year. So that's one of the driving forces here, and we must come to some agreement about how we review doctoral programs for the purpose of RACGS so that the doctoral programs are still in force.

The ITS Strategic Planning Group, as was reported out of Executive Committee, I did assure them that very soon a broad-based group would be appointed to assist in the short run with figuring out how we manage the transition of instructional information technology and how we deal with the reporting lines, the structure, how we will move on into the future. As you know, right now some aspects of VP/CIO office are reporting to Vice President Ray while some are reporting to me, and while this is a solution in the short run, what the long-term solution is I need advice about. We are in the process of making some phone calls to individuals that we are hoping will agree to serve, but I will not choose to announce that until we're sure that the people we've invited to take on this task have agreed to it and that we have appropriate representation. So I hope by next week to be able to go public with that.

Finally, I will say that we have the appointment as a result of internal searches on this campus, two appointments for deans, and I asked them to join us today as a courtesy to Faculty Senate so that they can be introduced on the floor of this body. First, Stan Silverman, who is the new dean of Community & Technical College, and congratulations, Stan. As questions have been coming to me since the December Board of Trustees meeting about what the new college will look like, where it will be housed, what its programs are, what's it actually going to be called, all those kinds of questions, we'll soon get to answers. But I'm counting on Stan to lead the planning process that gets us there and in the meantime, all those phone calls and emails coming in I'm gladly sharing with Stan. So if you want to skip the middle person, you can send a message directly to Stan and together he and I are trying to lead this effort so we have a great result that everybody can be happy about.

In the College of Business Administration, the person who is serving as interim dean there as a result of the search process is now the fully appointed dean, and, Jim Barnett, welcome to that role. Dean Barnett is global businessman extraordinaire, and I look forward to continue the good work with him to accomplish the goals that he and his colleagues have for CBA. That finishes my report."

The Senate then welcomed Deans Silverman and Barnett with a warm round of applause. Chair Sheffer called for questions of the Provost.

Senator J. Yoder had a question about the scope of program review. Was it to be colleges or the entire University?

Provost Stroble stated that that was an excellent question. When she had some language from this work group, she would be able to do this in a more fine-tuned way, but we were really thinking that program did not have to be limited to academic program. Indeed the program review process she hoped this work group recommended to her would be applicable and workable with units and divisions and projects across campus housed in both VP administrative units as well.

Senator J. Yoder then stated that the closest thing we had had was ROI, which already had done work on the academic side of the house to some extent. In some ways the need might be more pressing in other areas.

Senator Gerlach then stated that perhaps the Provost could enlighten us on a few choice questions he had gotten from some of his constituents. He was not altogether clear on these matters and perhaps he had not been paying proper attention. The Summit County C & T College – what was in a name?



What was the difference between it and the existing Community & Technical College? If there was some distinction or difference here – what was behind it? Who had started it; what was it really all about? He hoped those questions could be answered briefly.

Provost Stroble replied that she would refer individuals to the Board of Trustees resolution that was passed on Dec. 10. She believed that she had made that part of a report that she had given to this body. If all looked in the Chronicle they would find that language. She mentioned to Senator Gerlach that these were indeed the kinds of questions that come to her by email and the true operational detail behind these answers was yet to be determined. But he could get the idea of the intention in launching a new college in the Board of Trustees resolution.

Senator Gerlach followed with another question. So it was a new college and therefore something obviously quite different from the existing C & T College?

Provost Stroble replied that the how and to what extent was yet to be determined.

Senator Mann then stated that he was very glad to hear that the Provost planned on having a student sit on the Operations Advisory Committee. He was wondering whether she planned also to have any students on the Program Review Workshops or the ITS Strategic Planning Steering Committee?

Provost Stroble replied that the Program Review Work Group was already underway and had been underway for some time; she would give that some thought. Yes, she did plan to invite a student to serve on the ITS Strategic Planning Steering Committee.

Senator Mann then addressed the Provost once again. She had mentioned that she was looking for some students. He had met with Dr. Johnson the other day and decided between them, that on one committee there would be one student from one side of campus, and on a different committee there would be a student on the other side of campus. Nobody would know who those students were, how to communicate the thoughts of the students to that particular student, and there was no real area of coordination. He then asked the Provost if she could work with his office and ASG on selecting some of these students so that we could try to coordinate it and have better student input.

Provost Stroble replied that they would talk with the Senator and ASG.

Senator Erickson then had two questions for the Provost. The first related to the Operations Advisory Committee. The Provost had said this was referring things that had come from higher education. She hoped the Provost would be able to consider the request of the Senate that we should be including the potential of bringing in a serious consultant with expertise in this area.

Provost Stroble replied that the OAC had met once before the Senator had raised that as a topic. Frankly, the literature we were reading was not from people on this campus. It was external.

Senator Erickson continued. Without questioning the ability of who was chosen, but as the Provost had said, these were deans that had come from internal searches. Could the Provost tell us why they were not external national searches?

Provost Stroble replied that, in these two cases, as a result of her conversation that she had with some leadership in both colleges as well as her conversation with the President and the Board of Trustees, we determined that the best way to take these two colleges to the place that they aspired to be was to have term appointments with people who were internal to those two colleges and who would be able to get up to speed in a hurry, and that we would not have lapses in leadership caused by the length of time it would take to do an external national search. So it was a strategic decision. In the case of the advertisement for the CBA Dean, one of the charges to Dean Barnett was to prepare the college in such a way that we would next launch a national search in that regard. Her experience as Provost (although limited) and her experience in a dean's position (somewhat longer), was that sometimes colleges were poised to be successful in doing national searches and sometimes they were not. It was demoralizing and unproductive for a college to do national searches which were not successful. Her strategy in this regard was to provide the kind of internal leadership that got us to a point that national searches would be a viable and productive thing to do.

Senator Erickson then asked whether we had information on the length of those terms. With the body's permission to speak, Dean Silverman indicated his term was for four years; Dean Barnett indicated that his term was two - to -three years, hopefully two.

Senator Gerlach then stated he had heard it said, maybe it was a vague rumor, but that an effort was either underway or being contemplated to make another pitch to obtain a Phi Beta Kappa chapter here. Was that so?

Provost Stroble replied that it was.

To which Senator Gerlach replied that, lots of luck if things were the way he heard they were in certain departments. You would never get anywhere in the attitude toward foreign languages.

Senator Lenavitt then asked whether the Provost would be willing to share with us her vision of how the current NSSE report interfaced with the idea of the Scorecard.

Provost Stroble replied that she thought on March 18 she would be much better prepared to tell about that. It certainly was a topic we had discussed in the draft versions of the Balanced Scorecard, and on March 18 she would show all how that would work.

Senator Lenavitt then asked whether Senators should be studying that information preparing prior to it?

Provost Stroble replied that she would try to send something in advance of the March 18 meeting to be seen before the meeting. Chair Sheffer added that he had asked Provost Stroble whether material could be sent hopefully as much time as a week before the meeting so we would have a chance to look at the materials.

Provost Stroble pointed out that there were a lot of topics that all of us were dealing with, so she tried to move along as quickly as she could. She understood that concern.

NCAA FACULTY REPRESENTATIVE - (Appendix D)

## FACULTY RESEARCH COMMITTEE - (Appendix E)

COMPUTING & COMMUNICATIONS TECHNOLOGIES COMMITTEE - Senator Norfolk began his report by thanking Mrs. Quillin for running the minutes of the committee (See **Appendix F**.) The minutes should explain pretty much everything that was happening with the laptop program. It was his understanding that the preliminary bids had gone out to Dell, IBM and Gateway for PC-compatible machines. There would be a similar bid process going out to Macintosh, because this time around we were going to try to get Macintosh machines for people who really wanted them. If there were any more questions, please contact him and we would discuss it at a meeting next week to find out where we were.

AD HOC COMMITTEE ON UNIVERSITY BUDGETING - Senator Fenwick stated his report would be very short. The last time the committee had reported to Senators we had had initial questions regarding the budget process. Those were emailed to the administration the next day.

AD HOC COMMITTEE ON ACADEMIC FACILITIES PLANNING - Senator Sterns stated he had passed out the statement as developed by the committee on the purposes (**Appendix G**). The next step in the process was the Provost to agree to allow the participants in the administration to join with the committee. So the committee was waiting for that and as soon as that happened, he would be happy to call that committee into session.

## OHIO FACULTY COUNCIL - (Feb. 13 Minutes, Appendix H)

**IV. NEW BUSINESS** - Chair Sheffer indicated that the first item was a motion (**Appendix I**) regarding the reinstatement of proper teaching guidelines for the teaching of geological and biological sciences. This had been sent to Senators by the Chair on Sunday via email. He needed a motion to adopt this resolution. Senator Lyons made the motion; Senator Norfolk seconded it. The Chair then called for discussion of the motion. He asked Senator Witt to introduce the motion since it had come from Ohio Faculty Council.

Senator Witt replied that the resolution had come from the Feb. 13 meeting of Ohio Faculty Council and was unanimously passed by that body. We were directed to offer the resolution to our Faculty Senate for consideration.

Senator Wilkinson then stated he objected to consideration of the question. Looking through the Bylaws he had not seen where this had anything to do with the mission of the Senate to discuss this issue, and that was his objection.

Chair Sheffer indicated that that would require a second. This was seconded by Senator Shanklin. Chair Sheffer then pointed out that it was non-debatable and required a 2/3 vote for this objection to stand. The Chair then called for a vote on the objection. The Senate failed to support the objection by a vote of 31 to 14.

Senator Londrville then addressed the body. He knew that this was an emotional issue, but it did not need to be. We were speaking for what we thought was best for our students. Others may be speaking in the same viewpoint; he respected that. Also, we were speaking as stewards of science.

As to whether or not the Faculty Senate should consider this resolution, he thought it was very pertinent because students were our supply line, and therefore if it was proposed that we eliminate math we would probably want to have something to say about that. As biologists many of us felt as strongly as that about this particular resolution. We were also considered stewards of our science for the state, and the state looked to us as stewards of our science. This was an incredible issue for science. Finally, some University of Akron faculty had been quoted in national press about this issue, and he would like this body to state one way or the other, did these faculties' views in terms of intelligent design, reflect the view of University of Akron faculty, because by defacto that was how they were being presented in national press. He thought the body should have something to say about that.

Our statements were no statement against religion. He personally had tremendous respect for people of faith in various religions, and many of the world's religions, if not most of them, had absolutely no problem with evolution. It was one minority viewpoint that had a problem with how evolution was presented in our schools. That was the danger of this lesson that was being considered in the state, that that one minority viewpoint was given undue weight, was presented as legitimate scientific theory, which it was not. That was dangerous not only for scientists but also for religious people. Whenever one minority religious viewpoint was endorsed by a state defacto or in legislation, then all religious viewpoints were therefore in danger. The lesson plan unfairly presented a viewpoint that there was a controversy about evolution, and there was absolutely no controversy about evolution among biologists.

If you looked to our national bodies like the National Academy of Science, they had statements that there was absolutely no controversy about modern evolutionary theory. There was no controversy about it in the same sense as there was no controversy about whether or not we landed on the moon. It did not mean that there was not a vocal minority that insisted that all moon landings were faked. There was that vocal minority; what it meant was professional biologists do not regard intelligent design as reaching a level where it was a theory that deserved consideration. It did not reach that level of consideration. The current lesson plan was dangerous because it legitimized intelligent design as a legitimate viewpoint.

The references given to students, and these were 10th grade students that were not Ph.D.'s who could look at all the literature and critically analyze it, were looking for the best thing to cut and paste from the web. They were given websites that were pro-intelligent design and given websites that were pro-evolution in the sense that both are legitimate. Both were not considered legitimate by any recognized scientific body. It was pertinent to this body that we discussed this. It was extremely important for our students that we would teach at this university. He thought this university had a great history and also a future in influencing our K-12 education. It made every sense to do that as much as possible and tie ourselves to what was happening in the K-12 education. We should, as a group of Ph.D.'s, a group of experts hired by the state, make a statement about this very dangerous curriculum change.

Senator Broadway then indicated he wished to speak as part of the resolution. He had the unique position that he had served on the State Advisory Committee for the State of Ohio writing science standards, and he had represented higher education, especially science education community in the state of Ohio on writing the academic content standards. Before he talked about the history of

content standards and why the content standards were very important to the university, he wanted to make one very quick statement about the quality of the curriculum which he did review. If the curriculum was called a critical assessment of evolution, it baffled him that the ideal example in appendix B had no citations whatsoever in the answer, nor had the rubric any requirement that the students cite their sources of information. As an academician, he found that very problematic to call it a critical analysis when the sources of information were not shared or to assume that a 10th grader had these ideas in a unique and original form. So he questioned the curriculum as a reason to turn it down rather than other issues like intelligent design and science. His specialty was science education; his major teaching responsibility was preparing teachers in years 3 through 3rd grade. However, his experience had been as a high school science teacher for 20 years before he started his work on his doctorate, and this was his first appointment at higher education.

In studying the standards movement in the U.S., one had to be very careful in looking at what the implications were. Germane to higher education, one looked at the no child left behind legislation. If Senators had not read that, he suggested that they did, because one of the things in that document was that there were considered two academic areas that demand to be assessed. Those were mathematics and reading and/or language arts. Starting in the year 2005, science became a mandatory academic subject content area according to no child left behind. What was missing in that was that social studies would never be considered an academic subject area according to no child left behind. States were not mandated to test social studies. So if states and school districts were going to put their money where the feds would like them to put it in no child left behind, people who taught the social sciences might have some big questions that they might want to answer. So that clearly would dictate what would happen in higher education.

Right now as a science educator and teaching grades 1, 2 and 3, where the state would mandate reading testing at grade 3, his students clearly could tell him that he had no reason to teach science because that would not be tested to 5th grade. However, their job as a K-1,2,3 teacher was in jeopardy if their students did not pass the state-mandated test. An essay-mandated test would be spread throughout the state not only on the district level but also on the building level, so you would have information to know on the building level what students were passing the 3rd grade reading test. So the students he had prepared in science education he needed to convince that there was some reason to introduce science into their classroom. Clearly, these standards indicated 12th world do drive what happens in our world. If one reviewed the national science education standards which were prepared by the National Research Council and was the second of the two national science standards, the other one being science for all Americans which was prepared by the American Association for the Advancement of Science, it very clearly stated that one of its goals was to change science teaching at the higher education level. That was in print and he would be happy to give a reference for that in the science education standards.

Much of his work on this campus had been working with colleagues in the arts and sciences and in engineering, and looking at what was good teaching practice and good learning, and what was good curriculum. Clearly, in that call for looking at preparation of teachers at the university level, our early childhood program and all the programs in the college of education, we must prove to the state that our programs were aligned with the state content standards. What that translated to was content standards that asked for certain content to be taught. One of the things he was asked to do as a guardian of one of those programs was to demonstrate how our teacher-candidates were being

prepared to meet those standards. Part of our accreditation would rest on our ability to demonstrate that our students had the knowledge as well as the skill, to teach these content areas. So therefore, he must have a conversation with the biologists, chemists, and the engineers about what content they would be having in their courses in order to prepare the teachers for the state of Ohio. Clearly, this was a question that this university as a whole must entertain; it was very relevant to this particular body.

In looking at the academic content standards, one of the things Senators also needed to know in the state of Ohio was that the document before the Ohio content standards was called the Ohio Model in Science. One of the things that went into the argument in preparing the new standards was that in the Ohio model there was no mention whatsoever of evolution. So according to the Ohio model a K-12 student in the state of Ohio was never forced or required to learn about the concept of evolution, which his colleague had said was a major idea within the academic field. So therefore, as the advisory committee got together to look at the new content standards, we knew that if Ohio was to try to be technically advanced and scientifically advanced, that we had to include evolution in the new academic content standards. Therefore, we did spend much time discussing the role of what was science, the roles of evolution and intelligent design. This was reflected in the new document. He thought that was very important for Senators to understand.

Lastly, he would like to say out of that deliberation of looking at the standards, intelligent design was not included in the standards. It was a purposeful and a very evidence-based decision that intelligent design not be included as part of the content standards. Again, he asked Senators to look at the content standards themselves; they were on-line and he would be happy to talk to anyone who wanted more detail about the process, the ideas, and the effects of that. So this resolution was an attempt to uphold one of the charges and Senate Bill #1 which changed the content standards, the standards to be written by a cross section of people throughout the state and representing different populations. Again, he had served as a science education faculty; there were business people, scientists, teachers on the committee to make up the standards. The attempt at writing the curriculum which was not part of Senate Bill #1, which was the law in the state that put these content standards in place, was done by a group that were not representative of the state nor did they have to go through the rigor that the content standards had to go through in order to be established. So he hoped that with all the curricula that come up, that we supported a resolution of this nature and said that they were not appropriate at this time.

Senator Wilkinson then addressed the body. First, this was one of ten lessons. The other ten lessons presented evolutionary theory. So this was a lesson which presented some ideas which challenged it, which he thought was what we tried to do, have analysis and challenge ideas. In his classes they talked about free market economics because that was what business was about. But we also talked about Marxism because that was an idea students should be familiar with. If Senators looked at this document and read it, they would see that it did not make mention of intelligent design or creationism. This was really a strongman argument that was taking place. In fact, there was controversy about evolution that took place not particularly on university campuses. If you were a biologist and you ran a university campus and you came out and said you did not buy into macroevolution, you would not be around very long, and you would not get tenure. But there were biologists who did not work at universities who did raise objections to evolution. Just in the interest of being open-minded and encouraging students to analyze material, and by the way, having

students challenge an idea was a great way for them to learn about an idea, this then was ridiculous to object to students critically analyzing something.

Senator Norfolk had a question for Senator Broadway. Was the model that was being circulated part of the standards that his committee had generated?

Senator Broadway replied that it was not.

Senator Norfolk then stated that that addressed his question. We were supposed to be talking about critical analysis of scientific ideas. Many of us in this room were scientists of various colors and persuasions. What we were talking about here was not science. About 3 years ago in Kansas State a commission was put together to assemble biology standards. The biology standards presented by that commission of scientists were thrown out and replaced by a set of standards written in secret. Two weeks ago in Georgia a commission reported with a set of biology standards. Those standards were thrown out and replaced by standards written by the state school board in secret. Last week in Ohio the recommendations of the science panel were thrown out and replaced by a set of lessons written in secret. The same thing was happening in 17 states in the nation where this was taking place. Among them, Michigan, Alabama, New Mexico, Oklahoma, Missouri, (Montana, that's in the news right now). This was not science; it was politics; it was people subverting science.

One of the things he would comment on was do the people in this room as representatives of supposedly higher education, really want science to be dictated by political appointees, what science was and what it was not? That was a very dangerous road to go down. It had happened to his knowledge three times in history at least, a couple of which directly affected his family. Everybody knew about Galileo and geocentrism versus heliocentrism and the Nazis - physics were thrown out because it was too Jewish, which might have been a good thing for the U.S. And under Stalin the teaching of evolution was banned because it interfered with the party's viewpoint of what biology should be. These were political movements. He had looked at this particular module and it sounded nice, it sounded like it was critical analysis. In fact, the definitions in here were not the definitions of biology. While there were no specific references to the phrase intelligent design, most of the materials quoted, in particular the on-line materials which was where most of our students went, were carbon copies of one another and were anti-evolution, pro-intelligent design sites. This was very carefully organized by the Discovery Institute. The actual module written came straight from a gentleman by the name of Dr. Jonathan Wells, who was a professor of philosophy and a Fellow of the Discovery Institute. Dr. Wells had stated in print that his goal was to eliminate the teaching of evolution in schools in America, and the reason for that statement was because of his membership in the Unification Church. The actual lesson here was bad logic, on the basis of logic he would fail it, but he would give it an A on the basis of creative writing.

What we say here might make no difference, but if we did not say something to say that this was important, we were failing as educators regardless of anybody's personal philosophy or religious opinion. We were failing if we did not have our students generate the best science they could. He had recently read a letter by a gentleman from Oregon, who wrote to the government of Georgia thanking them for weakening their biology standards because he said now it meant that none of the biotech companies would be interested in moving to Georgia. He thanked them because now they would be coming to Oregon instead. Science was not democratic. Science did not care how people

felt about things; it was based on facts and it was based on good models. The people around here who had learned science should know that. If we allowed it to be subverted to political opinion, then we might as well close up shop.

Senator Lyons made a motion to call the question; Senator Kolcaba seconded the motion. The motion to call the question passed with a vote of 34 for, 11 against. Chair Sheffer then called for a vote on the resolution. The resolution passed with a vote of 36 in favor, 10 opposed, and 1 abstention.

Senator Gerlach then asked the Chair's permission to rise to appoint a personal privilege. He begged the Senate to note that he had voted no on this. Not because he was intrinsically against the idea, but he was opposed closing off debate. He had not gotten this information until he had walked in this room today. Certain questions had not been answered to his satisfaction, and he would have preferred to have had a little more time to consider this before he could vote for it. Therefore he voted against it because he had not had enough time to consider it properly.

Chair Sheffer then called for additional new business. He believed that there was a resolution that had been transmitted to Senators earlier today from Senator Witt. He then asked Senator Witt to state the motion so that a second could be obtained and discussion held.

Senator Witt stated that the motion was that the Senate consider and pass the proposed resolution regarding Senate's reactions of management of the University. Senator Hebert seconded the motion. Chair Sheffer then called for discussion of the motion.

Senator Witt began his introduction of the resolution. In the interest of full debate, which was part of the reason why the resolution was in front of Senators now, he had not felt too good about the last special session. He was not sure that all points of view were covered adequately and certainly weren't embodied in the resolution that we had passed. So this was simply an opportunity for the body to fully decide what it thought about the situation that the University now found itself in. Senator Witt then read the resolution (**Appendix J**): "**Whereas, The University of Akron is a municipal State of Ohio supported institution of higher education which has a mission of educating students, creating and disseminating knowledge, and service to the community, region, and nation; Whereas, The Univ. of Akron Board of Trustees has taken numerous action since the April 2003 certification of the Akron AAUP including but not limited to those listed in Attachment 1; Whereas, the above mentioned actions by the UA Board of Trustees is damaging to the reputation of the University in the larger academic community (See references to the Chronicle of Higher Education article and a letter by the National AAUP in Attachment 1), and creating an atmosphere of uncertainty, anxiety, distrust, and despair among faculty, staff, and students, and even many administrators, which is negatively impacting the ability of the University to effectively accomplish its mission; Whereas, the Faculty Senate, as the elected voice of the faculty and campus community, continues to have serious concerns that the above mentioned actions of the Board are causing and will continue to cause irrevocable harm to our beloved University and will stand idly by and permit such misguided actions by the UA Board of Trustees to continue without objection. Therefore, be it resolved that the UA Faculty Senate request that Governor Taft and Mr. Roderick Chu, Chair of the Ohio Board of Regents, intervene in the management of the University by directing the**



**UA Board of Trustees to (1) reinstate the faculty governance language previously removed by the Board until such time as new provisions have been legitimately negotiated; (2) provide access for direct communications with the Board by representatives of the faculty and staff, and; (3) follow both the spirit and the letter of the law regarding contract negotiations and bargain in good faith, and if need be, to reconstitute the administration's negotiating team so as to better represent the administration that will have to live with the contract once it is in place. Therefore, be it further resolved that a copy of this resolution be sent to the North Central Accrediting Agency as an indication of the progress being made by the administration in integrating faculty into the governance and budgeting processes at The University of Akron.** He then noted that there were attachments.

Senator Gerlach wondered about the part of the resolution concerning the Governor and Chairman of the OBR to intervene in the management of the University by giving direction to the BOT. He wondered if this could be done legally.

Chair Sheffer then stated that perhaps Vice President Mallo could answer that question. Chair Sheffer inquired of the body whether there were any objections to Vice President Mallo addressing the question. None forthcoming, Vice President Mallo then spoke.

Vice President Mallo stated that he really did not have an answer; the best analogy he could give was the Governor's executive orders. Senators were probably all familiar with the fact that the Governor could levy an executive order that had application to all state agencies and departments in the state of Ohio. It did not however affect state universities, because the Governor had no direct authority over state universities other than appointing trustees.

Senator Rich then stated that he thought the question of the authority of the Governor here, the legal authority was a good one and one that needed to be researched and answered, not off the top of the head. He thought that VP and General Counsel had taken an appropriate stance here on that. He did think that in any event, it was politically unrealistic to expect that the Governor would intervene under these circumstances. It might in that sense be an act of futility on Senate's part. Moreover, he was concerned about the precedent that would be set if there were intervention here in what many of us including himself would consider to be a good cause. He was very sympathetic to what he took to be the goals of this resolution. We should be very careful before we set the precedent of inviting the chief political leadership of the state to intervene in a university. He would not say categorically that it should never occur, but it was something we should think very carefully about before we did it. Because if we should be successful, which he did not think there was much danger of in this instance, it might mean that it was more likely to occur again in circumstances where we would regret it. For those reasons and despite a great deal of sympathy for what he thought were the purposes of this resolution, he had serious qualms about voting in its favor. One final point - at the beginning it said that we were a "municipal" university which used to be true but had not been for a long time. If the resolution were to be adopted he would hope it would be without that word.

Senator Norfolk then moved that the resolution be tabled until such time as the question was answered.

Senator Gerlach stated that the motion to table was not appropriate. If Senator Norfolk moved to

postpone it to a certain time was one thing, but not to table it. As soon as it was tabled we could move to take it off the table. It was a different purpose of motion.

Senator Norfolk then stated he would stand as corrected by Senator Gerlach. He moved to postpone the resolution until such time that the legal question is answered. This was seconded by Senator Stachowiak.

Chair Sheffer stated that this was not a debatable motion. He called for a vote. The motion to postpone passed by a vote of 24 for and 18 against. Chair Sheffer then called for additional new business.

Senator Lyons asked whether the Senate needed to charge somebody with then getting the answer to that question.

Senator Norfolk responded with a suggestion to ask the Executive Committee to find the appropriate answer.

As this was in the form of a motion, Senator Dechambeau seconded it. Senator Fenwick then offered as a friendly amendment to include Chairman Chu because the letter also mentioned him.

Senator Norfolk accepted that as a friendly amendment.

No further discussion forthcoming, Chair Sheffer called for a vote on the motion. The motion passed.

**VII. GOOD OF THE ORDER** - Senator Sterns rose to speak. During the troubled times at Berkeley, his uncle was dean of faculty. He wanted to remind Senators what it meant to have a Governor interfere in the freedom of a campus. Certainly we could learn from Berkeley the terms of when the Governor tried to control who would speak on a campus, when the Governor tried to indicate what was appropriate or non-appropriate behavior on the campus. Let's understand what it meant to bring this into our house. He for one learned from this piece of history, and he would never contemplate this at all.

Senator Lee then rose to express his regret at the speed which the non-debatable motion arose. It had seemed to him that this resolution was about having an opportunity for people to talk about something to do with regard to what the administration and the Board of Trustees had done. We ended up talking about the technical, legal question of whether the particular format of asking the Governor to intervene was appropriate. Lots of people who supported this resolution might agree fine, let's find another way. Could we talk about what we cared about and not get it postponed because there was some technical question about whether this was the right wording? So now this was off the table and we still after a special meeting and another resolution had not had a chance to talk about what we wanted to do about what was happening at the University.

Senator Gerlach stated he almost regretted having raised the question. It seemed to him if we were inviting governors and chairmen of Boards of Regents to intervene in terms of directing things, we might consider as the Executive Committee might consider when they take this up about changing

the language at hand, that these leaders in our state exercise their good offices to urge the Board of Trustees to do something. That was a possibility too. One of the little nit-picking he would like to do regards pg. 2 of the current University Chronicle. The mention was made that the chairman invited the body's parliamentarian to make a ruling. The Senator reminded the chairman that the parliamentarian was the chair's officer; we had no business inviting the parliamentarian to make any ruling, and we had to direct all the questions to the chair. The chair would make the ruling with or without the parliamentarian's advice.

Chair Sheffer thanked Senator Gerlach for his wise words. He then called for a motion to adjourn. Senator Lyons made the motion; Senator Mann seconded it. The body then voted to adjourn. The meeting adjourned at 4:25 p.m.

**Transcript prepared by Marilyn Quillin**

The Faculty Research Committee met on February 27, 2004. Nine proposals were reviewed and four proposals were recommended for funding. The following is a list of the proposals recommended for funding.

<u>ACCT.#</u>	<u>FRG#</u>	<u>NAME</u>	<u>TITLE OF PROJECT</u>	<u>AMOUNT</u>
2-07559	1596	Dr. Brian Bagatto, Biology	Effects of Chronic Hypoxia on the Developing Zebrafish Adrenergic System.	\$ 4,000.00
2-07560	1597	Dr. Stephanie Lopina Chemical Engineering	Novel Biomaterial for Ortho- pedic Tissue IEngineering	\$ 3,500.00
2-07561	1598	Dr. Joanne Murphy Classical Studies, Archaeology, and Anthropology	KEA Re-visited: Testing the Longevity and Validity of Archaeological Survey Results.	\$ 4,811.00
2-07562	1599	Dr. Ronald Salisbury Biology	Sexual Differentiation of Cholinergic Neurons in The Superior Cervical Ganglion.	\$ 4,000.00

**TOTAL FUNDED: \$16,311**

Respectfully Submitted;

Elizabeth Kinion EdD, MSN, FAAN  
Chair

CCTC MEETING - THURSDAY, FEBRUARY 12TH, 2004

PRESENT : Enoch Damson, Mike Giannone, James Grover, Ali Hajjafar, Michelle Hoo Fatt, Robert Jeantet, Doug Kahl, Jim Lenavitt, Herb Matheny, Tim Norfolk, Wolfgang Pelz, Victor Pinheiro, Jana Russ, Larry Shubat, Dick Stratton, Bruce Taylor, Deb White

ABSENT WITH NOTICE : Mike Cheung, Richard Londrville, Dick Steiner

ABSENT : Katharine Kolcaba, Bill Rich, Robert Stachowiak, David Witt

CHAIR/SECRETARY : Tim Norfolk

The meeting was called to order at 12:00pm in CAS 124.

1. LAPTOPS

In order to minimize the rumours flying around campus, it is anticipated that these minutes be posted to the E-mail Digest, once corrected.

There was a spirited discussion, yielding the following information.

a) The request by Associate Provost Nancy Stokes to the Deans and then Department Chairs/School Directors, is to ascertain the number of faculty who are likely to use laptops. These numbers, and the associated cost (\$800,000 to \$1,400,000) will be presented to the BOT for their February meeting, in the hope that they will approve the bidding process.

b) Assuming that the bidding process is approved, the contracts should be awarded at the April meeting of the BOT, with the first shipment of new machines on campus by the end of May.

c) The survey generated and distributed by CCTC is intended to generate specifications for the machines to be purchased, based on the actual use of the machines.

Mary Hardin, of the CBA, has kindly organized the results of this survey. The results are posted on the Web, at

<http://survey.uakron.edu:2929/2wrLEV6/Report.html>

d) The current laptops are on a 3-year lease, with fair market price due at the end of the lease (September 30th, 2004). Any machines not in the warehouse in North Carolina by that time must be paid for. Herb Matheny is asking IBM to give a firm price by May 1st, in order that we can make appropriate plans.

The current price being quoted as fair market value by IBM is \$800 per machine.

e) The next round of the faculty laptop program (if any) will purchase machines, rather than lease them.

f) The collection of laptops will begin no earlier than May 17th (or when the new machines arrive). The process will be done as humanely as possible, taking into account those people who teach in the Summer, or have major projects involving the laptops.

Whether or not the current machine is purchased, it must be turned in for a day or so, in order that some software licensed only to the University can be uninstalled.

The IT shop intends to help all users migrate their data and software to new machines, which is why the collection process is scheduled to begin so early.

g) Faculty and Departments will have the option of purchasing the current machine (at the anticipated \$800 cost). If the purchase is by an individual, they must be aware that the license for the Windows XP upgrade and for Microsoft Office, is only valid while they are employed by the University, and only for University-related business.

h) The specifications generated will have 2 or 3 levels of machine, the lowest of which is better than the current T23 models. The suggestion is that the technology fees would cover the cost of a "basic" machine, and that Departments would pay the difference in cost for higher-end machines.

It is likely that floppy drives will cost extra, and may not even be available on some models.

i) The machines are being supplied using student technology fees, which monies must be used for teaching-related technology projects. Consequently, the number of machines supplied to each College will be based, as before, on the number of full-time teaching faculty.

The issue was raised, and noted, that some part-time faculty might also be allocated a laptop, as is currently the case.

j) The docking stations and port replicators that many people bought for their laptops will probably not work with the new machines, regardless of the vendor chosen. Herb Matheny is investigating whether money can be found in the current IT budget to buy port replicators, using student technology fees.

## 2. TECHNOLOGY FEES

This issue was raised at the Arts and Sciences Chairs' meeting :

The original student technology fees imposed were about \$6 per credit hour, with 35% going to the College, and 65% to the VP-CIO's budget. (The \$500 per full-time faculty member per year came from that 65%). Those fees have now increased to \$12-13 per credit hour, but the amount going to the Colleges was fixed at the original levels, and now no longer depends on either the total fees generated, or on credit hour production. The question was raised as to whether this policy will change.

This question will be raised with Provost Stroble and VP Roy Ray, (probably by transmitting these minutes).

## 3. WEBCT

Deb White presented the members of the Committee with information on browser tune-ups for WebCT users.

## 4. RESOLUTION

In light of the discussion on faculty laptops, the Committee unanimously passed the following recommendation, which will be forwarded to the Faculty Senate Executive Committee, Provost Stroble, and VP Ray :

"The CCTC recommends that whoever is responsible negotiate with IBM a price per machine of no more than \$300 for the laptops currently leased, and that any such price be based on an individual machine, rather than all 800 machines currently in use."

The meeting adjourned at 12:55pm.

The next meeting will be in March.

**The University of  
Faculty Senate  
Report of the Ad Hoc Committee on Academic Facilities Planning**

The committee met on February 19<sup>th</sup>, 2004 to develop a statement of purpose. After considerable discussion the following was approved:

*The Ad Hoc Committee on Academic Facilities Planning (AFP) will advocate for the needs of academic units in any planning processes where space is being developed or where existing space is being reconfigured. The committee will serve as an advisory body. It will not approve or disapprove proposed changes but will offer input to facilitate final decisions with recommendations to be approved by the Faculty Senate and forwarded to the Vice President and Provost and Chief Operating Officer.*

*In the interests of providing for discussion and more communication in the decision making processes involving the planning and use of facilities, this committee will receive regular updates from the Assistant Director Campus Planning and Space Utilization, the Vice President for Capital Planning and Facilities Management, Office of the Senior Vice President and Provost and Chief Operating Officer and other appropriate offices. The committee will provide feedback through the Faculty Senate to the Assistant Director Campus Planning and Space Utilization, Vice President for Capital Planning and Facilities Management and the Vice President and Provost and Chief Operating Officer.*

A request was made at the January 29<sup>th</sup> meeting of the Faculty Senate Executive Committee with the President and Vice President and Provost that Dr. Stroble approve the participation of the appropriate individuals to support the activities of this planned committee. This request was then sent to Dr. Stroble the next week in written form. At the February 20<sup>th</sup> meeting of the Faculty Senate Executive Committee with the President and Vice President and Provost a follow up request was made to Dr. Stroble to approve the participation of appropriate individuals. As soon as the Chair receives the letter of approval, he will call a meeting of the committee.

Respectfully submitted,

Harvey L. Sterns



**OHIO FACULTY COUNCIL MINUTES  
MEETING OF FEBRUARY 13, 2004  
COLUMBUS, OHIO**

President Shipka called the meeting to order at 12:39 PM.

The minutes of the previous OFC meeting were approved (Wright with Kongangi).

Present: McKee (OSU), Wright, Stephens (OU), Rangi, Marcus (Central), Phillips, Marco (MCO), Shipka, Sracic (YSU), Hamilton (Shawnee), Muego (BGSU), Watson (Kent), Patton (legislative committee), Cupoletti, Karp (Cincinnati) Govea, Konangi (Cleveland), Witt, Sheffer (Akron), Pringle (Wright), Bourquet (NEOUCOM), Burgoon (Miami)

Guests: Noe (Regents), Pogue, Canada (Governor's Commission on Higher Ed)

1. **Tom Noe** spoke first, citing a number of system-wide problems involving communication, funding, and the ill effects of term limits on the Ohio legislature. He explained the difficult budget situation in Ohio, including an explanation of the "discretionary" portion, which is most vulnerable during difficult economic times. Education is part of the discretionary portion of the budget. He also stressed the imperative that the university system sell itself better than it has in the past. A question-and-answer session ensued.

2. **Dick Pogue** then spoke, emphasizing the connection between higher education and economic development. He believes that the overall goal in higher education is to increase competitiveness and job creation by capitalizing on higher education's potential for fueling economic growth. He cited three strategies along these lines:

- Educate the workforce in the knowledge and technology-based economy,
- Strengthen the research base in higher education
- Organizational change in the university system

There was some discussion about the "third frontier," which is now state policy, and the Third Frontier Advisory Board. Katherine Canada cited a decline of 14% in science and technology graduates in Ohio, describing the situation as "bleeding." Mr. Pogue indicated his belief that the business community is the key to the future of higher education in Ohio. It was also pointed out that Ohio's universities have until April 15, 2005 to work out all articulation agreements.

3. **President Shipka** circulated the **OFC Resolution on Domestic Partner Benefits**, which was approved on February 11, 2000, as well as a Columbus Dispatch article from January 22, 2004 regarding substitute House Bill 272, which bans such benefits except in cases where it is secured by collective bargaining.

4. **John Cupoletti** moved (with Wright) to adopt the February 13, 2004 **OFC Resolution on the Teaching of Geological and Biological Sciences**. It was approved unanimously.

5. **Paul Sracic** reported for the **OFC Legislative Committee**. The 1% sales tax rollback is currently on hold, due to a technicality regarding signatures. However, the shortfall in signatures is only about 2000, which is an extremely small number. The rollback could easily be reignited in the near future. The **STRS health care** problem remains, and both the House and Senate bills regarding the STRS system are on hold. Finally, the **Defense of Marriage Act** (substitute HB 272) has been passed and signed.

**The meeting adjourned at 2:50 PM**

## **A RESOLUTION BY THE OHIO FACULTY COUNCIL**

February 13, 2004

Regarding the reinstatement of proper teaching guidelines for the teaching of Geological and Biological Sciences

WHEREAS, it is a responsibility of the Ohio educators to present science and encourage scientific inquiry; and

WHEREAS, science is a systematic method of continuing investigation, based on observation, hypothesis testing, measurement, experimentation, and theory building, which leads to more adequate explanations of natural phenomena, explanations that are open to further testing, revision, and falsification, and while not "believed in" through faith may be accepted or rejected on the basis of evidence; and

WHEREAS, the theory of evolution, as presently defined, fully satisfies these criteria, especially when its teaching considers the remaining debates concerning its detailed mechanisms; and

WHEREAS, a recent decision by the State Board of Education establishes a module for the "critical assessment of evolution," which simultaneously attacks the theory itself and facilitates the introduction of pseudo-scientific approaches such as "Creationism" or "Intelligent Design," which have no scientific validity,

THEREFORE, BE IT RESOLVED that the Ohio Faculty Council supports legislation reversing the State Board's decision and restoring genuine science education to the state's public school curricula, and

BE IT FURTHER RESOLVED that the Ohio Faculty Council urges citizens, educational authorities, and legislators to oppose any alteration of the science curriculum or state proficiency tests in science that would in any way accommodate approaches based on either religious beliefs or other sources that are not amenable to the scientific process of scrutiny, testing, and revision.

Faculty Senate Resolution  
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Whereas, The University of Akron is a municipal, State (of Ohio) supported, institution of higher education, which has a mission of educating students, creating and disseminating knowledge, and service to the community, region, state and nation:

Whereas, the UA Board of Trustees has taken numerous actions since the April, 2003 certification of the Akron-AAUP including (but not limited to) those listed in Attachment 1.

Whereas, the above mentioned actions of the UA Board of Trustees is damaging the reputation of the university in the larger academic community [see references to the Chronicle of Higher Education article and AAUP letter in Attachment 1] and creating an atmosphere of uncertainty, anxiety, distrust, and despair among the faculty, staff, students, and even many administrators, which is negatively impacting the ability of the university to effectively accomplish its mission:

Whereas, the Faculty Senate, as the elected voice of the faculty and campus community, continues to have serious concerns that the above mentioned actions of the Board are causing and will continue to cause irrevocable harm to our beloved institution, and will not stand idly by and permit such misguided actions by the UA Board of Trustees to continue without objection:

Therefore, be it resolved that the UA Faculty Senate request that Governor Taft and Mr. Roderick Chu, Chair of the Ohio Board of Regents intervene in the management of the university by directing the UA Board of Trustees to:

- (1) reinstate the faculty governance language previously removed by the Board, until such time as new provisions have been legitimately negotiated,
- (2) provide access for direct communications with the Board by representatives of the faculty and staff, and
- (3) follow both the spirit and the letter of the law (regarding contract negotiations) and “bargain in good faith”, and if need be reconstitute the administration’s NT so as to better represent the administration that will have to “live” with the contract once it is in place.

Therefore, be it further resolved, that a copy of this resolution be sent to the North Central Accrediting agency as an indication of the progress being made by the administration in integrating faculty into the governance and budgeting processes at The University of Akron

Faculty Senate Resolution  
March, 04

Attachment 1

UA Board of Trustees actions since the April, 2003

**1. Unprecedented dismantling of shared governance/leadership, which demonstrated that the UA administration is “out-of-step” with norms regarding administrative reaction to the certification of a faculty union.**

During the summer of 2003 the Board of Trustees made unilateral changes to the UA Faculty Manual, which removed the Faculty Senate from its tradition role in shared governance. These changes included:

Rule 3359-10-02. Faculty Senate Bylaws

- Faculty Senate's duties were narrowed from being the “legislative body of the university” to the “legislative body of the faculty regarding its academic mission”
- Faculty senators were removed from the Planning and Budget Committee
- Eliminated the Facilities and Planning Committee
- Eliminated faculty input to academic calendar decisions by restructuring the Academic Policies and Calendar Committee as the Academic Policies Committee
- Reference Committee now reviews Senate policy only
- Faculty Research Committee reviews grant proposals, but now makes no funding determinations
- Department Chairs were removed from eligibility to serve on Senate
- Amendments to Senate Bylaws must now go to the BOT and there is no procedure established for Board review/disposition of Senate Bylaws.

Rule 3359-20-02 Organization of the university

- Rules detailing the selection and duties of President, Provost, Vice Presidents, Deans and Dept Chairs have been completely rewritten.

*Note especially Section (G)(9)(a)*

Individual faculty members.

- (a) Each faculty member is an integral part of the organization of academic supervision and instruction. ~~Through the means outlined in the preceding paragraphs of this section of the faculty manual, the faculty member has a definite voice in establishing university rules, regulations, and procedures, and is obligated to use that voice whenever asked to do so or whenever the faculty member sees fit to do so.~~ The faculty member is also charged with effectively preparing for, conducting, and administering all classes assigned, and working to improve instruction in these classes and in the university.

Rule 3359-20-03 The faculty: general personnel policies

- No rules specified for selecting a president - specifically no faculty participation in the presidential selection process is defined.
- Faculty no longer participate in selection of the provost
- Faculty no longer participate in selection of deans
- Faculty no longer participate in selection or review of department chairs.

Rule 3359-30-01 Guidelines for academic retrenchment due to financial exigency.

- Faculty Advisory Committee reduced from “review” to “discussion” as well as not included in parties consulted by the Board (discussion cannot delay Board action)
- Faculty Advisory Committee stripped of right to certify that criteria are followed
- Added new language: “For purposes of this rule, a “financial exigency” is defined as a situation requiring reduction or reallocation of resources or reorganization or elimination of programs which cannot be accomplished through normal academic, budgetary, and personnel processes. The emergency may be caused by a decline in student enrollments, a reduction in state appropriations or allotments, a loss of income from non-state sources, or some serious event or condition requiring anticipated or unanticipated major expenditure reductions. The emergency may be university-wide or it may be restricted to only one school, department, program, or area.”

These changes were adopted without debate on September 30, 2003 and resulted in: (a) the “Union In, Governance Out” article in the October 10<sup>th</sup> 2003 issue of the Chronicle of Higher Education and (b) a six (6) page letter (see attachment 2) expressing grave concern regarding this unusual action from the National AAUP to President Proenza and Board Chairwoman Graves.

Note: In March, 2002 the Faculty Senate issued a resolution, which denounced the administration’s claim that real shared leadership had been realized on this campus (see attachment 3).

**2. Failure to follow Ohio law – and to bargain in good faith.**

During the Fall, 2003 semester the Board of Trustees unilaterally imposed health care cost sharing, (after the Akron-AAUP had filed to open collective bargaining negotiations). This action was taken by the administration because there was “no money available for an offsetting raise pool” (see OIG report for evidence that there was money available to offset health care cost increases), and amounted to a salary reduction for most campus employees, on January 1, 2004.

In addition, the Board's unwillingness to insist on a reasonable approach to collective bargaining negotiations serves no constituency at the University. Yet, the administration has purposely elected to approach negotiations in an adversarial, high-cost, long-term manner, which (in all likelihood) could result in an acrimonious relationship between the faculty and the administration. Overtures suggesting that interest-based (mutual gains), low-cost, quickly completed negotiations would go along a long way in boosting campus-wide morale (and would make good sense for a university with the financial and operating problems facing UA) have been sternly rebuffed (without explanation).

**3. A general lack of administrative oversight, and disregard for legitimate concerns and complaints from faculty and staff.**

The Board of Trustees has repeatedly denied requests to be addressed by representatives from the Faculty Senate and Akron-AAUP. Further, resolutions to the Board and Administration, made after considerable faculty senate deliberation, have repeatedly gone unheeded. We find it disheartening that the Board would intentionally stifle interaction with representatives of the faculty, staff, and contract professionals. One could easily argue that this persistent disregard for faculty and staff input by UA administrators led to the January 14<sup>th</sup>, 2004 Ohio Inspector General's report alleging numerous instances of fiscal mismanagement and graft by a direct subordinate of the President, and a lack of oversight by the President. The general perception by faculty and staff is that the primary reason this issue was ultimately referred to Columbus was because of the lack of response to legitimate faculty and staff concerns and by upper-level administrators.

**4. Excessive turnover in the upper-level administration.**

Another concern (related to lack of action by the Board) is the disturbing and destabilizing effects of rapid turnover in numerous key upper level administrative positions including the Provost, Associate Provosts, VP for Student Affairs, and Registrar, among others. The Board has not provided an environment that is conducive to long-term association with the University by upper-level administrators.

Faculty Senate Resolution  
March, 04  
Attachment 2

Letter from National AAUP (Robert Kreiser) to President Proenza and Board Chairwoman Graves regarding concerns stemming from the elimination of faculty involvement in governance at The University of Akron

Faculty Senate Resolution  
March, 04  
Attachment 3

Faculty Senate Resolution passed in March, 2003 denouncing the administration's claim that real shared leadership had been realized on this campus