



29 pages

TABLE OF CONTENTS

Minutes of Faculty Senate Meeting held November 3, 2005	3
Appendices to Minutes of Faculty Senate Meeting of November 3, 2005	19
A. Executive Committee Report	20
B. Outline of the Senior VP and Provost's Remarks	21
C. Well-Being Report	22
D. Well-Being Committee Letter to VP Roy Ray (dated October 29, 2005)	23
E. Response from VP Roy Ray (dated November 3, 2005)	25
F. APC Motion re: Curricular Changes to Rule 3359.20.05.2, Section B	26
G. Curriculum Proposals Approved By Provost for November 2005	27

Any comments concerning the contents in *The University of Akron Chronicle*
may be directed to the Secretary, Mrs. Rose Marie Konet (x6510).

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Minutes of the Faculty Senate Meeting of November 3, 2005

The regular meeting of the Faculty Senate took place Thursday, November 3, 2005, in Room 201 of the Buckingham Center for Continuing Education (BCCE). Senate Chair Rudy Fenwick called the meeting to order at 3:08 pm.

Please note: Attendance sheets were unavailable at this particular meeting; therefore, information is incomplete.

I. Approval of the Agenda – Chair Fenwick began the meeting by welcoming everyone and asking for approval of the Agenda. The motion was made and unanimously approved.

II. Approval of the Minutes – The Chair noted that there were no Minutes to consider at this time.

III. Special Announcements – Chair Fenwick proceeded to make several announcements. He reminded everyone to use their name tags so that they could be recognized when speaking. He also asked that name tags be returned following the meeting.

The Chair welcomed visitors from Dr. Coyner's Master's in Higher Education class. He also welcomed three new senators; Dr. Susan Clark from the College of Education, Dr. Gary Hamed from Polymer Science and Dr. Erol Sancaktar, from Polymer Science. (*The Senate body welcomed them with a round of applause.*)

He stated, "Those are the happy announcements. One sad announcement is that we are losing someone and, in fact, we have already lost her. Linda Bussey, our Administrative Assistant, has taken a position as the Assistant Director of Hower House, where she will pursue her career ambition of museum work and art. So, it's certainly our appreciation to have had Linda for the past year. At the appropriate time during 'New Business' the Chair will recognize a motion to recognize Linda for her service to the Senate."

Moving on to remarks, Chair Fenwick said he wanted to be the first to wish everyone a "Happy Thanksgiving, one that's peaceful, restful and spent with your loved ones."

On a less cheerful note, he talked about several articles he had read recently that painted a rather dismal but familiar picture of the academe. The first article, entitled, "Privatizing Public Universities" by Nicholas Von Hoffman appeared in *The Nation*. It paints a familiar story of declining public financial support for public universities, "something we've heard in every session since I've been a senator for the past five years." The article provided some interesting statistics. Among flagship universities such as the University of Virginia, ninety-two percent of their funding was from private sources, including tuition. Eighty-two percent of the funding for the University of Michigan came from private sources; seventy-five percent of the University of Illinois' funding came from private sources.

“The article makes a case that increasingly we have abandoned the policy of free college education for in-state students.” The policy that was begun in 1862 by the Lincoln Administration and continued through the mid-1960s, allowed universities like the University of Illinois to provide virtually free in-state tuition to college students. “An even more startling statistic in the article was that last year American families borrowed \$14 billion to send their children to universities and colleges in this country. As the article makes clear, it is becoming increasingly a choice between having a pension fund for retirement or sending one’s children to college.”

The article ended by arguing that with an average debt of between \$15,000 and \$20,000 dollars per student, when students graduate from an undergraduate program, career paths and pursuits that they may engage in are limited. “According to Von Hoffman, ‘there’s no time to work for a better world; you better keep your mouth shut and hustle as hard as you can.’” In effect, the United States had abandoned the idea that an educated person is a better citizen. “We need to count—when we count on educational investment—the return on personal and socioeconomic benefits for individuals and communities. We also need to tap into what I call ‘a return on citizenship investment,’ that is, the idea that higher education provides more than just economic benefits, it provides better citizenry. We must reestablish the notion of education and higher education for the public good, a better citizenry. A more educated citizen is a better citizen in a democratic society.”

The second article was a special report appearing in *The Chronicle of Higher Education*, “A Chronicle Survey: What Presidents Think.” The Chair expressed concern about some of the disturbing results and cited some of the findings. Fifty-three percent of university presidents favored replacing tenure with systems of long-term contracts; thirty-nine percent favored tenure. Some background in experiences of presidents made a difference. Presidents without classroom teaching experience, those at private schools—especially religious private schools—those with only B.A. or M.A. programs and not Ph.D. programs, and those who held positions outside the academe were more likely to favor the abolition of tenure. The article also said that presidents that had a Republican political persuasion are more likely to favor abolition of tenure.

The Chair asked, “So, I was wondering if there was a connection between these two? What do you think? Not that presidents are pushing the privatization of the universities, but that both the responses to an ever-decreasing public role in public universities and that, as the author Piper Fogg herself makes a point in her survey, that much of the response of these presidents to the financial crises is resulting from declining public support and the need to raise money.

There’s clearly a threat to academic freedom from all of this. There is also a threat, I would argue, to shared governance in this process. After all, the more we move toward becoming a private entity, the more governance is talked down rather than shared.”

In between reading those articles, the Chair also read the President’s response to our resolution from September regarding [the] Well-being [Committee] and healthcare. “Let me just comment, that the failure to use the process of the Well-being Committee in developing the healthcare plan, whether perceived as justified or not, and we could argue that but it’s a matter of perception, is a further erosion of the role of the Senate in university shared governance, an erosion that began with the Board of Trustees’ action of August 2003. I think the Senate needs to go on the record stating our concerns about this erosion.”

The Administration had stated on many occasions their desire to partner with the Senate on such matters as the Academic Plan. The Chair emphasized, “this is the goal of the Senate and will continue to be the goal of the Senate. However, the *perception* among many quarters in the Senate and in the constituencies that we represent is that we are not ‘partners’ but a mere speed-bump to administrative plans. He stated again, that the Senate, for its part, would continue to make every effort to partner and we hoped—in fact, we expected—that every effort would be made with equal force by the Administration to partner, even on issues where there may be fundamental disagreements. “It is, after all, the role of shared governance, to overcome those fundamental disagreements.” The Chair then turned over the podium to Senator Konet for the Executive Committee report.

IV. Reports

a. Executive Committee – Senator Konet reported that the Executive Committee met twice during the month of October (**Appendix A**). The first meeting was on October 11, held at the request of the Provost to discuss the “Next Steps” in completing the Academic Plan. The concerns that were expressed by the Committee and the Senate were heard by the Provost and she expressed her desire to slow the process down a little in order to identify what the Plan means for all campus members and to identify how best to proceed. One concern was how the Plan will relate to Program Review and that Program Review needs to incorporate measures with qualitative progress as well as quantitative. The Provost expressed her desire to partner with the Executive Committee in order to have an initial plan to present to Senate in December. The goal was to complete the Plan by the end of the Spring semester.

The Executive Committee met again on October 18 during which the Chair updated the Committee on the governance survey discussed at the October Ohio Faculty Council meeting. In particular, various schools represented by the Ohio Faculty Council, were looking at the survey and possible ways of implementing it during this academic year. The purpose of the survey was to collect statewide data on issues related to university governance.

The Committee then met with the President and Provost to discuss several outstanding issues. The first topic was the question of consolidating programs. The discussion enumerated numerous examples of consolidations that have already occurred, such as OhioLink, Ohio Learning Network and Microsoft Licensing. The question is whether or not there were other areas where shared services make sense; this will be an ongoing discussion and was by no means over.

A follow-up on the visitor policy was requested and it was noted that various departments were establishing their own policies in a limited fashion, but there was not yet a university-wide policy in place. The committee created to establish this policy was in the process of developing one.

“There was also a brief discussion on Senate Bill 24; you will remember that as the Academic Bill of Rights, and a question of what this university is doing to abide by the Inter-University Council agreement.” General Counsel reviewed the University of Akron policies regarding student rights and on first pass believed that our procedures were satisfactory. Since these policies also impacted faculty rights and responsibilities, it was expected that any proposed changes will go through that committee (Faculty Rights and Responsibilities Committee) and then be brought to Senate for approval.

This was followed by a discussion of the Resolution sent forth by Senate on September 26, addressing the concerns of the Well-being Committee with respect to the healthcare planning process. It was noted that, according to Senate By-laws, the President had forty-five days in which to provide a response to resolutions.

On October 20, the Executive Committee sponsored an orientation program for new Senators. In addition to summary reports from various committee chairs, the Vice Chair provided a brief history of the Senate and the Chair asked Senators to think about and share with him what they would like to see the Senate doing. He stressed the importance of communication and the need for feedback in order to make the Senate a viable entity of the University. The Provost concluded the orientation program by sharing her thoughts on leadership roles that faculty and staff take on when sitting on Senate as well as other university committees. This concluded the Executive Committee report.

Moving to questions, Senator Kreidler asked if it was necessary to have the report read to the Senate as well as having it provided in writing? Chair Fenwick responded that if it was the wish of the Senate body, the report did not need to be read.

Senator Konet commented that having the report read during the meeting would give Senators an opportunity to formulate questions, but she would be comfortable with whatever was decided. Senator Lillie suggested that perhaps there was a way to outline some of the highlights in order to avoid reading it.

Chair Fenwick stated that those suggestions would be taken under advisement and asked if there were any other comments or questions. Hearing none, he moved to the motion coming from the Executive Committee.

WHEREAS, the Senate is pleased to receive a reply from the President to their recommendation relating to health insurance and Well-being,
WHEREAS, it is our understanding that the process for developing health insurance proposals by Well-being under the long-time interpretation of University Rules should have stayed in place until any change in this process under a bargaining agreement, in which we respectfully disagree with the President,
WHEREAS, the administration could have told Well-being in March, when the AAUP proposals were put on the table, budget estimates made and RFPs were being prepared that they were going to make changes in the health insurance and did not plan to involve Well-being, giving the President's reasons,
WHEREAS, the alternative of giving the task of developing a health care proposal by the elected members to the Well-being from the non-bargaining units could have been suggested and was not,

WHEREAS, the administration instead put forward its own proposal, with the input from non-bargaining units being limited to forums run by the administration, rather than the input from elected representatives of Well-being interacting with their constituents,

WHEREAS, the Senate notes that the President states that he “will work with you (the Senate) to create such a committee...”

NOW THEREFORE BE IT RESOLVED, that the Senate nonetheless continues to consider that the administration has not acted in good faith and that there has been a serious breach of process, an abrogation of trust and a breakdown of shared leadership and governance, and

LET IT BE FURTHER RESOLVED that within one month after a collective bargaining agreement is reached, a proposal be brought to the Senate for discussion leading to the establishment of a university-wide committee that includes all parties as was stated in the September 15, 2005, resolution passed by the Senate.

Chair Fenwick stated that since the resolution came from committee, it did not need a second. He asked if there was any discussion.

Senator Steiner moved to postpone discussion of this resolution until the December meeting saying that “While I can agree, in principle, with much of what is stated here, I don’t think it is in the form to be brought before this body and discussed in detail.”

Senator Lillie seconded the motion and Chair Fenwick asked if there was any discussion? Senator Riley requested clarification regarding the reason to postpone. “What do you expect to happen between now and the next meeting?”

Senator Steiner thought that the Executive Committee could review the text of the proposal, refine it, and put it into a more presentable format for Senate to consider. Senator Gerlach supported the motion saying that “There needs to be some “touch-up”...For example, after the first ‘WHEREAS,’ there should be an ‘and’ then you proceed to ‘WHEREAS’ then there needs to be another ‘and.’ Moreover, the reference to ‘Well-being’ is not appropriate; it needs to be ‘Well-being Committee.’ You’ve got to spell these things out. At the last ‘WHEREAS’ if properly worded, you should have ‘NOW THEREFORE BE IT RESOLVED’ and between the two bottom paragraphs, ‘BE IT FURTHER RESOLVED.’ I don’t know what else Senator Steiner was thinking of, but I think some polishing for literary effect might be good.”

Chair Fenwick asked for further discussion on the motion to postpone. Senator Kushner Benson inquired about the immediacy of discussing and perhaps passing it now. She recalled a motion that was voted upon and passed on September 15, that also had a number of editorial and wording concerns, but it was decided to deal with it that very day. She stated that the discussion “would help me understand if it’s appropriate to deal with those things now or deal with them next month.”

Chair Fenwick asked if anyone could address this issue or if there was further discussion? Hearing none, the Chair commented, “this resolution was drafted at about 2:00 p.m. this afternoon. So, it is kind of a last-minute rush.”

Senator Lillie supported the motion to postpone for some of the reasons that had already been presented. He felt that we needed to ensure that the steps that have been taken are properly referred to and that we have looked into and can present the evidence. He also stated, “the reason it came forward today was that we wanted to make sure that the Senate was aware of the continuing concerns.

The Chair asked for further discussion on the motion to postpone. Hearing none, the Chair called for a vote. The majority of the Senators voted in favor of postponement. The Chair ruled that the ‘ayes’ had it, so the discussion would be postponed until December.

b. Remarks by the President – The President thanked the Chair and stated that, in light of the brief discussion we had, he thought it appropriate to note that certainly for the last two years, we had all struggled with issues of shared governance/shared leadership. “Let me begin, in light of your Chair’s very fine remarks about the challenging conditions that we find, particularly for public higher education, but I would hasten to add that much of private higher education is also under some degree of duress. There are many additional articles that I might call to your attention. Those were excellent ones that you chose, Rudy.”

That morning in *The Chronicle of Higher Education* there had been a reference to a symposium sponsored by the Lumina Foundation on the cost issues of higher education and a variety of other reports. “I think the most telling one of recent issue is one by the National Academy of Sciences, chaired by Norm Augustine, the former Chairman and CEO of Lockheed-Martin Corporation, entitled “Rising Above the Gathering Storm” all dealing with issues of our nation falling behind its once-preeminent standing in the education of its citizenry and, indeed the commitment that our nation and each generation that goes after us will be better, only to the extent that they are better-educated than the preceding generation.”

The President observed that these were challenging times and reminded the Senate that at our last meeting he had shared some aspects of the remarks made at Convocation and which he wanted to underscore. He directed our attention to the *Chronicle of Higher Education* and to his Convocation remarks, and reassured the Faculty Senators that he would continue to work with them and tell them about those issues that he saw as challenges for us in the academy. “I urge us to be very diligent in thinking that we are, after all, a noble profession, but we are—like it or not—in a new century at a time when many issues are changing the way *everything* is being done, not only in education, but across the world in many facets of government and industry.” He felt it would behoove us to defend the basic principles of the worth of education and of academic freedom but at the same time be cautious not to fall back on defensive postures without careful analysis of how we might, instead, create a better future for ourselves and those around us.

To that end, he briefed us about some of the things happening around the State and the nation, and added a few updates. “First, I have invited Steven Portch former Chancellor of the University System of Georgia, to help in facilitating a discussion within our campus community to see how we best respond to

these new challenges realistically and not simply defensively and naively. Secondly, as I know you are aware, President Zimpher, of Cincinnati, and I, together with the leadership of Ed Adams, Chairman of the Board of Regents, have created an *ad hoc* group of the four-year universities, the two-year public colleges and universities, and the private/independent colleges and universities entitled for the time-being, Higher Education Leadership Council (HELIC), the purpose of which is to try to create, not only a unified voice, but a collectively-measured and informed process for discussing some of these matters amongst ourselves and, of course, with the Legislature, the Governor and business leaders.” He then mentioned that they met with the newly created Business Alliance for Higher Education and would continue to do so as appropriate.

He reported that the following Monday, he and three presidents from the four-year universities would meet privately and informally with Speaker Husted in an effort to better understand some of the concerns that he had and the challenges that he had place before us. He expressed his pleasure that Chair Fenwick had chosen to reflect on the Return on Educational Investment (ROEI). “I don’t know if that was the phrase included in some of those articles, but it is the phrase that this Higher Education Leadership Council (HELIC) has been advancing as the principle platform for broader discussion of what we need to do.”

Moving on a bit, President Proenza mentioned that he had attended the 13th Goodyear Executive Forum where Richard Smucker, Co-President of the J.M. Smucker Company spoke. Rather than share everything he had said, he thought it worthwhile to repeat one aspect. Mr. Smucker shared that the J.M. Smucker Company was the proud—and he underscored *proud*—and beneficial employer of a very large number of University of Akron graduates. He was joined by many of his senior staff, *all of whom* were University of Akron graduates.

He added that, in doing an analysis of what the Smucker Company valued in these graduates, he named two things very prominently. First was a solid educational experience, grounded in a solid understanding of their major or disciplinary area. Second was a strong commitment of these students to excellence and diligence in the workplace, reflective of a well-informed employee in collaboration and cooperation with their company. “It was a very fine talk and I’m sure it will be published and/or on the web, so I urge you to review it.”

He continued, “the Board of Trustees met earlier this week in a special session—and listen carefully, please— approved the selection of vendors for the University’s group health plan, which will begin the implementation of those plans within the next week or so for *non-bargaining unit employees*. Quite simply, waiting any longer would have potentially left these groups without insurance in January and we could not wait longer. As for bargaining unit employees, the health plan will be decided *either* by mutual agreement or after the conclusion of the fact-finding process provided that one of those events occurs by December 1 and we are optimistic that this will happen. Otherwise, in order not to leave you without health benefits, it will be necessary to takes steps to ensure that employee health insurance coverage will continue effective January 1, when the old plan expires.”

The President related that the Board took a number of other actions as well. One was a plan to refinance a 1997 bond issue to take advantage of lower interest rates and save somewhere between \$800,000 and \$1 million. “Sorry, that’s capital monies and I can’t invest it in programs. That means we

don't have to pay that interest and we can do some of the things that we *still* have to do with capital monies. They also approved a rental of property for a housing and urban development grant to our University Park Alliance.”

Thirdly, they approved the appointment of Dr. John Case as the Senior Associate Vice President for Business and Finance and the CFO designee to replace the retiring colleague, Vice President Senator Ray. Case would assume his duties on December 1. He came to us from the Cleveland Clinic Foundation, where he currently served as the Chief Financial Officer of the Academic Affairs Division. He also served the University of North Carolina – Chapel Hill, the Desert Research Institute of the University and the Community College System of Nevada, and the University of Rochester. “In addition to his twenty-two years of comprehensive experience in business and finance in the private sector and principally at colleges and universities, Dr. Case holds an MBA from John Fisher College and a Doctorate from the University of Pennsylvania.”

The President also reminded those present that, at their last meeting, the Trustees approved the appointment of Bill Kraus as our new Vice President for Enrollment Management. He would arrive and assume his duties on Monday, November 7; the President asked that everyone join him in welcoming Dr. Case “as he begins to help us in doing those things to ensure a healthy and vigorous and increasingly better pool of students.”

One of the things that has most impressed any visitor to campus, potential student, or potential employees, including Dr. Case and Mr. Kraus—“is that we try to hire very good people.” Among these things was the remarkable success and growth that the Honors College had been experiencing. “It was created, as you know, over thirty years ago, and the total enrollment has grown *steadily*, particularly, in the last three years, to now more than 1,000 participating annually in the program. In this Fall semester of 2005, we had the largest incoming freshmen class ever: 353 new students.”

He went on to share a couple of other brief accomplishments. The following week, the Akron Area Arts Alliance, at its Third Biennial Arts Alliance Celebration, would honor a member of the faculty, our colleague and Distinguished Professor of Art, Mark Soppeland, who would receive the Alliance's prestigious Lifetime Achievement Award on November 12. In addition, the University had supported the redevelopment of Cascade Locks Park in a special ceremony two weeks before when the University presented the MetroParks system serving Summit County with the deed to the 1.2-acre site located at the Schumacher-Quaker Oats Cascade Mill. “You may wonder why we're giving away property? Well, the property was donated to us by First Energy so that we could, for a period of time, conduct archeological research but with the full understanding that after that research was completed, which it has been, the faculty recommended and the University agreed to transfer the land to the park system as it now has been.”

Student success continued to be exceptional and one of the things that distinguished our University and which was so important. “Student success *is* one of the things that we use to measure the success of the University. Two of our students from the School of Law took top spots in the Landskroner Closing Argument Competition recently held in Cleveland. Winners were: Andy Cipriani of Smithers, West Virginia, and Elizabeth Batchelder of Medina. This marks the third consecutive year that our law students have garnered first and second place in that competition.”

Finally the President shared a very special recognition of our student athletes and the coaching staff of our men's soccer team because the team had been ranked number one in the nation as they went into a game with Indiana University, regrettably with one of the seniors out. They had a rough season but a successful season. "Why do I tell you that? Well, for one thing, it's exciting! That's the 'football' I grew up under, so *this* is football to me. Secondly, it is the first time ever that any mid-America Conference Sport has been ranked first in the nation in *anything*, and it's occurring right here, right now at the University of Akron." He encouraged everyone to congratulate Coach Ken Lolla, his staff and his distinguished student athletes for a truly unforgettable season. He reminded everyone that the season was led off by the inaugural Westfield Cup, an invitational soccer tournament for men and women, held here at the University of Akron and one which would continue here at the University of Akron. "What a way to celebrate the success of that inaugural competition with the ongoing success of the soccer team."

President Proenza concluded by stating that, "whether on the soccer field or the classroom, we have an environment conducive to the opportunity of success and, yes, whether we like it or not, let's muddle through together." He thanked everyone and offered to entertain a question or two; no questions were raised.

c. Remarks by the Provost – The Provost greeted everyone. "Senator Konet indicated that I proposed, after the lunch meeting with the Executive Committee, to slow down the [Academic Plan] process a little. I'm back to say that I'm going to slow it down *a lot*. I looked at a draft of the Plan and hoped to bring it to the Faculty Senate today so that you would have a month to read it, review it and take formal action in December. I realized that it was not in as good a shape as I thought it needed to be for that action to take place. So I'll bring it in December with the intention that we'll vote at your February meeting. So that's the outline that I've given you in today's report." (**Appendix B**)

The Provost met with the Executive Committee on the Tuesday following the last Faculty Senate meeting. Her proposal now was to actually deal with the Academic Plan draft and what she believed needed to be done with it, which she was working on. She then intended to consult again with the Executive Committee about the 'Next Steps' document and would convene a meeting. She hoped to have a draft of the Academic Plan ready to share with the Senate for the December meeting and actual formal consideration at the February meeting. The 'Next Steps' document would then be presented to the Senate in February. "So it really does mean slowing it down, but as I think I said to Senator Covrig last Spring when I proposed to slow it down and do more drafting over the summer, sometimes slower is better and more successful."

She presented updates about various committees that have convened in Columbus. Since the President had already mentioned the Higher Education Leadership Council (HELIC) group, she decided not to revisit it. She did want the Senate to be aware of the number of administrators, a number of faculty and staff who were participating in Columbus-based efforts with the goal of influencing the kinds of decisions made by the Board of Regents or by the General Assembly about how higher education policy was made in the state. "Dr. Chand Midha our Associate Provost for Academic and Financial Affairs is a member of a committee that is called the House Bill 66 Study Sub-Committee. This committee is looking at the feasibility of tying a portion of state funding to outcomes such as the number of bachelors degrees, associate degrees and certificates awarded. That's really mandated by House Bill 66 and so committees have

been formed to study the feasibility of doing that and Dr. Midha is representing us on that.” In addition, Mr. Richard Pogue, a member of the University’s Board of Trustees, was a member of the Business Alliance for Higher Education group that the President had mentioned. The purpose of the group was to define a more enhanced and strategic role for Ohio colleges and Universities in the state’s economic growth.

The Provost shared that she had been appointed by the Inter-University Council (IUC) as the Provost on the State Chair of Instruction Consultation Committee and I was joined at those monthly meetings by Vice President Roy Ray and Institutional Research Director, Sabrina Andrews. “This committee studies the viability of linking an institution’s state funding to its efficiency in the areas of administration and operations. You begin to hear some themes here in the charges that have been assigned to these various groups.” The Provost also serves as a member of the Economic Growth Challenge Planning Committee, charged with designing and implementing the Innovation Incentive Program for the institutions with doctoral programs that seek competitive funds attached to economic growth. One additional committee on which she serves was formed last year and was concluding its work this year: the Ohio Board of Regents Planning Committee on Higher Learning Accountability and Performance.

“As you can see, there are a variety of committees and I haven’t even included in the report the ongoing TAGs committees. I know that Senator Jorgensen represents us on the business one, and there are maybe four or five other University faculty and staff on those at the moment.” She added that we continue to be asked to participate in Columbus-based committees, sometimes formed by IUC, sometimes Board of Regents, and sometimes the General Assembly. She encouraged the senators to say “yes” when we were invited to participate. She plans to implement some processes by which those who would like to become involved as a delegate or would otherwise like to attend some of committee meetings could do so. “Clearly the more all of us are involved in that, the better it is.”

She expressed her appreciation for the Senate Chair’s remarks, allowing more of us to understand the policy context to not only be responsive, but to provide leadership so that the policies as they were developed reflected our best thinking about what would be good for higher education for the people we serve. She stated that this was the extent of her report, given that she did not have an Academic Plan to take up most of the time in her remarks. She offered to answer questions, but none were raised.

d. Well-being Committee – Senator Erickson referred everyone to the written report (**Appendix C**) discussed selected portions of it. “All of you also received a copy of the letter that Well-being Committee sent to Vice President Ray last Monday (**Appendix D**). A lot of our meeting this past Tuesday was about that letter and what should go into it. The letter would have gone out earlier but on Friday the EC got a copy of the reply from the President to the Senate’s recommendation from September [regarding healthcare vendor selection]. So we made a few changes.”

Senator Erickson mentioned that for those interested in giving input, they were working on the whole notion of wellness services and would set up a sub-committee. “So if anyone knows people with real expertise, please let us know, please let us know.

“Today the members of the non-bargaining unit received a memorandum from Vice President Ray with some of the information on health insurance, but not the payments that we had asked for in that letter.

Non-bargaining unit members are, as we know, represented by the Senate—contract professionals and staff— but had not received information on how much the actual payments would be. There is a benefits calculator that they can calculate the information on, one by one.”

The Senator added that to set the record straight on this, comments on the calculator were requested from the Chair of CPAC and SEAC and to Alan Newman from the Law School. No request was made to Well-being or to the elected members of the non-bargaining units on Well-being except the Law School. “I would say it fits with the rest of the issues with respect to Well-being on health insurance, but we note that this was *after* the Board of Trustees had passed it but, in this case, we note that this was not referred to us at all.”

She reported that earlier that very afternoon [November 3], she received a reply from Vice President Ray to the letter from the Well-being Committee (**Appendix E**). She did not yet have a response from the Well-being Committee because they would not meet again until Tuesday, November 8. The Chair asked if there were any question; none were forthcoming.

e. Academic Policies Committee – Associate Provost Stokes brought forward the following motions from the Academic Policies Committee. The first was sent out a couple of weeks prior to the day’s meeting concerning changes to Rule 3359.20.05.2 Curricular Changes, Section B (**see Appendix F**). Since it came from committee, it did not need a second. The Associate Provost offered some comments about the process that this went through.

“Last year, during 2004-2005, the Curriculum Review Committee created the changes to this rule. From Curriculum Review Committee those changes went to Academic Policies Committee. So it went through Curriculum Review *before* it went to Academic Policies.” She added that they now had a student on the Academic Policies Committee, Amanda Aller. “We are very pleased to have her here to provide a student perspective because this issue of web-based courses and the percentages of web-based courses was brought up by a student. Having a student representative on the committee really gave us an opportunity to ask what students think about it. She, herself, is involved in two web-based courses and was instrumental in helping us to draft this language. So we bring these changes to Section B to you.” Senator Brooks asked for clarification concerning the definition of a ‘distance learning’ class, whether it was a classroom on-campus but connected elsewhere and if that was considered a distance-learning class?

Associate Provost Stokes confirmed that this was correct.

The Senator then asked: “Will the courses that are currently being taught in distance learning from these classrooms need a curricular change to be taught that way in the future? Will people need to submit a curricular change to note that it is distance learning?” Associate Provost Stokes responded, “No, it should already be noted as distance learning. We already have a list of everything that has been taught as distance learning and they will be ‘grandfathered’ in and encoded so they will not require a curricular change.” Senator Brooks inquired, “If in the future, we are working with a group of students in Columbus, if they suggest they would like to take a course in distance learning that is not currently distance learning, would we need to delay teaching that course until it goes through the curricular process?” The Associate Provost was unclear on his question, so he further explained that, if students are planning for spring, see a course

not currently offered as distance learning, yet want to take it as such, would the curricular process be necessary to make that happen. Associate Provost Stokes explained that this could be accomplished in two weeks because it would not require all of the regular stages of a curriculum proposal.

Regarding the motion itself, Senator Steiner recommended one editorial change on the second page, under B-1(c). “To be consistent with the rest, I think it should be changed to ‘less than 31 percent’ on the second line.” Associate Provost Stokes concurred.

Hearing no other discussion, the Chair called for a vote. The body responded unanimously in favor of the motion, the motion carried.

Associate Provost Stokes then noted that the Curriculum Review Committee sent to Senate the final approval of the Curriculum for the November Senate meeting.

V. Unfinished Business – Chair Fenwick moved to ‘Unfinished Business’ explaining that this was a tabled motion to amend Senate By-law 7(E)(5) on unexcused Senate absences. “It is attached on the back of your Agenda. This is a motion brought in September by Senator Gerlach.” The Chair asked the Senator if he would like to elaborate further on the motion? Since it had been seconded, it could be opened for discussion.

Senator Gerlach explained the reason for this motion. “I made this motion because I was concerned looking at the record of the last academic year, about how many senators were not tending their business. Many of them had almost a complete year of unexcused absences. As I remember when the Senate was established, instead of asking for an ‘excuse’ to be absent, it was decided that it was enough for a Senator to ‘give notice’ to the Senate’s office as to a reason why that absence would occur. So that is why I used the term ‘unexcused absences’ in my proposed amendment. I think if any Senator has four or more of these, it is time to ask that the seat be vacated and a replacement be elected. I assume that, if the Senate were to adopt this, and the Board of Trustees approves, then it would go into effect immediately, from that point forward, that is, that it would not be active retroactively but from that point. Say the rule change took effect as of December, from that point on, any Senator who had four absences without notice would have his/her seat declared vacant four months later, that is between December 1 and March 2. That would end that person’s service for whatever term he/she had been elected.”

He presumed also, that if this motion was approved, that the attendance slate would be wiped clean each year, beginning with the spring elections for Senate, in other words, the counting of absences or un-notified absences would begin from that point forward and the new rule applied. “The only improvement that I could think of making to my initial proposal is perhaps we could change the number ‘four’ to ‘three.’ We could also possibly, if the Senate wished, authorize the Executive Committee to declare the seat vacant and to notify the respective constituency that they must reelect a new senator. But unless other Senators wish to do that, I will leave things as they are.”

Chair Fenwick clarified the proposed change, (*proposed change written in bold*):
Should a member of the Senate be unable to discharge the duties of the office or should a member have four or more unexcused absences, the Senate may declare that seat vacant.

The Chair asked if there was any discussion on this motion. Senator Wilburn asked to clarify whether this would be in a year's time rather than within the three-year period of the senator's term. Senator Gerlach reiterated, "I think it operates year-by-year using the academic year because that's how the records are kept and I think when attendances have been reported, they are in annual reports once the academic year is concluded." Senator Steiner likewise asked for clarification, asking Senator Gerlach, "did I understand you to say earlier today that you wished to replace the phrase 'unexcused absences' to 'absences without notice'?" The Senator confirmed this. "I think that the word 'unexcused' is unfortunate. I think we should change it to: *should a member have four or more 'absences without notice.'*" The Chair asked Senator Steiner if he wished to make an amendment; the Senator so moved. Chair Fenwick queried, "To change 'unexcused absences' to 'absences without notice'? (*Senator Steiner confirmed this.*) With the change in the amendment, the Chair asked if there was any discussion on the amendment? Hearing none, the Chair called for a vote on the amendment to have it read: *'four or more absences without notice.'* The body responded unanimously in favor of the amendment.

Complete amended text:

*Should a member of the Senate be unable to discharge the duties of the office **or** should a member have four or more absences without notice, the Senate may declare that seat vacant.*

Senator Brooks felt that additional clarification was needed to indicate whether the change was in reference to the year. Chair Fenwick asked Senator Brooks if he would like to make an amendment including this clarification? Senator Brooks suggested adding 'per academic year.'

Chair Fenwick read the addition to the text, *'absences without notice within an academic year'* and asked for a second to the motion? Senator Norfolk seconded the motion. Hearing no further discussion on the motion, Chair Fenwick called for a vote. The body responded unanimously in favor of the motion, the amendment carried. Chair Fenwick then moved back to the main motion.

Senator Steiner requested clarification. "The seat is declared vacant under the stipulations of this amendment, would the election for a replacement take place immediately or would it lie vacant until the next regular Senate elections?" Senator Lillie responded. "I would think that the Senate declared the seat vacant, then that would be a reason for a special Senate [election]—a chance to vote for a new Senator at that point. I also wanted to ask a question, if I may. What constitutes 'notice'? It seems to me that a Senator who felt it appropriate not to attend, for whatever purpose for the year, could send an email to the Senate Secretary giving notice that he/she was not going to attend for the academic year and be excused, if you will, in a sense. Is that correct? As long as they give notice?" Senator Riley offered her experience in a similar situation, "I had that happen to me one year when I had to teach and I was on leave. I was asked to give up my seat on the Senate." Chair Fenwick explained that it was his understanding that the precedent for faculty members on sabbatical was that they retain that seat, even if they were unable to attend.

Senator Lillie referred everyone to the wording of the proposed text, *"should a member of the Senate be unable to discharge the duties of the office **or** should a member have four or more absences without notice in an academic year, the Senate may declare that seat vacant."* The Senator

asked, “So, what standard is there other than just saying, ‘I’m not going to attend; I am giving notice that I’m not going to attend’? In which case, what’s the point of having the amendment in the first place? If it was unexcused absences as the earlier one was, then we would be arguing, I expect, about what constitutes ‘unexcused.’ But at this point, what we have is an amendment that says, if I say I’m not going to come, it’s okay.”

Senator Gerlach replied saying, “It seems to me if the Senate were apprised of that sort of situation, it could *decide* that the Senator is unable to discharge the duties of office. For good and sufficient reason, the Senate could then *decide* whether or not to declare that seat vacant and you could proceed from there. If the Senate bought the argument that the person was on leave and should retain the seat, the Senate’s will should prevail. If the Senate said, ‘we’re not sold on that, you need a replacement to do justice to your constituency,’ the Senate could order that seat vacated.”

Senator Moritz questioned, “With all due respect, isn’t that an option now? Can’t we look now? If that’s going to be ‘cause,’ which I would argue it could not be, but if ‘cause’ is that they’re not showing up, we have a clause in there saying that we can remove them if they are unable to fulfill the duties of their office. So, I don’t believe that we need to amend the motion to do that. I would also say that the position of Senator is representative of a particular school and, if that particular school doesn’t choose to have a representative that actually attends the meetings, then that’s something that is pretty much up to that school. It’s like saying that a Senator in the United States Senate decides to go and campaign all the time and doesn’t come to the Senate, well it’s not up to me in Ohio to say that the Senator for Mississippi should be there all the time. In fact, I would probably prefer that he not. But my point is that it’s a representative position and it’s not necessarily our position. Now certainly if someone were unable to serve because of drastic illness or something like that, then perhaps it would be our position to do something about it, but I think it should probably be left up to the school.”

Senator Gerlach respectfully disagreed with this line of thinking. “This body depends on a certain number attending for a quorum. What if these people lackadaisically give no excuse or no notice of their absence and that affects a quorum? Moreover, it seems to me that a person elected to this Senate is not only responsible to his/her constituency, college or school, there’s a responsibility to this *body*. And just as the Executive Committee has to pass on the due qualifications of people elected to Senate—they have to receive due notice that the elections have been conducted and the proper majorities given—it seems to me that leaves Senate with some jurisdiction over its own members and their behavior. It seems to me we could, if we wanted to, set a rule that the Senate could expel a member of the Senate—*expel them*—for some sort of misbehavior. Is that not known in certain governmental institutions? What I want to emphasize here is the Senators’ responsibility, not only to the constituency that elected him or her, but to the body. This body has a responsibility and how is it going to discharge that unless people are diligent in their attendance? Why accept election to this body if you are not able to discharge your duties?”

Senator Lillie responded stating that Senator Gerlach had stated an eloquent case, yet that that was not the issue currently on the floor. “The floor has an amendment that allows a Senator to give notice which appears, from this particular language, to be sufficient to, at least the way I read it, to preclude some kind of active decision by this body, to miss as many meetings as he/she wanted to miss or felt that they had to miss. If, indeed, it seems that we do need some kind of mechanism to expel, and as Senator Moritz from

the Law School [pointed out] and this is my reading, too, that we already have the capability to declare that an individual—for whatever reason—is unable to discharge the duties of the office, then to proceed from there.” Although Senator Lillie admitted that he did not see the need for this particularly change in the By-laws, he thanked the Senator for his eloquent statement to the responsibility that we all should have to our constituents and to this body. “I just don’t think this is what we’re voting on.”

Senator Gerlach requested the opportunity to speak once more. “I appreciate those sentiments, but there has been a problem from my point of view of observation about how we are to understand this inability to discharge the duties of office. We haven’t a clue as to what that means except whatever we should decide it should mean at any given time. So one of the reasons I proposed this business of ‘absences without notice’ is that here is an example of what may be a problem about that Senator’s failure to attend, with or without notice. Maybe that will give a clue to the Senate to make clear to all of its members that we expect a better record of attendance otherwise we will be able to decide that the person is unable to discharge the duties, with or without a notice I guess you could say. So I ask you to put that in here as an example of what we might be aiming for: good attendance, devotion to duty and perhaps a reason for deciding someone is unable to discharge the duties.”

Senator Norfolk noted that after reading the motion for the fourth time, I agreed with Senator Lillie, because that’s not what it said. It says: “this is one reason; another is that someone is *unable* to discharge their duties. Under this wording, I could if I so chose, give you excuse for a full year next year; I am still able to discharge, I am just choosing *not to*. The word ‘unable’ is the problem in the original wording. I’m not sure what the correction *should* be. The absence is one thing; I would just say should a ‘*member of the Senate not discharge the duties of his office.*’” Chair Fenwick asked if this was an amendment? Senator Norfolk confirmed that it was and proposed that the amendment replace *be unable*’ to *not discharge*’ the duties of his office.”

Senator Lillie declared a point of order and asked to clarify what the exact amendment was. Chair Fenwick responded “To change ‘*be unable to*’ to ‘*not discharge.*’” He then asked for a second to the motion. Senator Gerlach seconded the motion.

Senator Rich rose to oppose the motion. “I think we would be giving ourselves way too much discretion to eliminate our fellow senators from this body if we simply said, ‘if, in our judgment, this person has failed to discharge their duties,’ which, of course, could be because we don’t think they are voting the right way. I agreed with everything you said, up until you made this motion, Senator. But I think if we’re going to seriously consider something along these lines, this needs to go to the Reference Committee. This is not something to be done on the spur of the moment on the floor of the Faculty Senate. This is serious. We could actually be quite significantly changing the nature of this office of the Faculty Senator. So I strongly oppose this motion and urge its defeat. If there is sentiment in favor of considering something along these lines, I strongly urge that we do it by having the Executive Committee direct the Reference Committee to consider such a proposal.”

Chair Fenwick asked if there was any further discussion on the motion considering the amendment. Senator Gerlach indicated that the motion to refer to Committee was now in order and that it took precedence over the motion on the floor. Chair Fenwick confirmed that there was now a motion on the floor to refer to the Executive Committee and asked if there was discussion on that motion.

Senator Lillie expressed concerned that the body was running the risk of getting confused about what we were to vote upon. He spoke in opposition to the motion primarily because he wanted to speak, as Senator Rich did, to the entire motion itself as well. “I don’t think we need this and I would argue that it needs to be defeated. If then, somebody does wish—Senator Gerlach or someone else—does wish to bring forward or recommend to the EC or to some other body that we look at this in more depth, then I think that could be done. But at this point, it would be better procedure to not refer to the committee at this point.” Senator Rich added, “I would add that, for the same reasons, I would oppose the motion to refer.”

Senator Siebert asked how many people had missed more than four sessions. Senator Gerlach replied that this information could be found in past issues of *The Chronicle*, which summarizes the attendance for the year for *all* senators by name. It was while reviewing this report and seeing so many absences that he was prompted to bring forward this proposal.

Senator Stachowiak noted “A motion was made to refer this to committee. If, at that time, anybody brings back a recommendation, there’s always a chance to refuse what the committee’s recommendations are. I think that you feel there’s a vagueness in this part of the By-laws, then change them and put in something that’s not vague and bring it back to the committee as a whole, not argue about it here. I would think that referring it to committee is the right thing to do.”

Senator Taylor requested clarification regarding quorums. “I understand that if someone notifies this organization that he/she is not going to be attending, then does the rule for a quorum change?” Chair Fenwick replied no. Senator Taylor then concluded, “Then it doesn’t matter as far as a quorum goes whether that person notifies us or not?” Senator Gerlach challenged this conclusion by saying that if enough senators submitted notices, then it would be possible to have fewer than thirty members present and as a result we would be unable to hold a meeting.

Senator Moritz commented that this could, in fact, be the intent and cited the following. “This is actually an important point that needs to be preserved. For example, in Texas earlier this year, people walked out of the Senate in order to prevent something being considered—we can’t just imagine that this effects this body that’s mostly in agreement on most motions at all times. There could well be a reason why a group would want to stay away from the Senate and prevent it from having a quorum for very good reasons. If we allowed the remaining Senators to declare those absent members no longer fit to serve, appoint new ones—now you have a quorum—there are reasons that we have these procedures. The United States Senate, for example, requires a two-thirds vote to expel a members and it’s a very serious thing. I agree with Senators Lillie and Rich that we should defeat this now, but at the very least if we’re going to consider this, this is something that we need to look at in much greater detail than we are looking at now.”

The Chair reminded everyone that the debate was about the resolution to refer to committee, not the motion itself. He also stated that the discussion was about a different part of the text in the motion; about how to define ‘discharge of duties.’ The Chair then asked if there was any further discussion directed towards Reference?

Senator Norfolk replied, “If we’re specifically going to send it to the Reference Committee, they should know what they’re supposed to do. If I am correct—and Senator Rich can correct me yet

again—but it appears that the original intent was for somebody who *couldn't* discharge their duties, not someone *who chose not to*. We have conflated that, or potentially with this motion, by having one who sort of chooses not to come and the other with someone who is unable to do so. So the Reference Committee needs direction as to what we're trying to do.”

Chair Fenwick stated that “The actual motion is to refer to the EC to refer to the Reference Committee, so the direction can come from the Executive Committee.” Once again, the Chair asked if there was further debate on the motion to refer to the Executive Committee? Hearing none, the Chair called for a vote. Since the vote was inconclusive, the vote was taken again by hand count. [Results of hand count: 26 in favor; 10 opposed] The motion to refer to committee passed.

Senator Lillie then asked, “What exactly is being referred to the Committee because we have had a couple of un-voted upon changes, so is it everything that we had talked about or is it the amended text that was originally printed here?” Senator Rich responded to this, saying, “Necessarily, the entire thing. What was referred was a motion to *amend* the main motion. We can't just refer the motion to amend without referring the main motion.” Chair Fenwick acknowledged that the Executive Committee would consider referral of the entire amendment.

f. Ad hoc Facilities Planning Committee - The Chair then indicated that there was an oversight during the reports and asked if there were any objections to having Dr. Sterns from the Ad hoc Facilities Planning Committee address the Senate. Hearing none, Dr. Sterns rose to give the report.

Dr. Harvey Sterns greeted the Senate body and briefly stated “This past month Dr. Fenwick approached me about making sure that the Ad hoc Facilities Planning Committee would continue and I am in the process now of activating the committee. Upon meeting, we have finished the survey that I promised the Senate and wanted the committee to review it before it is shared here. My only purpose in addressing you today is to say that I am taking these responsibilities forward. We will have a full report for you at the next meeting.”

VI. New Business – The Chair asked if there was any New Business, then said he would recognize a motion to honor Linda Bussey for her service to this body. (Senator Clark made the motion; Senator Steiner seconded it.) The body responded unanimously in favor of the motion. The Executive Committee will draft the resolution.

VII. Good of the Order – Chair Fenwick asked if there was anything for the good of the order? Senator Siebert rose to ask “Is there anything that can be done about the fact that IT services pushes upgrades to our computers in the middle of lectures, reboots the computer in the middle of lectures?”

Senator Norfolk replied. “Yes, that would be referred to my committee [the Technologies and Computing Committee]. Contact me directly and we'll meet on it and do something.”

The Chair asked if there was further business to come before the body? Hearing none he asked if there was a motion to adjourn? Senator John made a motion to adjourn. Senator Konet seconded it.

The meeting adjourned at 4:35 p.m.

APPENDICES TO MINUTES

FACULTY SENATE MEETING OF NOVEMBER 3, 2005

APPENDIX A**Executive Committee Report
November 3, 2005 – Faculty Senate Meeting**

The Executive Committee met twice during October. A meeting was held October 11 at the request of the Provost to discuss the next steps in completing the Academic Plan. The concerns expressed by the committee and Senate were heard by the Provost and she has expressed her desire to slow the process down a little in order to identify what the plan means for all campus members and to identify how best to proceed. One concern was how the plan will relate to Program Review and that Program Review needs to incorporate measures for qualitative progress as well as quantitative. The Provost has expressed her desire to partner with EC in order to have an initial plan to present to Senate in December with the goal of completing the plan by the end of spring semester.

The Executive Committee met again on October 18 during which the Chair updated the committee on the governance survey discussed at the October Ohio Faculty Council Meeting. In particular, various schools represented by the OFC are looking at the survey and possible ways of implementing it during this academic year. The purpose of the survey is to collect statewide data on issues related to university governance.

The committee then moved on to a meeting with the President and Provost to discuss several outstanding issues. First topic on the agenda was the question of consolidating “programs.” Numerous examples of consolidations that have already occurred were cited: OhioLink, Ohio Learning Network, Microsoft Software Licensing. The question is whether or not there are other areas where shared services make sense. This will be an ongoing discussion.

A follow up on the Visitor Policy was requested. It was noted that various departments are establishing their own policies in a limited fashion, but there is not yet a university wide policy. The committee is in the process of developing one.

There was a brief discussion on Senate Bill 24 (Academic Bill of Rights) and a question about what this university is doing to abide by the IUC agreement. General Counsel has reviewed the University of Akron policies regarding student rights and, on first pass, believes that our procedures are satisfactory. Since these policies also impact faculty rights and responsibilities, it is expected that any proposed changes will go through that committee and then be brought to Senate for approval.

This was followed by a discussion about the resolution sent forward by Senate on September 26 addressing the concerns of the Well-Being Committee with respect to the health care planning process. It was noted that according to Senate By-Laws, the president has forty-five days in which to provide responses to resolutions. No further topics of discussion were raised.

On October 20 the EC sponsored an orientation program for new senators. In addition to summary reports from various committee chairs, the vice chair provided a brief history of senate, and the chair asked senators to think about and share with him what they would like to see Senate doing. He stressed the importance of communication and the need for feedback in order to make Senate a viable entity of the university. The Provost then concluded the program by sharing her thoughts on leadership roles that faculty and staff take on when sitting on Senate as well as other university committees.

Submitted by Rose Marie Konet, Senate Secretary

APPENDIX B

Report of the Senior Vice President and Provost

Dr. Beth Stroble

November 3, 2005

Update: Academic Plan and “Next Steps”

- **Meeting with Executive Committee**
- **Completion of Academic Plan Draft**
- **Consultation with Executive Committee about “Next Steps” document**
- **Presentation of Academic Plan to Faculty Senate — December, with vote in February**
- **Presentation of “Next Steps” — February**

Participation in Higher Education Statewide Committees

Your Questions

APPENDIX C**Report of University Well-Being Committee
for presentation at the Faculty Senate meeting
November 3rd, 2005**

The Wellbeing Committee met on October 25th. The major item of business was discussion of the e-mail sent by VP Ray to non-bargaining unit members about health insurance. That discussion resulted in the Chair being asked to draft a letter to VP Ray, to be sent by last Friday (October 28th). As the President replied to the Executive Committee of the Senate on Thursday 27th, I sent the letter on to the Wellbeing Committee and the letter redraft (with Wellbeing member input) did not go out till Monday. You have a copy of that letter.

The Committee went on to discuss the issue of health and wellness services, including use of free services for wellness activities. A sub-committee is being set up to develop a detailed proposal.

Since the meeting several things have occurred. First the BOT met on Wednesday, September 26th and passed the health insurance vendors and insurance package. They stated that the package for bargaining unit members would not be known until December 1st. Whether bargaining unit members will get health packets at this time is apparently to be decided by Friday.

Today, the members of the non-bargaining unit received a memorandum from VP Ray, reporting some of the information on health insurance. It should be noted that the actual payments to be made are not discussed in the e-mail, instead reference is made to a benefits calculator that will be available for each person to determine whether they have gained or lost.

It should be noted that comments on that calculator were requested on Wednesday from the Chairs of CEPAC and SEAC and Alan Newman from the Law School. No request was made to Wellbeing or to the elected members of the non-bargaining units on Wellbeing, except Law.

At about 1:00 pm today I received a reply from VP Ray to the letter from the Wellbeing Committee, which I append to the report. I do not have Wellbeing responses yet to that e-mail. A meeting of Wellbeing is planned for Tuesday, November 8th.

Respectfully submitted,

Elizabeth Erickson
Chair, Wellbeing Committee

APPENDIX D

**Letter from the Well-being Committee to
Vice President Roy Ray
(sent in response to recent healthcare changes)**

Dear Vice President Ray:

Monday, October 29th, 2005

The Wellbeing Committee met on Tuesday, October 25th. One important item of business was the e-mail you sent last week to non-bargaining unit employees. In it you stated that the delay in bringing your proposal for health care insurance to the Board was to have time “to permit the administration to reconnect with Faculty Senate’s Wellbeing Committee in this matter.” We note that the administration has taken no direct action to “reconnect” with the Wellbeing Committee. The Committee was not even given a copy of your e-mail, far less being asked to be involved in the present health care proposals. We do however note that on Thursday, October 27th a letter from President Proenza was delivered by hand to the Chair of Wellbeing, but in her role as a member of the Executive Committee of the Faculty Senate. She was able to get an electronic copy of that letter to send out to the Committee on Friday, October 28th. The response of Committee members to that letter was that it did not constitute “reconnection.” It was an effort to provide an explanation for why the administration had not included us in the process, an explanation that we have already questioned, as you know from our earlier e-mail to you, with our replies to your answers to our questions

The Committee also wishes to set straight the information in your e-mail to non-bargaining employees. In that memorandum you state there have been meetings with “representatives—of the Wellbeing Committee.” We wish to point out that the only “meetings” were the initial announcement by Mr. Sid Foster to the Vendor Committee, on which three of us served; and a meeting of various representatives of non-bargaining groups (with less than four hours notice) to which the chair of Wellbeing was asked. The Chair of the Wellbeing Committee asked The Vice-President to meet with the Committee in her initial memo after the announcement of the proposal. The Vice President sent written answers to our questions but did not take up the invitation to meet with us.

The Wellbeing Committee has been consistent in all its input to the administration: we are not responding to the proposal because it is the process which is the problem. Under the long-time interpretation of the University Rules under which Wellbeing operates, it is Wellbeing that devises the proposed health plan and the payment process and it is the administration which makes changes to it, giving justification. Faced with increased health costs, it is what the Wellbeing Committee has done multiple times before, efficiently and fairly. It is our understanding that unless there is change in this process under any bargaining agreement, it is the process which is in place and should be followed. In that we respectfully disagree with the position of the President in his October 28th letter.

After a special meeting of the Senate on September 15th, the Wellbeing Committee sent you the resolution passed by the Senate and our justification for it. That justification included answers to your responses to our initial questions. The Executive Committee also sent this material to the President and Provost. Those responses (see Appendix III, arguments 1,2 and 3) are relevant to President's letter of October 28th. If the administration did not feel that all of Wellbeing could be involved in deliberations on how to fairly determine insurance payments, why were we not told before bids went out in March? AAUP requests were on the table, budget estimates should have suggested a 20% increase in health costs. If the administration were acting in good faith, why did they not meet with us then and suggest only non-bargaining unit members be included in the process? No such discussion took place. The Wellbeing Committee and the Faculty Senate therefore consider that there has been a serious breach of process and abrogation of trust by the administration. We have had no choice but to recommend no change in the 2003 plans for employee payments.

Finally, the Committee notes that the process used by the administration to communicate its proposal and get feedback from those not covered by the bargaining unit has been seriously flawed and lacking transparency. Our non-bargaining unit representatives report that their members want more information than was made available: the amounts they are likely to have to pay for themselves and dependents and the likely co-pays and deductibles involved. Despite the assertions that those with lower incomes would not be disadvantaged, the general feeling is one of distrust: that they will be paying more for less. Again, we are in disagreement with the President who stated in his letter that the administration proposal "has gained acceptance by the broad cross-section of staff and contract professionals—." To quote a staff member "we were informed about the new plan. No-one asked for our feedback, no survey was sent." An additional communication problem was that no invitation for input or to attend forums went to retirees, whose dependents are covered by the proposal and may suffer serious negative effects.

Sincerely yours,

Elizabeth Erickson
Chair, Wellbeing Committee

APPENDIX E

Subject: Your letter dated Oct. 29
From: "Ray,Roy L" <ray9@uakron.edu>
Date: Thu, 3 Nov 2005 13:02:21 -0500
To: "Erickson,Elizabeth B" <ee2@uakron.edu>

November 3, 2005

Members of the University Wellbeing Committee

c/o Committee Chair Elizabeth Erickson

Dear Members of the University Wellbeing Committee,

I have reviewed your letter dated Oct. 29 and must respond by referring you to the correspondence I sent you on Sept. 12 and Dr. Proenza's memo to you and other members of the Faculty Senate Executive Committee on Oct. 27. Our actions and rationale on the matter at hand are explained fully in those two documents, though I understand that your final recommendation does not match ours.

Your most recent letter contains three new points that I need to address.

First, your letter takes issue with our statement that we would "reconnect with Faculty Senate's Wellbeing Committee in this matter." While I understand that there was no direct contact with the University Wellbeing Committee as a whole following the Oct. 19 Board meeting, Dr. Proenza did respond directly to the Faculty Senate's resolutions that resulted from the Committee's recommendations, fully aware that you were one of the recipients of his response. In addition, Dr. Proenza's office provided you an electronic version of the memo for dissemination at your request. Perhaps our earlier statement could have been better phrased, but the fact remains that we did follow up on the matter raised by the Committee in Faculty Senate.

Second, your letter says that there is a need "to set straight the information in your e-mail to non-bargaining employees. In that memorandum you state there have been meetings with 'representatives—of the Wellbeing Committee'." The complete sentence in my Oct. 19 message stated, "The new model has been discussed in meetings with deans and department chairs and representatives of the Staff Employee Advisory Committee, Contract Professional Advisory Committee, School of Law faculty, CWA, University Well-being Committee and Akron-AAUP." Starting on Sept. 9, we held a series of meetings with four groups of people on the new model. Those groups included deans, department chairs, Akron-AAUP's bargaining team and the representatives of the various groups listed. My memo does not imply otherwise. We did not meet with the University Wellbeing Committee as a whole due to the concerns described in earlier memoranda from Dr. Proenza and me on this topic.

Finally, your letter said in part, "Again, we are in disagreement with the President who stated in his letter that the administration proposal 'has gained acceptance by the broad cross-section of staff and contract professionals'." The complete sentence in Dr. Proenza's memo said, "Second, we have vetted a plan that seems to have gained acceptance by the broad cross-section of staff and contract professionals who attended the forums and who played a role in the plan's evolution." The assertion was that those attending the forum seemed to have become accepting of the new model, an observation that was reported by the people who conducted the forums and several others who were in attendance.

In closing, I want to reiterate that we always seriously consider all of Faculty Senate's recommendations and seldom act in a different manner, but in this case we could not for the reasons set forth in our earlier communications.

Sincerely,

Roy L. Ray

Vice President, Business and Finance/C.F.O.

APPENDIX F**Motion from the Academic Policies Committee
Motion to be presented
at the November 3, 2005, meeting of the Faculty Senate**

MOTION: That the attached changes to rule 3359-20-05.2 Curricular Changes Section B: Curricular change process for distance learning proposal including changes in mode of delivery be approved. Section A has not been changed.

RATIONALE: This section of the rule addresses only distance learning and changes in mode of delivery. Currently, it does not address what percentage of a course needs to be web based before the course needs to be reviewed through the curricular process. Students have expressed a desire that the amount of time a course is taught online to be part of the Schedule of Classes. This will allow for the courses to be coded in the Schedule of Classes so that the student can determine how much of a course is being taught online and therefore will be better able to make a choice concerning participation in online classes. These percentages have been added based on requirements from the Ohio Board of Regents and the Ohio Learning Network.

Further, the Distance Learning Steering Committee which is to review such proposals has been inoperative for over 3 years and proposals are being reviewed by only one person outside of the membership of the Curriculum Review Committee (CRC). The change in the rule creates a subcommittee – the Distance Learning Review Committee (DLRC) - of the CRC which allows for membership outside of the committee when a certain expertise is required. Further, the questions posed by the DLRC have been expanded to include support considerations of trained staff and trained faculty.

APPENDIX G**Curriculum Proposals Approved By Provost
to Faculty Senate November 2005****Buchtel College of Arts and Sciences**

Proposal No.	Department	Title
AS-05-112	Psychology	Lower direct admit criteria to 3.0 HS GPA; 20-ACT; 840 SAT
AS-05-107	Geography	Revised pre-reqs for graduate courses

College of Business Administration

Proposal No.	Department	Title
BA-04-11	Management	Changes in Law School electives for MBA-Management
BA-04-12	Management	Changes in Law School elective for MBA-Human Resources

College of Education

Proposal No.	Department	Title
ED-05-52	Ed Fndtns &Leadership	Restructuring of MS in Postsecondary Technical Education: removal of Guidance Option; increase in required courses from 16-22; changes in pre-reqs; changes in mode of delivery
ED-05-54	Ed Fndtns &Leadership	Reconcile the certificate program with changes in ED-05-52
ED-05-60	Counseling & Special Ed	Program change to reflect course number changes in ED-06-04, 05, 20
ED-05-66	Ed Fndtns &Leadership	Changes in pre-reqs for 5100-801 Research Seminar

College of Engineering

Proposal No.	Department	Title
EN-06-42	Electrical	Addition of pre-req alternative to 4400:263

College of Fine and Applied Arts

Proposal No.	Department	Title
FAA-06-03	Communications	Add an elective to choices in Interpersonal and Public Communication major
FAA-06-08	Communication	Correction to electives in Media Production Track
FAA-06-09	Communication	Delete "upper 50% of high school graduating class" as criteria for direct admit
FAA-06-12	Art	Change in course description in 7100:384
FAA-06-16	Art	Delete Minor in Graphic Design
FAA-06-22	Art	Change in pre-reqs for 7100:268

College of Nursing

Proposal No.	Department	Title
NU-05-01	Nursing	Remove required third social science course from basic baccalaureate program
NU-05-02	Nursing	Remove required third social science course from R.N. sequence
NU-04-03	Nursing	Remove required third social science from RN/MSN sequence

College of Nursing (continued)

Proposal No.	Department	Title
NU-05-04	Nursing	Remove required third social science from LPN/BSN sequence
NU-05-06	Nursing	All Special Topics have for pass/fail and graded option
NU-05-07	Nursing	Reduce credits for 8200:679 from 4 to 3
NU-05-08	Nursing	New course 8200:673 Adult/Gerontological Health Nursing CNS IV
NU-05-09	Nursing	New course 8200:624 Adult/Gerontological Health Nursing NP IV
NU-05-10	Nursing	Reduce credits for 8200:623 from 3 to 2
NU-05-11	Nursing	Change pre-reqs and co-reqs for 8200:610
NU-05-12	Nursing	Change pre-reqs for 8200:612
NU-05-13	Nursing	Change pre-reqs for 8200:620
NU-05-14	Nursing	Change pre-reqs and co-reqs for 8200:621
NU-05-15	Nursing	Change in pre-reqs and co-reqs for 8200:622
NU-05-16	Nursing	Changes in pre-reqs and co-reqs for 8200:627
NU-05-17	Nursing	Changes in pre-reqs and co-reqs for 8200:628
NU-05-19	Nursing	Changes in pre-reqs and co-reqs for 8200:690
NU-05-20	Nursing	Changes in pre-reqs and co-reqs for 8200:692
NU-05-21	Nursing	Changes in pre-reqs and co-reqs for 8200:694
NU-05-22	Nursing	New course 8200:609 Pathophysiology for Nurse Anesthetists

Provost Office

Proposal No.	Department	Title
PR-04-01	Women's Studies	Additions and changes to electives for undergraduate certificate
PR-04-02	Women's Studies	Deletion of courses available for the minor

Summit College

Proposal No.	Department	Title
SC-06-30	Associate Studies	Change in bulletin description for 2030:153 Tech Math III
SC-06-31	Associate Studies	Change in bulletin description for 2030:154 Tech Math IV