

THE UNIVERSITY OF TOLEDO
FACULTY SENATE
Minutes of the Senate Meeting of February 6, 2007
<http://www.facsenate.utoledo.edu>

Approved @ FS mtg. 2/20/07

HIGHLIGHTS

Log Item 0607-1
Internal Auditor
Vice President for Enrollment Services

Note: The remarks of the Senators and others are summarized and not verbatim. The taped recording of this meeting is available in the Faculty Senate office or in the University Archives.

Chair Wilson called the meeting to order. **Alice Skeens, Executive Secretary** called the roll.

I. Roll Call –2006-2007 Senators

Present: Ariss, Barlowe, Barnes, Bischoff, Bopp, Bresnahan, Byers, Cluse-Tolar, Fink, Floyd, Funk, Hamer, Horan, Humphrys, Kennedy, King, Klein, Lambert, Lundquist, Monsos, Olson, Ott Rowlands, Peseckis, Poling, Pope, Randolph (for Fridman), Ritchie, Skeens, Stoudt, Teclehaimanot, Templin, Thompson-Casado, Traband, Wedding, Wilson, Wolff, (36)

Excused: Cave, Chen, Edwards (for Baines), Hudson, Niamat, Piazza, Reid, Spongberg, (8)

Unexcused: Johanson, McInerney, Moorhead (for Morrissey), Schall, Tramer, Zallocco, (6)

A quorum of incumbents was present.

II. Approval of Minutes

Minutes of January 23, 2007 approved as distributed.

III. Executive Committee Report

Report by Chair, Carter Wilson

Before I begin with my Faculty Senate Executive Committee report, Dr. Sheehan, would like to make an announcement.

Provost Sheehan: Will you please take back to your colleagues and others in your departments to give students a little bit of slack relative to possible absences for today and yesterday because of a combination of having kids at home due to the weather and pipes rupturing here on the campus. I've been getting a lot of calls relating to whether we are cancelling classes, and the answer I am giving is that when Lucas County declares a level three emergency, that's what I use for the basis whether we should cancel classes or not. If you find it in your heart to overlook some of the attendance issues please do so, and I'm sure we will have a much stronger student population.

Chair Wilson: We have another housekeeping business and Jim Klein from the College of Law would like to make a comment.

Senator Klein: In the November 28, 2006 minutes a report from the Prioritization Committee quoted a statistic that the College of Law was tied for the first place in the Ohio bar exam in summer 2006; the College of Law actually placed first in the State.

Chair Wilson: Thank you and we want the minutes to reflect that.

Faculty Senate Report February 6, 2007

My Executive Committee report covers five issues: 1) the provost search update, 2) the core curriculum, 3) strategic planning implementation committees, 4) upcoming elections, and 5) procedural and substantive issues of merging the two senates.

The Provost Search Update

The provost search committee conducted airport interviews Friday, Saturday and Sunday. From February 19 through March 2 we will be bringing in candidates for on campus interviews. We need significant input from the faculty. We want as many faculty members as possible to come to candidate presentations and to provide feedback on the candidates. I will be asking the Senate Executive Committee and the Graduate Council Executive Committee for assistance in organizing faculty forums for the candidates.

The Core Curriculum

As things stand today the Faculty Senate owns the core curriculum. We have worked hard through the years to develop and improve it. We have a strong core curriculum and a most capable core curriculum committee. Changes in the core will be going through this committee and the senate. At the same time, the EC has been working with the provost and associate provost. We support the provost's new core initiatives, but with the same caveats expressed at the last Senate meeting.

Strategic Planning Implementation Committees

Last week we met with President Jacobs and his senior leadership staff. We were given a presentation and exercise on the importance of building trust. After the presentation we reaffirmed the need for trust and acknowledged the good intentions of the administration. However, we pointed out that the creation of the strategic planning implementation committees stacked with deans and administrators undercuts trust and reinforces the form of autocratic and hierarchical administration that is toxic to universities. Moreover, we expressed frustration over the announcement of committees without even an invitation to the EC for suggestions. We insisted that talking and sharing information upfront does not threaten management prerogatives, but helps to build trust and contributes to more informed decisions. Nevertheless, we need to solicit volunteers for these implementation groups. We would like to encourage faculty members whether they are members of the Senate or not to volunteer.

Upcoming Elections

If all things go as planned, we will not have a new constitution in place until July and will still need to have a new Executive Committee in place at least in the interim from May until August. This means that we will have to have regular elections.

Procedural and Substantive Issues of Merging the Two Senates

As you know we have a tentative schedule for merging the two senates.

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| January 25-February 12 | Survey faculty on senate structure and representation issues |
| February | Discuss merger issues in respective Senates |
| February 16-17 | Joint EC meets to process survey and to discuss merger issues. |
| February 20 | Results from the survey presented to MC Senate |
| February 22 | Joint EC, deans and senior UT administrators convene summit on shared governance concerns |
| March | Continue discussions in respective Senates |
| March 13 | Establish Committee to begin draft |
| March 22 | Joint EC, deans and senior administrators convene second summit on shared governance issues |
| March 27/April 2 | Present draft constitution to Main Campus & Health Science Faculty Senates |
| April 6-20 | Constitution sent to faculty for vote |
| May 14 | Constitution sent to BOT |

The Joint Senate Executive Committee had a retreat on the merger December 1. Our vice chair, Barbara Floyd, facilitated the retreat and will provide you with an update and help facilitate Senate discussion on constitutional issues.

Next I would like to invite Barb Floyd to talk about our joint retreat and other issues relating to the merger.

Senator Floyd: Carter emailed to you last week two documents that I wanted to talk about. And I wanted to bring you up to date where we stand with the development of a new constitution that would govern a merged faculty senate. I just wanted to point out a couple of things on this document. It is a side by side comparison chart of the constitutions and by-laws of the MC and HSC senates that Carter put together.

Document I

A Summary Comparison of the Constitutions and By-Laws of the MC and HSC Faculty Senates

| Constitutional Issue | HSC (MUO) | MC (UT) |
|--|---|--|
| Scope, responsibilities and jurisdiction | The Faculty Senate of the Medical College of Ohio is an elected, representative body of the faculty, with responsibility to promote the mission, function and interests of the Medical College of Ohio and Its Faculty. Responsibilities: to promote a positive working environment for academic, clinical, and professional excellence and growth for the faculty of all schools within the college...to protect faculty rights and privileges, equal opportunity, due process, and academic freedom, and | The Faculty Senate shall have the power to consider any subject pertaining to the interests of the University and to act in the name of the University Faculty in making recommendations to the University Administration on these matters. The Faculty Senate shall, subject to the supervision and control of the Board of Trustees of the University, have control of the academic affairs of the University, or the academic regulations regarding student, and of the granting of degrees, honors and awards. |

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| | to promote an exemplary standard of ethical conduct and the academic, professional and administrative levels; To serve as an advisory body to the Executive Vice President and Provost on all issues of importance to the Faculty. Through the Executive Vice President and Provost, the Senate may act as an advisory body to the administration of the college and hospitals, and to the Board of Trustees; To review the academic policies, procedures and programs of the college; To review and respond to policy, procedural and programmatic changes, initiated or recommended by the administration of the college, that affect the faculty and/or the academic mission of the institution; to participate in the long range planning for the future needs of the college and its faculty; to review the fiscal resources and budgets of the college with the Executive Vice President and Provost and the appropriate representative of the finance office, and to advise the appropriate utilization of college resources; to form standing and ad hoc committees as may be appropriate for effective and efficient execution of its duties. | Any action taken by the Faculty Senate in the name of the University Faculty may be reconsidered by the University Faculty in accordance with the referendum procedure set forth in the Appendix of the Faculty Senate Constitution. The Faculty Senate shall have the responsibility for developing the organization and procedures necessary to carry out its functions of study, debate and recommendation. The Faculty Senate shall review periodically the structure of the University Faculty organization, including its appointed and elected committees and make appropriate recommendations to the University Administration. | | |
| Colleges or Schools Represented | Old Medicine Nursing Allied Health | New Pharmacy HSHS | Arts & Science Business Education Engineering | Library Law University |
| Committees | Steering (advise president, set agenda, identify issues, review committee appointments) By-Laws Nominating Faculty Affairs (review faculty salaries, review benefits, review policies and procedures that affect faculty rights and privileges, including academic freedom, ethical conduct, academic and professional growth of the faculty (leave, travel etc.) Budget (To interact with the VP of Finance) Academic Committee (review academic policies, procedures and programs of the college; review and respond to policy procedural and programmatic changes, initiated or recommended by administration; to participate in the long range planning for the future needs of the college and its faculty.) | | Executive Constitution and Rules Academic Regulations(shall study and report on proposals to create or amend academic rules and regulations) Faculty Affairs Shall act as a liaison between the Faculty and the Administration on matters of common interest and shall study and report on matters of policy concerning faculty responsibility, rights and welfare...faculty... not covered by collective bargaining. Student Affairs (Liaison between faculty and student government) University Affairs (...matters affecting the university community...) University Planning (...shall evaluate and report on the planning and decision-making process of the University.) University Budget Academic Programs Implementation Undergraduate Curriculum Ad Hoc Core Curriculum (Not in Constitution) | |
| Officers and Session | Two year-terms President and president elect | | One year-term | |
| Order of Business | Roll Call Approval of Minutes Report of the President of the Medical College Report of the Executive Vice President and Provost Report of the Senate Pres. | | Roll call Approval of minutes (not in constitution) | |

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| Representation (fixed or proportional) | Two senators and one alternative shall be elected by the members of each department or school having a minimum of ten full time faculty members. One senator and one alt... elected by the members of each dept or school having less than ten full time faculty members One additional senator for each ten faculty members in excess of ten in the department. Each school may elect up to three senators at large. The term shall be for two years. | Proportional representation. Neither college faculty nor library faculty shall have fewer than two or more than twenty seats as a result of this apportionment. The term shall be three years. |
| Definition of faculty eligible to vote for senate representatives and constitutional amendments Definition of faculty eligible to serve on Senate | Full time faculty | Full time faculty Only full-time, continuing members of the University faculty shall be eligible for membership in the Faculty Senate.. This shall not include faculty emeriti, faculty on superannuate status, or faculty with visiting, adjunct, term or part-time appointments. |
| Treatment of Tenure and Promotion | Guidelines and procedures specified in college policy, not in senate constitution. | Guidelines and procedures specified in department and college documents, codified for Collective Bargaining Faculty in the CB Agreement. |
| Treatment of Collective Bargaining | Non mention of collective bargaining | Clear separation of CBA issues and Senate Issues and faculty |
| Amendment Process | New amendments shall be submitted in writing by to Bylaws Committee at a regular meeting of the Senate and shall be distributed in writing to all senators for a vote. Final approval or disapproval of an amendment to the Bylaws shall occur not sooner than the next regular meeting following the initial introduction of the amendment by the chairman of the Bylaws Committee. This shall not preclude alterations...before final vote. | Article XI A resolution to amend the Constitution may be adopted at any general meeting of the University Faculty called by the President. The Senate may also adopt such a resolution during its regular business procedures. The Constitution may be amended by a two thirds majority of the returned mail votes of the University Faculty. The mail vote will be conducted and tallied by the Senate Committee on Elections and verified by the Executive Committee of the Faculty Senate. |
| | | |

Senator Floyd: We tried in our discussions with the HSC Faculty Senate Executive Committee to bring these ideas together. In the area of responsibilities, we incorporated what we see as a broad statement of our role in the academic affairs of this institution. In terms of the colleges that are represented by the Senate, this is an issue that we are going to have to address whether ultimately we decide to merge the senates or not. As the new organizational chart exists, the Pharmacy and HSHS senators would no longer be a part of our senate if we do not merge. So keep that in mind, that it will be a smaller body than we currently have as a senate. So think about how we might deal with that issue if we decide not to merge the senates.

As far as the committees, one major difference is the HSC's Faculty Affairs Committee because they do not have a collective bargaining agreement. Their Faculty Affairs Committee is charged with dealing with the kinds of things that our collective bargaining agreement does, such as due process issues, grievances, salary negotiations etc. As we work towards the merged Faculty Senates we are going to have to address these issues in some way, because there is this body of people not currently represented by our collective bargaining agreement. So we need to set up some sort of structure which would allow these functions to continue outside that collective bargaining agreement for those faculty members

In terms of officers, their officers serve a two-year term and also there is a chair elect so if you are elected a chair you have a four-year commitment to the process. As far as the order of business, as part of their order of business at each meeting there is a presentation by the president and by their provost. I don't think the president has been participating as he has in the past since the merger. Those two things are regularly part of their agenda.

As far as the size of the senate and representation, the size of their senate fluctuates depending on the number of their full time faculty members in each of those departments. The items in the report that are in italics, we did not reach an agreement on.

Document II

Summary of Joint Meeting of the Faculty Senate Executive Committees Regarding the Drafting of a New Constitution, December 1, 2006

The following is a summary of our discussions. Those items that are in italics are items that are yet to be agreed to, or are not completely fleshed out.

Responsibility and Jurisdiction

- The Faculty Senate shall be the voice of the faculty.
- The Faculty Senate shall carry out the mission of the institution.
- The Faculty Senate shall be responsible for the academic affairs of the institution, including academic rules, regulations, policies, programs, and standards; the granting of degrees, honors, awards; and the oversight of student progression.
- The Faculty Senate shall have the power to consider any subject pertaining to the interests of the University and to act in the name of the University Faculty in making recommendations to the University Administration on these matters.
- The Faculty Senate shall have a role in long range strategic planning, including budgetary, policy, fiscal, and facility planning.
- The Faculty Senate shall conduct bi-annual evaluations of administrators to ensure accountability.
- The Faculty Senate shall have a role in administrative appointments, being an active participant in the search process.
- Nonmembers of the university faculty and faculty non-senators have the right to attend meetings and have the privilege to speak in regard to matters before the senate subject to the rules of the senate.

Eligibility and Terms of Service

- Only faculty are eligible to serve on the Faculty Senate.
- *The senate shall include full time or part time faculty on extended contracts*
- Senators are elected to three-year terms, and are eligible for re-election to one three-year term.

Officers

- Officers shall consist of: chair (also serves as a representative to the Board of Trustees), chair-elect (shall serve as a representative to the Board of Trustees), executive secretary, past chair (shall serve as a representative to the Board of Trustees), the elected member to the Ohio Faculty Council, and four at-large members (2 from the main campus, 2 from the Health Science campus).
- All officers are elected by senators.
- The officers shall constitute the executive committee.

Membership and Apportionment

- Each of the following colleges will have two members: Medicine, Nursing, Pharmacy, Health Science and Human Service, Arts and Sciences, Business, Education, Engineering, Library, Law, and University.
- The question of the size of the senate and how additional representatives will be apportioned will be the subject of a faculty survey to be conducted after the first of the year.

Senate Committees

- Curriculum Committee: to deal with undergraduate curriculum matters, the core curriculum, the means and methods of course delivery, and review of courses and course descriptions. Work is to be done in a timely manner.
- Academic Programs: will review the development of new programs and the elimination of academic programs. *This may be combined with the Curriculum Committee.*
- Graduate Committee. *A committee of the Faculty Senate to deal with graduate programs and curriculum matters. Must wait for consultation with the Graduate Council.*
- Constitution and Rules.
- Elections.
- Committee on Committees.
- Academic Regulations. Only undergraduate issues.
- Student Affairs.
- Faculty Affairs. To deal with faculty-related issues not covered by the CBA or by the Faculty Policies and Procedures Committee
- Faculty Policies and Procedures Committee. A committee to oversee non-CBA covered faculty personnel and professional issues, including tenure, promotion, due process, academic freedom, ethical behavior, professional standards, evaluation, and provide for an appeals process for faculty with grievances over such issues. *Matter of exactly how this committee will operate and will be elected is yet to be determined.*

Matters not yet discussed:

- *How to approve and amend the constitution*

- *What a college-centric governance structure would look like, and its relationship to the Faculty Senate.*

Conclusion of meeting

The chairs of the two senates will take the results of this meeting back to their respective senates and inform them of the discussion and ask for comment.

Senator Pope: It says there that the FS is the voice of the faculty, I am not sure what this means, whose voice it may be?

Senator Floyd: That is a statement that is from our constitution that means the Faculty Senate speaks to issues for the whole faculty. For the HSC faculty, they are outside of the collective bargaining agreement and the Senate represents them in employment matters. With the statement we are suggesting, I think we are attempting to give the FS a significant role on campus as the representative voice of all faculty, be they involved in collective bargaining or not.

In the area of eligibility and terms of service--We thought to include only faculty in our definition of who is eligible to be a part of the senate was rather obvious, but we included it because there was a suggestion that we develop a university senate which would include staff members in addition to faculty. In regards to the issue of part time faculty, this was something that the HSC was interested in as they have a lot of faculty members who are continuing as part time faculty. They have been functioning as faculty members for twenty years or more, and they are considered faculty, yet they only teach part time because they are clinical faculty. We are not sure how this is going to be addressed. On our campus part time faculty members are viewed a little differently. So this is one of the issues we did not reach an agreement on. But I would be interested in any comments that you might have.

Senator Thompson-Casado: We also have part time faculty that have been serving in our respective departments for many years so if we are looking at the question of part time faculty there, we should be considering it on the main campus as well as a question of parity.

Senator Jorgensen: Part of the question may be what role part time is. Part time might be that they teach a couple of sections of a class and your other job is at Toledo Public School, but if your other part is still working for the University, for example if you are a clinical person who is then an employee of the University in a different way and you are teaching students, it's related to your position and your only employer basically is the University of Toledo. There would seem to be a distinction. Maybe their clinical work is totally separate and for another employer, and not the University of Toledo.

Senator Olson: Another issue on this campus is how we incorporate lecturers who are also faculty.

Senator Hamer: Would part timers and instructors be elected by the department and represented by that department?

Senator Floyd: It's anybody's suggestion, as we move this process forward. What are the desires of the faculty? That's one of the reasons we sent out the survey and why we are having this discussion today.

Senator Bopp: It's important for the senate to realize and remember that the number of lecturers has changed. The senate was asked several years ago to consider the possibility of representation from the lecturers. At the time, the lecturers were a very small number - perhaps about twenty or so. The situation has changed dramatically, and there are at least three or four times that many lecturers now. That number is likely to increase. It might be time to revisit our ideas of who has a voice in the senate. At least some kind of non-voting membership for lectures might be considered. They are an important part of the teaching mission of the university, and they deserve a voice.

Senator Stoudt: I agree, Bernie, on one hand, but on the other hand, when one looks at the lecturers' contract, it does not require them to engage in professional service activities. My point would be that if we want to include lecturers in this body, this point needs to be revisited with regard to the next contract. You can't have it both ways: you can't expect lecturers to serve on a faculty senate if there is no contractual expectation of any kind of service to begin with.

Senator Bopp: I guess I am echoing Senator Hamer's comments to the effect that the situation is indeed changing. I think it is time to revisit this.

Senator Stoudt: And I hope this is reflected in the CBA negotiations with the lecturers.

Senator Bresnahan: What is the HSC doing about deciding who is part time, are their part time faculty all eligible?

Senator Floyd: At the current time none of their part timers are eligible for senate membership according to their constitution. There was a discussion that they wished to include them.

Senator Bresnahan: I think we need to be very cautious about the part time faculty. For example, this semester Dan Morissette is teaching one class, so will he be able to serve as a faculty and vote even if he never teaches again? Does this give him the rank you are talking about? It could be a very problematic question and we need to think about the ramifications.

Senator Stoudt: I know this is called the "Faculty Senate," but are there any models out there with a university plus medical college that includes representatives from the university hospital?

Senator Thompson-Casado: One other concern, often times departments don't know before the semester starts how many part time faculty they are going to have in order to have proportional representation.

Senator Floyd: I agree, I think there is some omission of definition, and that's why we did not come to a conclusion on that.

Senator Olson: The subject of part timers was raised on their campus because they do have a category professor, that teaches maybe 50% of the time, they call him part-time, he has been there 25 years and he is going to continue to be there for probably another fifteen years. So that is a very different category than a three-year part-timer who teaches a couple of courses for contract that we use as part timers. If it is a long term faculty member, I believe that they should have some sort of a representation. But if it is a short term, then I don't think they have a position on it. How you make that distinction and how you cut it, still remains to be seen.

Senator Jorgensen: You talked about the model of other schools used to make sure that people understand. Some places have university senates which have a certain percentage of faculty and of administrators such as the deans, students, and full time professional staff in a university council. That's not the model we've used here. I personally would speak against it given that we have several responsibilities in curriculum and academic regulations, that we would not want to delegate to a larger group. If there is a larger group for information sharing maybe there is a role for that. But I think our traditional faculty senate role should remain a faculty role in a senate.

Senator Olson: One other issue, and I don't know if it comes up later or not, but there is also the question of what do we do with the Graduate Council. Do we work the Graduate Council into this structure, or do they remain as a stand alone structure. That question also has not been fully addressed.

Senator Floyd: We will get to that in a minute. We are also suggesting a three year term, and eligibility for re-election to one three-year term.

Provost Sheehan: I think the fifth item up from the bottom is going to be a non-starter with regard to the administration. The concept of the Senate having the right to populate search committees has not received the support, I believe, of the BOT and the administration. I am not saying that you have to write this in such a way that it will all fly, but we should acknowledge and later understand that we have differing views regarding populating committees, that this will be particularly problematic. I am not saying don't go forward with discussion here, but go forward with eyes opened.

Senator Jorgensen: I would respond pretty negatively to that. I am hearing this a lot lately. And I would invite the president or anybody else to look at the ballots, which elected every one of us to the Senate, a ballot that isn't taken when we are appointing a dean or vice president or president. We are the duly elected representatives of the faculty by a democratic vote, not appointed by the Board, not the product of a search committee, not the product of a deal made without anybody knowing what's going on. We are the representatives of the faculty and therefore the Senate should be the group that's discussing it at the table - at least as a participant. The senate doesn't get a veto power over appointments, but they at least get to suggest something, which we clearly did not do with the strategic planning session, and I think we should respond to that very strongly.

Senator Stoudt: I was at a meeting earlier today where it was pointed out that one of the strategic planning committees just put in place has a faculty member as its chair. The faculty member is, however, on sabbatical this semester. If the administration would just consult a little bit and get the input of other people - like the faculty - it would be useful. We know a little bit about what's going on and things like this might not happen. It certainly was lovely that a faculty member was appointed to this position, but it's unfortunate that the individual will not be able to serve. This is the kind of thing that could be avoided if there were more effective shared governance.

Senator Floyd: The next area of discussion was the terms of officers. We are proposing there would be a chair-elect, which would allow for the succession in leadership, as well as at-large members, two from the main campus and two from the HSC. Any comments on what was suggested here?

Senator Bresnahan: I just wanted to point out that a three year term is a big commitment.

Senator Floyd: It is a big commitment and that was our concern. The next area was that of apportionment, and we had a lot of discussion on this topic which resulted in our survey that was distributed a week ago and again this week. We would urge that you respond to that survey so it will help to inform us on how we might approach this issue. We did agree that every college should have two representatives. Beyond that we have agreed on nothing. We need to figure out the size of the senate. Most of us agreed that it needed to be bigger than 22 members, but we need to figure out how the remainder of the seats will be apportioned. Do we want proportional representation based on the size of the college, how many faculty it has, etc. I think we were amazed by the discussion and the feeling that large colleges dominate the senate. On their campus it is felt that the College of Medicine dominates the senate, and in many ways it is the Senate of the College of Medicine. Here there is the feeling that perhaps the College of Arts and Sciences dominates the Senate. I am not sure that this is as big an issue on this campus as it is on their campus. That's why we urge you to complete the survey and let us know how you feel about this issue so we can go forward with the plan. Any comments on that?

John Barrett: I think this is going to be pretty contentious and people from the other campus are worrying about numbers. I believe that the College of Laws' positions have been well respected and well treated in my limited experience, but I think it's going to be hard to get agreement, and let me just throw out . . . a possible thought for discussion and consideration. Maybe you split the difference in a sense by having matters that are important when they come up for a vote be approved two ways: 1) by a total vote, which allows you to have proportional representation on the senate with larger numbers from A&S and whoever else, and 2) have approval by a total number of colleges, such as requiring seven colleges to approve a matter, or something like that, and the colleges vote as a college. I am borrowing this from the way the European Union votes on things with slight modifications. This qualifying majority approach might be able to meet both groups' concerns by still allowing the bigger schools to have a bigger voice but let the smaller schools not feel as threatened.

Senator Floyd: And that's why we would like you, John to chair the committee charged with writing a new constitution. Any other comments on this issue?

Senator Stoudt: I already raised this issue with you as a comment in an e-mail to the EC last week: I understand that the first bullet under Membership and Apportionment is just an interim

solution, but I find representation by twenty-two faculty woefully inadequate for the job next year. I would encourage the EC to reconsider this point.

Senator Floyd: We thought at least two representatives from each college and something else. We just don't know what that something else will be.

Senator Olson: We heard that it ought to be small and others said that it should be large. So somewhere in between is probably the right answer.

Senator Jorgensen: Two aspects of this: 1) in our present constitution the senators represent the number of faculty in the college but with a maximum, number. So the College of Arts & Sciences is about 50% of the main campus faculty, but constitutionally limited to only 40% of the seats. It would probably be similar on the HSC for the medical school, which is perhaps half the faculty. One could do some deals somewhere in between. Let's say no one college more than 30% of the Senate seats. 2) Another question is who are they elected by? Right now they are elected by their college and I think it's a reasonable way. Some at the HSC have suggested that we have two senators from each college and then a number elected at large so the larger colleges have more faculty by having more elected in this way. My objection to that is it means that now everyone is going to be voting for people in all colleges and how would we know anyone in the medical school or how would they know somebody in A&S. Even though you get more votes from the larger colleges and probably more senators because of more votes, you are not going to be informed of the individuals. That idea is not on paper yet, but it was one of the suggestions on how to do it. And I see a problem there.

Senator Ritchie: If senate is a three-year appointment, does that mean that the chair can only be elected in their first year?

Senator Floyd: That's something that we have not figured out. I think if you were elected chair in your second or third year, you would continue on the senate beyond your elected term because you were elected chair. We are not certain what the answer might be.

On the issue of the Curriculum committee -- There are some members on the HSC Executive Committee who are very much opposed to the senate having a role in the curriculum. The way their senate operates is that they don't have a role because their programs are all graduate programs and graduate programs are more or less autonomous, not dependent on what the other colleges are doing in developing their own curriculum. There is a feeling that we spend an inordinate amount of time discussing curriculum in this body. We have done everything we can to convince them otherwise but there are still several people who are really opposed to the senate being involved where curriculum is discussed. I am not sure how are we going to resolve that issue. We got them to agree in principle that the senate would have a curriculum committee and that we would work on a process that would allow for more timely approval of curricular changes. They believe that curriculum can get hung up in the faculty senate for months. We, again, pointed out that that is not the case. We have an efficient system. If it gets hung up it tends to be at the college level, not at the senate committee level. So, we have some education to do here, but I think it's more a process issue than a principle issue.

On the issue of an Academic Programs Committee --There was some discussion that this might be combined with a Curriculum Committee, but I don't think there is a consensus at all on this issue. Some people emailed some comments to me stating that this would be a bad idea to merge those two responsibilities together.

On the issue of a Graduate Committee --This is another issue where there is no consensus that this is a model that we want. It was just an attempt to recognize that if there is curriculum oversight by the faculty senate on undergraduate curriculum, perhaps there should be a counterpart regarding graduate curriculum. This idea was discussed in very broad terms. It was not discussed with the Graduate Council and I welcome your ideas and suggestions on this matter either today, or email Carter Wilson. The rest of the committees are pretty obvious.

Senator Olson: This is an issue that I have thought about quite a bit. The Graduate Council is really a lost orphan on this campus. When I was the Chair of Graduate Council four or five years ago, it took a while to educate the Provost that the Graduate Council was even a worthwhile body. I think he finally came to that conclusion. It supposedly is a council that is set up to establish policy for the Graduate School, and the Dean implements the policy. It's a different type of council from the stand point that when it was originally set up it was to be the managing body for policy of the Graduate School and the constitution of the Graduate Council still reads that way, and it still embodies this concept. But I am not certain it works that way, although some people say differently, because this body sits really under the Graduate Dean who is not a major player in the higher administration and basically is a dean that works under the Provost and often misses some of the key information that we hear even in this Faculty Senate. I really feel that to make that body more efficient, it probably ought to be rolled up into this concept of Faculty Senate. Under the shared governance concept, it definitely has to have integration with it, although as a separate body or within the body, a discussion has to happen and it should happen before we get too far along writing the constitution. The writing of the constitution begins the first of March.

Senator Floyd: Any further comments on this issue?

Provost Sheehan: You finished your comments by suggesting that the curriculum issue is more a process concern, than a principle concern. I will respectfully challenge that from the conversations that I've had. I think when people don't want to cite principle they sometimes cite process inappropriately. I do believe there is a fundamental difference and willingness to participate in curricular governance at the graduate level which captures a lot of HSC versus the undergraduate level. There are also people on this campus who do not want graduate curriculum to be determined by the faculty senate or to be under the purview of the faculty senate. They are in your colleges. There are people who are in principle opposed to the senate having graduate curriculum issues, and I don't know if you want to take that on in the context of the conversation that Walt started, which is a curriculum purview of the Faculty Senate is an undergraduate issue. You might break through some log jams if in fact there is willingness to do it. Please don't think that it is just a process. There is a whole lot of conversation on this campus going on that is trying to distinguish between graduate and undergraduate curriculum issues. I don't want you not be aware of that.

Senator Olson: I would further amplify that your statement is true. There are a number of faculty in professional colleges, mine being one of them, that believe that any review of the curriculum should stop at the college level and they specifically point to the graduate curriculum. However, there are very good reasons why there ought to be a super level of review of all curriculum by faculty. I think that they ignore that to the shame of their colleagues, they often propose things within their own college that is being done in other colleges that belong in the purview of the other colleges and they do not get as high a quality of the graduate program as possible. That is because they teach such things as Mathematics. My own college does this; teaches Mathematics in Engineering. No Engineering professor that I know of, has a graduate degree in Mathematics. How do you therefore, expect to teach Mathematics at the graduate level without that educational preparation? I believe that it detracts from the overall quality of the Engineering program by doing that, whereas, we have a very fine Mathematics Department. We just need to work with them better.

Senator Stoudt: I would like to comment on what Walt just said. Andy has made this point at several recent meetings as we have discussed curricular issues. I would like to remind everyone that this is the Faculty Senate and faculty members have other things to do than attend meetings and serve not only on the Senate but also its sub-committees. Serving on the curriculum committee alone is a yeoman's task. Combining the academic program committee and the curriculum committee is quite simply too large a service obligation.

Senator Barlowe: There is one other simpler issue too, that anybody who serves on Graduate Council is a member of graduate faculty and not everyone who is on Senate might necessarily be graduate faculty, so that might be a curriculum issue.

Senator Floyd: I think that our curriculum discussions dealt almost exclusively with the undergraduate issue. And that is where we still felt there is a lot of push-back from the HSC. They simply do not believe this is something that should be under the purview of the Senate, so this is something we need to be cognizant of and educate about on their campus.

On the issue of a Faculty Affairs committee - - We are suggesting a second committee that we call the Faculty Policies and Procedures Committee to deal with the issues that are covered by our CBA for those faculty who are not covered under the CBA. How this committee will operate is a huge issue. But we felt that because their senate currently is involved in these issues, those people who are not represented by CBA need to be represented somehow.

The matters not yet discussed include how to approve the amendment of the constitution and the issue of a college-centric governance structure, which is something the president talks about repeatedly. Exactly what that means and how it would fit within the Faculty Senate structure is something we will have more discussions on. If you have any ideas about college-centric governance versus a strong and united Faculty Senate, please send comments to Carter Wilson and complete the survey as soon as possible because we will have discussions with the president on the 22nd and we want to make sure we represent you well in all of these areas. Also, in regards to representation on the Strategic Planning Implementation Committees, there is a list of the committees on the table. Please nominate anyone you wish. It is not clear whether we will be successful in bringing any names to the table, but we still want to try.

Senator Thompson-Casado: Sometimes the Faculty Senate nominates someone to a committee and the administration fails to convene that committee.

Senator Barnes: Is there any mechanism in the Faculty Senate Constitution for the FS to have redress if the principles of our constitution are violated, let's say, by the administration, or by members of the Faculty Senate itself?

Senator Floyd: I am unaware of anything within our constitution. However, there is a statement Article 7 of the CBA that lays out the summary of responsibilities for the Faculty Senate.

Senator Wolff: It doesn't specify if you violate it, but you could file a grievance and go through a grievance procedure.

Senator Barnes: But you wouldn't do that as a Faculty Senate nor as an individual senator. You would do it as a faculty member or member of the CBA.

Senator Floyd: I would urge you to read Article 7 of the CBA.

Chair Wilson: Thank you, Barb. Next on the agenda is John Barrett.

John Barrett: Although we are going through a re-writing of the constitution, our committee was asked to look at this issue and it looks like we are going to go through at least one more election cycle anyway, so I bring for your consideration Log Item 0607-1. Back in 2001 the Faculty Senate passed a voice vote clarification to the appendix in the constitution limiting term service on UCAP. It was intended that there would be term limitations for membership on the University Committee on Sabbaticals as well, but that is not reflected in the minutes and when they amended the appendix, that was not reflected in the amendment to the appendix, so basically there is no reference to these term limits. Since that time, the elections have been conducted as if the term limits were amended in the appendix even though they're not. Our committee was asked to make a recommendation on whether or not there should be term limits for membership on UCS. Our sense was that there should be term limits and we recommend . . . that given the intent of the initial voice vote, past practice and the reasons for term limits that we amend the constitution to include the term limits. I propose a motion that mirrors the language of UCAP. There is nothing substantively different from the UCAP language, and . . . since it's an amendment to the appendix a two-thirds vote of Faculty Senate is all that is required to pass this. Since the motion is already made we don't need a second since it's coming from the committee.

Senator Olson: There is no guarantee that we are going to have a new constitution. Our constitution should provide coverage in the case that the new constitution talks break down. We should continue with our old constitution until we have a new constitution. So to amend this I think it is entirely appropriate.

John Barrett: Any other discussion on it? If not, all those in favor of amending the constitution to insert . . . language into Section I.B.2 of the appendix, saying, “A member may serve no more than two consecutive terms, and any partial term longer than one-half of a full term shall be deemed a full term. Subsequently, a faculty member shall be eligible for re-election after a one (1) year or longer absence.” All in favor inserting that into the appendix, please indicate by saying ‘aye’, opposed – none. *Motion passes.*

Chair Wilson: Thank you John. The next on the agenda is Kwabena Kankam and Lynn Hutt from the Internal Auditor’s Office.

Lynn Hutt: This is the Compliance Plan that was approved by the Board of Trustees, President Jacobs, Executive Administration and Legal Counsel. The plan basically states that all employees will be in compliance with U.T.’s values and the Standards of Conduct. The process is working. The Power Point presentation will explain how to file a report, the steps it takes to file the report are documented within the compliance plan to go over the plan, to make sure it’s working. An executive committee has been formed to meet twice a year to ensure that the plan is meeting the Universities’ needs and the committee would be called together or if someone wanted to attach the university in a negative way, this committee would be called together, and we would want faculty members to be a part of this committee.

Provost Sheehan: I would like to read one paragraph: “Reporting options for students anonymous reporting line does not support reporting involving faculty and students. Academic matters should be reported to the Office of Academic Affairs. Non-academic student conduct matters should be reported to the Office of Student Judicial Affairs. Student employees regarding their job can use the reporting line listed above.”

So before we get into any questions it’s important just recognizing that we are really focusing on the business side of the house. It is not focusing on the academic affairs side of the house.

Senator Jorgensen: If you are not sure the need for this, just read the news article on what happened at Bowling Green in the book depository. The head of that unit is accused of stealing \$400,000 worth of equipment.

Lynn Hutt: You can file a report by calling this 800 number, or file it on the web through EthicsPoint at www.Ethicspoint.com. I called the 888 number and talked with the reporter and my experience with Ethicspoint the person kept my identity confidential. I felt at least when I did it they were very good taking the complaint and asking questions that would keep my identity confidential. When you call the 888 and relay the complaint the person accepting the call takes the information and they actually write out the complaint, and then it goes to KK and myself. The person communicating the complaint remains anonymous, no one has to report who they are. When you get online there are categories and you can select. For instance if you are from the HSC you can select health issues, research related, patient related and you can write down what your actual complaint is.

To view the PowerPoint presentation by Kwabena Kankam & Lynn Hutt, click this icon



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fss00cv02.utad.utole

Also available on the Faculty Senate website: www.facsenate.utoledo.edu

Kwabena Kankam (KK): What I am presenting to you is how to submit a report using the EthicsPoint system, to ensure that all employees will contribute in preventing, detecting and/or reporting unlawful work related conduct by employees and agents, and how to follow up on it. Who can use this? Students, faculty, staff, vendors, contractors, etc. Below are examples of matters you can use EthicsPoint to report on theft, embezzlement, illegal/criminal activity, fraud/abuse, HIPAA violations, insurance fraud, patient abuse (physical or verbal), record falsification, conflict of interest, etc.

- How to file a report:
Access EthicsPoint -
Phone: 1-888-416-1308
Web: www.ethicspoint.com
- Complete a report.
- Follow up on your report.

Senator Peseckis: We are a public University, if *The Blade* wanted to know about something being investigated would you give out the information?

KK: The only information we are allowed to give out is what is allowed by the law.

Senator Wolff: Some of the things listed in this Power Point are under the purview of various groups such as research conduct would fall under the Research Council. When you do an investigation, do you turn that over to a particular group?

KK: I will give you an example: If we get a report alleging harassment of a kind, we would contact HR since HR is more equipped to deal with personnel matters of this nature.

Lynn Hutt: DRA has gone into effect as of 1/1/07 and we are required to educate employees on the method to report, first to a supervisor, if the employee is not comfortable then to a Director of Central department, the Compliance Officer and then EthicsPoint. Should the complaint not be addressed the employee may report to the Federal or State government. The Federal or state agencies will come in to investigate the complaint. The DRA requires that the employee reporting be the originator of the complaint, meaning that the University did not address the complaint if we are not the original investigator the employee can collect 50% of the funds collected for the University violating a law, therefore we really encourage all the employees to come forward that have an issue and we will investigate and respond to all suspected complaints or complaints made in good faith. The DRA requires this of the university. For example if we wanted to be paid over at the HSC for Medicaid patients, we would have to comply with the Medicaid standards. We tell all our employees how to report, we give them a venue to report and we act on their suspicions. Even if their suspicion is wrong, we still have to look at it.

Senator Klein: If an anonymous complaint is filed and it goes to your office and you follow up on it are you saying that throughout the investigation this anonymous complaint remains anonymous, and the person being accused does not know who is complaining?

Lynn Hutt: The person who launched the complaint, it's never divulged who he/she is at their request. Not until the investigation is completed, do they know what the allegation was.

Senator Peseckis: If you do it anonymously, how do you know that a complaint is made by someone associated with the University or is not from someone to just cause mischief?

Lynn Hutt: You don't.

KK: If the matter is determined to be frivolous and our preliminary inquiry determines that it is not worth pursuing further, then the accused may not know about it, but it needs to be investigated. The accused will definitely know about it because we would need to talk to him/her. We follow professional guidelines to determine how to proceed with an investigation.

Provost Sheehan: I think I can speak for some people, some people are concerned about the due process rights of those persons who have been charged anonymously; at what point do they have the

opportunity to face their accuser? I thought somewhere there is some common law or a concept that allows you to face your accuser at some point in time.

Lynn Hutt: I do know that on some of the HIPPA violations, HR does get involved, so that the person accused, has a chance to come forward to present their side.

Senator Fink: In most cases I agree with you, but how about a situation where the person cannot recall the specifics of it?

KK: In such circumstances, I believe the findings of the investigation would be more important than the anonymous reporter. If competent evidence is found in support of the allegations, our report would indicate that and if no evidence is found to support the allegation, our report would indicate that as well.

Senator Klein: Has this policy procedure been reviewed by the University Counsel?

KK: Yes.

Senator Klein: Do they know about this policy?

KK: Yes.

Lynn Hutt: As far as our procedure, it's a learning process. No steps are ever taken without legal getting involved or the HR as soon as there is a complaint. We will do the legwork and bring things forward.

Provost Sheehan: I don't think we have filled you in yet. We actually have a full review process right down to who does the investigation.

KK: May I add that this is in addition to what we already have. Currently, people call our office and write letters to report things they see as wrong. This new system is to augment those avenues.

Senator Olson: I have a comment. To me this is very Kafka. If you have read Kafka somebody is being investigated, he may or may not know he is being investigated, and when he finds out he is being investigated, can't find out who made the complaint, can't even find out what the complaint is, this is very, very scary stuff.

KK: This is not totally correct. You can always find out what the complaint is as we would need to talk to you about it. With regard to knowing who made the complaint, most of the times, we may not even know who is filing a complaint but we are duty-bound to work on it. And where we do know and the reporter chooses to be anonymous, we are required to honor their anonymity to the extent allowed by law.

Senator Olson: You would be surprised what people know on the campus just by the fact that certain questions were asked.

KK: I agree.

Senator Wolff: Would a person only know that a complaint has been launched against him?

KK: Yes, if investigation is warranted. We would also explain what our process is.

Senator Wolff: Then they would be informed, but what I'm saying, if a complaint comes about a particular individual do you always inform them there is a complaint, or do you sometimes say 'no.' ?

KK: It may be necessary, in certain situations and certain actions to protect the integrity of the investigation but we always tell them what it is about, and that we are investigating.

Senator Wolff: What if the person being investigated then turns to the person who accused him and says there has been an accusation ?

KK: That may be inadvertent as the accused may not know they are talking to the accuser, but that would be beyond our control. On the other hand, if the reporter chooses to be known, then this will be mute because the accused would already know who made that complaint.

Senator Wolff: Is there any consequence for malicious report?

KK: Yes. We strongly urge people to use this system in a judicious reserved manner. Frivolous and malicious reports only clog the system and waste our time and resources. Given the very limited resources we have to work with, it is imperative that people use this important tool with care.

Thank you very much for your time.

Chair Wilson: Thank you. I just spoke to Kevin Kucera and he agrees to postpone his presentation to next time and be first on the agenda.

V. *Calendar Questions:*

None.

VI. *Other Business*

Old Business: None

New Business: None

VII. *Adjournment:* The meeting was adjourned at 4:45 p.m.

Respectfully submitted,

Alice Skeens
Faculty Senate Executive Secretary

Tape summary: Kathy Grabel
Faculty Senate Office Admin. Secretary