

THE UNIVERSITY OF TOLEDO
FACULTY SENATE

Apprv'd @ FS mtg 10/11/05

<http://www.facsenate.utoledo.edu>

Minutes of the Senate Meeting of September 27, 2005

HIGHLIGHTS

Undergraduate Curriculum Committee

Confidential Reporting System

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 Jorgensen called the meeting to order. **Senator Barbara Floyd, Executive Committee Member-at-Large**, called the roll.

I. Roll Call –2005-2006 Senators

Present: Barden, Barlowe, Barnes, Bischoff, Bopp, Bowyer, Bresnahan, Cluse-Tolar, Edwards (Sullivan), Floyd, Fridman, Hoover, Hottell, Hudson, Humphrys, Jorgensen, Kennedy, Komuniecki, Kozlowski, Kunnathur, Lambert, Lipman, Lundquist, Morrissey, Niamat, Olson, Piazza, Pope, N Reid, Ritchie, Sherman, Skeens, Spongberg, Stoudt, Suter, Teclehaimanot, Templin, Thompson-Casado, Traband, Tramer, Wilson, Wolff (41)

Excused: Barrett, King, Lipscomb, Martin, D Reid, Schultz, Sherman, (6)

Unexcused: Fournier, Poling, (2)

A quorum was present.

II. Approval of Minutes–Minutes of the September 13, 2005 meeting were approved as distributed.

III. Executive Committee Report by Chair, Andy Jorgensen: I have been asked to make a suggestion that if at the end of today's meeting, the Faculty Senate standing committee members caucus for a couple of minutes to set a meeting date if necessary, or just familiarize themselves with the other members of their committee. A handout today of the pending log items, lists all the committees with their members on the back. Please let the secretary know of any corrections.

A reminder, the Faculty Senate Executive Committee meets two days after the full senate meeting on Thursday. In each FSEC meeting we meet with the Provost and anyone else that may be appropriate for our business. Once a month we have a meeting with the President, usually the third Thursday morning of the month although that is subject to change.

Executive Committee Report

- At the last FSEC meeting with Provost Goodridge we discussed the role of faculty in key committees. You will be hearing on this again at a later date. A discussion also was held on the marketing presentation given at the September 13 Faculty Senate meeting and the university selective admissions issue. There was a communication sent from the FSEC to President Johnson addressing some of the aspects of the marketing presentation. I will be happy to share more information on that subject with you if you would like to talk to me after the meeting today.
- The Faculty Senate Executive Committee has received an answer to our request for a summary of budget cuts by vice president for each of the past five years. This document shows us where the percentages and distribution of cuts have been made during those years.
- Vice Provost Carol Bresnahan will be attending this week's FSEC meeting to discuss two items; the Inter-University Council of Ohio resolution on speech, and communication with part-time faculty on issues such as academic policies and syllabi. You will recall that the FS looked at Ohio House Bill 24 last year with alarm, and prepared a resolution in response to it. House bill 24 was removed fortunately, and the Inter-University Council resolution is the replacement for it. Please email your thoughts on these topics.
- I represent the Senate on the Enrollment Taskforce which meets twice a week. This committee consists of approximately twelve people that brainstorm about areas of enrollment and retention. I invite your ideas; out-of-the-box ideas, extreme or crazy ideas, for discussion to help us meet our enrollment goal. This goal is to return to an enrollment of approximately 20,000 students in four years. This would be to gain a net of about 200 students per year. Right now we are at a headcount of about 19,200 students.
- Mary Ellen Edwards has agreed to chair the Academic Regulations Committee. She has been on that committee before and is currently a senator. I also announced previously that Marcia King-Blandford has agreed to chair the Core Curriculum Committee. Since she is not a senator a vote must be taken to allow her to serve in the chair capacity.

I will now accept a motion to approve the appointment of Marcia King-Blandford, a faculty member from the Library, as Chair of the Core Curriculum Committee.

Moved and seconded. Passed by voice vote.

- I would like to be sure you are informed of all pending log items that have been sent to committees. If you have an interest in any of these committees, please contact the committee chairs listed on the back of the handout titled Pending Log Items.

Executive Committee Report continued:

Pending Log Item Topic	Origin	Committee	Action
Textbook/Instructional Materials Selection Policy Log Item 0405-02	Provost	University Affairs & Faculty Affairs	Provost requested a policy on profits made by faculty members for required textbook & instructional materials.
Necessity of Spring Convocation Log Item 0506-02	Provost	University Affairs	Provost asked if we should continue the Spring Convocation given modest attendance and invited other suggestions or improvements
UCAP Election Procedure College of Law Log Item 0506-03	FSEC & UCAP	Elections	To make a decision for Law replacement to UCAP
Changes in the UCAP Election Procedures Log Item 0506-04	FSEC	Constitution & Rules	To investigate & recommend proper procedures for election to UCAP as modified in the AAUP contract.
Continuity to FSEC Log Item 0506-05	FSEC	Constitution & Rules	To review and recommend possible means for providing more yr to yr continuity to FSEC, including survey of other OH institutions.
Academic policies and Student-Centeredness Log Item 0506-06	FSEC	Academic Regulations	To review academic policies re student centeredness including: W/IW; grade deletion; grad honors w/transfer grades

Senator Stoudt, Elections Committee Chair: I have forwarded my query to you and AAUP president Harvey Wolff already. I do not think it is incumbent upon the Elections Committee to make a ruling on the log item forwarded to us since it has to do with the FS Constitution and the AAUP contract. I would respectfully suggest that it is not appropriate to have the Elections Committee decide who gets elected to UCAP.

Chair Jorgensen: I have received your email, and since the FSEC has sent this log item to your committee, I have included it on this list so that the FS members are aware of it. In the near future there needs to be another representative to UCAP in Law, we just have to determine how to proceed.

- We have made several appointments to University committees, and are still looking to fill others. We are often struck by the frequent requests to identify a faculty member or two to serve in a particular role. Our plan is to send a communication to include all faculty. We hope this will broaden the participation and increase the range of faculty members on various committees.

Presently we are looking for faculty members to serve on the Luminus Project and also to serve as beta testers. An invitation was emailed to faculty members asking for nominees to serve on the Facilities Planning Committee. Currently we have ten individuals suggested. We are also in the middle of a search for a Coordinator of Academic Resources and need faculty members to sit on this short-term search committee. The University Prioritization Committee has sent the FSEC a request to appoint two faculty members on the Non-College Academic Program Prioritization Committee (NCAPPC). This committee is just being formed and will deal with programs within the Provost's office that are not in a college, such as the Honors Program. I believe we are also looking to establish a committee to review proposals for lecturers and I am asking the Vice Provost to confirm this.

Executive Committee Report continued:

Sr. Vice Provost Robert Sheehan: Yes, pending the availability of those positions within the budget.

Chair Jorgensen: Faculty Senate gets a lot of emails, but I am not receiving a lot of email from you as senators. Please do not hesitate to share your thoughts, questions etc. We are a very open executive committee.

IV. Reports: Chair Jorgensen: Before I introduce Steve Peseckis, I would like to express my appreciation to him. This is the first instance of our web plan working. That is, our agendas will be on line as well as any supplementary materials such as the curriculum information he will be proposing.

FS Undergraduate Curriculum Committee

Dr. Steven Peseckis, Chair, Undergraduate Curriculum Committee: Thank you Dr. Jorgensen. Usually my committee waits until the end of the semester to bring a large number of courses before you for approval. Because the Coordinator of Academics Resources position is vacant, we want to begin the course approval process so we can get these courses into the system in a timely manner. My committee will be working with University Registrar Lorinda Bishop and Assistant Registrar Dan Kall along with Vice Provost Carol Bresnahan's office.

The following faculty members are serving on the Undergraduate Curriculum Committee this academic year. I would like to thank them in advance for all of their hard work.

2005-2006 Undergraduate Curriculum Committee, Faculty Senate

Steve Peseckis, Pharmacy (Chair)	419-530-1944	Steven.Peseckis@utoledo.edu
Roger King, Engineering	419-530-8188	rking@eng.utoledo.edu
Susan Spacek, HHS	419-530-4556	SSpacek@UTNet.UToledo.Edu
Lynn Hamer, Education	419-530-7749	lhamer@UTNet.UToledo.Edu
John Napp, Library	419-530-3948	JNapp@UTNet.UToledo.Edu
Diane Marker, Univ College	419-530-3160	DMarker@UTNet.UToledo.Edu
Linda Bowyer, Business Admin	419-530-2194	LBowyer@UTNet.UToledo.Edu
Elliot Tramer, A&S	419-530-2451	ETRAMER@UTNet.UToledo.Edu
Dan Kall, Ex-officio	419-530-4858	DKall@UTNet.UToledo.Edu
Carol Bresnahan, Ex-officio	419-530-5416	cbresna@UTNet.UToledo.Edu
Eve Crandall, ICA	419-530-5151/2671	ECrandall@UTNet.UToledo.Edu
Faculty Senate Office Administrative Secretary:		
Betsy Welsh,	419-530-2112	elizabeth.welsh@utoledo.edu

The following course modifications and new courses are recommended by the Undergraduate Curriculum Committee for approval by the Faculty Senate on September 27, 2005

College of Arts & Science Course Modifications and New Courses

CHEM 3560 Biochemistry Laboratory

1 ch

Pre-requisite CHEM 3510

College of Arts & Science continued:

CHEM 4500 *Advanced Biological Chemistry* 4 ch

Pre-requisite CHEM 3520

CHEM 4510 *Protein Chemistry* 4 ch

Pre-requisite CHEM 3510

CHEM 4520 *Enzymology* 4 ch

Pre-requisite CHEM 3510

CHEM 4530 *Nucleic Acid Chemistry* 4 ch

Pre-requisite CHEM 3510

College of Education Course Modifications

CIEC 4930 *Internship/Student Teaching* 8-16 ch

Change co-requisites from “CIEC 4900, CI 4060, CI 4070” to “CIEC 4900, CIEC 4910.”

College of Engineering Course Modifications

BIOE 1010 *Professional Development* 3 ch

Change pre-requisite from “BIOE 1000” to “acceptance into Bioengineering”

BIOE 1200 *Computer Programming for Bioengineering* 3 ch

Change title to “Computer Applications for Bioengineering”

Update catalog description

BIOE 3110 *Introduction to Biomechanics* 3 ch

Change from “pre-requisites: BIOL 2170; CIVE 1150 and co-requisite: none” to

“pre-requisite: CIVE 1150 and co-requisite: BIOL 2170”

BIOE 3200 *Physiology for Bioengineers* 3 ch

Change pre-requisite from “BIOL 2170” to “BIOL 2170; CHEM 1240”

BIOE 3500 *Bioprocessing Laboratory* 3 ch

Change pre-requisite from “junior standing” to “BIOL 2170; CHEM 1240; MATH 1860 or 1930” (being checked if MATH 1840 could also be used as a pre-requisite)

BIOE 4610 *Artificial Organs* 3 ch

Change pre-requisite from “senior standing” to “BIOE 3400”

BIOE 4620 *Biochemical Engineering* 3 ch

Change pre-requisite from “senior standing” to “BIOE 3500”

BIOE 4630 *Bioseparations* 3 ch

Change pre-requisite from “senior standing” to “BIOE 3500”

All course modifications and new course proposals approved by voice vote.

ITEMS for DISCUSSION and ACTION

Dr. Peseckis: There is an issue that my committee brings before you so we can get a sense of the Senate on it. In the past several years, the Curriculum Committee has encouraged departments to remove courses from The University General Catalog that have not been taught in the past three years. Even if not listed in the catalog, courses are never removed from the inventory/records – a reason that course numbers are not re-used.

Items for Discussion and Action continued:

[Dr. Peseckis]The Undergraduate Curriculum Committee would like input from the Faculty Senate on possible procedures to reinstate courses that have been removed from the catalog but previously approved by the Faculty Senate. Basically, how much paperwork should be required and under what circumstances. Departments that removed courses from the catalog were told that such courses could be reinstated if the need or ability to teach them returned. We now have a request to reinstate a course into the catalog.

We want Faculty Senate input and approval before the committee proceeds as to how a course previously approved by the Faculty Senate should be re-instated into the catalog. Two procedures for re-instatement are envisioned as being needed.

Re-instatement Procedure 1: If a course is to be re-instated exactly as it was passed by the Faculty Senate in the past (credit hours, grading, pre-requisites, co-requisites, syllabus, catalog description) then an emailed or written request directed to the Chair of the Undergraduate Curriculum Committee is sufficient to start the process. The request will then be forwarded to the Vice Provost's Office and Registrar's Office for administrative processing and re-entry into the system. Reinstatement of the course would occur with the Faculty Senate being informed of the fact at the next presentation of the Undergraduate Curriculum Committee's recommendations on courses to the Faculty Senate.

Re-instatement Procedure 2: If changes to a course are requested in addition to re-instatement, then a Course Modification form indicating the changes along with the request for re-instatement must be received and processed by the Faculty Senate. The course modifications would have to be approved by the Faculty Senate as for any other course. The Faculty Senate would be informed of the course re-instatement in the process of considering the course modifications.

Regardless of the protocol to be used for course re-instatement into the catalog, if the course is not to be reinstated as an elective but rather as a required course in a program, then an appropriate program modification would have to be approved by the Faculty Senate as well.

Dr. Peseckis: Does this proposal seem reasonable? What is the sense of the Senate?

Questions/Comments

Senator Barden: The procedure makes sense to me except for the last part. For something that is the same course, and there are changes so it becomes a requirement, wouldn't the program committee need to debate it. The change is not in the course, it is in the program of which the course is part.

Dr. Peseckis: Yes, but if you are reinstating a course as an elective into a program, you would not necessarily need to tell the program committee.

Senator Thompson-Casado: Is there a deletion police committee that is doing this? In A&S it came from the Dean who sent it to the Chair, and then the Chair brought it to faculty.

Re-instatement Procedure continued:

Dr. Peseckis: What we were doing was determining what courses had not been taught in the last 3 or more years. We would then bring that to the attention of the department and ask if it would be ok if the courses were deleted. We do not want to keep courses in the catalog just because they hope that it might serve as some justification to hire a faculty member. Also, for truth in advertising, we do not want students to think that a course will be offered when it will not be.

Senator Thompson-Casado: I was just wondering if it was uniform through all of the colleges. Is this coordinated with the deadlines to make the catalog schedule?

Dr. Peseckis: It would be nice, but with the Coordinator of Academics Resources position unfilled, that needs to be discussed with the people in the registrar's office. If you know of courses that are not being taught, please have your department send an email list or file a course modification form to delete them if you want them taken out of the catalog.

Senator Bowyer: As a member of the Undergraduate Curriculum Committee, our thoughts as to why this is a good procedure is to encourage departments to delete courses, you have to make the process seamless. If you make it so it is a bureaucratic nightmare to get deleted courses back, no one will delete them because they might want the course back some day. That is the logic behind this.

Senator Piazza: What I am hearing is that these courses have not been deleted even if taken out of the catalog. Why can't the department say they just want to put the course(s) back in the catalog and leave it at that?

Dr. Peseckis: Something or someone has to tell the registrar that something should be put back in the catalog. This would provide some way of informing the University through the Faculty Senate then proceeding on to the Registrar's Office.

Chair Jorgensen: This is not a way to approve or review a course but a way to proceed. Faculty may want to advise students to take a class, so it would be good for us to know if a course is and available or not. By going through Faculty Senate this would be included in the minutes.

Senator Stoudt: I do not see a reference to any kind of timeline for this procedure and I am just thinking that departments and chairs will be expected to submit their list of courses for the following year soon. I just see this as a great opportunity for students to end up with a lot of college coursework identified on their transcript as Special Topics because the paperwork wasn't done in a timely enough fashion to reactivate an existing course on a given topic. Unless faculty – new faculty especially - have a copy of the course inventory, they will not even know what courses exist, because the complete list of approved courses will no longer be in the catalog.

Dr. Peseckis: The Chair should know.

Senator Thompson-Casado: I can see a course falling into a seam, that we can't teach because it didn't get in the catalog on time.

Dr. Peseckis: Our line of thinking was all the courses you want in the 2006-2008 catalog should be processed this fall and received by the Faculty Senate Office by Friday, January 20th, the deadline. The committee would then meet early in the next week so that if there are any problems we can work them out, then we would recommend them to the Faculty Senate at the January 31, 2006 meeting. If those courses are approved, we would forward them to the registrar's office. That would be the last set of courses that would be

Re-instatement Procedure continued:

[Dr. Peseckis] in the catalog. In the spring we would still process courses; they would be updated electronically in the catalog but not included the official printed catalog. Basically, if you do not know what you want to teach next year, it is not going to be included in the printed catalog, but if you forward us your courses by January 20th, we will do everything we can to get it included in the catalog.

Chair Jorgensen: This would be something you would want us to pass as a policy.

Dr. Peseckis: This would be an ongoing policy, not just for the catalog, but also for reinstated courses, so if we ask people to remove courses from the catalog they would have confidence that they could get them back.

Senator Stoudt: How often is it planned to print the catalog?

Sr. VP Sheehan: Every two years. The next catalog will be 2006-08.

Senator Wolff: The catalog is online, correct?

Senator Traband: Is it updated as things change?

Dr. Peseckis: The catalog on the web is not updated because it has to offer the same courses as the printed catalog.

Chair Jorgensen: When a student comes in under a printed catalog that is a legal document for that timeframe. If there are changes to a course, there will be changes in SIS (student information system) be it prerequisites, student information is changed, registration changes but the printed version and the on line version of the catalog are not changed.

This sounds like it is a motion from the Committee that needs no second. Any further discussion on this motion?

VP Bresnahan: I feel you need to remove “syllabus” from Procedure 1, because the syllabus will be different.

Senator Bowyer: We have syllabi that are not instructor specific and textbook specific. If you want to put topical syllabus that would be ok, but we need to have something that shows what is being covered in the course other than the course catalog description.

Senator Barden: We can't really say syllabus, we can say content and that might be good enough to get by with. Topical coverage is a professor's prerogative.

Senator Hudson: We never write out a syllabus to enumerate what the course is about. If I have a course to teach and find a description in the catalog that is consistent with what I am thinking, then I can teach that course with that syllabus. If the syllabus is totally different than the spirit of the course description, it is incumbent upon me to create a new course. The word syllabus should be deleted; the only thing we are approving is whether that course with an existing description goes back into the catalog.

Dr. Peseckis: I can remove the word syllabus from Procedure 1.

Chair Jorgensen: As I recall, for a new course the Curriculum Committee does get a general list of topics. They might turn in a syllabus but they do not have to. What is the wording on your form?

Dr. Peseckis: We ask for a syllabus actually, but people have different ideas of what a syllabus is. Some people view syllabus as a list of topics, others view them as a very detailed description of lectures, topic list, and different degrees of the course.

Senator Lipman: I think the word syllabus does not belong here and if we need to have a major debate, this needs to go back to the committee to be talked through more thoroughly. We are talking about a course where there has been a lag of several years.

Re-instatement Procedure continued:

[Senator Lipman] Things change, we all know that. That is what I think is causing the hesitation here to approve something that is seen as fixed.

Chair Jorgensen: Let's take a sense of the Senate as to whether what is in the procedure now, deleting the word "syllabus" and keeping catalog description, those who would say "catalog description" is sufficient vs. those who feel we need something beyond catalog description to more carefully indicate what is in the course, and therefore send it back to the committee to find better verbiage somewhere between syllabus and catalog description.

Those in favor of keeping the words catalog description in the Re-instatement Procedure 1 indicate so by a show of hands. *[Majority]* Leaving the Re-instatement Procedure 1 verbiage as "catalog description" is the sense of the Senate. I do think we do want to vote on the policy rather than just get a sense of it because this is going to be important. Any last minute comments?

Senator Hudson: I just wondering, are you really going to go back and find all that information on an old course in the inventory?

Senator Peseckis: Yes, we will have to find it.

Chair Jorgensen: The archives have everything about quarter courses sitting in their records some 6,500 I believe.

Senator Stoult: In your procedures you request that a reinstatement be emailed or written but you do not say by whom. It might good to suggest that it not be by an individual faculty member, but by the chair of the department.

Senator Hoover: I am very much in favor of this but there is one concern I have for the historical record, if the email can be archived along with the file or I think it should be accompanied by a hard copy.

Dr. Peseckis: You can print out an email which then would be associated with documentation.

Chair Jorgensen: So we are directing the chair of the Undergraduate Curriculum Committee to print out an email.

Senator Traband: How is this course going to be documented in the course clearing file in SIS? Is the course going to have an enter date and an exit date and then reopen it back up again?

Dr. Peseckis: I suggest you talk to the Registrar Office to make sure they do that, but actually in talking to Dan Kall, Assistant Registrar, they seem to have all that information.

Chair Jorgensen: Having no further comments, we are ready for a vote on a policy stating how we are going to deal with the reinstatement of courses that have been removed from the General Catalog but previously approved by the Faculty Senate. All those in favor of this rule say aye. All those apposed same sign.

Reinstatement Procedures Policies passed by voice vote.

With course re-instatement procedures with amendments as passed by the Faculty Senate are as follows:

Re-instatement Procedure 1: If a course is to be re-instated exactly as it was passed by the Faculty Senate in the past (credit hours, grading, pre-requisites, co-requisites, catalog

Re-instatement Procedure I continued:

description) then an emailed or written request directed to the Chair of the Undergraduate Curriculum Committee from the appropriate Department Chair is sufficient to start the process. The request will then be forwarded to the Vice Provosts Office and Registrar's Office for administrative processing and re-entry into the system. Reinstatement of the course would occur with the Faculty Senate being informed of the fact at the next presentation of the Undergraduate Curriculum Committee's recommendations on courses to the Faculty Senate.

Re-instatement Procedure 2: If changes to a course are requested in addition to re-instatement, then a Course Modification form indicating the changes along with the request for re-instatement must be received and processed by the Faculty Senate. The course modifications would have to be approved by the Faculty Senate as for any other course. The Faculty Senate would be informed of the course re-instatement in the process of considering the course modifications.

Senator Stoudt: Before we move on to the next speaker, I would like to ask why the item regarding 3000-level sign language courses, included in the materials emailed to Senators last week, was not part of the Undergraduate Curriculum Committee's report today.

Dr. Peseckis: There was a request from the Arts & Sciences Council questioning the College of Education's listing of sign language courses at the 3000 level. In Special Education there actually are about four courses at the 3000 level which involve Sign Language. They have been in existence for some time so the question would be then to ask for a dialog between the people in Special Education and someone from Arts and Sciences who would be interested in this.

The Undergraduate Curriculum Committee is not pro-active in telling faculty members what numbers their courses should be listed at or, to bring that to the Faculty Senate. We receive course proposals from faculty, for example; if Special Education decided that it was in their interest to change the course numbers to 1000 or 2000 level numbers, they would have to submit a course modification form. That would be initiated from them with a reason as to why they should change these course numbers. A concern that was brought up was the possibility of the difficulty these 3000 level Sign Language courses were proposing to the people perhaps, in Arts & Sciences (A & S). In A & S the basic language skills courses are identified as 1000-2000 level but are identified as 3000-level in the College of Education.

Our committee's thought was that if that was the concern, then that would actually fall under the purview of A & S and they could always make a ruling that those Sign Language, or any language courses, would not count toward the 3-4000 level requirement. So the question is first what are the concerns? Why is that brought up, what is the reasoning? I do not know the reason why Special Education has those courses at that level. The issue is in A & S. If A & S would need Education's permission to make their own rules regarding these sign language courses-this is a problem. Maybe the A&S Council members could meet with the Special Education people.

Senator Stoudt: Do you know who you would contact about this? I would ask the Department of Foreign Languages be included in the conversations with Special Education.

Dr. Peseckis: Not yet but our committee did anticipate A & S discussing these courses.

Confidential Reporting System

Chair Jorgensen: I would like to welcome our next guest, Kwabena Kankam (K.K.), to speak on an important legal issue. If you read the papers regarding financial information, you know that these need matters need to be dealt with in a particular way. K.K. has asked to give this presentation and would like to hear your comments so it can go to the next phase. This presentation is available by email; just request it from the Faculty Senate Office.

Kwabena Kankam, CPA, University Internal Auditor: Thank you Dr Jorgensen. My report is on the confidential reporting system and what you would do if an issue needs to be reported; what procedure would you follow. The following presentation will address these issues.

University of Toledo Fraud & Ethics Confidential Reporting

Why does UT need it?

To answer this question you must look at what has happened during the past 4-5 years.

- NASDAQ and the “.com” collapsed
- WorldCom collapsed
- Enron collapsed
- Arthur Anderson collapsed
- CEO’s were led away in handcuffs
- Congress passed the Sarbanes-Oxley act (SOX) <http://www.soxlaw.com>

What resulting changes occurred?

- Unethical behavior revived the culture of fraud prevention and fraud prevention programs in the corporate and public spheres
- SOX was enacted. Although it does not apply to public institutions, many public institutions boards are adopting the spirit of SOX
- Agencies and organizations with legal and fiscal authorities recommended public institutions to implement fraud prevention programs

Who recommended what?

- National Association of Colleges and Universities Business Officers – NACUBO – in its advisory report dated 11/20/03 best practice guidance for higher education institutions recommended the following:
“ a confidential complaint mechanism should be made available to employees to communicate concerns about accounting, auditing, or internal control processes.”
- United States Sentencing Commission – USSC – On Friday, April 30, 2004, the USSC sent to congress significant changes to the Federal Sentencing Guideline and recommended the following:
“that higher education institutions should report or seek guidance regarding potential or actual criminal conduct, and implement reporting systems without fear

Confidential Reporting System continued:

of retribution with the more specific requirement that the organization must have a system which may include mechanism that allow for anonymity or confidentiality.”

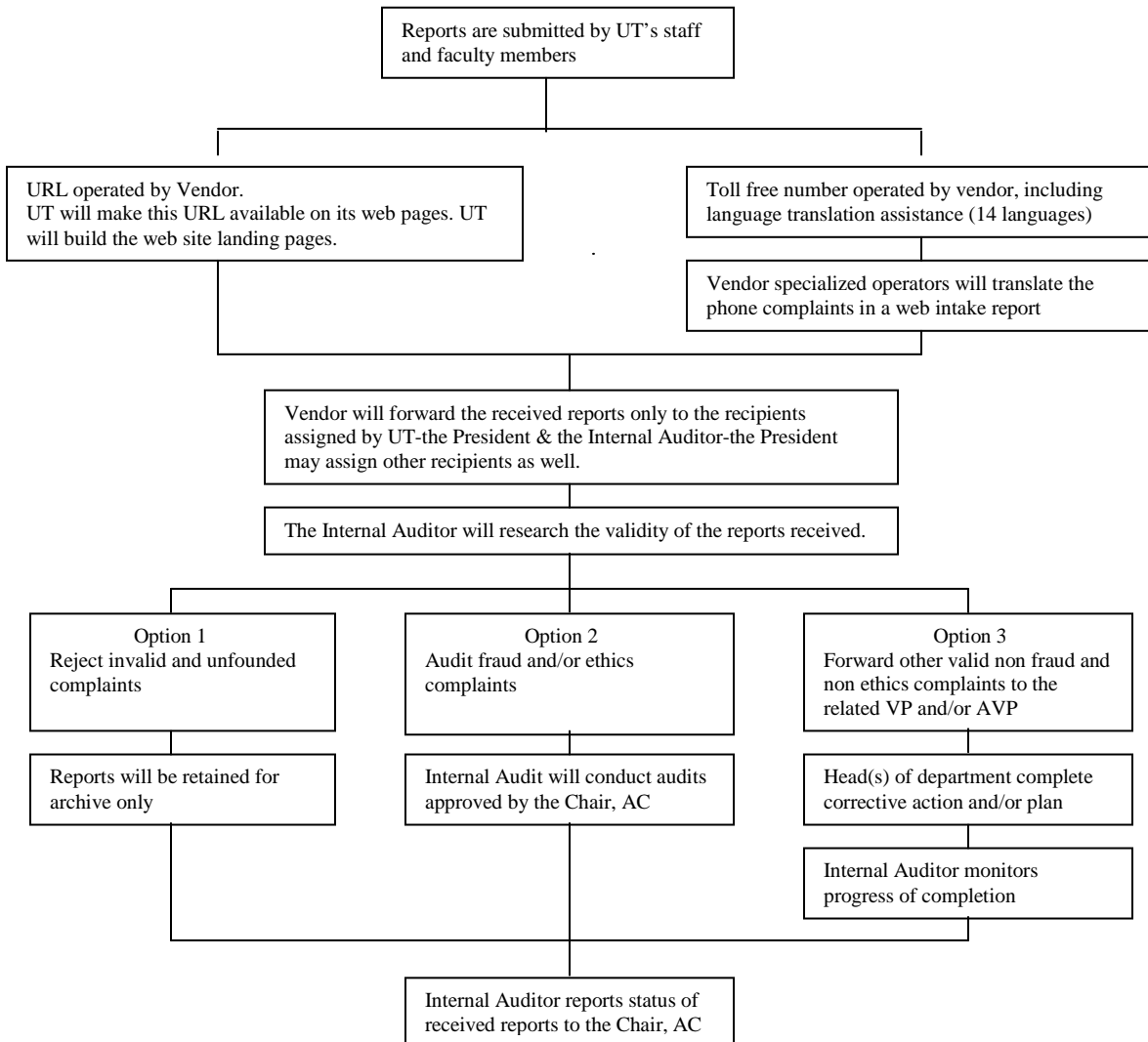
-American Institute of Certified Public Accountants – AICPA – Standard 99 – identifies key participants in antifraud activities, and proposes methods to implement fraud prevention programs:

“it is the management’s responsibility for designing and implementing systems and procedures for the prevention and detection of fraud, and promoting honesty and ethical behavior.”

Who can use this?

- All UT staff and faculty members
- Students
- Vendors
- Contractors
- Third parties providing services to or on behalf of the University
- Concerned public

UT’s Reporting Line Flow Chart:



Confidential Reporting System continued:

Who and how reports are received?

- Designated recipients will receive a notification email
- Phoned-in reports will be translated in a web intake report and designated recipients will receive a notification email

Who are Designated Recipient?

- President. The president is the highest administrative authority and should be aware of any valid fraud and ethics allegations. He will also be notified of any allegations filed against Internal Audit Dept.
- Director of Internal Audit. The Internal Audit function is established within the University to express an objective, independent, and unbiased opinion. The Director of Internal Audit will also be notified of any allegations filed against the President.

The Director is required to notify the Chair of the Audit Committee.

What happens to a submitted report?

- 1- Reject invalid and unfounded allegations
- 2- Conduct an audit for valid and founded fraud and ethics allegations. Fraud and ethics audits will be pre-approved by the Chair of the Audit Committee
- 3- Forward other valid non-fraud and non-ethics allegations to the related VP and/or AVP for corrective action. VPs and AVPs are responsible for their areas' corrective plans and actions. The Director of Internal Audit will monitor the progress of completion of such corrective plans and actions
- 4- All reports received will be filed for a minimum period required by the record retention policy. The Director of Internal Audit will submit periodic reports to the Audit Committee

Message from Internal Audit

- Be reasonably certain of any claim you file
- Offer ways to investigate or validate your allegation
- Put your human values on the test and do what you think and feel is the right thing to do
- Keep in mind that the purpose of this reporting line is to improve our internal control system and create a safe/positive work environment

Vendors

- Ethicspoint
- My Safe Campus
- Global Compliance Systems
- The Network
- Report it

Questions/Comments

Chair Jorgensen: I understand this reporting system is under discussion at the present time. I will see that you get a copy of this presentation so you can read the things that are

Confidential Reporting System continued:

[Chair Jorgensen] small. The university is under an obligation to prepare a plan and what K.K. is asking for is your feedback now.

Mr. Kankam: Part of the discussion is to have a goal to form committees to investigate and work on what would be best for the university, and come up with a way to conduct this business.

Senator Bowyer: If someone files a complaint perhaps on the President of the University, the question is who is the first person who sees this?

Mr. Kankam: It would be me; my department.

Senator Bowyer: What if I am calling about you?

Chair Jorgensen: The President would see it.

Senator Bowyer: But someone has to route it. Who is the routing point?

Mr. Kankam: Even if it is a complaint on me, we have people that would see it so that I would not be missed.

Senator Bowyer: So, you are saying the President would see my allegation against him. What I am trying to get at is; I am wondering if it would be better to have a person outside the university, an accountant, attorney, or somebody who serves in this function as the router. Then they could route the complaint in the proper direction.

Chair Jorgensen: These are not hypothetical scenarios we are bringing up. It does not take much of a memory to realize the potential for these types of difficulties arising as real.

Senator Skeens: Suppose I want to be an anonymous whistle-blower, would you take me seriously? In other words, can I send a confidential complaint without putting my name on it?

Mr. Kankam: Yes, we do process those types of letters now. I look at what is presented in the letter, since it is reported in the same way. It just makes it hard when the letter comes without anyone's name on it and they are making wild allegations. If we do not find any truth in the allegations it would help if we could go back to the accuser and ask more questions, where is it coming from; what should we be looking at or provide an explanation on what might have been a clear misunderstanding. If you don't give your name we have no way of responding to your mail. There will be a way to respond to mail with a confidential number that only you can access. Then you can respond back to us.

Senator Tramer: I notice several points within your presentation where the word ethics appears. Ethical behavior covers all sorts of things, am I correct in assuming that the purview of this is structured only toward financial misdeeds?

Mr. Kankam: No. It covers classrooms and ethics elsewhere. Perhaps you have a professor that intentionally causes exams leakages so that no student fails his /her exam. Is that ethical? No, it would cover that behavior too.

Senator Tramer: So any type of behavior that could be perceived by someone as unethical could be reported to you.

Chair Jorgensen: Hiring practices?

Mr. Kankam: Yes.

Senator Kennedy: That would not include sexual harassment since there already is a policy covering that.

Mr. Kankam: We would forward that type of a report to the appropriate department.

Confidential Reporting System continued:

Senator Kennedy: I have a concern about the person against whom such a report is made. What affect does the public records act in Ohio have on this reported information? It's possible that the local newspaper may be outside your office daily looking for who has been accused of what recently. How can you promise confidentiality?

Mr. Kankam: That is something that would go to the Legal Council. Right now if the local paper wants information, we would do the same (i.e. go to the Legal Counsel).

Chair Jorgensen: Regarding open records, the FSEC has asked the Vice President for General Counsel, Sandy Drabik, to providing us with some information. You heard at the last Faculty Senate meeting that a request was made for entire hard drive of a staff member. I have been told the university has denied that request and is fighting that request.

Senator Teclehaimanot: Could there be any policy against revenge?

Mr. Kankam: That is something that needs to be addressed separately. You can't retaliate because your name is in a confidential report. This has been well established in our statutes and being a State institution, we are covered by them even if we don't have policy explicitly prohibiting retaliation.

Senator Bowyer: I think the confidentiality is applied to the person who is the whistleblower not the person the whistle was blown on. I don't see how you could prevent the local paper or anybody else from requesting the name of people who have been reported; unless it is a personnel matter where it might be shielded. I do think I want to convey most strongly that to have the entry point of the investigation, or complaint, being the President and you, is a mistake. The entry point needs to be someone from outside the university who forwards the information to the proper area. If it is an allegation against the President or you and you are both seeing it, what will be my motivation to blow the whistle when I know you are both in the pipeline. That gives you a chance to cover your tracks if something was wrong because before an investigation can even start, you will already know you are being investigated.

Senator Lipman: I have two concerns. First, it seems that this establishes an internal quasar position process when we already have a process in place for most issues. Secondly, if this were drawn to limit the appropriate complaint, or narrow it, I would feel a lot better. I think this is opening the university to a whole range of perceived wrongs and far too broad to suit a university.

I don't want you or the President worrying about classroom improprieties if there are already several different routes for the complainant to carry their point forward. I think impropriety at a high level needs to be addresses but, as people are asking you questions, your answer has generally been yes, that would be included too. I think there has to be some areas where the answer has to be promptly; no.

Senator Olson: The university already does have a well established grievance process for a number of instances. Most other universities have someone called an ombudsman. It was a confidential complaint system, but then again it wasn't. It was where you went to express your situations or concerns and he/she was bound to keep all the sources confidential, but to do a preliminary investigation internally to determine whether or not there was substance as perceived there. You were not routed into a system. We already have systems not only in the university, but within the state of Ohio not just for the

Confidential Reporting System continued:

[Senator Olson] grievance process but also for financial concerns. I don't know how your proposal is interfaced with those.

Mr. Kankam: I get those reports in my office all the time. This is happening right now.

Senator Skeens: We do have an ombudsman, her name is Susan Andrews. The reason I asked my question about reporting something ominously, is different than how I think you took it. I know of an ominous letter that went to our council and destroyed a person's career, and I am not sure there was anything in it that was really credible.

Mr. Kankam: My point is that this is happening right now. This reporting system would not change that. Sometimes we spend countless hours just chasing our tails because we receive letters with nothing substantial or clueless but we are required to look into the allegations.

Chair Jorgensen: So what you are saying Alice, is that the allegations were not distributed by a university entity, but by an anonymous letter. I guess K. K. is saying that can't be prevented.

Mr. Kankam: As I speak right now, I have about two of those right now I am working on. Even though this investigation is leading you nowhere as an internal auditor, I have to carry on these procedures.

Senator Bopp: A comment about Susan Andrews' positions as ombudsman. My understanding is that her responsibility as an advocate is limited to the student issues.

I am not aware she functions in that same sense for faculty and staff.

Dr. Skeens: She does serve mostly students but as usual, faculty are involved.

Senator Kathleen Thompson-Casado: My question returns to this idea of what is frivolous and what is a questionable of judgment. There are such a wide range of issues included in this, what expertise you have in place to judge such a wide range of issues. Like, for example, a professor belittles someone in class.

Mr. Kankam: When we look at allocations, or when someone alleges this employee has done this, we would normally perform preliminary procedures and when it comes to matters that we lack expertise, I am duty-bound to seek someone with the appropriate expertise to look into it. I would ask the supervisor, or other employers to see if somebody saw you doing what was alleged.

Senator Barden: If this was completely financial reporting I would be more in favor of it. I see it slipping away into the mall of turpitude area, student grievance area, and all sorts of things that I think we are relatively well equipped to handle. What we are not equipped to handle are financial shenanigans and a way to disclose it or receive it. If this is still a work in progress, the extent of which you can direct it at finances, the better I think we are served as an institution.

You really need some sort of mechanism to protect the whistle-blower. I really did not see it in here. If someone does come forward, not anonymously, and it turns out not to be anything, all sorts of things could blow back at them.

Mr. Kankam: I think that is an adequate proposition, we need to cover that.

Senator Hudson: You are regarding yourself or someone designated by your office as the primary contact point. I am wondering if this system might work better if you should be rather the secondary follow-up. There are a whole lot of things alluding to misconduct in research, issues related to graduates and education that all come through the Dean of the Graduate School and Provost and that we really have a handle on. Even so, lots of

Confidential Reporting System continued:

[Senator Hudson] times issues are regarded as frivolous, rarely do we have a situation where we don't know who the opponents of the misconduct are in fact; sometimes they even come from outside the University. We make all those decisions and strategies and develop that process at the exactly in the areas we confidently do it now. Then it comes down to your office or level through the funnel and the decision taken for final review and discussion with the President. I think that could work. Everything coming to you and then you distributing it out from there is simply totally unworkable.

Mr. Kankam: Maybe that is something we can work on as a solution.

Chair Jorgensen: This is the first round of this document to hear your comments and suggestions, and second to find out really to what breadth this should apply, there is general agreement on fiscal. Other areas have some questions and third how the discussion may route the next pass, remember you all get a copy of the presentation. Since we have had such a spirited discussion about this, I think it should be very easy to find volunteers to serve on this university ad hoc committee.

Senator Niamat: I would like to ask one last question. What happens if a genuine complaint is dismissed by the University and later the matter is discovered to really have been a misconduct. Who is responsible?

Mr. Kankam: Hopefully my recommendations will not fail. As Internal Auditor your information has to be verifiable.

Chair Jorgensen: Thank you K. K. for the presentation.

V. *Calendar Questions:* None

VI. *Other Business:*

Old Business: None

New Business: None

VII. *Adjournment:* Chair Jorgensen adjourned the meeting at 4:50 p.m.

Respectfully submitted,

Steven J. Martin
FS Executive Secretary

Tape summary: Betsy Welsh
FS Office Admin Secretary