**UNIVERSITY OF TOLEDO**

**Minutes of the Faculty Senate Meeting of November 21, 2023**

**FACULTY SENATE**

**http://www.utoledo.edu/facsenate** Approved @FS on 01/16/2024

**Summary of Discussion**

**Note:** The taped recording of this meeting is available in the Faculty Senate office or in the University Archives.

**President Rouillard:** Good afternoon. I call today’s Faculty Senate meeting to order. I will ask Senator Coulter-Harris to call the roll.

**Senator Coulter-Harris:** Thank you, President Rouillard.

**Present:** Ammon Allred, Elissar Andari, Tomer Avidor-Reiss, Gabriella Baki, Bruce Bamber, Sharon Barnes, John Bellizzi, Terry Bigioni, Timothy Brakel, Ritu Charavarti, Daniel Compora, Deborah Coulter-Harris, Vicki Dagostino-Kalniz, Maria Diakonova, Holly Eichner, Hossein Elgafy, Elyce Ervin, Collin Gilstrap, Karen Green, Sally Harmych, Rene Heberle, Samir Hefzy, Cindy Herrera, Mitchell Howard, Jason Huntley, Gary Insch, Dinkar Kaw, Lauren Koch, Linda Lewin, Kimberly McBride, Daniel McInnis, Thomas McLoughlin, Kimberly Nigem, Mahasin Osman, Roberto Padilla, Elaine Reeves, Linda Rouillard, Eric Sahloff, Gaby Semaan, Paul Schaefer, Kathy Shan, Chunhua Sheng, Stan Stepkowski, Steven Sucheck,, Jami Taylor, Jerry Van Hoy

**Excused Absence:** Sheri Benton, Carmen Cioc, Ahalapitiya Jayatissa, Catherine Johnson, Revathy Kumar, Mohamed Osman, Barry Scheuermann, Lee Strang, Don Wedding. **Unexcused Absences:** Mohamed Moussa, Jennifer Reynolds, Puneet Sindhwani, Weiqing Sun, William Taylor, Kasey Tucker-Gail, James Van Hook, Aela Vely, Randall Vesely

**Senator Coulter-Harris cont’d:** President Rouillard,we do have a quorum.

**President Rouillard:** Thank you, Senator Coulter-Harris. So the first thing on our agenda is to adopt the agenda. Quinetta, can you put the agenda back up? Can you see it online?

**Online Senators:** No.

**President Rouillard:** Can you see the agenda now?

**Senator Jayatissa:** We can.

**Senator Kaw:** We can see it.

**President Rouillard:** Okay, thank you. So, all those in favor of approving this agenda, please signify by saying, ‘aye’ or typing ‘aye’ in the Chat box.

**Group of Senators: ‘**Aye.’

**President Rouillard:** Anybody oppose? Hearing none. Any abstain? Are there any ‘nays?’ Hearing none. All right then, then I will assume that we have passed the agenda. The actual vote will be in the Chat box. ***Agenda Passed.***

The next thing we have to vote on is the approval of the Minutes for October 24th. And Quinetta, were the Minutes from November 07th distributed?

**Quinetta Hubbard, Faculty Senate Administrative Secretary:** Yes.

**President Rouillard:** All right, thank you. So, a vote to approve the Minutes from October 24th and November 07th. All those in favor, please say, ‘aye’ or type ‘aye’ in the Chat box. Any nays? Or abstains? If you haven’t voted yet on the Minutes, please type ‘yes,’ ‘no,’ or ‘abstain’ in the Chat box. ***Minutes Approved.***

All right, so we will move on to the **Executive Committee report**, which will be short since we have a packed agenda: I met with Interim Provost Molitor on November 09. He will update us on the University College and Honors restructuring in his report later. He said he would send to Faculty Senate a request to require nine common credit hours for concentrations for our consideration. We also discussed OT36 and the new requirement that any course applying to the UT core now has to apply for OT36 status as well. He believes that to be a requirement that falls under management decision. I believe it is a matter that needs to come through Faculty Senate. I’ve asked the Faculty Senate Core Committee to study the issue and report back to us.

We also brought up the issue of “doxing” in which student protestors regarding the Middle East conflict find their photos shared on public media forums. The Provost informed us that administration, through Dr. Sammy Span issued a letter, without taking sides, reminding students of campus resources for support. There was significant community and legislator push-back on this. But it was clear to me that administration has reached out to students and tried to remind them about whatever resources are available to help them deal with some of these issues.

Interviews with provost candidates will begin on November 30. Four candidates will have meetings with senior leadership and with Faculty Senate Exec. Two will be chosen for campus visits which will then include town halls with the campus. There will be online forms to communicate your evaluations of the candidates.

Budget discussions are currently underway with Finance and individual colleges. Provost Molitor is attending those meetings.

We wish to remind faculty that submissions for new curriculum and programs, as well as modifications, are due by February 28, if you plan on a fall 2024 start time.

That ends my report. Are there any additions from the Exec.? Senator Brakel?

**Senator Brakel:** Just very quickly. Senate Bill 83 will have a hearing next Wednesday at 9:30 am. That will be for both component and opponent testimony, so please, you can submit your testimony straight to the House Higher Education Committee. We will make sure the address gets sent out.

**President Rouillard:** I will also circulate via email a list of four Republican representatives, who are the most likely reps. to change their minds on SB 83. I’ll do that over the next few days so that you have it shortly. You can at least send email messages to them, explaining your views on the matter. Anything else from the Exec.? Hearing none. Okay, well, in that case, we will move to Interim Provost Molitor’s Provost report.

**Provost Molitor:** Thank you, Dr. Rouillard. I appreciate it. As you may be aware, we have had some protests on campus related to the ongoing conflict in the Middle East. Furthermore, outside groups have taken action to publicly identify students involved in these protests. Understandably, there are some strong feelings on both sides. Our primary concern is the safety of our students, staff and faculty while allowing individuals the opportunity to peacefully express their opinions. Dr. Postel, Dr. Spann and others have spent a significant amount of time meeting with and addressing the concerns of various parties, with the goal of trying to keep things as calm as possible to ensure the safety and personal well-being of everyone involved. I believe Dr. Spann is here today to discuss resources that are available for students, staff and faculty that are struggling during these challenging times, regardless of the reason.

The Provost and Finance teams are continuing to meet with the deans to discuss program prioritization. The Board of Trustees is requesting information about degree programs identified for closure, consolidation or revision, and the timeline for these changes. In particular, we need to identify courses that will no longer be taught as a result of these changes, and how this will impact the five year financial forecast on the expense side in terms of the need to utilize part-time instructors and visitors, or the need to fill vacant positions. We will also consider the impact on the revenue side, such as the potential to redirect faculty workload from courses that no longer need to be offered to the areas of potential enrollment growth. Once we can provide these updates to the five-year financial plan, then we will have a better picture of options for covering any gap in the FY 25 budget.

Finally, I am here to seek Senate input on the proposed reorganizations of the Jesup Scott Honors College and University College. In both cases, the changes amount to eliminating the dean and associate dean positions and moving the administration of these programs under the Office of the Provost. Otherwise, we intend to retain the college names so that students in programs associated with these colleges will continue to receive credentials from the Jesup Scott Honors College or University College. Furthermore, we intend to retain the staffing structure to ensure minimal or no disruption to the student experience in both colleges.

For the Jesup Scott Honors College, there are currently three permanent faculty, a visiting assistant professor and the associate dean. Effective Spring 2024, the three permanent faculty and visiting assistant professor will transition to departments in the College of Arts and Letters where their disciplinary expertise is most closely aligned, and the associate dean will return to his original appointment in the Judith Herb College of Education. Oversight of the Honors curriculum will be led by an Honors Program Director; we will shortly solicit applications for this position with the intent of having someone in place during Spring 2024. There currently exists a university-wide Honors Council with representation from all the undergraduate degree granting programs with honors awards, and this body will serve to provide curricular oversight along with Honors Program Director. Curricular approvals will proceed from the Honors Council to Honors Program Director to the Faculty Senate.

University College no longer employs any permanent faculty but does consist of several components. We are effectively splitting the college into two parts. The first part is UT Online and workforce development, which will continue to be overseen by the current University College dean, who will assume a position of associate vice provost and focus her efforts on achieving goals in the strategic plan related to online education. The second part will house the current students enrolled in University College academic programs. Roughly 90% of University College students are enrolled in non-degree programs such as College Credit Plus or Exploratory Studies. Therefore, the major focus for these students is student success and advising. We are finalizing an organization structure within the Provost Office to preserve and potentially expand these areas. Once finalized, we will provide a curricular approval structure for the University College degree programs prior to the Faculty Senate level of review and approval.

Thank you again for the opportunity to speak with you today, and I would be happy to answer any questions. Dr. Barnes?

**Senator Barnes:** Question about the Board of Trustees’ role in the consolidation and reorganization.

**Provost Molitor:** **:** Yes, they want to know the impact on the five-year financial forecast. In other words, if we're going to offload programs and no longer teach a certain amount of courses, what is going to be the budgetary impact in the immediate short-term? For instance, we have part-timer faculty, graduate assistants, or visitors teaching those courses and there are savings if we don’t have to offer those sections. Or, through the process of natural attrition, what faculty lines won’t be replaced to cover those courses that are no longer offered? So, we are trying to project out the financial impact of these proposals.

**Senator Barnes:** So they are not driving any requests for closure?

**Provost Molitor:** At this point, Academic Affairs is responsible for making these decisions.

**Unknown Speaker:** The Honors College, there’s no dean, but we are going to hire a director instead?

**Provost Molitor:** Yes, so the director, it will return to a previous model. It is going to be a part-time position, so you will have a faculty appointment. You will get workload release and a stipend. It will not be anywhere near as expensive as it was in the past.

**Unknown Speaker:** I asked because of the title change.

**Provost Molitor:** Any other questions? All right, well, with that, I certainly hope you have an enjoyable Thanksgiving holiday, and safe travels to all those who are traveling.

**President Rouillard:** Thank you, Provost Molitor, we appreciate it. Next on the agenda is Deputy General Counsel Janelle Schaller, who will talk about race-based scholarships.

**Senator Brakel:** Excuse me, President Rouillard. While we are waiting, there is a question up there, “If you can clarify the dossing issue we have.”

**President Rouillard:** Thank you for pointing that out. My understanding of dossing is that in the case of the student protesters, the students who were protesting had their pictures taken. And not that they wanted their pictures taken, but it was taken and posted on social media as a way to call attention to them and criticize them. It leaves them vulnerable to criticism. Am I correct with that? Or is there another definition to that?

**Unknown Speaker:** Is this legal?

**Senator Van Hoy:** No.

**President Rouillard:** I don’t know if it is legal, but it is -- or I will leave that to people like Diane Miller of Janelle to answer that. But clearly, it is to express disapproval. They’re not being posted to say, ‘good job; I’m glad you did that.’ I think it is more of a question of putting them out there and making them vulnerable.

**Senator Vely:** And to pressure them to not exercise their opinions. So it is like a violation of their freedom of expression.

**President Rouillard:** Right.

**Provost Molitor:** It is clearly meant for intimidation, yes.

**Deputy General Counsel,** **Janelle Schaller:** Hello. Thank you for inviting me. I’m going to be talking a little bit about basic Constitutional law before I get to what we’ve done and how that’s impacting things. So, the Students for Fair Admissions vs. Harvard case, which you probably know, importantly, this has nothing to do with SB 83 or any of the other Ohio legislation that is going around. I know sometimes these things get combined. This has nothing to do with that.

Again, big picture to smaller picture constitutional law - so, the Fourteenth Amendment Equal Protection Clause states in relevant part, “*No State shall deny any person within its jurisdiction the equal protection of the laws.”* So as you may know from history, the whole purpose of this amendment was to eliminate racial discrimination. In constitutional law jurisprudence since the Fourteenth Amendment, there’s always been the strictness scrutiny ever, applied to race in terms of how the courts are evaluating these things. So, race has always been highly suspect and has always been (again, this is the Fourteenth Amendment) subject to strict scrutiny. So strict scrutiny meant that any racial classification undertaken by a state had to meet two factors. First, it had to further and compelling government interest and second, be narrowly tailored to achieve those needs. That’s been the body under which all constitutional rights have been evaluated, and in particular, racial classifications.

The reason that previous case law permitted consideration of race in university admissions was that student body diversity, as defined by universities in terms of what they thought their mission was and was important to them, was considered to be a compelling state interest. So, the court has traditionally been very differential to universities, particularly in academic decisions. So just like a court is never going to come back and say, yeah, you should have actually granted that person to PhD - we're going to second guess you, courts have never been in a role to second guess what universities define their mission as. They said, ‘yeah, okay, you say that student body diversity is important - okay, we'll trust you on it.’ The one limitation on it was that race coiuld never be used as a negative and stereotyping could not occur.

So these decisions, an important thing to recognize is that none of the decisions allowing consideration of race in admissions ever or had anything to do with “ameliorating societal discrimination.” So, this was not permitted because we needed to remedy the effects of past discrimination. Again, it was solely due to deferring to a university’s idea of what its mission was.

Strict scrutiny: So, this is the key piece, the big takeaway from the case. As I mentioned before, ‘compelling government interests and narrowly tailored to achieve those ends’ was the previous strict scrutiny standard for constitutional rights. In this case, we have a change. My ‘fancy’ PowerPoint crosses out ‘further compelling government interest,’ because that is no longer the law. What the Supreme Court did, and Students with Fair Admissions said, ‘instead we need an exceedingly persuasive justification that is both measurable and concrete enough to permit judicial review.’ There was no express overturning of ‘narrowly tailored and necessary to achieve’ the part of it. But the big difference here is, ‘compelling government interest’ has now become ‘exceedingly persuasive justification’. This is a big deal for lawyers because this is an entire new standard of review that has never been in existence until June 29th. State decisions using racial classifications now are very, very difficult to show that the standard is met. What they said is, ‘student body diversity previously and okay compelling government interest does not meet this new requirement of exceedingly persuasively justification to separate students on the basis of race.’ But what they're doing is, is going back to what they claim as the purpose of the Fourteenth Amendment, color blindness, and the court is no longer going to defer to academic decisions made by universities when they involve race. They’ve said, ‘you know what, we did that for a while, and we deferred to your judgement on this. We’re not doing it anymore. Instead, you need to have an exceedingly persuasive justification that is something other than student body diversity.’

So, in addition, another key part of this is, the court was looking at college admissions and noting that they are a zero-sum game in many institutions. So, if you are providing a benefit to some applicants and not to others, obviously, that is an advantage over another group. So, this is the big question - Is this limited to admissions? No. Like I said, this is kind of going back to what we just talked about. The decision established a new standard of review for Fourteenth Amendment Equal Protection clause cases. So the Fourteenth Amendment applies to states, it governs state actions. And what the case said specifically, “State actions categorizing people on the basis of race are now subject to this very, very high exceedingly persuasive burden with measurable outcomes capable of judicial review.” Why does this matter? This was the ‘big’ question for everybody at universities. The possibilities of considering race now include potentially not having a defense provided –and we will talk about that in a minute—potentially losing immunity, and potential personal liability. So immunity and personal liability are actually decided by a Court. They have nothing to do with the university or the Attorney General’s office, and I’m going to explain that in just a second.

This is a section of the Ohio Revised Code that you may or may not be familiar with. But this is the part that says that we are all doing our jobs as state employees; we cannot be sued individually under state law for violating the law, unless we are acting manifestly outside the scope of his employment, or unless we’re acting with malicious purpose and bad faith, or in a wanton or reckless manner. So, these are all terms that are defined by court cases and mean something. This is not decided by the university or the Attorney General. It is actually decided by a court. So, if there’s a question whether you are immune or not immune, it goes to the Ohio Court of Claims and a judge decides if you have it, or if you have lost it.

So, in terms of constitutional law cases, violation of civil rights under the color of law are under 42 U.S. C. 1983. These are frequently the police brutality cases you hear about. But they also involve lots of other aspects of public employment and employees. Those cases are not actually brought against the university, and when they are, they are easy to get out of them because they have to be brought against individuals, not institutions. So, these are brought against people and has to specify exactly what they did. This federal qualified immunity protects public employees from liability for damages if their conduct does not violate clearly established rights, of which a reasonable person would have known. And this is the ‘key’ language in these cases. Again, this is not decided by UT or the Attorney’s General office. It is decided by a court, and in most cases, it is one person evaluating the facts of your case and deciding whether or not this should have been a clearly established thing that reasonable people would have known about.

This was the analysis for qualified immunity under federal law. There’s a similar one for state, but since we are talking about our constitutional right, federal is important. First, the courts are going to look at what’s being alleged, the violation of a constitutional right -- so, consideration of race in a state action. Second, if the plaintiff meets that, a court is going to decide whether the right was clearly established at the time of the defendant alleged misconduct. So, was it clear that what you were doing was unlawful or not at the time? This public qualified immunity is available, unless the courts says that the conduct violated a clearly established constitutional right. So again, one of the big questions is, what is a clearly established constitutional right?

So, as it applies to all of us, we are all subject to this decision. The key thing, the obvious takeaway from this case is that use of race or ethnicity in the admissions process is now clearly established as unconstitutional. And I expect none of us would have any immunity from that, because that it literally exactly what the court was dealing with. So, this means, about immunity, there is a potential for personal liability. There’s also - this is the piece that the Attorney General’s letter that all the people have heard about said. It came out like six days after the opinion was issued and said basically, all it did was restate current law. Now, this is a very clearly established bit of law and if you violate it, you will probably not have immunity and you will probably not be able to raise any defenses in your favor - you know, you risk personal liability. A couple of other things that I know been circulating as thoughts. Federal or private research funding does not provide a defense to [the] alleged constitutional violations. So, I know that there are several federal agencies, NSF, NIH, and some others. They are correct when they say this does not apply to us. They are not subject to the Fourteenth Amendment. Only states are subject to the Fourteenth Amendment. So they have no obligation to follow this. However, when that money goes from NSF to UT and an individual UT person working with it, it does apply to us because now you are acting as an individual working for the state. And your actions are now subject to this decision of state action, considering race needs to have exceedingly persuasive justification and be measurable and subject to judicial review. Also, of course, I'm going to always be promoting legal advice, you should always seek legal advice before using race or ethnicity decision making as a university employee now.

Use of race and other circumstances: So again, this is a lot of what the questions are, like, what does this mean? What can we do? What can we not do? Really, it boils down to what is your personal risk tolerance. Mine, obviously as a lawyer is very risk averse. What you would want to ask yourself, or ask your lawyer, or ask somebody who understands this stuff is, might a court find it to be a state action to categorize people on the basis of race? Again, I am focusing on a constitutional aspect. We are subject to the other aspect of the case, which was Title VI, involving race and nationality. Title VI applies to us as a recipient of federal funding. It applies to Harvard. So Harvard was in that case and so was North Carolina. And North Carolina and UT are subject to both, the Constitution and civil rights law. However, the Constitution is what provides much more significant… So again, do we think this is a state action categorizing people on the basis of race? Might a court determine that what it is being used for is a zero- sum game with college admissions? Do we think a court will agree that there is an exceedingly persuasive justification, and that burden is on the person using race? So, do they think that this is something exceedingly persuasive that's not ameliorating past discrimination, and that it is not trying to deal with student body diversity? Those are no longer a default. The first one was never a thing. The second is, as of this decision, no longer a compelling government interest. And finally, if you do think there's an exceedingly persuasively justification, is it measurable? So one of the big problems the Supreme Court had with the mission of student body diversity, as explained by both institutions, was, research shows great benefits of having a diverse population; people can learn from people that are different than them. There's lots of benefits to it. But one of the problems was, there is no way to measure when have you truly prepared students for life in a multicultural society. How do you know if you reached that level of great interaction, because your student body is diverse? When do you reach the ratio or the value that shows that you’ve got it? Because the case law on this has always said, we hope at one point this would end. Right? The goal would be accomplished. And so, part of the problem here was they said, there's no way here for us to know if you’ve ever met your goal. I If your goal is to educate people for interactive diverse society; when will we know you met that/when will we know you hit that and now, we’re good? That's the other piece that makes this very, very difficult, because a lot of the goals are very difficult to measure and very difficult to explain to lawyers how their goals been met.

So, the things that the university has done, this is kind of what we were doing. So obviously, the very first thing that was done was we eliminated any possible consideration of race or ethnicity in any of our decision making for applicants, which was very rare - only in a few very selective areas was that occurring. We also eliminated automatic open access to racial information about student applicants and students. Again, it is easier to show that you did not consider something when you never had access to it in the first place. Proving a negative is very hard.

So the scholarships: The UT Foundation is a totally separate legal entity. They have – and I might be quoting this wrong— like, $70,000 or $80,000 of scholarship funds that are earmarked with a racial preference or ethnic preference. Almost all of the ones that I’ve seen required UT employee’s involvement. Like, a committee of the college of ‘whatever’ would recommend students within this racial or ethnic category for this award. And that's the piece where the problem is. I talked with the Foundation and was like, hey, if you can take these over and have UT not involved in the process - which I get, [because] maybe the donor wanted this because the expertise of the faculty or knows who are the good students who should deserve this. But, the problem is, as soon as one of our people is involved in that and involved in a state action, making distinctions on the basis of race or ethnicity, it is a constitutional problem for the person doing it. So, to protect that, I do think that was awarded before June 29th, which is the day of the decision. But whether or not it was applied to their account, or they got a letter, the decision was made and up until then, it all went. We didn’t take anything back. In fact, the only thing that was affected was if there were any scholarships that were not decided upon who was going to receive them as of June 29th, those have been held back until we can figure out with the Foundation how can those be done. So, is the Foundation taking them over? Can they ask the donors to remove the part that requires UT people to have some kind of selection process? Again, I recognize that donors don’t want to just give it to someone they don’t know. Or, can they talk to the donors and change the requirements to somebody studying a certain topic or interested in a topic that is not specifically race or ethnicity. I think that was the end. Let’s see. Was there another one. Is it one more slide or was that it? Oh, that is it.

So, that was me talking very, very fast to explain sort of what this means, what the university has done, and kind of where scholarships are. So, it is a small number of scholarships that are being withheld, but of course, I don’t want to hold any money from students. But I also don’t want to ever put people at the University in a position where they are risking personal liability because of a decision that they are making. So, I hope that answered your questions. I was told I had 15 minutes, so I tried to speak very quickly to be within it.

**Senator Avidor-Reiss:** So, you spoke about the NIH research proposal that we are not allowed to use.

**Janelle Schaller:** Well, it depends, right? Some people have done survey research where all they are doing is inquiring about a certain races’ thoughts about whatever.

**Senator Avidor-Reiss:** And admissions.We need students---

**Janelle Schaller:** Any decision about admitting students that considers race or ethnicity is definite, I can say almost without a doubt, I am very confident that that would be a clearly established violation of the Constitution, even though the money is coming from the federal government. But the federal government are never going to be the ones to get that lawsuit. And no court is going to say, well, NSF told you. They’re going to be like, well, the Supreme Court over here told you not to.

**Unknown Speaker:** Thank you so much. I really appreciate this. For those faculty and staff that do not have the benefit of this presentation, there are so many committees, the Presidential Scholar Committee, they really need this information to make sure that everyone sitting on the committee is aware of this. Is there a plan for distributing this information in another format so that we can really…and get this right?

**Janelle Schaller:** I was actually really happy that you guys invited me because I’ve been meeting with deans, vice presidents, with the Foundation etc. I’m trying [to talk with] anybody I can to let them know, because in the end, I can give legal advice, but I can’t force anybody to do anything. But I don't want anybody doing something without at least some information of what the potential ramifications are. And again, people can do whatever they want. It’s just if we get to where we now considered it and somebody’s skewing, it becomes very, very difficult to provide a defense, even if we are willing to take on a defense. It’s like there’s nothing to argue. Right? The case law is not going to be on our side. Frankly, I don’t like losing and paying when we did something wrong, because I [just] don’t want to.

**Provost Molitor:** I just want to add to that we’re also being proactive by removing access to that information for people who are serving on these kinds of scholarships committees. So when you’re evaluating scholarships either through the generic donor scholarship application or for specialized application, like the presidential scholarship, committee members won’t see that information. Now, a committee member could go and try to find that information out on their own, and in that case, obviously, they would be potentially liable.

**Janelle Schaller:** Right. So again, just from memory, you know multiple committees through the years just wrote some statement, like the Provost Office. They kind of [just] wrote a statement of consolidation about the implications of this legislation and the inappropriateness, perhaps conversations above and beyond proactive measures of removing that information.

**Provost Molitor:** That is a good point.

**Senator Vely:** There’s some healthcare research called social determinants.

**Janelle Schaller:** Yes.

**Senator Vely:** So, gender identification.

**Janelle Schaller:** Obviously that’s going to still be research that we need to do and should be doing. The question I would ask -- I know your program was based on admission. So, are you giving somebody a benefit? So the problem I see that can come up is a participant who is invited and included in the study as opposed to excluded. But what are they getting in the study? Are the getting like extra treatments? Are they getting a benefit?

**Senator Vely:** They could.

**Janelle Schaller:** Okay. That one might be slightly different because it is medical research and potentially, we can argue, you know there’s -- you know, I still would be hesitant. So I'm very cautious and would rather wait until, like, I don't know, a year or something, until at least there is some case law that maybe gives us some exclusions. I mean, again, we’re not talking about providing a huge benefit. So, Tomer’s was getting into a program in general. Obviously, if we're trying to experiment with different treatments in medicine, you know, there may be racial differences among how diseases operate. And so, there, I think, [you] maybe have an exceedingly justification that is not based on student body diversity and is not ameliorating past discrimination. What you are doing is looking at a disease that really focuses on one race and trying to fix it. So that I think is a little distinguishable.

**Senator Vely:** It may be, because sometimes it is about access to health.

**Janelle Schaller:** But you're not doing it because there was a history of race discrimination. You're doing it because like, wow, this isn’t being treated etc. I think there is a different---

**Unknown Speaker:** Well, systemic racism. That’s why we're posing those questions.

**Janelle Schaller:** And some of these, like, I would say, contact me later and we can look at them. A lot of what I do is look at the very specific details and things like that.

**Provost Molitor:** And just to add to that, there’s a difference between research to suggest an intervention vs. providing the intervention. So, if you did research and concluded we need to do something to accommodate somebody of a particular ethnic or racial group, that’s different than an institution actually taking that research and implementing a solution to provide that benefit to somebody. So, I think there’s also a lot there could be done in terms of doing the research vs. implementing the results of that research.

**Janelle Schaller:** Right. And a lot of the qualitative research, right? Like, hey, people think this would be helpful, [such as a] focus group. I’m sorry I skipped you.

**Senator Coulter-Harris:** There is a couple of comments. The first one is by Ammon Allred. He said, “I’m confused why we’re discussing and using this in the context of scholarships. If the ruling has been established, WRT to admissions specifically, are we just anticipating that it applies to scholarships? And if we are just anticipating it, should we just be anticipating it?”

**Janelle Schaller:** So, the Supreme Court only deals with facts and controversies that are in front of it. They will never offer advise beyond the facts in front of it. All cases that are decided by the Supreme Court has impacts beyond them. Right? So we're here talking today about Students for Fair Admission, even though we weren’t parties. Really, the only two people involved are Harvard and the University of North Carolina. But obviously, the impacts are further than what's just in front of them. And if all they had said was, compelling government interest isn’t enough anymore – oh, I’m sorry. This isn’t compelling government interest and didn’t change the standard, I think we would be having a different discussion. But the fact that they took state action based on race and said, compelling government interest is not the thing anymore. Again, in law, this has been forever. Every lawyer knows about a compelling government interest in strict scrutiny. That's where I think [that] it’s clear that this is going to apply further. And even if you read through the decision, if you talk about the facts further, in many cases they talk about state action, dividing up people based on race. That’s really what the concern in this case is.

**President Rouillard:** Okay, we have a couple of---

**Senator Allred:** Can I follow-up on that, sorry, really quickly? You were talking about scholarships that are from the Foundation. Now, I understand that the concern is that people at the University are giving the scholarships. But the argument there isn’t compelling government interests. The argument there are interests of the donors. So, I'm confused why we're anticipating this. I mean, like, a pre-proactive stress is going to damage our ability to do what are donors are asking and also to benefit our students.

**Janelle Schaller:** So, donor…, we can’t use that to subvert the requirements of the law. This is why I said NSF can’t tell us, oh, hey, we want you to focus on this and give this benefit to people. We can’t do indirectly, nor we can’t do directly. So, I don’t think I am anticipating. I think I am accurately indicating the scope of the case, and I think it will be shown to you. Now of course, the way the law works, we're not going to actually get any court decisions or spend lots of files, but we won't be hearing about them for months, you know, who knows when. And there already are pieces of litigation about scholarships, about other aspects. So, I am very confident that this will apply, and I don't think I'm the only one. BG’s office has actually suggested that and then our most recent meeting among Campus Council Ohio, not a single person. I talked about this, and nobody said they had a different thought. So, I think it’s very correct. I guess it is going to apply to other things beyond just admissions. I hope to be proven wrong. I hope in a year we have some information that says that part is not what we’re talking about. I don’t want to keep money from people. And I don’t think we’re keeping it. I think we should find a different way to reward it.

**Senator Osman:** Do I have a chance to speak?

**President Rouillard:** Yes.

**Senator Osman:** So we just returned back from a conference. It was a big medical conference for minority students and the school’s applicants. We also meet with…personnel and program officers who provide this training program. As you know, we have a…., which is a diversity program. We also had a meeting with all the…nationwide, and we discussed these questions. So far as a consensus is, and I also met with the other Ohio colleagues to discuss how they are dealing with these questions. So, the first thing is, of course, we have to clean up our websites. One thing that I’ve learned, we cannot also use holistic admission. So we have to clean that out from our websites. But a consensus is that this so far does not apply to recruitment, it does not apply to scholarship. Since we are recruiting, we can continue to recruit in diversity conferences, in whatever as we used to do. To get around these kinds of decisions is actually to increase our recruitment activities and to increase the population that we admit without saying that. There are ways to go around that. The other thing is that a scholarship does not apply to scholarship. That's a consensus with everyone, including all the…and federal grants until they change it. So the anticipation is that maybe someone with a question later on in the future, and we may address that so the anticipation is that, you know, things are going to be fluid and change. But so far, we need to stick with our recruitment and scholarship offering as they are. So that is what I wanted to extend to you here.

**Janelle Schaller:** So, I will note that the Supreme Court was very clear, and this has been in the law for a long time. You cannot accomplish indirectly, which you can’t accomplish directly. So proxies, if the goal is, hey, we don't like this opinion, and we still want to make sure we’re recruiting a diversity body and use certain zip codes. That is problematic as well. They were very clear that, you know, don't just find other ways to try to figure out to do what we just told you, you can't do. And again, like I said, this is a matter of kind of personal risks tolerance. Right? So, do you want to be the one that’s kind of fighting this with your name on a lawsuit and a question about whether or not there will be a defense provided - and whether or not the defense is going to be good, Right? And of course, you know, your own attorney, me, the AG’s office can only use the law that’s out there, right? And if the law has not been defined very clearly in our favor, that may not be helpful. So again, it's if you want to serve on these committees with the Foundation, I can't stop you. Who knows what the…about, right? Obviously, it requires somebody to bring a challenge for it to be a problem, right?

**Senator Barnes:** Thank you for the presentation. I think I'm following you that a scholarship, if it was a race-based scholarship would be categorized by people as “diversity,” and so they are seen as problematic for that reason. But in thinking about [your comment about] awarding a scholarship based on race as a zero-sum game, I don’t understand that as a standard. Does that matter? I mean, when a donor gives money and says it is for this group of people, they wouldn’t give it to a different group of people if they didn’t give it to that group. Do you know what I mean?

**Janelle Schaller:** Yeah.

**Senator Barnes:** So I don’t think it is a zero-sum game. Does that affect our capacity [to act] at all?

**Janelle Schaller:** The question ultimately is, is it a state action category for people based on race.

**Senator Barnes:** Why is that a question instead of zero-sum game?

**Janelle Schaller:** Zero-sum game is kind of .... So when we talk about..., it is whatever cases that the court says aren’t necessarily the holding of the case. The holding is specifically, these are unconstitutional and the specific legal analysis as to why. So, when they say state action, categorizing people based on race. That's the focus, right? So that’s where I’m coming with the conclusion that this is not going to just be admission. The Supreme Court isn’t going to say, oh, we only talked about admissions, because again, they can’t talk about things beyond what’s in front of them. They couldn’t have brought in, for example, UT’s policies. We weren’t a party to the case. That’s not what they were granted…on, so they can’t talk about other things, and they can’t hypothesize about, like, you know. Sometimes they do, but they’re like, maybe one day we will get a case, which is what they did in 2003. They said, we hope in 25 years from now that this will be resolved, and we aren’t going to have this. And part of their argument was, hey, we’ve got five more years. Right? But they had already kind of started suggesting that this would be an outcome at some point in the future, I guess.

**Senator Vely:** I’m sorry, I think Dr. Osman has a really good point and I want to add to that question as well. If the scholarship is given after the admission, it shouldn’t matter, right? Because at this point we've already gone through a none race-based decision, whether the student is qualified to attend the university. We’re only deciding where we’re giving money.

**Janelle Schaller:** I don’t believe though that it would be acceptable after a student was brought into the university to segregate them on the basis of race. Right? I think that would still be a problem.

**Senator Vely:** Is that what the ruling says?

**Janelle Schaller:** That is what previous law says. It’s making decisions based on race, you know, sperate, but equal. That is not correct, right? Separate, but equal is not okay anymore. That was the law up until about 1954.

**Senator Vely:** But I mean, so if we’re going down that road, I mean, there are so many other factors that would argue, I think. Like, I’m just a little worried that you’re reaching a little bit in terms of where the financial support should be given if it happens after the admission happened.

**Janelle Schaller:** Okay, I’m trying to provide advice that would protect you. I think people are free to ignore it. Right? So, I mean, again, like I said earlier, I don't want to have bad facts to try to defend because I can’t win on bad facts. So really, it is a matter of, you know, again, I hope I’m wrong. Right? I hope eventually there is some litigation that tells us, hey, this is the parameters of this, it is actually only admissions, or maybe we’re going to change the standard again and go back to compelling interest. Right? But, what we’re with right now is a decision that changes a standard of review, which I know probably no one here is a lawyer, but that is very significant. That does not happen often. Again, it is risk tolerance. So I’m suggesting that on behalf of the University that I don’t think it’s a good idea to be involved in that. But of course, like all my advice, people can ignore it.

**Senator McBride:** Shelley Cavalieri has a question, and she is law faculty.

**Professor Shelley Cavalieri:** Hello. I’m not a faculty senator, but I have, I guess, a comment and then a question. So, what I am extremely confused about this legal advice that you’re providing us, and I appreciate the trying to cover everyone's backside. I trust that no one on this call or in the meeting is excited to get deposed or spend a lot of time in litigation. I’m clear on that. But what I can't quite understand is my grasp of the existence of the Foundation - is that it is a separate 501c3 that is not run by state actors.

**Janelle Schaller:** Correct.

**Professor Cavalieri:** Just simply build a wall between these two entities. They run the money, right? The University does admissions with state actors. So, if we truly understand the 501c3 foundation to operate separate from the University without the engagement of state actors, I'm extremely confused about how we think of the actions of the Foundation. Now, I understood what you said that you’re trying to ensure where faculty are called on or other state actors, or other universities are called upon to participate in the scholarshipping process – I got that. But here’s the part where I’m really worried about. I’m really worried about the exposure of liability in regard to the violation of the gift restrictions, because I've been on Foundation’s website, 95% of our gifts are restricted gifts. So, these donors are making gifts with explicit expectations of how they're going to be spent. That exposes us – sorry, not us, [because] I don’t work for the Foundation. I work for the state. But that exposes the Foundation to liability, if the restrictions of the gifts are not followed. So, I'm not sure how you're choosing between, okay, this is a scholarship with a racially driven motive, a racially driven gift restriction that has to be legally honored or it exposes the Foundation to liability, and it provides for a process that which a state actor is supposed to be involved. At that point in time, what I understand is, one of those two has to be violated. I'm not sure how the Foundation is choosing. As far as I understand it, the Foundation has separate legal counsel because they’re not state actors, right?

**Janelle Schaller:** Yeah.

**Professor Cavalieri cont’d:** You as an assistant attorney general shouldn't be advising the Foundation. So, I'm really confused how we’re not just building a wall between the Foundation. The Foundation is going back to the donors and saying, do you want to involve faculty? If so, we have to get rid of the gift restriction. Or if you want to keep the gift restriction, then you need to remove and amend your gift restriction on the involvement of faculty and keep the racial restriction. I’m really confused how we’re wrapped up in this.

**Janelle Schaller:** I am not their lawyer, and so they do have their own. But of course, they said, oh, what's the University’s position. We explored– and I don’t know, I can’t speak for them—but I said, hey, if you take over all the scholarshipping, the specific racially and ethnically focused scholarships, we got no issue. Now I will say Floyd Akins the head of the Foundation and he isn’t an UT employee. So the one problem is that everything under him is controlled by University employees. I did say another idea is you can go back to your donors and ask them to change something and make it so that we can still be involved in it. There's also possibly, you know, other ideas that I can't think of. But, you know, ultimately, this is the issue. Right? Just our people being involved in that recommendation. So, again, I don’t want them to breach their contract. I don’t want us to breach the Constitution. So, somebody got to pick something in between, which is really kind of what the question is. So, I think they are trying to figure out, can we administer a bunch of scholarships that the University used to do for us? Can we do something else? Do we want to talk to our donors and ask them to change it, or do we think that will create some badwill?

**Provost Molitor:** Yes, I wanted to add to that, Professor Cavalieri. One of the problems is that the Foundation has no way of accessing the information on these applicants. They rely on the University to provide that information. So, whoever is at the University providing that information to the Foundation could potentially be liable as a public employee, even though the Foundation would then end up awarding the money directly. So, that is our concern.

**Professor Cavalieri:** So, let me reengage that point. I attended college at a university on a full academic scholarship that had a separate application process. Right? And so, there’s a scholarship application that gets submitted to the Foundation, and it has a step, but it is a really clean break. You have an admissions application that goes to the state. You have a scholarship application that goes to a 501c3, administered by a private entity. There's no information exchange right up until the point of admissions being completed, in which case they share information about these admitted students who should be considered for scholarships. It has no racial information on it, fine. Then we turn to the Foundation and it does its own ‘magic’ that follows their own gift restrictions. But my real concern is, the last thing we need is for our Foundation to have a bunch of angry donors suing because their gift restrictions are being violated. That in and of itself exposes us--being the broader university project, not ‘us,’ the state actors to liability. Lots of entities have historically solved this by having two separate approaches. Foundations can have their own scholarship application process that is distinct from the university and state involvement.

**Janelle Schaller:** And that is what I proposed and that is what their…have been. I mean, they have their own board that has to decide things and figure what their capabilities are. There is still the separate part that Floyd Akins is a university employee that oversees all of the Foundation. And what I said is develop your own application process. Keep us 100% out of it. Just give us a check in the end that says Shelley Cavalieri and UT, here’s some money. Right. I mean, that would keep us completely out of it. And again, that complies with their donor intent and that keeps any UT people out of the picture. Now again, I don't know what their dynamics are there. The other option was to go back to the donors and see if there's another thing that can be done given the issues that we have now. But it is a problem because they have their own kind of needs and thoughts, you know. I can say, hey, these are the things that would work on our end, but again, right now they are now being awarded. So there is no violation and the money is sitting there and waiting. Because the last thing I want to do is be like, you guys can just skip the part that says UT committee of people recommend somebody. Obviously, that is going to be a contract violation.

**Professor Cavalieri:** Yeah, let me take up the comment in the Chat, Dr. Vely’s comment. I mean, one easy solution here is that the vice president of advancement becomes the executive director or COO of the Foundation, or whatever new title Floyd wants to give himself. He lives across the street from me, so I might go knock on his door as soon as I’m off this call <laughter>.

**Janelle Schaller:** I’ve already said it might be best if he becomes the---

**Professor Cavalieri:** He is a very nice man so I might take this up with him. But there is an easy solution in certain ways, which is, as long as no one is involved with donors. And I mean it does raise some problems, right? I think it has to include, you know, does Dr. Postel, or does some other, or does the dean of a college get involved with fundraising. I think that gets really complicated. Right? So, this is above my pay grade. That's why they pay the administrators more money than they pay me, but it's very clear to me that I think you're correct that the involvement of state actors is going to become a problem in any regard in this space. I appreciate Dr. Allred’s comment, you know, are we acting before we need to? But at the same time, I'm not volunteering to be the test on this issue on that committee.

**Janelle Schaller:** And I don’t want any of us to be, really. I mean, again, we're in the same jurisdiction, the Sixth Circuit, as Michigan. Michigan is the one who gave us all the 2003 Grutter cases, right? So let them take the lead and if they get a decision, then that applies to us if they take it up to the Sixth Circuit. So, that would be clarity for us.

**Provost Molitor:** I just wanted to add, though, the infrastructure for soliciting and evaluating scholarship applications is not trivial. It would require some additional staffing and, of course that would cost money that then couldn't be awarded. The Foundation would then have to increase the amount of overhead that they start removing from their scholarships and donations. I assume we would have to go back to the donors and let them know we are going to have to do this. So, there’s a bunch of issues. It’s not just a simple thing. They can’t just solicit applications, review them and tell you who to award – it’s more complicated than that.

**Senator Barnes:** Do you have a sense, Janelle, of whether we’re going to get a resolution in time to award scholarships for the upcoming year?

**Janelle Schaller:** This is my very jaded view. Litigation takes a long time, and I would be surprised if within a year we got any relevant decisions.

**Senator Barnes:** Or we make the appropriate adjustments?

**Janelle Schaller:** Yes, you should potentially. Again, I can’t tell you [because] I’m not part of the discussion with the Foundation. I don’t know what they want to do, or what they are willing to do. Again, I shared with them things that I think would work on our end. Like, hey, if you guys took all the scholarshipping on this piece, good. So I’ve tried to give them ideas that we wouldn’t have a problem with.

**Senator Barnes:** I’m sure they know how important it is in terms of our students---

**Janelle Schaller:** Oh, they do.

**Senator Barnes:** But if you could give them our encouragement to get to a resolution shortly on behalf of our students.

**Janelle Schaller:** Sure, and I told them, I mean, that's what we've all, you know, all of us who have met with them said. Like, I don't like leaving money on the field. That's terrible. I would like to give it out. And that's why people are like, well, do we have to go back and take money back? No, absolutely not. It can even be awarded into the future as long as it was awarded initially before that date. So, trying to be really cognoscente of the fact that our students want scholarship money that is designated. I just don’t want to put us into a position or the Foundation, even though they are not my client, to be creating more problems than we need to do. There's obviously a way that something could change to make it work.

**Senator Barnes:** They want it, and they need it.

**Janelle Schaller:** Yes.

**President Rouillard:** Janelle, has the Ohio State Attorney General made any kind of statement on these race-based scholarships?

**Janelle Schaller:** So they haven’t sent anything out again, but in our last meeting with the Attorney General’s Office in the education section and our last Campus Council meeting, they did say, we believe this applies to scholarships. They actually contradicted themselves, because like a week before at some other even they said, yeah, we need to roll that back. So they have given us, well, they all do the same thing as us. They said if we do believe that it extends further than just admissions. Obviously, where that is and what the limitations there may be, we don’t know yet. But, the encouragement is definitely to try to extract involvement in that at this point, because there's no -- again, no guarantees are ever allowed, but it is the risky area.

**President Rouillard:** But this still do not apply to any hiring policies even at a public institution?

**Janelle Schaller:** Yeah, absolutely. So, just so everybody knows the law. The law behind Affirmative Action and employment is very, very different. And actually, it doesn’t allow the consideration of race. It talks about recruitment strategy, making sure there’s a pool, making sure they are trained. It never allowed the direct consideration of race as positive as this body of law. So, there's no change there. We're still doing Affirmative Action plans. We are still ensuring that we are reaching a diverse body. We are going to make sure we got people applying. So, none of that is changing at all.

**President Rouillard:** Okay.

**Janelle Schaller cont’d:** And in my mind, I think there would need to be a different set of laws that would tell us that that's no longer okay. Because the history between both is very, very different. I can’t see if there are any questions [in the Chat]. Just tell me.

**President Rouillard:** I think that was the last one about Floyd Akins and being changed to a Foundation employee as opposed to a UT employee. That was the last question. Anything else?

**Janelle Schaller:** I’m sorry, I went way over my time.

**President Rouillard:** That’s okay. We appreciate your time. Thank you for coming.

[Applause]

**President Rouillard cont’d:** Next on the agenda is the Faculty Senate Constitution and Rules Committee, Rob Steven. He will discuss the eligibility of directors to serve on Faculty Senate.

**Dr. Robert Steven, Chair of the Faculty Senate Constitution and Rules Committee:** Quinetta, do you have that document?

**Quinetta Hubbard, Faculty Senate Administrative Secretary:** Yes, I’m going to try to pull it up.

**Dr. Steven:** All right, thankfully we have a much simpler issue here today with respect to our committee on Constitution and Rules. We were asked by the Faculty Senate Executive Committee to address one particular issue, and that is the issue of Faculty Senate membership eligibility considering there is a new position now at the University. There is a new institute, the Institute of American Constitutional Thought and Leadership. And so, this came up with Senate Bill 117 which requires the University of Toledo to establish this institute. And with that institute comes a leader, a director. The director who was appointed is a member of Faculty Senate here, Dr. Lee Strang. The issue is, is he still eligible for Faculty Senate membership considering he's now the new director of the Institute of American Constitutional Thought and Leadership?

**President Rouillard:** Okay, those online are you able to see the screen now?

**Online Senators:** No.

**President Rouillard:** Can you see it?

**Online Senators:** Yes.

**President Rouillard:** Perfect. Okay, good.

**Dr. Steven:** So, Quinetta, if you can scroll down for me. Good. So, the issue is, is this director of the Institution of American Constitutional Thought and Leadership, are they eligible for Faculty Senate membership? So, with respect to our Constitution, on membership eligibility, the key sentence here is *“No administrative faculty, except for department chairs shall be eligible for election to Faculty Senate.”* So, what is this position with respect to the director of this new institute? In this description from SB117 there are a couple of things—I’m not going to read the whole thing here—like, who are they reporting to? They are reporting directly to the President and the Provost. I think the most important thing, however, is that they are managing the recruitment and hiring process of faculty and staff, and the determination of all employment. Faculty and staff, I think that is a key element here where it is hard to argue that that's not an administrative position using the information from SB117. Using this information here, we came to the conclusion and the committee is unanimous in agreement, that yes, in fact, this new position as director of the Institute is an administrative faculty position and therefore, the person in this position is not eligible for Faculty Senate membership. So, this is a bit of interpretation, because in the Constitution, there is no definition of administrative. And we’re working on that, our Constitution Committee, so we'll come back to you hopefully next semester with a better definition of what ‘administrative’ is. But as we see it as a committee, we see it that he is not eligible any longer because it is an administrative position.

**Senator Coulter-Harris:** Yes, I’m just wondering if Lee Strang resigned, then that would exclude us having to vote for this, right?

**Dr. Steven:** Absolutely, but that’s not what happened.

**Senator Coulter-Harris:** Well, I thought he had made a statement that he is willing to resign. He has not?

**President Rouillard:** I think he made it at one point, but then he came back and said that he wanted the decision.

**Senator Coulter-Harris:** Okay.

**Senator Avidor-Reiss:** So it is not because of the title, ‘director,’ it is because of the details, yes?

**Dr. Steven:** Yes, looking at the actual role as defined in this Senate bill 117, what his role is, again, I think a key thing administrating faculty that are part of the institute and hiring and firing faculty members. Anybody here hire and fire other faculty members? No.

**Senator Coulter-Harris:** I’d love to<laughter>.

**Dr. Steven:** But you’re not one of those people. So yes, it seems pretty clear in this case, but this is why we need a better definition of “administrative” because maybe it is not going to be clear in all cases. We have directors of different institutes where they are not hiring and firing faculty, but they are a director, and they have these minor administrative roles. So, technically, yes, they have these minor administrative roles, but I don’t think it is the will of the Senate to say, no, no, no, you can’t be a member, and so we have to better define what administrative faculty is, and we will do that at a later date. The question now is, is bringing this up to a vote. Wait, was there any more discussion?

**Unknown Speaker:** I think a key point here is what you said earlier was the reporting lines, because a department chair does have these separate responsibilities and so they can be part of Senate. But they're reporting to a dean as this position is reporting directly to the president and the provost.

**Dr. Steven:** Exactly. I think as part of our definition that we come up with, maybe reporting line will be an aspect of that as well. All right, so we have our conclusion that yes, we feel that that is an administrative position, the director position of this institute. It is an interpretation as I was saying. And so, following the Constitution we had to interpret what administrative position means, and we came up with our conclusion that yes, it is an administrator position. But it is an interpretation and so, according to the Constitution, we need to vote on it as Faculty Senate. So, I’d like to present that to you now. If there's no further discussion, [we can] bring it up as a vote. So, we can answer this as ‘yes.’ Do you feel that the new director position of the Institute of American Constitutional Thought and Leadership, is that director position an administrative faculty position? If you believe yes, you can answer ‘yes’ or put ‘yes’ in the Chat Box.

**Senator Van Hoy:** It’s really asking if we are agreeing with the decision.

**Senator Coulter-Harris:** The decision, yes.

**Dr. Steven:** Yes, we’re not voting on his eligibility. We're voting on the interpretation of administration. So, if you're saying yes, the outcome is, he's no longer eligible.

**Senator Allred:** I’m sorry to jump in, but I’m worrying that this vote is out of order. I’m totally in favor of having this vote as well, but if it's new business, does it have to be the next meeting?

**Dr. Steven:** It is coming from a committee.

**President Rouillard:** The issue has come up before in Senate, and you are absolutely right, it is coming from a committee.

**Senator Allred:** Okay, excellent. Thanks.

**Dr. Steven:** All right, so I guess we should go ahead with that vote then. So, any yeses here?

**Senators in the Room:** Yes.

**Dr. Steven:** Any nos?

**Senators in the Room:** [Silence]

**Dr. Steven:** So, no nos in the audience.

**Senator Coulter-Harris:** I only seen one ‘no’ online.

**Dr. Steven:** Okay. Any abstentions? Hearing and seeing none. There are no abstentions. ***Motion Passed.*** So, the conclusion to that, we have one last little paragraph - that there should be an immediate election for that position to be filled, whichis now vacant for the College of Law.

**President Rouillard:** Well, okay. All right. Thank you, Rob.

**Senator Coulter-Harris:** Thank you, Rob, that was great.

**President Rouillard:** Next, we have an Academic Programs report. Senator Dan Compora, are you on the line?

**Senator Compora:** I’m here.

**President Rouillard:** All right, take it away.

**Senator Compora:** All right, I’m just going to share my screen in one second. Did that come up?

**President Rouillard:** No, not yet.

**Senator Van Hoy:** Oh, there it goes.

**Senator Compora:** Look good?

**Senator Coulter-Harris:** Yes.

**Senator Compora:** Okay, good. There are two certificate proposals and a change to the Anthropology Minor. The Committee endorses all three of these. The information is above. Really, I reached out to Anthropology, and the reason for this change is including additional 2000 level courses. It was really to make sure students can actually finish their programs. With faculty hiring and not being hired, we have to ensure that there’s enough options for them. So that was the impetus behind that. As for the two certificate programs, there were really not many questions. The only question I had, and they answered was, could these be double dips in the sense that can somebody get a certificate on the way of getting a major and there’s no restriction against them doing so? These were really small certificate programs that really didn’t generate any concern. It is coming from a committee. Are there any questions before we move to a vote?

1. **ANTH:** Anthropology Minor: Program Modification

1. including ANTH 4440 (People, Population and Society: Demographic Analysis) as an "or" option to Anthropology core requirement

1. expanding elective options to include additional 2000-level courses; stipulating 50% of elective hours must come from 3000-4000 level courses in Anthropology

No new or modified courses are part of the proposal.

1. **PHIL:** Data and Technology Ethics Certificate. New Proposal.

The development of this certificate provides a focused way for students to pursue additional courses in their area of interest, and received acknowledgement of their expertise, without being committed to a more demanding minor or major program.

1. **PHIL:** Environmental Ethics Certificate. New Proposal.

The development of this certificate provides a focused way for students to pursue additional courses in their area of interest, and received acknowledgement of their expertise, without being committed to a more demanding minor or major program.

**President Rouillard:** Any questions here on the floor? Hearing none. Any questions online? Hearing none. Okay, Chairman Compora.

**Senator Compora:** Okay, all those in favor please signify by saying ‘yes’ or put ‘yes’ in the Chat.

**Senator Coulter-Harris:** All yeses so far.

**Senator Compora:** Okay, thank you.

**President Rouillard:** ***Motion Passed.*** Thank you, Senator Compora, and thank you to your committee. This brings us next to our Faculty Senate Student Affair report.

**Senator Coulter-Harris:** Come on down. I’ll try to be very quick so everybody else can [give their report] ---

**President Rouillard:** All right, thank you.

**Senator Coulter-Harris:** But, you know, we spent 30 hours on this report. First of all, is Lucy Duhon online?

**Professor Lucy Duhon:** Yes, I’m here.

**Senator Coulter-Harris:** Okay, great. So, you know what slides you’re doing, right, Lucy?

**Professor Duhon:** Yes.

**Senator Coulter-Harris:** Okay, before we start, I want to make you all aware that there is a policy, Vehicle traffic rules and use of personal convenience devices, which is policy number 3364 –61-12. This is a very important document so you might want to look at it. So we’re going to go through our slides very, very quickly. At the end of our presentation, however, I do want to bring up the addendum that we just found out about regarding towing. This was a subject that came up in the Faculty Senate Executive Committee meeting. So, have you got our slides up? Okay. Well, I’m going to go ahead while she is pulling up the slides. Here it is. So, it is Karen Green, Lucy Duhon, and myself. So, slide one. I’m going to read our subcommittee statement.

We met with Parking for three hours, two times. Our subcommittee has done heroic work responding to government and other issues for the past three years. We have solved many problems, interviewed many underrepresented communities, and even prompted new policies, such as the Policy on Religious Accommodations (#3364-71-30); subcommittees have worked hard the past three years with the Office of Accessibility and Disability Resources to enact changes, worked on COVID related issues, dorm issues, and many, many, many more. We have always been successful in enacting positive changes. However, our subcommittee on parking issues has failed to negotiate any changes in parking permit fees; we can only relay the information that our two-meetings produced. We were informed that the enrollment needs to increase beyond the contractually obligated amount as projected in the Concession Agreement, which was 17, 419 students in Fall of 2023 with enrollment increasing periodically throughout the 35-year agreement. So, that is our statement. Okay, next slide.

Persons in attendance at the 11 October meeting: Karen Green, Lucy Duhon, Deborah Coulter-Harris, Michael Dennis, and Brian Kulpa. Persons in attendance at the 18 October meeting: Lucy Duhon, myself, Brian Kulpa, Sherri Kaspar and Dan Cowgill. So, this presentation is to apprise Faculty Senate and the University of Toledo’s Administration on Parking issues that Student Government identified and presented to FSCSA; these issues include:​

* Cost of permit and violation fees; students left out of decisions.​
* Ticket forgiveness; create fund for financially insecure students.

So, question one, next slide. We went into these meetings with specific questions that related to the Student Government issues. Question one, is there any possibility annual permit fees can be lowered? “No.” In 2024-2025 student permit fees will be raised $4 (per semester) and faculty permit fees will be raised $14 (for the year).​

* All current fees cover parking capital expenses/ manage debt.​
* Michael Dennis and Brian Kulpa stated there is hope: if enrollment increased to 18,000 or above, there may be room then to lower permit and citation fees.​
* Rates had not changed between 2011 and 2021 (steady at $125 per semester / $250 per year).  Rates were below market and peer rates. ​
* Student parking permit:  $137 per semester / $274 per year

Question two, how do our rates compare to other Ohio universities? So, if you see here, and this isn't really a perfect chart because this is supposed to be per semester. So as you see, UToledo is at 137, and this is for per year. This is not per semester; I hope not anyway. Okay, I don't think I can afford it. All right. So, as we see, BGSU only charges $78 dollars to the students and $144 to their employees. I mean, you can look at this and just figure it out for yourself where we are. We are just slightly below, we're slightly below the average. Question three, could there be no ticketing the first two weeks of the semester?

**Professor Duhon:** Senator Coulter-Harris.

**Senator Coulter-Harris:** Yes?

**Professor Duhon:** Did you want me to present?

**Senator Coulter-Harris:** Oh, I’m sorry, this is your slide.

**Professor Duhon:** Okay.

**Senator Coulter-Harris:** Go right ahead.

**Professor Duhon:** Sure. Can everybody hear?

**Senator Coulter-Harris:** Yes.

**Professor Duhon:** The third question that we asked them about was, what about grace periods? Are there grace periods anymore? Could there be no ticketing during the first two weeks of the semester? They explained to is that there’s no more grace period. The previous process did not change student and staff behavior so that was done away with. The Student Government did approach ParkUToledo with a suggestion to implement the ticket forgiveness program. ParkUToledo is willing, they're open to the option of doing such a program following the concession agreement first-time forgiveness and the one-week grace period went away. So, since ParkUToledo inception of fall 2021, 61% of those staff and students, and employees who have been ticketed have received more than one citation. Next slide.

The Director of Parking, Sherri Kaspar told us that the failure to register, which is a $61 dollar ticket is the biggest violation of all tickets, followed by the failure to observe, which means not parking in designated spots and not following rules and instructions posted on signs throughout lots on campus. She also told us anyone that has $200 or more in ticket fines will have their car booted. Students tend to be multiple offenders. They receive a warning slip first, she assured us, asking them to contact Parking before a boot is placed on their car. Sometimes ParkUToledo is met with a situation where a car that they want to ticket is unknown, so they have to spend time looking up the plate in the DMV.

The fourth question, why are people getting ticketed at public events that promote the University of Toledo? For instance, the Chemistry Department had to cancel their Saturday Morning Science this year because the department has no funds to pay for parking. It was explained to us that this is all part of the concession agreement. They reminded us that parking is an option that people can still get a permit, or they can drop students off. We were also reminded that guests can continue to secure a guest parking permit via the parking portal. The Chemistry Department, let me backtrack a little. There is a schedule list in the concession agreement that has certain entities that [have] particular parking privileges, such as Enrollment Services. This is a list that is maintained by leadership. The Chemistry Department has asked to be on this list, but they must understand that since this list has already been created, it may be difficult to change. So, a suggestion was that perhaps they could share the cost of parking with visitors. We were also reminded that there are ‘global days,’ which are ‘freebies’ for departmental events such as football days. I wasn’t aware of this, but I believe some of these ‘global days’ include days around move-in and move-out dates. There’s no enforcement on a permit, but there’s still enforcements on following the rules. There’s always a cost to park for visitors, ParkUToledo reminded us. They also reminded us to give them as much advance notice as possible regarding any parking needs.

Another question we had for ParkUToledo was whether grad students are paying more for their permit than the students on Main Campus? All prices are based on permit titles. The Medical Student Board had already negotiated for year rates, which came out to $411 dollars. They had to negotiate a different time period because of their different start and stop dates being on a different fiscal year. So, there was some concern about that four hundred and eleven dollars, but it turns out, it’s really just annualized – it is $137 per semester, times (X) three. So, there's really no difference in rate for medical student’s permits. And nursing and pharmacy grad students on the Main Campus pay $137 per semester. So I think that was all from my slides.

**Senator Green:** Now, one of the things we kept hearing was, ‘there are a lot of tickets.’ The ‘rumor’ was there’s 35,000 tickets being issued each semester. Is that true? And yes, it is true. Those little trucks are really going out to ticket. They did say that 1/3rd of them is voided out because of the appeal process. At the time we met, at the beginning of October, they had already issued out 25,000 citations this year. About 30% had been forgiving through the appeal process. So, of the tickets that were issued, most of them are failure to register. A lot of students and faculty aren't registering a car. And also, for faculty, another issue that comes up is, you know, when you share your car with someone and you forget to go on the app and change it, or if you share your car with someone and they come in. So, there has to be a three-hour window from when they scan your first car to your second car on your account. Those [vehicles] had been ticketed. And then, I did this one before, I forgot it and left the plate on the front of another car and so I ‘donated’ to UT Parking. So, it's probably not a charitable deduction, but--- Next slide.

So, we also wanted to know, like, what is that exactly, this breakdown for these tickets? Most of them are students at 4%. This DMV lookup, that is set where they have to look up the car. It could be a visitor. It could be a student taking another car, or someone else taking another car. I’m sure, like, if you have a rental car, you know, the dealership is getting some tickets on your behalf. So, most of them are students. If they're able to do that, Lucy presented this training where they'll void your first ticket, that could help with the 38% of the students. Next slide.

Students were saying that they were concerned that ParkUToledo is operating with no oversight that they were just going ‘crazy’ with the tickets. I know some of us feel that way. ParkUToledo is a non-profit and that’s how they were able to set this up. We got money from ParkUToledo or the Board’s authority, and that’s how they setup this fund. It is a non-profit, and so what that means is if it kicks off more than the revenue, less operating expense, plus that service fee, I want to say, it's $2 Million dollars a year. UT gets the fund(s). But the bad part is, is we're not hitting that revenue with the parking because enrollment. New enrollment, you know, less parking passes. Or there's more online students (they are not coming here, [which means] less parking passes. So, enrollment is another big issue. The RC Committee needs to help out with parking too, right?

This is what I was saying, it all comes back to enrollment issues. I feel a lot of things that UToledo needs to investigate, a lot of it stems from enrollment because we don't have enough revenue generating to help fix the dorms, to help the students with parking, and all these other activities. Brian and Sherri, they both even agreed that, you know, when this agreement was made, they had this expectation of over 17,000 students, right? Where are we now? Like, 11,000?

**Senator Coulter-Harris:** Well, altogether, 15, 000.

**Senator Green:** Yes, I mean undergrad?

**Senator Coulter-Harris:** Eleven thousand.

**Senator Green:** So that’s why they made this agreement with this revenue. If our revenue goes down, we’re going to be in trouble in other places that we didn’t expect.

**Senator Coulter-Harris:** Okay, that is the end.

**Senator Green:** Hopefully, no one else will ‘donate’ money to Parking.

**Senator Coulter-Harris:** Okay, just a moment because we’re not finished.

**President Rouillard:** Oh, okay.

**Senator Coulter-Harris:** Can we view the next slide, please? This is our appendices. I wanted you all to be aware that everything was sent out to all the faculty senators. We have the cost of violations and non-ticket ‘global holidays,’ so you can click on that. Also, the ParkUToledo annual report, you may click on this link to get that report. And then, also, Sharri Kaspar’s presentation to Faculty Senate which was last April. The last thing that I want to pull up is the addendum. Could we pull up the addendum, please, and then we will be finished and then take questions? Thanks.

This is an addendum to the parking report. Towing questions, these were sent up to us by Dan Cowgill yesterday. Who is in charge of towing? What company has the contract to tow? So, Athletics and UTPD are actually in charge of towing for athletic events. It does have a towing contract with ABCO, but has not had a car towed from campus since the beginning of ParkUToledo, on 10/07/2021.

Do the UT Police make decisions on what cars need to be towed? Athletics makes the call to tow on game days and on other days. UTPD can make the decision to tow for various reasons, including abandoned vehicles etc. ParkUToledo does have the authority to tow if vehicles are in violation of the rules and regulations. But again, they said that we have not yet to utilize this process.

Under what circumstances does towing take place, for example, clearing the lots for football games? Athletics make those decisions.

Where is the location that cars are towed to, and how far is this from campus? In some cases, vehicles are relocated to a different location on campus at no towing expense to the vehicle’s owner. If ParkUToledo were to tow a vehicle off campus, it would go to ABCO. They say it is about five minutes away at 701 N. Westwood Drive, Toledo, Ohio. Athletics and the police use ABCO as well.

What is the cost to students and faculty? Well, for ParkUToledo, if we decide to show the pricing that we have from ABCO, it is $125 dollars, plus you have to pay for storage. So, pricing for Athletics and the police may be different.

Does ParkUToledo derive any money from towing? How much? ParkUToledo receive zero dollars when a vehicle is towed. And that’s it. Questions, please.

**Senator Avidor-Reiss:** So, when was the concession agreement made and who created it?

**Senator Coulter-Harris:** Well, it was made with the administration and ParkUToledo. Plus, there was another party, which [I can’t recall the name at this time] I had given another presentation on.

**Senator Avidor-Reiss:** And this is administration?

**Senator Coulter-Harris:** This was 2021.

**Unknown Speaker:** Thank you so much for your presentation. I kept thinking what would be the process? Wouldn’t we have contract bids? But it sounds like, and correct me if I’m wrong, because of this non-profit status, that may be the normal process of having competitive bids for this business which is circumvented. Right?

**Senator Coulter-Harris:** Yes, well, ParkUToledo had to give them a big chunk of money in the millions of dollars up front. This concession agreement is good for 35 years. The money is derived from the concession agreement is supposed to be used for capital improvements on campus. So as our enrollment goes down, of course, the monies that the University of Toledo receives is going to decrease.

**Senator Herrera:** I was wondering, can you ask them because my daughter was towed at 3am before the game day? They had to move their cars. She lives on campus in…houses and they have to move their car out of that lot by 3am, the night before the game. So, fifteen hours before the game, they have to move their cars, or it will be towed. I asked her if she knew of anybody else that has been towed since 2021. She said at least two sisters have been towed twice. It was $147 dollars [each]. So, if it is not UT that’s doing it, who is? You said Athletics and ---?

**Senator Coulter-Harris:** UTPD.

**Senator Herrera:** Are they towing these vehicles from students?

**Senator Coulter-Harris:** No, they are calling ABCO and ABCO comes and tows the car.

**Senator Herrera:** Who is making the decision in Athletics, and how many have they towed because they are claiming they haven’t towed anyone since 2021.

**Senator Coulter-Harris:** Well, I’ll have to find that out. That is something that they did not provide. SO yes, I will find that out. Yes, any other questions?

**Senator McLoughlin:** The non-profit, is that a separate entity from the University or is that---?

**Senator Coulter-Harris:** Yes, it is a separate entity with a concession agreement that they both signed. But actually, the University did not give up anything. They didn’t give up the parking lots. The parking lots are still ours; we still own them.

**Michael Dennis:** Real quick. This is Mike Dennis. I’m online listening to all this. There is a question about the nonprofit status and getting around the bidding. So, in the spring of 21, we did an RFP. Four companies submitted proposals - all national parking companies from around the country. We had brought all four in. We did interviews, we grilled them, they gave proposals. We had a committee that went through all the proposals, and we selected the best one. So, there was a competitive process. It wasn’t ParkUToledo. That was a name created after they got the deal. But ParkUToledo was the best option for Toledo.

**Senator Coulter-Harris:** Mike, while you’re here, there’s a question about who is Athletics makes the decision to tow?

**Michael Dennis, Associate Vice Provost for Finance:** Yes, I believe they have facilities folks or others that drive around the lots because they need to be cleared out for fans and the community. So, they get out there in their little cars and they drive around and if there are cars still parked in the lots, then they call ABCO, and they’ll come get them.

**Senator Coulter-Harris:** Right. Who exactly drives around in these cars, students or---?

**Michael Dennis:** No, no it will be Athletic facility folks.

**Senator Coulter-Harris:** Okay. Thank you very much, Dennis.

**President Rouillard:** And thank you very much, Deborah, Karen and Lucy. We appreciate your attention to detail and your thoroughness on this issue that is very directly related to our next presentation from Tomer and Yakov on recruitment and retention. We can see that parking is not really designed to help us recruit or retain---

**Senator Coulter-Harris:** No, not at all.

**President Rouillard:** Tomer and Yakov, we have ten minutes. Do you want us to ask for an extended period of time to finish your presentation?

**Dr. Yakov Lapitsky, Co-chair of the Recruitment and Retention Committee:** It might help. I think realistically, it’ll probably take us 20 minutes or so.

**President Rouillard:** Okay. So, if we go to 6:15, is that enough?

**Dr. Lapitsky:** Yes.

**President Rouillard:** So, I will ask for your approval to extend Senate to 6:15 pm. All those in favor, please say ‘yes’ or put ‘yes’ in the Chat Box. I don’t know how many people said ‘no’ online.

**Senator Coulter-Harris:** There were just two nos.

**President Rouillard:** ***Motion Passed.*** All right, and in any case, we’re not going to vote on anything. We are simply getting a presentation. So, thank you.

**Dr. Lapitsky:** Alright, thank you very much for the opportunity to present our preliminary finding for this year. For those of you whom I have not had the opportunity to meet, I’m Yakov Lapitsky. I’m a Professor in Chemical Engineering. I’m RRC’s Co-chair. What the committee’s chairs, Tomer Avidor-Reiss and I, would like to do is report on the response that our committee has received to another report we delivered in the spring to Faculty Senate and administration.

So, the findings we’re going to share today is going to be the result of work that five diverse and hardworking committees that have investigated the recommendations from the RRC’s spring report, which dealt with things ranging from our institutional organization to recruitment events, to new programs incentives, relationships we should be developing, advertising and development of value propositions for both our institution and academic programs, as well as our retention activities. To give some background to those who are hearing us speak for the first time, RRC was formed the last fall with the goal of addressing the alarming declines in enrollment at our institution. Its responsibility was to study the University of Toledo’s past and present recruitment and retention practices and correlate them with our enrollment outcomes; benchmark our recruitment and retention practices against those at other universities; identify opportunities to enhance faculty and staff involvement in the student recruitment and retention process; define metrics for faculty involvement as well as ways for the institution to recognize their contributions; and finally, advise the University administrators on ways they can improve their collaborations with faculty and staff from academic programs, and to improve enrollment outcomes for our institution. We spent much of last year doing these things, and at the end of last spring, [we] delivered a report to the Faculty Senate and administration that analyzed the problems underlining our enrollment troubles as well as offering around 60 major recommendations for making improvements.

As far as the overall feedback that we received from President Postel, President Postel has told us again and again, both in public forms and in private conversations with RRC members, that he deems RRC’s work as being a very high quality, and the findings and recommendations are being taken seriously by the administration. And this past summer, a number of senior administrators prepared written responses to each of the 60 or so major recommendations made. These responses were color coded by the administrator’s three categories: green, yellow and red. Green for recommendations that were already being implemented at the time of the report. Yellow for things that the administration was considering or planning on doing. And red for things that they responded did not fit the University of Toledo, in which case, they gave an explanation for why that was. In cases where the findings or recommendations were in the first two categories, they also gave us information, that’s shown here, on how they fell into the administrators’ wheelhouses.

With that response as our starting point this semester, members of the RRC met with a variety of administrators to discuss the implementation of these recommendations. In doing so, they sought to learn which of the recommendations had been implemented, how they were implemented, what were the outcomes and future opportunities related to these recommendations, and which of these recommendations did they disagree with, and why that is in an effort to learn whether we need to just explain these recommendations better, whether we need to refine them, or altogether discard them. And lastly, identify implementation barriers that the faculty and staff can help overcome and develop a plan for doing so. Based on this feedback, we have been refining the RRC’s previous recommendations and continuing to engage with the administration throughout this term to do that.

To this end, we have had six committee-wide RRC meetings so far this semester, as well as numerous additional sub-committee meetings. And today, Tomer and I are reporting to you on some of our findings. So, Tomer.

**Senator Avidor-Reiss:** Fall 2023 Main Recommendation: So one of the problems we had at the beginning of the report, which is presented here, basically, we discussed the need for declaring a crisis in the issue of enrollment. We also made the recommendation there should be somebody with high level authority to solve problems, giving all these issues. We also propose that in addition to that, there should be a committee of students and faculty advising administration so they can see a different point of view. The other response for those comments is this the way we think is positive. The President is now considering expanding the [new] provost’s responsibilities to include enrollment – we see this as a forward step toward creating one central authority to govern. The administration also created several other committees in order to break the silos at the University of Toledo. The University has yet to develop a student and faculty advisory board to help.

Mixed Outcomes due to Slow Reaction: How they dealt with all the great things we did; you are going to see the outcomes are very mixed. This is a committee that came out of Art and Sciences – a company was hired to do outstanding work. They came with very good marketing ideas, which actually went along with RRC’s recommendations. Most disappointing, this administration did not follow through on these recommendations. I don’t think you have heard about the report. The RRC’s recommendation is that this committee really did a good job, and the report needs to be shared by the Senate and by other entities. Another group that the university created was the ACE meeting. It is focusing on mostly recruitment. The only problem is they meet once a month, but they discuss recruitment events and activities. This is led by the new Assistant Vice President for Undergraduate Admissions, Christy Savier. Our recommendation is to increase the frequency of the meetings. Another group is the Roundtable. This group focuses on retention initiatives. They meet bi-weekly. This is a reasonable meeting. It is organized by Angela Paprocki. There have a few good points that we were only able to introduce, but hopefully we can introduce [more of] their ideas this coming semester. And then there’s Enrollment Diagnostic. President Postel, I believe, mentioned this committee when he was here. It is another committee that was hired to provide a quick ten-week project where they provide some insight of coordinating the activities related to enrollment. This is led by the company, Huron Consulting. The main concern that we see here is they still have not spoken with the RRC members or the chairs, and so we are worried about that. We hope they will reach out to us and get/hear our opinions also.

Notably Cooperative Administrators: We do want to mention two people that we think are really working with us and helping the RRC Committee in its job. One, is our Interim Provost, Scott Molitor. He is very responsive to many of the comments that we are making and also, Mary Humphrys who does many different activities in the University that really seems to be useful. I think these people should be recognized for that.

Ongoing Challenges: UToledo is slow in adopting recommendations, both from the RRC and external consultants considering the crises we are in. Secondly, Enrollment Management communication with faculty still remain unreliable. They need to be strengthening that. And thirdly, administrative offices remain siloed. I’m now turning it back over to Yakov.

**Dr. Lapitsky:** Thank you, Tomer. We are now going to tell you a little about what the subcommittees found. Each of the five subcommittee have selected several recommendations to focus on, in terms of the administration’s response. I know we’re standing between you and dinner, and so we are only going to present some selected recommendations and share the slide deck when the meeting is over for those who may be interested in reviewing it further. So, the first subcommittee is the Institutional Organization sub-committee. And the recommendation that they focused on so far was to appoint a faculty, staff and student recruitment and retention advisory board that would advise the Chief Enrollment Office in the continuous improvement of UToledo’s recruitment and retention efforts. The administration’s response this summer was that this group, the Academic Committee for Enrollment or ACE, which Tomer spoke about, already exists. It has representatives from each college, and also related campus administrative offices. It informs college representatives on recruitment related activities. They also said that Academic Affairs is reorganizing (or was reorganizing at the time) the University Retention Committee, which became the Roundtable Committee, which Tomer spoke about. They welcome participation of RRC’s members on these committees. To learn more, we have taken advantage of this invitation. Also, members of the Institutional Organization subcommittee interviewed representatives serving on the ACE on their experiences. Some of the key preliminary findings from the subcommittee, which primarily focussed so far on the ACE, was that, although the ACE provides a mechanism for disseminating information from Enrollment Management to colleges, this committee much like previous committees that the Enrollment Management had which ACE replaced last year, relies on just a single key communicator from each college and provides very little guidance on what information should be disseminated with college personnel and with who. And not surprisingly, the result of this is that there are really inconsistent results in the quality of communication to faculty and staff, which depends on who this college representative is and what other ‘hats’ they happen to be wearing in terms of their job functions. Additionally, the ACE was found to provide just up-down communication from Enrollment Management to the colleges with very little opportunities for colleges to provide bottom-up feedback on what is working and what isn’t. So, it really does not function as a true advisory board. To improve the administration and academic program communication, the subcommittee proposes to develop organizational flow charts which show how information should flow at both university and college levels, and to share this with all the faculty and staff. Also, they recommend for enrollment-related efforts to be communicated directly to the faculty and staff through faculty meetings [with individual academic units], for example, or providing them with access to the online resources that Enrollment Management uses. And also, to establish better mechanisms for feedback. For instance, to dedicate portions of the ACE meetings for bottom-up feedback on what is working, what’s being done, and what needs to be revised, and then following-up on meetings to close the loop and to discuss action items from the previous meetings to make sure that the feedback is receiving full consideration and that there’s follow-through on the previous action items.

The second subcommittee was the recruitment events [subcommittee]. And one of the recommendations they investigated was the relocation of financial resources towards critical recruitment efforts, such as campus tours, experience days, university website improvements and advertisements. One of the responses to this was that the quality of these experiences has improved greatly over the last one or two years with colleges now receiving more time to highlight their programs and facilities. Money is now also being allocated to better signage to help guests navigate and get where they need to be, and the programs’ webpages have improved.

The methods the subcommittee used to dive deeper into this is they met with several different administrators to discuss these efforts. And also, they will soon be, or perhaps they have [already] met before this presentation with TPS Superintendent, Dr. Romulus Durant to get the perspective from our feeder schools on how we’re doing in terms of our recruitment efforts there as well. One of the notable preliminary findings from this subcommittee was that Enrollment Management really needs more student success stories, which are somehow not getting to them from the other offices to which they’re being submitted – and the faculty don’t know about it. So, to address our ongoing challenges in these areas, the subcommittee proposes to again, improve communication between Enrollment Management/MarComm and our Academic Program faculty and staff. This seems to be a continuous theme here. And also, to provide a central portal for submission of students’ success stories by faculty who usually are the ones who would forward them to administration, perhaps using a resource such as MyUT portal.

**Senator Coulter-Harris:** Yakov, I just wanted to point out that in the last two or three weeks there have been a lot of student success stories published not only by UT News, but on Facebook as well.

**Dr. Lapitsky:** Oh, that’s good.

**Senator Coulter-Harris:** I just wanted you to know.

**Dr. Lapitsky:** Okay. So, somehow these stories aren’t getting to the Admissions and Enrollment Management folks.

**Senator Coulter-Harris**: Well, you know, the communication here is at an all-time---.

**Senator Avidor-Reiss:** Okay, I’m going to try to be quick here. Subcommittee three is the new program, incentive and relationship development. I’m going to focus mostly on the CCP issue, because this was the point where there were some discussions about. The administration commented about CCP and said it was a complex…that require partnership in many different aspects. And because of that, the issue of limitation, the requirement in certification leads to a limitation. Again, we… The key point that we found in this case was that…to reach a consensus on how to proceed. What we need is to prioritize and identify some eventual certificate programs etc. I’m going to move to the next subcommittee to save time.

Again, here is an advertising and value proposition. We have made recommendations and the first one was to implement a hybrid recruitment effort, both University-wide, which all universities are doing and also a college-specific one. The answer from the University was basically that ‘this is expensive.’ So, this committee needs to find a mechanism to move forward with this idea. Even though administration claim that there is no funding, I think they can create a mechanism that basically n some type of product that would be a good…between administration and the RRC recruitment strategy. The idea is UToledo will recruit faculty in each of the eight colleges with undergraduate programs for three tasks: college-level follow-up to the centralized recruitment efforts. And follow-up with an email or a hand-written letter specifically for each student. They will be visiting high schools and they will develop a visual branding component. Then RRC will ensure the smooth operation of the product, and if it work well then we can quantify the outcome, [and] maybe the University will be convinced that it is what many faculty think, that college activities are important. The Retention Committee, again, they have two lines, remediation activities and initial response to struggling students. I’m going to focus only on the second point. So, the situation here is that the administration got rid of a lot of help for retention. We don’t have the power like we had before. So, there is an emphasis on faculty right now. We can use Starfish for identifying struggling students. That is why we must ask administration what must we do. We need to direct different University resources to areas such as those struggling students. The administration is looking for new ways, which I’m going to show you some of them. This is what the RRC Committee collected. There is an early alert system. Right now, the University can setup automated emails to send students links to specific resources. Julie Fisher-Kinney will reach out to the students that have more than three flags in the early alert system. Again, that’s with very limited resources. And then faculty and advisors would need to be more aware of struggling students. The concern here, of course is there will be email fatigue. We need to diversify their approach. And the barrier here is administrators do need to understand that faculty and advisors have a larger workload. The expectation for faculty to be working on those additional things in an overwhelming environment is heavy.

So, all in all, the summary and the conclusion of what you see here is this. President Postel seem to value the recommendation from the RRC Committee. The administration is slowly reacting to last year’s RRC’s recommendations and establishing some potential changes. But again, hopefully this new committee will break the silos. UToledo has a rigid interpretation of rules, a low level of creativity and fear of troubleshooting sometimes. It seems like there is a fear of innovation, actually for the University of Toledo to solve their problems. The CCP is an example of that. The retention of a struggling student is complicated. Our students have limited resources and now depend more heavily on faculty. Again, people need to realize that faculty are doing a many other things. So, the recommendation is that we need to have very general feedback. One, is expanding mechanisms for…if they will listen and accept our ideas and move forward…

[Experiencing Technical Difficulty]

**Senator Avidor-Reiss cont’d:** The University asking faculty to be involved.

**Senator Coulter-Harris:** Yes, I have two comments. The first is about Starfish. I think Starfish is an excellent program. The problem is, not all faculty respond to it. Some refuse to. And the same with midterm grades, everybody should be posting their midterm grades and should be using Starfish. It is a very effective system. Secondly, CCP students. You know, they’re paying much less per credit hour. So, if we expand CCP and only are we relying on that and expand that program, we are going to, of course, decrease our financial solvability.

**Senator Avidor-Reiss:** I heard this comment quite a lot that the CCP does not have a lot of income, but they are… You bring them here. And other universities are doing that, and their students end up in other programs.

**Senator Coulter-Harris:** I love my CCP students. I have many of them.

**President Rouillard:** I think they do count toward state share of instruction if I’m not mistaken.

**Senator Coulter-Harris:** Yes.

**Senator McBride:** It might be some online comments.

**President Rouillard:** Can you open the Chat Box?

**Senator Hefzy:** Excuse me.

**Senator Coulter-Harris:** Yes, go ahead.

**Senator Hefzy:** I have a question.

**Senator Avidor-Reiss:** Yes, Senator Hefzy speak, we are listening.

**Senator Hefzy:** Can you hear me?

**President Rouillard and Senator Coulter-Harris:** Yes.

**Senator Hefzy:** Dr. Lapitsky, in one of your slides you indicated that we are not able to recruit ambassadors for $15 to $17 dollars an hour. Now, I remember in the College of Engineering, including Mechanical Engineering, Civil Engineering, and Chemical Engineering etc. etc., when we have open houses many of our students are willing to be self-ambassadors, and usually they get only a t-shirt of whatever. Can you comment on the differences? Why some colleges like Engineering when they have open houses, students serve as ambassadors and many of them volunteer compared to the report when it says, $15 to $17 dollars an hour, you are not able to find ambassadors?

**Dr. Lapitsky:** Thank you, Samir for that great question. So that's one of the findings that we skipped over today. It seems like for campus stewards, the real challenge is to convince students to work for $15 to $17 dollars an hour, even though these are short hours, but there is competition at many other places that pay similar amounts. So, it is true that student organizations are willing to help out with some of this. Especially when it has to do with departmental recruiting. In fact, the recommendation for dealing with this challenge is to have faculty and staff from colleges, recommend student groups who would be willing to participate in that [at the University level]. So, they might not necessarily do it for money, but as being members of certain student organizations, they are usually willing to be engaged, which is exactly the experience we have in the College of Engineering, with lots of fabulous students really participating in this as you described.

**Senator Avidor-Reiss:** And I would add that this is information that we got from the Enrollment Office. I don’t think we necessarily do everything right to recruit the people; I think there is a challenge. Again, there’s a problem of communication which is really the major problem because I believe a lot of students are looking for jobs. Once again, the administration needs to know how to reach the students, and in this case, faculty are going to be a great big…

**President Rouillard:** Are there any other questions for Tomer and Yakov?

**Senator Coulter-Harris:** Thank you so much.

**President Rouillard:** Anybody online? Okay. I also thank you very, very much for your presentation and hard work.

[Applause]

**President Rouillard cont’d:** You brought attention to what is a very, very serious issue for us. I think that unless we get this under control, this is the weakness of this institution. And I think another weakness is the refusal to listen to all the constituents, and I think that you have highlighted that very clearly. You are welcome to come back to Senate at any time to update us on your efforts and on the reception of your ideas. Please let us know if there's anything that we can do to help in this area.

I also appreciate Faculty Senate’s generosity and your dedication to hearing about what our colleagues are doing to advance the greater good for this institution. I wish you a happy Thanksgiving. Thank you for staying. I don’t think we need to vote on an adjournment. But I thank you all again for all of your hard work and your attention.

**Senator Coulter-Harris:** Thank you. Happy Thanksgiving.

**President Rouillard:** This meeting is adjourned. Meeting adjourned at 6:27 pm.

**IV.** Meeting adjourned at 6:27 pm.

Tape summary: Quinetta Hubbard

Faculty Senate Administrative Secretary