

Ohio University Faculty Senate
Monday, February 20, 2012
Room 235, Margaret M. Walter Hall, 7:10 p.m.
Minutes

Senate Chair Joe McLaughlin called the meeting to order at 7:12 p.m.

In attendance:

College of Arts and Sciences: T. Anderson, R. Boyd, K. Brown, C. Elster, J. Gilliom, S. Hays, D. Ingram, J. McLaughlin, R. Palmer, B. Quitslund, L. Rice, A. Rouzie, H. Sherrow for S. Patterson, S. Wyatt

College of Business: L. Hoshower, B. Roach, T. Stock

College of Fine Arts: V. Marchenkov, A. Reilly, E. Sayrs

College of Health Sciences and Professions: D. Bolon

Group II: M. Sisson

Heritage College of Osteopathic Medicine: H. Akbar, M. Tomc

Patton College of Education: T. Franklin, A. Paulins, B. Vanderveer

Regional Campus—Chillicothe: N. Kiersey

Regional Campus—Eastern: J. Casebolt

Regional Campus—Lancaster: S. Doty

Regional Campus—Southern: D. Marinski

Regional Campus—Zanesville: J. Farley

Russ College of Engineering: J. Dill, J. Gieseey

Scripps College of Communication: B. Bates, J. Lee, G. Newton, J. Slade

Voinovich School of Leadership and Public Affairs: A. Ruhil

Excused: B. Debatin, R. Knight, L. LaPierre, M. Nern, S. Patterson, G. Van Patten, J. Wolf

Absent: M. Adeyanju, B. Branham, D. McDiarmid, G. Negash, H. Pasic

Overview of the Meeting:

- I.** Executive Vice-President & Provost Pam Benoit
- II.** Vice-President for Finance & Administration Steve Golding
- III.** Roll Call and Approval of the January 23, 2011 Minutes
- IV.** Chair's Report
 - Updates and Announcements
 - Upcoming Senate Meeting: March 12, 2011, 7:10 p.m., Walter Hall 235
- V.** Executive Committee—Joe McLaughlin
 - Resolution on Revised Schedule for Faculty Senate Meetings, Elections, and Terms on the Semester Calendar—Second Reading & Vote
- VI.** Professional Relations Committee—Sarah Wyatt
 - Resolution on the Adjustment of the 6 Quarter Rule for the Semester Calendar—Second Reading & Vote
- VII.** Educational Policy & Student Affairs Committee—Allyn Reilly
 - Resolution on Minimum Required Hours of Undergraduates—First Reading
 - Resolution on Dropping Non-Attending Students (The Two-Hour Rule)—First Reading

- Resolution on Changes to Undergraduate Catalog Requirements for Graduation with Honors, Final Examinations, and Graduate Credits for Seniors—First Reading
- VIII.** Finance & Facilities Committee—John Gilliom
- IX.** Promotion & Tenure Committee—Joe Slade
- Resolution on Adjustment of Deadlines in Faculty Handbook For
 1. Non-Renewal of Probationary Faculty
 2. Promotion and Tenure
 3. Evaluation and Contracts for Continuing Faculty
 4. Time Limits for Appeals
 5. Time Limits for Grievances other than Reappointment, Promotion, and Tenure
 For First Reading
- X.** New Business
- XI.** Adjournment
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I. Executive Vice-President & Provost Pam Benoit

- The Parental Leave Task Force is still expected to present its recommendations at the end of this month.
- The Budget Planning Council is working on the assumptions for next year's budget. These include the following:
 1. A recommended 3.5% increase in resources for Residential Housing for FY 12-13.
 2. A recommended 1.5% increase for Culinary Services. There was no increase in the unit's budget last year, and both the minimum wage and food costs have gone up.
 3. The Lausche Heating Plant is both aging and inefficient. By 2015, the University hopes to be using largely natural gas rather than coal for its heating needs, and improvements undertaken by 2017 are predicted to cut costs up to \$3 million annually.
 4. Healthcare costs are going up again. Senior Human Resource Director Mike Fialko discussed the drivers of health plan costs with the BPC, including the employee pool, plan design, range of available and included providers, and the health reform law. The predicted increase to OU's health care costs for next year is 7%.
 5. There has been no discussion yet regarding raises or changes to employee benefit rates.
- **Vice Provost for Enrollment Management Craig Cornell** provided an update on applications for AY 12-13. Freshman applications are up 34.5% over last year, and nearly 100% in out-of-state applications. Admissions are up 23.3%, and housing deposits up 17.4%. While transfer applications are running about even with last year, admissions are up. He also noted that specific colleges targeted for recruitment had higher application numbers, and that multicultural applications had increased as well. Academic quality is also stronger: the average ACT score of applicants is .24 higher than last year, and the average score of admitted students is nearly half a point higher (an increase of .47, bringing the average score to 24.88). So far this year there have been a total of 767 international applications (a little more than 1/6 of the approximately 4,500 out-of-state applications), which represents a 40%; international admits are up 140%. His office is

projecting about 17,500 undergraduate applications total this year, handily surpassing the previous high of about 14,200. He assured the Senate that this would not mean an incoming class of 5,000, especially as some new recruiting markets are expected to have much lower yields among admitted students. The total goal for the 2012 freshman class is the same as this year's, 4,025 (though the actual class was 139 students smaller than that).

Questions and Discussion

Judith Lee asked the Provost about the possibility of restoring class add/drop notices for faculty. Discussion, including, **Associate Provost for Undergraduate Education David Descutner**, and the Provost established that doing so will require modifications to PeopleSoft that have so far had lower priority than fixes required to meet student needs and for compliance with state regulations. Lee and **David Ingram** emphasized the necessity of add/drop notices for managing class enrollment, particularly in large sections.

Workload again came under discussion. In light of his dean's indication that some faculty would have to be classified as "non-research-active" and carry a higher teaching load in order to meet student demand, **Benjamin Bates** wondered what the difference was between a "non-research-active" Group I faculty member and other kinds of teaching faculty—and, indeed, if research active/non-active was the preferred terminology. The Provost responded that she did not like that nomenclature, but that workload policies had to value various kinds of activities and different career phases. Probationary tenure-track faculty should be doing the research that would qualify them for tenure, but that faculty at later points in their careers who choose to undertake a less intense research agenda should have a larger teaching portfolio. She noted that currently morale problems can result from having the same teaching load for faculty with very different research profiles. She also added that the terminology of "Group II," "Group III," etc. might need to be revisited to give a clearer sense of what those faculty contribute to the University.

II. Vice-President for Finance & Administration Steve Golding: Hydraulic Fracturing

VP Golding discussed the steps that Ohio University is taking to respond to House Bill 133, which is currently going through the policy review process, with full implementation scheduled for June 30, 2012. This bill created an Oil and Gas Leasing Board with exclusive rights to lease lands belonging to any state agency, including universities, for oil or gas exploration or production. As passed, the bill recognizes four classifications of state lands:

1. Land with no restrictions on leasing and drilling
2. College or university properties (or certain other restricted state properties); university lands are subject to determination of suitability for development by their boards of trustees.
3. All other state properties.
4. Properties not available for drilling.

The University is required to inventory, and assess which of its land is viable for oil and gas drilling, and in January the Board of Trustees asked for a report at their April meeting. In preparation, Prior to that, the University must complete the following: a property inventory; analysis of relevant federal and state laws; economic cost/benefit analysis; examination of the effects of leasing on environmental sustainability; and research into best practices, including

potential leasing terms. Public forums will be held in March on each of the OU campuses. A number of significant questions remain to be answered, including how much land we will be allowed to keep in Class 2, how the Trustees can best protect the University's property rights, and what portion of any signing bonuses and royalties will remain with the University. These uncertainties complicate calculations, and may lead to situations in which carefully drafted (i.e., restricted) leases would better serve the University's interests than leaving decisions to the state Board. [Golding's slides are appended to the minutes.]

Questions elicited further background and clarifications. In response to a question from **John Gilliom**, Golding said he doubted that HB 133 would be either repealed or changed further in favor of university interests, because the initial version introduced did not include a separate classification for university land (it was all Class 1); the amendment came in response to intervention from the IUC and OSU. Furthermore, the Governor's energy bill in March may have further implications for OU's position. **Nicholas Kiersey** wondered what kinds of leasing agreements could be used to protect the University, and how those would affect investor interest. Golding responded that the leases could be written fairly stringently, and that while he would not take a stand on fracking in general, given scientific disagreement, he is aware of the potential for human error in extraction. While there are multiple investors willing to pay for the right to assess the potential for gas production at one campus, OU has not yet been approached about the Athens campus. **Steve Hays** expressed concern that in the rush to develop these resources, the State would sacrifice future higher prices for immediate income. Golding noted that if prices drop much, drilling companies might not choose to use the leases they had acquired. In response to questions from **Gilliom** and **Charlotte Elster**, Golding said that any Trustee discussion of whether to lease lands is likely to be in open session while discussion of lease terms would be closed, and he noted that the current law does credit universities with the royal payments for mineral rights on their property.

The President's Advisory Council for Sustainability Planning will help draft the report for the Trustees and run the Athens public forum; co-chairs are Ben Stuart (Assoc. Prof. of Civil Engineering) and Annie Laurie Cadmus (Director of Sustainability).

III. Roll Call and Approval of the January 23, 2011 Minutes

Joe Slade moved to approve the minutes, seconded by **Sarah Wyatt**. The minutes were approved by a voice vote.

IV. Chair's Report—Joe McLaughlin

- Updates and Announcements

The Policies & Procedures Manual needs revision before August to reflect semesters. The Provost has assembled an ad hoc committee to suggest changes, which includes McLaughlin and PRC Chair **Sarah Wyatt**. Please contact one of them with any suggestions of for policies that need attention in light of the calendar shift.

The search committee for a new Vice President for Student Affairs has been announced, including Senate Secretary **Beth Quitslund**. She is happy to hear from faculty about criteria that they want to see reflected in the search (quitslun@ohio.edu).

- **Upcoming Senate Meeting: March 12, 2011, 7:10 p.m., Walter Hall 235**

V. Executive Committee—Joe McLaughlin

- **Resolution on Revised Schedule for Faculty Senate Meetings, Elections, and Terms on the Semester Calendar—Second Reading & Vote**

This version of the resolution was tweaked to address a question asked at the first reading about the relative timing of new senators taking office and the transfer of the gavel to a new Chair. McLaughlin also reminded the Senate that it had been suggested at the first reading that the outgoing officers serve until August, but he exercised his prerogative as soon-to-be-outgoing Chair to veto it.

The resolution passed by a voice vote. Because some changes apply to the Constitution of the Faculty Senate, a referendum of the faculty to ratify those will occur in the next month.

VI. Professional Relations Committee—Sarah Wyatt

- **Resolution on the Adjustment of the 6 Quarter Rule for the Semester Calendar—Second Reading & Vote**

By specifying that any Group III instructor who teaches for six consecutive quarters must be given a Group II contract, the current policy has had the unintended consequence of requiring Group III instructors to “sit out” at least once every two years. This resolution is intended to extend benefits to faculty who are consistently teaching at least half time while preventing instructors whose main employment is not at OU from being sidelined every other year. The description of faculty eligible for benefits as teaching “.5 FTE” is intended to make what qualifies as “half time” dependent on the normal full-time load in a given academic unit. Despite the observation that contracts written for .49 FTEs would avoid triggering a Group II contract, the resolution passed by a voice vote.

VII. Educational Policy & Student Affairs Committee—Allyn Reilly

- **Resolution on Minimum Required Hours of Undergraduates—First Reading**

Because 192 hours are currently required for graduation, but the equivalent of only 180 hours will be required according to all DARS printed after the beginning of fall semester, there may be students who will finish in June without having reached the required number of hours but will be eligible to graduate in December without taking any additional classes. The Q2S Steering Committee thus recommended that those students be allowed to petition for their diplomas in August at the transition point between academic calendars. Although the problem has been apparent for some time, it seems appropriate to act now because students are currently registering for spring courses. Estimates from Institutional Research and the Academic Budgeting office suggest that the credit waivers will not have major financial consequences for the University.

Several senators thought that allowing the credit waivers in June would be even fairer to students and not more arbitrary than allowing them in August. There was also concern about whether parents and students would be more than passingly irritated at the delay between June and August, despite not needing any more classes. On the other side, it was pointed out each credit-hour requirement is based on a standard credit load each term over four years, and that understood that way it is appropriate to maintain the 192-hour requirement until OU passed out of Quarter World and into Semester World. Others commented that student loan repayment schedules wouldn't be affected by a two-month hiatus between the last classes and graduation, while a delay until December for the diploma

would start to cause loan issues. While some students will begin jobs requiring a degree in June or July, it is possible to get a letter from Student Services certifying that the student has met all the requirements for a degree in August. Others indicated that August was an acceptable compromise, but that June was not.

Ann Paulins moved to suspend the rules in order to allow for a vote on the resolution, seconded by **Teresa Franklin**. By a show of hands, the Senate approved the motion to suspend the rules. The resolution passed by a voice vote.

- **Resolution on Dropping Non-Attending Students (The Two-Hour Rule)—First Reading**

While the Handbook currently allows instructors to drop students who do not attend any of the first two hours of a class, it does not explain how to handle the many semester classes that will meet for an hour and a half twice weekly. Regional campuses in particular have asked whether the rule should encompass one or two meetings. When it was noted that those classes will in fact meet 80 minutes and that the resolution applied to classes of 90 minutes or longer, a member of EPSA responded that the difference was intentional, allowing students to miss the first meeting of a standard twice-weekly class without triggering the rule. Another senator pointed out that instructors might interpret “90 minutes” as the effective length of a twice-weekly class, given that the resolution’s “classes that meet for the usual class hour” are in fact 55 minutes long. It was further requested that the resolution reflect the fact that instructors generally cannot directly disenroll their students. In response to a question, Reilly noted that the language about staying in the classroom, taken from the current Handbook, takes into account that some instructors do not use all of the first scheduled meeting.

- **Resolution on Changes to Undergraduate Catalog Requirements for Graduation with Honors, Final Examinations, and Graduate Credits for Seniors—First Reading**

This is a housekeeping resolution recommended by the Registrar’s Office. It did not receive any discussion.

VIII. Finance & Facilities Committee—John Gilliom

- **Budget planning brown bags**: in response to Senators’ interest at the last meeting in the University’s SB 6 ratios, state capital bills, and the prospect of billions of dollars in debt for capital improvement, **Associate Vice President for Finance Mike Angelini** will provide a snapshot of the University’s financial situation and an introduction to the long-term planning process at two brown bag lunches. Interested faculty are invited to attend from noon to 1:30 on Tuesday, March 13 and Friday, March 16 in the Faculty Commons on the third floor of Alden.
- **RCM forums**: These were held on Monday 2/20 and Wednesday, 2/22. Upcoming forums will focus on the specific models under development.
- **Pay cycles reform**: In order to simplify the payroll process and cut costs, OU will move from a number of different pay cycles (bi-weekly, end-of-month, start-of-month, etc.) to one cycle for all employees—bi-weekly with payment on the 15th and the last day of the month.

Considerable discussion followed. This elucidated the following: the new pay cycle will begin with the next academic year, with the first payroll deposits on September 15.

Faculty currently paid over 12 months will thus receive their last full month's pay on August 31 and a half-month two weeks later (approximately three weeks into the fall semester). Some senators protested the idea of two weeks' pay for three weeks' work, while others objected to faculty being asked to adjust in order to solve the University's problem. Others pointed out the complications for faculty who supervise post-docs and other employees who are on varying pay cycles. It was pointed out that faculty pay is not currently precisely matched to the actual days worked in a given month.

- **Eastern Campus and Fracking: James Casebolt**

As the Senator from Eastern, Casebolt took the floor to describe the interest in natural gas extraction under OU's land in St. Clairsville. Unlike Athens, Eastern sits on the Marcellus Shale as well as the Utica Shale, potentially covering more valuable gas. A test well has been drilled just south of the campus border. Given that the maximum horizontal reach of a well is approximately 5,000 feet, a full-scale production well in the same location would take in the entirety of the campus. [A map of the Eastern Campus and its relationship to the test well is appended to the minutes.] The campus's immediate neighbors are a state prison and a community college, putting their land in Class 1 and under direct control of the Oil and Gas Board. Casebolt reported that faculty at Eastern are fatalistic about the likelihood of fracking there, and some view it as at least a mixed blessing in terms of potential income (approximately \$1 million in leasing fees, with royalties in addition); some have already leased the rights to personal real estate. An outstanding question for them is how much of the revenue from drilling would remain at that campus.

Discussion centered around whether the Senate should make any formal recommendation about OU's response to HB 133. The Facilities & Finance Committee has appointed an informal subcommittee to explore the question (send suggestions or comments to **Nick Kiersey** at kiersey@ohio.edu). Some senators expressed skepticism about the utility of resolutions, while others thought that speaking as a body might carry more weight than individual protests. It was also suggested that while the Trustees had the responsibility to negotiate the terms that would best preserve the University's interest, faculty members acting as public citizens could comment on the law in other ways. All voiced comments agreed in censuring the law. **Hogan Sherrow**, who is also consulting with the Sustainability Council, volunteered to take Senate comments for the Council; he can be reached at sherrow@ohio.edu.

IX. Promotion & Tenure Committee—Joe Slade

Slade reported that the Committee has rejected two appeals, and a hearing committee has been formed for the first one.

- **Resolution on Adjustment of Deadlines in Faculty Handbook For**

1. **Non-Renewal of Probationary Faculty**
2. **Promotion and Tenure**
3. **Evaluation and Contracts for Continuing Faculty**
4. **Time Limits for Appeals**
5. **Time Limits for Grievances other than Reappointment, Promotion, and Tenure**

—For First Reading

The Committee tried to keep the resolution economical by first addressing Appendix B to the Faculty Handbook, where all of the relevant deadlines are listed in summary fashion. (Future resolutions will reconcile the language in far-flung parts of the Handbook.) With

regard to the dates for probationary faculty, the Committee is prioritizing the need for adequate time in the spring for the aftermath of tenure decisions (i.e., appeals). The version presented at the November meeting simply rolled back dates one month; based on negative feedback, the Committee has reconsidered most dates, moving some deadlines to the end of the fall semester; other deadlines, like notification for Faculty Fellowship Leave, is made slightly later to compensate for the later start in January.

Discussion: In response to a protest that later notification that a FFL had not been approved could create logistical nightmares for a faculty member trying to coordinate different sources of support, it was suggested that the application for leave be due earlier. That occasioned concern that other arrangements necessary to make the case for FFL might not be in place by the time the application was due. Other senators were concerned that a December deadline for departmental P & T decisions would disadvantage the candidates who had less time to finish their pretenure work. It was pointed out that many schools on semesters have tenure processes beginning and ending earlier than OU's current one. McLaughlin commented that the deans still want to weigh in on these dates, and that he and Slade would attend this week's deans' meeting.

X. New Business

There was no new business.

XI. Adjournment

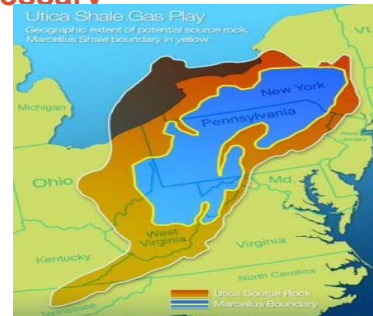
Sandy Doty moved to adjourn the meeting, seconded by **Joe Slade** and an enthusiastic chorus. The meeting adjourned at 9:32 p.m.

OIL & GAS MINERAL RIGHTS HOUSE BILL 133

Faculty Senate Presentation
February 20, 2012
Stephen T. Golding



Why This Conversation Necessary



Prior Actions

- October 2011 - letter to the Bureau of Land Management requesting a moratorium on the leasing of mineral rights in the Wayne National Forest
 - Absent assurances of the extent of risks to the community water supply Ohio University is unable to support a proposed lease
- January 2012 - Ohio University forms a mineral-rights working group to prepare inventory of all OU property (all campuses) that could be leased for oil and gas drilling, as required by HB 133
 - University must comply with HB 133
 - HB 133 became effective 9/30/2011 and codified in Ohio Revised Code 1509.70 et.seq.
- February 2012 - University is in an information-gathering phase; must prepare a report for the April trustee meeting
 - The University has not developed a policy position regarding this issue



Next Steps

- February & March
 - Property Inventory
 - Federal & State Legal Analysis
 - Economic Analysis – Costs & Benefits
 - Environmental Sustainability
 - Research of Best Practices
 - Development of Potential Leasing Terms
- March
 - Public Forums – all 6 Ohio campuses
- April
 - Report to Trustees



Sample Questions To Be Addressed

- Once the state administrative rules for HB 133 are in place, will the University be able to keep all its property as Class 2?
- What happens to University mineral rights if neighbors lease their adjacent lands to Oil & Gas companies? (this affects class 3 property)
- What is the most effective way for the trustees to protect their rights under the current HB 133?
- How might we best represent the differing opinions regarding this issue within the Ohio University community?
- Are there legitimate ways the University can exercise both environmental and financial stewardship?
- What happens after June 30, 2012 when Commission is up and operating?
- What portion of signing bonuses and royalties will the university be allowed to keep and where will that money go?



Questions



