

Ohio University Faculty Senate
Monday, February 6, 2017
Margaret M. Walter Hall, Room 135, 7:10PM
Meeting Minutes DRAFT

Meeting called to order by Joe McLaughlin (Faculty Senate Chair) at 7:10PM

In attendance

- *College of Arts and Sciences – Group I:* J. Andrews, S. Carson, H. Castillo, D. Clowe, S. Gradin, K. Hicks, A. Houston [sub for G. Holcomb], N. Manring, J. McLaughlin, R. Muhammad, P. Patton, H. Perkins, N. Reynolds, C. Snyder, D. Tees
- *College of Arts and Sciences – Group II:* D. Duvert, C. Schwirian
- *College of Business – Group I:* K. Hartman, A. Rosado Feger, R. Thacker
- *College of Business – Group II:* T. Barnett
- *College of Fine Arts:* C. Buchanan, K. Geist, A. Hibbitt, D. Thomas
- *College of Health Sciences and Professions – Group I:* R. Brannan, F-C. Jeng, Cluse-Tolar [sub for A. Sergeev]
- *College of Health Sciences and Professions – Group II:* M. Clevidence
- *College of Health Sciences and Professions / Heritage College of Osteopathic Medicine – Clinical:*
- *Heritage College of Osteopathic Medicine:* S. Inman, S. Williams, J. Wolf
- *Patton College of Education:* Oh, H-J [sub for G. Brooks], S. Helfrich, K. Machtmes
- *Regional Campus – Chillicothe:* Allison White
- *Regional Campus – Eastern:*
- *Regional Campus – Lancaster:* C. Thomas-Maddox, C. Wolfe
- *Regional Campus – Southern:*
- *Regional Campus – Zanesville:* J. Taylor, Amy White
- *Regional Higher Education – Group II:* T. Pritchard
- *Russ College of Engineering:* D. Arch, J. Cotton, D. Masel
- *Scripps College of Communication:* A. Babrow, B. Bates, A. Chadwick, F. Lewis
- *Voinovich School of Leadership and Public Affairs:* N. Kruse Daniels [sub for A. Ruhil]

Excused: J. Balbo, G. Brooks, G. Holcomb [FFL], G. Kessler, A. Ruhil [FFL], A. Sergeev

Absent: O. Carter, B. Schoen, K. Spiker, G. Weckman

MEETING AGENDA

- I President McDavis and Provost Benoit
 - II Roll Call and Approval of the January 9, 2017 Minutes
 - III Chair's Report – Joe McLaughlin
 - Updates and Announcements
 - January Board of Trustees Meeting
 - Presidential Search
 - Status of Old Resolutions
 - Faculty Senate Elections & Recruitment
 - Policy Review – TBA
 - **Upcoming Senate Meeting: March 13, 2017, 7:10PM, Walter Hall 235**
 - IV Executive Committee – Joe McLaughlin
 - a. Resolution in Response to the Arrest of Seventy Students on February 1, 2017—First Reading
 - b. Sense of the Senate Resolution in Response to President Trump's Executive Order on Immigration—First Reading
 - V Promotion & Tenure Committee – Ben Bates
 - VI Professional Relations Committee – Sherrie Gradin
 - VII Educational Policy & Student Affairs Committee – Charles Buchanan
 - VIII Finance & Facilities Committee – Susan Williams
 - IX New Business
 - a. Faculty Initiated Proposal on Student Arrests
 - X Adjournment
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I. President McDavis

- ❖ Topic 1: Sanctuary Campus. McDavis provided remarks about the issue of becoming a sanctuary campus. To those who have called, emailed, and participated in demonstrations over the past few days, McDavis said I see you, hear you, take your concerns seriously, and will continue to be active. Currently, OHIO is focused on issues that have or may impact the members of our international community. They have real-time, immediate needs; OHIO is focusing our efforts and attention on them. McDavis argues that the administration has been focused on individuals who may be negatively impacted since the risk to DACA students became an issue and since the executive order was signed. McDavis shared what OHIO has been doing to assist our students, faculty, and international community in recent weeks. We have been in constant communication with our international faculty and students. We have heard their concerns. We have been serving as a resource, advocate, and friend. Our international faculty and student services staff have reached out and provided individual support to approximately 100 students who come from the seven countries listed in the executive order. All students are in Ohio with us; no one was stopped or detained at the borders. Our admissions staff have and will continue to admit students from all countries. Student affairs has worked with housing and dining services to ensure that room and board accommodations are available to students directly impacted by current and future changes in the immigration process. We have emphasized that

our current discrimination and harassment policies already include protections for race, religion, national origin, and ethnicity. Anyone facing discrimination or harassment of any kind is encouraged to report it to OHIO's Office of Equity and Civil Rights Compliance. OHIO's definition of national origin includes all community members and their respective nationalities regardless of immigration status. McDavis emphasizes that American citizenship is not a prerequisite to pursue an education at Ohio University. Our students come from countries all over the world; that is a major source of pride for Ohio University. McDavis stated that this is one of the things that makes us who we are.

McDavis explained that he has personally taken many proactive measures to protect Ohio University's mission, students, faculty, and staff since the November election results. He has sent multiple letters to Ohio's congressional delegation asking for their help. One letter asked them to review President Trump's executive order on immigration. This letter was sent last week. Another letter was sent on December 5 asking for support of the DACA program. In addition, McDavis was one of 600+ university presidents who signed a petition to support the DACA program and affected students. On February 1, McDavis also signed a letter on behalf of Ohio University to the American Council of Education regarding the recent executive order on immigration. Additionally, McDavis sent a [mass communication](#) to the entire university community after the executive order was signed that expressed his shared concerns, OHIO's continued commitment to diversity and acceptance, and his support our international students, faculty, and staff.

McDavis stated that students continue to be protected by the Family Education Rights and Privacy Act (FERPA); OHIO has no plans to not protect students under FERPA. Information protected under FERPA will remain confidential. The values of the University have not changed. When actions in our state and federal government threaten who we are as an institution and our basic reason for existence, then we will always stand up and speak out.

There has been a great deal of discussion about Ohio University becoming a sanctuary campus. McDavis argues that we do not need to do so; he argues that actions speak louder than words. McDavis hopes that the students and faculty recognize that Ohio University is taking action, which are the same actions that we have always taken. We will continue to protect all students and faculty. However, there are no plans to use a potentially politically-charged label that could result in a loss of federal funding. Losing funding for our students in the form of Pell grants and for our faculty in the form of research funds would cripple OHIO's ability to operate as the University. OHIO has welcomed international students for more than 200 years under the tenure of many United States presidents from varied political backgrounds. One election will not undo the welcoming and inviting community that we have spent more than 200 years building.

- ❖ **Topic 2: Protest.** McDavis discussed the protest that occurred on February 1. He stated that neither he nor any other senior administrator ordered the arrests of students. Instead, the Ohio University Police Department (OUPD) was acting within the scope of its sworn duty to protect and manage what they believed to be a potentially unsafe situation. Officers were able to control the situation; thankfully, no one was injured. McDavis stated that he supported OUPD's decision. McDavis also stated that OHIO University celebrates and encourages freedom of speech and assembly. However, the safety of our students, faculty, and staff must remain our first priority. The protesters were able to lead a well-attended, peaceful protest for many hours. The event was widely circulated on digital and social media. The OUPD did not initially stop the group from protesting. Rather, they invited protesters to continue the protest in a different location that would allow for the continued use of Baker Center for all. The alternate location would not impede ingress or egress. However, protesters refused to move to a safer location.

At 7:22PM, Chief of Police Powers issued the first of five warnings via bullhorn. The warning was that anyone staying in the rotunda after 7:30PM would be subject to arrest for criminal trespassing. After the warning was issued, Chief Powers could not rescind the order. Around 7:30PM, protest leaders issued a warning to protestors that they would be arrested if they stayed. Leaders then instructed protesters who planned to stay to link arms. The Chief then issued four more warnings and

emphasized that anyone remaining in the lobby would be subject to arrest. At 7:58PM, nearly 40 minutes after the first warning was issued, officers began arresting those who refused to leave.

McDavis argued that freedom of speech and expression is one of the most basic tenets of higher education. Our law enforcement officers never wanted to quell those fundamental rights. However, when the safety of others is put at risk, OUPD had no choice but to act in the manner in which they did. McDavis further explained that OHIO senior administrators do not have the power to drop the charges against the 70 people who were arrested. The legal system is designed to ensure an independent review of law enforcement actions by a court. Chief Powers believes the most prudent course of action is to allow that review to take place; McDavis agrees and supports his decision.

- ❖ Topic 3: State of Ohio Budget for Higher Education. McDavis provided information about the budget. Because specific information from the state of Ohio was not available at the time of the meeting, McDavis provided a general summary of information currently available. However, McDavis stated that implementation language will likely be available in the next week or two.
 - *State Share of Instruction.* For the state's share of instruction, the Governor is proposing a 1% increase for each year of the biennium. Tuition increase will not be permitted. However, universities who have provided a tuition guarantee will be able to increase tuition for the incoming cohorts. The Governor is also proposing freezing fees, room, and board at current levels. This would include general educational and special fees.
 - *Textbooks.* A new textbook affordability policy is being considered and will need to be implemented in AY2018-19 if passed. The policy would require universities to cover the cost of textbooks. To offset those costs, universities may collect a \$300 textbook fee each year. For those whose textbook costs exceeded \$300 per year, costs would need to be absorbed by the University. For college credit plus students, the University would be permitted to charge the school district \$10 per credit hour.
 - *Baccalaureate Degrees.* The proposed budget also would allow community colleges to petition the Chancellor to offer baccalaureate degrees. Community colleges would be required to demonstrate a demand for the degree that is not being met by four-year institutions and to partner with industry. Four-year institutions would not be permitted to veto an application. However, the plan calls for the Chancellor to solicit feedback from four-year institutions and community colleges prior to approving any baccalaureate degree offered by community colleges.
 - *3+1 Degrees.* In an effort to strengthen pathways to a low-cost degree, the Governor is asking for 3+1 pathway agreements between community colleges and four-year institutions. There are no additional details about this proposal at this time.
 - *Needs-based financial aid.* The governor's budget increases funding by 3% which translates into an estimated 8% increase for students in year one and a 5% increase in year two. Eligibility will increase from \$75,000 to \$90,000. The budget also establishes a matching scholarship.
 - *Intellectual property.* Language encourages universities to establish an intellectual property policy that encourages commercialization of the ideas of research faculty.

McDavis stated that it is a tight budget. As such, OHIO appreciates the increases in state support for need-based financial aid. However, McDavis also stated that the budget proposal does not increase the state share of instruction enough to off-set the limits on increases in tuition and fees.

I. Provost Benoit

- ❖ Topic 1: Enrollment. Benoit provided information about OHIO student enrollment. Based upon preliminary spring semester 2017 figures, the total enrollment for OHIO is 34,587. Compared to enrollment figures at this time last spring semester, there are slight decreases in OHIO's overall

enrollment (-0.1%) and eLearning enrollment (-0.1%) and slight increases in enrollment at both the Athens Campus (+0.9%) and at OHIO's regional campuses (+1.4%). Spring semester enrollment indicates a semester-to-semester retention rate of 92.8% (-0.8%). OHIO's fall 2015 to fall 2016 retention rate is 81.5%, up 2.4% over the previous year. Benoit remarked that the fall 2015 to fall 2016 retention rate was a particularly positive result; the University has made a number of efforts to improve this retention rate. Benoit also shared the following enrollment figures:

- Total OHIO enrollment – 34,587 for spring semester 2017 compared to 34,625 for spring semester 2016 (down 38 students)
 - Total Athens Campus enrollment – 20,187 for spring semester 2017 compared to 20,010 for spring semester 2016 (up 177 students)
 - Total Regional Campus enrollment – 8,275 for spring semester 2017 compared to 8,160 for spring semester 2016 (up 115 students)
- ❖ Topic 2: Enrollment and Budget. Benoit noted that some faculty have asked for explanations about why the university has gaps between revenue and costs in budgets when enrollments have increased. As such, Benoit discussed the relationship between enrollments and budgets. Although enrollment is a source of revenue that has increased slightly, OHIO also has expected costs (expenses) that exceed expected increases in revenue. Examples of costs include the cost of building renovations and the rising costs of health care. In other words, costs are growing at a faster rate than revenue. Benoit said that this trend is likely to continue in years to come if funding from the state of Ohio is reduced and/or if the state of Ohio limits the ability for tuition increases.
- ❖ Topic 3: Textbooks. The state of Ohio is considering a change in textbook policy for higher education such that universities would be responsible for providing students with textbooks as part of the costs of education. The current proposal allows state universities to collect a textbook fee up to a maximum of \$300 per student per year. Based upon the results of recent surveys of OHIO students, students spend (on average) \$1000 on textbooks each year. In some disciplines, this is significantly higher. OHIO is making efforts to work with the state to introduce other language. Benoit also noted that OHIO has already been making efforts to help address the costs of textbooks. For example, the Alt-Text program through the OHIO Libraries is a faculty-centered program to help faculty develop alternatives to textbooks. Other examples include an integrated content program through Top-Hat, the Libraries' Common Initiative, and a student-initiated book exchange program.

Questions and Discussions

- **Alicia Chavira-Prado** (OU Latino Caucus; Office of Diversity and Inclusion COMS) said that her first impression of reading messages from the President about the University's support and position regarding issues of immigration was positive. It appeared to be an intelligent approach because it was ambiguous yet protective. However, Chavira-Prado's concern – and possibly the concern of many others – is that policies are so fluid that it leaves a lot of room for ambiguity. What we have now is not a policy per se. Considering the current national administration policies, there are some who feel emotionally affected, intimidated, and vulnerable because there is still a nightmare about what might happen in the middle the night. As such, concerns about the future is driving the desire for OHIO to be declared a sanctuary campus.

McDavis stated that he and the administration share concerns about ambiguities at the national level. Because we do not know what the final outcomes of national policies and conversations will be, OHIO has taken the approach to work with individuals on a one-to-one basis who might be affected by whatever national policies are. OHIO is staying in touch with individuals and has done so since the beginning of changes at the national level. This is done through a wide variety of offices across campus. McDavis noted that OHIO is taking actions to support individuals that we believe are most at risk to be negatively impacted. McDavis explained

that this approach allows OHIO to both protect students and faculty who might be at risk and minimize risks to funding with respect to student financial aid and faculty research support.

- **Jack Bruno** (OHIO student) remarked that McDavis mentioned protecting student's safety and asked McDavis how he responds to photographic evidence that indicates that there is no impeding ingress or egress during the February 1 protest. **McDavis** explained that ingress and egress were at risk at the point that there was a large crowd. At that time, the first warning was given by the Chief of OUPD. After the warning was given, it cannot be rescinded. As such, even if some people left or the crowd moved to a nearby location, it cannot be rescinded. Therefore, this warning was repeated four more times to give people an adequate opportunity to vacate the area. After the fifth warning, the police decided to take action. A big part of this is the judgment by the policy for the safety of students, those entering / exiting Baker Center, and those who came later to counter protest. Once the warning is given to vacate, it cannot be rescinded.
- **Senator John Cotton** asked why the order cannot be rescinded once it has been given. **McDavis** explained that it is the protocol of this police department as well as many others to enforce a warning after it has been given. McDavis further explained that there was a lot of thought given to when to even give the first warning. The police also provided multiple warnings after the first warning to explain what would happen to those who chose to stay. Following through with a warning is protocol for police departments in general.
- **Ziad Abu-Rish** (Assistant Professor of History) shared three responses to statements made by McDavis. First, expressing concern and asking people to review the executive order on immigration when other university presidents condemned the order was a failure of leadership in the Abu-Rish's opinion. Second, it is important that the administration not unintentionally mislead the audience about the protection provided by FERPA. There are exceptions in the FERPA protection that do not apply to international students because of the Patriot Act and other legislation passed in the past two decades. Abu-Rish urged the administration to clarify the protections of FERPA policies and to explain how it does not apply equally to all students. For example, there is some information that laws require universities to share about students. Third, although he understands the idea about once an order is given it must be followed, the administration cannot organize and march in an MLK commemoration one week and then abdicate the decision of what to do with students who are staging a non-violent protest to the police department later. This is a failure of leadership. There was no official response by the administration. No one identified themselves as a member of the administration. No one from the administration said "I have heard your demands and will take them into consideration; please go home." That statement was publicly never made. The fact that the administration abdicated to the police department is not a consolation; it is more indicative of a failure of leadership.

McDavis argued that the administration did not abdicate their responsibility to the police department. After the protest entered Baker Center, which is not an authorized location for protest, OUPD was called; the officers were first on the scene. The judgment of the Chief took precedent in that situation; OUPD acted within the scope of their responsibility. McDavis also noted that there are many locations on campus that are authorized locations for protest.

- **Senator Paul Patton** remarked that he appreciated comments about actions speaking louder than words. However, words are important and have power. The senator asked if immigration status is included in policies that protect national origin status. Specifically, is there a problem with explicitly including immigration status in OHIO policies that protect individuals and groups from discrimination and harassment? **Jon Biancamano** (OHIO General Counsel) responded by stating that it is very important that OHIO follows the law with respect to immigration status. Following the law is a fundamental principle that must guide University decisions. Under current laws, immigration status is not a protected class while national origin is. As such, OHIO believes that we should stay close to what the law requires. To clarify, **Patton** asked if OHIO was publicly

stating that national origin included immigration status. **Biancamano** responded by stating that he did not say that.

- **Senator Dominique Duvert** stated that the US administration is currently using laws / policies previously used to grant green cards in a way that is now being used to rescind green cards. The senator suggested that some people got on a plane one day only to land in a completely different place the next day. The senator asked how does the university reconcile this kind change when trying to follow the law? **Biancamano** explained that this is a question for the courts. OHIO lacks the authority to make these decisions and lacks the ability to issue a judicial opinion. In response, **Duvert** noted that, in the meantime, human beings are caught in this system. **Biancamano** explained that he is not questioning or minimizing the human cost of changes in national policies; OHIO is sympathetic to those impacted. However, **Biancamano** also argued that OHIO must operate within its own sphere of authority. OHIO cannot set itself up as an independent judicial system.
- **Bobby Walker and Jolana Watson** (OHIO students) read the following prepared statement:
On Wednesday, February 1st, 70 students were arrested for peacefully protesting in Baker Student Center. Those protesters were advocating for the safety and protection of non-US-citizens on this campus. Instead of acknowledging our demands or providing an official response, our university's administration allowed the arrest of anyone who refused to disperse from the Student Center. This is despite the fact that we were neither obstructing movement in and of the building nor disrupting those activities going on in the building. We, as a collective of students, speak tonight with the following requests:

To the administration, especially President McDavis and Dean of Students Jenny Hall-Jones, we call on you to recommend and take all possible action to have all charges dropped against all protesters.

To the faculty, we thank those of you that spoke out in support of our right to free speech and assembly. We call on Faculty Senate to condemn the arrests and recommend that all charges be dropped.

To the administration and faculty at large, join the hundreds of protesters from last Wednesday and the Student Senate in supporting the call to make Ohio University a sanctuary campus.

We believe that the purpose of a university education is to empower students to participate in the collective transformation of our world. To that end, we believe in mobilizing students in the fight for a radically democratic university – governed collaboratively between students, faculty and staff toward mutually beneficial outcomes. Sometimes that mobilization takes the form of a petition or panel, and other times it takes the form of a rally or sit-in, like last Wednesday's.

If the next four years will be anything like the last few weeks, then the work we do as students to collectively organize against the discrimination and violence around us will only intensify. By failing to support our right to free speech and assembly, by refusing to send a representative to speak on behalf of the administration, and by allowing our arrest and prosecution, this administration has set a dangerous precedent of where it stands with respect to the issue at hand. It is not too late to reverse course and heal the wounds that the administration has caused.

We call on you, all of you gathered tonight and beyond, to continue your alleged commitment toward being mentors and teachers and counselors in our path to defending our community. We call on you to support our call for a sanctuary campus. Together, we can, should, and will work to establish Ohio University as a site of resistance against discrimination and violence, even when perpetrated by our government. We stand in solidarity with all the targeted and marginalized students and community members against any and all forms of oppression. The struggle continues, and it is time to get to work and build something meaningful. Drop the charges! Establish a sanctuary campus!

- **Jacob Jakußeit** (OHIO student) shared three points: (1) students “pay the bills” for Baker Center as part of tuition / fees, (2) there are times in which ingress / egress is blocked and no arrests are made (e.g., according to the Jakußeit, those blocking doors at the Faculty Senate meeting is one example), and (3) if the administration does not have a role in overseeing the police department, then why does OHIO have its own police force. Jakußeit then asked McDavis to explain why he wants to have this – the arrests of 70 peaceful protestors – as one of the last acts in your presidency. **McDavis** said that he will stand on the 13 years of his record at OHIO as his lasting legacy. Others can interpret his record as they may, but he stands on what has been accomplished during his tenure. McDavis added that OHIO does oversee OUPD; they are not an agency independent of OHIO. OUPD has the authority to make decisions using their professional judgment. McDavis repeated that he supports those decisions.

- **Alyssa Bernstein** (Associate Professor of Philosophy) read the following prepared statement:

The protesters also had a number of reasons (based on previous protests) to expect that they would not get arrested.

The protesters had reason (based on previous protests) to expect that high-ranking members of the university administration would be present, if not at the start of the protest then at some later time.

The arrests could have been prevented if sufficiently high-ranking members of the university administration had been present, or had communicated with the police commanders via telephone or text during the protest, or had previously formulated appropriate policing policies and discussed them with the commanders and won their agreement to them.

The arrests could have been avoided if the police commanders had prioritized the use of methods that would have enabled them to control and defuse the situation without arresting people. The police commanders might have been convinced to prioritize such methods by sufficiently high-ranking university administrators, either during or at some time prior to the protest.

There were alternative courses of action available to the police. For example:

1. The police could have contacted high-ranking members of the university administration and explained to them that it was urgently important that they come to Baker Center to speak with the students, in order to negotiate a peaceful solution that would make it unnecessary for the police to arrest anyone.
2. The police could have refrained from issuing an ultimatum with a deadline allowing little time for response. Had they refrained, everyone concerned (including the administrators and the police themselves) would have had more opportunities to devise solutions to the problem of how to defuse the situation in such a way that it would be unnecessary for the police to arrest anyone. By issuing the ultimatum, the police limited their subsequent options to either arresting protestors upon reaching the deadline or retracting or weakening the ultimatum. The police also thereby limited the opportunities available to all concerned, including the university's administrators. By allowing everyone so little time for responding to the ultimatum, the police closed off opportunities for communication between themselves, the university administration, and the protestors, and closed off opportunities for the administrators and the protest leaders to develop creative, constructive, new proposals and effective negotiating strategies for achieving their goals.

Biancamano stated that the University police department is part of the administration. Many hours spent over the years have been dedicated to discussing operations and policies. The OUPD operates under the direction and guidance of senior leadership. However, in the event of a protest, there is no time to change policies or procedures before action is taken. OHIO relies upon the police department to implement policies previously established. Biancamano also noted that the role of the police can be difficult. Often, decisions must be made quickly. For situations, police officers have several factors to consider including (but not limited to) consistency, safety, and risk

of escalation. Biancamano further remarked that OHIO is a public institution; OHIO cannot make law. To answer questions about why the OUPD did not rescind the order after it was given, Biancamano explained that there needs to be credibility to orders and warnings after given. Otherwise, there may be a continuation or repeat of the behavior. **McDavis** explained that there was approximately 40 minutes between the first warning and the arrests and that there were five warnings issued over that period.

- **Bernhard Debatin** (Professor of Journalism) finds the situation of arresting protestors on February 1 upsetting. In 2014, there was a similar situation with a protest in Baker Center. In that situation, administrators spoke with the students. Unfortunately, this did not happen on February 1. Debatin expressed both outrage and disappointment. He expressed that he was ashamed to be a professor at OHIO because the administration did not act as educators and argued that some administrators made a deliberate choice not to engage with the protestors. Debatin also asked **McDavis** to explain why was it possible in 2014 to engage with protestors – as educators who listened to concerns – and yet not possible on February 1. **McDavis** explained that every protest is different. For example, one difference between the two protest was the time of day. In 2014, the protest occurred around 10PM, which was a time in which Baker Center had very little traffic. Comparatively, the more recent protest occurred around 7PM, which was during a time in which Baker Center had much more traffic. Each unique situation requires people to make judgments at the time.
- **Jim Zhu** (Professor of Electrical Engineering and Computer Science) stated that he is familiar with student protests including the Tiananmen Square protests of 1989 in China. Although the Zhu explained that he was not equating the two, he believed that students were treated as enemies and argued that this is not the correct approach. Students should be treated as young minds that need to be shaped and educated. Students' concerns should be heard. **McDavis** responding by sharing that there was a meeting in the President's Dining Room in Baker Center with the President of Student Senate, President of the Graduate Student Senate, and the soon-to-be Interim President of Ohio University at 11:00AM on Wednesday morning. The meeting included a discussion about the sanctuary campus issue in addition to other topics. In other words, the administration spoke with students about the issues of sanctuary campus on the very same day as the protest. **McDavis** argued that the administration has done a great deal to support and help students; anyone saying otherwise is wrong. He stands firmly on the ground of acting on behalf of students and faculty who are likely to be most affected by national policies. **Zhu** stated that he is not arguing that the administration has done nothing. Instead, he argued that the protestors were inappropriately and incorrectly treated as criminals. They were being peaceful and should have been heard – not arrested. The administration should have heard their concerns and tried to work out plans to address them.
- **Olivia Busby** (OHIO student) expressed concerns that the administration – including **McDavis** – trusted the word of police over the word of the students. **McDavis** was not there nor were other members of the administration. However, **Busby** stated that Dr. Shari Clarke and Dr. Jamie Patton were there and chose to ignore the protestors. **Busby** argued that ignoring the students and allowing the police to arrest them is disgusting in today's climate. Students were afraid; they should have been heard and engaged.
- **Julie White** (Associate Professor of Political Science and Director of Women's, Gender, and Sexuality Studies Program) expressed a few concerns. First, **White** believed that there was an administrator in the building – Dr. Jamie Patton – who did not feel comfortable addressing the students. **White** reminded everyone that it is the role of both faculty and administrators to educate and engage the students. Second, the protest was disciplined and peaceful based upon all video and photo evidence. As such, it is concerning that the OUPD used the discretion that they rightfully have in order to arrest students. Third, it is concerning that there were state troopers present. This is scary and intimidating. Furthermore, **White** argued that warning people five times

at a protest that they can have a meeting room is not taking them seriously. Moving forward, OHIO should adopt a different strategy to police protests that do not include state troopers.

II. Roll Call and Approval of the January 9, 2017 Minutes

- ❖ Roll call (K. Hartman)
- ❖ **Patton** moved to approve the minutes, seconded by **Bates**. Minutes were approved by a voice vote.

III. Chair's Report (Joe McLaughlin)

- ❖ Topic 1: Updates and Announcements
 - McLaughlin shared that there is an upcoming meeting for faculty participating in Dean Evaluation committees. As such, that process is moving forward.
- ❖ Topic 2: January Board of Trustees Meeting
 - McLaughlin stated that he had the opportunity to provide the annual presentation from the faculty to the Board of Trustees at the January meeting. This presentation is given by the Chair of the Faculty Senate. The presentation included a number of topics including US News & World Report university rankings, decline in the number of Group I faculty, and ongoing issues in due process.
- ❖ Topic 3: Presidential Search
 - McLaughlin provided an update about the Presidential Search. The four final candidates were recently on-campus. Open forums were held for each. The Board of Trustees are currently in the process of making a final decision and making an offer. Trustees have promised that they will make an announcement before or by the March meeting. McLaughlin thanked all those who participated in meetings and all those who attended the open forums. McLaughlin thanked the Board of Trustees for having representatives from the Faculty Senate meet with each candidate. Faculty Senate representatives met with each candidate during an hour-long meeting. Afterward, each representative was called by a member of the Board of Trustees to provide input and feedback.
- ❖ Topic 4: Status of Old Resolutions
 - McLaughlin stated that we have not yet received a response on the resolution passed during the last Faculty Senate meeting. McLaughlin has a meeting with the Provost to discuss it on Thursday, February 9. McLaughlin reminded faculty that there was a fourth item not approved by the Faculty Senate. Possibilities for moving forward are being discussed before the referendum option is activated.
- ❖ Topic 5: Faculty Senate Elections & Recruitment
 - McLaughlin reminded Senators that elections will be soon. McLaughlin will share information about who is scheduled to continue their term and who is not via email; he encouraged faculty to make sure the information is correct. In addition, between the February and March meetings, Faculty Senate will distribute nomination forms to all faculty. McLaughlin asks that each faculty senator speak to at least five other faculty members about running for a position; we need to work actively to recruit both senators and alternates.
- ❖ Topic 6: Policy Review
 - None
- ❖ Topic 7: Upcoming Senate Meeting: Monday, February 13, 2017

Questions and Discussions

- None

IV. Executive Committee (Joe McLaughlin)

- ❖ Resolution in Response to the Arrest of Seventy Students on February 1, 2017—First Reading
 - The Resolution was offered by Executive Committee to (1) call upon the University administration to immediately request to the appropriate authorities that all charges against the students arrested on February 1 be dropped, (2) ask that no student be referred to the Office of Community Standards in reference to the events on February 1, and (3) request that the President and Provost meet in a public forum with the student protesters to hear and respond to their grievances.
 - Please refer to **Appendix A** for the full-text of the resolution. (Blue text notes changes proposed and approved by the Faculty Senate during the meeting).
 - ✓ **Clowe** moved to waive the second reading, seconded by **Muhammad**. Motion to waive second reading was approved by a rising vote.
 - ✓ Sense of the Senate Resolution was approved by a roll call vote of 46-3. Please refer to **Appendix B** for a full list.
- ❖ Sense of the Senate Resolution in Response to the President Trump’s Executive Order on Immigration —First Reading
 - The Sense of the Senate Resolution was offered by Executive Committee to (1) express opposition to President Trump’s Executive Order on Immigration, (2) demonstrate to all members of the Ohio University community, particularly international faculty, students, and staff, to a commitment to support and advocate for all who are affected, and (3) call upon the Ohio University administration to articulate and demonstrate that same support.
 - Please refer to **Appendix C** for the full-text of the resolution.
 - ✓ **Patton** moved to waive the second reading, seconded by **Bates**. Motion to waive second reading was approved by a hand raise vote.
 - ✓ Sense of the Senate Resolution was approved by a voice vote.

Questions and Discussions – Resolution 1

- A **faculty member** asked for clarification about if the resolution was requesting the administration to ask an appropriate official to drop the arrest charges. **McLaughlin** explained that it does ask for the administration to recommend that charges be dropped but that the person is with responsibility for doing so is not specified.
- A **senator** suggested adding language that also requested that no academic ramifications result from the protest. Another **senator** offered language that is added to the resolution.
- A **senator** asked who would vacate the arrests. **McLaughlin** said that he was not a lawyer, so it was unknown who would vacate the arrests. A guest explained the separate processes between the university and the city’s legal system.
- A **guest** recommended language to add “to the appropriate authorities” to the resolution.
- A **guest** mentioned that some students may have his / her university employment status impacted by the arrest. **McLaughlin** stated that, if the protestors are not referred to the Office of Community Standards, then there would be no impact on employment.

[In Second Reading]

- A **senator** asked if the language should explicitly state “disciplinary action.” Discussion among several senators indicated that it was not necessary to explicitly state this.

Questions and Discussions – Resolution 2

- None

V. Promotion & Tenure Committee (Ben Bates)

- ❖ Bates shared that the P&T committee continues its work yet has no report or resolutions.

Questions and Discussions

- None

VI. Professional Relations Committee (Sherrie Gradin)

- ❖ Gradin shared that the PR committee has been meeting about an appeal and continues its work. There are no other issues to report and no resolutions at this time.

Questions and Discussions

- None

VII. Educational Policy & Student Affairs Committee (Charles Buchanan)

- ❖ Buchanan explained that EPSA has been meeting about several topics. It expects to have a resolution forthcoming for the upcoming meeting.

Questions and Discussions

- None

VIII. Finance & Facilities Committee (Susan Williams)

- ❖ Topic 1: Park Place Corridor. Williams shared an announcement about upcoming meetings / workshops to discuss development and use of the Park Place corridor. There will be a series of workshops for faculty, staff, students, and any member of the public to provide input. The first workshop will be held in the Athens Community Center on February 22 between 7:00 – 9:00PM. On February 23, there will be two workshops in the Baker Center Ballroom (12:00 – 1:30 and 4:30 – 6:00PM).
- ❖ Topic 2: Benefits. It is likely that we will have representatives from Human Resources discuss changes to faculty benefits at the next Faculty Senate meeting in March.

Questions and Discussions

- None

IX. New Business

- ❖ Topic 1: McLaughlin’s Thanks. McLaughlin thanked members of the executive committee and chairs of standing committee for their work, time and effort recently – such as working over weekends on resolutions, meetings with candidates of the Presidential search, and other issues.

- ❖ Topic 2: Interim President David Descutner. McLaughlin thanked David Descutner for attending the meeting and for agreeing to act in this role. McLaughlin believes that Descutner is the first OHIO President to be a former member of the Faculty Senate.
- ❖ Topic 3: Faculty Initiated Proposal on Student Arrests. Senator Paul Patton stated that there is a faculty petition about the student arrests that meets the criteria for voting by the Faculty Senate. However, given the Resolution passed by the Faculty Senate, the proposal is withdrawn.
 - Please refer to **Appendix D** for the full-text of the petition.

Questions and Discussions

- None

X. Adjournment

- ❖ **Gradin** moved to adjourn, seconded by **Patton**. The meeting was adjourned at 8:48PM.

Appendix A

Resolution in Response to the Arrest of Seventy Students on February 1, 2017

Executive Committee

Faculty Senate

First Reading – February 6, 2017

Whereas seventy Ohio University students involved in a peaceful protest in the Baker University Center were arrested on Wednesday, February 1, 2017; and

Whereas academic freedom and free speech are core values of Ohio University; and

Whereas Ohio University was founded to educate and prepare students for lives as active and engaged citizens;

Be it resolved that the Faculty Senate calls upon the University administration to immediately request to the appropriate authorities that all charges against the students arrested on February 1 be dropped; and

Be it further resolved that no student shall be referred to the Office of Community Standards in reference to the events of February 1, 2017; and

Be it further resolved that the President and Provost of Ohio University meet in a public forum with the student protesters to hear and respond to their grievances.

Appendix B

Roll Call Vote: Resolution in Response to the Arrest of Seventy Students on February 1, 2017

The Faculty Senate voted 46-3 in favor of the Resolution as amended by a roll call vote:

	VOTE
College of Arts and Sciences	
Andrews, Jim	YES
Carson, Scott	NO
Castillo, Horacio	YES
Clowe, Doug	YES
Gradin, Sherrie	YES
Hicks, Kenneth	YES
Houston, Akil [sub for G. Holcomb]	YES
Kessler, Greg	<i>[not present]</i>
Manring, Nancy	YES
McLaughlin, Joe	YES
Muhammad, Robin	YES
Patton, Paul	YES
Perkins, Harold	YES
Reynolds, Nicole	YES
Schoen, Brian	<i>[not present]</i>
Snyder, Carey	YES
Tees, David	YES
Duvert, Dominique (Group II)	YES
Schwirian, Chris (Group II)	YES
College of Business	
Hartman, Katie	NO
Rosado Feger, Ana	YES
Thacker, Rebecca	NO
Barnett, Tanya (Group II)	YES
College of Fine Arts	
Buchanan, Charles	YES
Geist, Kamile	YES
Hibbitt, Alexandra	YES
Thomas, David	YES
College of Health Sciences and Professions	
Brannan, Rob	YES
Jeng, Fuh-Cherng	YES
Cluse-Tolar, Terry [sub for A. Sergeev]	YES
Clevidence, Michael (Group II)	YES
Balbo, Jane (Clinical)	<i>[not present]</i>
Heritage College of Osteopathic Medicine	
Inman, Sharon	YES
Williams, Susan	YES
Wolf, Jacqueline	YES
Patton College of Education	
Brooks, Gordon	YES
Helfrich, Sara	YES
Machtmes, Krisanna	YES

Regional Higher Education – Chillicothe	
White, Allison	YES
Regional Higher Education – Eastern	
Spiker, Kevin	<i>[not present]</i>
Regional Higher Education – Lancaster	
Thomas-Maddox, Candice	YES
Wolfe, Christine	YES
Regional Higher Education – Southern	
Carter, Orianna	<i>[not present]</i>
Regional Higher Education – Zanesville	
Taylor, Jim	YES
White, Amy	YES
Regional Higher Education – Group II	
Pritchard, Tracy	YES
Russ College of Engineering	
Arch, Deak	YES
Cotton, John	YES
Masel, Dale	YES
Weckman, Gary	<i>[not present]</i>
Scripps College of Communication	
Babrow, Austin	YES
Bates, Ben	YES
Chadwick, Amy	YES
Lewis, Frederick	YES
Voinovich School of Leadership and Public Affairs	
Kruse-Daniels, Natalie [sub for A. Ruhil]	YES

Appendix C

Sense of the Senate Resolution in Response to the President Trump's Executive Order on Immigration

Executive Committee
Faculty Senate
First Reading
February 6, 2017

Whereas United States President Donald Trump, on January 27th, signed an executive order banning nationals of seven Muslim-majority countries from entering the United States; and

Whereas international faculty, students, and staff are important members of our academic community; and

Whereas this action has already directly harmed members of our faculty and academic community, who have had to cancel travel plans to visit family and attend academic conferences overseas; and

Whereas the faculty of Ohio University prides itself on being a leader in international education and many of us have significant collaborations with colleagues outside the United States; and

Whereas President Trump's executive order not only negatively affects the personal and professional lives of members of our community from the seven countries, it also impedes our ability to carry out our core mission to create and disseminate knowledge; and

Whereas many Ohio University faculty have joined over 20,000 US academics¹ and already signed a petition protesting the executive order at the website Academics Against Immigration Executive Order;

Be it resolved that Faculty Senate opposes President Trump's Executive Order on Immigration and wants all members of the Ohio University community, particularly international faculty, students, and staff, to know that we are committed to support and advocate for all who are affected; and

Be it further resolved that we call upon the Ohio University administration to articulate and demonstrate that same support.

¹ As of Noon on Sunday, February 5, 2017.

Appendix D

Faculty Initiated Proposal on Student Arrests

The following petition will be submitted to Ohio University Faculty Senate at its next regularly scheduled meeting after ten percent of the faculty eligible to vote in faculty senate elections (i.e., 133 faculty) have signed the petition (following Section VI. B. 6. of the Ohio University Faculty Handbook). The Faculty Senate is instructed to debate and vote on this petition at that meeting. Please indicate whether you wish to sign the petition by responding to the prompt at the bottom of this page.

PETITION LANGUAGE TO BE SUBMITTED TO OHIO UNIVERSITY FACULTY SENATE

Whereas Ohio University is committed to civil discourse and the free exchange of ideas,

Whereas Ohio University recognizes a commitment to inclusivity and non-discrimination on the basis of race, color, religion, age, national origin, ethnicity, national ancestry, sex, pregnancy, gender, gender identity or expression, sexual orientation, military service or veteran status, mental or physical disability, or genetic information, and

Whereas the faculty of Ohio University aim to create an environment in which students are welcome to engage in civil discourse and political expression and support such an environment,

Therefore be it resolved that Ohio University administration issue a statement immediately asking that no charges be brought against our students protesting in the Baker Student Center on 1 February 2017.

Signatures

	<i>First Name</i>	<i>Last name</i>	<i>Department/Program</i>
1	Julie	Agnone	Journalism
2	Nik	Allan	Psychology
3	Emilia	Alonso-Marks	Modern Languages
4	Austin	Babrow	Communication Studies
5	Gladys	Bailin-Stern	Dance
6	Rosemarie	Basile	School of Art + Design
7	Neil	Bernstein	Classics and World Religions
8	Laura	Black	Communication Studies
9	Roger	Braun	Music
10	Geoff	Buckley	Geography
11	Amy	Chadwick	COMS
12	Alicia	Chavira-Prado	OU Latino Caucus; Office of diversity and Inclusion
13	Devika	Chawla	COMS
14	Diane	Ciekawy	Soc/Anth
15	Michele	Clouse	History
16	Douglas	Clowe	Physics & Astronomy
17	Terry	Cluse-Tolar	DSPH/Social Work
18	Brian	Collins	Classics and World Religions
19	Rebecca	Collins	Sociology/Anthropology
20	Matthew	Cornish	Theater
21	John	Cotton	Mechanical Engineering
22	Cory	Crawford	CLWR
23	Sabrina	Curran	Soc&Anth/Anth
24	Mariana	Dantas	History

25	Eddith	Dashiell	Journalism
26	Bell	David	LING
27	Sarah	Davis	GVS
28	Bernhard	Debatin	Journalism
29	Shelley	Delaney	Theater
30	Frans	Doppen	Teacher Education
31	Ofer	Eliaz	Film
32	Adrienne	Erby	Counseling and Higher Education/Counselor Education
33	Dan	Farkas	Journalism
34	Michelle	Ferrier	Journalism
35	Garrett	Field	School of Interdisciplinary Arts and School of Music
36	Srah	Garlington	Social work
37	Ellen	Gerl	Journalism
38	Claudia	Gonzalez	Psychology
39	Dianne	Gut	Teacher Education
40	Karla	Hackenmiller	Art
41	Allyson	Hallman-Thrasher	teacher education
42	Laura	Harrison	Counseling and Higher Education
43	Melissa	Haviland	Art + Design
44	Sara	Helfrich	Teacher Education
45	Elizabeth	Hendrickson	Journalism
46	Nelson	Hippolyte	Mod Lang
47	Gary	Holcomb	AAS
48	Justin	Holub	Chemistry/Biochemistry
49	Angela	Hosek	Communication Studies
50	Steve	Howard	Media Arts and Studies
51	Theodore	Hutchinson	Critical Studies in Education
52	Sharon	Inman	Biomedical Sciences/HCOM
53	Katherine	Jellison	History
54	Xia	Jing	Social and Public Health
55	Lesli	Johnson	GVS
56	Ryan	Johnson	Psychology
57	Jeesun	Jung	TE
58	Derek	Kauneckis	Voinovich School
59	Savas	Kaya	Elec Eng & Comp Sci
60	Nicholas	Kiersey	Political Science
61	Adi	King	Modern Languages
62	Sarah	Kinkel	History
63	Michael	Kopish	Teacher Education
64	Katy	Kropf	OUCOM
65	Natalie	Kruse	Voinovich School
66	Lynne	Lancaster	Classics World Religions
67	Amado	Lascar	ML
68	Elizabeth	Lee	Sociology
69	Judith Yaross	Lee	COMS
70	Dina	Lopez	Geological Sc.
71	Sergio R.	Lopez-Permouth	Mathematics
72	Loren	Lybarger	Classics and World Religions
73	Krisanna	Machtmes	Educational Studies
74	Nancy	Manring	Political Science
75	Vladimir	Marchenkov	Interdisciplinary Arts
76	Eric	Masson	Chemistry and Biochemistry
77	Glenn	Matlack	PBIO

78	Jaclyn	Maxwell	
79	Hans	Meyer	E.W. Scripps School of Journalism
80	Keith	Milam	Geological Sciences
81	Judith	Millesen	Voinovich School
82	Daniel	Moak	African American Studies
83	Jim	Montgomery	RCS
84	Theresa	Moran	Food Studies
85	Robin	Muhammad	
86	Smoki	Musaraj	Sociology and Anthropology
87	Ghirmai	Negash	English, African Studies
88	Mijeong	Noh	Human and Consumer Sciences
89	Patrick	OConnor	Biomedical Sciences
90	Nicholas	Osborne	Honors Tutorial College
91	Jennifer	Ottley	Teacher Education
92	Julie	Owena	Psychology
93	Ruth	Palmer	CLWR
94	Sean	Parsons	School of Music
95	Betsy	Partyka	DML
96	Paul	Patton	Sociology and Anthropology
97	Myrna	Perez Sheldon	CWR/WGSS
98	Harold	Perkins	Geography
99	Marina	Peterson	Interdisciplinary Arts
100	Viorel	Popescu	BIOS
101	Tracy	Pritchard	RHE Social Work
102	Nicole	Reynolds	English/WGSS
103	Kimberly	Rios	Psychology
104	Herta	Rodina	Modern Languages
105	Willem	Roosenburg	Biological Sciences
106	Matthew	Rosen	Sociology & Anthropology
107	Andrew	Ross	Political Science
108	Ani	Ruhil	Voinovich
109	Nukhet	Sandal	Political Science
110	Stephen	Scanlan	Soc/Anth
111	Louis-George	Schwartz	Film
112	Jennifer	Shadik	Social Work/DSPH
113	David	Sharpe	English
114	Kerri	Shaw	Social Work
115	Jane	Skon	Teacher Education/Reading Program
116	Charles	Smith	Theatre
117	Rebecca	Snell	PBIO
118	Carey	Snyder	English
119	Solveig	Spjeldnes	Social & Public Health
120	Nancy	Stevens	Biomedical Sciences
121	Patricia	Stokes	WGSS
122	Julie	Suhr	Psychology
123	Michael	Sweeney	Journalism
124	Kim	Thompson	Environmental & Plant Biology
125	Anderson	Timothy	Psychology
126	Daniel	Torres	Modern Languages
127	Kevin	Uhalde	History
128	Thomas	Vander Ven	Sociology
129	Lara	Wallace	Linguistics ELIP
130	Lisa	Wallace	COMS, OUC

131	Sarah	Webb	Social Work
132	Julie	White	Wgss / Pols
133	ALLISON	WHITE	RHE Chillicothe
134	Risa	Whitson	Geography
135	Susan	Williams	Biomedical Sciences
136	Lawrence	Witmer	Biomedical Sciences
137	Jackie	Wolf	Social Medicine
138	Lawrence	Wood	School of Media Arts and Studies
139	Janice	Wright	CSD
140	Brian	Wymbs	Psychology
141	Li	Xu	CSD
142	Lijing	Yang	Counseling and Higher Education
143	Molly Elise	Young	Education, Cultural Studies
144	Nikol	Bowen	Counseling & Higher Ed
145	Holly	Raffle	Voinovich School of LPA
146	Mitchell	Day	Biological Sciences
147	Steve	Reilly	BIOS
148	Brian	Evans	Theater
149	yegan	pillay	COounseling and Higher Education
150	Stephen	Scanlan	Sociology and Anthropology
151	Debra	Nickles	English/WGSS
152	Alyssa	Bernstein	Philosophy
153	Gordon	Stewart	School of Electrical Engineering and Computer Science
154	Mingun	Lee	DSPH
155	Elizabeth	Hermsen	Department of Environmental and Plant Biology
156	Chang	Liu	EECS
157	Andre	Gribou	Music
158	Geoff	Dabelko	Environmental Studies Program
159	Akil	Houston	African American Studies
160	Jianchao	Zhu	EECS
161	Ronan	Carroll	Biological Sciences
162	Joseph	Gingerich	Soc&Anth
163	Horacio	Castillo	Physics and Astronomy
164	Delfin	Bautista	LGBT Center, WGSS
165	Philip	Cantino	Environmental & Plant Biology
166	Tom	Carpenter	Classics and World Religions
167	Catherine	Cutcher	Center for International Studies
168	Steve	Hays	Classics and World Religions