

Ohio University Faculty Senate
Monday, April 2, 2018
Margaret M. Walter Hall, Room 135, 7:10pm
Meeting Minutes DRAFT

In attendance

Group I

- *College of Arts and Sciences:* G. Buckley, S. Gradin, K. Hicks, P. Jung, J. McLaughlin, L. McMills, R. Muhammad, R. Palmer, B. Quitslund N. Reynolds, W. Roosenburg, N. Sandal, B. Schoen, E. Stinaff, J. White, S. Wyatt
- *College of Business:* K. Hartman, J. Hiler, A. Rosado Feger
- *College of Fine Arts:* M. Franz, K. Geist, V. Marchenkov, H. Siebrits, D. Thomas
- *College of Health Sciences and Professions:* R. Brannan, F-C. Jeng, A. Sergeev , B. Sindelar
- *Heritage College of Osteopathic Medicine:* B. Franz, S. Williams, J. Wolf
- *Patton College of Education:* G. Brooks, L. Harrison, S. Helfrich, C. Lowery
- *Regional Campus – Chillicothe:* John O’Keefe [sub. for Allison White]
- *Regional Campus – Eastern:* P. McMurray-Schwarz
- *Regional Campus – Lancaster:* C. Thomas-Maddox
- *Regional Campus – Southern:* O. Carter, Y. Shao-Lucas
- *Regional Campus – Zanesville:* J. Taylor, Amy White
- *Russ College of Engineering:*, J. Cotton, D. Masel
- *Scripps College of Communication:* B. Debatin, S. Girton, T. Roycroft
- *Voinovich School of Leadership and Public Affairs:* D. Kauneckis

Group II and Clinical

- *Athens At Large:* D. Duvert, C. Schwirian
- *Clinical:* J. Balbo, A. Healy
- *College of Arts & Sciences:* H. Edwards
- *College of Business:*
- *College of Health Sciences and Professions:* C. Stork
- *Patton College of Education:* C. Hartman
- *Regional Higher Education:* D. Nickles, T. Pritchard

Excused: M. Clevidence, Allison White

Absent: J. Andrews, D. Arch , T. Barnett , S. House, F-C. Jeng, A. Rosado Feger, F. Lewis, N. Manring G. Michaud, H. Perkins, D. Ridpath ,T. Roycroft, E. Stinaff, G. Weckman, J. White

Ohio University Faculty Senate
Agenda for Monday, April 2, 2018
Room 235, Margaret M. Walter Hall, 7:10-9:00 p.m.

- I. M. Duane Nellis, President
- II. Elizabeth Sayrs, Executive Vice President & Provost
- III. Greg Fialko, Director, Benefits
- IV. Roll Call and Approval of the March 5, 2018 Minutes
- V. Chair's Report—Joe McLaughlin
 - Status of Resolutions
 - Faculty Senate Elections Report
 - Updates and Announcements
 - **Upcoming Senate Meeting: May 7, 2018, 7:10pm, Walter Hall 235**
- VI. Officer Elections—Nominating Committee
- VII. Educational Policy & Student Affairs Committee—Katie Hartman
 - a. Resolution to Standardize Fall Break—Second Reading & Vote
 - b. Resolution to Establish Graduate Faculty—First Reading
 - c. Resolution to Allow OHIO Honors Students to Enroll in Graduate-level Courses—First Reading
- VIII. Finance & Facilities Committee—Susan Williams
- IX. Promotion & Tenure Committee—Sherrie Gradin
- X. Professional Relations Committee—Sarah Wyatt
 - a. Resolution to Establish a University Professional Ethics Committee (UPEC) to Review Allegations of Sexual Misconduct by Faculty—Second Reading & Vote
 - b. Resolution to Clarify the Process for Reviewing ECRC Findings Related to Faculty Sexual Misconduct—Second Reading & Vote
 - c. Resolution to Clarify Recommendation Options in Cases of Research Misconduct—Second Reading & Vote
 - d. Resolution to Clarify Process for Review of Allegations of Discrimination by Faculty—First Reading
 - e. Resolution to Affirm the Possibility of Differential Workloads for Group I Faculty—First Reading
- XI. New Business
- XII. Adjournment

Faculty Senate Chair Joe McLaughlin called the meeting to order at 7:05 p.m. He welcomed new senators and thanked those senators who were concluding their terms. He introduced President Nellis and Executive Vice President and Provost Sayrs.

I President Nellis

Nellis urged everyone to attend the forums being held for candidates for the position of Executive Vice President and Provost. Additionally the search for a new Vice President for Diversity & Inclusion is being managed by a search firm; candidates for this position will visit the Athens campus at the end of the month.

In state-wide budget developments the Governor of Ohio has signed a capital budget releasing funds to public institutions including Ohio University. Deferred maintenance and new builds (i.e, Clippinger) are moving forward this summer.

II EVPP Sayrs

Sayrs offered updates on enrollment, the free speech policy, and the budget:

1) Currently, there are 23,146 applications. May 1 is the deadline. Financial aid was offered earlier this year than in years past to encourage applicants. The university is also encouraging campus visits while monitoring housing deposits and the timeline of other universities such as the University of Cincinnati and Miami University.

A senator asked about how pulse events are interpreted as successful or not.

EVPP Sayrs said it is somewhat subjective, highlighting “feel” or “mood.”

2) The recommendations of the Presidential Policy Advisory Committee are being reviewed. A draft policy should be in place by April 11, 2018.

Chair McLaughlin announced that a special meeting of the Faculty Senate would meet next week to respond to the recommendations and draft policy.

A link on the committee’s website is available at:

<https://www.ohio.edu/sites/default/files/sites/policygroup/Policy%20Advisory%20Group%20Final%20Report.pdf>

The committee's minutes and other information can be found at <https://www.ohio.edu/policy-group>.

There was some discussion concerning the committee's process and interim policy.

One senator expressed concern about how little discussion seemed to take place between the campus community and the committee. The suggestions made by the committee are troubling, including the idea that the police are experts in handling crowd management.

Another senator stated that a new policy was not needed at all. State laws prohibit damage to property, etc. The senator added that faculty should not participate in the drafting of a new policy.

EVPP Sayrs then asked John Day to present with slides the current budget information available. He explained that proportionality had been applied across both academic and non-academic units, in keeping with the President's desire to preserve the academic core. In addition, Day entertained questions and comments about the proposed cuts based on current assumptions. The discussion was extended and several highlights are noted here:

A senator noted that a substantial deficit still existed and asked how it would be addressed.

Day said it would take some time to launch new program to create revenue.

A senator asked where exactly the administrative came from? Were these made at higher or lower levels of administration?

Day said he did not have the exact location of the cuts.

A senator asked why the cuts appeared to be smaller than expected?

Day replied that the adjustment in assumptions allowed for smaller cuts.

A senator stated that RCM appeared to be gone and asked what is our budget model?

Day responded that it was a combination of RCM and other elements.

John Gillom, Associate Dean for Strategy, Finance and Administration, commented that the new budgetary structure reflected smaller cuts over

several years, which was an improvement over past scenarios where the cuts were very deep and took place on a yearly basis.

Chair McLaughlin noted that as the Faculty Senate Resolution calling for some balance between administrative and non-administrative units appeared to be reflected in the current budget plan.

III Benefits Director

Greg Fialko presented current information on some efficiencies pursued in benefits for faculty and staff. During and after the slide presentation, Fialko answered questions from the Senate floor.

Vice-Chair Thomas asked about the combining of Faculty/Staff and AFSME employees.

Fialko responded that doing so spread the cost of benefits more evenly.

There was discussion about the question of removing domestic partner benefits in the future. A number of senators expressed concern that the loss of these benefits. Regardless of sexual orientation not all couples choose to marry.

F&F Committee Chair Williams pointed out that the removal of domestic partner benefits was not being considered seriously at this time and that any change in the benefits portfolio would have to go through formal proceedings including the Total Compensation Committee.

Senator Debatin asked about addressing privacy issues with future projects involving employee data.

Fialko agreed that was a good point and that HR would do better in the future.

IV Roll Call and Approval of Minutes

Secretary Robin Muhammad called roll. Chair Joe McLaughlin called for a motion to approve the minutes. A motion was made by Senator White, seconded by Senator Duvert, then the minutes were approved unanimously.

V Chair's Report

Status of Resolutions – the Provost is reviewing several resolutions and is expected to sign many of them soon. The Faculty Senate chair and other officers have been attending several meetings, including the Dean's Meeting,

Chairs and Directors Council, and the Board of Trustees to discuss several topics dealing with the budget, the erosion of tenure, and resolutions relating to the process for hearing cases on faculty sexual and research misconduct.

Faculty Senate Elections Report – There was a good participation rate for the election. Katie Hartman prepared a report of final results. In tonight’s election of officers, new senators may vote for officers but not on resolutions. Additionally, retiring senators may not for officers but may vote on resolutions.

Updates and Announcements - There will be a special meeting of Faculty Senate in two weeks to discuss the recommendations of the President’s Advisory Committee on the Freedom of Expression policy.

A Sustainability Forum will meet on Friday, April 6 from 10 to 11 a.m. in Baker Center to discuss funding for future initiatives.

Executive Dean Bill Willan, the Chair reported, stated that 23 employees on the regional campuses have elected to take early retirement.

In addition, the Chair encouraged everyone to attend upcoming commencement exercises.

Upcoming Senate Meeting is May 7, 2018, 7:10 pm in Walter Hall 235.

VI Officer Elections – Nominating Committee

Nominating Committee Chair Katie Hartman guided the Faculty Senate through the election of officers. There were no nominations for any office from the floor. The following slate of officers was elected unanimously by voice vote:

Joe McLaughlin – Chair: Statements of support were offered by Senators Williams and Buckley.

Beth Quitslund – Vice-Chair: Statements of support were offered by Senators Hartman and White.

Robin Muhammad – Secretary: Statements of support were offered by Senators Balbo and Taylor.

VII Educational Policy & Student Affairs Committee (Katie Hartman)

The Resolution to Standardize Fall Break was up for a second reading and vote. The resolution passed unanimously – See Appendix A

The Resolution to Establish Graduate Faculty was up for first reading, following some simplification of the language of the resolution. There was discussion about the need for transparency, how this resolution would be implemented at the department-level, and who will keep track of the status of graduate faculty. See Appendix B

The Resolution to Allow OHIO Honors Students to Enroll in Graduate-Level Courses was up for a first reading. There was discussion about written permission and the impact on the definition of a graduate course. Hartman noted that Cary Frith will be at the next regular Faculty Senate meeting to answer questions and provide clarification. See Appendix C

VIII Finance & Facilities Committee – Susan Williams

No report

IX Promotion & Tenure Committee – Sherrie Gradin

No report

X Professional Relations Committee – Sarah Wyatt

Resolution to Establish a University Professional Ethics Committee to Review Cases of Sexual Misconduct by Faculty – Second Reading &Vote

After a discussion this resolution was passed unanimously. See Appendix D.

Resolution to Clarify the Process for Reviewing ECRC Findings Related to Faculty Sexual Misconduct – Second Reading & Vote

After a discussion this resolution was passed unanimously. See Appendix E.

Resolution to Clarify Recommendation Options in Cases of Research Misconduct – Second Reading & Vote

After a discussion this resolution was passed unanimously with a friendly amendment to insert “calendar” in front of all references to “days” in the Faculty Handbook. See Appendix F.

Resolution to Clarify Process for Review of Allegations of Discrimination by Faculty – First Reading

After a discussion this resolution will be carried over for a second reading. See Appendix G.

Resolution to Affirm the Possibility of Differential Workloads for Group I Faculty – First Reading

After a discussion this resolution will be carried over for a second reading. See Appendix H.

XI New Business

No new business

XII Adjournment

Chair McLaughlin called for a motion to adjourn. A motion was made by Senator Roosenberg and seconded by Senator Buckely. The motion was approved unanimously and the meeting was adjourned at 9:55 p.m.

Appendix A

Resolution to Standardize Fall Break

Educational Policy and Student Affairs (EPSA) Committee

Faculty Senate

PASSED April 2, 2018

Whereas the original intent of having a Reading Day was to provide a brief break in the middle of fall semester (there was a long period of time with no break between Labor Day and Veteran's day);

Whereas Ohio University currently schedules a reading day each fall semester;

Whereas the floating nature of the current implementation of Reading Day (inconsistent day of the week) makes it difficult to predict and schedule around (e.g., Friday, October 3, 2014; Friday, October 2, 2015; Monday, October 3, 2016; Tuesday, October 10, 2017);

Whereas scheduling Reading Day on weekdays other than Friday are more likely to interrupt one-day or two-day per week class schedules;

Whereas missing a Friday class is less disruptive to coursework and other academic activities than other days of the week;

Whereas Reading Day is already scheduled to occur on Fridays through fall of 2021 (e.g., Friday, October 5, 2018; Friday, October 4, 2019; Friday, October 2, 2020; Friday, October 1, 2021);

Whereas there is student and faculty support for the continued use of some form of fall break; and

Whereas the term reading day does not precisely reflect the nature of activities that occur on that day.

Be it resolved that the title of Reading Day be changed to Fall Break beginning fall semester 2019 (classes not in session, but university remains open); and

Be it further resolved that Fall Break will consistently be held on a Friday near the middle of fall semester and that if it cannot be held at that time (e.g. if it would put us out of compliance with ODHE guidelines) that the Registrar's Office should consult Faculty Senate.

Appendix B

Resolution to Establish Graduate Faculty

Educational Policy and Student Affairs (EPSA) Committee

Faculty Senate

April 2, 2018 – First Reading

Whereas the Ohio Chancellor of Higher Education, through the Chancellor's Council on Graduate Studies (CCGS), requires an accounting of the adequacy of faculty resources before approving new academic programs, specialized areas of concentration, and certificates;

Whereas the Higher Learning Commission distinguishes between instructors teaching in undergraduate and graduate programs for faculty qualification purposes; and

Whereas the Graduate College was re-established in 2008 and seeks to employ best practices in its graduate academic programs commensurate with other universities in the State of Ohio, nationally, and internationally.

Be it resolved that Ohio University will establish a Graduate Faculty by adding a new subsection in Faculty Handbook, Section II.C;

4. Graduate Faculty

- a. The Graduate Faculty are persons qualified to participate in faculty roles in graduate programs at Ohio University. It is a designation separate from Faculty Rank and Faculty Status as defined in the Faculty Handbook.
- b. Colleges, departments, schools, or programs determine minimum criteria necessary to qualify persons as Graduate Faculty. Criteria use credentials and/or experience appropriate to their discipline. Minimum criteria may vary by roles and/or responsibilities. Criteria are publicly available and reviewed periodically by colleges, departments, schools, or programs.
- c. Colleges, departments, schools, or programs review persons eligible for Graduate Faculty membership using stated criteria.
- d. Persons denied Graduate Faculty membership may appeal the decision using the grievance procedure processes outlined in the Faculty Handbook.
- e. Colleges, departments, schools, or programs may also establish criteria to appoint persons as Affiliate Graduate Faculty to individuals who are not Graduate Faculty at Ohio University. As examples, a college, department, school, or program may appoint (a) faculty who hold faculty rank or status at another University or (b) subject matter experts with appropriate qualifications as Affiliate Graduate Faculty. Colleges, departments, schools, or programs determine roles and responsibilities for persons designated as Affiliate Graduate Faculty.

Appendix C
Resolution to Allow OHIO Honors Students to Enroll in Graduate-Level Courses
Educational Policy and Student Affairs (EPSA) Committee
Faculty Senate
April 2, 2018 - First Reading

Whereas Ohio University does not allow undergraduate students to take graduate courses (courses numbered 5000 or above) for credit unless the student is participating in one of the programs specified in the “Taking Graduate-Level Courses” sub-section of Academic Policies and Procedures section of the Ohio University Undergraduate Catalog;

Whereas Ohio University allows students participating the Honors Tutorial College (HTC) and Departmental Honors program to take graduate-level courses for credit as specified in the Ohio University Undergraduate Catalog;

Whereas President Nellis identified an expanded undergraduate honors program as one of his strategic priorities for the university; and

Whereas Ohio University will launch a pilot of the OHIO Honors program in fall 2018 with a small cohort selected from entering first-year students.

BE IT RESOLVED Ohio University allow students participating in the OHIO Honors program to take a maximum of three graduate courses during their junior and senior years (i.e., after earning 60 or more semester hours of undergraduate credit).

BE IT FURTHER RESOLVED that the language in the OHIO University Undergraduate Catalog 2018-19 be amended to

Academic Policies and Procedures

Taking Graduate-Level Courses

As an undergraduate student, you are not eligible to take graduate courses (courses numbered 5000 or above) for credit unless you participate in one of the following programs:

Honors Tutorial College (HTC). Students in HTC may complete graduate courses for credit. Graduate courses (courses numbered 5000 or above) will automatically become part of their undergraduate records (transcripts and DARS reports). If the HTC student wants the graduate course(s) to become part of his/her graduate record, he or she must contact the HTC to complete the appropriate application form. This paperwork should be completed prior to the semester in which graduate credit is sought.

OHIO Honors. Students in the OHIO Honors program may take a maximum of three graduate courses during their junior and senior years (i.e., after earning 60 or more semester hours of undergraduate credit). Hours earned in these courses will count toward total hours required for the undergraduate degree only; the grades will be calculated into the undergraduate GPA. Registration in graduate courses requires written permission from the instructor. Participation in this option is at the discretion of the department or school. Qualified students can be registered by obtaining permission from the Director of OHIO Honors or his or her designee and submitting the approval form to the registrar's office for processing.

Departmental Honors. Students in a recognized departmental honors program may take a maximum of three graduate courses in their major departments/schools during their senior years (i.e., after earning 90 or more semester hours of undergraduate credit). Hours earned in these courses will count toward total hours required for the undergraduate degree only; the grades will be calculated into the undergraduate GPA. Registration in graduate courses requires written permission from the instructor. Participation in this option is at the discretion of the department or school. ~~Students process this special registration~~ Qualified students can be registered by obtaining permission from the departmental honors coordinator and submitting the approval form to the registrar's office for processing.

Graduate Credit for Seniors. If you are an Ohio University student, or a well-qualified senior attending another university, and within six hours of completing all requirements for a bachelor's degree, you might be eligible for graduate study as a senior. You must have an overall GPA of at least 2.5 and obtain written permission from the graduate chair of each department/school offering the graduate courses and from your college student services office. Permission to take such courses does not constitute admission to a graduate degree program. If you are admitted as a senior for graduate credit, you will pay undergraduate fees and will not be eligible for graduate assistant or graduate scholarship support. Generally, no more than two graduate courses may be taken in this way, and graduate courses will not fulfill any undergraduate requirements. The graduate credit becomes part of your graduate record only; it does not affect your undergraduate course requirements, hours earned, or GPA.

Appendix D

Resolution to Establish a University Professional Ethics committee to Reviews Cases of Allegations of Sexual Misconduct by Faculty Professional Relations Committee Faculty Senate April 2, 2018—Second Reading

Whereas the 2014 Violence Against Women Act/SAVE Act amendments to the Clery Act establishes “Procedures for institutional disciplinary action in cases of dating violence, domestic violence, sexual assault, or stalking.” and requires hearings and investigations “(ii) Be conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability;” See 34 Code of Federal Regulations at 34 CFR 668.46(k).

Whereas the proposed university professional ethics committee would provide for a university-wide culture and response to sexual misconduct,

Whereas the number of persons serving on the individual college/school Professional Ethics Committees is unwieldy to serve the needs of a university wide response to sexual misconduct,

Be it resolved that faculty senate establish a University Professional Ethics Committee for review of cases relating to sexual misconduct allegations against faculty.

Be it resolved that the committee will be established as soon as the Provost signs the resolution so that it is in place to review cases as soon as possible.

IV. L. Procedures in the Event of Allegations of Violation of Professional Ethics

1. Introduction

- a. The Faculty Senate and the Provost of Ohio University have adopted a statement on Professional Ethics. (See [Section I.A](#) of the *Faculty Handbook*). Procedures for the investigation and resolution of alleged violations of Professional Ethics are specified. Section IV.L.4 applies to alleged violations of Professional Ethics not involving research misconduct. Section IV.L.5 applies to alleged Fraud and Misconduct in Professional Research (see Policy [No. 19.048](#)). Section II.Q applies to alleged violations of sexual misconduct (Policy 03.006). Procedures for Loss of Tenure are in [Section II.D.5](#) of the *Faculty Handbook*.

- b. Members of the faculty should familiarize themselves with the University policies on Whistle-blowing and Retaliation ([03.006](#)), Workplace Violence ([41.135](#)), Equal Employment and Educational Opportunity (40.001) and Sexual Misconduct ([03.004](#)).

2. Reporting violations.

Cases involving alleged research misconduct should be reported to the Office of the Vice President for Research (IV.L.5). Alleged violations of sexual misconduct should be reported to University Equity and Civil Rights Compliance (ECRC), following the reporting guidelines as outlined in section II.Q and will be investigated and resolved via the procedures outlined in II. Q. Other violations of professional ethics should be brought to the attention of the department chair ^[3] (see IV.L.4).

3. Establishment of professional ethics committees

a. College/School Professional Ethics Committee^[1]

Each college, regional campus, and the Voinovich School will have a standing Professional Ethics Committee consisting of six faculty members in the college, regional campus, or the Voinovich School unless it is necessary to supplement the Committee by faculty from other colleges or regional campuses. At least four of the six faculty must be tenured Group I faculty. The other two may be selected from among the untenured Group I or the Group II faculty. Three of the six members of the college Professional Ethics Committee are selected by the faculty senators from that college or regional campus, while the remaining three are appointed by the dean of the college, regional campus, and the Voinovich School (the director is the dean's equivalent in the case of the Voinovich School)^[2]. The chair of the committee will be appointed by the dean from among the Group I faculty on the committee. The term length for members on the college Professional Ethics Committee will be three years, and service is restricted to two successive terms. Initial appointments will be staggered so that each year the senators from the college or regional campus and the dean will each need to select a new committee member. Each college Professional Ethics Committee will be provided access to appropriate university resources to assist it in carrying out its investigations.

b. University Professional Ethics Committee for cases of Sexual Misconduct

- i. As the faculty senators and the deans of the colleges, regional campuses, and Voinovich School designate faculty to fill openings on the individual college Professional Ethics Committee (VI.L.2.a), one will be designated to serve on the University Professional Ethics Committee (UPEC) to provide a pool of fourteen faculty from across

the university to review cases involving allegations of sexual misconduct by faculty. This person will be chosen by the chair of faculty senate in consultation with the dean of the college, regional campus or Voinovich School from the two candidates nominated. The length of term for members serving on the University Professional Ethics Committee will be three years and coincide with their service to the college ethics committee. Service is restricted to two successive terms.

To initially establish the UPEC, the provost in consultation with the chair of Faculty Senate, will select ONE faculty member from each college, regional campus and Voinovich school profession ethics committees, ensuring a stagger in term length among members to maintain institutional memory and consistency as the committee membership moves forward.

- ii. For any given case referred to the University Professional Ethics Committee, the chair and Executive Committee of Faculty Senate in consultation with the Provost, will appoint six faculty from the UPEC to serve as a review committee, one of which will be appointed as chair of the committee. All six should be willing and able to serve for the duration of the case. **Please note:** Unlike other faculty committees, because of the nature of these cases and the benefit of timely action to both the university and the faculty member, UPEC does not observe the academic calendar, therefore depending on the timing of findings, members may be asked to serve over summer, spring, winter or fall breaks, but not including winter closure, to meet the timeline. In the event of service outside the academic calendar, faculty will be compensated for their time.

The committee chair will be responsible for conducting the review and ensuring that the committee carries out all its responsibilities in a timely manner and satisfies all requirements of the state and federal laws and university policies. Any member of the UPEC or the Faculty Senate Executive Committee, including the chair of Faculty Senate, who is from the same department or has close personal or professional relationships with the faculty member in question will recuse themselves from the process for that case. If the chair of Faculty Senate recuses him/herself, his/her duties would fall to the vice chair etc.

- iii. The University Professional Ethics Committee will be provided access to appropriate university resources to assist it in carrying out its review. And as is dictated by law, all members of the university Professional Ethics Committee will be provided training annually by ECRC on issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and

hearing process that protects the safety of victims and promotes accountability. (Code of Federal Regulations at 34 CFR 668.46 (2. k)).

Appendix E

Resolution to Clarify the Process for Reviewing Findings of ECRC when Related to Faculty Sexual Misconduct Professional Relations Committee Faculty Senate April 2, 2018—Second Reading & Vote

Whereas, the university's process for review of findings of sexual misconduct against faculty can be improved to provide greater clarity and consistency and to satisfy the requirements of the Violence Against Women Reauthorization Act of 2013's amendments to the Clery Act,

Whereas the procedure for determining outcomes following investigations of allegations of sexual misconduct by faculty is not clearly stated in the faculty handbook,

Be it resolved that the language of the Faculty Handbook be revised to include the following process for review of accusations of sexual misconduct by faculty

II. Q. Policy on Sexual Misconduct, Relationship Violence and Stalking

1. Sexual misconduct, relationship violence and stalking [sexual misconduct] of students, faculty, or staff is prohibited at Ohio University as defined in the Policy and Procedures Manual [No. 03.004](#).
2. The administration and faculty of Ohio University recognize that sexually explicit material may be part of the instructional material used in the classroom. Therefore any investigation will consider the legitimate pedagogical context, and will take into account discipline-specific guidelines for professional practice [Policy and Procedures [03.004 VII.O](#)].

In settings where a sexual misconduct charge may be directly related to the content or instructional mission of the instructional environment, the investigating body will take special consideration of such a context and the outcome of these goals. Weighing inappropriate behavior against the context of legitimate physical contact (for example, in dance or medical instruction); or verbal or visual communication (such as creative writing, art, or biology) should be conducted with cognition of the necessary pedagogy involved in such cases and take into account guidelines within each discipline for recognized professional activities.

3. **Responsibility to Report.** All Ohio University faculty and staff are responsible for compliance with [03.004](#) in the Policy and Procedures Manual and have an affirmative duty to report conduct inconsistent with this policy. Immediately upon learning of potential campus sexual misconduct, a faculty member who receives a complaint of sexual misconduct or who observes or learns of conduct that is reasonably believed to be in violation of this policy, is required to report the alleged conduct to the University office of Equity and Civil Rights Compliance (ECRC), following the reporting guidelines as outlined in [03.004](#), section VII.A Duty to Report. University Equity and Civil Rights Compliance (ECRC) is the University office with responsibility for responding to complaints of sexual misconduct or discrimination and ensuring the University's compliance with its obligations under federal and state non-discrimination laws, including Title IX.

In addition to the duty to report sexual misconduct to University Equity and Civil Rights Compliance (ECRC) as identified above, in some circumstances there is a duty to report allegations of criminal conduct to law enforcement. Ohio law (Ohio Revised Code 2921.22) requires every person who knows that a felony has been or is being committed, to report it to law enforcement. It is a criminal offense to knowingly fail to make the report. If a faculty member suspects or has knowledge of criminal activity occurring on university property, s/he/they have a duty to call the Ohio University Police Department at 740-593-1911 (in an emergency, please dial 911 immediately). Incidents that occur off campus or at a regional campus should be reported to local law enforcement.

4. **Procedures for complaints involving sexual misconduct by faculty.**
 - a. **Inquiry into reports of sexual misconduct:** On receiving a report of possible sexual misconduct or on receiving information that suggests possible sexual misconduct, University Equity and Civil Rights Compliance (ECRC) will respond in accordance with its Grievance Resolution Procedure, (<https://www.ohio.edu/equity-civil-rights/grievance-resolution.cfm>)

In the inquiry, the ECRC investigator will evaluate whether the allegations, if substantiated, would constitute sexual misconduct, relationship violence, or stalking as defined in Policy 03.004. If the ECRC investigator determines the allegations would violate the sexual misconduct policy if substantiated, then the ECRC investigator will proceed to initiate an investigation.

If the ECRC investigator determines that the allegation would not violate the sexual misconduct policy even if substantiated, then the ECRC investigator will close the inquiry as a consultation.

- b. **Investigation.** An ECRC Investigation will be conducted in accordance with the ECRC Grievance Resolution Procedure (<https://www.ohio.edu/equity-civil-rights/grievance-resolution.cfm>). If the ECRC investigator determines an investigation is warranted, the ECRC investigator will notify the faculty member identified in the complaint as well his/her/their department chair and the dean of the college/school when the investigation is initiated.

ECRC will provide the faculty member with written notice of the allegations involved in the sexual misconduct complaint **either via hand delivery or email using his/her university account.**

As a part of the ECRC investigation, the faculty member will have the opportunity to present any oral, written, or other information they wish the investigator to consider and to identify any witnesses the faculty member believes may have information relating to such a complaint before an investigation is completed.

ECRC endeavors to complete investigations as promptly as possible. In the event an investigation cannot be completed within 90 days, ECRC will notify the faculty member and the complainant(s) in writing, with a copy to the faculty member's dean and chair, of the need to extend the timeline and provide an anticipated timeline for completion of the investigation.

At any time during the investigation, the ECRC investigator may recommend to the Provost that interim measures be put in place to prevent **the possibility of** continuation or recurrence of discrimination, harassment or retaliation, or to preserve the integrity of the investigation process (as detailed in the ECRC Grievance Resolution Procedure, section V. 7.). **Interim measures should not be seen as a sign of any judgement or determination of measure, but as a protection for all parties involved. The Provost may consult the chair of the department and/or dean of the college/school when making these determinations.** Depending on the severity of the accusations, the Provost may decide to put the faculty member on administrative leave until resolution of the allegations.

- c. The Violence Against Women Reauthorization Act (Code of Federal Regulations at 34 CFR 668) requires that sexual misconduct proceedings provide equal opportunity for the complainant and the respondent to participate, including simultaneous written notification of the outcome of any sexual misconduct proceeding. Therefore, once an investigation is complete, the ECRC Memorandum of Findings (MOF) will be sent to the complainant(s) and the faculty member involved, with copies to the dean of the planning unit and the chair of his/her/their department.

If the ECRC MOF does not support findings of misconduct, the ECRC investigator closes the ECRC case. ECRC's closing of the ECRC case does not foreclose the examination of the faculty member's conduct by other university entities.

If the ECRC MOF presents findings of sexual misconduct (violations in accordance to Policy No. 3.004), the dean will forward the complaint to the Provost and Chair of Faculty Senate to convene a review committee of the University Professional Ethics Committee (according to VI.L.3.b.ii). The committee shall be established within twenty-one (21) calendar days of a case being forwarded to the Provost.

- d. If a UPEC review committee is to be formed, the provost will notify the faculty member and complainant involved who each will be given the opportunity to submit a statement regarding the ECRC findings in writing to the Provost within 21 days. These statements will be included as part of the documentation submitted to the UPEC for its review and consideration. The UPEC's responsibility is to consider only the charges contained in the ECRC MOF.

Please note: Unlike other faculty committees, because of the nature of these cases and the benefit of timely action to both the university and the faculty member, UPEC will not observe the academic calendar, therefore depending on the timing of findings, members may be asked to serve over summer, spring winter or fall breaks to meet the timeline (and, in that case, compensated for their time).

- e. The UPEC review will be a formal examination and evaluation of ECRC's findings and the statements of the faculty member and complainant(s) to draw conclusions as to whether the finding of misconduct merits disciplinary action, and if so, to determine an appropriate recommendation for disciplinary action. The review will include examination of documentation, including but not limited to, the report of the ECRC, and the statements of the faculty member and complainant(s) regarding the ECRC findings. It may also include interviews of the ECRC investigator(s), the faculty member involved, the complainant(s), and possible witnesses as deemed necessary by the review committee. The committee will have access to and the assistance of all units or offices at the University in conducting its review. UPEC will have forty-five (45) calendar days to conduct the review, write their report and submit it and their recommendations to the provost.
- f. After consideration of the case, the University Professional Ethics Committee will provide a written report with recommendations to the Provost, with a copy to the faculty member and complainant(s) involved, the chair of the department, and the dean of the college. The final report

should include sufficient detail of the review processes to permit an assessment of the reasons for determining recommendation(s). The recommendation(s) of University Professional Ethics Committee may include

- **Insufficient cause** to support disciplinary action or
- A recommendation for disciplinary action that may include, but is not limited to, one or a combination of the following:
 - a. **Written reprimand** placed in the faculty member's file
 - b. **Reassignment of duties** for some specified period of time.
 - c. **Unpaid leave (Suspension without pay)** for a specified period of time or
 - d. Adequate cause to recommend that a school or department initiate **loss of tenure and/or dismissal** proceedings.

A recommendation of disciplinary action requires at least four affirmative votes from the University Professional Ethics Committee.

- g. The report and recommendations of the University Professional Ethics Committee will be forwarded in writing to the Provost, with copies to the dean and the faculty member and complainant(s) involved, for action within thirty (30) days after the provost receives the report and recommendations of the University Professional Ethics Committee.
- h. The Provost, with due consideration of the recommendations of the University Professional Ethics Committee, will announce his/her/their decision within thirty (30) days of receiving the report and recommendations from the University Professional Ethics Committee.
- i. The faculty member or the complainant(s) may appeal the action of the Provost to the President within twenty-one (21) days of being informed of the Provost's action. The grounds for appeal are limited to failure to follow appropriate procedures or arbitrary and capricious decision-making. In the case where a faculty member is the complainant, the appeal would move through the Professional Relations Committee of the Faculty Senate as is standard practice for faculty appeals to the President. The Professional Relations Committee shall submit its recommendations to the President within thirty (30) days of notification, and the President will make the final determination on the appeal within thirty-days (30) after receiving the recommendation of the Professional Relations Committee."

- j. **Reporting.** The University will comply with all federal reporting requirements concerning sexual misconduct of faculty, including notification of the findings when allegations are not confirmed.

Appendix F

Resolution for Addition of Possible Recommendations in Cases of Research Misconduct

Professional Relations Committee

Faculty Senate

April 2, 2018—Second Reading

Whereas the possible sanctions for research misconduct are not clearly outlined in the faculty handbook,

Be it resolved that the language of the handbook be changed to clarify the process and possible sanctions for research misconduct.

IV.L.5. Fraud and Misconduct in Professional Research

d. Investigation Procedure

An investigation shall be initiated within thirty (30) days of the determination by the Vice President for Research to proceed with the investigation. The Vice President for Research will notify the respondent and any federal agency that is providing support for research identified in the allegation of the University's decision to initiate an investigation. This notification will be written and will delineate the allegation of misconduct. In consultation with Professional Relations Committee of the Faculty Senate or other representative committee appropriate to the employment status of the respondent, the Vice President for Research shall appoint a committee of no fewer than five (5) persons to conduct the investigation. The committee shall include not only persons who have expertise in the disciplines of the respondents(s), but also at least one from some other, unrelated scholarly discipline and at least one member of rank or position similar to the respondent. The chair of the committee will be selected by the Vice President for Research and staff support will be provided by the Vice President's office. The Committee will be authorized to secure necessary and appropriate expertise from Ohio University and elsewhere, to augment the expertise represented by the committee membership. The committee will have access to and the assistance of all units or offices at the University in conducting its review. The Vice President for Research will take appropriate interim administrative actions to protect any federal funds involved in the allegation and insure that the purposes of the federal financial assistance are carried out.

The investigation normally will include examination of documentation, including but not necessarily limited to the report of the inquiry panel, relevant research data and proposals, publications, correspondence, and memoranda of telephone calls. The respondent(s) will be interviewed as

part of the investigative process. Contacts with experts or witnesses outside the university will be authorized by the chair of the committee and made by staff members assisting the committee. Whenever possible, interviews should be conducted of all individuals involved, including the complainant and other individuals who might have information regarding key aspects of the allegations; summaries of these interviews should be prepared, provided to the interviewed party for comment or revision, and included as part of the investigatory file.

The investigation is the formal review of an allegation of misconduct with a formal examination and evaluation of relevant facts to draw a conclusion about whether the evidence persuasively supports a finding that misconduct has occurred. The committee may find

- 1) Insufficient evidence to rise to the level of research misconduct as defined in IV.L.3.b; or
- 2) No formal finding of research misconduct, but concern that the respondent has not followed best practices, which could result in educational or corrective action recommended by the Vice President of Research; or
- 3) Persuasive evidence that supports a finding of research misconduct leading to disciplinary action as recommended by the Vice President of Research.

An investigation should ordinarily be completed within ninety (90) days of its initiation, including conducting the investigation, preparing the report of findings, and making that report available for comment by the respondent(s). The report, regardless of outcome, along with all documentation used in the investigation and any comments provided by the respondent(s), shall be delivered to the Vice President for Research immediately upon completion.

The Vice President for Research will review the report and any comments from the respondent(s) and forward the report with his/her recommendations to the Provost for appropriate action. The recommendations of the Vice President for Research may include

- **Insufficient cause** to support disciplinary action, with or without educational or corrective action or
- A recommendation for disciplinary action that may include, but is not limited to, one or a combination of the following:
 - a. **Written reprimand** placed in the faculty member's file
 - b. **Reassignment of duties** for some specified period of time.
 - c. **Suspension without pay** for a specified period of time or

- d. Recommendation that a school or department initiate **loss of tenure and/or dismissal** proceedings.

The Provost, following review of the findings and recommendations with the respondent(s), shall determine what disposition to make of the case(s). The dean of the respondent's college will be informed of the Provost's action. The report of the investigation, and comments from the respondent(s), and the decision of the Provost with regard to sanctions will be forwarded to any appropriate funding agency.

Appendix G
Resolution to clarify process for review of allegations of discrimination by faculty.
Professional Relations Committee
Faculty Senate
April 2, 2018—First Reading

*Whereas, the university's process for review of allegations of **discrimination (violations of policy 40.001)** against faculty can be improved to provide greater clarity and consistency with federal guidelines,*

Whereas the procedure for determining outcomes following investigations of allegations of discrimination by faculty is not clearly stated in the faculty handbook,

Be it resolved that the language of the Faculty Handbook be revised to include the following

V. L. Procedures in the Event of Allegations of Violation of Professional Ethics

4. Reporting violations.

Cases involving alleged research misconduct should be reported to the Office of the Vice President for Research (IV.L.3). Alleged violations of sexual misconduct, relationship violence, and stalking (as indicated in Policy No. 03.004) and of discrimination (Policy 40.001 Equal Employment and Educational Opportunity) should be reported to University Equity and Civil Rights Compliance (ECRC). Allegations of sexual misconduct (and other violations of 03.004) will be investigated and resolved via the procedures outlined in II. Q. Those involving discrimination (as defined by Policy 40.001) will be investigated by ECRC and reviewed via procedures outlined in IV.L.3.a. All other cases of alleged violations of professional ethics should be brought to the attention of the department chair ^[3] and resolved by according to section IV.L.3.b.

5. Procedures for allegations not involving sexual or research misconduct

- k. For allegations of discrimination or harassment based on race, color, religion, age, ethnicity, national origin, national ancestry, sex, pregnancy, gender, gender identity or expression, sexual orientation, military service or veteran status, mental or physical disability, or genetic information as defined by Policy 40.001, ECRC investigates the allegations according to

procedures outlined in its Grievance Resolution Procedure, <https://www.ohio.edu/equity-civil-rights/grievance-resolution.cfm>).

Briefly, in the inquiry phase, the ECRC investigator will evaluate whether the allegations, if substantiated, would constitute a violation of Policy 40.001. If so, then the ECRC investigator will proceed to initiate an investigation. If the ECRC investigator determines that the allegation would not violate the policy even if substantiated, the ECRC investigator will close the inquiry.

If the ECRC investigator determines an investigation is warranted, the investigator will notify the faculty member identified in the complaint as well his/her/their department chair and the dean of the college/school when the investigation is initiated. ECRC will provide the faculty member with written notice of the allegations involved in the sexual misconduct complaint. As a part of the ECRC investigation, the faculty member will have the opportunity to present any oral, written, or other information they wish the investigator to consider and to identify any witnesses the faculty member believes may have information relating to such a complaint before an investigation is completed.

Once an investigation is complete, the ECRC Memorandum of Findings (MOF) will be sent to the complainant(s) and the faculty member involved, with copies to the dean of the planning unit and the chair of his/her/their department.

If the ECRC MOF does not support findings of misconduct, the ECRC investigator closes the ECRC case. ECRC's closing of the ECRC case does not foreclose the examination of the faculty member's conduct by other university entities.

If the ECRC MOF presents findings of discrimination (violations in accordance to Policy No. 40.001), the dean will forward the complaint to the College Professional Ethics Committee (according to VI.L.4.b) for its review and consideration. The college PEC's responsibility is to consider only the charges contained in the ECRC MOF.

- I. For apparent violations of professional ethics not investigated through the Office of the Vice President of Research nor by ECRC, the departmental chair, possibly in consultation with faculty colleagues or a departmental grievance/advisory committee, shall investigate the allegations. The person accused of the violation of professional ethics will be informed of the charges within thirty (30) calendar days and be given an opportunity to explain his/her behavior. If the chair is not satisfied with the explanation, the specifics of the allegations will be given within fifteen (15) calendar days to the person accused in writing. The person

accused will have fifteen (15) calendar days to respond to the chair in writing, and the chair will attempt to resolve the problem. If resolution cannot be reached between the chair, the complainant, and the accused within fifteen (15) calendar days, the chair will forward the specific allegations of violation of Professional Ethics by the faculty member, along with appropriate documentation, to the dean in writing. The faculty member accused will be given the option of submitting his/her explanation of the alleged misconduct in writing as part of the documentation submitted to the dean at the same time. If the dean, chair, complainant, and faculty member accused of the violation cannot reach a resolution of the matter within fifteen (15) calendar days, the specific allegations of violation of professional ethics along with appropriate documentation will be forwarded to the college Professional Ethics Committee. A final copy of the allegations will be given to the accused, and once the allegations are forwarded to the college Professional Ethics Committee, no additional charges can be added without beginning the process anew.

Appendix H

Resolution to affirm the possibility for differential workloads for Group I faculty

Professional Relations Committee

Faculty Senate

April 2, 2018—First Reading

Whereas, the faculty handbook is inconsistent with its language defining Group I faculty as compared to other faculty classifications,

Be it resolved that the language of the Faculty Handbook be revised to include the following

II.C.3. Classification of Faculty

- a. Group I consists of persons with appropriate credentials, on full-time or part-time appointments, specifically designated as tenure track faculty who, except when on unpaid leave granted at their request, are employed in at least two semesters of a fiscal year and who are so employed from the date of receiving an appointment in the Group I category until that appointment terminates. A person may not change to non-tenure track categories once the initial appointment in Group I is made. Faculty shall be classified with respect to the campus where their teaching duties are principally performed.

Group I faculty may be hired on variable workload distributions as appropriate to meet the needs of the department/school, but all should contribute to the teaching, research and service missions of the university. The distribution for a position should be determined by the department or school, as appropriate for the academic unit, and negotiated with the head of the planning unit at the time of position request.

Faculty members in Group I are expected to perform those faculty activities agreed to at the time of hire and/or reappointment and shall enjoy the following rights and benefits:

- i. The workload for each Group I position shall be clearly indicated at the time of posting and during the interview process. The letter of appointment will contain the specific workload percentages for teaching, research and service as negotiated for the position (II.A.1.b) and include the promotion and tenure guidelines as appropriate for the position (II.A.2.c).
- ii. Salaries will be negotiated at the time of hire at the departmental or regional campus level, taking into account factors such as

qualifications, years of experience, rank and salaries of existing Group I faculty with similar workload assignments in the given department or on the given regional campus.

- iii.* Normally, the contracts for Group I will be a nine month, renewable contract for a term of one-year during the probationary period, and the latest date for tenure review indicated in the letter of appointment (II.A.1).
- iv.* Group I faculty are categorized into three ranks: Assistant Professor; Associate Professor or Professor. Rank will be determined at the time of hire depending on qualifications, departmental norms, and other determining factors as appropriate.