

Ohio University Faculty Senate
Meeting Minutes Monday, November 2, 2020
Virtual Meeting Via Teams and Livestream

7:10 – 9:00 p.m.

- I. President Nellis and Vice-President & Provost Elizabeth Sayrs
- II. Roll Call and Approval of October 5, 2020
- III. Chair’s Report – Robin Muhammad
- IV. Faculty-Led Resolution
Resolution Regarding the Reinstatement of Faculty Purchasing Card Privileges—First Reading
- V. Executive Committee
Resolution to Support the Ohio Faculty Council’s Statement on the Reorganization and the Role of Faculty -First Reading
- VI. Educational Policy & Student Affairs Committee – Andrew Pueschel
Resolution to Modify Language about the Ohio Transfer Module in Undergraduate Catalog – First Reading
- VII. Promotion & Tenure Committee – Jackie Wolf
- VIII. Professional Relations Committee – Char Miller
- IX. Finance & Facilities Committee – Doug Clowe
- X. New Business
- XI. Adjournment

In attendance:

Bates, Blau, Brown, Casebolt, Chen, Cirola, Clowe, Cluse-Tolar, Crawford, Cronin, Duvert, Dyer, Farris-Brown, Franz, Garlington, Gurien, Haile, Hallman-Thrasher, Healy, Hendrickson, Hess, Hiler, Holcomb, House, Hurley, Johnson, Karney, Klein, Koestler, Kuruppallil, Lowery, Marchenkov, Matlack, McKean, McMills, McMurray-Schwartz, Michaud, Miller, Muhammad, Munhall, O’Keefe, Owens, Palmer, Pritchard, Pueschel, Raney, Reader, Ridpath, Riefler, Rosado Feger, Sandal, Sarver, Schwerha, Shao-Lucas, Shaw, Sindelar, Webb, Welser, White A., Williams K., Wolf, Wyatt, You, Young

Meeting called to order at 7:10

Chair Muhammad outlined some procedures for meeting management:

- Please use the “raise hand” feature to be acknowledged before speaking.
- Please keep chat for communicating with speakers.
- Follow Sturgis rules
- Remember this meeting is recorded

President Nellis:

- Now in Week 11, thanks to hard work and effort. Thanked faculty members for what they have done and continue to do during these extraordinary times.

- University is currently on Phase 2. Surveillance testing for COVID is in place. We've had challenges with student quarantine, including residence halls. But also, we've had successes. It is a challenging time to teach, but faculty have risen to the challenge, with teaching and with modeling safe behavior.
- Halloween was originally a concern but the weekend was quiet.
- Thanked Undergrad, Graduate, and Faculty Senate for their cooperation.
- We are currently in a period of decreasing infection rates. We have an infrastructure in place to test, quarantine and isolate. We will continue to grow these capabilities.
- Thanked Ken Johnson and in particular Gillian Ice.
- OU maintaining close contact with community health authorities and local government.
- In January, all students who wish to return to campus will be allowed. More face-to-face and hybrid courses offered. More online courses moving to synchronous delivery. Students who live on campus tested weekly to detect outbreaks early. Students off-campus tested bi-weekly, and hopefully employees as well.
- Spring semester to begin Tuesday Jan 19th. Dr. Martin Luther King celebrations will be hosted on the 18th. Last day of classes April 24th, Graduate commencement on April 30th, Undergrad on May 1st, format is still to be determined. Still considering opportunities for students who graduated in May 2020. Fall 2020 commencement will be virtual.
- Breakfast for Progress: focus on Diversity and Inclusion. Good participation.
- Congratulations to:
 - Sumit Sherma for NSF grant.
 - Katherine Fornash for Oak Ridge Associated Universities Research Grant.
 - Peter Harrington for 2020 Society for Applied Spectroscopy Fellow Award
 - Ghirmai Negash African Literature Association Award
 - Condolences to the family of Dr. Alicke
- Appreciate all the work you do for Ohio University, enjoy your Thanksgiving break.

Provost Says:

- Encourage faculty to go vote...but remember cannot offer extra credit to students for voting!
- Academic Depts validating the final spring schedules including course modalities, which will be described clearly, and searchable within Course Offerings, to post on Nov 6. Thanks to the Planning Group for their leadership.
- Thanks to Academic Planning and Policy Committee for their work.
- Lab group with faculty from all laboratory/experiential learning have created a survey to determine the needs for equipment or technical support. In Fall, this group used CARES funding to help purchase materials for instructors. This support will be available again for Spring to support experiential learning.
- OIT continues to offer workshops for teaching development for online teaching. Schedule in the Keep Teaching webpage.
- 88 self-nominations for Fall Budget Study Group. Group size increased to 50, first meeting held last week.

- Self-nomination from 65 faculty for Academic Planning group. Meet as a full group to establish common goals, then split into subgroups: Academic Offerings, Academic Structures, and Academic Policies and Practices. This is truly critical work for the future of the University.
- Academic actions for becoming more inclusive and anti-racist, working with VP Secuban to support long-term action goals on D&I.
- New Provost Faculty Fellows:
 - Katie Hartman, CoB, Teaching Learning and Assessment
 - Dem McAvoy, Russ College, Undergraduate Programs
 - David Wynn, Patton College, Student Success
 - Assan Sarr, CAS, Faculty Development
- Ohio Museum Complexes:
 - New self-guided tour for The Ridges Tree Tour. Work spearheaded by Dr. Nancy Stevens and other faculty in collaboration with the Kennedy Museum.

Q&A

Q1 (Sen. Bates): Regarding the written responses provided by VP Shaffer to the questions posed about budget decision-making. The responses were vague and there's no clarity on values or the rationale behind choices made. Can executive leadership provide a clearer answer on how these non-financial values and principles are used to guide the university, with specific indications for when we put things like community development, social justice, etc., ahead of financial considerations. Can we get a clearer answer than a list of weblinks?

Nellis: Feel like responses are linked to principles of decision making. There's been a lot of dialogue about these principles and how these decisions are made was part of the reason for making a pathway to these links. We've thought through this as we started the process of making difficult decisions related to the budget, we agreed on a set of principles that would govern us, and the responses provided do give a lot of detail and were not meant in any way to be superfluous or out of context. The questions asked are themes brought up are part of the conversation when difficult budget decisions come up. We want to continue to evaluate our processes and continue to improve and refine our processes. Want to consider the breadth of impact that we have when we make difficult decisions, it's complex, but the feedback is appreciated. However, feels that responses were in good faith to the questions received.

Says: As part of continuing dialogue, if you think some answers were nonresponsive, please reach out and we will continue to work with VP Shaffer to facilitate a dialogue where we are not talking past each other. This is important to work out so we can come to understanding of what our mission and values are. Let's keep talking about those until we have a same basis for discussion.

Q2 (Sen. Sandal): Appreciate Sen Bates questions and we must continue this important conversation as we continue with shared sacrifice. Noted that the "raise hand" feature is not available to all attendees. Can we use the chat instead?

Chari Muhammad: Yes, we will monitor the chat and the Q&A.

Q3 (Sen. Reader): A large number of students are having trouble with internet connections and have to go to other places to get Internet while they work. Our technology systems installed and selected/updated without faculty input have high bandwidth requirements, and we should have this in

mind as a University in a rural setting. We should invest in technology that does not require these resources.

Nellis: Excellent point, one with a lot of sensitivity as we think about the needs of our students and our region. Have been lobbying about broadband capacity. Also, the point about IT and software updates should be mindful of the user requirements.

Says: This is a huge concern for our area. How do we make sure the technology we use takes into account the limitations of our students? Will take that feedback to OIT. Please encourage students to talk to Associate Deans because there is some support available. Might also be helpful to have Chris Ament to talk about how faculty groups that advise OIT function.

Chair Muhammad: Have been talking to Chris Ament and will be continuing those conversations.

Questions from Q&A:

1. Will students who choose to learn completely remotely have to be tested biweekly in spring?

Ice: If students are remote but accessing campus resources (Ping, library, etc.) then Yes they will have to be tested. Students not in Athens will not be tested.

2. What is going to happen to underclassmen who don't want to live on campus? Will they still have to live on campus and be subject to a housing contract?

Says: 1st/2nd years can live at home with parents, fully remote. Upperclassmen can live in apartments and be fully remote.

Sen White: Will regional campus students be tested?

Ice: Symptomatic students are tested, but not all campuses have an Ohio Health center. Asymptomatic exposures will start getting tested via Ohio health. Not currently doing asymptomatic surveillance testing...rates are very low and the nature of campus is different (commuters vs residential students). If numbers change, then strategy will change.

Roll Call

Minutes for October 2020 Approved (Hiler/Duvert)

Chair's Report

- Five Senates working on a report to highlight "What are Senates for?" regarding purpose and functions of the Senates and their collaboration.
- Classified Senate will be phased out.
- Faculty Senate Interdisciplinary Work groups"
 - Remedial work
 - Professional development
 - Supporting student learning across the tech spectrum (Low AND High Tech)
 - Scholarship in the COVID age
- Next meeting Dec 14th via TEAMS
- Likely no January meeting unless we need a special one called.

FACULTY-LED RESOLUTION

Resolution Regarding the Reinstatement of Faculty Purchasing Card Privileges—First Reading

Sen. Chen, presenting. On behalf of Dr. Art Smith, by petition from more than 10 faculty members.

Motivation:

- Faculty members with federal research grants are frustrated with the inability to use their funds in what they consider a more cost-effective manner due to university Pcard restrictions on pre-approval for certain items as noted in resolution.
- Faculty should have the authority to use their Pcard in the ways proposed in resolution without requiring pre-approval.
- Please contact Dr. Smith and Dr. Chen.
- Question, Sen. Hiler: Understand the issues and frustrations, but do there need to be some limits on the use of Pcards to prevent potential abuse? Is there an ability to add clarification, particularly in these fiscally challenging times?
- Sen. Chen: this is mainly relating to researchers using external research grants, spending within the limitations of their grant funding. Understand the issue with department funds, do need to consider this in the resolution.
- Question, Sen Dyer: what was the rationale given for the policy change? Answer: Perhaps related to auditing concerns, but this needs to be fleshed out.
- Question, Sen. Duvert: How does this apply to study abroad programs? Answer: need to take back this input to resolution.
- Sen. Reader: Question about trusting faculty. Faculty tend to be very responsible for how they spend their funds. It is often more expensive to follow the University rules. These roadblocks for use of discretionary funds creates busywork but does not provide actual value. We are creating systems that make our systems much less efficient.
- Sen. Bates: the structure seems to be directed university wide, but Pcard policies vary across the university. There are inconsistent guidelines. We should all be trusted to spend our own money well and wisely.
- Dr. Art Smith: glad to work with faculty to improve the resolution, but what we are asking for is what we had before. Faculty's rights and privileges are continually being eroded. Faculty need some freedom with their Pcards.
- Sen. Wolf: Faculty should not be put in the position of lending the university money, by having to use their personal credit cards for business expenses. This is an important issue that needs a response.
- Please send comments to Dr. Smith and/or Sen. Chen.

EXECUTIVE COMMITTEE:

SOS Resolution to Support the Ohio Faculty Council's Statement on the Reorganization and the Role of Faculty -First Reading

Senator Bates: As we have seen, shared governance is not a respected principle at many of our universities in Ohio. OFC has called for a return to shared governance, recognizing that academic decision and reorganizations should come from the faculty. There are concerns about the declining use of shared governance. If there is to be restructuring at OU, there should be meaningful input and participation from the faculty. This resolution stands in support of the OFC statement.

This resolution will be brought forth for second reading and vote at Dec. meeting.

EPSA: Andrew Pueschel

Resolution to Modify Language about the Ohio Transfer Module in Undergraduate Catalog – First Reading

Sen. Pueschel: this resolution is an update of the academic policy regarding transfer credit. It modifies language about the Ohio Transfer Module. Current policy is to evaluate transfer credit on course-by-course basis. This policy will continue. This resolution addresses OTM courses that have no direct course equivalent. Currently these credits were transferred as elective credit. This resolution allows these courses to fulfill the same GenEd requirement as it fulfills at the originating institution (for OTM approved courses in Ohio institutions). For example, a course can be used to fulfill a BRICKS requirement, even when there is no exact Ohio University course equivalent. This will make our institution more transfer-friendly. Students who complete the OTM requirements at a different institution will be considered to have completed the foundations, Pillars, and Arches requirement, excluding Advanced Writing.

We recognize that Ohio's new Gen Ed have more requirements than OTM, and students would still have to complete specific courses required by their degree programs. Included in this is an update from quarters to semesters and to hold harmless current students. There is also information about the appeals processes.

To assist the Registrar in the expedient implementation, request for motion to suspend the rules and go to second reading/vote; Clowe/Sandal

Vote: In favor: Many Vote passes

Vote for Resolution: In favor: Many Opposed: None Abstentions: None RESOLUTION PASSES

P&T Jackie Wolf

- Met to discuss developing guidelines for P&T in the framework of ONEOhio.
- Recommendation for shaping university culture in terms of equity and fairness in faculty assessment: for example in faculty teaching evaluations.
- Guidelines distributed before Thanksgiving

PRC Char Miller

- Working on guidelines.
- UPEC training completed

F&F- Doug Clowe

- BPC has met twice, informational meetings. BPC website: <https://www.ohio.edu/finance/budget/budget-planning-council>
- Slide decks from meetings uploaded to site.
- Meeting of Capital funding and Facilities
 - New process led by Shawna Bolin studying space usage on campus, looking at condensing the footprint to save on maintenance. Currently focused on administrative side. Invited to come present to F&F to see how faculty can be included.
 - Eastern buildings of The Ridges renovated, units are moving in. Western building, a tarp was installed in 2015 until a development partner found. No partner has been found. Current estimate of \$7M to restore the roof. They have identified \$6M of tax breaks for a potential developer. Approximately 100k sq-ft. Other option is to install a new tarp and defer decision for later.
- ARP Changes:
 - Letter from Ohio State professor who has been involved in the mitigation rate issue. Letter said the settlement was a bad idea, and encouraged others to opt out.
 - David Ridpath has had a conversation with the law firm, it appears the claim of broad immunity regarding mitigating rates is not the case.
 - If you choose to opt out, you give up compensation regarding the mitigating rate for a specific time period. Compensation amount is still TBD depending on how many class members participate. Also a decrease in mitigating rate.
 - Do not know what happens if a participant opts out.
 - ***Note: This should NOT be taken as advice on whether an individual should opt out or not, we are only presenting facts as we understand them.***
 - People who do not participate in the ARP are NOT included in this lawsuit/settlement.
- David Ridpath: the settlement covers only the 1% for the specified years. It does not limit any future legislation over the mitigating rate, however, in his opinion, this would be an uphill battle.
- Please contact the law firm noted in your correspondence for legal advice.

- First pay period where ARP change is effective is Nov 15. Talk to your financial advisor or the allocation will be done per the formula established by the committee.

RM: before the next Faculty Senate meeting we will investigate further the use of the Raised Hand function. We will not meet in January 2021 unless there is a special meeting called.

New business: none

MTA Sandal/White

Adjourned, 8:33pm

PLEASE SEE ADDENDUM BELOW:

ADDENDUM (EMAIL SENT TO ALL FACULTY MEMBERS :

Dear Colleagues,

At the faculty senate meeting on Monday, 11/2/2020, as part of my report as F&F chair I gave a summary of my understanding of the release of liability for changes to the mitigating rate provided to STRS from the proposed settlement. I have since obtained additional information that at least part of what I said is incorrect and thus I wanted to get the correct information to everyone in time for you to decide if you wish to opt-out or object to the settlement by the deadline of November 9. This only concerns faculty members who are enrolled in the ARP for their retirement plan – my apologies for having to send it to all faculty, but we don't know of any other way to contact all ARP members.

At the senate meeting, I stated that the settlement liability release would only cover lawsuits involving the 1% increase in the mitigating rate enacted in 2013. This is incorrect – the release gives STRS immunity from lawsuits from settlement class members over other changes that were known as of the settlement. The class counsel argues this is largely moot, as all other changes were done within the law setup by the legislature when they enacted the ARP, and so challenges to that would have to be directed at the state/legislature, not STRS. It would not protect STRS against challenges from any future changes to the mitigating rate, and shouldn't (not can't, as it's up to the interpretation of a judge) protect STRS if new information comes to light regarding fraud, etc, in how they set the mitigating rate within the framework on the law.

As I stated at the meeting, neither I nor the other officers of faculty are qualified to give you advice on whether you should opt-out or object. We are sending this email to correct misinformation given out in the faculty senate meeting so that you have full and (hopefully) complete information to make your decision.

Sincerely,

Douglas Clowe

Email with explanation from the class counsel:

Professor Clowe:

I'm sorry there's been some confusion over the scope of the release included in the proposed settlement. Let me offer you the same explanation I provided to another inquiring class member:

1. The release in the settlement does not waive claims class members may have against their universities relating to the mitigating rate.
2. The release does not waive claims against the insurance companies that purportedly concealed the mitigating rate when they were promoting alternative retirement plans.
3. The release does not waive claims against the General Assembly or the State of Ohio for enacting the mitigating rate, for any related constitutional violations, or for abusive taxation practices in connection with this subject.
4. The release does not prohibit or limit future "legislative" efforts concerning the mitigating rate.
5. The release does not waive claims against STRS for its prospective handling of the mitigating rate.

6. The release encompasses claims that were or could have been asserted in the current lawsuit. The exact scope of this language is not completely clear; a court would have to decide that issue, if STRS challenged it in future litigation. To be safe, however, we interpret it as waiving all claims against STRS relating to past conduct involving the mitigating rate. We do not believe a waiver of this kind extinguishes any valid claims. We can't conceive of any viable grounds ARP participants could assert to recover from STRS based on wrongdoing related to the mitigating rate. If nothing else, the statute of limitations would almost certainly bar any such claim.

7. In short, from our perspective, class members do not waive anything of value under the release.

Please feel free to contact me if you have any further questions.

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