

**Faculty Senate Meeting**  
**Monday, November 10, 2008**  
**Room 235, Margaret M. Walter Hall, 7:10 p.m.**

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**Sergio López-Permouth** called the meeting to order at 7:12 PM.

In attendance:

**College of Arts and Sciences:** T. Anderson, D. Bell, K. Brown, G. Buckley, S. Gradin,  
P. Jung, J. Lein, S. López-Permouth, G. Matlack, J. McLaughlin, R. Palmer, S.  
Patterson, B. Quitslund, W. Roosenburg, A. Smith, J. Webster

**College of Business:** L. Hoshower, T. Stock

**College of Education:** V. Conley, T. Leinbaugh

**College of Engineering:** C. Bartone, J. Giesey, D. Matolak, H. Pasic

**College of Fine Arts:** A. Reilly, E. Sayrs, L. Steele, D. Thomas, R. Wetzel

**Group II:** A. Hall, M. Lucas for C. Naccarato

**College of Health and Human Services:** D. Bolon, J. Thomas

**College of Osteopathic Medicine:** P. Coschigano, T. Heckman

**Regional Campus—Chillicothe:** S. Brogan

**Regional Campus—Eastern:** T. Flynn

**Regional Campus—Lancaster:** P. Munhall

**Regional Campus—Southern:** M. Crawford for E. McGown

**Regional Campus—Zanesville:** K. Collins

**Scripps College of Communication:** J. Bernt, N. Pecora, J. Slade, S. Titsworth

Excused: E. McGown, C. Naccarato, D. Torres

Absent: J. Benson, W. Gist, S. Hatty, S. Marinellie, J. McKean

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**Overview of the Meeting:**

- I. Executive Vice President and Provost Kathy Krendl
  - II. Vice President William Decatur, Vice President for Finance and Administration
  - III. Roll Call and Approval of October 13, 2008 Minutes
  - IV. Chair's report—Sergio López-Permouth
  - V. Finance and Facilities Committee Report—Joe McLaughlin
  - VI. Professional Relations Committee Report—Sherrie Gradin
  - VII. Promotion and Tenure Committee Report—Pete Coschigano
  - VIII. Educational Policy and Student Affairs Committee Report—Jeff Giesey
  - IX. Resolution to Rescind the Faculty Senate Resolution on Collective Bargaining  
Passed on October 13, 2008—Art Smith
  - X. New Business
  - XI. Adjournment
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## Minutes of the meeting

**López** apologized on behalf of **President McDavis** for his absence from the senate meeting. McDavis is attending the conference of the National Association of State Universities and Land-Grant Colleges in Chicago.

### I. Provost Kathy Krendl

- **Krendl** announced that her report to the Faculty Senate was posted on her website earlier in the afternoon. She stated her intention of keeping her report brief so that **John Biancamano** can address the issue of the Faculty Handbook and faculty contracts and **Bill Decatur** can about the university budget.
- **Krendl** announced that the university has named Brian K. Bridges as its Vice Provost for Diversity, Access, and Equity. Bridges earned a doctorate in higher education administration from Indiana University. He has held appointments at Indiana University, Western Carolina University, and the University of North Carolina at Charlotte. Bridges is currently the associate director of the American Council on Education's Center for Advancement of Racial and Ethnic Equity in Washington, D.C. **Krendl** noted that Bridges is operating on diversity issues at a national level and will therefore be a great addition to our organization. She stated that this hire fulfills recommendations by the Taskforce on Inclusiveness and Equality made in 2004. She also reminded senators that diversity is one of the primary goals of our institution. **Krendl** stated that one of the goals in hiring this position is for the new vice provost to be a catalyst for making measurable contributions to diversity across the university. She noted that OU has made some progress in recent years, but we still rank 13 out of 14 Ohio institutions—only Shawnee State University is less diverse than OU. **Krendl** stated that we will need to be more skilled in recruiting minorities since the minority population will continue to grow in coming years and is expected to be in the majority by 2022. Bridges will work closely with the Vice Provost for Enrollment Management, Craig Cornell. Bridges will also work to continue strides in making this a welcoming community. He will address issues involving LGBT Programs, Multicultural Programs, Disability Services, and the Women's Center. He will begin working with faculty right away. **Krendl** expressed her hope that the Faculty Senate will invite Bridges to a senate meeting to hear concerns and suggestions.
- **Krendl** then turned to the collective bargaining resolution from the October meeting. She reminded senators that she had made a commitment to come back with ideas on what brought the faculty to senators to vote for the collective bargaining resolution. She announced that she had met with Sergio López and Senators Rudy Pasic and Chris Bartone to discuss the questions the senators had raised in the previous Faculty Senate meeting. She stated that some ideas had emerged from their talks. She stated that she wants to emphasize ways in which she and senators can effectively work together in the future. She has received good advice that was both solicited and unsolicited on how to achieve this goal.

- Krendl** announced that one idea was to do an informal meeting before Faculty Senate with refreshments. Such a meeting would give people some informal time to talk about issues before the beginning of each meeting. The provost could then address those discussions at subsequent senate meetings. She stated that it was also suggested that the president and provost might use their time in front of the senate more effectively by spending more time listening rather than talking. She suggested that we could agree on specific issues to discuss beforehand or we could raise issues that come up in the informal pre-meeting sessions. **Krendl** stated that if we could find some way to engage on substantive topics and provide information to the senate before meetings, it might produce a more meaningful dialogue during the president's and provost's reports. Another suggestion was for the Faculty Senate Executive Committee to solicit questions from senators and faculty members a couple of weeks before each meeting and then discuss those questions with her before each meeting. **Krendl** also announced that she would like to work with the Executive Committee on a Faculty Senate Task Force to establish the meaning of "shared governance." In addition to faculty, deans and members of the other senates could serve on the task force. **Krendl** stated that she is not sure we have a common understanding of "shared governance." According to her, it means different things at different institutions. Finally, she intimated that Walter Hall Room 235 is not a very good room for our meetings, since standing in front of the room feels like you are in the pit. She has received advice that we move to a room that facilitates conversation rather than presentation and response.
- Before yielding the floor to **John Biancamano** to discuss the relationship between faculty contracts and the Faculty Handbook, **Krendl** took questions from senators.
    - **Joe Slade** stated that the provost had talked a lot in her report about her authority. He asked if she could, in advance of any task force on shared governance, state what authority the Faculty Senate has. **Krendl** replied that **Biancamano** will talk about this to some degree tonight.
    - **Chris Bartone** reminded the provost that she had agreed to address the list of items contained in the Collective Bargaining resolution passed by the senate. He stated that she appears to address five of these items in her written report but noted that there are about 20 in the resolution. He asked whether comment on the other items would be forthcoming. **Krendl** replied that she did not have the authority to respond to the other items. She stated that she had responded to those items for which she is responsible. She asked **Bartone** if there were one item in particular that he is talking about. **Bartone** replied that there was not one in particular. **Krendl** stated that she can obtain additional information if he or other senators have questions about any of the items listed in the resolution.
  - **Biancamano** stated that he had met many of the senators and looked forward to working with all of them at some time. He stated that he was there to address the question of whether the Faculty Handbook is part of a faculty member's employment contract. He warned, however, that he may not get into all of the details about earlier questions about the Faculty Senate's authority.

- **Biancamano** stated that the university Board of Trustees is the governing body of the institution by statute. The board hires university staff, approves budgets, etc. He stated that the board approved the constitution of the Faculty Senate. Thus, the senate rises out of actions of the Board of Trustees. The constitution defines when the senate meets, its membership, how its members are elected, etc. The Faculty Senate is the voice of the faculty in the shared governance system. There are a lot of functions detailed in the constitution. He stated that he would be very interested in sitting down with senators to work out the function of the Faculty Senate. He stated that, if we can come to consensus on the function of the Faculty Senate in relation to the board, it would make things go much more smoothly. According to its constitution, the Faculty Senate initiates changes to the Faculty Handbook. Proposed changes are sent to the president through the provost. They approve, disapprove, or ask for more time to consider the change. As senators know, on the first page of the handbook there is a statement that the handbook is official university policy. He rhetorically asked what this means. He stated that you test the meaning when there's a dispute. He stated that, when disputes come and we end up in court, that is the process whereby we find out what it really means. He stated that disputes happen all the time. He asked, when a university dispute involving the detouring process or some other personnel matter ends up in court, what does the court look at? First, we have to comply with the constitution of the United States and its provisions for due process, which includes procedural due process. Second, the court will ask if we are following federal and state law. He provided the example of federal and state discrimination laws. Third, if we pass all the other tests, the court will ask if we are following all of our own rules. In this particular instance, this includes the Faculty Handbook. If administrators don't follow the rules, the court will rule against us. They are enforceable against the university.
- **Biancamano** then rhetorically asked whether the Faculty Handbook is incorporated into the faculty members' contracts. When someone is hired by the university, the terms are set forth in the appointment letter, but there is also a large body of rules that also become part of the terms of employment. For faculty, that includes the Faculty Handbook, which includes everything from the probationary period, compensation, benefits, etc. The handbook is not the exclusive source of such rules, however. Others would be policies and procedures in the department and college. He continued that in the public sector context changes the rules. Changes may be made to certain benefits. If someone was hired in 1990, for example, that person could not argue that the rules from 1990 would still apply in 2008. Also, we have rules that are enforceable, but there are also state and federal laws that supersede our policies. Sexual Harassment laws, for example, supersede existing university rules. Finally, there are often disagreement about the application of our rules. It is not uncommon to have disagreement about the particular meaning of a rule. But that doesn't change the basic enforceability of the rule. From his perspective, Biancamano said, this enforceability is never a question. He stated that he spends a lot of time talking to chairs, directors, and deans about enforcing the Faculty Handbook. He stated that he didn't know where this question even comes from.

- **Sherrie Gradin** stated that this question from a discussion that started around sick leave. In that discussion, the Professional Relations Committee became interested in policies and procedures in the Faculty Handbook and the question of how the handbook plays itself out in contractual issues. PRC talked to the Office of Legal Affairs about it, but part of what happens as the question gets asked here is that all of the complexities of the discussion get lost. In answer to PRC's original question was, "It depends." Gradin reported that the conversation went in many ways. She noted that our handbook does not have an explicit statement that it is a contract, as some handbooks do. She stated that this was a complex, nuanced conversation. PRC was told that parts of the handbook may or may not stand up in a court of law. One of the questions that came up was about workload. PRC was told that the case law tends to support the employer rather than the employee. PRC was told that the handbook is not a contract in the way that we thought of a contract.
- **Biancamano** stated that somewhere in the Faculty Handbook is a sentence that says that the handbook is part of the employment contract. He stated that there are areas that the black letter of the handbook is inconsistent with some other rule and it could be that we have a body of rules that don't quite match the handbook. He stated that there have got to be many instances of ambiguity – he noted that he liked ambiguity – it becomes us to resolves this ambiguity. He stated that workload is one example.
  - **Ken Brown** stated that the conversation begs the more basic question of whether we still have a contract with the university. He noted that faculty members used to get letters of appointment that stated, this is the first page of your contract. **Biancamano** replied that this was true. He noted that he also received such letters at Ohio State University until the letters were discontinued. Regardless, he stated that the relationship between the faculty and the university is a contractual one. He stated that you can go to court and evoke that contract. **Brown** asked if the detouring process is set aside as an example and an issue that doesn't have as much case law were at issue, what would be the process for a dispute? What if some faculty member says you violated the rule and the administration says no, where does it go next? **Biancamano** replied that, if we look at the index of the Faculty Handbook, all of the items listed there describe the terms of employment of a faculty member. He stated that if an administrator comes to him on any of these issues we have to take into account the terms of the handbook before taking action. **Brown** replied that under section III.A of the handbook there is wording that was written into the handbook about 10 years ago when the university made employees pay healthcare contributions. He read it aloud:

*The University provides two health plan options for Faculty. Premium payments under this plan are partially or totally made by the University with the understanding that increases in the premium are considered as part of the annual discussion concerning faculty compensation increases.*

*The total contributions of all employees will be limited to 10% (or less) of the medical monthly dollar factor on an annual basis (the medical monthly dollar factor includes medical costs, prescription costs, and various administrative fees). Any changes to the employee contribution rates must be presented to the Faculty Senate for approval each year.*

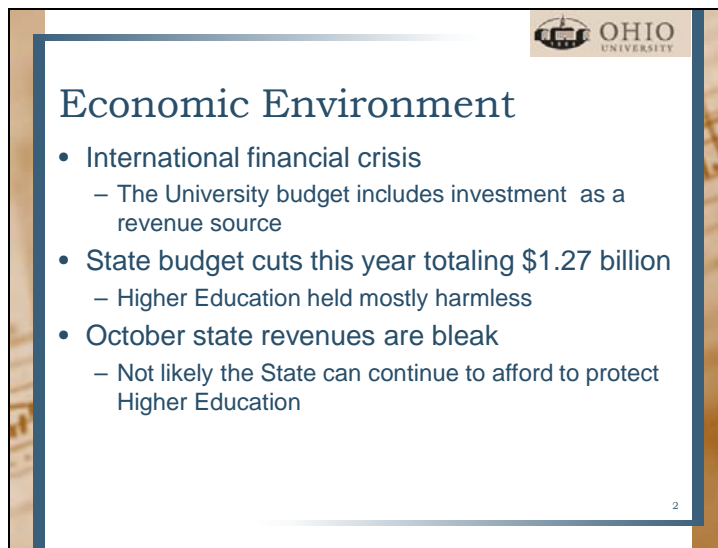
**Brown** stated that we now have a dispute over this passage. He noted that there was an increase in employee contributions without the approval of the Faculty Senate. He asked, “What do we do?” **Biancamano** replied that he had seen that provision and that it struck him as strange. **Brown** replied that it is strange because people who were leaders of the senate who were smart people who thought ahead and said that today they want to charge us 3% but what will they do in 10 years? **Brown** stated that his own recollection is that all of the increases that occurred during the Glidden administration went through Faculty Senate. He asked whether the contract has been violated and, if so, what his recourse is. **Biancamano** replied that his recourse is to work with the administration. He noted that in Legal Affairs they deal with individuals who have disputes about personnel issues. He stated that there are a large number of provisions in the handbook that deal with procedures or rights of students. Disputes about the issues would not be resolved in court. He stated that the handbook is largely a political document. He stated that, if the governance system is not working to everyone’s satisfaction, then we need to work on it. **Brown** replied that **Biancamano**’s statement suggests that the handbook is not a legally binding contract. **Biancamano** replied that he disagreed. He stated that there are variations in remedy and the type of remedies available. As a general rule, he said, the rules found in the handbook are part of the term of employment. **Brown** replied that faculty should take up a collection and hire a lawyer.

- **Glenn Matlack** stated that the easiest metaphor to understand is a constitution. He noted that a constitution has overarching power over all other procedures and rules. He asked, keeping in mind your list of rules outside of the handbook, to what extent do departmental and college rules have to conform to the handbook? **Biancamano** replied that it’s very unusual to have a lawyer speak before the senate, since universities do not lend themselves well to legalistic problem solving. He stated that, if you worked in business, in a lot of ways the rules are pretty clear. There is a clearly defined process. A university is not, he stated, a legalistic institution. He stated that success in what we do strongly relies on consensus building. He stated that that’s why people outside the institution roll their eyes when they come to the university. He noted that the metaphor of herding cats is appropriate. He stated that he would not be surprised if some rules of departments and colleges were in conflict with university policies and procedures. He stated that it is not just a looseness of administration. He stated that senators who have been chairs know that you don’t go around telling faculty what to do. He stated that his short

answer is that he can't claim that there is absolutely no inconsistency. He stated that we can strive for that, but it isn't going to happen in the near future. **Matlack** replied that people learn to use the power centers that exist. He asked, how do you get leaders to be good leaders? **Biancamano** replied that it is very difficult to achieve on a campus. If someone starts talking about imposing top-down rules imposed on everyone, then the faculty would come after us saying that we're corporatizing the university. **Matlack** replied that, if this were a government, the source of power is separate from the exercise of power under the three branches of government. **Biancamano** replied that departments like to have autonomy. He stated that his office is willing to work with everyone to solve some of these problems, but they don't lend themselves to easy legalistic resolution. He stated that the consensus model is the one we should all adopt.


- **Rudy Pasic** asked what shared governance is. He stated that his opinion is that many of the senators and faculty don't know what it is. He stated that he thinks we select a president and provost to govern. He indicated that he did not want to govern and that he didn't think the senate should govern. He stated that the senate is something like an advisory board. He stated that administrators should govern and do their job well, which includes listening to the senate. He stated that senators discuss the issue and administrators should listen to us and transform the discussion into real life decisions that make sense. He stated that this is the kind of shared governance he sees. **Biancamano** replied that each of us has a unique role: faculty, financial people, academic administrators, etc. There is a clear distinction of responsibilities. In order for the system to work there has to be a significant amount of communication. This will lead to disagreement, but those disagreements need to be worked out in a way to strengthen the institution. This is the only way the institution can function. He stated that this is the kind of discussion that we should continue to have. He indicated that he would be interested in meeting with senators to see where everyone is coming from.
- **Joe Bernt** asked who **Biancamano** works for. **Biancamano** replied that he works for the same person **Bernt** works for: the institution. He stated that his mission is to attend to the better good of the institution, not an individual. He stated that on a daily basis he works with chairs, deans, the executive staff, the president, and many times individual faculty members. He stated that he views all of them as his clients. He stated that he approaches every issue not with the parochial perspective of Legal Affairs but with the good of the institution. He stated that we should all have this perspective. He stated that when faculty do their job, when they teach, when they participate in the faculty governing system, they should think about what's right for the institution. **Bernt** rephrased his question and asked who **Biancamano** reports to. **Biancamano** replied that he reports to the president. **Pasic** asked **Bernt** what he's getting at with this question. **Bernt** replied that lawyers can't work for people in opposing situations.

- II. Vice President Bill Decatur** delivered the following PowerPoint presentation on the current fiscal environment:



- **Decatur** stated that Governor Strickland has made funding higher education a priority. As a result, our core funding has been exempted from budget cuts. Current state budget shortfalls, however, have led the administration to plan on cuts in higher education spending. Current budget models are factoring in potential 5% and 10% reductions.






## Threats to Revenue

- Student Demographics
  - The number of Ohio high school graduates will decline 10% in the next 10 years
  - We will have to attract a higher percentage of this declining population to just stay even
- Affordability
  - Endowment-funded scholarships depend on investment performance
  - Student loans more difficult to obtain
  - State economy threatens jobs and family income
- Tuition Caps and State Subsidy
  - Tuition caps are popular with the legislature and public
  - State's ability to maintain subsidy will be difficult given the budget crisis

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- **Decatur** stated that just to stay even OU will need a larger share of high school graduates or must attract more out of state and international students. He noted that OU is at the higher end of tuition costs in the state. We are third highest in the state in tuition and fees.




## Shortfall in the Current FY09 Budget

- Investment Income Shortfall
  - Athens budget assumes \$5.1M investment income
  - Advancement operations assume \$2.9M from foundation
- State Funding Reductions
  - \$300,000 impact on the Athens budget in Success Challenge
  - More significant cuts to line items in the Voinovich School and College of Osteopathic Medicine
  - State Investment in Instruction (SII) held harmless
- Potential for Additional Mid-Year Subsidy Reduction
- Position Freeze Designed to Generate Savings
- Planning Units Given Preliminary Savings Targets to Start Accumulating Contingency Funds

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- **Decatur** stated that the financial crisis has also hurt students' ability to receive loans. One of the largest banks that handles student loans in Ohio is getting out of the business. Other banks are raising their standards for issuing loans.




## Threats for FY2010

- Investment Income Cannot be Assumed
- Potential for State Cut to Subsidy (SII)
- Likely Caps on Tuition Increases
- Poor Economy Could Affect Enrollments
- Continued Cost Inflation in Health Care and Utilities

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- **Decatur** noted that biennial budgets since the 1980s have included fee caps with only one exception. He stated that the Ohio Senate will not approve a tax increase, which creates a very difficult climate financially. State agencies have already undergone a 15% cut. He stated that higher education cannot continue to be exempt from cuts. In addition, Decatur stated that tax revenues are down while state expenditures for entitlement programs are going up.



## Need for Planning

- Shortfalls in current FY09 budget must be addressed (probably continue into FY10)
- We will need to produce a balanced FY10 budget during a period of uncertainty
  - Economic outlook is uncertain
  - Governor submits executive budget in January
  - House and Senate versions follow
  - Final answers will not be available until June/July
- Prudent to create and analyze potential scenarios now rather than wait despite this uncertainty

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## Planning Groups

- Budget Planning and Analysis (BPA) – support group providing analysis and scenarios
- Vision Ohio Steering Committee (VOSC) – makes recommendations for future investments
- Budget Planning Council (BPC) – representative group providing recommendations for scenario construction and approaches for balancing the budget
- Executive Staff/Deans – Planning unit heads that must reconcile need for investment with impact of reductions needed to balance the budget

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- **Decatur** stated that the administration is working to identify the total savings from currently vacant positions. They are reviewing the budget with the Budget Planning Council and will set targets for one-time savings. They are building a contingency plan for a 5% cut.
- **Decatur** reminded senators that we are currently in the second year of the biennial budget. This means that we don't know what the new budget will look like. He stated that we can estimate based on current indicators. Administrators are building scenarios for likely future cuts.
- **Decatur** announced that administrators have assumed flat enrollments. He stated that they will do everything they can to meet enrollment targets and to maintain the academic quality of the entering class. They have also assumed a 7 to 14% increase in utilities expenditures.



## Scenario Building

- Revenue depends on enrollment – can we assume flat enrollment?
  - Declining number of high school graduates
  - Can students afford to attend?
    - Competition from lower cost community colleges
    - Access to financial aid
    - Rising room and board costs
    - Economy affecting family income


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## Scenario Building

- What revenue assumptions should be used?
  - \$8M reduction in investment-related income
  - Flat subsidy with an inflationary tuition increase (6% increase with 2.4% going to need-based scholarship)
  - 5% decrease in subsidy with 6% tuition increase
  - 10% decrease in subsidy with a 6% tuition increase


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## Scenario Building

- What Assumptions should be used for Expenses?
  - Salary increases (3% - 1.5% - 0%)
  - Health care inflation
  - Utility cost increases (Coal, Natural Gas, AEP)
  - Vision Ohio Investments
    - \$1.2M Faculty Compensation Investment
    - Additional Base Investments for Year 2
  - Debt Service on SIS/Network Upgrade
    - \$5.3M per year debt service
    - 50% from student fee, 50% from budget reallocation


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## Planning For FY2010 Budget

- BPC will be creating scenarios – these are for planning purposes to be fiscally responsible.
- Scenarios combining assumptions for declining revenues and choices related to expenditure increases result in deficits ranging from \$15 to \$38M.
- Deficits of this magnitude could not be handled by simply distributing reduction targets to all planning units as in the past.


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## Planning For FY2010 Budget

- These scenarios are models of potential events based on educated guesses and possibilities.
- FY10 budget uncertain until late in the year.
- Given the size of potential deficits, we could face tough decisions.
- We must begin planning now to maximize our ability to handle potential deficits should they occur.
- Planning is not meant to create fear or anxiety but rather to plan for contingencies we hopefully will not face.

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## Planning Group Activities

- Budget Planning Council (BPC) – Will attempt to finalize an initial set of scenarios in the next several weeks.
- Executive Staff/Deans – Starting a series of regular planning meetings to consider possible responses to large budget deficits.
- Planning Units – Will be using scenarios to look at revenue enhancement and expense reduction options.
- Constituent Group Senates – Encouraged to provide input through BPC representatives and planning unit heads.

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### Questions for Decatur

- **Tom Flynn** asked if it would be good to direct money towards sectors that make money and take it away from those that don't. Decatur replied that, yes, when we look at numbers of this magnitude and pull out necessary expenditures, we have to look at different ways of budgeting. Flynn replied that it sounded like Responsibility Centered Budgeting. Decatur noted that RCB has been developed and used in the provost's office in reviews of college budgets. He noted that we've never had an institutional review.
- **Krendl** stated that regional campuses have done a good job on recruitment and retention in this difficult environment. She noted that every institution is looking at recruitment and retention, since recruitment and retention provides stability.
- **Decatur** stated that a memo alerting recipients of endowment funds has gone out letting them know that returns on investments have declined. He noted that OU's investments are down less than others due to our diversification. He stated that

- there has been a 21% decline in endowment funds, which means that recipients have less available to spend.
- **Glenn Matlack** asked how much budget flexibility there is after years of cuts to academic units. **Decatur** acknowledged that there is little, which is why “fair share” targets won’t work this time. **Matlack** stated that he was glad to hear this response.
  - **Doug Bolon** asked why the university would engage in the quarters to semesters transition in the current fiscal environment, especially when the original task force reported no difference in quality under each system and recommended that we not make this transition in tough budget times. **Decatur** replied the transition is more than a financial decision. It is also an issue of academic and state policy. He noted that a lot can change in the next four years. He noted that directive from the University System of Ohio to guarantee transferability. This directive presents a problem for the four institutions on quarters. **Krendl** stated that community colleges are also making the transition to semesters. This is a state mandate for transfers, transparency, and access.
  - **Ken Brown** stated that Decatur had mentioned \$1.2M had been added to faculty compensation. He stated that \$1M had been taken from healthcare contributions to pay for this. **Krendl** disagreed and explained that the \$1M was the total from all employees; the share from faculty was less than \$500,000. She stated that the increase in faculty compensation did not come from the excess healthcare reserves. This led to a conversation about increases in faculty contributions to healthcare costs. **Joe McLaughlin** pointed out that the Benefits Advisory Committee was asked to draw up scenarios and to recommend how pay for them. Decatur stated that the healthcare budget is about \$40M. He stated that the Faculty Handbook requires that faculty contributions remain under 10%. He stated that we all have input on any decisions regarding contributions. **Brown** replied that 10% is currently the monthly contribution; this does not include co-pays. He stated that the total contribution is much higher.

### III. Roll Call and Approval of the October 13, 2008 Minutes

- Two corrections were made to the October minutes. Glenn Matlack then moved for their acceptance, which was seconded by Joe Slade. The minutes were approved by a unanimous voice vote.

### IV. Chair's Report – Sergio López-Permouth

- **López** noted that he had sent out an email to senators about electing a representative to the Ohio Faculty Council. Since no procedure exists when there is not a retiring chair of Faculty Senate, he decided to recommend that the senate choose David Ingram as an alternate for one year. **Joe Slade** seconded this motion, which was passed with a unanimous voice vote.
- **López** stated that there were a lot of things he wanted to get accomplished in the previous month. He noted that the senate is playing a role in a faculty-wide deliberation about how we will be dealing with things in the future, especially in

relation to the issue of collective bargaining. He stated that the senate played a role by passing the resolution last month, but the question is, what do we do next? He stated that different people have different opinions on the matter. He indicated that he is not going to champion opinions on either side, since as we continue the conversation on the university level the different options will advocate for themselves. Faculty can consider them and vote. He stated that he wondered what the senate can do to play a role in preserving our ability to continue to work together after a decision has been made regardless of how the decision goes. He asked, how do we survive the difficult conversation stage? He stated that he became aware of some of the work that the Faculty Senate did in 1975. In particular, **López** discussed a paper written by Roland Swardson. **López** explained that there was a study commission to get to a point where faculty could start asking the tough questions. He stated that Swardson wanted to bring everyone to the point where no partisan points had to be made but you couldn't continue on without partisan points had to be made. Swardson asked some questions and responded to them and to some myths. **López** stated that the answers are very much from 1975, but the questions he asked are some of the pertinent questions we should be asking today. He stated that he thought about trying to put together a similar commission but was then reminded how overloaded we all are and how difficult it would be to get a group of people to work in this. **López** said that he had conversation with people who wanted to start a faculty blog to discuss these issues, but he cannot make an announcement yet, since the people he has talked to about this have not yet said yes. He indicated that he will try to accomplish something on this issue. He stated his hope that senators agree that this is something we should try to accomplish.

- **Toby Stock** asked whether members of this commission or blog had to be senators. **López** replied that the people he has been talking to are not senators. He stated that at first everyone liked the idea, but then when we talked about who would do it, it became more difficult to reach agreement. He reported that conversations continue. He said that this is a process where no one can be 100% unbiased, but we have to have people who can be as objective as possible. He stated that it will be judged on whether people can trust it or not. The question is, if I have a partisan view, can I be as unbiased as possible?

#### V. **Finance and Facilities (FFC)—Joe McLaughlin**

- **McLaughlin** began his report by thanking Bill Decatur for his presentation. He acknowledged that Decatur gave the presentation on very short notice and that Decatur, Rebecca Watts, and John Day worked throughout the weekend on it. He stated his belief that it was a fair and thorough synopsis of the conversation the Budget Planning Council has been having.
- **McLaughlin** concluded his report by announcing the next F&F committee meeting.

#### VI. **Professional Relations Committee (PRC)—Sherrie Gradin**

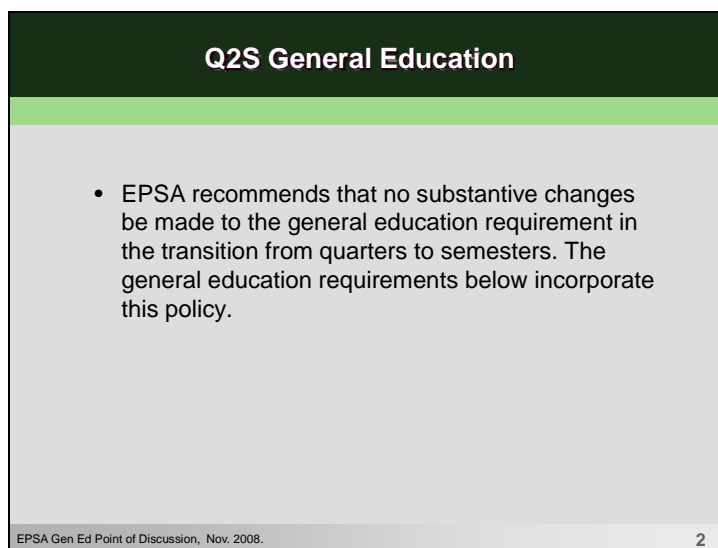
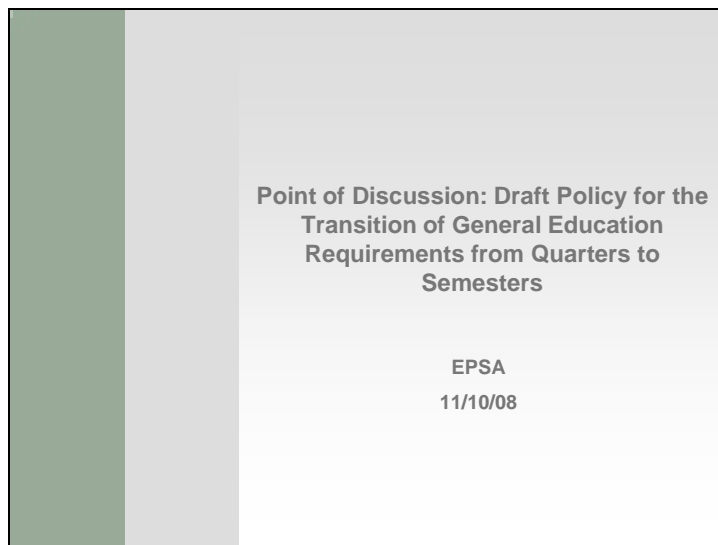
- **Gradin** stated that she had nothing new to report.

## VII. Promotion and Tenure (P&T)—Peter Coschigano

- **Coschigano** reported that P&T has two appeals cases in process. He announced the next meeting of the P&T committee. He also stated that there are some issues that the committee may address later in the year. He concluded by saying that the committee is working with Associate Provost Marty Tuck on arranging P&T workshops for each college. Tuck added that most of the workshops will take place during winter quarter.

## VIII. Educational Policy and Student Affairs Committee (EPSA)—Jeff Giese

- Giese presented the following PowerPoint presentation on the transition from quarters to semesters.





## Tier I Requirements

- Tier I Quantitative Skills Requirement will remain as one course approved as fulfilling the Tier I quantitative skills requirement (1M) or placement level PL3.
- Tier I English Composition Requirement will remain as one approved first-year composition course (1E) and one approved advanced junior-level composition course (1J).

## Tier II Requirements

- You are required to complete a total of ~~21~~ 32 credit hours from an approved list of courses in the following six distribution areas:
  - Applied Science and Mathematics (2AS)
  - Cross-Cultural Perspectives (2CP)
  - Fine Arts (2FA)
  - Humanities and Literature (2HL)
  - Natural Sciences (2NS)
  - Social Sciences (2SS)

## Tier II Requirements

- You are required to take at least three credit hours in each of the six areas and may satisfy no more than two of the required six areas with courses from the same department/school. You may satisfy no more than ~~8~~ 12 of the ~~21~~ 32 hours with courses from the same department/school.

## Tier II Requirements

- You may apply no more than two approved Tier II courses in your major department/school or area of concentration (for B.S.S. students) toward partial fulfillment of the Tier II requirement.

## Tier III Requirements

- You are required to complete at least ~~3~~ 4 hours in Tier III or Tier III-equivalent course(s). At least 2 of the ~~3~~ 4 hours must be taken at senior rank (90-135 hours). This catalog contains a complete list of Tier III and equivalent courses, available by going to course descriptions and searching for the keyword "T3". Approved courses are marked in the Course Descriptions section with T3 as the general education code. You may fulfill this requirement by taking at least ~~3~~ 4 hours in Tier III-equivalent course(s) in your major. You should see your major advisor for information as to whether your discipline offers such a course or courses.

## EPSA Reasoning: We just did this.

- In 2006 EPSA reviewed and revised the General Educations Requirements based on administrative issues and a review of our peer institutions. There have not been any significant changes at the institution since that time to warrant another review and revision.

## EPSA Reasoning: We can do it better later.

- In 2007 the General Education Outcomes Committee proposed a set of outcomes for general education. A taskforce is currently beginning the process of assessing student performance on those outcomes. After that data has been collected, we should be in the position to perform a systematic and thorough review of how well our general education requirements are helping us achieve our objectives. A review ahead of that time would be in danger of appearing haphazard.

## EPSA Reasoning: We don't have enough time.

- The quarters to semesters time line calls for departments to begin the development of their programs by Spring 2009. In order for them to do this, they must know what the general education requirements are going to be. It would be difficult to complete a review of general education, develop a new set of requirements, and provide the time for the necessary comments and approvals within that deadline.

## EPSA Concerns

- The percentage of the hours required to fulfill general education would go from around 26% in quarters to somewhere between 26% and 31%<sup>[1]</sup> in semesters depending on the details of implementation. If the percentage is in the higher range, we have a concern about the effects on programs that have a high percentage of required courses.
- <sup>[1]</sup> This lower number assumes 3 hours for 1M, 3 hours for 1E, 3 hours for 1J, 21 hour for T2 and 3 hours for T3, and a 128 hour program (25.78%). This higher number assumes 5 hours for 1M, 4 hours for 1E, 4 hours for 1J, 21 hour for T2 and 3 hours for T3, and a 120 hour program (30.83%).

### EPSA Concerns

- We have a concern about the feasibility of implementing the proposal within the constraint of neutrality of resources.
  - We have a specific concern about staffing the Tier I and Tier III courses, as the number of sections required will not be reduced.
  - We are also concerned about the need to shift resources from upper-level courses to meet the principle of neutrality with section staffing and seat availability for Tier II.

EPSA Gen Ed Point of Discussion, Nov. 2008. 12

- EPSA tabled the resolution on Academic Integrity from the October meeting in order to discuss it further with members of Student Senate.
- **Scott Titsworth** presented three resolutions on Syllabus Statements on Academic Integrity, Grade Appeals involving Academic Misconduct, and Academic Dishonesty for first reading.

*Resolution to Change Faculty Handbook Language on Syllabus Statements about Academic Integrity (first reading)*

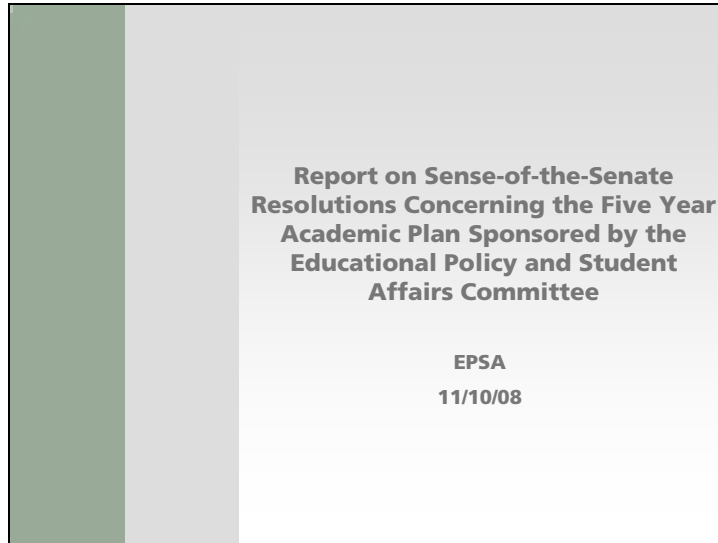
- **Valerie Conley** suggested a change in language.
- **James Lein** asked whether adding this language to the syllabus is a contract. **Titsworth** replied that it would be. **Lein** asked if someone could sue him if they took issue with the language on his syllabus. **Titsworth** replied that adding this language is meant to protect instructors. **Lein** asked whether he could remove a student from a classroom if they were disruptive. He stated that his syllabus used to be 2-pages long and now it is five-pages long due to additions required by the university. He asked whether students should sign and return something acknowledging these policies. He asked to what degree this language on the syllabus is binding the student to this relationship. **Biancamano** stated he could sit down and discuss this with individual faculty members, but that it's not something to discuss at the senate meeting. He stated that courts have held that our relationship with students is contractual. **Titsworth** added that the point is, if you want to fail someone for plagiarism, your syllabus has to have an explicit statement about plagiarism on it. Adding this language to syllabi will take care of this.
- **Marty Tuck** asked about the use of the phrase "Office of Student Judiciaries" used on some of the resolutions; no such office exists. **Titsworth** replied that he would change the language to "University Judiciaries."

*Resolution to Change Faculty Handbook Language on Grade Appeals Involving Academic Misconduct (first reading)*

- **Titsworth** stated that he had already received comments about considering the time frame for appeals and another on what happens if judiciaries does not take up a case – can an instructor appeal such a decision?
- **Crawford** suggested changing the word “teacher” to “instructor” in line 35.
- **Flynn** asked about keeping students’ materials for five years.

*Resolution to Change Faculty Handbook Language on Academic Dishonesty (first reading)*

- **Titsworth** stated that this resolution was making the dual approach explicit. He noted that the instructor’s approach to dishonesty can be separate from judiciaries’ approach. This resolution codifies that difference. It explains each step an instructor should take.
- **Flynn** returned to the issue of keeping students’ records for five years. He asked if the language could be changed to a more reasonable time limit. Perhaps one term.
- **Joe Bernt** asked about line 29’s instruction’s to faculty and whether this could be changed to “Consult with colleagues *and/or* the Office of Student Judiciaries as necessary.” He wondered if the consultation with colleagues was mandatory. **Titsworth** explained that EPSA would like to get faculty to contact judiciaries more frequently. They also want to acknowledge that there are certain disciplines in which consultation with colleagues would help someone under that discipline’s expectation. **Norma Pecora** asked how such consultation affects student privacy rights. **Titsworth** asked **Biancamano** for his opinion. **Biancamano** stated that the law allows for the sharing of information with those who need to know and for legitimate educational purposes.
- **Titsworth** advised senators to send any further questions or comments to Jeff Giesey. He also noted that students have the right to appeal a grade up until a degree is conferred.
- **Giesey** then presented the following PowerPoint presentation on the sense-of-the-senate resolutions on the five-year academic plan:



## Report Background

- June 2007:
  - Ohio University Board of Trustees requested that the administration develop a detailed five-year plan for the implementation of the Vision Ohio Strategic Plan.
- September 2007:
  - First draft of Five Year Academic Action Plan (FYAAP) was released.
  - Five-Year Academic Action Plan Committee was charged by President McDavis to “seek input on the strengths of the Academic Action Plan”.
  - The Faculty Senate decided to provide faculty input through a set of sense-of-the-senate resolutions.

EPSA FYIP Report, Nov. 2008.

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## Report Background

- Fall 2007:
  - Senate holds committee meetings, two regular senate meetings, and two extraordinary senate meetings
- November 2007
  - Faculty Senate passes eleven resolutions on the FYAAP.
  - Of those, six were proposed by the Educational Policies and Student Affairs (EPSA) Committee.

EPSA FYIP Report, Nov. 2008.

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## Report Goal

- This report evaluates the most recent draft (August 2008) of the Five Year Implementation Plan (FYIP) in regard to the six ESPA resolutions:
  - Resolution Two: Reaffirm Our Mission Particularly to the Region
  - Resolution Four: Interdisciplinary Programs and Activities
  - Resolution Six: A Quality Learning Environment for All
  - Resolution Seven: Marketing and Communications
  - Resolution Eight: University Advancement
  - Resolution Nine: Student Information System

## Resolution Two: Reaffirm Our Mission Particularly to the Region

- *Whereas the Vision Ohio Five Year Academic Action Plan does not appear to address the mission of Ohio University to the region:*
- *It is the sense of the Faculty Senate that we must strive to continually improve access and excellence in higher education in our region,*
- *Further, we must strive to in a manner that embraces high academic standards and enables students to complete their degrees at Ohio University.*

## The regional campuses appear to be fully incorporated into the FYIP.

### Resolution Two: Reaffirm Our Mission Particularly to the Region

- The plan addresses the issue of access through specific initiatives such as:
  - **Object 10 / Strategy 2:** Improve the Quality of First-Time Enrollees.
    - **Regional Outcome d:** Offer “Excellence Scholarships” to improve access for students. **\$13,746 (base)**
- The regional campuses are also included in broader initiatives like:
  - **Objective 10/Strategy 3:** Improve access, affordability, and efficiency.

## The plan also promotes enhanced program offerings by regional campuses

Resolution Two: Reaffirm Our Mission Particularly to the Region

- **Objective 2/ Strategy 1:** Expand availability of learning communities.
  - Regional Outcome b: To improve the retention rate of first-year regional campus students, establish learning communities with the goal of having 10 learning communities with 200 participants by Year Five. **\$113,000 (base)**
- **Objective 2/ Strategy:** Improve academic advising for first year students.
  - Regional Outcome b: Increase staff investment in the importance of academic advising. **\$159,000 (base)**

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## The plan also promotes enhanced program offerings by regional campuses

Resolution Two: Reaffirm Our Mission Particularly to the Region

- **Objective 9 / Strategy 1:** Maintain and enhance up-to-date course management systems and services
  - **Regional Outcome b:** Improve faculty/student satisfaction with technology services. **No funding**
- **Objective 14 / Strategy 2:** Enhance students' out-of-class experience in order to increase student involvement in out-of-class activities.
  - **Regional Outcome d:** Increase availability of out-of-class experiences by 5% over the next five years. **\$38,000 (base)**

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## Resolution Four: Interdisciplinary Programs and Activities

- *Whereas interdisciplinary initiatives and programs are essential for the future of Ohio University and Vision Ohio;*
- *It is the sense of the Faculty Senate that investments should not be limited to new initiatives and new appointments but should also foster interdisciplinary programs by making sure that existing interdisciplinary programs have adequate resources and by reforming institutional mechanisms to support interdisciplinary research and teaching.*
- *The Faculty Senate affirms that interdisciplinary study is central to the mission of Ohio University and should be funded and supported accordingly.*

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**This goal of this resolution is addressed in the plan but with no immediate funding.**

Resolution Four: Interdisciplinary Programs and Activities

- **Objective 5. Strategy 5:** Facilitate interdisciplinary work.  
**No Funding**
  - **Outcome:** “Through the Interdisciplinary Council, review existing policies and procedures, developing recommendations to remove barriers and promote sustainability of Centers of Excellence Interdisciplinary Programs (includes review of promotion and tenure processes, University Curriculum Council approval processes, etc.)”
  - **Goal:** “Complete review of existing policies, recommend revisions, and set timetable for budgetary reallocation.”

**Resolution Six: A Quality Learning Environment for All**

- *Whereas enhancing service and accessibility to quality learning environment should be our highest priority for all students, not just intercollegiate athletes, and*
- *Whereas university resources and facilities should benefit all students and not just a few of them, and*
- *Whereas goals or strategies consisting of hiring coaches or winning sporting trophies are not compatible with an academic strategic plan, and*

**Resolution Six: A Quality Learning Environment for All**

- *Whereas the success rate of Ohio University student athletes ranks favorably compared with that of its peers in the Mid-American Conference and compares favorably with that of the Ohio University student body,*
- *It is the sense of the Faculty Senate that there should not be funds in the Five Year Academic Plan earmarked exclusively for improving the academic success of Intercollegiate Athletes; any such funds and the services they support must be made available to all students.*

## There is no designated funding in the FYIP for intercollegiate athletics.

Resolution Six: A Quality Learning Environment for All

- **Objective 2/ Strategy 5:** Establish academic partnerships between colleges and Intercollegiate Athletics that incorporate student athletes into successful retention and engagement activities in effect within the broader university. **No Funding**
- **Objective 22/Strategy 1:** Expand faculty involvement in the student athlete experience. **No Funding**
- **Objective 22/Strategy 2:** Dedicate resources to improve the Division 1A athletic experience for all students. **No Funding**
- **Objective 22/Strategy 3:** Expand the role of the Student Athlete Advisory Committee. **No Funding**

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## The FYIP does include funded initiatives to improve the academic success of all first year students

Resolution Six: A Quality Learning Environment for All

- **Objective 2/ Strategy 1:** Expand availability of learning communities. **\$563,000 (base)**
- **Objective 2/Strategy 2:** Improve academic advising for first year students. **\$125,000 (OTO) and \$159,000 (base)**

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## Resolution Seven: Marketing and Communications

- *Whereas it is welcome that Marketing and Communications has begun to actively assist with the recruitment of students as evidenced by the Promise campaign;*
- *It is the sense of the Faculty Senate that investments in Marketing and Communications be benchmarked in order to measure improvements in the quality of recruited students and the educational experience of students at Ohio University.*

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## The plan continues to call for an investment in Marketing and Communications.

### Resolution Seven: Marketing and Communications

- **Objective 12/Strategy 1a(Athens):** Undertake an Academic Marketing Campaign a.k.a. "branding and positioning." **\$325,000 (OTO)**
- **Objective 12/Strategy 1b(RHE):** (*Regional Outcome*) Increase state and national media attention on target programs/activities. **\$103,000 (base)**

## The plan also includes strategies to recruit students.

### Resolution Seven: Marketing and Communications

- **Objective 10/Strategy 4 (Athens):** Develop a new set of materials for recruiting undergraduates (including on-line and printed pieces). These materials to be used in high schools and mailed to prospects. **\$120,000 (OTO)**
- **Objective 10/Strategy 5 (RHE):** Demonstrate enrollment increase from 7919 to 10,000 undergraduates over five years tied to new marketing and advertising efforts that emphasize improved quality, access, and affordability. **\$49,000 (base)**

## The plan includes assessments by UCM and benchmarks of recruited student quality Institutional Research.

### Resolution Seven: Marketing and Communications

- **Objective 12/Strategy 1 Assessment:** "Conduct post-campaign assessment of media buys to gauge campaign's reach; survey prospective students and parents visiting campus and High School Guidance Counselor Advisory Board about the campaign."
- **Objective 10/Strategy 2:** Improve the Quality of First-Time Enrollees
  - **Outcome a:** Increase ACT composite mean scores of incoming freshman class by one-tenth (.1) of a point each year for next five years.
  - **Outcome b:** Increase academic quality of students by decreasing the acceptance rate of admitted students in incoming freshman class by .5 percentage point each year for the next five years.

## Resolution Eight: University Advancement

- *Whereas it is an excellent objective to improve University Advancement efforts at Ohio University;*
- *It is the sense of the Faculty Senate that these efforts should have clear benchmarks and accountability, and should not be funded by the General Fund.*

## The plan still includes an increase in money to University Advancement from the general fund.

Resolution Eight: University Advancement

- **Objective 13/ Strategy 2:** Increase Advancement staffing and continue implementation of agreed upon external assessment. **\$400,000 (base)**
- There are not benchmarks listed in this specific strategy, but Objective 13 includes the goal to increase annual philanthropic support from \$15 M to \$30 M as well as intermediate progress indicators associated with other strategies.

## Resolution Nine: Student Information System

- *Whereas a fully-supported, integrated Student Information System (SIS) is critical to the academic enterprise;*
- *It is the sense of the Faculty Senate that the new SIS should not be in competition for funds identified in the 5-year Academic Plan.*

**A new student information system is still in the academic plan but the cost has not been in the FYIP budgets.**

Resolution Nine: Student Information System

- **Objective 9/ Strategy 2:** Acquire and implement a fully-integrated student information system (\$23 M over three years)

EPSA FYIP Report, Nov. 2008. 22

- There were no additional questions for Giesey. **Provost Krendl** thanked him for his “very helpful” presentation.

**IX. A motion to rescind the Faculty Senate resolution on Collective Bargaining passed on October 13, 2008. – Art Smith**

- **Smith** stated that he had begun pondering the resolution on collective bargaining from last month’s meeting. As he thought it about, he realized that he had some issues with the process by which it was approved:
  - The motion was subsequently interpreted by the press and others as the senate taking a big step towards unionization rather than as the faculty beginning the process.
  - It’s unclear exactly what the resolution urges.
  - It could be interpreted as the senate initiated a card drive.
  - There was a complete lack of consensus regarding the issues surrounding collective bargaining.
  - The discussion in the October meeting was cut off prematurely. The vote we took should have been preceded by a debate and a two-thirds vote to cut off debate.
- **Smith** stated that, upon further consideration, he had decided that this issue is too big and too complex to make real progress on it at tonight’s meeting. He suggested that more research and conversation should be done. He also indicated his agreement with López that this motion would not increase collegiality. Consequently, he decided not to make this motion at the present time.
- **David Thomas** read the following statement:

*Art is definitely right that the debate was cut off prematurely, but I want to make it clear that my intent, was in no way to favor one side or other of the discussion at hand. Art understands that.*

*One of the basic principles set forth by Sturgis is:*

*"In 1776, John Hatsell, the famous British parliamentarian wrote 'Motives ought to outweigh form.' The interpretation of the courts make it clear that the intent and over-all good faith of the group are of more importance than the particular detail of procedure used in a given circumstance." (Sturgis: p.10) (emphasis added).*

*It was certainly not my intent to take sides in the debate. I want to apologize to Professor Smith and to the Senate for any technical errors I may have made during October's meeting. I have focused my attention on the duties of serving as Chair of the University Curriculum Council and on the many duties of the Faculty Senate Executive Committee. Accordingly, I was not fully clear on Sturgis's Standard Code and the differences between Sturgis and Robert's Rules of Order. Had I been I would have certainly:*

*1. Ruled Ken Brown "Out of Order" for "calling the question." "Calling the question" is not a legal action in Sturgis. It comes from an idea first introduced in 1604 usually worded "I move the previous question" which is in fact, intended to "...suppress the pending motion" according to Sturgis. (p.67)*

*2. Had the motion been proposed by saying something like "I move to vote immediately on the motion" then I would have recognized that a second and a 2/3rds vote was indeed needed.*

*Again, my apologies. Most of us on the Senate are used to hearing "call the question" even though it is not actually a valid motion. This would have been the right time for someone to raise a "point of order" but this was not done. Regardless, I will try to be more adept at applying Sturgis in the future.*

There was no new business.

**Tom Flynn** moved that the meeting be adjourned. **Pete Coschigano** seconded the motion, which passed with a unanimous voice vote.

The meeting was adjourned at 9:30 PM.

## **Resolutions:**

### **A Resolution to Change Faculty Handbook Language on Syllabus Statements about Academic Integrity**

**Initial Draft October 26, 2008**

WHEREAS: Academic integrity is a core value of Ohio University; and,

WHEREAS: Current language in the faculty handbook suggests that a statement on academic integrity/academic misconduct be included on the syllabus; and,

WHEREAS: Current handbook language fails to identify potentially important issues related to academic integrity/academic misconduct that should be included on a syllabus; therefore,

BE IT RESOLVED BY THE OHIO UNIVERSITY FACULTY SENATE: That the faculty handbook be amended to include the following changes (deletions indicated by ~~striketrough~~ and additions in ***bold/italics***).

#### Section IV/A/3 Information Given Class at First Meeting

At the first meeting of the class, the instructor shall distribute a syllabus which also provides students with the following information:

- a. The instructor's name, the call number, the descriptive title, and the catalog number of the course;
- b. The basis for grading in the course;
- c. A statement of the instructor's attendance policy (see Section IV.B.3) ~~and the penalty for academic dishonesty (see Section VIII.F)~~;
- d. ***A statement of the instructor's policy on academic misconduct that either refers to a policy approved by the academic unit or college or that includes the following:***
  - i. ***A definition of academic misconduct if the field requires a more specific definition of academic misconduct than the one found in the Student Code of Conduct (see Section VIII.F)***;
  - ii. ***A list of the range of sanctions that the instructor might implement in the case of academic misconduct;***
  - iii. ***A statement that students may appeal academic sanctions through the grade appeal process;***
  - iv. ***A statement that University Judiciaries may impose additional sanctions.***

[Note: Sections "e" and "f" are not included because there are no proposed changes to those sections]

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### **A Resolution to Change Faculty Handbook Language on Grade Appeals Involving Academic Misconduct**

**Initial Draft October 26, 2008**

WHEREAS: Students have a right to appeal grades, even in cases involving academic misconduct; and,

WHEREAS: Current language in the faculty handbook is vague regarding procedures that should be followed with respect to appeals in cases of academic misconduct; and,

WHEREAS: The severity of academic misconduct charges and refutations requires that careful documentation be included in the appeal; therefore,

BE IT RESOLVED BY THE OHIO UNIVERSITY FACULTY SENATE: That the faculty handbook be amended to include the following changes (deletions indicated by ~~strike through~~ and additions in ***bold/italics***).

#### Section IV/C/3 Grade Appeals

[NOTE: Sections “a” and “b” are not included because no changes are recommended for those sections.]

- c. ***In cases not involving academic misconduct***, the burden of proof for a grade change is on the student, ~~except in those cases involving charges of academic dishonesty~~. If the dean concludes that the student has insufficient grounds for an appeal, there can be no further appeal by the student. If the dean concludes that sufficient grounds do exist for an appeal, the dean shall appoint a faculty committee of five members to consider the case. If a majority on the committee decide that the grade should be changed and the instructor does not accept the recommendation, the committee can authorize the Registrar to change the grade. The decision of the committee is not subject to further appeal. In appeal cases in which the dean is the instructor, the role of the dean will be assumed by the Provost. In those appeal cases involving courses taught by faculty from more than one college, the Dean of University College will review the appeal and, if necessary, appoint the appeals committee.
- d. ***In cases of academic misconduct both the student and teacher must document their allegations and refutations in writing, including any supporting material (e.g., copies of the student’s work, copies of other materials used but not referenced in the student’s work, etc.) relevant to the case. Such written evidence will be reviewed in accordance with the grade appeal process followed by the college or unit.***

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### A Resolution to Change Faculty Handbook Language on Academic Dishonesty

**Initial Draft October 26, 2008**



WHEREAS: Academic integrity is a core value of Ohio University; and,

WHEREAS: Current faculty handbook language does not provide teachers with clear guidance on how to proceed with cases of academic misconduct; and,

WHEREAS: Faculty should assert their prerogative to handle academic misconduct as an academic issue while also recognizing the need to seek advice from others who have expertise on this issue; therefore,

BE IT RESOLVED BY THE OHIO UNIVERSITY FACULTY SENATE: That the faculty handbook be amended to include the following changes (deletions indicated by ~~strikethrough~~ and additions in ***bold/italics***).

#### Section VIII/F. Academic Dishonesty

The Ohio University Student Code of Conduct prohibits all forms of academic dishonesty. These include but ***are not limited to*** cheating; plagiarism; forgery; furnishing false information to the University; and alteration or misuse of University documents, records, or identification. ***Ohio University has a two-tiered approach to responding to cases of academic misconduct. First, academic misconduct typically occurs in the classroom and should be handled in accordance with policies specified in the syllabus of a particular class (see Section IV.A.3). If an instructor suspects academic misconduct she/he should enact the following steps:***

- 1. Carefully investigate the case and collect any documenting evidence.***
- 2. Consult with colleagues and the Office of Student Judiciaries as necessary to determine potential courses of action.***
- 3. Provide the student with a written summary of what you determined and what steps will be taken. Depending on the type and severity of misconduct the outcome can range from re-doing the assignment to failure in the course or other steps deemed appropriate by the instructor.***
- 4. The student has the right to appeal grades impacted in any way by allegations of academic misconduct (see Section IV.C.3). For that reason, it is recommended that instructors retain written documentation of academic misconduct cases for at least 5 years. If the instructor leaves the university for any reason, such documentation should be given to the Director or Chair of the unit.***

~~If a student engages in course-related academic dishonesty, his or her grade on the work in question or in the course may be lowered by the instructor. Any student wishing to protest the instructor's action has recourse to the established grievance procedures, starting at the department level. (See the Undergraduate Catalog or Student Handbook or contact University Judiciaries for further information.)~~

**Second**, instructors may also report cases of academic dishonesty to the Director of University Judiciaries for further action; however, by so doing, an instructor does not in any way relinquish the right to ~~assign a grade in a course~~ **assign the student a grade consistent with the grading policy and academic dishonesty statement contained on the syllabus (See Section V.A.3.b and d). After consultation with the instructor, the Office of Student Judiciaries may recommend that the instructor handle the situation solely as a classroom issue, that a letter of concern be sent to the student, and/or that the case be officially referred to the office so that formal hearing procedures can be initiated.** The student may appeal the grade through the appeal-of-grade procedure of ~~Section IV.C.3.~~ Any student accused of academic dishonesty by **referred to** University Judiciaries **because of academic misconduct** is entitled to notice of charges being made against him or her and to a full hearing. If suspension or dismissal is recommended, the student is further entitled to appeals procedures and will not be suspended or dismissed from the University while appeals are in process.