

Ohio University Faculty Senate
Minutes for the Monday, April 27, 2009, extraordinary meeting.
Grover W115, 7:10 p.m.

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

In attendance:

College of Arts and Sciences: K. Brown, G. Buckley, S. Gradin, P. Jung, S. López-Permuth, G. Matlack, J. McLaughlin, R. Palmer, S. Patterson, B. Quitslund, J. Webster

College of Business: W. Gist, L. Hoshower, G. Coombs for T. Stock

College of Education: V. Conley, T. Leinbaugh

College of Engineering: D. Matolak, H. Pasic

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

Group II: C. Naccarato

College of Health and Human Services:

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

Regional Campus—Chillicothe:

Regional Campus—Eastern:

Regional Campus—Lancaster: P. Munhall

Regional Campus—Southern:

Regional Campus—Zanesville:

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

Excused: C. Bartone, D. Bell, K. Collins J. Lein, J. McKean E. McGown, T. Stock,

Absent: T. Anderson, J. Benson, D. Bolon, S. Brogan, T. Flynn J. Giesey, A. Hall, S. Hatty, S. Marinellie W. Roosenburg, A. Smith, J. Thomas, D. Torres, R. Wetzel

I. Roll Call—Webster called the roll.

II. Chair's report—Sergio López-Permuth

- **López** announced provost candidates and listed the days they will visit OU:

Carlson—May 4, 3:30-4:00 CSC 121B

Benoit—May 6, 3:30-4:30 Morton 201

Fraser—May 8, 3:30-4:30 Bentley 240

- **David Ingram** noted that the open forums will be available on the web.
- **López** then read the following statement:

As you all know, Luis Lewin, Associate Vice President for Finance and

Administration for Human Resources, sent out an e-mail in the afternoon of April 23 informing us that our premiums for Health Insurance will be going down this year. Unfortunately the complete picture is that the decrease in our premiums has been partially bought through the increases in employee contributions that we have been discussing in this senate for the last couple of months. Said increases will have a much larger impact on employee family budgets than the little reductions on premiums mentioned in Mr. Lewin's e-mail message.

I find it discouraging that the administration felt compelled to release such a statement because I cannot imagine any other purpose in the message than to mislead our employees into thinking that we have good news while the reality is that our salaries are frozen while our overall contributions to Health Care through deductibles and copays are in fact growing. To make matters worse, the net growth in our out-of-pocket expenses for health care hits those employees with smaller salaries the hardest, especially those whose families may be dealing with illness.

Please rest assured that Faculty Senate will continue to pursue this issue in support of all Ohio University employees.

- **Ken Brown** stated that he had emailed López late this afternoon suggesting that the senate do something to correct the false impression that was given in this email. He suggested that the Faculty Senate coordinate with chairs of administrative and classified senates to send an email responding to this email to everyone on campus. **López** acknowledged that he received Brown's email and that he thought the idea was worth exploration. However, he cautioned that other employee groups are more vulnerable than faculty are; it might be better to issue a statement without the other senates. **Joe Slade** suggested that López send the statement he had just read out as an email. **López** stated that he can email it to all faculty members. **Joe Bernt** stated that it would be helpful if that message explained the dollar amounts. **Brown** stated that he had mentioned that in his email. **López** replied that he had emailed Brown back, recruiting him to help formulate the specifics.

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

- **Coschigano** presented background on the motivation and the need for bringing the Promotion and Tenure resolutions forward. He stated that the handbook spells out the procedures for the whole tenure process, but that it's written as if there's a denial at every step. He noted, however, that there are cases in which there have been denials at some steps and yeses at other steps. He stated that the P&T Committee and Associate Provost Marty Tuck are working with what they believe is the intent of the handbook to formalize the procedures that are currently used. He stated that what motivated this process was cases this year that took a long time to get resolved. He stated that these cases started in fall/winter a year plus ago but didn't get resolved until spring break of this year. He stated that this is a

long time for the candidate and the unit to be in limbo. He explained that his committee decided that, if it was going to formalize the current process, they should also investigate ways to streamline the process. They wanted to preserve careful deliberation but not drag the process out unnecessarily. He noted that ultimately a department or school can see a case five times as its currently written. His committee is therefore presenting a resolution that formalizes the process and reduces the number of times the department or school sees the case. He explained that this resolution is the result of the committee's deliberations with input from Associate Provost Tuck, other members of the university community, and other constituents.

- **Coschigano** summarized the basic changes to the handbook proposed in the resolution. For example, the committee took out references to quarters, since the university is moving to semesters. The major issue is an inconsistency between the handbook and current practices. Section II.E.4 of the handbook reads:

All awards of tenure and all promotions in rank must originate in a positive recommendation by the appropriate departmental committee.

- **Coschigano** noted that this is not completely accurate, since a department or school can say no, but upon the recommendation of a hearing committee the president can promote and tenure a faculty member without the department ever saying yes. In part, this resolution changes the above statement to conform to how things currently work.
- **Coschigano** stated that the main change to current practice is section 2 but there are a couple of other changes too. For example, the committee changes "Provost" to "Executive Vice President and Provost." The committee broke up and included a number of sections in section 2 for when a denial occurs at different steps. **Coschigano** stated that the way the process has been working is that when there's a denial at the school or department the candidate appeals first to the department. If that appeal is denied, it is appealed to the dean. If the dean finds that the appeal has merit, it goes back to department. If the department again denies it, the appeal then goes to the provost, who can send it back to the department. If the appeal is made to the senate's Promotion and Tenure Committee, that committee returns its findings to the department. The candidate can then ask for a formal hearing. This process returns the case to the department more than is necessary and extends the process. Furthermore, in cases where a department is closely divided, it can further drive a wedge in the department. The committee said that if a department denies a case, the appeal goes first to the department. If the department still denies the case, the appeal is made to the dean. If the dean supports the appeal, it goes to the provost. If the provost supports it, it then goes back to the department, which would be the third time the department sees it. It could then be appealed to the P&T Committee and the candidate can request a hearing. If the dean doesn't support the appeal, it goes to the provost, who sends it back to the department. If the department is not supportive, the case goes to P&T, then back to department and then to the hearing committee. **Coschigano** acknowledged that the committee was closely divided on how to streamline this process while keeping adequate

input. He stated that his bias is towards what the committee presents in the resolution. The committee discussed it and decided that, since the provost sees all the cases, everything should go through the provost. He stated that another approach is for the dean to send the case back to the department and then the provost doesn't send it back to the department. The argument for this is that deans know their departments better than the provost. He stated that he likes the provost's role being uniform throughout the university, but an argument can be made for deans being closer to the ground. He then opened the floor for feedback.

- **Allyn Reilly** pointed out a sentence error.
- **Ken Brown** stated that the senate revised this procedure three years ago and wanted to insure that a granting of tenure had to include a departmental committee's approval and that, if it is reversed by a higher level, it had to come back to the department. **Coschigano** stated that this is not the reality: if a hearing takes place, the president can review the hearing committee report and then grant tenure without approval of the department. He asked, "How do you otherwise deal with a department that is being unreasonable or disagree on the merits of the case but maybe doesn't like somebody and they are making up excuses to deny tenure but there's no justification behind these things?" He said that person is getting a raw deal. He stated that the handbook has a way to work around that situation: a hearing committee has to hear the case and recommend tenure. He said, "That's the reality now." **Brown** asked whether it happens now or whether it is permitted by the handbook. **Coschigano** replied, "Both." He asked how we protect the faculty member. **Brown** replied that, if every administrator says reconsider the case with new information, a department should do so. He added that we're treading on thin ice here by potentially forcing a faculty member for life on a department that doesn't want the faculty member. **Coschigano** reminded senators that the hearing committee is composed of faculty. **Brown** replied that the hearing committee is divorced from the department and doesn't know anything about what goes on in the department. **Coschigano** stated that no department wants someone forced on them that they don't want. He stated that usually these cases involve a close vote and include substantial support in the department, just not enough to earn promotion and tenure. He stated that this resolution's goal is to protect the untenured faculty member who is potentially being treated poorly by a large enough portion of the department.
- **Glenn Matlack** stated that after the first couple of times a case returns to the department for reconsideration the department is likely to become more and more entrenched. **Brown** stated that after the initial negative decision, which has to be appealed back to the department, the department should consider it one more time. He also stated that it should still have to go back to the department, which would have to agree, before a faculty member is awarded promotion and tenure. **Matlack** replied that a small group of senior faculty in a small department can impose their will against a large number of their colleagues if it is not the department uniformly

opposing the case. **Brown** replied that we would be giving away a lot to protect a very small number of faculty members.

- **Louise Steele** asked how many faculty members go up for tenure each year and how many go up for appeal. She stated that the senate can't jeopardize the department for the few. **Coschigano** replied that there are few appeals each year/ He added that the process we have now is still in place in this resolution. He explained that this is what's already in place now and what happens currently. It is not a "new door." **Matlack** stated that appeals happen only once in a while. **Coschigano** stated that numerous appeals stop before the final point in the process. He stated that in a case this year this untenured faculty member ran into some tenured faculty members that appeared to dig in their heels.
- **Sherrie Gradin** stated that when she first joined the professorate a number of people were denied tenure because a number of male scholars were denying promotion and tenure because they didn't like or understand their colleagues' work.
- **Joe McLaughlin** stated that he was not persuaded that we should change the handbook in order to be in accord with the status quo. He added that he's torn between what Ken's saying about not forcing a faculty member on a department and the issue of due process. He stated that he doesn't think a department, in a case where someone is turned down, is the best body to determine whether due process was followed. He added, "They're not."
- **Matlack** stated that the Faculty Senate Promotion and Tenure Committee's decisions are all about process. **Coschigano** added that all we do is look at process in the P&T Committee. He stated that the committee does not consider whether the case is worthy or not. They ask were the steps followed, did the department follow their own guidelines, etc. **Brown** asked how the committee responds in a case where procedure wasn't followed. **Coschigano** replied that we send it back to the department committee. He added that the provost also identifies issues with process. In a case this year, she sent it back to department, who responded but didn't really answer her concerns, in the P&T Committee's opinion. The candidate asked for a hearing, which is a separate committee that the chair of Faculty Senate appoints.
- **Rudy Pasic** stated that one of the problems is the time frame. He asked whether we can request that these steps be done in a certain time. **Coschigano** stated that right now the original appeal is allowed 45 days and every step beyond that is 30 days, but the clock stops for breaks, summer, and winter. **Pasic** asked whether we can make it shorter. **Coschigano** replied that would be a hardship on the candidate and could lead to other problems. **Pasic** asked what other universities do. **Coschigano** replied that none do what we do with multiple steps. He stated that at one university a case just marches up the ladder and automatically goes to the next step. At that institution, there are no opportunities for earlier players to respond to what happens further up the

line. **Coschigano** stated that he spoke to John Biancamano, who said it was different than anything he's seen and that we have a more drawn out process. **Pasic** asked why not followed the process Coschigano had just described. **Coschigano** replied that the committee doesn't want to remove the department's role in the process, just shorten the process while allowing the department the same amount of say they have now.

- **Beth Quitslund** stated that she couldn't think of any possible productive purpose for a department's fourth or fifth response a case. **Coschigano** replied that's why we thought three times was good. **Quitslund** responded that three seems like a maximum.
- **Peter Jung** stated that timeliness is the issue, not procedure. The president can override a department's vote regardless, but the current process takes too long and needs to be sped up. **Coschigano** stated that's what this is trying to do: to keep what we already have in place while speeding up the process. Jung asked whether each cycle could be shortened. **Coschigano** stated that would still send it back 5 times to a department; it would just less give time each time. He stated that no one wants to deal with this five times. **Tuck** stated that senators shouldn't underestimate the damage of going back to the department so many times. **Jung** asked about forcing a candidate on the department. **Tuck** stated that if someone is denied 5-0 it is highly unlikely the steps above the department will accept the appeal. Typically, these cases are 4-3 votes. Consequently, he said, it is not really forcing someone on a department that the entire doesn't want. He stated that those appeals won't be accepted. **Pasic** asked why not make it short, such as 15 days. **Coschigano** replied that then the problem is one set of rules for different votes. **Tuck** noted that this would effectively take the right of appeal away.
- **Joe Bernt** asked whether we are talking about altering the handbook because we're moving toward semesters. **Coschigano** replied that the change in language about semesters is just a minor update. **Bernt** stated that semesters are going to alter the pace of the academic year and may open up more time during the week. **Quitslund** responded that she thought semesters would not open up more time. **Coschigano** stated that we have 12 members on the committee; it's impossible to get everyone together. **Bernt** stated that the candidate may not need as many days to put it together and might have more time on the semester calendar. He suggested reducing the initial time period to 30 days. **Coschigano** replied that he doesn't think anyone really knows how things will work on semesters. He stated that certain units currently have larger teaching loads than other units, but we don't have different time lines for those. He stated that he was reluctant about predicting how things will change on semesters. He said that he was willing to entertain the thought but doesn't think we want to push too hard on it. He stated that the committee might consider reducing the 45 days to 30 and the 30 days to 20. **Elizabeth Sayrs** stated that senators shouldn't underestimate how difficult it is to put together an appeal. **Coschigano** stated that he is reluctant to put someone in a position

where they can't put together the best appeal they could because of time. He pointed out that a faculty member might need to get information, etc. Reducing the time frame would make their job harder. **Pasic** suggested shortening the time for administrators.

- **Brown** asked whether there are any provisions for requesting a delay in the deadline. **Coschigano** stated that there were none and that the committee's intention was not to change what's there but just to clarify the process. In addition, the committee moved a deadline that falls on a weekend to the first business day but there were no other changes as far as substance.
- **Tuck** stated that something else needs to be corrected: only the president can grant promotion and tenure. **Coschigano** replied that was right.
- **Coschigano** stated that a deadline section has been added. Additionally, "summer quarter" has been changed to "summer term." He stated that the last change is in section 7. The hearing committee currently consists of tenured and untenured faculty members. He stated that the majority of the committee felt uncomfortable putting untenured faculty on the hearing committee since it is ultimately a tenure committee. The committee therefore changed the language to faculty at rank. The committee also removed the requirement to "tape record" the hearing.
- **Coschigano** stated that he welcomed further input from faculty members and other interested groups and that the committee will come back with revisions at the next meeting.
- **Joe McLaughlin** stated that he agreed with eliminating untenured faculty from the hearing committee but wondered what the rationale was for having untenured people on the committee originally. **Coschigano** replied that the only idea he could think of was that untenured people can relate to being an untenured faculty more easily while senior faculty may have forgotten what that's like. He stated that the committee thought it's not worth it. **Bernt** stated that another reason would be to balance out senior faculty, who may be likely to go along with a cabal in the department. He stated that it might be helpful to keep untenured faculty on the committee. **Coschigano** stated that it is the senate chair's job to put the hearing committee together. None of the members come from the person's department and there is an effort to get faculty from diverse departments. **López** stated that he also tried to create diversity in the type of research the members performed as well.
- **Brown** asked whether the committee appointed by the chair of the senate only considers due process or the merits of the case. **Coschigano** explained that the hearing committee can examine all aspects of the case. **Brown** asked whether these five people can make a decision that is better than the original decision. **Coschigano** replied that, in an ideal world, after the dean and the provost have pointed out flaws in the department's process, they will change their minds. He added that, if the department doesn't, if we don't have this mechanism for overriding the department, a faculty member might get a raw deal. **López** stated that he thinks the ideal

outcome is that the department will come back with a judgment that has been arrived at without any compromises in the procedure. He stated that making mistakes when you're making such an important decision can happen a lot. He added that this is a good process that can work.

- **Patrick Munhall** asked about having the department respond to the dean before it's sent to the provost. **Quitslund** asked if asked if people who have seen this play out could say whether the fourth or fifth time helped. **Coschigano** replied that it did not and that after the third time it cost more than it benefited.
- **López** stated that this was a good time to move on to the second resolution.
- **Coschigano** explained that the second resolution sprang from some issues raised by the appeals this year. The committee saw that some of the problems that were identified in the appeal process could have been dealt with sooner during the early years of the candidate's probationary period. Mostly these revolve around understanding expectations and having the department communicate problems earlier. He stated that the resolution has undergone major rewriting in the last two weeks. He noted that nearly everything in the resolved parts are "shoulds," that is, recommendations. These items are not intended to be required of every department. Following these guidelines will help departments deny tenure.
- **Coschigano** stated that some departments aren't following their guidelines or their guidelines are too vague. He noted that guidelines should be reviewed periodically. He noted that some of this section B is in one of the appendices of the handbook. The committee hopes that moving it forward into the body will make it official. He stated that faculty should have an opportunity to be aware of and provide input into these reviews. He stated that the committee feels that having some sort of third year review would help in a lot of these cases. This should be a cumulative review at part way through the process. The committee didn't think it sounded like a lot of work but would still provide guidance for the candidate. It also allows a department to see a trend that you might miss if looking at each year in isolation. He stated that in Part E the committee would like the units to provide guidance and expectations to the individual so that they know what is a typical expectation. This will allow them some protection and allow untenured faculty to say no to some committees, etc.
- **Matlack** stated that the committee recommends making expectations as explicit as possible so the candidate has a realistic expectation of what they should be doing. He added that each point in the resolution reflects a bad experience that someone on the committee has had.
- **Coschigano** summarized each recommendation in the resolution. In section g, he stated, if grant funding is an expectation, if you're bringing in enough to fund your research activity, that's enough—not three times what you need to do your research. Section h deals with credit for faculty previously employed elsewhere, which should be negotiated up front at time of hire. Section i deals with faculty who serve in interdisciplinary activities, who often don't get credit for it. HE stated that they should get credit for that.

- **Quitslund** questioned the current phrasing of the resolution. She stated that it seems it would not be an unreasonable interpretation that my department doesn't do "e" when the faculty handbook says they should; therefore due process has not been followed. **Coschigano** stated that the committee's discussion was that we wanted to make it stronger than it currently is but to also allow departments flexibility. He stated that this doesn't mean that appeal would be successful, but it could be the basis for an appeal. He said that the committee didn't want to make it a "must" but did want to give more encouragement to do this stuff. **Matlack** stated that these guidelines are self-evident but in practice each of them comes from our observations of poor procedure. The committee thought that there should be something more explicit. **Quitslund** stated that she remembers her department trying to do "e" but it didn't work. **Coschigano** replied that the committee could introduce the whole section with something to clarify that, something to make it less mandatory, which is not the intention. **Pasic**, however, stated that there are too many shoulds. He pointed to 9a and argued that this section should be a "must." **Coschigano** replied that part is boilerplate. **Matlack** stated that boiler plate issues should appear in the guidelines but they're not negotiable. **Pasic** asked about section c and by whom it should be stated—by the chair? By the committee? By the department? He stated that in the College of Engineering faculty discussed this issue and some departments have this every year. He suggested changing the resolution to read every year. **Coschigano** replied that there are departments that do it more often, but the committee put in "at minimum." He stated that getting some departments to do it once would be a step forward. **Reilly** stated that section i seems weak to him. He said that some departments might interpret that as a single sentence. **Matlack** stated that this is not mandatory; the committee is trying to avoid being mandatory. **Coschigano** stated that Matlack wrote most of this resolution.
- **Geoff Buckley** stated that it is really important that we have this conversation as we move to semesters, since some people are going to be caught in the middle. He stated that he appreciates all the effort.
- **Bernt** stated that a problem with "i" is a person hired not related to interdisciplinary programs: this language suggests that the faculty member can become involved in some interdisciplinary programs without the department's consent. **Pasic** said that he agreed. He stated that we have such a case now—a drift away from their basic discipline. **Matlack** responded that Pasic is right: there is a fundamental conflict in some departments, but these programs contribute measurably to the breadth of this university. **Bernt** stated that it might not be best for an untenured faculty member to make commitments to interdisciplinary programs. **Matlack** stated that it shouldn't be an issue that comes up for the first time in the fifth year: if it's done early the department should come to a agreement early, talk about it early.

- **Coschigano** stated that it may be necessary to change the wording on section “i” a little bit to make it clear. Perhaps it could say within the parameters of some agreement. It isn’t the faculty member’s choice alone.
- **Scott Titworth** asked about language of specific metrics on “e.” He stated that his school does have some specific metrics that can be used to protect faculty but can also give faculty latitude to pursue their interests. He noted that his school wanted to have some transparent metrics but couldn’t do it exactly—it was impossible. He suggested expressing the idea of transparency but not tying it to a number. **Matlack** responded that Titworth emphasized the negative aspects but they can also be used against a young faculty member. By having solid metrics, abuse is prevented. **Quitslund** asked about the case of a faculty member whose product is extraordinary in some way but there aren’t as many pieces. **Sayrs** stated that it doesn’t have to be a number—that’s only one way to measure—there can be qualitative and quantitative criteria. She stated that the committee is trying to avoid the P&T criteria that just says “teaching” or “quality teaching.” She stated that a rising profile is a metric. **Bernt** stated that to a certain extent this section ties to annual review processes. He stated that the notion of specific metrics puzzles him too. **Coschigano** stated that the committee is trying to balance giving faculty members a sense of what’s reasonable—it’s a way to say, “No, I’m doing all that I need to do.” He acknowledged that research and teaching are harder because everyone’s research is different. The committee is concerned with the shifting bar and wants to protect against that. **Matlack** pointed out that the resolution says, “specified to the fullest extent possible.” He noted that different disciplines will require different metrics but not different people. **Bernt** stated that when you set a bar and people exceed it next time it’s moved. **Matlack** stated that the problem is when the bars moves for just one person. **Sayrs** stated that tenure track faculty members are comfortable with the procedure but unclear about the standards. Consequently, more clarity and transparency is better. **Brown** stated that there is a reason why criteria tend to be vague / not because to be misused / the real problem is with quality that runs into the business of “g,” which is too subjective. He asked who sets the adequate standard. **Matlack** replied that the department should set that level. The point is it shouldn’t be abused. **Coschigano** stated that the committee is trying to come up with something to satisfy both concerns, but it’s a difficult task. He stated that the committee would welcome input from anyone to help improve the language. **Quitslund** stated that it is very productive to encourage departments to lay out expectations more clearly. **Coschigano** stated that is the committee’s goal and asked for faculty to send him comments.

IV. New Business: Resolution to Censure—Ken Brown

- Brown stated that his resolution has been in the ether for a couple of weeks now. He said that, if everyone’s read it, he wouldn’t read it in the meeting.

- **Tracy Leinbaugh** offered a grammatical correction to the resolution: “employee’s” in the fourth line should be “employees’.”
- **Peter Jung** asked what censure really means. **Brown** responded that it’s fairly minor, depending on how you look at it. Its main force is public shame. It says that this body of people, that is supposedly important, thinks you have done something bad. **Jung** asked where it goes if it is approved. **Brown** replied that it would be placed on the senate’s website and publicized in the *Athens News*, the *Chronicle of Higher Education*, etc.
- **Munhall** stated that he is wondering if it might be more productive if we asked the president and John Biancamano to talk to us about this handbook violation, the restructuring, the rationale for making the decision, etc., and publicly discussed it. **Brown** stated that the problem is the administration’s parsing of the language of the handbook. The intention of the handbook was that the senate had to approve changes to benefits. **Munhall** stated that, if that discussion occurs in a public forum, it would force us to move in directions that would be productive. **Norma Pecora** stated that we already did that last fall: McDavis came and talked to us about the mistake; we had a discussion about the importance of the handbook, but it has still not been followed. She said, “I saw that as a public discussion.”
- **Leinbaugh** stated that we also provide opportunity for other public discussion at every faculty senate meeting. She stated that the president has failed to attend many of our meetings. **Brown** stated that the handbook violation is what’s behind the healthcare increases, but that doesn’t say anything about academic reorganization. He said, “I’m really bothered by the secret meetings by the deans.” He added that when the senate complained that the provost had vetoed several resolutions she argued that the senate had strayed from its job of academics into advocating for faculty. He asked, “Is this restructuring not an academic concern?” He stated that 10 weeks of deans meetings without faculty input means we’re not supposed to be doing academic stuff either. He noted that the handbook tells us on the first page that the senate’s *prevue* is academics and everything else that interests faculty at the university.
- **Jung** asked whether the restructuring issue suggests that we should censure deans too. **Brown** replied that the provost is the chief academic officer and that the ultimate responsibility is the provost’s. He added that in an ideal situation the provost would say, “Don’t forget to include faculty in these discussions.”
- **Joe Slade** stated that we should identify the people who have swindled us. He stated that the administration is busily disenfranchising us more and more. He stated that, for example, we only get one hour to ask questions of the provost candidates. He stated that, despite president’s change of the committee, “They’re still screwing us.” He then referred to the administration as “creeps.” **Brown** stated that he objected to the possibility of giving *ex post facto* approval in the Finance & Facilities resolution—Joe McLaughlin argued that we have to do something; this is what we have to do. He stated that there is nothing else we can do. **Buckley** joked that what this resolution says is that this is going to go in your permanent record.” He asked what the best possible outcome from this is. He asked whether there is a possible outcome that could improve conditions between

faculty and the administration. He noted that the Executive Committee had a meeting at 8 am this morning in which we got input from the deans. This was a very positive thing. He asked, "Is there a best case where this could produce results?" **Slade** stated that it shouldn't be a case of generosity. **Buckley** responded that the senate should work toward the exchange of ideas to produce the best policies. **Brown** stated that there has to be a response. Otherwise, it's ok. He said, "It's not ok to not follow the handbook; it's dangerous. It's the code we've all followed." He added that the handbook determines what's allowed for productive interactions. He stated that when the code dies so do the productive interactions. He contended that the entire structure is in danger. The handbook explains how people are supposed to behave. He stated that it is incumbent on us to try to defend the handbook. He stated that a colleague has pointed out that given the situation at present there isn't a whole lot we can do but make these people look bad in public when they've misbehaved. He stated that they broke an agreement with us. We have to make a statement that is loud enough that they hear it in Columbus and in Washington and in New York.

- **Titsworth** stated that he understood Brown's point, but public statements can do more damage than good. He added that the word "creep" damages us. He maintained that senators must have a level of respect. He asked whether Brown gave any thought about a resolution that would say the Faculty Senate should have had a say in the restructuring. He said that censure doesn't get to the process issue. **Brown** asked what good will this do and what impact it will have. **Titsworth** stated that this resolution is by definition discursive closure on the topic. A resolution about the proper process that would include the senate would make a statement about process that would force the administration to comment on that process as we are trying to define it. It would lead to a trail of decisions that would either affirm or not affirm how this body relates to major decisions. He stated that, if they say no, then maybe censure them, or they may make senate a part of the process. **Brown** stated that we've already been told to mind our business and pay attention to academics and now we were left out of that too. **Titsworth** stated that we should not close the discourse. There is nothing they can say in response to this resolution. It does not promote dialogue. **Brown** replied that his point is not to negotiate about future restructuring.
- **Sherrie Gradin** stated that she liked the idea of public request, but Brown's point is not about negotiation.
- **Ken Heckman** asked how confident Brown is that he can establish that this restructuring was in complete secrecy. **Brown** stated that the representatives from one of the schools of the college that they're doing away with came in a meeting of the senate to talk about the secrecy and they were repulsed by the provost. He stated that if the people who were directly affected by it didn't know then it was secret. **Leinbaugh** stated that they asked the provost to tell them what was going on because they didn't know. **Brown** stated that was the first public recognition that there was restructuring going on.
- **Quitslund** stated that she is uncomfortable with the rhetorical stance of this resolution. She said that Scott articulated it well: these are all highly contentious interpretations of fact. She said that she agrees with them at root but she knows

know what the alternative interpretation is, since they have been publicly stated by the administration. She stated that we're just stamping our feet and saying, "I'm right and you're mean." She said that she would like to look more dignified than that. **Brown** stated that he's not sure what the alternative is. He said that he agrees with **Quitslund** about interpretation. **Quitslund** stated that one of the Finance & Facilities resolutions clarified the handbook; we know that this was not followed and that it really needs to be followed. **Brown** stated that he's tired of them not living up to their word. He said that the president came to the senate and said that all healthcare money will stay in healthcare but it didn't. He said that we could open a dialogue, but he doesn't want to do that any more.

- **Bernt** stated that, one, Professor Slade's descriptor was kind compared to what he might have said, and, two, this resolution doesn't cut off dialogue. It is a shot across the bow. He said that there have to be consequences to constantly violating the handbook that administrators have called a contract: this body has to stand up.
- **Pecora** stated that she doesn't think this resolution is stamping my foot; it is attempting to regain the dignity of the senate. It acknowledges what's happened in the past year and takes back some of the power that has been lost by the senate.
- **Leon Hoshower** stated that about a month ago he took a paragraph from the handbook on healthcare and gave it to colleagues in business. He asked them what it means. The majority said it was gibberish and that no one knew what it meant. He stated that he is uncomfortable with this language and suggested making it more factual and not a matter of interpretation. **Valerie Conley** stated that the word on the street is that we've already done it. She was at a conference in NY where it was announced that Faculty Senate had censured the president and provost.
- **Munhall** stated that this does shut down communication. He asked why not have the president address these issues in a public forum. We could call for a public record of his responses to each of these points. He stated that he does not understand what the resolution accomplishes. **Slade** asked if there is any reason to think they will publicly address it. He said that he doesn't think they're going to do that, since they never have in the past. They make decisions behind closed doors and then expect us to rubber stamp it. **Conley** stated that there are two separate issues: Leon's point of the ambiguous language of the handbook, which is different than decision making processes. She said that having dialogue about the decision making process piece is something we might want to request. The wording of the handbook is something we need to wrestle with as a senate.
- **Pasic** stated that the list in the resolution could be extended. He said that they don't follow the procedure and they don't consult us on decisions even when we would vote the same way they do. He gave the example of the first four items in the resolution – there's no money here; if they came and said there's no money, we would have voted for it. But they didn't because they make all decisions that way. He restated that all of this is about the decision making process—we don't participate. This undermines shared governance and demeans the faculty in their role of the academic enterprise. He suggested that we don't have to go for censure but decide what to do with this list and perhaps go for something lesser. We could state that this is the last chance and let's discuss these issues to mend the fences.

He expressed his opinions that censure would be too much and produce counterproductive results. **Bernt** asked how could it be any more counterproductive than what we currently have. **Pasic** replied that he also wanted to highlight the issue of redistributing overhead costs from grants. **Brown** agreed that this is an important issue.

- **Matlack** asked how close the senate was to a quorum. The secretary and vice chair established that there were 27 members present and that a quorum still existed.
- **McLaughlin** stated that he's very sympathetic to what Patrick's arguing. If we could have productive interactions, we should. He said that the problem he sees is that we have interactions that are reduced to "input." He stated that if the president is not willing to come before us in a frame of mind that he's willing to change his mind, then there isn't any point to having such a meeting. He stated that he's told colleagues that he doesn't want to spend all his time talking to newspapers, but that is the only way we've been able to do anything productive as a senate. He stated that, if censure is the way to go, it's because we've been backed into a corner. He noted that the scene in the January senate meeting about the provost search was an awful thing for us and for the president. He stated that when people aren't willing to budge this is the only route we have or one of the only routes.
- **Heckman** stated that he wants to echo what Joe said and asked, "Continued dialogue with whom?" He stated that Glidden and Kopf seemed genuinely interested in faculty. Stephen Patterson said that this looks worse at the end of the year and suggested pushing the resolution back to the beginning of the fall and that we get other constituency groups on board.
- **Chuck Naccarato** asked whether it was dangerous to say that anyone who violates the handbook should be censured. He asked, "Are there not faculty members who violate the handbook? If a faculty member repeatedly violates the handbook, should that person also be publicly shamed?" **Brown** replied that he wishes we could force the faculty to follow the handbook. He stated that faculty members are too lazy to look at the handbook. He stated that the discrepancy is that when a faculty member fails to do it, it doesn't cost \$2.2M. It is an issue of magnitude of damage. **Naccarato** asked about ethical violations. **Brown** replied that ethical violations are certainly worth censure. **Naccarato** asked whether this body could be asked to censure a faculty member. **Brown** replied that this body can be asked to do anything.
- **Slade** stated that the senate should remember where we are: we are about to go away for the summer, which is traditionally when we are most vulnerable to administrators making decisions.
- **Bernt** stated that we have a series of events – it's not like people haven't been following the battles that have occurred. He said that we are in a better position now to base this resolution of censure on what's happened rather than waiting to fall. He said that another step in this process is a vote of no confidence. That would receive even greater attention. It would behoove our president and some of the administration to consider this a shot across the bow and that this is the time to start talking.

- **López** stated that he was concerned what this resolution would do to the senate's evaluation of the president. He also asked whether we are censuring the president and others or are we censuring their actions. It might be better to condemn a list of things, since that would be less personal and would show our stand as a senate. **Pasic** stated that he supported that and thinks that it would be a good compromise. He also said that we should do this after the evaluation.
- **López** stated that the evaluation should take place any day now. He only has one last thing to work out about it.

The secretary and vice chair determined that the quorum was lost at 9:48 pm, which immediately brought the meeting into adjournment.

A resolution to clarify the grievance procedures for nonreappointment and for denial of promotion and/or tenure
For first reading.

Whereas Cases heard by the Faculty Senate P&T Committee in the Fall of 2008 have identified problems in the language of the faculty handbook. And

Whereas The appeal process as presented in the faculty handbook (Section II.F) should be streamlined so that a final decision can be reached in a timely manner.
And

Whereas Language in Section II.F of the faculty handbook should be changed to reflect the quarters to semesters transition as well as current technology.

Be it resolved that Section II.E.4 of the faculty handbook shall be changed as follows:

All awards of tenure and all promotions in rank must originate in a positive recommendation by the appropriate departmental committee or after a formal hearing and presidential review in cases that have gone through the grievance procedure as in Section II.F.

Be it further resolved that Section II.F of the faculty handbook shall be replaced by the following:

F. Grievance Procedures for Nonreappointment and for Denial of Promotion and/or Tenure

1. If a faculty member believes there is cause for grievance relative to nonreappointment or denial of promotion and/or tenure, an appeal of a negative decision may be initiated at the level at which the decision was made, i.e., either within the department, or at the level of the dean or of the Executive Vice President and Provost (Provost hereafter). Should the appeal be denied at any of these levels, the faculty member may take the

appeal to the next level. The grievance can involve one or more of the following allegations: inadequate consideration, denial of due process (including failure to follow designated procedures), or denial of academic freedom.

The initial appeal by the faculty member must be made within 45 days from the date of notification of nonreappointment or denial of promotion and/or tenure; subsequent appeals to higher administrative levels including to the Standing Committee on Promotion and Tenure of the Faculty Senate must be made within 30 days of the receipt of the response at the previous level. Responses to appeals on the part of the department, dean, or Provost are to be made within 30 days of receipt of the appeal. Appeals at the departmental level are to be directed through the departmental chair to the chair of the departmental committee responsible for promotion, tenure, or nonreappointment recommendations. The departmental chair is responsible for conveying the decision of the committee to the person making the appeal.

2 a. Denial at the department/School level

If the denial occurs at the department/school level, the faculty member must direct their appeal to the appropriate departmental/school committee through the department chair/school director. If the appeal is denied the faculty member may then appeal to the dean. If the dean supports the appeal the case will be forwarded to the Provost for consideration. If the dean denies the appeal the faculty member may continue the grievance process by appealing the case to the Provost. If the Provost supports the appeal the case will be returned to the department/school for reconsideration. If the department/school again denies the appeal, or if the Provost denies the appeal the faculty member may appeal to the Standing Committee on Promotion and Tenure of the Faculty Senate. If the Provost denied the appeal but the Standing Committee on Promotion and Tenure of the Faculty Senate supports the appeal, the case will be returned to the department/school for. If the Provost supported the appeal and the Standing Committee on Promotion and Tenure of the Faculty Senate supported the appeal, the case may proceed to the formal hearing at the request of the faculty member (see Section II.F.7).

b. Denial at the Dean level

If the department/school voted in favor of granting promotion and/or tenure but the dean denies the case, then the faculty member must direct the appeal to the dean. If the dean denies the appeal the faculty member may appeal to the Provost. If the Provost supports the appeal promotion and/or tenure will be granted. If the Provost denies the appeal, the faculty member may appeal to the Standing Committee on Promotion and Tenure

of the Faculty Senate. If the Standing Committee on Promotion and Tenure of the Faculty Senate supports the appeal, the case may proceed to the formal hearing at the request of the faculty member (see Section II.F.7).

c. Denial at the Provost level

If the department/school and dean were in favor of granting promotion and/or tenure but the Provost denies the case, then the faculty member must direct the appeal to the Provost. If the Provost denies the appeal, the faculty member may appeal to the Standing Committee on Promotion and Tenure of the Faculty Senate. If the Standing Committee on Promotion and Tenure of the Faculty Senate supports the appeal, the case may proceed to the formal hearing at the request of the faculty member (see Section II.F.7).

d. Deadlines

These deadlines are to be interpreted as excluding intersessions and the summer term. Additionally, if the deadline falls on a weekend or holiday the next workday shall be considered the deadline. In cases in which recommendations of departmental promotion and tenure committees are not sustained at the level of the dean or of the Provost, the committees shall enjoy the right to support faculty appeals including providing supporting documentation.

A faculty member, who, after notification of the Provost's actions, is still dissatisfied, has 30 days to appeal to the Standing Committee on Promotion and Tenure of the Faculty Senate, even if the proceedings continue beyond the termination date of the individual's contract. A faculty member, who remains dissatisfied with the status of the grievance following the issuance of the report of the Faculty Senate Promotion and Tenure Committee, may, within 45 days, petition the Promotion and Tenure Committee to recommend that a formal proceeding be conducted, in accordance with Section II.F.7 below, with the burden of proof resting on the grievant.

3. Insofar as the petition for review alleges denial of due process, the functions of the Faculty Senate Promotion and Tenure committee shall be as follows:
 - a. To determine whether a denial of due process in fact occurred.
 - b. In the event it finds a denial of due process, to suggest a course of action that will equitably resolve the situation.

- c. To provide copies of these findings and recommendations to the Chairperson of the Faculty Senate, the faculty member, the department concerned, the academic dean, and the Provost.
 - d. If the faculty member petitions, as in Section II.F.1 above, to decide whether the evidence warrants a recommendation that a formal proceeding be conducted (see Section II.F.7).
4. Insofar as the petition for review alleges inadequate consideration, the functions of the committee shall be the following:
 - a. To determine whether the decision of the appropriate party was a result of adequate consideration in terms of relevant standards of the institution, with the understanding that the review committee is not to substitute its judgment on the merits for that of the faculty body on the question of whether the faculty member meets these standards.
 - b. To request consideration by the appropriate party when the committee believes that adequate consideration was not given to the faculty member's qualifications. (In such instances, the committee should indicate the respects in which it believes the consideration may have been inadequate.)
 - c. To provide copies of its findings and recommendations to the Chairperson of the Faculty Senate, the faculty member, the department involved, the academic dean, and the Provost.
 - d. If the faculty member petitions, as in Section II.F.1 above, to decide whether the evidence warrants a recommendation that a formal proceeding be conducted (see Section II.F.7).
5. Insofar as the petition for review alleges denial of academic freedom, the functions of the committee shall be the following:
 - a. To determine whether the notice of nonreappointment constitutes on its face a violation of academic freedom.
 - b. To seek to settle the matter by informal methods.
 - c. To provide copies of its findings and recommendations to the Chairperson of the Faculty Senate, the faculty member, the department involved, the academic dean, and the Provost.
 - d. If the faculty member petitions, as in Section II.F.1 above, to decide whether the evidence warrants a recommendation that a formal proceeding be conducted (see Section II.F.7).
6. If the petition for review involves a regional campus faculty member, a copy of the findings and recommendations shall be sent to the Chairperson of the Faculty Senate, the faculty member, the regional campus academic group involved, the Athens campus department chairperson, the regional campus dean, the Vice President for Regional Higher Education, and the Provost.

- 7 If the Standing Committee on Promotion and Tenure of the Faculty Senate has found that a formal proceeding is warranted on the evidence presented to it, the committee will so inform the Chairperson of the Faculty Senate. In consultation with the Executive Committee of the Faculty Senate, the Chairperson shall appoint five tenured faculty members, at rank or above, none of whom shall be from the grievant's department, to constitute a hearing committee. He/she shall designate the chairperson of the hearing committee.

In the discharge of its responsibilities, the hearing committee shall proceed as follows:

- a. The committee shall determine the time and place of the hearing, which shall commence not later than thirty days from the date of the committee's appointment.
- b. No later than three days following the date of the committee's appointment, the chairperson shall notify the grievant of the time and place of the hearing, and inform him/her of the basic procedures governing the hearing, which shall be closed, unless the grievant requests an open hearing.
- c. At the hearing, the grievant shall bear the burden of proving, by a preponderance of the evidence presented, that the action taken (a) violated due process and/or (b) was based upon inadequate consideration and/or (c) infringed upon academic freedom. The order of events at the hearing, which shall be determined by the committee, shall reflect this requirement.
- d. During the proceedings, the grievant shall be permitted to have as advisor either a faculty member or an academic administrator of his/her choice. Likewise, the senior administrator responsible for the grievant's area or his/her designated representative shall be permitted to have as advisor either a faculty member or an academic administrator of his/her choice. The responsibility for presenting the grievant's case is restricted to the grievant and/or his/her advisor. The functions to be performed by each advisor shall be determined by the person whom he/she is advising. A representative of an appropriate educational organization shall be invited to be present.
- e. The grievant shall have the aid of the committee in securing the attendance of persons who possess relevant information, and in having access to information related to the case.
- f. The grievant and/or his/her advisor and the University representative and/or his/her advisor shall have the right to confront and question all persons who make statements before the committee.
- g. The full proceedings shall be recorded by the University, which, upon request, shall make a copy or written transcript available to

the grievant, the committee, or the President. Upon completion of the hearing, the committee shall submit a written report of its findings and recommendations to the President, with copies to the grievant and the University representative. The President shall then reach a final decision in the case, which decision shall be communicated in writing to the grievant, the University representative, and the committee. The President shall not make a public announcement of his/her decision unless requested to do so by the grievant.

Resolution on Promotion and Tenure Guidelines

Whereas

Cases heard by the Faculty Senate P&T Committee in Fall 2008 (and a few others we are aware of) suggest that the P&T process sometimes does not function as well as it could.

Whereas

The problems are issues of process including following procedures, applying appropriate criteria, or providing clear guidance to candidates. Department/School P & T guidelines are sometimes vague, incomplete, or inconsistent with College guidelines.

Whereas

Department/School P & T guidelines should clearly establish procedures for the departmental faculty and administrators. Transparent and efficient guidelines are strongly in the best interests of the university as a whole.

We resolve that

The following language should be added to the faculty handbook in Section II (“Contracts”), Subsection E (“Procedures for Tenure and Advancement ...”) as “Item 9”:

9. Departmental/School P&T Committees should insure that

- a. A section of the Departmental/School P&T guidelines explicitly states that a negative decision at any level may be appealed on the basis of a perceived:
 - i. Violation of academic freedom
 - ii. Failure of consideration of relevant facts or circumstances

iii. Failure to follow designated procedures (“due process”), including use of procedures that are inconsistent with Department, School, College, or University P&T policies.

Departmental/School guidelines should state that appeal of a P&T decision is possible, and steps to initiate an appeal are laid out in Section II.F of the Faculty Handbook.

- b. Department/School P&T guidelines should be reviewed at least every five years. Such a review should be announced to all tenure track faculty at least one month ahead of time, should entail discussion among the entire tenure track faculty, and invite suggestions from all. All changes require a majority faculty approval. With regard to criteria for tenure and promotion to the associate rank, faculty should be “grandfathered” in, and should have the choice of following either the revised guidelines or guidelines in place at the time of their last advancement. With regard to criteria for promotion to the professor rank, a grace period of three years after the revision should be offered to faculty before implementing changes in their department/school criteria.
- c. All probationary faculty should be formally evaluated on their cumulative performance and progress toward tenure and promotion. At minimum this should occur at least once, near midway though their probationary period.
- d. The relative weightings of teaching, research/creative activity, and service that will be applied in reaching the tenure decision should be explicitly communicated in writing to the candidate and evaluating committees at the time of the hire.
- e. Specific metrics that will be used to assess the candidate within each general performance category (teaching, research/creative, or service) should be clearly described in the departmental/school P&T guidelines, and normative values should be specified to the fullest extent possible. This may include qualitative as well as quantitative criteria. No general category of performance (teaching, research/creative, or service) should be assessed by a single metric.
- f. A successful candidate’s record should be judged as a complete package, although performance in individual criteria may vary.
- g. If departments include obtaining grants or other funding in their criteria, funding levels will be judged adequate to the extent that they can support a productive, high-quality research or creative program of the candidate.

- h. In the case of appointment with credit toward tenure (i.e. if a faculty member has held a similar appointment previous to their appointment at Ohio University), professional accomplishments from this previous appointment should be credited to the candidate (time frame to be negotiated at the time of hire).
- i. Departments should give credit for scholarship, teaching and service in interdisciplinary programs (e.g. Environmental Studies, African Studies, Development Studies, etc.) and should clearly show how such credit has been given in their annual evaluations and their letter of recommendation for a candidate.

Resolution to Censure

Brought to the Faculty Senate of Ohio University on April 27, 2009, for First Reading

Whereas the Ohio University *Faculty Handbook* is endorsed as official university policy by President Roderick McDavis and was defined for the Faculty Senate as a binding contract by University Counsel John Biancamano, and

Whereas the *Faculty Handbook* provides (section IIIA) that any changes to employee's costs for the health care benefit must be submitted to the Faculty Senate for approval, and

Whereas recent changes to the health care plan - projected to increase employee costs by at least \$2,200,000 - were enacted without approval of the Faculty Senate, and

Whereas, unlike a similar increase in employee health care costs instituted for the 2007-2008 FY without approval of the Faculty Senate due to an "oversight" by the central administration and the Senate, the current instance occurred with full knowledge of the *Handbook* provisions and awareness that those provisions were being violated, and

Whereas the president, executive vice president and provost, and the vice presidents have ignored the primary goal of improving the competitiveness of faculty salaries as stated in Vision Ohio, the University's recently approved strategic plan, and

Whereas a major academic reorganization has been planned *in complete secrecy* by the academic deans without any consultation whatsoever with the faculty as a whole, the college faculty affected by the reorganization, the Faculty Senate, or any of its several committees, all of whom clearly have a vested interest in the organization of the academic structure of the university, and

Whereas these actions undermine any pretense of shared governance at Ohio University, demean the faculty and their role in the academic enterprise, and belie any semblance of collegiality between the central administration and the faculty;

Be it resolved that the Ohio University Faculty Senate does hereby publicly censure President Roderick McDavis, Executive Vice President and Provost Kathy Krendl, and Vice President for Finance and Administration William Decatur.
