

Ohio University Faculty Senate
Meeting Minutes Monday, February 8, 2021
Virtual Meeting Via MS Teams

7:10 – 9:00 p.m.

- I. Board of Trustees: Chair Janelle Coleman and Vice-Chair Cary Cooper
- II. Roll Call and Approval of Minutes of December 7, 2020 Meeting
- III. Chair's Report – Robin Muhammad
- IV. Update from Gillian Ice – COVID-19 and Public Health Operations
- V. Educational Policy & Student Affairs Committee – Andrew Pueschel
- VI. Promotion & Tenure Committee – Jackie Wolf
- VII. Professional Relations Committee – Char Miller
- VIII. Finance & Facilities Committee – Doug Clowe
- IX. New Business
- X. Adjournment

In attendance:

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

Meeting called to order at 7:10

Opening Statement: Chair Mouhammad welcomed the Senators and Board of Trustees Chair Coleman and Vice Chair Cooper.

Board of Trustees Chair Coleman and Vice Chair Cooper:

Chairman Coleman introduced herself: Chair of the Board, 8th year of 9-yr appointment, 1995 alumni of the Scripps College. Currently the VP of Corporate Philanthropy and Community Engagement at AEP and President of the Foundation.

Vice Chair Cooper introduced himself: appointed to the board in 2013. Appreciate the invitation from Faculty Senate. Appreciate the provision of statements about faculty concerns. Have learned through experience that OU is not immune to world changes and we need to learn to adapt. Have also learned that solutions require working with all stakeholders, and guided by the values of our university. We have difficult decisions to make ahead, and we want to be guided by our values.

Coleman: The reason we are all here is because we all care about and love Ohio University. This is why I accepted serving on the board and why I have been engaged with the university since graduation. There are challenging times ahead. The higher education landscape has changed, this past year has been very impactful from the pandemic, from racial justice movements, and from more recent political events. This has made her think of what is important: do right by others, try to help when you can, and try to make the world a better place for the next generation. That is what faculty do every day, and thank you for all your efforts. The Board is listening, we have received your input, and the Board is working to create an environment where all voices are heard. We cannot accomplish these goals without collaboration, inclusion, civility, empathy and especially communication. The Board is working to ensure we have open avenues of communication in both directions.

Chair Muhammad: Procedural points...please use the "raise hand" feature and the chat, and Secretary Rosado Feger will monitor and facilitate questions.

Senator Sandal: A question about shared governance: despite the claim of it existing, few faculty see true shared governance taking place rather than administrators saying what will happen next without genuine opportunity for feedback. Provost Sayrs is creating venues for genuine engagement, and they are appreciated. As the leaders of the BoT, what is your vision of shared governance and accountability to faculty, especially at higher level leadership?

Coleman: Clarification, are you asking about how administration is accountable to the faculty?

Sandal: yes, since decisions affect faculty directly, with teaching, research, we would like to see more engagement and input in decision making.

Coleman: yes, we have talked about that. We have received that message from Faculty Senate that faculty would like to have more communication and venues for input especially on issues that impact the faculty. We have passed these suggestions along to the administration. I would also encourage this group to continue to lift up those ideas and thoughts around what other communication methods would be helpful.

Senator O'Keefe: Thank you very much for being here today. We are very passionate about OU and making it the best it can be. Could you tell us what things look like from the Board's perspective regarding communication from leadership about their performance, how does the board evaluate and

verify those claims? How is the board handling the issue of pricing and recruitment from the past few years that directly affected the bottom line and resulted in the loss of 1 out of 7 faculty positions?

Coleman: I will let Trustee Cooper chime in as well. The board sees their relationship with administration and close and constant. We are in constant contact with President Nellis. Secretary Moore does a fantastic job at facilitating communication between administration, and directly to the board. We are in constant communication about trying to balance our mission (to have a high academic quality and output for our students, be a leader for higher education in Ohio) with the reality of our budget situation. And to make sure we are fiscally responsible and paying attention to the trends that are happening, not just today but in the future. We get thorough reports via the Board Books, but we are also receiving direct information about the things President Nellis's team is working on.

Cooper: The board has only 3 employees whom we directly employ and supervise: President, Treasurer, and Secretary to the Board. We stay closely in touch with those three people and interact most closely with them, but also receive messages from others. Looking down the road we would like to get our arms around the plan that addresses the questions raised. We rely a lot on institutional knowledge from the provost and the other VP's and the heads of academics. When things are in flux and change pretty dramatically every few days, it's harder to make long-range plans but we need to stick with it and get help from everybody, looking ahead towards what we want to achieve and who we want to be in the future. People tell us things will be different and may not go back to where it was, for example, some economists are looking for employment to not recover until 2024. With respect to communication, we have to keep trying, your ideas and given the technology we have today we can find common ground where you can provide input and it be listened to. Please continue to volunteer to participate, ask questions, and together we can get those funneled to the appropriate people.

Chair Muhammad: We have talked to you about building lines of communication and enhancing existing ones and we appreciate your receptivity.

Susan Burgess: Thank you to BoT leadership for being here. We need to be honest about what is going on. Decisions are being made centrally, hundreds of people have been cut. Decisions are being made and communicated rather than consultation. What is the future and the shape of the university that we all love? Authority is very centralized and decisions are being made without consideration of the centrality of the academic mission of the university. How do we ensure the centrality of the academic mission, now and in the future? We cannot "work together" when we are not part of the decision making. What is your vision to move past centralization and cutting to create the future?

Coleman: The board is not focused on just cutting, the board is focused on positioning OU for the future, whatever the future may hold. Part of that is related to economics but a great part of that is figuring out what is the "New OU". That is the focus of the board, that is what we talk about. That is what the board is under the impression that is talked about across all areas of the university and areas of focus. Different committees have been stood up that include faculty, including Faculty Senate. If there needs to be more inclusion, then we will take that back. But yes, you hit the nail on the head,. That is what we are focused on. This is why venues such as this is so important so we can hear what is on your mind so we can collectively work towards that future. Regarding centralization I think I heard a concern about concentration of power, we do need input from faculty from all areas of the university. I certainly hope that when groups are convened and seeking input, that faculty will answer those calls, particularly Senators because you have been elected by your peers.

Cooper: There may be a link between centralization and cuts across administration, but if you have specific concerns please bring them to us because we want to fix problems and make things smoother. There is a connection between funding and centralization...if you see something, please speak up.

Chair Muhammad: Thank you Trustee Coleman and Trustee Cooper. Some of the comments and question in the chat concern issues around the regional campuses. We need to continue to develop these outlets to communicate and I thank you both for attending tonight and we will followup with additional questions and comments and look forward to having more of these conversations.

Coleman/Cooper: Thanks for inviting us.

Roll Call

Approval of Dec 14 minutes: Duvert Motion passes, minutes approved.

Chair's Report:

There are a number of items under New Business, and a brief statement about procedural matters.

Dean's evaluation process is on the way, met with members and Dr. Dewald's office. Critical: letting people know to monitor their email and parameters around the survey link. The process is in motion, please pay attention to the email if you are in: CoFA, A&S, Eng, COMS, Voinovich, HCOM all have Dean's Evaluations this year. Provost's office sent out notice about Feb 11 around academic Strategy groups.

Dr. Gillian Ice, COVID-19 Updates

- Meetings held across colleges and administrative units to update on procedures and status.
- Students tested before return and weekly or bi-weekly, 547 positives, 318 (Vault) since moving day. CVS identified 98 positives. Positivity rate: 2.8%, hovering between 2.5-3.5%. Almost 35000 tests performed. Positives happening in Athens. 1800 total cases managed 652 close contacts, rest are index cases. About 40 contact traced individuals converted to positive.
- Numbers rising is expected due to concentration of people. Wide-net tracing is helping control outbreaks. Still having some issues around compliance around masks, distancing, and gatherings. Working on ways to motivate students to participate in safer alternatives.
- Question from chat: How accurate is the Vault test, what is the "false Positive" rate?
 - Vault is over 99% sensitive and specific, "false positives" are exceedingly low.
 - CVS test is slightly less but still near 99%.
 - We do not re-test because Health Department feels if you test positive you should be involved in that risk management.
- Question: updates to prospects for vaccination for faculty?
 - Push has been to focus on people with high likelihood of serious complications: elderly, healthcare workers, then by age, and K-12 staff.
 - Vaccine interest within priority groups is high but vaccine supply is low.
 - Higher ed staff not currently in priority category. Currently projecting summer for vaccine availability. We do meet regularly and we know how we will roll it out once we get notice of supply.

EPSA: Senator Pueschel

- No resolutions tonight, but had wonderful meeting with Ian Carter, of Student Senate, which has put forth a resolution on grading scales in spring 2021. Students are being heard.

P&T: Senator Wolf

- There's a lot on our plate, with a close eye on guidelines sent to Provost in Mid-November. Senator Miller and Senator Wolf will be meeting with the Provost. Departments need more guidance for writing P&T guidelines within the framework of OneOHIO. Also keeping an eye on workload policies being issued at some colleges, which has an impact on P&T. Anticipating more requests for tenure clock extensions and considering whether clock extensions are enough to make up for pandemic impact.
- Question: Can we access these proposed guidelines?
 - Faculty currently trying to update policies need to know the guidance.
 - Senator Wolf, please email wolfj1@ohio.edu and will send the guidelines.
- Question: What other things are being considered to support pre-tenure faculty?
 - It might not just be time that faculty need. For example, project resources might be unavailable, and time is not a solution for that. Gathering what some of the non-time problems are to then figure out solutions.

PRC: Senator Miller

- P&T guidelines, and next meeting scheduled for tomorrow.

F&F: Senator Clowe

- Money we thought we had has gone away, asked to keep a 3% increase. Might still maintain premiums, and out-of-pocket rates. Details forthcoming in Spring. Thank you to all who polled colleagues.
- No news on budget front. Expecting budget proposals by end of February.

New Business:

- Resolution from Executive Committee authoring regarding Academic Policy and Process group: supporting recommendations from Teaching Learning and Assessment Committee about Instructional Evaluations for Spring 2021.
 - How to collect
 - Maintain optional use in annual evaluation
 - Provide alternate evidence of teaching effectiveness
- Brief Statement about Tenure Revocation and Hearing Committee
 - Committee bound by procedures and policies, not to communicate about the issue until matter is resolved.
 - Read statement regarding the policy and the process.
- Dr. Jennifer Fredette, and Dr. Devika Chawla presenting Sense of the Senate Resolution Regarding Yusuf Kalyango De-Tenuring Hearing
 - Document uploaded to the chat.
 - Document read by Dr. Fredette

- Three specific issues raised:
 - The use of “clear and convincing” evidentiary standard vs “preponderance of evidence” standard.
 - Faculty Senate committee statements concerning issues of due process.
 - According to OU policy, Title IX Coordinator has primary responsibility for investigation, concern about how the committee’s process may conflict with that policy.
- Question: would the proponents like to offer this for First Reading, or try to suspend the rules to go to Second Reading?
- Questions from chat or raised hands from Senators:
 - Senator Webb: Thank both for bringing forth this resolution. The decision sends a message about survivors and process. I believe survivors and I believe in process and I thank the faculty members for bringing this forward.
 - Susan Burgess: technical issues prevent question/comment from being heard
 - Senator Wolf: Part of our systems and policies are Faculty Senate procedures in the Faculty Handbook. If you believe in the strength of a position and evidence, why would you want to eliminate other evidence and another position? How does censoring a faculty committee strengthen the position or protects students or faculty? Also, a technical point, I want to see more colleagues enjoying the benefits of tenure, and not weaken tenure. This hearing was part of the appeals procedure as described in the Faculty Handbook. Striking the results of this committee hearing sets a dangerous precedent.
 - Senator Clowe: Second-to-last “whereas” is hearsay.
 - Dr. Fredette: we can edit that statement.
 - Susan Burgess: how is the committee accountable to the Senate as a whole, if their decision cannot be questioned until after the Board of Trustees meets and renders their decision?
 - Chair Muhammad: refers to the process as described in the Faculty Handbook. Cannot comment until the process is concluded.
 - Dr. Chawla: tenure protects academic freedom, not sexual misconduct, these issues should be separated. This committee was not convened to protect tenure.
 - Senator Wolf: This has to do with the right of an accused to defend themselves. To wipe out a committee’s decision and stop the evidence from being forwarded to the Board of Trustees is problematic.
- Senator Bates: takes over moderating conversation. Chair Mohammad steps down from moderation to avoid appearance of conflict of interest.
- Chair Muhammad: point of order, do the resolution proposers want to move this to a vote.
- Senator Bates: procedures say a resolution can be brought at any time, for a vote at a later meeting. If a vote is desired, the rules must be suspended by motion and vote.
- Senator Shao-Lucas: Can someone please clarify the statement “preponderance of the evidence”? What is the definition?

- Dr. Fredette: criminal trial standards are inappropriate to apply in a civil rights case at a university. The “preponderance of the evidence” is “51% chance of being true.”
- Dr. Fredette: thank you to Senator Wolf for reminding us that we have to be thoughtful about respecting the voice of faculty.
- Senator Kuruppallil: if this comes to a vote, I will have to cast a vote and I have not followed the fine details of this case. To make a decision based on who did the investigation (Title IX office? Someone else? Another committee?)
 - Dr. Fredette: Title IX office did the investigation per our university policy. Two separate committees did an investigation on more narrow issues, and the college did their own. We have broken up where we deal with sexual misconduct into multiple locations, and this makes it more difficult to identify patterns of behavior. The committee appears to have done their own investigation even though they are not empowered to do so, according to our policy, it should only be the Title IX office.
 - Dr. Chawla: There are two ECRC reports that both found preponderance of evidence. They are responsible for these investigations. There were two professional ethics committees who also recommended de-tenuring. There was a Scripps College faculty vote recommending de-tenuring, and Provost Djalali recommended de-tenuring. There is concern that there was a separate standard of evidence.
- Dr. Chawla (quoting from chat): what training did the committee receive?
- Senator Kurupallil: if Dr. Kalyango did not feel that the Title IX report was fair, was is the appeal recourse for Dr. Kalyango?
 - Dr. Chawla: that would go to the Ethics committee. But investigation happens from ECRC. Committees evaluate the findings, not investigate.
 - Senator: who investigates, one person, or a group of people?
 - Answer: a civil rights attorney
- Senator Bates: motion from Senator Sandal seconded by Senator Ridpath to suspend the rules.
 - Discussion regarding suspension: none
 - Explanation of vote: 2/3 of those voting must approve to suspend rules in order to move to a vote. Only senators may vote. Suggestion that it would be a wise idea for any Senator who were on any of these committees, or a member of the School of Journalism, to recuse themselves to avoid any appearance of conflict of interest.
 - Discussion of voting procedure: roll call vote.
 - 23 Ayes, 4 Nay, 23 Abstentions Motion passes, rules suspended.
 - Move to discussion and vote.
- Senator Clowe: after reading the report, have a concern about the “clear and convincing evidence” standard and whether it was applied to the actions or the due process granted to the faculty members.
 - Dr. Fredette: will re-read and then reply. Reply: the report lists

- Question: Can someone please explain why this final committee was convened, is this a standard part of the process or is that something different?
 - Chair Muhammad: it follows the Faculty Handbook, Sections 2D 4 and 5.
- Senator Webb: What kind of training does the committee have on sexual assault, sexual harassment, Title IX? Did the committee members receive any training in these matters?
 - Chair Muhammad: this training is not in the current procedures.
 - Senator Bates: only UPEC committees are required to go through Title IX training.
 - Senator Bates: there are several levels of committees, starting with ECRC that investigates, then UPEC to evaluate the report and make a recommendation (this is the only committee that is required to get training), then the recommendation goes to school or department for consideration, then to Faculty Senate Committee.
 - Dr. Fredette: the last committee's role was to consider whether these processes were followed properly.
- Senator Kurupallil: Question to Dr. Chawla and Dr. Fredette, the last committee was only supposed to investigate whether the rules were followed, not the case, whether it happened or not.
 - Dr. Fredette: that is correct.
- Question from the chat. It appears that the appeals committee should not have been allowed to consider the facts of the case. That in itself is a reason not to forward the report.
- Comment from the chat: any committee that works with evidence linked to a sexual misconduct should receive Title IX training.
- Senator Hiler: did the committee decide on a matter of guilt or not, or, did they decide on whether due process was followed.
 - Dr. Fredette: findings were both, not evidence of conduct and issues of due process.
 - Dr. Chawla: also the section on whether the proper procedure was followed is also not adequate.
- Senator Rosado Feger: Does the board of trustees receive all the reports, or just the last one?
 - Dr. Chawla: President Nellis shares this report but is not obligated to send the prior reports. This last report is the only thing forwarded.
 - Dr. Fredette: and the Board of Trustees is busy and has limited time to consider many documents.
 - Senator Bates: the Handbook says the final report is forwarded, it does not say this is the ONLY document forwarded to the board of trustees. Also, point of order, please use the hand-raise feature.
- Senator Bates, addressing questions of arbitration and mediation, these are not required processes.
- Senator Ridpath: the faculty member can appeal and follow the legal processes, we are only considering university procedures here.

- Senator Munhall: What did the Faculty Senate committee say was the problem with the process?
 - Senator Rosado Feger: the report has been forwarded but not publicly presented, we don't have an answer for that.
 - Dr. Chawla: report says process was biased and unfair.
- Senator Hallman-Thrasher; members of the committee cannot talk about their report, correct?
 - Senator Bates: yes, per Chair Muhammad, until the process is through.
- Senator Webb: just wanted to state the gravity of this decision, a faculty member who was found guilty of harassing students could be sent back into a classroom. Want to make sure this is understood.
- Senator Rosado Feger: I have not had a chance to read this report, the people who wrote it can't speak about it, and the process is incomplete. It's premature to throw it out and not forwarding it. Supports forwarding all reports, but cannot see not taking the opportunity to find out what's in it and be making a decision based on reporting from the Athens News.
- Senator Wolf: Sees this is as a case of due process, the handbook calls for a committee to be convened and issue a report, cannot understand censuring the committee's report.
- Senator Webb: three committees did find him guilty.
- Senator Wolf: but the work of the committee is being quashed. If the strength of the evidence is there, then all the evidence should be forwarded. The committee is convened and mandated by the Faculty handbook, their report should not be completely eliminated.
- Senator Webb: Respects the work of the committee, but if this is sent either by itself or in combination, we present an inaccurate picture and present the view that if a member of our committees steps forward, they will have to fight tooth and nail to be believed.
- Senator White: as a member of one of the ethics committees, would like to comment. This committee went beyond their mandate to examine the due process issue. This report, being the last one, could be seen as the last word from the faculty. The professional ethics committees received training, this committee went beyond their charge and did not have training to do so.
- Senator Clowe: Which report goes to the Board of Trustees? Only this one, all of them?
 - Senator Bates: the Handbook only requires forwarding the final report. President Nellis could choose to forward any or all. Handbook language says we have to forward it.
 - Chair Muhammad: the report goes to the Board of Trustees, and point of procedure, this was a two-day hearing, not an investigation. While training is not required for the committee, it would not be a proper assumption to say the members were not trained.
- Dr. Chawla: question for our colleagues. With this report, being forwarded, are we saying as a collective that the office that is trained to do these investigations does not hold any water? This report will supersede the others that have recommended detenuing. Do we need Title IX if this is how we treat these cases?

- Senator Welsler: comment to the situation of the students involved. Ohio University and ECRC aren't necessarily advocating for their rights, and only way to experience justice might be to engage in a federal lawsuit against the university. We are not in a position to provide them with justice.
- Senator Munhall: what is the argument against forwarding all the reports? Are we saying this report supersedes?
 - Senator Bates: the argument as I hear it is that it might be seen as the final word.
- Senator Pueschel: are the reports going to be sent before the next Faculty Senate? Are we under time pressure or can we take the time to read it before we vote? We should have clear idea of timing before we move forward.
 - Senator Bates: a link has been placed in the chat, to what the Athens news has presented as the final report.
- Senator Wolf: does the Board of Trustees have the report already?
 - Chair Muhammad: the report was submitted to the Board of Trustees
- Senator Kurupallil: then what are we voting about here?
 - Senator Bates: functionally to tell the BoT to not read the final report, but to read the prior ones instead.
- Senator Hess: the language in the resolution is not congruent then, because this report has already been submitted.
 - Dr. Chawla: we were unaware that the report had already been submitted
- Senator Webb: When was report sent?
 - Upon completion of the hearing, in late December, the report when to the President and then to the parties.
- Senator Bates: there are no friendly amendments we need a motion and a second to strike the first "Be it resolved" statement.
 - Sandal/Webb (withdrawn)
- Senator Casebolt: striking that statement does not accomplish what we want. It should say the report should be withdrawn and not considered by the BoT.
 - Motion: reworded to say "withdrawn and not considered"
 - Casebolt/Webb
 - Vote: 32 Aye, 0 Nay, 18 Abstain
- Senator Bates asked for further discussion, seeing none, proceed to vote.
 - Vote: 27 Aye, 1 Nay, 22 Abstain
- Senator Bates: Note that there are a number of senators who were members of the ethics committees, the hearing committee, or the School of Communication who have abstained to avoid any potential issues of conflict of interest rather than any comment on the merits of the case.
- Move to adjourn: Bates/Rosado Feger

Adjourned, 9:46 pm