

Faculty Council Meeting
November 4, 2004
3:30 – 5:30 PM
Faculty Club North

Members Present: George E. Billman, Diane W. Birckbichler, John D. Blackburn, Graeme M. Boone, Karen S. Bruns, Mark A. Bullimore, John R. Current, Steven M. D'Ambrosio, Philip T.K. Daniel, Allen R. Firestone, Susan W. Fisher, Jared Gardner, Jacqueline Gargus, Gerald S. Greenberg, Stephen DiBartola for Kenneth Hinchcliff, David G. Horn, Jennifer J. Kuehn, Stanley K. Laughlin, Karen M. Mancl, Charles W. Massey, Jr., Brian W. McEnnis, Dennis B. McKay, Jeffrey K. McKee, Randolph L. Moses, Berl R. Oakley, H.G. Parsa, John M. Parson, Stephen S. Pinsky, Jack A. Rall, Nancy R. Reynolds, Michael D. Trudeau, Harald Emil F. Vaessin, Marshall V. Williams and Charles E. Wilson

AGENDA:

A. Updates: Jack Rall

1. Faculty Senators were asked to submit a CV and/or biographical sketch to the University Senate Office. President Holbrook would like more interaction with faculty and she suggested regular interactions with faculty over lunch. The biographical sketches would be forwarded to the president's office when faculty senators are invited to lunch.
2. The President will soon distribute the University Leadership Agenda.
3. President Holbrook will be the speaker at the January Faculty Council meeting.
4. At the Senate meeting in November, President Holbrook will take questions.
5. The chair has volunteered the Faculty Senators to help with the process of letting the legislature know how valuable the University is to the State of Ohio.
6. The Council on Libraries and Information Technology needs a new member.

B. Proposal for creation of a Graduate Associate Compensation and Benefits Committee: Susan Fisher

1. This is a proposed rule to create a new Senate committee. This will give the Senate 16 standing committees.
2. The following issues were raised:
 - a. Is it wise to have another committee that has faculty as a minority; the Council on Student Affairs is the other committee.
 - b. Is this committee in the best interest of the graduate students? The students were thinking about unionization but chose this endeavor instead.
3. The proposed rule was sent to Faculty Council as well as several other groups.
4. Comments should be sent to Secretary of the Senate Susan Fisher. Comments will then be distributed to the Rules Committee.
5. *Comment:* Can the FCBC committee include graduate students in their group?
6. It was suggested to invite Barbara Pletz, President of Council of Graduate Students, to a future Faculty Council meeting to discuss the proposal.

C. Office of Research – Vision and Plans: Robert McGrath, Senior Vice President. Jack Rall introduced Vice President McGrath

1. For the first time in the institution's history, University researchers have received more than a half-billion dollars in research funding during the last year. The funding total is a milestone reached by only a few research universities. This total for the 2004 fiscal year is a 13.9 percent increase over the previous year. This achievement reflects the quality and diversity of basic and applied research underway at Ohio State and reflects the passion that faculty bring to their research. This research support was awarded through competition with thousands of other researchers from across the country. The fact that OSU fared this well is a tribute to the strength of the faculty at this institution.
2. Currently the University ranks 12th nationally in terms of research expenditures among public institutions and 18th nationally among all research universities. Institutions gauge their research progress both in awards received and expenditures made for research. The Office of Research looks forward to continuing this kind of growth in university research support.
3. Across the campus, researchers have used their expertise to solve problems affecting our health, economy, environment and quality of life. There are also numerous opportunities for students to do research with our faculty.
4. Medicine and public health units on campus, which have the most research funding, received a 9.3 percent increase over last year's research dollars. The National Science Foundation awards increased 29.2 percent. Research awards from the National Institutes of Health have climbed an impressive 42 percent since 2001. Ohio State ranks sixth in the country among all universities for industry-sponsored research.
5. Faculty were advised to meet budget deadlines earlier than they had been doing. However, he said no proposal deadlines have been missed so far.
6. On November 5 Ohio State University and Battelle Memorial Institute will sign a memorandum of understanding to enhance collaboration. President Holbrook and Battelle President and CEO Carl F. Kohrt are declaring their intent to leverage their institutions' strengths to expand and enhance the nature and scope of future collaborations. The signing will take place at Longaberger Alumni House before the University's November Board of Trustees meeting.

D. Review of Secretary of the Faculty Position: David Horn

1. David Horn substituted for Chris Zacher who chairs this committee.
2. The Secretary of the Faculty position was created in 1999. This followed the elimination of the Ombuds position. It was created with a multiple and complicated charge:
 - a. The secretary of the faculty was to be an advocate for the faculty. The secretary was to serve as a link between the faculty and the administration.
 - b. The secretary was also to have an advisory position for individual faculty regarding university-wide policies such as academic freedom, P&T, sexual harassment and external consulting, etc. The secretary was to provide guidance to faculty and to steer them to the appropriate bodies, which would provide further information.

- c. The person in this position was to encourage participation in faculty governance.
3. The widespread perception is that the position as it is currently defined is not working well.
4. Last year the Steering Committee appointed a committee to review the position; Chris Zacher is the Chair. The committee includes, Chris Zacher, Susan Fisher, Jack Rall and David Horn. They met over the past few months with the two people who have held the position in the past, with the Provost, the President, people from legal affairs, past and present Directors of the Women's Place, AAUP and other constituencies on campus that provide advice to individual faculty.
5. It is not clear if the position was known, visible or well understood by faculty. Because of the confidential nature of the advice provided to faculty, detailed records were not kept. Problems were brought to the Secretary of the Faculty but it is not certain what those problems entailed. Whether these were problems that could have been resolved by other people is not clear.
6. It is the sense of the committee, although final recommendations have not been made, that there are too many conflicting charges for this position, that many of the original duties could be met in other ways on campus, e.g., the women's center, the dispute resolution process, and/or by new online resources available to new faculty, especially in the form of an online faculty handbook.
7. The committee has discussed the possibility of creating Faculty Council Fellow position that would be appointed for a fixed term, e.g., two years, six or three months.
8. In summary, the committee at present is not inclined to recommend eliminating the position or to change the rule that created the position but to experiment for a year or more with other kinds of solutions. At that time the rule could be revisited when there is a better sense of whether there is an ongoing need for the position and a better sense of what some new mechanism such as dispute resolution is able to accomplish.
9. The committee wants the advice of Faculty Council on this issue. If the position is not renewed, would it be missed? Is it well known amongst the faculty? How would you react to a Faculty Council Fellow or Senate Fellow replacing the Secretary of the Faculty to work on specific tasks? Comments should be sent to chair Chirs Zacher.
10. Questions, comments and discussion:
 - a. Q: What would happen to the budget that was allotted for this position if the position is not filled? A: The Faculty Fellow would be another way to use the funds.
 - b. Q: Has anyone heard of the Secretary of the Faculty position? Would it be a loss if there were no Secretary of the Faculty? Do faculty ever feel a need to ask someone outside of their department or college about a sensitive issue to get an unbiased opinion? A: Some faculty believe that the position was not well advertised. The committee is reluctant to recommend abolishment of a position that supports faculty. The committee would rather see the position converted to something called a Faculty Council Fellow.

- c. Q: The title of the position would not cause faculty to look up information about the position. A: The two faculty members who left the position may have felt that it was not well recognized by the administration.
- d. Q: It was requested that a formal description of the position be sent out to Faculty Council. The faculty did not know that this resource was available and could have benefited from this person. A: Chair Rall will distribute the formal job description.
- e. Q: Dispute resolution is available to the faculty but that both people must agree to enter into this discussion. A: There must be a dispute for two people to enter into this program.
- f. Q: The ombuds person tried to solve problems. The Secretary of the Faculty position was not supposed to solve the problem but to give individual advice on how to deal with the issue instead. Why was this changed? A: The ombuds person was getting into the middle of issues. There was a sense that this was causing more problems instead of solving problems.
- g. Q: A more descriptive title would help. What per cent effort is devoted to the position? A: It is a ½ FTE.
- h. Q: The Women's Place was formed about the same time and it was noted that this group has done a good job of alerting the faculty to their existence. Thus it might be a good model for the Secretary of the Faculty position.
- i. Chair Rall said that this issue will be brought back to Faculty Council for further discussion.

E. Report from the Senate Hearing Committee: T.K. Daniel

- 1. There are significant issues from the Hearing Committee that need to be presented to and discussed with the Faculty Council.
- 2. The Hearing Committee handles four kinds of complaints divided into two categories. The Hearing Committee receives complaints by faculty of improper evaluations, which would entail issues of constitutional rights and/or issues of inadequate consideration of facts. The committee follows the path of decision making beginning from the department and continuing to the Hearing Committee. The other two kinds of issues involve complaints against faculty involving gross incompetence or grave misconduct. Over the past five years the committee has considered only one hearing regarding grave misconduct.
- 3. The first two kinds of hearings come as a consequence of referral by the Committee on Academic Freedom and Responsibility (CAFR). Fourteen cases were referred and the Hearing Committee handled six. The committee has dealt with five of the disputes. Four of them we have recommended in favor of the faculty member. The fifth is pending.
- 4. What CAFR and the Hearing Committee have found is that there are trends that have arisen over a number of years. These trends are:
 - a. An emphasis of one criterion over another. The criterion changes depending on who is making the decision, e.g., whether it was the department, college or the university advisory committee to the Provost.

- b. A Promotion & Tenure (P&T) Committee might disagree with the administrators with regard to the content and the quality of the journals of publication.
 - c. Introduction of information into the evaluation process after the dossier has been submitted without the knowledge of the faculty member.
 - d. These trends have been going on for some time. The result is that the plaintiffs come to the Hearing Committee. Some of these problems are based on indistinct or inexpressive rules.
5. The Hearing Committee as a standing committee of the Senate is the last line of faculty decision relative to P&T evaluation. After that it goes to the Office of Academic Affairs (OAA), Provost, President and then the Board of Trustees.
6. Another important issue is the use of collegiality in the evaluation. This occurs repeatedly. Case law coming out of the State of Ohio (Kirsch vs Bowling Green State University, 1996) indicates that collegiality can be used as long as it is integrated with the indices of evaluation – teaching, research and service. It is very clear that a university may use collegiality but it is not required. AAUP suggests that it not be used because it has a chilling effect on academic expression and there is also possible misuse on the basis of discrimination.
- a. As a point of discussion: should collegiality be used in faculty evaluation for promotion and tenure?
 - b. Has there been dialogue on this issue? What is the sentiment of the faculty?
7. OAA has stated that it is the job of the Hearing Committee to determine if there is a flaw in the due process.
- a. In this regard, the chair of the Hearing Committee (T.K. Daniel) has prepared a memorandum to the Hearing Committee (24 members) in which Hearing Committee responsibilities in various places of the University have been drawn together, i.e., a roadmap of how to do the job.
 - b. The role of the Hearing Committee is based not only on procedural due process but subject to due process as well.
 - 1- The first thing is fundamental fairness of any evaluation.
 - 2- The second is the faculty member’s protection against arbitrary and unreasonable decision-making.
 - c. At first, the administrative reaction to that was not positive.
 - 1- The Hearing Committee chair’s reaction was: “Is the job to just dot I’s and cross T’s”?
 - 2- There is a possibility of a compromise. The compromise for would be: fundamental fairness, which is procedural as well as substantive due process.
 - 3- The by-laws state that this is job of the Hearing Committee.
 - d. The Hearing Committee should look at the cases to see if they meet due process criteria and ultimately consult with OAA. With regard to allegations of gross misconduct and or incompetence or financial exigency or program discontinuance, the by-laws are very clear. Appellate review. In this case, the appeal would come first to the Hearing Committee. What is appellate review? It means that the Hearing Committee will look at the validity and appropriate use of authority at all levels.

8. Questions, comments and discussion
 - a. Q: Has OAA accepted this interpretation? A: A compromise is in the works.
 - b. Q: Could the Hearing Committee memorandum be made available? A: Yes.
 - c. Q: Is there a standard definition of collegiality? A: Definition is on a unit-to-unit basis. Not known if there is a University definition of collegiality. Whereas collegiality may not be in a P&T document it is in the law. Collegiality cannot be used as an independence criteria but it can be integrated into criteria.
 - d. Q: If a case must go back where does it go? A: It could go back to any of three levels, depending on the case, department, college or the dean. The reason for this is that negative decisions occur at different levels. OAA was very cooperative about sending a case back to one of these levels.
 - e. Q: How effective are these re-evaluations? R: The Hearing Committee has been very successful in resolving these re-evaluations. More needs to be done with the by-laws. The Hearing Committee is taking an interpretive approach.
 - f. Q: Is CAFR looking into the issue of collegiality and if so is the committee satisfied with the situation in the University. R: The issue is very confusing (Graeme Boone, chair of CAFR).

F. Report from the Senate Program Committee: Allan Silverman

1. The President will speak and take questions from Senators about the State of the University and Leadership Agenda at the Senate meeting on November 18. She will make comments on the Leadership Agenda at the beginning of her presentation.
2. President Holbrook has agreed to spend from one to one and half hours taking questions.
3. The only other real item on the agenda for the meeting will be Interim Executive Dean Jacqueline Royster's ten to fifteen minute presentation of the State of the Federation of Arts and Sciences.
4. After this she and President Holbrook will begin taking questions from the faculty and others. This is an open meeting.
5. The following stratagem was decided on:
 - a. All members of the Senate will be invited to submit questions.
 - b. Names will be removed from the questions, if desired, and the questions will be sent to the President before the Senate meeting.
 - c. Please send invitations to colleagues to submit questions.
 - d. Questions should not be limited to the President's address.
6. Questions, comments and discussion
 - a. Q: With this format, you are going to end up with something as contrived as a presidential debate. There is no room for redirect. Also, your committee or administration would pick the questions. While this is a great opportunity, this might not be the optimum way to do this. R: Part of the meeting will be like a town meeting with questions coming from the audience. The time will be split between the two dialogues; questions picked ahead of time and questions from the floor.

G. Other Business: Charles Wilson

1. As of October 1, 2004, the University changed its guidelines with respect to funding student organizations to allow certain student organizations to engage in discrimination and still receive university funding and official recognition. Several of the students and faculty in Law college and faculty from other universities are concerned about this matter. This issue is being brought before Faculty Council because of the concern about this issue of discrimination. The issue is whether University monies should go to fund groups that refuse to sign the University's anti-discrimination policy and if they should be officially recognized with all of the benefits they get from this recognition. There has been no faculty response in this regard.
2. Questions, comments and discussion.
 - a. Q: It was suggested that a proposal be drafted to facilitate discussion.
 - b. Q: Is the University policy in writing? R: There is a University press release about this issue.
 - c. Comment: This is a very complicated constitutional issue.

Meeting adjourned at 5:25 p.m.