

ACADEMIC SENATE MINUTES

November 1, 2000, 4:00 p.m.

Room 132, DeBartolo Hall

Note 1: Please submit agenda items and cover sheets for the December 6 Senate meeting to Bege Bowers, English Department, by noon on Tuesday, November 21, because of the Thanksgiving holidays. Provide both a hard copy and a disk copy of your report and cover sheet in Word or rich text format. A downloadable cover sheet is available at the Academic Senate web site:

<http://cc.ysu.edu/acad-senate/index.html>

Note 2: Since we did not have a quorum at the November 1 Senate meeting, no action could be taken at the meeting. The minutes below record reports and discussion.

Note 3: If you want to read or print the pdf version of these minutes and you don't have *Adobe Acrobat Reader*, you may download the program for free at the following link:

<http://www.adobe.com/products/acrobat/readstep2.html>

Use the Acrobat Reader menus or toolbar to print the file, not the menus or toolbar in your web browser.

OVERVIEW:

Topics presented/discussed: “Mismatches” between Senate-approved policies and procedures and the university *Bulletin*; course-tracking procedures; higher-education funding in Ohio; Charter and Bylaws Committee report on the Ohio Open Meetings Laws; Academic Standards Committee report on GER requirements for transfer students; Curriculum Committee report on open versus closed deliberations; General Education Committee report on open-meetings issue.

ACTIONS: In the absence of a quorum, no action was taken at the November 1 meeting.

CALL TO ORDER:

At 4:12 p.m., Jim Morrison, chair of the Academic Senate, announced that we would proceed with an informational meeting so that committees could make reports.

MINUTES OF THE PREVIOUS MEETING:

In the absence of a quorum, the chair could not call for approval of the minutes of the 4 October 2000 Senate meeting. They are available at the Senate web site.

SENATE EXECUTIVE COMMITTEE/REPORT FROM THE CHAIR: Jim Morrison made the following report:

The Senate Executive Committee (SEC) has met and is considering concerns that have been raised related to “mismatches” between what was approved in the Senate during the rush of semester conversion and the conversion to the new general education requirements, on the one hand, and what is stated in the university *Bulletin*, on the other—for example, some of the catalog descriptions of programs, lingering catalog language no longer relevant under current procedures, etc. The SEC will ask pertinent committees

to review those portions of the *Bulletin* that are appropriate to their committee, to look for mismatches with policies and procedures passed by the Senate, and to suggest changes if they feel changes need to be brought before the Senate for approval before the printing of the next *Bulletin*.

The SEC will also attempt to meet with members of the administration to assure that there is a process for maintaining Senate record-keeping in a central place and that there is a system for tracking courses and programs from the time they are initiated by the department to the time they are sent to the Board of Regents. The SEC isn't suggesting failure on the part of those who handled getting material into the *Bulletin*; many of the problems are the result of the slowness with which we were able to get some programs approved last year. Sometimes, editorial and substantive changes were handwritten on the forms and easy to miss.

OHIO FACULTY COUNCIL REPORT: Tom Shipka, our elected representative to the OFC, made the following report:

Shipka: The Ohio Faculty Council met in Columbus on Friday, October 13, from noon until 4:00 p.m. The OFC reviewed a draft mission statement and sent proposed changes to a subcommittee for submission to the group at the November meeting. It was also agreed that officers of the OFC will be elected in November via e-mail balloting. Much of the afternoon was spent with the members of the OFC getting to know Chancellor Roderick Chu and Chancellor Chu getting to know us. The Chancellor reviewed the proposed higher education budget, offered his opinions and insights on a wide-ranging set of issues, and engaged in dialogue with the members for some two hours.

The main theme in his discussion of the budget was that Ohio is at a crossroads in higher education funding, and—given the state's prosperity—the Legislature and the Governor need to take a dramatic and unprecedented step in funding. He pointed out that much of his time is spent cultivating business and corporate leaders to generate support for increased funding. He said that arguments to increase funding by himself and others in higher education are seen as self-serving and that it is therefore necessary to cultivate support outside OBOR and the colleges and universities. He cited the downward trend in per capita income in Ohio and said that it will be reversed only when Ohio has a work force that is qualified for the new and changing economy.

The Chancellor explained that the type of students that we need to produce in our colleges and universities is not simply individuals who are computer literate but individuals who write well, speak well, work well with others, solve problems, and think critically also.

He dealt with private higher education for a time in his remarks, saying that the state supports some 50 private institutions in many ways and that he does not expect this long tradition to change. He pointed out that about 400,000 FTE students attend Ohio public colleges and universities and 100,000 FTE students attend Ohio private colleges.

Finally, at the October 13 meeting OFC members volunteered for various tasks that need to be carried out this year.

At this point Shipka invited questions and pointed out that OBOR has put out its first-ever annual report on the state of higher education in Ohio.

Barbara Brothers: Did they give figures for the state dollars used to fund private education in Ohio—how much state money goes for public higher education versus how much goes for private?

Shipka: He didn't give specific figures; he did list categories of support. If I heard properly, we support public and private higher education in the same ways, with all of the same programs and opportunities, except for the direct subsidies. Everything else—OhioLINK, Eminent Scholars, Choice grants, Research Challenge funds, virtually every type of financial aid, research support, etc.—is available to both public and private higher education in Ohio. Reading between the lines, I think he seemed to be saying “That is the hand we've been dealt in Ohio, and it would be virtually impossible to alter it in the near future.”

After the meeting, Shipka provided some **additional information:** The Ohio Board of Regents annual report, entitled “From Strong Backs to Sharp Minds,” and a study of Ohio higher education called “Get the Facts” are available on the OBOR web site at <<http://www.regents.state.oh.us>>. Click on “News & Information.”

CHARTER AND BYLAWS COMMITTEE: Dale Harrison, chair of the Charter and Bylaws Committee, reported:

Harrison: Research continues on whether portions of General Education Committee and Curriculum Committee meetings may be closed. The Charter and Bylaws Committee is in transition. The three newly elected members of the committee will have to become familiar with this issue.

At the September Senate meeting, I reported that the Charter and Bylaws Committee had been asked to address the issue of whether Ohio Open Meetings Laws take precedence over *Robert's Rules of Order* and any action taken by the Senate. At that meeting, the General Education Committee's motion to approve its course-flow proposal was tabled to allow time to arrive at a “mature” decision “about whether or not . . . closed hearings are in accordance with the laws of operation of the state of Ohio.”

In addition to the opinion of the university counsel, the Charter and Bylaws Committee received the opinions of two attorneys and a media law expert, all of whom say the Open Meetings Laws of the state of Ohio do apply to the Senate and its committees. We have found one relevant precedent, *The Toledo Blade v. The University of Toledo Foundation*. In that case, the Ohio Supreme Court said the Open Meetings Laws do apply to the foundation. This shows how liberally the court has interpreted this law—that it even applies to a foundation, which is a private organization.

The committee has a more lengthy report, but because the remainder of the report addresses the motions for today's meeting found in the General Education and Curriculum Committee attachments to the agenda, I would like to request that the chair of the Senate allow the remainder of the report to be held until quorum is reached. I request an opportunity to present the remainder of the report first if a quorum is reached.

Morrison: Granted.

ELECTIONS AND BALLOTING COMMITTEE: No report.

ACADEMIC STANDARDS COMMITTEE: Martha Pallante, the newly elected chair of the committee, reported:

Pallante: Jim Morrison, who attended the October 10 meeting of the Academic Standards Committee (ASC), spoke to the issue of GER requirements for transfer students. He indicated that there have been questions about who is responsible for deciding what is required for transfers, the standards used in making those decisions, and the source of the material in the *Bulletin* concerning such requirements.

A lengthy discussion of these issues ensued, including whether the questions involved procedures or standards, and the need for a reexamination of the “equate” module for transfer courses. After reviewing these issues, the ASC determined that it had previously made recommendations on these issues (see the January 12, 2000, minutes of the Academic Standards Committee) and that those recommendations were approved by the Senate (see the minutes of the January 19, 2000, Senate meeting). The ASC thus believes that these issues are now administrative/procedural issues rather than standards issues.

ACADEMIC PROGRAMS COMMITTEE: No report.

UNIVERSITY CURRICULUM COMMITTEE: Tammy King, chair of the committee, reported:

King: Two colleges still are not represented on the University Curriculum Committee (UCC), and we need to fill these positions as soon as possible. We need input from those colleges as we decide important issues for the university.

On Wednesday, November 8, at 3:00 p.m. in the Chestnut Room, we will offer a training seminar on how to fill out curriculum forms. We urge people interested in what “course types” or “technology types” are, what “CIP codes” are, how to fill out forms, etc. to come. Jan Elias and Jayne Caputo will be there.

At the next Senate meeting, since there is no quorum today, we will go forward with the motion that we’ve presented. We are eager to hear the results of the Charter and Bylaws Committee’s investigation. However, our own independent research, done in conjunction with the General Education Committee, found no case law dealing with this issue of open versus closed hearings.

If you read our motion closely, you will find that the hearing process will be open. Anyone who has concerns about a course may attend and comment. The only part that we wish to close is the deliberation of the Curriculum Committee as it makes its decision. That decision will be put in writing and will be public. If there is disagreement with the recommendation of the committee, the matter can come to the Senate. That hearing stage is just one step in the process.

ACADEMIC PLANNING COMMITTEE: No report.

GENERAL EDUCATION COMMITTEE: Bill Jenkins, chair of the General Education Committee (GEC), reported:

Jenkins: The GEC also is planning to bring forward its motion regarding the proposal flow form and continuing to have a closed deliberative process. We will present the arguments later on, but I would like to comment on what Dale Harrison had to say about the Charter and Bylaws Committee making a decision.

Since this is a legal matter, a matter decided by courts and by law, I don’t think it is something that the Charter and Bylaws Committee is empowered to decide. I think the Senate itself has to make a decision about this issue, given what advice comes forward. We can gather legal opinions—and there are *varying* legal opinions about what might or might not apply. I don’t see that the Charter and Bylaws Committee can come in and say, “The decision is clear that the open-meetings law applies to us.”

Moreover, we have checked with the university lawyer, Sandra Denman, and she says (1) that there’s no case law in Ohio regarding this area, (2) that the general disposition of other state universities that she has heard from has been that this law does not apply, and (3) we are not making in those deliberations a final

judgment; we are making a recommendation to the Academic Senate. The “Sunshine” laws apply specifically to “decision-making” bodies. For those reasons, we will follow the Senate *Bylaws* and *Robert’s Rules of Order* in regard to this matter, but ultimately the decision about how open the meetings should be is a decision to be made by the Academic Senate.

Dale Harrison: I would like to respond as a matter of clarification. The Senate referred this issue to the Charter and Bylaws Committee to determine whether the Senate *Charter* and *Bylaws* need to be changed to reflect open meetings. To determine whether they need to be changed, we have been looking into whether these Open Meetings Laws apply. If we conclude that these laws do apply, we are likely to suggest a bylaw that covers these laws. We are seeking legal opinion as well. So far, we have the advice of two attorneys and one media-law expert, all of whom believe the laws do apply.

I agree that this is a decision to be made by the Senate. What makes one committee’s needs to have closed meetings, if the matters are just curricular, greater than the needs and business of other committees? If we approve closed hearings, all committees may want to close portions of their deliberations. We would be setting an untenable precedent.

I don’t mean to be threatening, but I want to be pragmatic. Were the Senate to close portions of its meetings in violation of the Ohio Revised Code, then the Senate is *not* the final decision-making body on this issue. It could be a matter for the Ohio Supreme Court. If the Ohio Supreme Court finds that a public body has violated the Open Meetings Laws, then everything that body has done would be declared null and void, no matter how long the body has been operating. The Senate, the responsible party, would also be subject to fines, attorney fees, and court costs.

Jenkins: I would agree that the Charter and Bylaws Committee can make a recommendation, but it’s not a decision; it’s a recommendation.

INTEGRATED TECHNOLOGIES AND UNIVERSITY OUTREACH COMMITTEES: No reports.

LIBRARY COMMITTEE: Tom Atwood reported on the October 13 meeting of the Library Committee:

Dora Bailey was elected chair of the committee. Members of the committee volunteered to serve with library staff on task forces to consider collection, staffing, instruction, and professional development. A demonstration of Maag Library’s new web site, OhioLINK, electronic journals, e-books, and academic databases was presented at the October 13 meeting.

ACADEMIC RESEARCH, STUDENT ACADEMIC AFFAIRS, STUDENT ACADEMIC GRIEVANCE, HONORS, AND ACADEMIC EVENTS COMMITTEES: No reports.

UNFINISHED BUSINESS: None. Jim Morrison asked us to remind Senate representatives that we have matters that need to be considered. The December meeting is the last Senate meeting of the semester.

NEW BUSINESS: None.

ADJOURNMENT: The meeting adjourned at 4:35 p.m.

Attendance Sheet for November 1, 2000 (Scanned Image), is in a separate pdf file.