

**THE UNIVERSITY OF TOLEDO**  
**Minutes of the Senate Meeting of November 10, 2009**  
**FACULTY SENATE**  
<http://www.utoledo.edu/facsenate>

Approved @FS mtg. on 12/1/09

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**HIGHLIGHTS**

**Prof. Steve Peseckis, Chair, Undergraduate Curriculum Committee**  
**Prof. James Trempe, Interim, Sr. Director, Research Administration**

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**Note:** The remarks of the Senators and others are summarized and not verbatim. The taped recording of this meeting is available in the Faculty Senate office or in the University Archives.

**President John Barrett** called the meeting to order, **Nick Piazza**, Executive Secretary, called the roll.

**I. Roll Call –2009-2010 Senators:**

**Present:** Anderson, Ankele, Barlowe, Barnes, Barrett, Baumgartner, Brickman, Chiarelott, Coventry, Crosetto, Dowd, Elmer, Fink, Fournier, Giovannucci, Gunning, Heberle, Hoblet, Horan, Hornbeck, Hottell, Jenkins, Jorgensen, Kistner, Laux, Marco, McSweeny, Metting, Moore, Nandkeolyar, Niamat, Nims, Oliver, Peseckis, Piazza, Plenefish, Powers, Powless, Randolph, Regimbal, Rouillard, Shriner, Skeel, Solocha, Teclehaimanot, Thompson-Casado, Tietz, Wedding, Wolff,

**Excused absences:** Caruso, Denyer, Dupuy, Grothaus, Humphrys, LeBlanc, Lee, Olson, Sheldon,  
**Unexcused absences:** Barden, Duggan, Kennedy, Malhotra,

A quorum was present.

**II. Approval of Minutes:** Minutes of 10/27/09 were approved as distributed.

**III. Executive Committee Report:**

**Executive Secretary Nick Piazza** is asking the Senators and guests to introduce themselves before speaking to get the speakers' names recorded accurately in the minutes.

**President John Barrett:**

We don't have the provosts here today so there will not be a provost's report.

**President's Report 11/10/09**

We have a full agenda today, so let's jump right in.

As you all know, at our last meeting Jim Trempe was supposed to give a report on the proposed revisions to the Misconduct Policy, but we ran out time so Jim will be talking to us today. However, the policy had already been posted and the comment period was scheduled to expire before the minutes from this meeting could be approved and sent out. The comment period can be extended only by Pres. Jacobs, and I would like to thank him for extending it through Dec. 4.

We have set the dates for a Renewal and Promotion Workshop and a Getting to Professor Workshop. The former will be on January 22 and the latter on February 5. More announcements will be made as the date approaches.

With regard to committees, the Policy Committee on the Health Science campus has a vacancy and no current members from the College of Medicine, so if anyone is interested in volunteering, please let me know. Given a lack of volunteers, the FSEC has decided to let the ad hoc committee on challenges and opportunities die. The ad hoc committee on bringing our cultures' together is currently comprised of Barbara Floyd, Jamie Barlowe and John McSweeney. If anyone else is willing to be involved with this important committee, please let me know.

In an effort to make the FSEC more accessible, as many of the Executive Committee as possible will arrive at each Senate meeting half an hour early starting with our next meeting on Dec. 1st. We will be available to take any questions you may have and to hear any concerns you wish to bring to our attention. Additionally, we are posting all log items on the Senate webpage along with a statement of the current actions being taken with respect to each item. This week we received one new item requesting a report at the December meeting on the status of the searches for permanent deans for the College of Education and for A&S. We have asked the Provosts to prepare a list of all interim positions at the level of dean or above, along with an anticipated timeline for filling such positions. Hopefully we will get this soon and it may answer this log item. In any event I will request that Provost Haggett address this matter, along with matters of Gender Equity in her report at the December meeting. I am happy to report that each member of the FSEC has received draft organizational charts for the university, including the names of people in most positions. The document is a draft and is rather long, so we are not making copies for senators, but it is anticipated that the university will have this posted on the web by the end of the year.

To help facilitate voting and to remove any peer pressure from the voting process, we are trying to get clickers so that we can vote electronically. If anyone is aware of a cache of available clickers, please let me know because if we have to buy them it will cost around \$2500 and we really do not have the budget for that. If not, I will request a budget amendment so that we can buy some.

On the shared governance front, the Executive Committee forwarded all nominations it received to the Board of Trustees, along with a recommendation of two of the nominees for each committee. Given the short time frame, the Executive Committee voted to determine the two names that would be recommended. The board hopes to have the appointments made before the December meetings. Also, a couple of members of the board will be meeting with the executive committee this Thursday to discuss the appropriate way for faculty to give input to the board on its assessment of the president. Additionally, Jamie Barlowe and I met with President Jacobs, Provost Gold and Scott Scarborough last week to brainstorm about ways to improve shared governance. I believe the president is sincere in wanting to decrease the tension between us and he is willing to consider almost any reasonable suggestion for improving shared governance. We discussed the possibility of forming a president's advisory committee made up of both senators and non-senator faculty that could meet regularly with him. We also discussed the possibility of negotiating a contract or treaty with senate further clarifying the scope of authority for senate. We even discussed holding a retreat for senate and President Jacobs to try to work out our differences. All of these appear to be workable alternatives from his perspective, but I want to turn this back to us. What is it that we want this administration to do? What voice do we want? If you will tell me or the executive committee what you think needs to be fixed and how we should fix it, it would give us things that we could ask be changed to improve our relationship. Merely complaining because we don't like decisions the administration makes is not improving anything.

With regard to assessments, let me start by updating you on the board's assessment of the president. Apparently, the assessment has not yet begun. Last year an assessment tool was borrowed from another institution and this was not felt to be very effective, so the board wants to do something different this year. To assist the board, I sent Olivia Summons a copy of the tools we used to assess the deans two years ago. The board also recognizes that it needs input from a broad range of stakeholders to perform an effective assessment, which is why the executive committee is meeting with part of the board later this week. Obviously, we need to bring to closure a decision of how we wish to proceed on the assessment issue, but I would ask you to consider giving the executive

committee some flexibility to respond to whatever arises in this meeting. As for our assessment, last week you all received the statement of the options available to us along with a description of summative and formative. When we get to action items, I think we need to decide how we wish to proceed, and appoint a committee to coordinate the process, regardless of the option chosen. For your information, I received the following feedback from faculty: with regard to the approach we should take - 1 person advocated the prior approach, 4 said we should go our own ways, 1 said we should hire an outside firm, 2 people suggested we do whatever the board will listen to, and 1 stated no preference as to approach so long as all faculty were included; with regard to the tool to be used: 13 thought the tool used last time is fine, 3 consider it to be inadequate and 1 said it needs to be summative. A couple of people have also volunteered to be on a committee to coordinate the process, depending upon the one which one we choose. That being said, we will need additional volunteers, so if you are willing to work on this, please let me know. President Jacobs also asked me to convey that it is his strong preference that we choose to jointly undertake a 360 formative assessment using an outside evaluator. If we choose this option, he is willing to work with us to select the appropriate agency and the means of selecting the faculty to be sampled. He also told me that the sample passed out at the last meeting came up in part as an attempt to find an evaluation company he has never dealt with before, since he has been through a number of these processes. The last thing I would like to talk about today is "we". Now, while I thoroughly enjoy the similarly named video game system, what I am talking about is the number of times I see a phrase like "we have always done x" when I go through Senate minutes. The problem is it just isn't true most of the time. We may have always done x on one campus, but that does not mean that it is an established practice for all of us. I know many are frustrated with how long it is taking us to decide on a course of action to take. However, I would ask that we all try to be patient. We are still undergoing the birth pains of a new merged senate; we are establishing the practices and traditions that "we" as a merged institution will follow. As such, things will take longer than many would like, but it is vital that we allow people to say their peace and that we carefully consider what will soon become precedent. I realize I tend to err on the side of letting people talk too much, and for that I apologize. However, I also think that at this time in our history, it is the correct way to err. Finally, we have had a number of difficulties in transcribing Senate minutes. To aid in this, please state your name before you begin speaking and please speak one person at a time.

Any items from the floor?

**Senator Wedding:** I think when the President of this university comes here to address the Senate, he should not have to wait an hour to talk to us. I think we should always schedule him at the top of the agenda because he is the number one person on this campus and we all want to hear him. Last time we had to wait for over an hour for him to talk. That's unacceptable.

**Senator Jorgensen:** You asked us what we might do to work more closely with the President in terms of decisions. I think the simplest way of stating it is that discussions need to be before decisions are announced. Again, within the past week or so the decision to have an interview of all the candidates up for tenure is one by an imperial administration without much knowledge of what is the best practice in higher education. It wasn't discussed. I presume the Executive Committee wasn't aware of any discussion, if you were, please correct me. How can we work affectively with the President who is not talking before making final, firm decisions? It's very frustrating and the frustration is coming about by decisions that are beyond us, yet they affect us in a very significant way.

**President Barrett:** This is the single thing that we most comment on to the administration- how important it is to consult us before decisions get made. I do think on the whole it has gotten better, but I would agree that far too often things still get announced without having first consulted with us. We will continue to press for that, it is obviously one of the keys to assure shared governance and we need to press to get it as close to 100% as we can.

**Senator Oliver:** Where did the idea of using 'clickers' come from?

**President Barrett:** It kind of derived out of the shared governance brainstorming session that Jamie and I were at last week. We just thought that we have seen them at presentations at various

times, and a number of faculty use them in their classrooms, I was frustrated how much time it took to get an accurate count at our last meeting, and the clickers would make it instantaneous, and it also makes the votes confidential, which I think it's advantageous because not everybody wants their vote to be known all the time. Secret ballots are slow and cumbersome.

**Senator Tietz:** I was unaware of the decision of the President to interview all tenure candidates, and I think that is rather surprising and rather severe issue. The tenure is a purview of the APT Committee and the deans which grant that tenure. I'm sure whether the senate has decided to respond to that or not, I think that is something that needs to be responded to as an academic body. It's highly irregular. Has Senate considered that or not?

**President Barrett:** I learned about this at the end of last week. We, the Executive Committee, met late Friday afternoon and discussed it briefly and the sense was that this was a matter of collective bargaining and it is best responded to by the AAUP and any other appropriate body. When I saw President Jacobs briefly on Friday, I mentioned that we need to talk and that I would like him to explain why he is doing this. I have not had a chance to talk to him and get his view. **Senator Tietz:** To follow up on this, we on the Health Science Campus, the majority of us are not members of the AAUP, and it's a serious question or issue for all of us independent of those who are members of the AAUP.

**Senator McSweeney:** I would agree with Dr. Tietz that this is an academic issue and the Senate should be in the business of protecting academic freedom: it's not purely a collective bargaining issue. I understand that the AAUP does represent people on the Main Campus and there is a collective bargaining aspect to it and certainly I have no right to express their point of view. At the same I believe the Senate is a representative of all the University faculty members and has the right to express opinions concerning academic issues.

**Senator Heberle:** I agree with what has just been said. It is as much an academic issue if not more so, than it is a collective bargaining issue. I would also like to express that is extraordinarily demoralizing that a president of a university doesn't have any apparent.... when he sort of looks at the process that get's people's letters of tenure to his desk. What I would like to hear from the president is what purpose does it serve by this beyond the vacuous notion that he wants to get to know them in a 15 minute interview that he can't get from the paperwork. More important question is as the Executive Committee of this body what you think shared governance mean. It seems to me I have only been to three or four meetings this year, if the administration acts as all the Faculty Senate body is react and not the shape of resolutions, getting up in front on an issue like this on the day it was announced, last Thursday, so there has been several days. This is an emergency issue. I think the Faculty Senate may be by the leadership of the Executive Committee is to get out in front of this. And to have a recommendation coming from the Executive Committee is to what we can do with this issue. What I see happening is a lot of discussions going on between the Faculty Senate leadership and then nothing getting done by this body itself. So I am just confused as to what the Faculty Senate Executive Committee sees as shared governance. What is your vision of this, is it lots of discussions with them and then reports to us. I tried to make motions and resolutions from the floor but I don't think that's affective in this environment. I am just confused as to what we think shared governance means, in terms of a process this body is experiencing this year.

**President Barrett:** I will let others respond as well, but I as a lawyer, I view authority as deriving in the strict legal sense from wherever it is codified, in this case it would be in the Board. The Board has chosen to give authority to the president, so we don't have a lot of direct legal authority. So shared governance in that situation is trying to negotiate for authority in places where we feel it is appropriate and then have that delegated to us, it is getting faculty involved in every committee of the university to have input in the decision making for whatever is going on. It is meeting regularly with the top administrators and giving them feedback and input in during decision making into alternatives before decisions get made so that better decisions occur and being accountable to you all and all of the faculty, including having whoever is on whatever committee reporting back on developments. If time permits I try to get feedback and input from you and from faculty so that we don't just say what we think personally or as FSEC to the administration or a committee, so that we can be representative of what faculty more broadly want or think or desire on a given issue. That would be my vision or view of shared governance. I share your frustration, I would like for us to

get in front of more issues. But how do you do that, it's cumbersome and difficult at times to act when you are in a defuse group. That's the advantage the administration has, it has a much more streamlined structure and hierarchical power organization. Would anyone else like to add or subtract from what I said?

**Senator Dowd:** Going back to a comment from Senator Jorgensen, one of the more substantial problems for the Faculty Senate Executive Committee is that we receive virtually no information from the administration. I am sure President Barrett in all the meetings that he attends is informed of various issues, but it seems that the Executive Committee is informed of issues only after decisions are made. I don't know if the Provosts really understand that we could make their jobs a lot easier by diffusing little issues before they become big issues by first bringing such issues to the senate EC for an initial discussion. The other point I would like to make is that the Executive Committee needs guidance from Senators. If there is an issue important to you must inform us of that issue so we can look into it. The Executive Committee works for you --- you have to tell the Executive Committee what issues to investigate.

**Senator Tietz:** Those who know me know that I am not at all confrontational person. I do not think that this is an issue that requires confrontation, I think this is a serious issue and this body should not in fact be reactive. We are being reactive when we are talking in this way. For the President as it was stated earlier not to understand that a tenure decision in an institution requires a process. I am very confused as to whether the President going to interview the candidate up or down? It doesn't make any sense. An individual presents a package, a committee makes a decision, the dean accepts or rejects that decision based on the information that is given. I really seriously think we should respond to this academic issue.

**President Barrett:** I do want to clarify something about the process. Tenure as I understand it is ultimately granted by the Board. So everything that happens before it gets to the Board is a matter of building a record of recommendations, so there is a process in a college, and there is a separate statement from the dean for those on the main campus and, then it goes to UCAP and it creates a record and a recommendation, then it goes to the provost, who takes a position, and then president takes a position. Each recommends for or against the promotion or the tenure, so the president, although the last voice on the stack is really just another 'yes' or 'no' recommendation this to the Board, who makes the ultimate call. So I can't say exactly why the president wants to interview people before hand, but in the end, he is going to make a recommendation to the Board whether or not the person should be tenured.

**Senator Hottell:** I have been thinking about this for about ten days since we also discussed this in the Arts & Sciences, we have some other issues coming up today where we are striving to assert our position and our role in curricular authority. It appears to me to begin protecting and serving in our role and ask curricular authority we need to begin at the ground level. There is no other ground level to me than professors in the classroom with their students. That's another reason why it is the Senate's purview to give our opinion whether or not this is something that should be done.

**President Barrett:** I will let this go as long as people want to talk about it. We also need to discuss the assessments. Keep in mind at some point we need a resolution and a decision to act or not to act. Merely discussing this is not ultimately going to get us any closer to getting anything done.

**Senator Anderson:** I want to make a motion that the Faculty Senate consider going on record for disapproving of this interview process.

**Senator Jenkins:** Second it.

**Senator Oliver:** We need clickers.

**President Barrett:** We will come back to that issue, if we do feel clickers are desirable we should be told that now since we don't want to spend any money on it if Senate feels that it is inappropriate.

**Senator Jorgensen:** Clickers can be anonymous or with names.

**Senator Heberle:** Can we discuss the resolution?

**Senator Skeel:** I guess I find it hard to support a motion when a person who is required to make the final recommendation is not given the option to interview the persons who he is going to recommend.

**Senator Thompson-Casado:** I have served on CCAP and UCAP during the tenure process on department PPC as well, we look at dossiers, we don't look at individuals or personalities and that's what the president should be looking as he makes his decision. The dossier that comes from the candidate goes to all the committees.

**Senator Rouillard:** Correct me if I'm wrong, but don't all the names of graduating seniors have to be forwarded to the Board of Trustees to be awarded their diplomas? Is President Jacobs going to interview all of those students too?

**Unidentified speaker:** Not relevant.

**Senator Rouillard:** I think it's analogous.

**President Barrett:** Almost everything goes to the Board of Trustees. Every salary goes to the Board, he makes a recommendation on everybody before they get a raise, too. Whether you feel it's relevant or not everything filters through the Board.

**Senator Jenkins:** With our reviews every year, the DDC, the CPC and UCAP does it every year, and the president is supposedly does it the last four years. To make a decision in 15 minutes that took six years for the faculty to do would be ludicrous. I am not saying he doesn't have the right to do it, but if the president wants to do something that's productive for us as faculty, he should be interviewing us the first, the second, the third, the fourth and the fifth year.

**Senator Heberle:** None of those other levels interview the candidate either. I don't care if he has the legal right. This is an academic institution and there are some norms that those who lead us should understand, not because they are sacred cows of tradition, not because we have always done them, because it's the right thing to do. I can't recall exactly Lawrence's motion, but I don't think the 'disapproval' is the right word I want to use. Maybe somebody can work on writing a more clear version of the motion. This to me is a no brainer.

**Senator Dowd:** Perhaps we could ask that President Jacobs reconsider his decision.

**President Barrett:** Someone needs to decide what the language is going to be.

**Senator McSweeney:** Mike suggested the word 'reconsider' It is consistent with what I was going to say, however, if we are going to have a conversation with him, I would recommend we table the current resolution.

**Senator Elmer:** I agree with what was just said.

**President Barrett:** Does anyone else have something new to add to the equation?

**Senator Dowd:** To follow up on Senator McSweeney's point, The President didn't consult us when he announced that decision.

**Senator McSweeney:** I understand that.

**Senator Barnes:** I think that his rationale matters. I think we could still take the position that it is a bad idea, like so many other things that have been decided that had to have been changed later because they turned out to be bad ideas. I think interviewing tenured candidates is counter productive, to have six years of work decided on in a few minutes.

**Senator Jorgensen:** I think it notable too that this was announced to chairs in one of the colleges and the President didn't even come to the faculty leadership of the institution to announce that he is making this major change, and the decision has been made apparently. I would support Lawrence's resolution. I would like to look at the language, but I think we have passed the point of asking him further about it. He has made his decision.

**Senator Heberle:** To rephrase the motion,

*'The Faculty Senate recommends that the President reverse his decision to interview tenure candidates.'*

**President Barrett:** Lawrence, is this an acceptable phrasing of what your motion was?

**Senator Anderson:** It doesn't say anything about disapproval but on the other hand is recommending that he reverses his decision.

**Senator Heberle:** Recommends that he reverse his decision to interview tenure candidates.

**Senator Anderson:** I am okay with that.

**President Barrett:** Any further comments? Should we call a question?

**Unidentified speaker:** Sure.

**President Barrett:** All in favor of supporting the motion as it is stated, please say, “aye.” Opposed? One opposing. *Motion carries.*

Any other items from the floor? Do we want to discuss the clicker issue or should we all just get clickers?

**Senator Dowd:** I would suggest that before we use clickers we consult a parliamentarian on when “abstain” votes are permitted and when someone does not vote on an issue whether that defaults to a “yah” or “nay” vote.

**Senate Heberle:** Who brought up the issue of using the clickers?

**President Barrett:** I really don’t remember, but it’s something I have been thinking about.

**Senator Hoblet:** It came actually from the Faculty Senate group about some discontent about the last votes that we had when we raised hands, and people weren’t really sure about the count, so we took it back to Faculty Senate Executive Committee and we were very aware of the discontent. How do we go about to improve and making sure that everyone’s vote is counted and counted appropriately. I think that’s how we got to clickers. It doesn’t have to be clickers, but I don’t think we want to misrepresent anybody either. It’s just having a mechanism in place to make sure the votes are accurate.

**President Barrett:** There are two issues, one is the accuracy of vote counting and efficiency, and the other issue is do we feel we are entitled to secret ballots or do we have to be on the record on how we are voting. In any event, as Andy pointed out, you can have the clickers show who is voting which way. So the clickers wouldn’t settle the issue one way or another, but there was some concern about people getting pressured to vote a certain way, because of who is staring at them at the meeting and not want to anger colleagues. From my perspective I want each of you to vote your conscience and what you think is the best decision. Do we want to table this? We won’t spend the money without your approval.

**Senator Solocha:** Are the votes ‘yes’, ‘no’, and abstain?

**Unidentified speaker:** Depends on the question.

**President Barrett:** The vast majority would be ‘yes,’ ‘no,’ or abstain votes.

**Senator Jorgensen:** On a different issue entirely, you have asked for a feedback from the Senate when things come up. I am told, not sure if it’s a rumor or not, as we know many rumors become facts, that the Outstanding Teaching Award mechanism is being changed and the Outstanding Teaching Award will be decided by the Provost upon recommendation of another committee, not the Outstanding teaching Committee.

**President Barrett:** I talked briefly with Provost Haggett before the meeting this afternoon, and brought up this very issue, I am not going to do justice to it, first off she is going to comment on this when she does together some of the traditions of honoring faculty on each campus that have not really been merged. There are ways that outstanding teachers are honored on the Health Science Campus that are different from on the Main Campus. How can we turn two ceremonies into one ceremony? This was a recommendation that came out of that committee. It does propose a change from the historic Main Campus approach because that doesn’t exist on the Health Science Campus, they don’t share the Main Campus tradition. I would suggest we defer the questions on this until we have Provost Haggett here in December. Any other items?

We have two action items, the first is a resolution that the Faculty Senate request the following, *‘Resolved, that Faculty Senate hereby requests that the Academic Journey Committee submit to the Faculty Senate Curriculum Committee all proposed changes, modifications and additions to courses and the curriculum, as all such matters are within the purview of Faculty Senate Undergraduate Curricular review.’*

You all received with the agenda a summary of what the Academic Journey Committee does, what its purpose is, it also includes a copy of the resolution we passed last February supporting the first

year information courses, and other activities. I should say this is an issue that sort of splits the Executive Committee. Some on the Executive Committee feel that the Academic Journey activities are not curricular matters and the majority feels that some of the activities such as the CAPSTONE or KEYSTONE courses cut across courses, threading the subject matter and it does affect the curriculum. That is why the committee as a whole recommended it goes to the Undergraduate Curriculum committee. Let's open up for discussion.

**Senator Barlowe:** I wrote the document that you received by email, and there is no question that the Academic Journey Committee is dealing with curriculum. No one is disputing that. Anything that has so far fallen under the purview of the Senate has been brought before this body. There are two resolutions here. One is on the CAPSTONE course and one on the technological and pedagogical updating of the former FYI, now called the Beginnings Course. The Faculty Senate was given significant information about these courses by the Undergraduate Curriculum Committee, including their history and the fact that both of them were passed about fifteen years ago by Senate. Both resolutions were passed by the Senate last year. The chairs of the Senate Curriculum Committees and the Academic Programs Committee sit on the Academic Journey Committee and all of the discussions are always about when and what needs to come before the Senate. There is no conspiracy, there are no people or animals harmed during our committee meetings, and there is no way that we are trying to usurp the Senate since many on this committee are or have been senators. Right now, the one issue that might be of some concern are these so called "J" courses, originally called "K" courses, among other things. They are called the "J" courses now because of the journey. These are in pilot form, as I indicated in the document that was sent out to you. The courses in which these themes are being used are not being significantly changed. The catalog copy is not being changed. Some content and the way the course is being taught have changed. I may be wrong, but when we shift the content and the pedagogy and the technology in our individual courses, we do not bring them back before Senate. There are about thirty courses across the main campus that are trying out these themes. When it becomes a bigger issue, when it impacts curriculum and programs across the colleges, we will go directly to the Senate curriculum and program committees and then it will come to the Faculty Senate. I want to give you one more piece of context since I have the floor. Penny Poplin Gosetti and I went to a national conference about three weeks ago that was run by the Association of American Colleges and Universities. There were two hundred to three hundred colleges and universities there. The conference was on integrated learning which is the model that is being used for the Academic Journey and the J courses. We are really far behind other universities and institutions in this country. The institutions at this conference ranged from tiny institutions with a few hundred students to giant schools like the University of Texas and the University of Minnesota. Most schools are thinking and rethinking their curriculum in terms of this integrative model and we learned a lot at this conference. The only way we are ahead of any other institution is that we have a name for it, the Academic Journey, so we got to be cool for a few minutes in that conference setting. Every university in Ohio was there and most private institutions in Ohio were there, and they all are looking at this model of teaching and learning. The Academic Journey is such a reframing.

**President Barrett:** Any discussion on the resolution?

**Senator Heberle:** Where did the resolution come from, who inspired it?

**President Barrett:** This was an Action Item at the last Senate meeting that we didn't get to, and it came from the Executive Committee. The EC brought it as an Action Item based on a majority view of the Executive Committee that this is a curricular matter and as such the activities ought to be proposed changes come through the Curriculum Committee and the Senate.

**Senator Anderson:** I fail to see why we need to vote on such a resolution. It is obvious that curricular matters come through the Senate. I wouldn't know how to vote on it. If I voted against it, it would sound like it wouldn't be coming through the Senate.

**President Barrett:** You can make a motion to table it.

**Senator Anderson:** I do make a motion to table it.

**President Barrett:** Is there a second?

It was seconded.

All in favor of tabling it, please say “aye.” Any opposed? One “nay”. *Motion is tabled.*

**Senator Heberle:** Can I make a suggestion that the Curriculum Committee of Senate clarify the distinction between what Senator Barlowe is calling reframing and what they call it, what the Curriculum Committee calls it curricular changes. We just need more clarity on that. The line that is being blurred here might be confusing people.

**Senator Barlowe:** It didn't come from the Curriculum Committee. It came from EC.

**Senator Heberle:** I am asking for the curriculum Committee that would be doing this. They need to clarify what will come before them. While we are waiting to bring it up it would help when we do bring it up again.

**President Barrett:** I don't know if it will come up again unless somebody pushes it, the Executive Committee votes where we go on this issue.

The other Action Item is we need to decide what we want to do with assessments. I would like to suggest that we discuss the matter generally and which approach we want to use, and then we vote on the appropriate process for each type of administrator. We may want a different process for deans than for vice presidents. Or we may chose to exclude the vice presidents. We may agree on one process for everybody, that may be more efficient, but I would say in my own opinion and then I would stay out of the commentary on this, that if we are not using an outside evaluator, I would suggest we exclude vice presidents from the evaluation process. I don't think most faculty work with vice presidents enough to truly assess them. So if we are not using an outside evaluator, then we should assess, deans, provosts and the president. Let's open it up for discussion. Remember we have two more reports to get through, you have had two weeks to mull this over, we have various options, what do you want to do?

**Senator Barnes:** My colleagues like the idea of an outside evaluator for the upper administration, but they think it's cost prohibitive.

**Senator Jorgensen:** I looked over the survey that was used two years ago It seems to be exactly the sort of thing that we as faculty would be interested in. It is just a few questions, it is with respect to deans who have been here for two years, a for the provost and our president. If the Board of Trustees or the president want to add a question or two, we can offer that as a possibility. We have a track record on it from a subset of deans in the past. It's simple enough that faculty would likely respond to it and I think it asks the right questions. If the president wants a 360 evaluation for his upper administration, it's a worthy goal and something he might want to do, but that really is not within the Senate purview. I think this survey is the one we want to go forward with for these three groups of people. It's relatively easy and is consistent with what we have done

**Senator McSweeney:** Are we still commenting or can I make a motion?

**President Barrett:** Why don't we keep it open for a minute or two before we go to a motion.

**Senator McSweeney:** I would recommend that we consider joining the president in performing the evaluation if at all possible. It is apparent that he favors an outside agency. So we are not going to save any money. Secondly, if we agree and go with his proposal and are satisfied that it is objective and meets our goals, then it would be a good outcome for all.

**Senator Piazza:** I agree with Senator McSweeney, but for the purposes of the Faculty Senate evaluation, the individuals we are most interested in are the deans, provosts, and vice provosts. I also feel these individuals have been here long enough that I encourage that any process we become involved in include a summative evaluation. Summative evaluations may include a formative component too, but a summative evaluation provides an analysis of competence and performance in the job.

**Senator Dowd:** I agree with Senator Jorgensen because the last time the Faculty Senate ran the evaluations, the only information we received back from the administration was summary statistics. We weren't given the data nor the written comments. The only information we were provided information was what the administration wanted to give us. If we want to get all the responses and all of the data we have to conduct the evaluation.

**President Barrett:** I will disagree with that, I am not saying we did get the responses, we didn't, but I think this is easily solved through a records request. The results of that pile of data are a public record that we can get a hold of. I don't think this weighs in the decision making process.

**Senator Dowd:** The faculty having to make public records requests is your idea of the administration being cooperative? The idea of being cooperative has to go both ways.

**President Barrett:** I don't think it's necessary because I think everybody understands it is a public record. I have talked to President Jacobs, he agrees it's a public records, I have talked to Pete Papadimos and I think it's a non issue at this point. We are all on the same page on that part of the assessment analysis. Whether they are cooperative or not, they know at the end it is a public record.

**Senator Hoblet:** The majority of feedback that I have from the College of Nursing were in support of joining the president. However, there is a certain caveat, that being the selection of the vendor being mutually acceptable to Faculty Senate along with the President and it should be a 360 of stake holders with a mechanism for all faculty to be able to access that evaluation and provide feedback. That was the key, so that all faculty had some voice in evaluation of the president.

**President Barrett:** I do not know how getting input from all faculty would affect the economics of doing this, so that is something we need to be aware of.

**Senator Dowd:** A clarifying point. President Jacobs said he wanted to go with an outside firm, that would involve only a small sample of faculty participating in the assessment. In contrast, an evaluation done by the Faculty Senate would provide an opportunity for every faculty to participate in the process.

**Senator Heberle:** There doesn't seem to be any reason on a face of it that we shouldn't do evaluation that Senator Jorgensen is suggesting and fully cooperating and participating in what it is the president wants to do because he is going to do it anyway. So if he really wants to engage in shared governance, and really wants to cooperate and really wants to work with us, it seems to me that would be the case unless there is something intrinsically threatening about doing what the Faculty Senate do what we have done before. But I don't know why we can't do both. And why the president would not want us to do both because there hasn't been much evaluating going on, and to me at this point after sixth year with him, the more evaluation the better.

**Senator Thompson-Casado:** I agree with Senator Heberle that there is a possibility of doing both but we definitely need to have one done by the Faculty Senate. We need to control the data. We have had a lot of experience in the past with the administration that even though they know the data is public purview they don't give it out.

**Senator Horan:** I think the instrument the president was talking about is an interesting one, it is called the Leadership Circle Profile 360 and it claims to the Leadership Circle Profile is the only one 360 degree assessment that measures two primary leadership domains, creative competency and reactive tendencies. It integrates this information so that the key opportunities for development immediately arise to the surface. That's the opening line for this company. It seems to me that it is more about creating some sort of understanding among the deans, the provosts and leadership at the top, than it is about evaluating what's been done or how it's been done.

**President Barrett:** It seems that he is proposing a formative rather than summative evaluation, so that fits in to your comment.

**Senator Barnes:** There is an interesting contrast between his emphasis on formative assessment for himself and his view of his role in the tenure process, if it's really a 15 minutes up or down decision about the faculty member.

**Senator Nandkeolyar:** I think there are a number of faculty on campus qualified, I would say experts on questionnaire development. I think we should form a committee of such people to put together a questionnaire and use that.

**President Barrett:** The tool that was used two years ago that was sent out to you was formed by a group of exactly such experts including Dale Dwyer, and I did get a comment from him to the effect of they put a lot of time and effort into this.

**Senator Skeel:** I agree with Senator Heberle, we ought to go ahead with our own and let the president do his. There is absolutely no problem with having two different types of analysis being done. Obviously there is an interest on the part of the Senate in having our own data that we can look at, that we can guard and draw conclusions from and it is clearly there is an interest on the part of the president to have data done that is going to be meaningful to him and both of them could be forwarded to the Board of Trustees and let them do as they will, with the conclusions that we have. So I would like to move that we move forward with our own evaluation and encouraging the President to do as he wishes.

It was seconded.

**Senator Peseckis:** I agree with that. My next question would be if we do both of them, do we share the results with the Senate or wait and see the results of his outside evaluation. Then share and see how compatible the outcomes are.

**President Barrett:** We do have a motion in front of us. I am going to be a non-parliamentarian and push back a little. There are a number of issues. His assessment might be done much more quickly than ours, given that he is hiring an outside company, as opposed to forming a committee to do things. Quite frankly, I don't think we will be included in his assessment, once we say we are going our own way. He will hire who he wants, he will do what he wants. I could be wrong, I can still ask him if he will let us help pick a company. My guess is that if we say we are going to do our own thing, he will say that he will do his own thing. That's my sense. The reason I want to push back on the motion is, the motion is that we go our own way and conduct our own assessment. If you want to vote on that, that is fine. But I do think we need to decide who we are assessing. Do you want to vote on the motion as is, or do you want to vote on doing our own assessment of the president, then one on the provosts, then on the deans who have been here two years or more. We need to be clear as to who we are proposing to assess. Roland, it is your motion so I am going to hand this back to you.

**Senator Skeel:** I was assuming we were going to do what you suggested before which is president, provost, sub-provosts, if there are any, and deans.

**Senator Barrett:** I thought the motion was to do both.

**Senator Skeel:** It included cooperation with the president.

**President Barrett:** The motion, to make sure we are all on the same page, is that we conduct our own assessment of the president, the provosts, any vice provosts, and any deans who have served two years or more and have not been evaluated in the last two years, and that we offer to assist the president in his assessment using an outside evaluator of the president, provosts, vice presidents and deans. Or whoever else he may chose to include. Is that an acceptable statement of what we are voting on?

**Senator Skeel:** Yes.

**Senator Solocha:** I strongly disagree with this approach. I think it's premature. We need feedback from the president to see whether he wants to cooperate or not. If we go our own way, I think it will p..... off the whole process and I think we are in danger of the cooperation and not try to separate us.

**Senator Tietz:** I believe you began your discussion indicting that the President and you had had a discussion that you were going to have a cooperative process. Wasn't that the case?

**Senator Barnes:** And that he is going to do it anyway.

**President Barrett:** President Jacobs said he would strongly prefer that we do a joint outside form of evaluation and he said he would be willing to work with us on picking the right company but our discussion never contemplated that we would concurrently do our own assessment. So I cannot speak to how he would react to that, other than just my sense that he would want us to go one way.

**Senator Tietz:** I think we should have Roland's motion respond that we have that cooperative spirit that you just voiced.

**President Barrett:** That's why we phrased it the way we did.

**Senator Tietz:** So having a separate instrument somehow goes against that? This body can have a separate instrument, why not.

**Senator Rouillard:** I am not sure if I misheard at the beginning of the meeting did you say that his assessment had not yet started?

**President Barrett:** Olivia Summons, chair of the Board of Trustees told me the Board has not begun the assessment of the president this year.

**Senator Rouillard:** He told us at the last meeting that it had been going on for months.

**President Barrett:** All I can tell you is what the chair of the Board told me. They have been talking about it for months, but she indicated that they haven't really gotten the ball rolling.

**Senator Heberle:** What do I do to call a question?

**President Barrett:** You say you want to call a question, and somebody has to second it.

**Senator Heberle:** I want to call a question.

It has been seconded.

**President Barrett:** All in favor of calling the question, please say "aye." All in favor of continuing to discuss this. "Aye." The question has been called. All in favor of the motion which says:

*'The Faculty Senate shall conduct its own assessment of the president, the provosts, the vice provosts, and any deans who have served for two years or more, and have not been assessed in the last two years, and joining with the president, if he is willing, to assess the president, provosts, vice provosts and the deans, or whomever else he may chose to include, by hiring an outside evaluation company to perform a 360 degree assessment.'*

**Senator Piazza:** I just want a clarification. I believe the evaluation will be done by the Board of Trustees not by Jacobs, and we are going to be cooperating with the Board of Trustees as long as the administration serves underneath him, we are not going to cooperate with Jacobs, we are going to cooperate with the Board of Trustees, and Jacobs does not have the authority to conduct an evaluation of himself.

**President Barrett:** Actually it's both, the evaluation of Jacobs will be conducted by the Board of Trustees and the evaluation of all the other administrators has been delegated to Jacobs to be conducted by him. That's a good clarification.

The question has been called. All in favor of the motion, please say "aye." Opposed? " There were a couple of "nays." *Motion carries.*

**President Barrett:** I would like to suggest the following resolution that I prepared in anticipation of this, and the Executive Committee suggested that I do this.

*'Resolved that the FSEC appoint a committee to coordinate the assessments of the president, provosts, vice provosts, and deans who have served for two years or longer who have not been evaluated in the last two years. This committee shall be responsible for modifying the existing assessment tool as necessary for each type of administrator; disseminating said tool to faculty that report directly or indirectly to any such administrator for completion; setting a date for faculty to respond; collating the data from such the assessments completed by faculty; and disseminating the results to the Board, the FSEC and the respective parties that were charged with evaluating each administrator. Furthermore, this committee shall be responsible for working with President Jacobs to select an appropriate outside company to perform administrator assessments, the terms of engagement of such company and the manner of selecting the faculty to be sampled in such an assessment.'*

We need a second.

It was seconded.

**Senator Dowd:** I am the chair of the Committee on Committees. I suggest that committee should be appointed by the Executive Committee and not by the Committee on Committees.

**President Barrett:** I will accept that as a friendly amendment resolved that the Faculty Senate Executive Committee appoint a committee to coordinate the assessments of, everything I just said in the resolution. We need a second.

It was seconded.

Any discussion of the resolution? All in favor of the resolution, please say “aye.” Opposed? “Nay”. **Resolution passes unanimously.**

Next is Steve Peseckis to give us a report on approved courses from the Curriculum Committee.

**Senator Peseckis:** You should have received an email last Friday on courses recommended for approval by the Undergraduate Curriculum Committee. All those in favor of approving these courses, please say “aye.” Opposed? None. **Motion passed unanimously.**

## **New Course and Course Modification Proposals Approved by the Faculty Senate on November 10, 2009**

### **College of Arts and Sciences (ARS)**

#### **New Courses**

PHIL 2190 Life, Nature, Technology 3

- Rec: 2 hr; Computer Assisted Instruction: 1, 35 students/semester, 35/section; Semester offered: Spring, Alternate Years

- Catalog Description: “A conceptual, interdisciplinary inquiry into questions central to a sustainable society: What is “life”? What is natural or unnatural? How does technology change the meaning of “life” and “nature”?”

#### **Course Modifications**

PSY 2100 Statistical Methods 3 ch

- Change prerequisite from “MATH 1320 OR HIGHER” to “A GRADE OF C- OR HIGHER IN MATH 1320 OR HIGHER”

- Reason: We wish to increase the preparedness of the students so we can cover all of the desired topics

PSY 3110 Research Methods in Psychology 4 ch

- Change prerequisite from “PSY 2100” to “PSY 2100 WITH A GRADE OF C- OR HIGHER”

- Reason: We wish to increase the preparedness of the students so we can cover all of the desired topics

### **College of Education (EDU)**

#### **New Courses**

SPED 4450 Methods of teaching students with emotional disturbance 3 ch

- Lect: 3 hr; 25 students/semester, 25/section; Semester offered: Spring, Every Year

- Catalog Description: “This course provides evaluation and application techniques of research-based methodologies for teaching students with emotional disturbance in school-based settings within the least restrictive environment”

- Prerequisite: SPED 4340

#### **Course Modifications**

SPED 4120 Curr & Methods Intensive Needs 3 ch

- Change prerequisite from “SPED 2040 and instructor's permission” to “SPED 4110 and 4240”

- Change corequisite from “SPED 4130” to “SPED 4100”

- Change catalog description from “Examination of appropriate curriculum models, instructional strategies and adaptations, and related behavior problems for students with

intensive educational needs. A trans disciplinary team approach is explored. Must be taken with SPED 4130.” to “Examination of appropriate curriculum models, instructional strategies and adaptations, and related behavior problems for students with intensive educational needs. A trans disciplinary team approach is explored.”

**SPED 4240** Teaching Phonics, Contextual Reading and Writing to Learners with Special Needs 3 ch

- Change prerequisite from “SPED 2040, 2910 and 3130 or co registration in SPED 2910 and/or 3130.” to “None”
- Change corequisite from “Admission to professional education.” to “SPED 4100”
- Change catalog description from “Methods for teaching reading and writing to diverse learners. Emphasis on individualized and small-group approach using structured, explicit phonics in a balanced literacy program. Twenty-four hours of field required.” to “Methods for teaching reading and writing to diverse learners. Emphasis on individualized and small-group approach using structured, explicit phonics in a balanced literacy program.”

**SPED 4340** Effective Mang of Students with Special Needs 3 ch

- Change prerequisite from “ADMISSION TO PROFESSIONAL EDUCATION” to “Admission to professional education, SPED 4110 and 4240”
- Change corequisite from “None” to “SPED 4100”

**SPED 4370** Curr & Methods Mild Needs 3 ch

- Change prerequisite from “SPED 2040 and 4240.” to “SPED 4110 and 4240”
- Change corequisite from “SPED 4100 and 4110 “ to “SPED 4100”

### **College of Engineering (ENG)**

#### **New Course**

**EECS 4120** Introduction to fuzzy systems and applications 3 ch

- Lect: 3 hr; 25 students/semester, 25/section; Semester offered: Fall, Every Year
- Catalog Description: “Introduction to Fuzzy Rule Based Intelligent Systems. Basic Concepts of Fuzzy logic, Fuzzy Sets, Fuzzy Arithmetic, Fuzzy Relations, Fuzzy Graphs, Approximate Reasoning and Fuzzy Implications. Applications in Real World Domains.”
- Prerequisite: EECS 2110

### **College of Health Science and Human Service (HSHS)**

#### **Course Modifications**

**COUN 4580** Teacher as Advisor 3 ch

- Change prerequisite and corequisite from “CI 4250, 4260, 4270 and 4280 Corequisite: CI 4000, 4010 and 4400 and SPED 4030” to “MUST BE ENROLLED IN UNDERGRADUATE UPPER DIVISION 1”
- Change catalog description from “This course will provide students in education an overview of the role of art and music in curriculum development. (Students may enroll in either art or music education sections.)” to “Introduction to group process, interpersonal and communication skills for teachers in the middle school. Introduction to consultation and collaboration skills for working with counselors, teachers, parents and other resource personnel. ”

**KINE 2590** Microbiology and Infectious Diseases 3

- Change prerequisite from “KINE 2560” to “KINE 2560 OR EQUIVALENT”

## **College of Pharmacy**

### **New Courses**

#### **PHCL 3730** BSPS Pharmacology II: Endocrine and CNS Pharmacology 3

- Lect: 3 hr; 80 students/semester, 80/section; Semester offered: Spring, Every Year
- Prerequisite: PHCL 3700
- Catalog Description: The pharmacology of drugs acting upon the endocrine and reproductive systems as well as for the management of sleep disorders, anxiety, affective illness, schizophrenia and seizure disorders.

#### **PHCL 4810** BSPS Pharmacology III: CNS and Cardiovascular Pharmacology 3

- Lect: 3 hr; 80 students/semester, 80/section; Semester offered: Fall, Every Year
- Prerequisite: PHCL 3730
- Catalog Description: The pharmacology of central nervous system active agents such as opioid analgesics and alcohol and agents acting on the cardiovascular and renal systems.

#### **PHCL 4820** BSPS Pharmacology IV: Chemotherapeutic Agents 3

- Lect: 3 hr; 80 students/semester, 80/section; Semester offered: Spring, Every Year
- Prerequisite: PHCL 4810
- Catalog Description: The pharmacology of anti-infective chemotherapeutic agents including their mechanism of antimicrobial action, disposition, resistance and issues related to use.

#### **PHPR 4590** Readings in Access and Cultural Competence 2

- Lect: 2 hr; 25 students/semester, 25/section; Semester offered: Summer, Every Year
- Prerequisite: PHPR 4520 or Enrollment in the BSPS in Pharmacy Administration or PharmD programs
- Catalog Description: "Examination of the literature related to access and cultural competence in the US health care system. Various types of readings will be used to analyze the relationships that exist between access, cultural competence and positive health care outcomes."

#### **PHPR 4600** Seminar in Pharmacy Administration 1

- Seminar: 1 hr; 25 students/semester, 25/section; Semester offered: Fall, Spring, Every Year
- Prerequisite: Enrollment in the BSPS in Pharmacy Administration program or permission of instructor
- Catalog Description: "This course provides a global perspective on pharmacy administration and healthcare related issues, including economic, humanistic, clinical, and other aspects of disease management."

#### **PHPR 4610** Pharmacoeconomics and Outcomes I 3

- Lec: 3 hr; 15 students/semester, 15/section; Semester offered: Spring, Every Year
- Prerequisite: Enrollment in the BSPS in Pharmacy Administration program or permission of instructor
- Catalog Description: "This course emphasizes introductory concepts, methods, and practical procedures for pharmacoeconomic analysis and outcomes research. The student will understand and develop instruments for assessing patients' health status, quality of life, satisfaction and cost-effectiveness for pharmacoeconomic and health outcomes research."

#### **PHPR 4630** Research Methods in Pharmacy Administration 2

- Lec: 2 hr; 25 students/semester, 25/section; Semester offered: Fall, Spring, Every Year

- Prerequisite: Enrollment in the BSPS in Pharmacy Administration program or permission of instructor
- Catalog Description: "This course outlines common research processes applicable to studies in Pharmacy Health Care Administration. It covers issues associated with problem identification, research design and methods."

### **Course Modifications**

**PHCL 3700** Pharmacology I: Principles of Pharmacology, Autonomic Pharmacology and Non-Steroid Anti-Inflammatory Agents and Related Pharmacology 3

Change title to "Pharmacology I: Principles of Pharmacology, Autonomic Pharmacology and Related Pharmacology"

Update catalog description from "An introduction to the principles of pharmacology and the pharmacology of the autonomic nervous system. Non-steroidal anti inflammatory agents also are discussed." to " An introduction to the principles of pharmacology and the pharmacology of the autonomic nervous system."

**MBC 4780** "Practicum in Medicinal Chemistry" 6 to 12 ch

- Change title to "Internship in Medicinal Chemistry"

Change prerequisite from "PHCL 3720 and MBC 3320 and 3560" to "MBC 3320 and MBC 3560"

**PHCL 4780** Practicum in Pharmacology/Toxicology 6 ch

- Change title to "Internship in Pharmacology/Toxicology"

- Change credit hours from "6" to "6-12"

Change prerequisites from "PHCL 3720 and 3810, and MBC 3320 and 3560" to "PHCL 3720 or 3730, and PHCL 3810, MBC 3320 and MBC 3560"

**PHPR 4780** Practicum in Pharmacy Administration 6 to 12 ch

- Change title to "Internship in Pharmacy Administration"

Change prerequisite from "PHCL 3720 and MBC 3320 and 3560" to "MBC 3320 and MBC 3560"

**PHPR 4880** Practicum in Pharmaceutics 6 to 12 ch

- Change title to "Internship in Pharmaceutics"

Change prerequisite from "PHPR 3080, PHCL 3720 and MBC 3320 and 3560" to "PHPR 3030 or PHPR 3080, MBC 3320 and MBC 3560"

**President Barrett:** I would now like to call Jim Trempe to discuss the changes in the misconduct policy.

**Dr. James Trempe:** Comments to The University of Toledo Faculty Senate, November 10, 2009. James P. Trempe, Ph.D., Professor of Biochemistry and Cancer Biology and Interim Senior Director for Research Administration

Thank you, President Barrett, and thank you for this opportunity to come before the Senate to review the new Misconduct policy.

Before I get started I need to point out that there is a mistake in the agenda and I am actually the "Interim" Senior Director for Research Administration.

What I would like to do today is to give you a brief history of how we have arrived at this new policy which is known colloquially as the Misconduct policy but is formally known as the “Policy on integrity in research and scholarship and procedures for investigating allegations of misconduct in research and scholarship” (3364-70-21). Then I will go through some of the salient features of the policy, procedures and how they compare with the former UT and MUO policies. I believe that Senator Dowd wants to make a few comments after my talk, and then we can open it up for questions and discussion.

Why do we have a policy on Integrity in Research and Scholarship? As described in the policy statement – “Integrity in research and scholarship is a fundamental value upon which the University of Toledo is founded. Without integrity, we could not justify the privilege of the academic freedom that is intrinsic to research, other forms of scholarship and education nor could we provide to society the advancements of knowledge that derive from free and open inquiry.” It is our shared responsibility as members of this academic community to assure that misconduct in academic endeavors is dealt with in a timely and effective manner and that the reputation of the University for high standards of academic integrity are preserved. Moreover we are required by federal law, 42 CFR Parts 50 and 93 (Policies on Research Conduct; Final Rule), to develop policies and procedures for defining what constitutes misconduct in research and for developing policies and procedures to report and respond to allegations of misconduct. We are required by the department of Health and Human Services (HHS) as well as other federal agencies such as the National Science Foundation to provide assurances that we have such policies and that we will follow them. This in turn allows us to engage in HHS- and NSF-supported research.

When I took over as Interim Director, one of the policy drafts on my desk was this misconduct policy that had been developed by my predecessor, the Associate Vice President for Research Administration, Doug Wilkerson, Ph.D. The new policy was modeled on the University of Michigan policy. The policy had also been reviewed by Jennifer Johnson in the office of Legal Affairs. At that time, the policy did not have any defined role for the University Research Council (RC). I changed that and included roles for the council in the policy at the Inquiry and Investigation stages of the procedure. Those roles have persisted in the policy we are discussing today.

I then presented the policy to the RC and it was discussed in two separate meetings with multiple emails between members of the RC and me. Suggestions were made for changes in the policy and most of those changes were inserted in the policy.

At Senator Dowd’s suggestion, the policy was also discussed with the Senate Executive committee. At that meeting, which was attended by both Provosts, suggestions were made for changes in the policy and many of those changes were inserted in the policy.

The Senate Executive committee meeting was followed by three or four meetings between Senators Dowd, McSweeney, Senate President Barrett and me. Interspersed between those meetings were numerous emails between us. Those discussions produced a number of suggested revisions. Most of those changes were incorporated into the policy.

As part of this process I have searched and downloaded misconduct policies from more than 20 different institutions and compared our policy and procedures with those policies. The policies served as benchmarks to which our new policy was compared. The benchmark policies all follow a similar format and our policy and procedures are very much in line with those from other universities. Moreover our policy is congruent with federal regulations and a sample policy suggested by the HHS Office of Research Integrity (ORI).

On three separate occasions throughout this process, the policy revisions were reviewed by Jennifer Johnson and Pete Papadimos in the office of Legal Affairs. Throughout this process I kept both Provosts informed of our discussions and I had two brief conversations on the policy with Dr. Jacobs.

At the former MUO and UT there were two different policies on misconduct. What are some of the salient features of the new policy?

The first several pages of the policy contain numerous definitions. Research, research misconduct and the steps in the investigation procedures are defined. The Research Integrity Officer (RIO) and his/her role are defined. The RIO is the Senior Director for Research Administration and that individual is charged with carrying out the policy and procedures.

Following the definitions are the procedures for reporting and investigating allegations of serious misconduct. These procedures have six sequential stages:

1. Allegation assessment to determine if the allegation is within the scope of the policy and if the allegation is sufficiently credible and specific so that potential evidence of misconduct may be identified.
2. An Inquiry phase to determine whether an allegation or other indications of misconduct issues warrant further investigation.
3. Report of the Inquiry
4. When warranted, an Investigation to collect and thoroughly examine the evidence.
5. Determination and reporting of formal findings from the Investigation
6. Resolution and outcome.

In the first phase an Allegation is communicated confidentially to the RIO. In practice allegations may also be brought to the attention of other university officials such as Deans, Provosts or even the President. Those allegations must be brought to the attention of the RIO before proceeding with the Inquiry.

- In the former UT policy, allegations were given to the Associate Vice President for Research who assessed their validity.
- In the former MUO policy, allegations were brought to the department Chair who assessed their validity. If the allegation was determined to be valid, the Chair would tell the Dean or Provost who would pass it on to the Assoc. VP for Research who would initiate an inquiry.

In the new policy, the RIO must consult two senior members of the faculty with experience in misconduct proceedings to assess the validity of the allegation. The purpose of the assessment is to separate serious allegations from frivolous, unjustified or clearly mistaken allegations. If the allegation(s) is determined to be valid, an Inquiry will be initiated.

The Inquiry stage is defined as information gathering and fact-finding to determine if a formal investigation is warranted, and if the allegation is within the scope of the policy and sufficiently credible and specific so that potential evidence of misconduct may be identified. The RIO is responsible for establishing the Inquiry committee. As an ex-officio member of the university Research Council, the RIO will seek guidance from the council in selecting the Inquiry panel while keeping things as confidential as possible by limiting disclosures to those that need to know and maintaining discretion and respect for the reputations of the parties involved. At least three tenured faculty members will comprise the Inquiry committee. At least one must be a member of the RC. If outside expertise is needed then such an individual should be chosen from outside the university. The accused will be given a list of the Inquiry committee membership and they can state in writing within one week whether they object to any member of the committee. Ideally this will prevent any real or perceived conflicts of interest on the part of the committee.

The committee conducts its Inquiry and then provides a written report containing an assessment of whether there is sufficient evidence to warrant a formal Investigation. The report is passed to the RIO. If not enough evidence is collected that would warrant an Investigation, the RIO notifies the affected parties and the procedure ceases. If sufficient evidence exists then an Investigation is initiated. As stated in the policy, "The determination to proceed with an investigation will be based on the recommendation of the inquiry committee in consultation with the RIO." This is a difference

between the UT policy and the benchmarked policies from other institutions. The majority of the other policies involve a deciding official that assesses the findings of the Inquiry committee and decides whether to move to the Investigation phase. The deciding official is usually a vice president, vice provost or provost-level administrator. In these other policies the deciding official is allowed to over-rule the recommendations of the Inquiry panel and block an Investigation or allow the Investigation to go forward even if the Inquiry panel suggests that an Investigation is not recommended. In the new UT policy, the appropriate Provost will be informed of the proceedings but again, the decision to move ahead is based on the findings of the Inquiry panel.

- In the former UT policy, the Assoc. VP for Research formed a committee of three people to conduct the Inquiry, the results were reported to the university Research Council which decided whether to proceed with an Investigation.
- In the former MUO policy, the standing Misconduct committee conducted the Inquiry and recommended whether to proceed with an Investigation. This information would be conveyed to the Provost who in turn would notify the accused/accuser, appropriate Dean, department Head and the President.

The next step is the Investigation phase of the proceedings. The Investigation is a formal examination and evaluation of all relevant facts to determine if a major offense has occurred. This examination would include examination of notebooks, grants, contract files, interviews with any relevant individuals. The RIO is responsible for appointing the Investigation committee which is comprised of up to five tenured faculty members, two of which must be RC members. The RIO, as an ex officio member of the RC, will seek guidance from the RC for selection of the committee while keeping things as confidential as possible by limiting disclosures to those that need to know and maintaining discretion and respect for the reputations of the parties involved. Committee membership will be chosen to insure the requisite expertise for the area of investigation. The accused will be informed of the committee membership and given the opportunity to object to the membership of the committee if the accused feels that one or more committee members has a conflict.

- In the former UT policy the Assoc. VP for Research established the 3-5 person panel which must be approved by the Research Council.
- In the former MUO policy, the Assoc VP for Research Administration established the investigation panel.

If the accused is a member of a bargaining unit he/she will be allowed to have a representative bargaining unit member present during Investigation interviews. Non-bargaining unit members may have a representative of their choice present.

The Investigation committee will prepare a detailed and thorough report of the Investigation and their determination of whether misconduct occurred. The report is passed to the RIO and the appropriate Provost. The new policy states, “The Provost, after consultation with the RIO and investigation committee, shall decide whether to concur with, or reject, the findings of the committee.” This is a common element in the benchmarked policies in that a deciding official makes a decision based on the findings of the Investigation committee. The policy also states, “If the Provost rejects the findings of the committee or the recommended outcomes, the provost will, as part of his/her written determination, explain in detail the basis for rendering a decision different from the findings or recommended outcomes of the investigation committee.” This wording in the policy comes from the sample misconduct in research policy and procedures provided on the HHS ORI website.

- In the former MUO policy, the Provost would be informed of the findings.
- In the former UT policy, if a finding of misconduct is obtained then the RC would recommend that appropriate sanctions be imposed on the persons involved.

If the Provost determines that the finding of misconduct warrants disciplinary action against the faculty member, the provost will initiate the procedures required. The accused may appeal the findings of the Investigation and the ruling of the Provost to the President.

And finally, Preponderance of Evidence will be the level of evidence for determining whether misconduct has occurred. Preponderance of evidence is defined as that degree of evidence that is of greater weight or more convincing than the evidence which is offered in opposition to it or evidence which as a whole shows the fact to be proved to be more probable than not.

In my humble opinion, the development of this policy and its implementation is an excellent example of true shared governance between faculty and the administration.

**President Barrett:** I would like to have something clarified, you said it's a matter of the federal law that there has to be preponderance of evidence, that is a minimum.

**Dr. Trempe:** Preponderance is the lowest level, as compared to the next level of clear and convincing evidence. Having a higher standard of evidence is essentially saying that it is easier to get away with misconduct at UT.

**Senator Elmer:** When it involves federal research dollars, when does the Office of Research Integrity get involved?

**Dr. Trempe:** That is part of the Department of Health and Human Services. That is described in the new policy. If it progresses to a full bonafide investigation, the office of research is notified and if there is a need to freeze a clinical trial, that decision is made by me and the Office of Research and Sponsored Programs.

**Senator Thompson-Casado:** Could you help me understand the restructuring of this policy, it appears that at several levels the Research Council has been removed as a determining voice, could you explain why that was done?

**Dr. Trempe:** In the previous policy the Research Council was the determining body and the decision goes from an inquiry board to a full body investigation. Also the Research Council was the deciding body that determined whether there is bona-fide misconduct. The reason for changing it is the Research Council is comprised of fifteen members and five ex officio members, in the interest of maintaining some anonymity of the accused, or the accusers, limiting the number of people that are involved in the investigation, helps to assure that anonymity and protects the university. The other reason for changing is in all of the benchmark policies and frankly there was nothing like the Research Council.

**Senator Anderson:** Can a person serve on both, the inquiry committee and the investigation committee?

**Dr. Trempe:** No. That is the other reason not having the provost involved in the earlier stages because they are involved in the final decision.

**President Barrett:** If there are no further questions, Senator Mike Dowd wants to say a few comments.

**Senator Jorgensen:** Just a week or two ago another Midwestern university had to give back a multi-hundreds of thousands of dollars grant and refund the money back because some individuals in preparing the proposal and then carrying out the work committed an act of plagiarism. The university reported it and voluntarily gave the money back. These things are rare but they are extremely important.

**Senator Dowd:** I want to thank President Jacobs for extending the period this proposed policy will be posted on the web. This additional time will allow individuals reading the minutes to this meeting time to get onto the university policy webpage and comment on this proposed policy. Senator McSweeney and I worked with Jim this past Summer on this policy and the first comment I want to make is it was a pleasure working with Jim on this. We came from completely different directions, he was a true gentleman and I appreciate that.

**Dr. Trempe:** Likewise.

**Senator Dowd:** There are a couple of points that I think the university community should be aware of with regard to this proposed policy. I have been a Faculty Senate appointment to the

Research Council for several years and I know a number of Senators here today have served on the Research Council in the past. Those of you who have served on that council know that the most important and sobering act of shared governance is when Research Council hears an allegation of misconduct. I do not agree with the comment that confidentiality is an issue because the Research Council is too big. That is an insult to faculty members who have served on Research Council. Members of the Research Council have always take such allegations very seriously because everyone knows its decision will impact a faculty member's reputation and career. No faculty member talks about the details of a case outside the Research Council. That said, the most alarming aspect about this proposed policy is that is a direct affront to shared governance. The old-UT policy extended to MUO faculty when the universities merged. God forbid, anyone here should be accused of research misconduct. But if you were, the existing policy has the final determination of whether misconduct took place being made a group of your peers. That is, that determination would be made by fifteen faculty researchers, eight of which are appointed by Faculty Senate and Graduate Council. The administration is stripping from this faculty group the authority to make that determination. It is true that the proposed policy will have a member of the Research Council appointed to the inquiry panel and to the investigation committee. But it is an insult to the idea of shared governance to say that having an administrator appoint one or two faculty members to a committee is the same thing as having the complete Research Council, a faculty body, make the final determination. The rationale was always to have researchers making the determination as to whether research misconduct took place. The proposed policy changes that by transferring authority to the Provosts. This summer, John McSweeney, Jim Trempe, and myself worked very hard on this issue and I believe the final draft improves upon the initial draft of the proposed policy. But the core issue that the Research Council would be involved in the final decision is gone. I can't find words too described how disappointed and discouraged I am because of this. I was really hoping that the Provost would be here today to answer the question of why they are stripping this authority from a faculty appointed body and giving it to themselves. I really hope the faculty, not just those in this room, but every faculty member at this university would read the proposed policy on the university policy webpage and to provide their comments on that policy. Granted, the existing policy was originally a Main Campus policy, but as soon as we merged, the Health Science faculty were protected by this policy in the same way the Main Campus faculty were protected. The Research Council has been a wonderful council to serve on. But the proposed policy, to a large extent, turns Research Council from a faculty governance body into one that only deals with paperwork. Again, the Provosts are taking this authority from the faculty and giving it to themselves. Do they not trust the judgment of the faculty on Research Council? If the administration was sincere about promoting shared governance then they would change the proposed policy to keep Research Council making the final determination in allegations of research misconduct. If they do not change the proposed policy, then this is a very sad day for the University of Toledo. [The proposed policy can be reviewed at the university's policy website [http://www.utoledo.edu/policies/draft\\_policies/index.html](http://www.utoledo.edu/policies/draft_policies/index.html). It is "DRAFT 3364-70-21 Policy on Integrity in Research and Scholarship and Procedures for Investigating Allegations of Misconduct in Research and Scholarship".]

**President Barrett:** Jim, anything you want to add to this?

**Dr. Trempe:** No.

**President Barrett:** I just want to make a few comments, everything Mike said is essentially accurate. I looked at all of the collected policies that Jim had put together from other schools. I think it is a fair statement on his part that the Research Council mechanism is relatively speaking unique. One school had something similar but not exactly the same thing as us. I think you also need to be aware, as Jim pointed out, that the entire composition of both the inquiry and the investigation panels are faculty members, so the faculty still do have a meaningful role in this but it's not Research Council. This is very much in line with what many other schools are doing. I am not saying this is not stripping the Research Council, it clearly is. I just wanted to make sure

everyone knows how this fits in to the bigger picture in terms of faculty roles. Any other comments on this policy?

**Senator Thompson-Casado:** John, you are right, there has been a corporatization of the universities in the past decade, so I am not at all astounded that other universities are doing it this way, but that doesn't mean that we can't buck the trend.

**President Barrett:** I don't disagree at all. I was merely trying to put a frame on it. Anything else? Any calendar questions? Any old business? New business?

**Senator Regimbal:** Do you or does anyone know who might be our affirmative action officer?

**President Barrett:** I think it's Kevin West.

**Senator Heberle:** Is it Institutional Diversity and Sam Hancock?

**Senator Jenkins:** He is gone. I think Kevin West is the interim.

**President Barrett:** May I have a motion to adjourn? *Motion was made and seconded.*

**VII. Adjournment:** Meeting adjourned at 5:50 p.m.

Respectfully submitted,  
Nick Piazza  
Faculty Senate Executive Secretary

Tape summary: Kathy Grabel  
Faculty Senate Office Administrative  
Secretary

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**Motions and Resolutions passed by Senate:**

*'The Faculty Senate recommends that the President reverse his decision to interview tenure candidates.'*

*'Faculty Senate shall conduct its own assessment of the president, the provosts, the vice provosts, and any deans who have served for two years or more, and have not been assessed in the last two years, and joining with the president, if he is willing, to assess the president, provosts, vice provosts, and the deans, or whomever else he may chose to include, by hiring an outside evaluation company to perform a 360 degree assessment.'*

*'Resolved that the FSEC appoint a committee to coordinate the assessments of the president, provosts, vice provosts, and deans who have served for two years or longer who have not been evaluated in the last two years. This committee shall be responsible for modifying the existing assessment tool as necessary for each type of administrator; disseminating said tool to faculty that report directly or indirectly to any such administrator for completion; setting a date for faculty to respond; collating the data from such the assessments completed by faculty; and disseminating the results to the Board, the FSEC and the respective parties that were charged with evaluating each administrator. Furthermore, this committee shall be responsible for working with President Jacobs to select an appropriate outside company to perform administrator assessments, the terms of engagement of such company and the manner of selecting the faculty to be sampled in such an assessment.'*