

THE UNIVERSITY OF TOLEDO
FACULTY SENATE
Minutes of the Senate Meeting of April 25, 2006
<http://www.facsenate.utoledo.edu>

Approved @ 8/29/06 FS mtg.

HIGHLIGHTS

Textbook policy
Academic Programs
Elections

Dr. Lloyd Jacobs, President of MUO

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.

Chair Jorgensen called the meeting to order. **Steve Martin, Executive Secretary** called the roll.

I. Roll Call –2005-2006 Senators

Present: Ahmed, Barden, Barlowe, Barnes, Barrett, Bopp, Bowyer, Bresnahan, Cluse-Tolar, Edwards (Sullivan), Floyd, Fournier, Fridman, Hoover, Hudson, Humphrys, Jorgensen, Kennedy, King, Lambert, Lipman, Lipscomb, Lundquist, Martin, Morrissey, Niamat, Olson, Piazza, Poling, Pope, Reid, Ritchie, Sherman, Skeens, Spongberg, Stoudt, Suter, Teclehaimanot, Templin, Thompson-Casado, Traband, Tramer, Tucker (Hottell), Wilson, Wolff (43)

Excused: Cluse-Tolar, Komuniecki, (2)

Unexcused: Bischoff, Kunnathur, Schultz, Tucker (Hottell) (4)

A quorum of incumbents was present.

Continuing Senators: Barlowe, Barnes, Bischoff, Bopp, Bresnahan, Cluse-Tolar, Floyd, Fridman, Hoover, Hudson, Humphrys, King, Lambert, Lundquist, Morrissey, Niamat, Piazza, Poling, Pope, Reid, Ritchie, Skeens, Spongberg, Stoudt, Teclehaimanot, Templin, Thompson-Casado, Traband, Tramer, Wolff, Wilson (31)

New Senators: Cave, Funk, Johanson, Monsos, Fink, Baines, Klein, Horan, Byers, Peseckis, Olson, Wedding, Kennedy, (13)

Excused: Rowlands, Ariss, Hamer, Schall. (4)

Unexcused: Zallocco, McInerney (2)

II. Approval of Minutes

Minutes of March 28, 2006 approved.

III. Executive Committee Report

Report by Chair, Andrew Jorgensen

Chair Jorgensen: Any other additions or corrections to the minutes?

Senator Lundquist: I was here on March 28.

Chair Jorgensen: Sara Lundquist was present, that was March 28, two meetings ago. Any other additions or corrections to the minutes?

All those in favor to approve the minutes, please say 'Aye', opposed, same sign. ***Minutes Approved.***

A few announcements:

- If you did not sign the Resolution for President Dan Johnson, and you were a member of the 2005/06 Senate, please do so before you leave. It's going to be framed and it will be presented to him at the Board meeting;
- At the end of the meeting we have Dr. Jacobs coming. In between, there should be a few minutes for the merger sub-committee co-chairs to give an update about what's happening with that sub-committee. MUO is at their final day of a major accreditation review. You know how important that is. The very last step of the accreditation review is a meeting with the President, that's where he is this afternoon. He will be here as soon as he can and give a Power Point presentation.
- We received in your name a note of appreciation from the outgoing President and Vice-President of Student Government, Tom Crawford, Ashley Sheroian, thanking us for cooperation this year. I think they did a great job of leadership. They gave a presentation to us at one of our meetings. It was a real pleasure to work with them.
- We will have elections in just a few moments, so be thinking of your nominees;
- Now a time for appreciation: my appreciation for all the committee chairs, you know who you are. Special appreciation to Alan Goodridge, our Provost, Rob Sheehan, Carol Bresnahan. This year the discussion between the administration, the Provost Office and the Senate Executive Committee was wonderful. I very much appreciate it.
- The Executive Committee – a lot of e-mails this year, the communication was so important, they were partners in this whole process.

Senator Floyd: Mr. Chair, I would like you to recognize Mike Dowd.

Mike Dowd: The Executive Committee wants to recognize the contribution of the Chair of the Senate. Those of us who have been in that position know what a tough job it is and each of us believe theirs was a difficult year. However, I think all would agree that you presided over Senate in a most difficult year. Andy, I believe your thoroughness, professionalism, and optimism in representing the Faculty was the best we could hope for. In recognition of that the Executive Committee of the Senate would like to present this plaque that reads:

“The Faculty Senate of The University of Toledo Extends its Thanks & Congratulations to Dr. Andrew Jorgensen upon the occasion of the completion of his term as Chair of The Faculty Senate 2005-2006 Academic Year”

Chair Jorgensen: Thank you. It was exciting this year. Now Deb Stoudt, the Chair of the Elections Committee will assist in electing the next group.

Senator Stoudt: First of all, I would like to give my report from the Elections Committee. Most of the information you know already, namely the names of the new senators, which are listed at the bottom of the handout that I emailed to all of you. We will need to refer to the names on this list as we begin the election process. Please make sure you know where your name is on this list, that is, whether or not you are eligible to vote.

From this list, we have 19 (nineteen) new senators and one re-elected senator. According to the Constitution the chair, vice-chair, and executive secretary are the only ones eligible for immediate re-election to Faculty Senate. This was the case this year with Walt Olson, who was re-elected. After serving a three-year term, all other senators must be off Faculty Senate for one year, before they can be re-elected. Elected to UCAP were: Curt Black from Pharmacy, Robin Kennedy from Law, and Kathleen Thompson-Casado from Arts & Sciences. Each will serve a three-year term.

The University Committee on Sabbaticals has four new members elected to three-year terms: Joy Dougherty from University College, David Harris from Law, William McInerney from Education, and Susan Telljohann from HHS.

There is one final point. We need to elect some individuals to various University committees. Unfortunately, we have not been able to determine which committees need Faculty Senate appointees; we are working with the Office of the Provost to clarify this issue.

We do know that one individual needs to be elected to serve on the University Athletic Committee. According to the Rules of the Faculty Senate, senators must nominate appointees to the University Athletic Committee, and a few other committees. A nomination form must be completed and the names of nominees must be presented to the Faculty Senate at a meeting prior to the elections. We are working on the form; it will be available on the Faculty Senate website very soon. Completed forms are to be submitted to the Faculty Senate Office; nominees will be announced at one of the first Faculty Senate meetings in the fall, and the election will take place at the subsequent meeting. Hopefully this will not delay any business that the University Athletic Committee has to conduct.

I would like to thank the members of my committee this year, Marcia Suter and Alison Spongberg, for their assistance. They will also help me as we conduct the elections throughout this meeting.

Our first election will be for the position of Chair of the Faculty Senate for 2006-2007. We have some names that were forwarded in advance as nominees; however, all nominations will now be made officially from the floor. We will ask individuals nominated for the position of Chair to introduce themselves and make a brief statement. I am opening the floor now for nominations of the position of Chair.

Senator Skeens: I nominate Carter Wilson.

Senator Stoudt: Carter, are you willing to serve?

Senator Wilson: Yes. Do I have to make a speech?

Senator Stoudt: Not yet.

Senator Barden: I nominate Walt Olson.

Senator Stoudt: Walt, do you accept?

Senator Olson: I **am** going to make a speech. I have to decline. The reason I am going to decline is because the Faculty Senate Chair is a full-time position, and I have about a million dollars worth of research that needs to get done. And I cannot dedicate my time to that position. It's an extremely important position, and it does take a full-time person, and I would not be able to fulfill that. So, thank you and I appreciate your support but I must decline.

Senator Stoudt: Other nominations?

Senator Reid: I move that the nominations be closed.

Senator Stoudt: Second? All those in favor of closing the nominations, please say 'Aye', opposed? Carter, I will ask you if you would say a few words.

Senator Wilson: I shouldn't have to make a speech now. I was going to say a few things about myself. I have served as a chair of Faculty Senate about 10 (ten) years ago. I think it was temporary insanity. But I thank everyone for the vote of confidence. I think it will be a very challenging year ahead, and I'm willing to accept the challenge. Thank you.

Senator Stoudt: Even though we have no need for ballots, I propose that we vote by acclamation. All those in favor of accepting Carter's nomination for the position of Chair of

Faculty Senate, please say “Aye”. Those opposed? (Unanimous vote in favor.)
Congratulations, Carter.

Senator Wilson: I accept condolences, too.

Senator Stoudt: Next, I will accept nominations for Vice Chair of Faculty Senate. I think it would be appropriate to say what the vice chair does.

Chair Jorgensen: That reply should come from Walt. He is the present vice chair.

Senator Olson: The vice chair must attend several key meetings at times when the Chair is already committed. This happens about two or three times over the course of the period. The second thing that the vice chair does is, serve on several key committees that the chair is too busy to sit on. In the future what we would like to do is set up a system, where the vice chair learns the chair’s job and then moves into the chair’s position the following year. It’s an extremely complex position. The vice chair’s position will be extremely important this year, as the merger activities are finalized, so they have to represent the University.

Senator Stoudt: Thank you, Walt. One other thing I would like to point out is the Chair of Faculty Senate is one of our representatives to the BOT, and the Vice Chair is the alternate to the chair as the representative. I will now open the floor for nominations for the position of the vice chair.

Senator Barlowe: I nominate Alice Skeens.

Senator Stoudt: Alice, do you accept?

Senator Skeens: Yes.

Senator Wilson: I nominate Barbara Floyd.

Senator Stoudt: Barb, do you accept?

Senator Floyd: Sure.

Senator Stoudt: Other nominees? Before we vote, please refer to the list and make sure your name is on one of the bottom two lists; only those individuals are eligible to vote.

Chair Jorgensen: The outgoing senators cannot vote. They are:

Tom Barden	Mesbah Ahmed	Mary Ellen Edwards	Marcia Suter
Ruth Hottell	Linda Bowyer	Ronald Fournier	Steve Martin
Andrew Jorgensen	Anand Kunnathur	Glenn Lipscomb	Gerald Sherman
Patricia Komuniecki	Robert Schultz	John Barrett	
Joel Lipman	Robert Sullivan	Robin Kennedy	

Senator Stoudt: The rest of you can vote. Please choose one candidate, Skeens or Floyd.

Chair Jorgensen: We will now go to a report from Bill Hoover and Glenn Sheldon on textbook policy. There are handouts here.

Senator Martin: May I add an addendum to the Executive Committee report? I want it to go on record in the Senate minutes, to request the new Executive Committee to purchase new recording equipment for the secretary and the Executive Secretary for next year.

Chair Jorgensen: Any objections? Ok.

IV. Reports. Chair Jorgensen: Next is the report of the Faculty Affairs Committee, chaired by Bill Hoover and the University Affairs Committee chaired by Glenn Sheldon.

Glenn Sheldon: I'm Glenn Sheldon, Chair of the University Affairs Committee, the committee that first received the charge to look into textbooks issues. After meeting with the Provost, my committee only had about 6-7 weeks prior to the end of the term to talk about the issue. We have asked for extension of the issue. It's all outlined on the hand-out or on the overhead. In the Fall 2006 term, the Executive Committee asked that our group partner with the Faculty Affairs Committee, chaired by Dr. Hoover. So consequently this entire academic year my committee is looking at this issue, and Dr. Hoover's committee as well. Bill and I serve as the ad hoc members on each other's committee when the issue was discussed. Basically, the charge is to bring forth a policy which involved acquired course material that generates financial gain to a faculty member or a legal member of the instructor's family, when such material is used in the faculty member's classes. That's the explanation of the issue, in short, and in the first round of emails I received, most asked, "isn't there already a policy?" And I responded, no, there was no university-wide policy. That was our issue. We proceeded from that, in the Fall of 2005, Dr. Hoover's committee joined our charge and the two committees sort of worked jointly. Our recommendation, and I am reading directly from the handout:

“RECOMMENDATIONS: Based upon the lack of information and responses the two committees received from deans, faculty, staff and students, the committees concluded that this is not one of this institution's most pressing issues at this time. From e-mail responses received, it is clear that there is a lack of consistency of policies across this institution, as well as regionally and nationally. There appears to be a few cases of abuse at UT, however anecdotal, but they are not overwhelming. The committees recommend that reasonable policies should be put in place to avoid requiring students to buy inferior books/materials; requiring students to buy books/materials that are overpriced (when more inexpensive but quality texts are clearly available); and, requiring students to buy a book or materials that are not used or minimally used. “

All of you, all the faculty who received our email, and the Deans who received our email soliciting information from the Deans, we asked the Provost and the Deans' Council to solicit to give our two committees any information they may have. We received a couple of responses, but it was clear that there was a pattern of the abuse that goes on; thus, we concluded that abuse is few and far between.

Senator Hoover: I just want to add a couple of other things. The assignment tended to escalate and grow and we found the issue whether or not the faculty member should be allowed to assign his or her own textbook and profit from it. It went from that to the faculty member who may create an inferior piece of work and assign it to a faculty member who might publish his/her work in which a very small percentage of that work was used in the classroom. We found it very difficult to come up with any kind of policy that would deal with everything other than the one which we are suggesting to you here.

Glenn Sheldon: One of the things that the two committees concluded was that if a policy were to be in place to prevent abuse, that this matter should be kept at the faculty level. You can read the motion here:

“ MOTION: We move that the voting faculty of each department meet to determine an appropriate committee (example: curriculum committee) or entity (example: chair) to bring forth a policy which involves required course material that produces financial gain to a faculty member or (legal) member of the instructor's family when such material is used in faculty member's class(es) and to distribute this policy to faculty. This committee or entity shall also be designated to address issues of student redress.

Student complaints should be lodged with the department chair. The chair shall forward such complaint to the designated committee or entity for investigation. This method of filing a complaint should be made clear in the General Catalog. “

Chair Jorgensen: A motion from the Committee, needs no second. Discussion on the motion.

Senator Bowyer: As I recall, there was a question in the College of Business at one time, and I think it was the Faculty Senate rule, that departments cannot specify textbooks. In other words, if you and I are teaching the same course and you have a book that you have written, and I don't want to use it, I can be forced to use it, as a non-tenured professor, because my senior colleague wrote the book. Is that true?

Chair Jorgensen: No, that's not true. The departments have a policy whereby common classes adopt common books. The departments would have the responsibility to specify the method. But multiple-section courses, there can be a committee or department decision that all sections use the same book.

Senator Bowyer: I don't think we use that in the College of Business because of that issue of pressure,

Chair Jorgensen: Whether the person is just writing the book or even just a choice, the author may not be involved at all,

Senator Bowyer: If the author is involved at all, and the way the issue was addressed in the college, I thought this was a Faculty Senate issue.

Chair Jorgensen: We are talking about it here.

Senator Bowyer: No, I am talking about the rule of a common book, I didn't think that a faculty member, and I thought there was a rule by the Faculty Senate that an instructor could opt to use your own textbook.

Chair Jorgensen: I can't quote the exact policy, I am just doing this based on memory.

Senator Bowyer: Ok. Am I the only one, does anyone else remember that?

Senator Hoover: This would actually be a ramification if we didn't explore it. The possibilities of the situation would be numerous.

Senator Bowyer: But it's a one way resolve, if a faculty is teaching a section. I am not saying there would not be a financial remuneration for the faculty member using his/her own book. The question is if on the other hand this is a senior faculty member who pressures everybody in that section to use his book, then that is connected.

Chair Jorgensen: In some departments there are multiple-sections which would say, we can't have all the different calculus sections faculty choosing their own book.

Senator Pope: In our department, multiple sections use the same text.

Chair Jorgensen: Let's get back to the point of this discussion.

Glenn Sheldon: There is a lack of consistency. We did not have evidence or suspicions of gross abuse, and didn't want to recommend a University policy be put into place that legislated morality where there may be no problem.

Senator Barrett: It seems to me in a lot of ways this is an overkill. There is not much of a problem, and to deliberately have all these little sub-units creating their own policy is to essentially insure non-uniform policy that is contradictory from department to department, and in some ways may be unfair to the faculty and the departments they are in. If there is not a problem now, let's not create a problem. If there is a problem, let it percolate up to the dean and the dean can deal with it when students complaint.

Glenn Sheldon: Evidently there are students' complaints about professors' choice of textbooks. Whether they are written by the faculty member or not. We just want to keep it at the grassroots level should policies come into play. Our committee discussed the idea of a policy or no policy. Nationally it is going on, in the State of Ohio it is going on. Institutions are looking into it, and they

are creating all sorts of policies. So I think there may be a need to pursue a policy. It may make sense to keep it department specific.

Senator Barrett: With this policy, the way I read this, if the student doesn't like the textbook, this motion wouldn't apply unless it is the professor's own textbook. If they just didn't like the content or the age, or whatever, this would fall outside of it.

Senator Hoover: That's going way beyond what we were asked to do. Basically there are two things that we are suggesting:

- There should be some oversight that I cannot just assign my book to my students with no one signing off on it, maybe it's inappropriate but maybe that's the best book available, but there should be some supervisory capacity, and that should best be kept at the lowest level, the level closest to the department or the subject matter.
- Should there be any of kind of abuse, there is a need for some kind of way to deal with it.

Chair Jorgensen: At the present there is no means for students filing complaints about it with the chair.

Senator Fournier: I am not clear as to what the points are. It seems that we are trying to solve problems without knowing what the students are complaining about.

Glenn Sheldon: The students' complaints were, actually there was only one, and this wasn't initiated by a students' complaint. It was initiated by the Provost who asked the Executive Committee to come up with a policy.

Senator Hoover: There are those of you who can recall that this issue has come up in the past in different forms. So, it's not totally new.

Senator Bresnahan: Two things:

- I appreciate how complex the issue is and I know some of you had a tough time sorting it out, but speaking strictly as a faculty member, I find it hard to see an indication where there is an ethical problem. I would be happier with a resolution that delegated to departments the ability to oversee this, so a faculty member does not profit from the book.
- I don't like the fact that this policy is reliant on students for determining whether there is a problem with a faculty member using his or her own material.

Glenn Sheldon: This wasn't written around the issue of student's complaint. The major part of this was supposed to be how a policy was supposed to be written by the committee. This really looks like a more substantial part of our consideration, than actually took place.

Senator Hoover: Back to another issue that you raised, Carol, the two committees did not want to go on record as prohibiting the use of faculty generated materials. We found that at various universities there were lots of different policies and lots of different ways addressing it. The possibility of hiring faculty members who had produced textbooks could well decide that, "I am not signing a book now." One other question raised of previous items brought to the Faculty Senate in the last two to three months is what does our neighbor institution, the Medical University of Ohio do. I spoke to Douglas Wilkerson (V.P. for Grants and Administration) there, and they **do not** have a policy addressing publications and printed material. Obviously, the patents and things like that fall in to an entirely different category.

Senator Bresnahan: I completely agree and I think it's a great point that faculty can write a textbook and use it in their classes. But I think we need a policy that says no faculty member can profit from it. That's why we want departments to come into play.

Senator Bowyer: I'm trying to remember about 30 years ago when I was a student at Iowa State they had a policy that if you used your own textbook, the profits went to the Iowa State University Foundation, and that was the university-wide policy. So it didn't preclude you from using your own text if you wanted to do a trial run of your book in the class to see whether it works, or if it needs revising there is nothing preventing you from doing it. But the profit, the royalties would go to the University's scholarship fund. That was thirty years ago.

Chair Jorgensen: I'm not sure the committee got that recommendation when they were asked to do this.

Senator Bowyer: I'm sure they ran into universities that do that in your research, correct? That then would take it out of the professors' hands and out of the departments' hands, and if you want to use this, go ahead, but you are not going to directly profit from it.

Senator Fournier: I've written a book and I use my book in my classroom, and it's used around this country and around the world. The amount of work that goes into a book doesn't compare to the size of the royalties you get from it. I don't use the book in my class to get the money. I had students go to other universities for graduate school and they come back and they see other students use the same book we use here. I just find this amazing that here we are trying to take away chunk change. **Chair Jorgensen:** That's not the proposal.

Senator Fournier: I could see if I wrote a book and self published it and nobody else knows about it, and just trying to push it on my students and charge them \$90.00 or something that Kinko's would print. That's a different notion. But if it is published by a reputable publisher, it has gone through a due process and is widely available, and it's in its third edition, I think that faculty member should be rewarded.

Senator Barrett: I guess, I have a couple of points:

- If you look at potential abuses, the fact that you can profit from your research through intellectual property rights would be significantly more valuable than this, and that could skew how you spent your time and how you chose to research. There will be some books assigned by the author, and, maybe I think too highly of my colleagues but I can't imagine anybody assigning a book based on the little bit of royalties you get from it. It's just not very much money. Every time I talk to the students they love it when faculty assign a book that was written by a faculty member. I have had students come up and say, 'why don't you assign this thing', and I have to tell them it is not appropriate for the course.
- If we want to have a policy, I don't think this is much of a problem. I don't see a huge conflict of interest or ethical issue, and it doesn't sound like most people are upset with what is working. You put a lot of time and an effort into a book. If it's appropriate, let them use it.

Senator Barden: I think Senator Bowyer's proposal is brilliant.

Chair Jorgensen: At the present time if you brought over a 100 pages to Kinko's and let them run it off and sell at \$90.00 to your students, there is nothing preventing you from doing it.

Senator Lipman: Did you investigate whether other Ohio institutions have such policies? It seems this would be an ethical question at a regional level.

Glenn Sheldon: If I saw any consistencies among Ohio institutions then I would have perused procedures at the Regents' level. But policies that exist at Ohio institutions are as varied as the opinions here. All committees discussed all these points you made here. We discussed these points from every angle you can imagine. What we wanted in our email inquiries was to know if this is a major issue. Is this a problem? Lack of responses from colleagues told us it wasn't a problem. I trust most of my colleagues, I trust most of you. I think 99.9% of the faculty at this institution are honorable and ethical, and aren't profiting from the royalties which are minimal. That's why this motion looks this way. We weren't given any impetus to think that we have to have this university wide policy and have it in place now.

Chair Jorgensen: Any other comments while we have the motion on the floor, before we take a vote.

Tom Lingeman: It seems to me that there are two motions here. While regress could be made about any publication regardless of what is being taught by a faculty member, or whether there is an issue of the content of the material, for example, if it's taught that human life began from alien life form, which is possible, and if a student said, "I don't think that's common knowledge, and I don't think it's appropriate for this class,"

Chair Jorgensen: This is only related to this particular area.

Tom Lingeman: So this motion here is related directly to the issue of my being forced to purchase University of Toledo faculty member's material?

Chair Jorgensen: It speaks for itself. Only related to this particular area.

Tom Lingeman: Ok.

Chair Jorgensen: Any other questions on this motion? Remember, only continuing members, not new senators may note. All those in favor of the motion, please say, 'Aye', opposed, same sign, 'Aye'. We will need to vote, I ask you to show your hands. Executive Secretary Martin counted 15 – for, opposed – 24. ***Motion failed.***

I will turn this over now to the Chair of the Elections Committee.

Senator Stoudt: The Vice Chair of the Senate for 2006-2007 is Barb Floyd.

Chair Jorgensen: What about having a change in wording in the motion regarding the textbook policy?

MOTION: We move that the voting faculty of each department meet to determine an appropriate committee (example: curriculum committee) or entity (example: chair) to bring forth a policy which insures that required course material produces no financial gain to a faculty member or (legal) member of the instructor's family when such material is used in faculty member's class(es) and to distribute this policy to faculty. This committee or entity shall also be designated to address issues of student redress.

Senator Hoover: Is that the only change, Carol?

Senator Bresnahan: Yes.

Senator Hoover: Ok, Carol, are you moving that?

Senator Bresnahan: Yes.

Chair Jorgensen: Is there a second?

Senator Martin: Seconded.

Chair Jorgensen: Discussion of this subject?

Laurence Fink: I don't know why you would let the departments decide these issues?

Chair Jorgensen: The motion that was promoted by the committee was voted down.

Bruce Kennedy: While I approve the spirit of the policy, I would speak against it. The reason being that the policy may cause a lot of mischief. As I understand the proposal, any course material of any value would trigger the policy. Some of my colleagues at the College in the Law, produce photocopies of small amounts of material and then charge their students for these materials. It seems that these small sales might trigger the policy. So I would propose to amend the policy to add a *de minimus* rule – that says that if the value of the material is less than \$X [a small sum], that the policy doesn't apply.

Chair Jorgensen: In that case the person monitoring the expenses of copying, so they are not really taking money. This refers to making a profit.

Bruce Kennedy: Yes; but who knows if only expenses are recovered or if a profit is made without a close accounting – and the very point of a *de minimus* rule is to avoid such bothersome analysis when trivial amounts are at stake.

Senator Morrissey: I move to table the proposal until the committee has had an opportunity to examine similar policies at other schools and to consider the legal issues and questions of academic freedom that seem to be embedded in it.

Chair Jorgensen: Motion to table it is now available, do we have a second?

Senator Wilson: I second it.

Chair Jorgensen: All those in favor to table the motion, please say "Aye", opposed, same sign. ***Motion is tabled.***

REPORT OF STANDING COMMITTEE OR TASK FORCE
THE UNIVERSITY OF TOLEDO
FACULTY SENATE

FS Faculty Affairs Committee
Dr. William Hoover, Chair

FS University Affairs Committee
Dr. Glenn Sheldon, Chair

LOG ITEM: 0405-02

REPORTING DATE: Spring 2006

TITLE: **Textbook/Instructional Materials Selection Policy**

CHARGE: To bring forth a policy which involves required course material that generates financial gain to a faculty member or (legal) member of the instructor's family when such material is used in faculty member's class(es).

EXPLANATION OF THE ISSUE: Currently, there is no university-wide policy in place that addresses financial gain to a faculty member or (legal) member of the instructor's family when such material is used in faculty member's class(es). Nationally, and state-wide, numerous public and private institutions of higher learning have adopted, or are adopting, such policies. Information of abuse at The University of Toledo has been anecdotal and does not appear to be widespread.

ACTIONS TAKEN: At the 01/26/05 Faculty Senate Executive Committee meeting, Provost Goodridge asked the Faculty Senate to consider drafting a policy on the profits made by faculty members requiring their textbook and instructional materials to be used in class. The FSEC sent this charge to the University Affairs standing committee.

The University Affairs committee consulted the AAUP position on this matter. In 1999, the AAUP stated: "With few exceptions, royalties rightfully belong to authors—not their colleges." On November 2004, the AAUP's Committee on Professional Ethics elaborated in a "Report" (pp. 67-68) published in *Academe* (January-February 2005). The following is excerpted from that "Report":

Professors should assign readings that best meet the instructional goals of their courses, and they may well conclude that what they themselves have written on a subject best realizes that purpose.

At the same time, however, students in a classroom can be a captive audience if they must purchase an assigned text that is not available either on library reserve or on a restricted Web site.

In the implementation of [course material royalties policy], however, it is equally necessary to ensure that procedures followed by colleges and universities to protect

students do not impair the freedom of faculty members or their flexibility of choice in deciding what materials to assign their students.

The University Affairs committee determined that before any discussion could proceed that the committee chair meet with the Provost on this matter. Dr. Sheldon met with Dr. Goodridge and Dr. Bresnahan on March 17, 2005. Following that meeting, the committee conducted online searches of policies at other institutions of higher learning, particularly in Ohio; the results, where available, showed varied policies. Its members also sent out a UT email message request for information but received about a half dozen responses. Also, the members polled peers and colleagues about policies and found that there was a wide-range of policies, or lack of policies, across this institution. At the end of the Spring 2005 term, the University Affairs committee requested an extension into Fall term to continue collection of information and to provide more time to analyze the situation.

In the Fall 2005 term, the SCEC asked that the Faculty Affairs Committee partner with the University Affairs Committee to bring forth a policy. The two committees asked for further clarification of this issue, which they received from the FSEC on October 25, 2005. Subsequently, each committee has been perusing all information gathered, with the respective chairs in continual communication, as well as each chair sitting in on the other committee's meetings when this issue was raised.

In November 2005, after multiple discussions of lack of concrete information, the respective committee chairs sent all UT faculty an email message request for information and received a dozen responses, two from deans, nine from faculty members, and one from a student. Most responses were short and opinions varied—from “bad idea” to profit from sale of books/materials to “questionable” to adopt any policy.

On November 22, 2005, the committee chairs sent Provost Goodridge a letter requesting him to urge the deans of colleges to provide us with specific information.

RECOMMENDATIONS: Based upon the lack of information and responses the committees received from deans, faculty, staff and students, the committees concluded that this is not one of this institution's most pressing issues at the present time. From e-mail responses received, it is clear that there is a lack of consistency of policies across this institution, as well as regionally and nationally. There appears to be a few cases of abuse at UT, however anecdotal, but they are not overwhelming. The committees recommend that reasonable policies should be put in place to avoid requiring students to buy inferior book/materials; requiring students to buy books/materials that are overpriced (when more inexpensive but quality texts are clearly available); and, requiring students to buy a book or materials that are not used or minimally used.

The respective committees recommend that policy decision-making in this matter should be kept at the faculty level.

MOTION: We move that the voting faculty of each department meet to determine an appropriate committee (example: curriculum committee) or entity (example: chair) to bring forth a policy which involves required course material that produces financial gain to a faculty member or (legal) member of the instructor's family when such material is used in faculty member's class(es) and to distribute this policy to faculty. This committee or entity shall also be designated to address issues of student redress.

Student complaints should be lodged with the department chair. The chair shall forward such complaint to the designated committee or entity for investigation. This method of filing a complaint should be made clear in the General Catalog.

SUPPORTED BY:

William Hoover, Chair, Faculty Affairs
Terry Cluse-Tolar, Faculty Affairs
Alice Skeens, Faculty Affairs
Gerald Sherman, Faculty Affairs
Mohammed Niamat, Faculty Affairs

Glenn Sheldon, Chair, University Affairs
Mary Humphrys, University Affairs
Suhasini Kumar, University Affairs
Bradene Moore, University Affairs

MINORITY REPORT: None

(Attach Committee's Letter to Provost)

(Returning to officer elections)

Chair Jorgensen: Deb Stoudt.

Senator Stoudt: I would like to open the floor for nominations for the Executive Secretary of the Faculty Senate. There are two secretaries to the Faculty Senate. The Administrative Secretary is Kathy Grabel; there is also a faculty member who is the Executive Secretary. Kathy listens to the minutes and transcribes them, but it is the responsibility of the Executive Secretary to read over the minutes and help Kathy make sure they are coherent and correct. That is the responsibility of the Executive Secretary. I will take the nominations now.

Senator Ritchie: I would like to nominate Nick Piazza.

Senator Stoudt: Nick, do you accept?

Senator Piazza: Yes.

Chair Jorgensen: The Executive Secretary occasionally prepares other communications for the Senate.

Outgoing senators cannot make nominations, though they can suggest a name to a continuing senator.

Senator Stoudt: Other nominations?

Senator Bresnahan: I nominate Sharon Barnes.

Senator Stoudt: Sharon, do you accept?

Senator Barnes: Yes.

Senator Stoudt: Other nominations for the position of Executive Secretary?

Senator Wilson: I would like to nominate Alice Skeens.

Senator Stoudt: Alice, do you accept?

Senator Skeens: Sure.

Senator Stoudt: Additional nominations? If there are none, is there a motion to close the nominations? Nominations are now closed. Please vote for one candidate.

Chair Jorgensen: Next, Ella Fridman, Chair of the Academic Programs Committee, previously distributed the proposal she is dealing with right now.

Senator Fridman: All programs presented today are from the College of Health and Human Services. The proposal is for students to complete these courses with a grade of 'C' or better in all courses in this major. So any students with two 'C' 's in HIM courses will be dismissed and the result is they may not reapply for admission.

Chair Jorgensen: Two grades lower than 'C', and not 'C.'?

Senator Fridman: Yes, lower than 'C'.

Chair Jorgensen: Motion from this committee, needs no second. Discussion on the first proposal.

Senator Bowyer: What happens when somebody says, "I have a 'D' and I'm going to retake the course? Does that apply to this?

Senator Traband: A failure is considered as a failure, so even if they retake the same class twice, it is still counted as two failures.

Senator Bowyer: No. I'm talking about two different classes, and a student gets a 'D' in two different classes. So, this is saying, no you can't retake?

Senator Traband: Yes.

Senator Bowyer: Ok, I just wanted to make sure I understood what they were proposing.

Chair Jorgensen: If the University policy is you can improve your GPA, but the department can have any requirement. so the department is proposing more strict requirement than that related to their accreditation. Other comments about this proposal? Ready to vote?

All those in favor of the proposal, please say, 'Aye', opposed, same sign. *Motion passes.*

Senator Fridman: The next program – B. S. in Respiratory Care:

- Proposal to revise the program prerequisites to completion of the courses with a grade of 'C' or above;
- To satisfy prerequisites for MATH 1320, which is College Algebra;
- Maintain minimum cumulative GPA of 2.5;

Chair Jorgensen: Motion from the committee, needs no second. Just to clarify in this case, the student can retake the class, and the higher grade will count. Correct?

Senator Fridman: Yes.

Chair Jorgensen: Any more questions?

Senator Lundquist: The prerequisite says ENGL 1130 or higher, but perhaps 1130, 1140 and 1150 is meant? And these are all the same level Freshman composition II classes.

Chair Jorgensen: They are all the same level.

Chair Jorgensen: So, I guess the 1140 and 1150 is higher than the 1130. Other comments on this?

Senator Tramer: Satisfy prerequisites for MATH 1320, what does that mean,?

Senator Fridman: It means that a student that enters the program should be ready to take College Algebra, MATH 1320.

Chair Jorgensen: Peg, do you want to clarify that?

Senator Traband: Since we don't have MATH 1320 as a prerequisite for the professional phase of the program, we want to insure that the developmental math courses are taken prior to entering the clinical phase of the program.

Chair Jorgensen: Any other comments or questions on the second proposal in B.S. in Respiratory Care? All those in favor of the proposal, please say, "Aye", opposed, same sign.

Motion passes.

Senator Fridman: The next program is Undergraduate Legal Specialties:

- Proposal to Develop a Legal Specialties Minor, which would include 21 credit hours. 3 introductory courses and 4 electives.

Chair Jorgensen: Motion from the committee, needs no second. Comments or questions? This is for students in what area? What would their major be, if this is their minor? Peg?

Senator Traband: Any major within the university.

Senator Lipman: Do you want to clarify by putting the 21 credit hour designation under the 21 credit minor?

Senator Fridman: Ok.

Chair Jorgensen: Amend to include the 21 hrs.

Senator Barrett: Is 21 hrs. a standard course load for a minor?

Chair Jorgensen: Anyone can answer that? I hear a couple of yes's.

Senator Wilson: 18 – 21 is standard.

Chair Jorgensen: Any other comments or questions about this proposal? If no objections, all those in favor please say 'Aye', opposed, same sign. *Motion Passes.*

Senator Fridman: The next one is virtually the same thing, but the program is called Honors in Legal Specialties, and the requirements are:

- For admission – a GPA of 3.5 or higher;
- Junior status;
- Must successfully complete 9 credit hours of LGL Honors courses, and a GPA of 3.5;
- Submission of a portfolio of the student's Honor's work verification;

Chair Jorgensen: Motion from the committee. Any questions, comments?

Senator Thompson-Casado: Is an honor's thesis required for the program?

Chair Jorgensen: Honor's theses?

Senator Fridman: No. All they need is a portfolio of the student's Honor's work.

Chair Jorgensen: These courses, I see are subset of previous courses they are taking anyway. Other comments or questions? All in favor, please say 'Aye', opposed, same sign. *Motion passes.*

Senator Fridman: Recreation and Leisure Studies, the proposal is:

- To develop a specific option that would satisfy requirements for the YMCA Professional Studies Program. We have Dr Groves here who will answer questions that you may have.
- The students follow the usual RLS path and take YMCA Professional Study Concentration which contains 23 hrs., just like 2 other Concentrations A and C.

Chair Jorgensen: The concentration being proposed is within the already existing degree. This is a motion from the committee. Any comments and questions? We also have someone from the "YMCA" to answer questions. Ready for a vote, all those in favor please say, 'Aye', opposed, same sign. *Motion Passes.*

(Returning to officer elections.)

Senator Stoudt: Congratulations to Alice on being elected the Executive Secretary of Faculty Senate.

We now will be electing two members at large to serve on the Executive Committee. We will be electing both at the same time, so you will be asked to vote for two people from the list of nominees. The floor is open for nominations.

Senator Barrett: I would like to nominate Nick Piazza.

Chair Jorgensen: Maybe somebody who is a continuing member of the Faculty Senate could say the name Nick Piazza.

Nick Piazza was nominated by a continuing member of the Senate.

Senator Niamat: I would like to nominate Walt Olson.

Senator Stoudt: Walt, do you accept?

Senator Olson: Yes.

Steven Peseckis was nominated.

Senator Stoudt: Steve had to leave, but indicated that he would be willing to serve.

Senator Lambert: I would like to nominate Dr. Al Cave.
Senator Stoudt: Al, do you accept?
Senator Al Cave: Yes.
Senator Lambert: I would like to nominate Peg Traband.
Senator Stoudt: Peg, do you accept?
Senator Traband: Yes.
Chair Jorgensen: The Executive Committee has two other members who will be elected.
Senator Wolff: I would like to nominate Bernie Bopp.
Senator Stoudt: Bernie, do you accept?
Senator Bopp: Yes.
Senator Stoudt: Other nominations from the floor?
Senator Bowyer: I move to close the nominations.
Senator Stoudt: Is there a second?
The motion was seconded.
Senator Stoudt: Nominations are now closed.
Chair Jorgensen: Remember only new and continuing senators can vote, not those going off; you know who you are.

Merger Committee Reports

We will continue with the reports from the co-chairs of the merger sub-committees. By the way, Larry Elmer is with us, Larry is the President of the MUO Faculty Senate. The co-chairs of the merger sub-groups are meeting immediately after this meeting. Barb you will be the first to report, then Vince, John Barrett and Nick.

Senator Floyd: Those of you who are new senators, our committee is the Cultural, Historical and Shared Governance sub-committee, and we are looking at the formal and informal ways in which governance is shared and the traditions and culture that affect shared governance. We have looked at comparisons between the Faculty Senates and their structures as articulated in the constitution. We decided that while our committee still believes it is important to merge the senates at some time, we decided that we need more feedback from the faculty, so in the Fall we would like to conduct a survey where we will put forth several scenarios, such as:

- One, with a completely joined Faculty Senate,
- Another might be maintaining separate faculty senates,
- One might be combination thereof.

Our committee and the task force did agree that any decision to join the faculty senates will be the decision of the faculty. So, we have moved on to the issue of standing committees, and what we have done is try to match our committees to see where there is overlap and things that could easily be merged together. We went through the UT list of standing committees (it still needs to be updated and corrected, we were working from a two-year old list of faculty standing list of committees at the University). To the best of our abilities looking at the charges that we know of, these are comparable committees.

A Comparison of University Standing Committees At the University of Toledo the Medical University of Ohio

Comparable Committees:

University of Toledo

Medical University of Ohio

Research Council/ Human Subjects Research Comm.	Conflict of Interest Review Committee
AAUP Contract Negotiating Team	Faculty Committee on Governance
AAUP Internal Arbitration Board	Faculty Grievance Committee
Commencement Committee	Graduation Committee
Academic Honors Committee	Honorary Degree Committee
Institutional Animal Care and Use Committee	Institutional Animal Care and Use Committee
Institutional Biosafety Committee	Institutional Biosafety Committee
Human Subjects Research Committee	Institutional Review Board Committee
Library Advisory Committee	Library Committee
Research Council (but has other duties as well)	Misconduct Committee
Commission on Diversity	Multicultural Affairs Advisory Committee
Patent Committee	Patent Committee
AAUP Review Process	Post Tenure Review Committee
Radiation Safety Committee	Radiation Safety and Radioisotope Committee
Advisory Committee on Student Life	Student Health Advisory Committee
Advisory Committee on Student Life	Student Life Advisory Committee
Student Activities Committee	Student Life Advisory Committee

The following are committees where there doesn't seem to be any comparable MUO committee at UT, and a much longer list of UT's committees but don't seem to have a comparable at MUO. A lot of these things remain at the college level at MUO because of the nature of their colleges. There may be some of these functions that are carried out as committees but they are not university standing committees. Where this exists, we try to indicate that.

MUO Committees Without Obvious Comparable UT Committees:

Academic Chemical Hazard Committee
Distinguished Lecturers Committee
Technology Commercialization Oversight Committee

University of Toledo Committees Without Obvious Comparable MUO Committees:

University Technology Committee
Academic Technology Subcommittee
Administrative Technology Committee
Affirmative Action Committee (may include some activities of the MUO Multicultural Affairs committee)
Distance Learning Advisory Committee (some of this work done at MUO by college committees)
Executive Enrollment Management Committee
Facilities Planning Council (MUO college-level committees)
Fiscal Advisory Committee (MUO Senate Budget Committee)
International Students Committee (MUO Multicultural Advisory Committee)
Latino Initiatives Committee (“
Martin Luther King Scholarship Committee (“
Program for Academic Excellence Review Committee
Some activities of the Research Council
Service Learning Steering Committee (MUO college level committees)
Student Life Assessment Committee
University Assessment Committee (MUO college level committees)
University Committee on Academic Personnel
University Discipline Appeals Board (MUO college level and ad hoc committees)
University Sabbatical Committee (called Faculty Improvement Leave, and is handled administratively at MUO)
Commission on Engagement
Strategic Planning Committee (ad hoc committee at MUO)
Student Centeredness Committee

The last thing, we make a recommendation on those committees which could be easily merged. They have the same names in some cases, they do the same things, things like the Patent Committee, radiation committees, animal care committees. What we will recommend is that we start to look at merging these particular committees because they do essentially the same things. Merging the library advisory committees will depend on whether the libraries will merge together into one unit or not, but the rest of them seem to be pretty easily consolidated. I will be happy to answer any questions.

Commencement Committee and Graduation Committee
Academic Honors Committee and Honorary Degree Committee
Institutional Animal Care and Use Committee (same name on both campuses)
Institutional Biosafety Committee (same name on both campuses)
Human Subjects Research Committee and Institutional Review Board Committee

Library Advisory Committee and the Library Committee (if the libraries merge)
Commission on Diversity and Multicultural Affairs Advisory Committee
Radiation Safety Committee and Radiation Safety and Radioisotope Committee
Patent Committee

Chair Jorgensen: The things that come to the sub-committee will fall to the merger task force, the one that is meeting after this, which Barb is on as a co-chair. After that the Executive Steering group will meet alternate Wednesdays for consideration. Are there questions or comments about this aspect of that committee, the shared governance committee?

Tom Lingeman: I was looking and didn't see a Beautification Committee?

Senator Floyd: One of the problems that we are dealing with is that the UT list of committees is incomplete and out of date. When that is corrected, we will be able to determine better how the committee structures compare. There are probably more committees that are not comparable at UT.

There is also a committee looking at faculty personnel issues, a comparison between the two institutions. We have recommended and they (the Faculty Work Group) have recommended that their committees be dissolved and those issues be folded in to our committee, so we are going to recommend that to the Task Force at today's meeting. What we will be doing is studying the personnel structures but will not make any recommendations, recognizing that those are things which are negotiated union issues. But it still seems to be valid to look at the different structures. They have many different structures because it's a college issue, not a university issue. So we have a lot of work to do to identify all the ways that personnel positions decisions are made at their campus.

Chair Jorgensen: Any questions or comments from the sub-committee? Thank you, Barb. Now John on the non- personnel issues of the sub-committee.

Senator Barrett: Our committee is the Non-Personnel Policies and Procedures Committee. To some degree a lot of our topics overlap with other committees and without stepping on any toes, we looked at five things that need a certain amount of attention and thought.

- We looked at things that you might put under research grants administration, things like radiation safety, biohazards, animal care and handling, HHRC. We also looked at intellectual property, patents and, intellectual property ownership and rights. For both of those areas, without going into the details we essentially came to the conclusion that long term we would need one office for each of these. One for intellectual property, one for research grant administration.
- We need a University wide policy. The reality is that there are a lot of different things that go on in different colleges. Human research is done in the medical college and the sociology department, and it would be inappropriate to subject a sociology study to the types of things you might want to subject a full scale invasive surgical procedure study to. So until a comprehensive policy is created, our short term recommendation is that essentially each department should continue, or each college continues with the policies it has been using to date.
- Campus developments. There are obviously going to be new buildings built, a moving of people, there will be re-tooling, and in this area we thought there is a

- concern that the people that may know best be properly consulted. In other words, people within the departments that will be affected, the people that use the facilities, things of that sort. So our suggestion here was that such decisions should not be made without substantial support of the faculty in these areas, and programs should not be moved until there is assessment that demonstrates there is available and adequate space and equipment at the place they are going to move to.
- Research priorities and featured academic strategic tasks. There is obviously a prioritization process going on at this campus. MUO is expected to be folded into that, going forward. There are obviously a lot of opportunities for strategic alliances, for synergies and these should be taken advantage of, as well as avoiding potential redundancies. This will require input from these prioritization processes, and also balanced representation from all colleges and appropriate non-academic units. We were concerned sometimes decisions and priorities get made by committees made up of a bunch of people from just one particular area, or a couple of areas and bias their findings. So we need a broad representation.
 - Research assets. We have a lot of facilities here and we believe it would be useful in going forward to create an inventory of just what we've got, who has access to it, how you get permission to use it, and make this available so that we don't buy things we already have, and so people can actually use what's here, if they know what's available. So, the suggestion here is creation of a database.
 - Multi campus coordination issues. We don't think they are terribly complex but need to be thought about and dealt with, such as, how parking works between campuses, how ID cards and access to facilities are going to work, how the Library systems will be coordinated, down to things like what are the access and fee rights for auxiliary services such as Seagate, or the Dana Conference Center, or the Hilton at MUO. There are about 12-14 of these items that we feel need to be looked at and coordinated.
 - Any questions, concerns?

Chair Jorgensen: You can always email any of these co-chairs with comments.

(Returning to officer elections.)

Deb Stoudt: Congratulations to Bernie Bopp and Al Cave, our newly elected at-large members of the Executive Committee. Our next election is for the second BOT representative. As I pointed out earlier, there are two representatives from Senate to the UT BOT; one is the Chair of Faculty Senate and the other is the individual we will elect right now. I would like to take nominations from the floor.

Senator Skeens: Walt Olson.

Senator Stoudt: Walt, do you accept?

Senator Olson: Yes.

Senator Ritchie: Nick Piazza.

Senator Stoudt: Nick, do you accept?

Senator Piazza: Yes.

Senator Stoudt: Other nominations? If there are none, I would like to ask for a motion to close nominations.

There was a motion to close nominations.

Senator Stoudt: I need a second.

Senator Skeens: I second it.

Senator Stoudt: Please vote for one person.

Senator Skeens: Will the second person be the alternate?

Senator Stoudt: According to the Rules, we are to elect each person separately.

Chair Jorgensen: So there will be one more election for the alternate to the BOT. There has to be a separate election by our rules.

(Returning to merger reports)

Vince Mauro is next. He is the co-chair of the College Alignment sub-committee for the merger.

Vince Mauro: The sub-committee on college alignment met on April 14. At this meeting we welcomed Dennis Lettman from the University College. We also acknowledge that Wade Lee represents the Library on our committee and James Tierney represents Law on our committee. For the most part this committee spent time in this meeting coming up with ideas on how to facilitate collaboration between the two campuses:

- The sub-committee recommended an appropriate body be appointed to facilitate awareness of research and instructional programming on both campuses. Maybe now we can start sending campus e-mails to each other.
- The other things we spent time on is the combining of the college of Health & Sciences, and the College of Health and Human Services, and the committee strongly recommends that the process for determining leadership and the combined colleges be made in a timely manner. These are the highlights.

Chair Jorgensen: Any comments or questions on the college alignment sub-committee?

I would like to introduce our guest, Dr. Lloyd Jacobs, the president of the Medical University of Ohio. He has been there for the past two and a half years. Previously, he was at the University of Michigan and Wayne State University. As you know, he will become the president of the University of Toledo on July 1 of this year. I invited him to share some comments with you.

Dr. Lloyd Jacobs: Thanks very much, Andy, for inviting me, and thank you all. It's a pleasure for me to be here. This is an awkward period in our history, where there is a transition, so this gives me a chance to share my thoughts together like this. It seems to me it would be very valuable and I appreciate it. Andy asked me specifically to say a word about shared governance and what I think those words might mean. I welcome this opportunity. So I took some time to put my thoughts together, and I thought it would make it easier to prepare this presentation.

The reason we are doing this is to keep me from straying too much and to keep my thoughts in order. So, let's do the power point presentation. Some of you have seen it before, and some have never seen it before. So, we will run through those and then we will do the usual question and answer period if you would like. The exercise that some of us have undertaken recently is to place side by side the values statement of the Medical University of Ohio and the University of Toledo. So, on the right you will see from the strategic planning documents, the value statements of the Medical University of Ohio, and over on the left are

the fundamental values and commitments from the lists and documents at the University of Toledo. I was struck when I looked at these that there are so many similarities and struck by the fact that our values generally are very similar, and it speaks to the fact that our institutions can come together, I think, painlessly and nicely. The one value that I really love especially is Excellence; note the capitalization of that word on both columns. I wanted to call it out to you that both institutions, both universities have an outstanding commitment to excellence. I wanted to underscore how important that was to me. About a week or two ago we began to try to formulate the principles to guide all the work groups and all the other folk who are trying to make this merger happen. They are on the merger website.

I just wanted to call out to you that the first one is to retain and continue to strive for excellence. I wanted to take a few minutes to see if we can figure out what that word means. Like a lot of words that we use every day and some of you use, it's meaningless, so I wanted to take a few minutes to talk about it. This is an exercise that we undertook a year or so ago at the Medical University of Ohio, and the ideas predicated on my belief that the concept of excellence is not autonomic, not the unitary concept. It's a basket of values; it's a basket of stuff. So we tried to see what it consists of and, for the Medical University of Ohio, we came to believe that it consists of a commitment to patient safety, then innovative teaching, fiscal strength and so forth. The point is not that this would be exhaustive, that these are transferable from one institution to another, but that in order to think about excellence, you have to consider a number of parameters. It's a basket of all kinds of stuff, not an autonomic, indivisible concept. So subsequently I tried to think about what this would look like in combination and wanted to let you know that I am sure what it should look like. That's a job we will undertake together.

What constitutes excellence? What will constitute excellence is a combination. It seems to me that community engagement belongs on that list, fiscal strength, teaching of some sort, but exactly how we fill in the rest of the spokes is a job for the future that we need to engage together. However, the pursuit of excellence is not just a pursuit necessarily of a single thing, particularly in institutions as broad as our two universities and particularly as broad as the combination will be. You can say a number of things, and I believe we need to discuss this at some length and find them together.

I try to think a little bit about what might constitute excellence, and there are a few quotes from here and there, and I won't read them all to you as some of them are pretty pedestrian. But for Christine Todd Whitman, the biggest pursuit of excellence, we need to jump all the way down to the last line, "*It's a career choice.*" I highly recommend it. I think there is some relevance to calling this a career choice. It is a career choice because it constitutes our work, and it's a career choice because it constitutes a life long commitment. So, for practical purposes, a *career choice*. So, the first line and the last line in this particular quotation seem to fit. James Baker, the former Secretary of State, has emphasized the detail work behind excellence. It says, "*Excellence doesn't happen without dedication and hard work, or without always taking the time and effort to cross the t's and dot the i's ...*" I believe there is truth here, that a piece of excellence is the detail that James Baker is speaking of. I believe that the concept of excellence may best be defined in terms of people's choices. Other people's choices.

Clearly, when you think of health care, if there is a choice between Medical University of Ohio and the Toledo Hospital, or St. Luke's Hospital and the Medical University of Ohio, the person chooses one or the other based on their definition of excellence. When we have applications coming from MUO, and then we have application coming from, let's say Indiana University, choosing one over the other, in so doing it begins the definition of excellence. I think the definition of excellence ultimately lies in the minds of the choosers. We have students who have perhaps lower acceptance from Bowling Green and the University of Toledo, we have students who perhaps have a lower acceptance from Medical University of Ohio and the Ohio State University, and what they do, how they vote with their feet, defines, I believe, excellence. So, I think of excellence in terms of what choosers do. Therefore, the best and the most operational definition that I can think of is excellence "... is that which those with choice choose." That's another tongue twister. I do think it is a reasonable definition, an operational definition. I believe this is what constitutes excellence ultimately is that people chose us. I know that you have a longstanding commitment to excellence on this campus, and I have a longstanding commitment on that campus. Soon I will get those pronouns switched, when I move my office, it will be an all around standing commitment on this campus to excellence. I believe we will carry the spirit of this very intense transition and therefore anxiety and upheaval. The commitment to excellence, I believe, will remain strong and it will bind us together and carry us forward to the future.

So, what's the relationship, I guess, of that concept is that it certainly has validity to the issue of being together, to the issue of shared governance. I happened to be in Pittsburgh a week or two ago and had lunch with Mark Nordenberg, chancellor of the University of Pittsburgh, and I tried to catch this quote. I guess I have to paraphrase it a little bit, because he said it fairly quickly, but he said something like, "I don't believe we here in Pittsburgh," I of course translated it to Toledo, "I don't believe we here in Toledo can hope to achieve our ultimate potential unless we recognize our mutual interdependence, our need for one another."

So, then in the next step after recognition of our interdependence and our need for one another, I wanted to address what I think of shared governance, what does that mean, and what's it about. I tried to capture this a little bit. This is not a finished product, it's not a paper for publication, but it strikes me that some level of sharing, some level of shared governance, is absolutely essential.

And then finally, and because I am in the role I'm in, for whatever reason, good, bad, or indifferent, you can aspire to be a good leader, a leader who is not only decisive but also sharing, and so I wanted to say that after thinking about this for a fair amount of time. I'm convinced that the idea of decisive leadership is not mutually exclusive with shared governance. I think they are complementary.

The focus for both leadership people and administrators like myself and for others involved in shared governance, I believe, will always be a focus on our duties and our responsibilities and our stewardship, a focus on life's privileges and prerogatives. I think this probably applies most of all to provosts, presidents, vice-presidents, and others, that we need to think most of all, about the leadership goals and means of how we serve the institution, how we

serve those who constitute the institution. In closing, here is a little bit of research that I was doing called whole system shared governance:

- Shared governance is not synonymous with democracy. “It is an accountability - based approach to structure in which there is a clear expectation that all members of a system participate in its work.” I am particularly interested in that phrase where all members, every person who ranges from those who sweep the floors and clean the buildings and cook the food to those in the administration, have a sense of shared interest in the work of the institution and carry forward its mission.
- And, I guess complimentary to that is the idea that “Any portion of the organization’s structure that does not specifically support the organization’s work, impedes it.” That is sort of the negative area of what was on the previous slide.
- And then finally, that which, “...goes on at the point of service or productivity in an organization defines the organization’s life and purpose. In a hospital, the point of service is the nurse at the bedside or a nurse at the clinic, and I would ask you to think along the lines of point of service at a great university like the University of Toledo, and what goes between the institution and the people who chose it.

Finally we have heard much, I think, recently about the need in northwest Ohio and in the City of Toledo, to become more active in a knowledge-based economy, more active in the knowledge-based system. We heard people pleading for the future of our universities and the combination to be a catalyst in creation of a knowledge-based economy for this area, and I support that. I believe that’s part of our involvement in the community, and I think it’s important for us to know that in order for it to work, in order for a knowledge- based system to work, everyone has to be contributing to the outcome of the system and have an obligation to own the decisions that relate to their work.

Clearly then, we all have to make an effort to create the structure where people can own the decisions. They can’t own the institution’s decisions if they don’t know about the obvious. So finally, in summary, the concept of excellence is kind of murky, kind of messy. It is, however essential. Shared governance is essential to the attainment of excellence. Together we can excel. An institution like ours needs to go forth and whatever excellence may be to you, or to this institution, although it’s not always clear, it’s not a clear and precise autonomic concept, it is what we must strive for. We have to do this together and that we do, in fact, need to share governance together. We create our future together. And so I wanted to share with you some of these thoughts after Andy asked me to say a word about shared governance and perhaps to use that as a springboard.

I will be happy if someone wants to ask me any questions on any subject, and not necessarily on this material.

Senator Fournier: Considering the environment we’re in where two institutions are merging, I don’t think we can be excellent in everything. It seems to me like we are going to have to be selective. With the constrained resources, how are you going to make the choices and still maintain quality, and also we keep comparing ourselves to Michigan and Case Western, should we compare ourselves to Bowling Green.

Dr. Jacobs: Let me give you a follow up question and answer that before I lose some of your train of thought. I agree that we have constrained resources. Clearly the budgetary situation in the State of Ohio and Dana Corp. is now bankrupt, Owens Corning has been in bankruptcy for a while, and General Motors is teetering on the edge. Therefore, I agree completely with you from a certain philosophical prospective that we can't be all things to all people, we can't be excellent in everything, and we must choose. We must choose and we must become narrower and deeper, as I like to say, and we must build bench strength in particular areas and try to be in a fewer ballgames, if you will tolerate that metaphor. The point that I would disagree with as you reuse my implication at least, and you said, "How am I going to choose?" And the answer is, "How are we going to choose?" I am not sure how we going to choose, but to his great credit, Dan Johnson asked Dr. Naganathan, and Jamie over here, two great groups of people, to think about prioritization, a very important project. I understand from the Provost that there has been some important work done in choosing areas of research focus, and I think that's the kind of work we need to do. I think we need to do more intensely over the next several years as the resource strengths of which you speak, become more intense.

How you measure excellence? I believe you measure it according to the concept of which I spoke. The behavior of choosers. So, in health care, you choose it in terms of NIH sense, after all, studies show in certain sense, that you choose in terms of patients, then market penetration, and market penetration in this community is only about 11%. That's too low, it should be about 14-15%. Market penetration is a measure of people choosers. So, I think you create measures for choosing behavior of those people that we want to serve. That's how you measure it.

Senator Edwards: I am interested in your slide about shared governance not being a democracy. In a public institution, like we both are, what is the governing principle if not democracy?

Dr. Jacobs: That particular quotation was not mine, and I am not sure I agree with that either, frankly. I was trying to give you some of the review of shared governance that I have been thinking about. When I spoke of that slide, I said I think it is not synonymous with the aspect of it. On the other hand, let me tell you, I believe deeply in democracy, and I am a small D democrat. I am distinctly and deeply committed to democracy. Other questions?

It's nice to see so many faces I am beginning to recognize, there are number of faces known to me from MUO. Larry Elmer, it's great to see you; new faces, new friends, Dr. Naganathan, Jamie Barlowe, others I'm beginning to recognize, and I think we will have a great time. Do I understand this is your last meeting and the next meeting will be in the fall? Let me just review that the captain needs to be a cheerleader on the side line. The world is not going to poof and disappear on the 1st of July. When you come back in the fall, there will be a little perceptible difference. The leaves on the trees will look different. But in general, life will go on. We will strive for an orderly and careful transition and stability in the process of transition is particularly important. The 16 or so work groups that you have been hearing from and about, many of those have similar things such as reporting. Bob Sheehan has tabulated no fewer than 51 accrediting agencies to whom we need to report when we change

our structure and governance. That kind of work we need to get done. In terms of us looking different and being different, do not think that. When you are going to go home in a couple of days, or wherever you go in the summer, and come back and on the 1st of July everything will suddenly and magically change. All of the policies that were former UT policies stay in affect on the North Campus, all the policies, procedures and rules of operandi that have been MUO's policies stay in affect on the South Campus, and we will try carefully to go through them to see where changes in modus operandi are a factor. And we won't be changing them just for the fun of it.

John Dismukes: I thought the entire presentation was very beneficial particularly focusing on several slides, and your focus on excellence. I wonder if your presentation will be available on the website.

Dr. Jacobs: We will put it on the Faculty Senate website. I want to thank you once again for inviting me. I like doing forums like this, and I will be happy to do it again. Maybe in the fall at the next meeting. Sharing the information, backgrounds, and feelings and emotions is good through this process, so, I appreciate being here, and please invite me again.

(Dr. Jacobs' Power Point presentation can be viewed on the Faculty Senate website)

Chair Jorgensen: We have one more election to carry out. I was supposed to say this earlier, those of you who were elected earlier to the Executive Committee, you have a meeting at 1:30 this Thursday, where the two Executive Committees meet together.

(Returning to officer elections.)

Senator Stoudt: Congratulations to Nick Piazza. We have one final position to elect, an alternate representative to the BOT. Just a reminder that this person is also considered to be a member of the Executive Committee. Nominations for the position of alternate rep. to the BOT ?

Senator Traband: Steve Peseckis.

The nomination was seconded.

Senator Robin Kennedy: Carol Bresnahan.

Senator Stoudt: Carol?

Senator Bresnahan: Thank you very much, I appreciate it, but I must decline.

Walt Olson was nominated.

Senator Stoudt: Walt?

Senator Olson: Yes.

Senator Stoudt: Additional nominations from the floor? Would someone like to move that the nominations be closed.?

A motion was made to close nominations; it was seconded.

Senator Stoudt: The nominations are now closed.

Chair Jorgensen: I've asked Larry Elmer if he wants to say a few words, while we are waiting for the results of the election.

Dr. Larry Elmer: I just wanted to share with you, not only an excitement on our campus that this whole process is basically behind us, when you think about it, with the signature by the Governor, on March 31, but I think from my stand point, a lot of us feel this way, a lot of us, should I say, a little bit of hesitation has occurred, so it gives us time to think about what we're doing. A lot of us were thinking that things would plow ahead relentlessly and things were going to change very rapidly. I personally believe there is a good reason to just wait and sort of look and see how things will develop over time. Things will change, whether they will change within the next year or the next five years, it's hard to know. If we can just keep in mind this idea that we are striving for something totally different and totally better than we were as two separate entities, I think that will be the key. I have to tell you that we just completed today, and Dr. Jacobs just came back from the last meeting of this incredibly intense period of time where the college of medicine was undergoing this reaccreditation visit, and I have no idea how it would compare with some of the accreditation that you have endured here, but it was quite a challenge for us. I think what it has done, it has pulled the faculty together to a large degree looking again for areas where we can work together for excellence in education, but also research and service throughout the community. I think that's the common theme we are all striving for. I am very, very grateful to be here with you today, especially grateful to be on this journey with you. Thanks.

Chair Jorgensen: Any comments or questions for Larry?

Senator Lipman: This is probably a question I should have asked Dr. Jacobs, does MUO rely on visiting professors in any particular way. Do you have this phenomenon we have here?

Dr. Larry Elmer: That's a very good question. Joe, do you know off hand?

Joe Margiotta: I didn't hear the question.

Dr. Larry Elmer: Do we have any visiting professors on a regular basis? I know we have some visiting professors, but not necessarily for a whole year.

Senator Lipman: Our visiting professors can stay up to three years. Usually they are here one to three years.

Joe Margiotta: We have a professor from New Orleans, from LSU for a year, not sure if other professors have a program like that or not.

Chair Jorgensen: On our campus a visiting professor can do fill-ins while a search is not completed, or when a department has a large enrollment of introductory classes and doesn't have enough tenure/ tenure track faculty and they can fill in for up to three years. After three years they have something called lectures units. So they have 100% teaching responsibility. We have people in non-tenured tracks, people who will never get tenured who teach full time continually, so there is some parallel.

Senator Lipman: It would be interesting, as we go about our work of transition to see the overall grid.

Dr. Larry Elmer: I think that's what Barb Floyd's committee is going to do.

Chair Jorgensen: Any other comments or questions?

Senator Stoudt: Walt Olson, congratulations, you are the alternate representative to the BOT.

Chair Jorgensen: We have one last agenda item, Carter, will you come forward? By the way, six of the eight members of the Executive Committee are coming back. This is the gavel presented by this year's Faculty Chair, to the next year's Faculty Senate Chair, your

name will be engraved later. This is where we need some really inspiring words to get us going into the summer.

Senator Carter Wilson: I have no inspiring words. I do know that we are going to have a tough year coming up and I'm looking forward to the challenge. Looking forward to everyone's support and all of us working together to make it through this tough transition. I am about ready for us to adjourn.

V. *Calendar Questions*

None

VI. *Other Business*

Old Business: None

New Business: None

.VII. *Adjournment:* Chair Jorgensen adjourned the meeting at 5:10 p.m.

Respectfully submitted,

Steven J. Martin
FS Executive Secretary

Tape summary: Kathy Grabel
Faculty Senate Office Admin. Secretary