

**THE UNIVERSITY OF TOLEDO**  
**Minutes of the Faculty Senate Meeting of October 10, 2017**  
**FACULTY SENATE**

<http://www.utoledo.edu/facsenate>

Approved @ FS on 10/24/2017

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**Summary of Discussion**

Andrew Hsu, Provost: Academic Update

Kristen Keith, Administrative Review ad-hoc co-chair; Administrative Review Update  
Linda Lewandowski, Dean of the College of Nursing; Introduction & Update on the College of  
Nursing

Mike Dowd, Chair of Economics; Research Misconduct Policy

Linda Rouillard, President-Elect; Department Name Change

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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: Amy Thompson** called the meeting to order; Main Campus At-large-Member, Thomas Atwood called the roll.

***I. Roll Call: 2017-2018 Senators:***

**Present:** Atwood, Barnes, Bjorkman, Bonnell, Bouillon, Bruce, Chattopadhyay, Compota, Denyer (substitute for N. Haughton), Dinnebeil, Duggan, Edgington, Emonds, Ferris, Frank, Giovannucci, Gray, Gruden, Hall, Hefzy, Humphrys, Jaume, Keith, Kennedy (substitute for G. Gilchrist), Kippenhan, Kistner, Krantz, Lee, Lecka-Czernik, Lundquist, McLoughlin, Menezes, Monsos, Niamat, Nigem, Ortiz, Randolph, Relue, Reuille (substitute for J. Oberlander), Rouillard, Schneider, Sheldon, Steven, A. Thompson, Tucker-Gail (substitute for J. Hoy), Van Hoy, Weck-Schwarz, Wedding (substitute for S. Ariss), Weldy, Wittmer, Woolford, Yousef (substitute for A.. Said), Xie

**Excused absences:** Hammersley, Kovach, Maloney, Ohlinger, Williams

**Unexcused absences:** Brakel, Leady, Modyanov, Schlageter, Schroder, G. Thompson, Willey

***II. Approval of Minutes:*** Minutes of the September 26, 2017 Faculty Senate meeting are ready for approval.

**President Thompson:** Thank you, Senator Atwood for calling the roll. You should've received the Minutes from September 26<sup>th</sup> via email. Is there a motion to approve those Minutes? Are there any discussion, additions, and/or corrections to the Minutes? Hearing none. All in favor of approving the Minutes of September 26<sup>th</sup> please say "aye." Any opposed? Any abstentions?  
***Motion Passed.*** Thank you.

Before I begin my Executive Report today, I would like to say that we have a “celebrity” in our midst who attended Homecoming. We were able to see Dr. Don Wedding down on the field and I think he was Homecoming king, so let’s give him a hand.

[Applause]

I heard the competition for that was fierce, and so that’s pretty amazing that you received that honor. We are very proud of you, Senator Wedding.

**Senator Wedding (substitute for S. Ariss):** I’ve been trying for it for 50 years<laughter>.

**President Thompson:** Well, “50 years” is a charm, right?

**Executive Committee Report:** All right, well, welcome to our fourth Faculty Senate meeting of 2017-2018 academic year. Since our last meeting, the Faculty Senate Executive Committee has met with Dr. Mark Templin, Chair of the Constitution and Rules Committee regarding a proposed timeline for a completion of the revision of these documents. This is one of the four major goals this year to be accomplished by the Faculty Senate. After consulting with Dr. Templin, he recommended that the work process focus on the revision of the Constitution first and then shift upon completion to the creation of the bylaws. Dr. Templin informed the Faculty Senate Executive Committee that this will be a year-long process and that his committee is going to work over the Summer if needed. We look forward to seeing the work of his committee, and thank this group in advance for your service.

Last Friday, members of the Faculty Senate Executive Committee, met with Provost Hsu and Presidential Fellow Dr. Melissa Gregory regarding the newly created University Tenure and Promotion Draft Elaborations. At this meeting, the Faculty Senate Executive Committee provided some initial feedback and are working with Dr. Gregory to prepare this document to be discussed at our forth-coming Faculty Senate meeting. We will be looking to Senators to provide feedback and potentially endorse this document.

At the September 26<sup>th</sup> Faculty Senate meeting, results from the Office of Diversity and Inclusion’s Diversity Survey were presented by Dr. Willie McKether. During this discussion, there was some very important data that was reported regarding students, staff, and faculty perceptions of inclusion on our campus. Several Senators offered some suggestions in terms of how this survey may be improved in the future. An email was subsequently sent to Dr. McKether on behalf of Faculty Senate summarizing the comments and recommendations to improve the reliability of future surveys. Overall, this data should be overlaid to the Office of Diversity and Inclusion’s Strategic Plan and assist with policy and programming efforts. The Faculty Senate Executive Committee would like to thank Dr. McKether for his work on this issue and we look forward to working with his office and being a resource and partner in future efforts.

At our last meeting, a concern was posed about parking tickets being issued due to the mislabeling of a parking lot. This issue was brought to the attention of UT Parking Services and

any parking citations issued in error were corrected and signage is being changed to address this issue. Thank you for bringing that forward.

In terms of our regular policy updates, we have previously discussed H.B. 66, which would create a university tenure review committee to determine its effectiveness in facilitating undergraduate education. Opponent testimony on this bill is currently scheduled for this week Wednesday in the House Higher Education and Workforce Development Committee. President Thompson and President-Elect Rouillard met with the Office of Government Relations earlier this week and will be developing written testimony in opposition of this legislation.

The Faculty Senate Executive Committee would like to thank all Senators and faculty who attended the UT Homecoming Parade and our first Faculty Senate Tailgate. This was a great opportunity to engage with faculty and to talk about the great work of our Senate, especially with those who are unfamiliar with shared governance. Please thank Past-President Mary Humphrys & both Senators Kristen Keith and Senator Thomas Atwood for their hard work in planning and staffing this event. Faculty Senate would like to again thank President Gaber and Provost Hsu for helping to make this event possible through their sponsorship. If you came in late, we had some great pictures of the event, and so I am happy to share with you.

Another opportunity for Faculty Senate to engage with our faculty is coming up on Thursday October 26<sup>th</sup> from 2:00-4:00 p.m. Representative Dan Ramos (56<sup>th</sup> district) will be speaking on “Current Issues in Higher Education.” Light refreshments will be provided and we are asking all Senators to please attend and help us publicize this program. Special thanks to President-Elect Linda Rouillard for organizing this event to facilitate progress to our goal of improving faculty engagement. We hope to see you there!

**Senator Kippenhan:** President Thompson, what was the time?

**President Thompson:** 2:00-4:00 p.m. on Thursday, October 26<sup>th</sup>.

**Senator Kippenhan:** Thank you.

**President Thompson:** Senator Rouillard, the room is---

**Senator Rouillard:** It’s in Student Union. It’s the room right next to what used to be Phonecia, and I can’t remember the number right off the top-of-my-head.

**Senator Kippenhan:** 3580.

**Senator Rouillard:** I’m sorry---

**Senator Kippenhan:** I think 3580.

**Senator Rouillard:** Maybe that is what it is, but it is the conference room right next to what used to be Phonecia. There should be some announcements coming out about it too.

**President Thompson:** We will have flyers available for that too. Put that on your calendars and please hold the date.

**Senator Krantz:** Is the room going to be big enough?

**Senator Rouillard:** I'm told it holds 75.

**President Thompson:** We will look at the room size and get back to you.

**Senator Krantz:** That's pretty tight.

**President Thompson:** We'll look at the room size. He's coming and that's the important thing, but we will make sure the room is good in terms of space.

**Executive Committee Report cont'd:** On our agenda today, we will be discussing the issue of research misconduct and Faculty Senate's role in providing input on the revision of our current misconduct policy. Research misconduct and the processing of these cases has become a significant issue on our campus. This last year, there was a significant increase in the number of research misconduct allegations made and investigated.

There are a number of ways we can prevent this and improve the process of reviewing these cases. At our meeting today, upon his request, we will have Dr. Mike Dowd speak on this issue. As a reminder, it is our practice in Faculty Senate to allow all faculty to bring important issues to the floor upon their request. Past President Mary Humphrys and Senator Kristen Keith will discuss Faculty Senate's involvement in a recent issue and how that led to a series of recommendations for improving the process when an allegation has been reported. These recommendations have been shared with members of senior administration and are the result of many hours of work by your Faculty Senate Executive Committee.

To help address issues of research misconduct, a new Research Integrity Officer (RIO) - Dr. Wayne Hoss, a retired faculty member from Pharmacy, has been hired on a part-time (temporary) basis. This position, which was previously the responsibility of the Vice President of Research, will devote more resources to educate faculty and investigate any research misconduct allegations. We are pleased with the commitment of senior leadership to have an open dialogue on this issue and with the addition of this needed position. Through collaborative efforts and the new RIO, we are hopeful the number of cases of research misconduct will be reduced and any allegations made are processed in a fair and appropriate manner. That concludes my Executive Report. Thank you. Are there any questions before we go forward?

**Senator Krantz:** For House Bill 66, do you have any idea whether representatives from the administration or administrations from any of the state universities will also be testifying?

**President Thompson:** Excellent question. Senator Rouillard and I asked that question when we met with the Office of Government Relations. We believe that the Ohio Faculty Council, OFC

will have representation there. Senator Wedding and Senator Rouillard, you might know more about this, we believe the AAUP has been notified.

**Senator Rouillard:** The State Conference will be testifying.

**President Thompson:** Yes, they will be there as well. We also know there's been a discussion amongst OFC members of potentially going in and testifying as well.

**Senator Krantz:** But the OFC is not administrators, representatives of the faculty.

**President Thompson:** That is correct.

**Senator Krantz:** Is there engagement on the part of any administration?

**Senator Rouillard:** The IUC, the Intra-University Council may testify.

**Senator Krantz:** Forgive me for saying so, but they will have significantly more clout amongst the legislature if they make a strong statement on our behalf.

**President Thompson:** Absolutely, I agree with you. Again, those can be conversations that we have. We have been talking to Dr. Gaber about the importance of this and encouraging them to take a stance on this as well. What we are hearing in terms of that legislation is concerning a bit. The expectation is, it will pass through the House and they think it won't pass through the Senate. So that is why it is really important for all of us to advocate, use our voices, and contact our colleagues of other institutions. I think we can all say there are times we don't pay attention to things and then they get passed. It is everybody's job to reach out and advocate on those issues.

**Senator Krantz:** So this round of hearings is specifically the House, and implied to your statement, Senate will act on this in the future?

**President Thompson:** The thought process is, it will be voted on by a committee and it will pass on the House floor, then it will go to Senate and they believe it will die there.

**Senator Krantz:** Let's hope.

**President Thompson:** Yes, let's hope.

**Senator Hefzy:** What could be the consequences of this bill passing?

**President Thompson:** Well, the possibility is it will always go to concurrence and then it will be signed by the governor. If it went into effect, what it does inherently is it establishes a review committee that would be assigned to each institution with the premise of reviewing the quality of our undergraduate education, which includes the tenure process of faculty and whether that actually adds to the quality of undergraduate education. So it is basically kind of inserting tenure in a place where you wouldn't normally expect—it is kind of an add-on to this bill as a way of looking at tenure.

**Senator Rouillard:** It is part of what some people have called, a piecemeal insertion of Senate Bill 5. Senate Bill 5 was passed and revoked by petition. In a sense, some of the current bills, I think House Bill 68, the one that will reduce public employees sick days among other things is seen as an effort to sort of insert the consequences of Senate Bill 5, but doing it one little piece at a time.

**President Thompson:** Absolutely. So again, if you are interesting in advocating there are a couple of options: (1.) The chair of the committee is Chairman Duffy (2.) You can also share your comments with the Office of Government Relations and they can convey that. (3.) You can share them with Senator Rouillard or myself and we are happy to pass those on. So there are a lot of opportunities. What we're hearing is the opponent testimony which is what we're traveling down for tomorrow [which] will occur, and then there's a week off, and then they are going to have another round of [I believe] interested party, which could be either side testimony within the House committee.

**Senator Bouillon:** Just a quick question. Do you know offhand, if our neighboring states are also on this momentum?

**President Thompson:** There are several other states that have attempted, I think Missouri for an example was one of them.

**Senator Rouillard:** What those states have done [is] they been attacking tenure directly, but this is kind of an indirect attack on tenure. The implication is, "gosh, does tenure benefit undergraduate education-- that is the question that we are posing, but the real question is, how can we get rid of tenure," and this is one little way to chip away at it. This is why it is so important that we resist it. But of course, Wisconsin has eliminated tenure and Missouri is working on it.

**President Thompson:** Senator Rouillard and I have already submitted our testimony and will be reading it in front of the committee. Senator Rouillard will be taking the approach of, "if you don't think we have continuous improvement, here is my dossier for full-professor and this is how we internally handle this at UT." I will be speaking at it from a standpoint of, "if you really want to improve our graduate education, how about you fund us and quit cutting our budgets." I think we will make some important points and we will let you know how that meeting goes for sure.

**Senator Kippenhan:** Last year we were talking about the textbook issue where the schools were going to have to provide them at a minimum cost. Have there been any updates? Is that completely "dead" in the water or is that floating around?

**President Thompson:** I haven't heard anything.

**Senator Rouillard:** I think there continues to be a press to reduce the cost of textbooks, but not to charge universities with providing them.

**President Thompson:** I think the bill that is getting the most talk, and we'll know more about this Friday when Senator Atwood and I have our call with the Ohio Faculty Council, is the Free Speech Act that I brought to Senate previously. If you've been kind of watching the news, there's been some requests for speakers to come to Ohio State and Cincinnati and they've been told, "no," and so there's some discussion [again] about movement on the campus Free Speech Act. We should know more to report next time on that as well. Are there any more questions before I move forward?

Okay, great. Next on the agenda would normally be Provost Hsu, but he is not able to join us today, so Dr. Bill Ayres will give his report in his place.

**Vice Provost Ayres:** Thank you, Dr. Thompson. I bring greetings from Provost Hsu. He is sorry that he could not be here with you today, as you know undoubtedly understand, a provost calendar is sometimes not his to control and things do come up. So he has dispatched me here with a few items that he wanted me to share with you.

First, to simply express appreciation from the Provost and the Provost Office to the Faculty Senate and especially to Dr. Thompson and her colleagues for co-sponsoring the Faculty Senate tailgate event held this past Saturday with the Office of the President and the Provost. From the provost perspective, this was a wonderful event. Also, appreciation to all faculty who participated in the homecoming parade and on top of all of that, we won the football game. It was a great day. Secondly, we wanted to remind you, if you haven't heard already, this week we are kicking off the inaugural Day of Giving event. It is going to take place this Thursday, October 12<sup>th</sup> with the goal of fundraising for the university from students and faculty and other folks who are connected to the university. This is the inaugural Day of Giving event and it is being held to celebrate UT Founders Day. I am also marking the University 145<sup>th</sup> anniversary this year- this is an event that other universities, similar universities around Ohio and across the country do. It is not just to raise dollars, even though the dollars it raises usually goes directly to help our students, but also to increase engagement, which I know has been a significant issue of discussion in this body. It is to get faculty, staff, and students really engaged in the campus, so we hope you will find ways to participate in that. And finally, to bring you up to speed with an event last week- Thursday of last week, October 5<sup>th</sup>, President Gaber, Provost Hsu along with Dean Chris Ingersoll traveled down to Columbus for a memorandum of understanding or memorandum agreement signing ceremony. Also attending this were the president and the provost of Ohio University and the Chancellor of Higher Education. This was an agreement that's been reached between UT and Ohio University in the area of public health. This establishes a public health consortium that combines the strengths and powers if you will, of our two faculties. It is really to expand opportunity for students on both campuses to benefit from the expertise of faculty at the other institution. All of these events are detailed on the UT news website, so if you're looking for more details, I would recommend you go there. This concludes the Provost's report.

**Senator Krantz:** Dr. Ayres, I realize you are on a very steep personal learning curve, and this may or may not be on your radar. Approximately a year ago the Ohio Department of Higher Ed. came out with their academic program review guidelines and in that they allowed for academic programs to reduce the credit hours required for a degree, down to 120 credit hours and not to exceed 126 credit hours. By now I think almost all the departments have been notified by way of the deans that we are to reduce all our programs down to 120 credit hours. The guideline from Higher Ed. is not a stipulation, it is a suggestion. Is there something else that we as a faculty do not know about the politics of this?

**Dr. Ayres:** Thank you for the acknowledgment with regard to my “learning curve.” I have found one of the most useful tools that I have in my first months working here are the words, “I do not know.” So in this particular case, I am not possessed with any particular knowledge with regard to what may be hidden beneath the surface. So we both can read the guidance and the guidance says what it says. It is my understanding on this campus that there are some programs that will remain above 120 credit hours that need to do so for purposes of accreditation. I believe some of those programs, for example are located in the College of Engineering. A-bet standards specifies certain things, and we will do those things because of course, we need our programs to be accredited. In the strategic plan there is a goal to increase the number of programs that are 120 credit hours, but the stipulated goal if I’ve read that strategic plan correctly, is not all programs, it is a number far short of that. We would like to increase that. The primary driver that I am aware of, is to simply make it easier for our students to succeed and obtain degrees where that is possible without sacrificing the necessary rigor and quality of the academic program. You now know as much as I do. Are there any other questions that I can “not” know the answer to?

**President Thompson:** If I don’t know an answer, I can ask you<laughter>.

All right, next on the agenda is co-chair, Senator Keith. She is going to share with you an update about the administrative review committee. This is a special ad hoc committee that I asked to be assembled to look at our administrative evaluation process.

**Senator Keith:** This is probably the first of two reports of this ad hoc committee because I think we’re halfway done with our work, which I think is pretty amazing given we only had one meeting. As President Thompson just remarked, this was a committee that she put together at the start of Fall semester. We had our first meeting last Friday. Past-President Humphrys is also a co-chair, as she claims, I keep reminding people.

Let me give you a little background of this committee: Faculty Senate is constitutionally obligated to conduct an evaluation of administrators at the level of provost, vice provost, and deans. So, this is part of our Constitution, which was approved by the joint faculty of the newly merged University of Toledo in May 2007 and then by the University’s Board of Trustees on March 10, 2008. It basically tells us that we are to facilitate bi-annual formative assessments of the provost, vice provost(s), and deans to ensure accountability and improve administrative performance. I have not been on Faculty Senate for 10 years, but since I have been on Faculty



Senate, I can remember at least three evaluations that we've done. I know for a fact that we conducted evaluations in academic years 14-15 and 16-17, which was last year. The usual process is, we construct the survey instrument and we pass it out to the provost and the deans and ask for feedback to make sure they are comfortable with it. We don't always make the changes that they want us to make, but if changes are reasonable, we make them. We obtain the list of a college's faculty for a respective college if we're doing deans. If it's the provost then we will have lists of all the faculty because all the faculty evaluate the provost. I don't know if we ever actually evaluated the vice provosts or not. So once we have the correct faculty list then we use CCI to conduct the survey. The surveys are anonymous and confidential once you hit the submit button, nobody knows who you are. There are usually questions that you can mark anywhere from "highly satisfactory" to "unsatisfactory" and then we usually ask for written comments. It is every two years, although there's some issue about what do we mean exactly by every "two years" when we have an administrator who is sort of towards the end of his/her second year, are we going to evaluate them with the rest of the deans? If they're interim, we do not evaluate interim deans, unless we are asked to specifically by the provost or the college. I'm trying to suggest that we are very open to suggestions. Since I've been on the Faculty Senate Executive Committee, we are doing this as a service to the university and we do not have an agenda. We really want to aid the president, the provost, and the deans in basic accountability as a way to improve administrative performance.

Well, last year we did what we usually do. We had an instrument that was modified slightly to reflect the president's goals. It was given to the provost and he had some comments, which he gave back to the Faculty Senate Executive Committee. We had asked him to pass it out to the deans for their comments and then we evaluated all of the deans that were permanent and at the end of their second year. We didn't do any of the colleges that were undergoing dean searches, but we did do the College of Education even though they had an interim dean because the faculty from that college came to us and said their college constitution stated their dean must be evaluated by Faculty Senate. Once the results were released to the faculty of the various colleges—well, actually the results are not released to everybody, they are only released to the faculty of their dean's college, and this includes written comments that are verbatim. It turned out there were many complaints sent to Past-President Humphrys, President Thompson, President Gaber and Provost Hsu about how some of the comments were inappropriate. We had a discussion about whether or not we would release the comments verbatim, whether we would redact names of people mentioned that weren't actually being evaluated, whether we would summarize get around the personal offensive comments that were being made, and in the end, we decided that since these are part of the public record then we might as well go ahead and release them as they were. It turned out that decision led us to decide that maybe it was time to put together a committee and take a good hard look at the evaluation process. So, that is pretty much the background.

So that being said, the charge is to assess the deans' evaluations and make recommendations as a committee that will be placed on the floor of Senate this Fall for discussion. The committee does consist of faculty from the majority of colleges, but there isn't anyone from Graduate Studies since most of our faculty who have graduate faculty status represent that college anyway, and as well as University College. We would evaluate the Dean of Graduate Studies, but she has not been in place for two years and that will be a survey that will be sent to all of the graduate faculty. So this is the committee: As you can see, Past-President Humphrys and I are representing our respective colleges. Renee Martin is representing Education; Azadeh Parvin is representing Engineering; Cindy Bouillon is representing Health and Human Services; Mark Templin is representing Honors; Shelley Cavalieri is representing Law; Jeff Hammersley is representing Medicine and Life Sciences; John Bjorkman is representing Natural Sciences and Mathematics; Temeaka Gray is representing Nursing, and Diane Cappelletty is representing Pharmacy.

**Senator Hefzy:** Is there one for Graduate Studies?

**Senator Keith:** No, because we are all faculty of the Graduate School.

**Senator Hefzy:** Is there a representative for University Libraries?

**Senator Keith:** Oh, I forgot her. There is somebody from the Library. I'm so sorry. I think I know what I did, I looked it up and University Libraries is last and I just forgot to put it on there. Lucy Duhon is representing the Library. Thank you for pointing that out [to me], that is a big mistake. [[See PowerPoint](#)]

Okay, this is what the committee recommended: We think we need to revise the current instrument, but we don't think we should do it. So we are recommending to President Thompson that she put together another ad hoc committee to revise the instrument. Now, we do have some suggestions. One of the things that the instrument seems to solicit negative comments, so maybe there should be a way to rephrase some things so it will also solicit positive comments. For the questions that you respond to basically, 0-4, there was not the option for somebody to say, "I just don't know. I don't have enough information. It is not applicable to my dean." They went from very satisfactory/upstanding down to unsatisfactory. We do have some suggestions that we will be glad to give the new committee that will work to revise the instrument. The second thing is, we need to clarify what is actually meant by the peer evaluation cycle, especially for new hires. Again, I think the only confusion comes in to play when you got somebody who has not quite been in place for two years and if you were to wait another six months to evaluate this person, you might be off cycle from the other deans. Part of what we were trying to do here is we were trying to give the new provost some benchmark data on his deans. I should also say that we're in the process of revising our Constitution. One of the things that we can do with our Constitution is we can clarify this language in terms of what we mean exactly by the two year evaluation. One of the things that we did not do is, I think because it's been so long since we had new faculty that we really didn't understand that all the faculty who were filling out the evaluation form didn't

understand the comments, although anonymous are part of the public record. So once you hit that “submit” button, they become part of the public record whether they are released to the entire faculty are not. So we need to make it very clear that these comments may become publically available. So those are the recommendations. What we are going to do at future meetings is we’re going to determine best practices through a survey of other schools. We did pass out a draft survey and at our next meeting we’re going to fine-tune it and decide which schools would want to send it to. Our initial thought is to send it to schools in Ohio, but maybe we want to take a more regional approach or maybe we want to take a more national approach. Some of the information that we’re trying to collect is: What kind of information do they collect? Do they just ask questions in which they will get a numerical response? Do they solicit comments? Is it a combination of both? How are the results distributed? The first question is, are they distributed or are they just given to the person being evaluated and his or her supervisor? If they are distributed, are they distributed as email or are they posted electronically? Are hardcopies made available? Who receive the results? But again, I answered that when I said, how are they distributed? Who receives these results? Right now we sent them out to the entire faculty in the respective college of the dean who is being evaluated—this is something we need to discuss whether or not that is the best way to do it. How do they handle written comments? Are they not requested? Are they release verbatim? Are they redacted? Are they summarized? Then the last thing we are going to do once we have kind of fine-tuned the survey and sent it out is make a recommendation on what to do about written comments. So this is the report, unless Past-President Humphrys has anything to add.

**Assistant Dean Pollauf:** I have a question. How is it like for an entity like University College where administration is actually evaluated because while it may have limited to no faculty, it does have enrollment of 2,000 students?

**Senator Keith:** I think the reason we did not address the question last year because your dean was only in her first year as dean, so it was something that we could avoid for one year. I think what we’ve done in the past is that we still administer the survey, it’s just that instead of it being to faculty, it’s to the staff. Past surveys have gone to faculty and staff in colleges that have a substantially number of faculty unlike University College. In the last round, we decided not to include the staff just simply for the reason that they are few and it seemed like it was pretty apparent who they were if they made comments and we weren’t sure if we could actually protect them. So this is something I think that needs to be discussed with the provost if we are talking about the deans’ survey.

**Assistant Dean Pollauf:** Was Honors on the list or did I just not see it?

**Senator Keith:** It was on the list, but not in terms of evaluating the dean because again, she has not been here for two years. Honors has faculty, but it doesn’t have that many faculty.

**Senator Hefzy:** Question. Faculty- UCAP evaluates them...associate dean.

**Senator Keith:** I think so. I've not been on UCAP, but I think the process is they don't get to UCAP till their third year, new hires.

**Senator Rouillard:** Right.

**Senator Hefzy:** So, a suggestion is...UCAP evaluates the faculty for...

**Senator Keith:** Again, we are amending our Constitution and that will be something that we can put in.

**Senator Kippenhan:** I have a couple of comments. I think specifically [it's] to the same comments we saw last year in a review. While putting in the statement of "please be aware this is public record and could be requested through our request," circulating the comment verbatim is not a good choice. I think we should redact it, summarize it, and send that out, but I think the person who is being reviewed should be the only person to see the comments in the full original writing. If somebody wants to get the public record then they need to go through the steps to get it. I agree with the statement, but I think in this particular case, it would have made a difference—it should not have gone out publicly.

**Senator Keith:** That is the conversation that we are going to be having about the written comments. I will say this, it hasn't blown up on us in the past as it blew up last year. I know I was a little shocked at what the comments actually stated. Some of the comments were just not appropriate.

**Senator Kippenhan:** Right. I agree, however, the comment that you made about not including staff because of the small numbers it would be very obvious who made the comment if you know the people involved, even with the "larger number of faculty," it was obvious in more than one case who made the comment. I think that needs to be looked at very hard. The other thing that I wanted to say was maybe in addition to that statement, we should put in a sentence to say, please phrase your comments in a constructive and professional manner because this is a formative assessment to help.

**Senator Keith:** And that was another recommendation that came out of the committee that I didn't put up here. But whoever this new committee is that will be rewriting the instrument, we have lots of advice about what to include and that was one of the things that the committee agreed upon. It is sad that we have to remind people, but we better remind people.

**Senator Kippenhan:** And then while we are on the topic. Do you mind putting in the same statement in the student evaluations?

**Senator Krantz:** This is an open question to anyone in the room who served on UCAP, which I have not. Is there an analogy with the sensitive documents in UCAP? Technically, they are public record, but there must be some procedure which they are or are not available.

**Senator Keith:** I'm looking at Senator Rouillard for the answer.

**Senator Rouillard:** Well, it is the same thing with the student evaluations; we often have unflattering, unprofessional comments there and they're out there for everybody to see and that is sort of the nature of the process.

**Senator Krantz:** So for UCAP, on the external letters from peer evaluation review---

**Senator Wedding (substitute for S. Ariss):** They are public record.

**Senator Krantz:** Okay.

**Senator Kippenhan:** But they are not publicized.

**Senator Keith:** Right.

**Senator Kippenhan:** There's a difference.

**Senator Rouillard:** But they are seen by a whole cadre of faculty who go through that evaluation.

**Senator Krantz:** But they are not released to the faculty of that college.

**Senator Rouillard:** No, they are not.

**Past-President Humphrys:** One of the considerations that we had, meaning the Faculty Senate Executive Committee last year, is deciding how to handle the comments. It is public information, so anybody can request it. We were told by the University counsel that if we redacted anything in the version that we distributed, if someone made a public records request, they would receive the redacted version, so they would get the "raw" version. I think one of the things that entered into our decision was we felt that if we were responsible for releasing these comments to individual colleges, we might be able to have control over the breadth of the distribution. There was a potential that if we redacted things or refused to send the comments out, there could be someone who would be upset by that, put in a public records request and then distribute the comments widely. Interestingly, and I don't know if President Thompson has some experience with this, I don't really think they were shared beyond colleges, intra college. That is one of the things we will consider as a committee. It is a real tough call. We wish that all of our colleagues would be more productive in making their comments—more professional. It was a very difficult call. I think a lot of the items that Senator Keith has mentioned, especially adding a note to the evaluation form that makes it clear that the comments are going to be released to the colleges could maybe detract some people from making unproductive statements.

**President Thompson:** I just want to add to that, there are 50 different ways we can do this and I think that is why this group was assembled. When our Constitution was put together in 2008, we had a very different administration and different climate, however things have changed and we are looking at other institutions. But one of the questions that we talked about collectively last year, bringing your question up Senator Kippenhan, is about summarizing comments—that puts enormous pressure on us in terms of how do we interpret that and what does that mean. If we're

summarizing in a way that's not really the intent, does that put us at some type of liability? So just for you to know, that is why that route wasn't taken.

**Past-President Humphrys:** That is definitely not an easy thing as we all know.

**Senator Bjorkman:** Since I am on this committee one of the things that occurred to me is I would actually like to ask people in this body that have a little more experience than I do—there is certain similarity in this particular personnel evaluation, right? For example, the Board of Trustees may go into close session when they are discussing personnel matters and so things like that I think are protected from the freedom of a deformation requests. So that is my question for you, does anyone know how close this is to personnel evaluations where you can draw that sort of distinction about whether or not these have to be released?

**Senator Wittmer:** This is not a private corporation. These are government employees who are more like government representatives as opposed to private employees. So I think its borderline and I'm speaking from a HR perspective, not from a legal perspective, I don't know if you can keep them private.

**Senator Bjorkman:** The same argument would apply to the Board going into close session.

**Senator Wedding (substitute for S. Ariss):** They are protected by statue.

**Senator Denyer (substitute for N. Haughton):** I apologize if you said this and I missed it-- there are two other issues that I am hoping this committee would consider. One of those is what decision do we make about an interim dean? I think that's pretty critical, it certainly was in last year's instance. The other is about the timing of review going to faculty. Last year it was during finals week and that was a hard time. I know it is always hard to get things ready and out on time and I understand all of that, but I just hope that it would be another consideration to look at.

**Past-President Humphrys:** The thing is, and Senator Keith mentioned it, our initial intent was not to conduct a review of the interim dean of the College of Education, but it was as a result of faculty from the College of Education coming to the Executive Committee pointing out that the College's bylaws state that the Senate will conduct reviews of the dean. I agree, even if it would've been a week before, it is still too close and we do need to look at that, but your evaluation started a week after everybody else's because you weren't in the initial roll-out. But it is true, the points you're making are very valid, and we should look at them.

**Senator Denyer (substitute for N. Haughton):** Maybe in an instance like this, the question could go back to the college's council. I don't know who came to you and I don't want to know who came to you, but just maybe as a way to make sure that it is the voice of the college would be to touch base with the college's council itself.

**Past-President Humphrys:** I agree.

**Dr. Dowd:** Senator Denyer, to your point about the timing. The Faculty Senate Executive Committee had the evaluations ready to go and to be sent out the first week of February—what occurred and as Senator Keith just mentioned, the instrument was given to the provost and the provost gave very specific suggestions that took over a month to incorporate that and create a new instrument. So it was because of that the pushback that came. The Executive Committee was actually on top of this, but like a lot of times, life got in the way.

**Senator Denyer (substitute for N. Haughton):** That’s understandable.

**Dr. Dowd:** That was the reason for the delay.

**Senator Denyer (substitute for N. Haughton):** Thank you.

**Senator Kippenhan:** Is there any thought of doing similar [evaluations] for chairs?

**Senator Keith:** Well, we discussed that at our meeting and we decided that was something we needed to bring up with the provost. So I haven’t told President Thompson this yet, at our next meeting with the provost, for our agenda item we would like to suggest an agenda item and that is to talk to the provost about chairs’ evaluations.

**President Thompson:** And associate deans.

**Senator Keith:** Yes. That concludes my presentation.

**President Thompson:** Now that we are getting “positive” information, I would like to welcome our new Dean of Nursing, Linda Lewandowski. As you know, we are having all the new deans come to Senate. We asked her to talk a little bit about herself and her new vision for the College of Nursing.

**Linda Lewandowski, College of Nursing Dean:** Thank you to President Thompson and to all you senators and other faculty for inviting me. I was sharing with President Thompson that at UMass Amherst faculty senate where I came from, the meeting was started with a very stately and serious poem each time, so I am making sure there aren’t any poems<laughter>.

**President Thompson:** No poems.

**Dean Lewandowski:** Anyways, thank you. I missed the part about talking about myself, so I will kind of fill you in a little bit about who I am and where I am coming from. I am a graduate of University of Michigan. I grew up in Michigan. I was always told in my interview here that since it is on the “boarder,” it’s okay to admit that <laughter>. I got a BSN in nursing and I have worked in various roles, pretty much about every role there is in the nursing world. I was in San Francisco after graduation and I did a few things then I got my Masters’ Degree at University of California, San Francisco, in pediatric critical care nursing. Then I got recruited to go and I worked there in the hospital for a while as a resource nurse in education. I was recruited to go to Yale University and I was there for 10 years—I had a joint appointment as a pediatric clinical nurse specialist at Yale Hospital and assistant professor at the school of nursing there. So while I

was at there I decided I should earn a doctorate and so I ended up deciding that I wanted to stay put in clinical, but I also wanted to research, so I got my doctorate in clinical psychology from the University of Massachusetts, Amherst and got another Masters along the way for that. I went back to Yale and I did a post-doc in psychology and I stayed as faculty there for a total of 10 years, then went to Johns Hopkins and stayed as faculty there for over ten years. Then I got recruited to go out to Wayne State University where I then had a joint appointment at the Children's Hospital in Michigan and endowed professorship, and I was also a faculty member for ten years there. Then they needed an assistant dean and I was talked into doing that on top of the endowed professorship- so, it was kind of a crazy time. I was the Assistant Dean over the Family Community and Mental Health area, which is about half of the College of Nursing and I spent about ten years there. I seem to keep having these 10 year cycles. I later became the Associate Dean at Wayne State and moved to be Dean at the University of Massachusetts, Amherst and then he asked me to come out to be an Associate Dean for Academic Affairs and so I did that. I spent about five years in Massachusetts and I decided that I wasn't getting any younger, and if I was going to go for the next step to be a dean then I needed to start that process because you don't have that "overnight." So I spent about the last year-and-a-half searching for that "perfect" place where I wanted to be in and they wanted me, and I am so excited to be here at the University of Toledo because I really had decided when I came that this is really where I wanted to be. I was at a number of different places, but I really think this is a great match for my skills-- not only for clinical psychologists, but I have to tell you, that's been "helpful" <laughter>. In the research world I am a trauma psychologist also and that is an additional helpful thing<laughter>. I still kind of have a virtual research team and we're kind of in various places and..., who is a trauma psychologist, now retired, but his hobby is writing articles and collecting data internationally and so it's really cool to be on a research team with somebody who goes on a cruise and spends half-the-day writing an article. I [just] kind of get to help out with writing the article and craft the research. We did develop a cumulative trauma scale that has now been translated to six languages and so I do have that academic side. Today is my three-month anniversary here.

[Applause]

**Dean Lewandowski cont'd:** This is my great faculty here cheering me on in the audience.

So I have this PowerPoint. [[See PowerPoint](#)]

I started to title this, A New Day, A Bright Future. This is the New Day dawning. There's been a lot that has happened in the College of Nursing and a lot that's been talked about on campus about nursing. For my first month being here, I got all kinds of stories from people inside the college and outside the college, and it did help to be a trauma psychologist because we needed to make some real changes. We've really done that and the faculty really jumped on board and I feel so fortunate to have this group of faculty to work with and staff. We have done a lot of things and these are some of the areas that I will talk about a little bit in more detail. Workplace and Learning Place Incivility-- I'm going to talk about that. We had to deal with that head-on.



We had a great need for stable leadership in the college--I mean, stable in people, not necessarily stable “mentally” because that raises a question. We don’t have an academic affairs dean, we need to recruit an APN/DPN director, re-align departments and appoint permanent chairs, and we need a new lead director. Faculty there worked in three, four, or five interim positions, all in one person, and it has not been a good functioning unit and we all agreed with that and so we need to make changes pretty quickly. There’s a big need for faculty development and even faculty workloads, with the major focus on fairness and equality across faculty workloads. There were a lot of issues with admissions, enrollment, curriculum and public relations such as marketing and development. This is in a university context that we’re all involved in. There’s a new top administration as you know. We need to make new top administrators--changes of personnel bring changes of procedures and changes of perspective. There’s a shift back to being a research intensive environment, that has not been the experience and so for faculty looking at things like promotion and tenure, we have a lot of focus on how do we move into that research intensive university role that hasn’t been the focus, and certainly, the context of a tight budget. We do have in the College of Nursing some capacity for enrollment. We have more students wanting to come to us than we’ve been able to take. We have to look at how we can expand some of our ability for growth and that’s a definite priority for the president. We really need to figure out how we can do that in a clinical way. The exciting strategic plan, as you know is shaping all of our priorities. To address a lot of these issues, very early on in August we held a mandatory faculty and staff retreat. The governor happened to be out at Maumee Bay where we were and so this guy with a blue shirt walks across the water and I said, “who is that?” Someone said, “it’s the governor.” He came and said some nice things about nurses and got his picture taken with us and then Tweeted how wonderful we were. I just want to say a little about this because this has kind of been a turning point for us, just really directly discussing and studying a new day and new tone for the College of Nursing with the focus on care of ourselves and care of our colleagues. This is something we’ve been trying to integrate into the College of Nursing as sort of a motto working as a team, showing mutual respect and helping each other. There are a lot of good things happening, but a lot of negative things were too. When I interviewed I emphasized that I believed the role of administration and the dean was to ensure a safe, welcoming, fair, nurturing and educational work environment for all students faculty and staff—I really did mean that and I think that really came through very loud and clear. It has really been pretty clear, and unless we do that, we can’t do all the other things we do. So this is what workplace instability looks like and we had some very frank and open discussion. Some of the bad things--affects health and well-being, creativity and innovation, team spirit, and our performance deteriorates. It takes a lot of time to deal with and fix our recruitment, and it has affected our reputation in this community. That is something we have to rebuild and I am hoping that the rest of you will help us do that by saying, a new day has dawned in the College of Nursing and we are not the place we used to be. We are really on the road to be a wonderful place to have students—it might not be there in every single program yet, but we’re going to be. I hope you help us kind of get that word out.

How do we work on changing the climate? Rudeness is contagious. If some people feel like it is okay to talk badly, then people will talk “badly” back. People yell at each other in committee meetings which was the norm and then other people feel emboldened to do that, and so we’ve changed that expectation and we talked about it. We had an active retreat with small groups at round tables that were crafted to reflect faculty and staff. Many of them had never really met or knew each other. They had to work together and we broke up the “clicks.” People had to identify what kind of place you want to work in and [we] developed in a day a code of professional behavior/conduct. Before we left everyone signed that document and agreed, that is the way we are going to behave. We had a group kind of clean it up a little bit after signing. But the idea has really been everyone needs to sign on and agree. We need to work together constructively towards all the great things that we are capable of doing. This was a quite happy retreat. There were a lot of smiley faces; people were talking to each other that haven’t talked to each other before. It also happened to be in on the day of the eclipse and so we bought glasses for everyone so they could walk around the grounds. There was a lot of healing, a lot of discussion, and a lot of team building happened during this time, even in the cars driving there and back.

These are some of the things that we need to do and we’re working on reorganizing our departments. We have two that really make sense, everyone agrees with that and faculty don’t like them either. We have some plans and hopefully, those will be crystallized by the end of this semester and we’ll have appointed permanent chairs. We have to get rid of all these interims all over the place so people can feel that there’s some stability. This one says Faculty Development and Scholarship: As an outcome of the workshop and the retreat, we had a discussion on what kind of place we want to be. Unfortunately, the College of Nursing had a reputation shared with me by many people outside of the college of kind of being second- rate citizens- not really seen as good scholars and not really seen as having a stringent promotion and tenure criteria as other peer schools here at UT and nationally. I was pretty much as blunt with the faculty as I am being here because if we don’t recognize these problems, we’re not going to fix them. The faculty here are as wonderful, as smart, as talented, and as capable as any other faculty group that I’ve worked with, and there is no reason for that. We had a volunteer group, Dr. Quinlan valiantly chaired that group who has crafted our elaborations—they’ve done a fantastic job. They have really put it into place and we had our first faculty perspective yesterday and another on Friday. Faculty will be voting in November at the faculty Council meeting to really put us on the same par and maybe above some of the expectations. Really having a national reputation is important because if you have a national reputation at an associate professor level, is having nationally/internationally renowned recognition for their scholarly work at the full professor level. I think we are really on a trajectory of really changing the whole scholarly productivity. We have been working with faculty who are “freaked-out” by this because the idea from what I hear is faculty are expected to produce at least two articles this year. We are going to help you do that. If groups of three people work together and each of you take the first authorship and work on other ones as co-authors and then if you submit them, that’s three articles and if you do that twice-a-year, that’s six articles. It doesn’t meet the definition of consistent, but okay, we have

catch-up to do. So we are looking at publishing and grant writing workshops. Dr. Barlowe has pledged to help with mentoring and I hope we can call on other researchers across the university to really help us develop some of the interprofessional collaborative research and scholarship that our faculty are capable of and really ready to do.

Student Success: We've been working on staff and faculty climate and now we're ready to move in to working on the student climate. As you noted in the previous discussion, our students in the College of Nursing are not the most tactful and professional. They also have not always had the "best" role models, to be very honest, about how to respond and how to speak professionally to each other. So we really have to work on changing our faculty and staff role modeling and our processes so we can now roll that out to students. We are working on admissions and we are becoming more "holistic." We are also increasing our diversity. Our online RN to BSN program is one of the three chosen by the university to really highlight and market because we have the capacity to grow. The provost pointed out to me, some universities that engaged their students by outside outfits increased their students by 5000. Maybe we can say, 500 because we are not going to go to 5000 anytime soon, but there is definitely a lot of market nationally. It is a major focus on getting RN's to the BSN level because we now have a lot of research that shows that impacts patient outcomes and patient care. So we are going to grow that, but may not be as fast as the provost wanted and so we're doing a few things about that. We have some revisions in our curricula--we are reevaluating our collaborations with Bowling Green State University and Wright State. As a new person coming in, I've been asking rationale questions like, what do we get out of these partnerships? There's a lot of misinformation that I found; I'm thinking we have millions and millions of dollars, we don't. I've tried to track that down everywhere in the university and that probably costs us, and so how do we re-craft these relationships so we're getting a good deal and the other university is getting a good deal to. Then foster closer relationship with administration and students--open avenues of communication. Increase Student Options and Events: Increase and strengthen our honors program and we are going to continue to do that. We are looking at study abroad options. Dr. Chan is going to bring in a group of students to Taiwan this Winter session and hopefully, that will work out. We are going to restart our white coat ceremony for Nursing which is new for us. We are looking at how to increase our students and involvement in research activity. We are looking at student travel and really trying to increase our communications, marketing, and development. When I first looked at the UT website, I was impressed at the interprofessional nature. Then I read much of the quotes and it said things like, the University of Toledo is fortunate to have these great interprofessional schools such as Medicine, Pharmacy, Health and Human Services, Law, etc., but there's no mention of Nursing, the words did not appear. All throughout the websites, the word "nursing" did not appear, there's been a big visibility problem. When I looked it up last night, the words did appear. I pointed that out because if you look up nursing now, we are there, maybe in a different font, but I don't care. We are looking at a marketing plan, marketing visibility, and PR. We are looking at developing mutually beneficial official partnerships with community agencies. There are some things that I discovered that we haven't been using, weekends to do nursing

clinical—every other school in the world I know does that since nursing is a 24/7 outfit. If you go into nursing, you are going to work weekends and actually, those are your official days and nights and so you might as well learn that. That increases our capacity for students and so there's some potential for growth that we need to look at. We are doing more in social media like adding a dean's message video that was produced this week on our website—I am now Tweeting, follow me at [utoledonursing.com](http://utoledonursing.com) It has been great because I went to an international conference right after I came and then I was just in Washington at a health policy conference and so people started following me. This one says, go rocket nursing- this has been our tagline now, go rockets and go rocket nursing. I am really excited. I think we are on an exciting trajectory in nursing, so be on the lookout for what our nursing faculty and students are going to be accomplishing. Again, I hope you will support us, and you will help us get out the word, a new day has dawned. I appreciate you listening. This was a very quick overview. We are doing a lot of things, all at the same time and it's hard to believe that it's only been three months, but we are excited and we're on the move. Thank you. Are there any questions?

**Assistant Dean Pollauf:** I have two questions for you. One, you probably will not be able to answer completely today, but [I'm] making sure you are aware of it. The first is, are you aware that there are nearly as, if not more students that want nursing who are not in your college, but in University College? We have 70% of exploratory studies that did not make it into nursing.

**Dean Lewandowski:** Yes.

**Assistant Dean Pollauf:** My second question is, given that, and the fact that Nursing and HHSS are in different academic administrative units, are there plans to create another major where prerequisites for nursing will line-up with some other healthcare profession that is actually offered at the University?

**Dean Lewandowski:** I have a couple of thoughts on that. Certainly, the issue of these hundreds of nursing students admitted as pre-nursing, it's a motto that some universities use. At the University of Amherst, we had freshmen admit for nursing, and what that did was wean-out the hundreds of people who wanted nursing, but wasn't ever going to get in. We didn't have that decrease in retention that the provost would rather get rid of too. It is hundreds of students that are not getting in and going to their junior and senior year. The thing about that is, I think it is a good idea and we can look at some other alternatives and I can certainly can get involved in that, but the thing about nursing students is they pretty much know that they want to be a nurse.

**Assistant Dean Pollauf:** How well do I know.

**Dean Lewandowski:** There's a minority of students who you might be able to talk to going into public health. At Amherst, we kind of had a second degree advance program and here you have a generic master's program, which is better because you can't get financial aid for a second baccalaureate degree, but you can if you change your major into a graduate program. I think this is the better model. One thing we can do is to encourage students to take the prerequisites and do

a health-related major and then come in to our generic Master's program, which is a CNL, clinical nursing leader program—it's a way to become a nurse and then they also end up with a graduate degree, and that is an alternative pathway. I think it is a complex question, but what usually happens is if nursing students don't get into the Nursing School here, they leave and go to another nursing school and so it doesn't really benefit us a whole lot. I did bring up the question with Stephanie Sanders and another person who is a faculty member on the video (I can't remember their name) and my question was, if the science prerequisite courses are needing to have those students—another argument that I heard at another university, we need to have those students because they fill our science, chemistry, and all those kinds of courses. But to the contrary, I would love to add exceptions for those students. So that is a serious consideration that the provost is interested in and Stephanie Sanders, to look at changing our model to admission as a freshman. Yes, you have a lot of students that don't get in, but you have very high retention, very high GPA's, and you don't have that fall off in their junior year in terms of the decrease in retention, and you have a lot happier kids who—you know as a parent how it would be bummed if I spent two years having my daughter be here or my son and then they had to find another college because they didn't in get in here. I mean, that is a big dissatisfier here and so that is really something we are looking at.

**President Thompson:** I think I want to be a nurse now; I have to change my major. Next up, we have Dr. Mike Dowd, and he's going to talk to us about research misconduct.

**Dr. Dowd:** To begin with, I will apologize—I have lots of notes, but I can't really see them and so I might repeat things. I also want to apologize to the Faculty Senate, after such a wonderful and such welcoming news about the College of Nursing, I have no “joy” to talk about. I will say for the Minutes, I am declining my ability to revise my comments before the Minutes are distributed and approved by the Faculty Senate. So again, I will not revise the comments afterwards.

I want to talk not only about research misconduct, but academic misconduct, professional misconduct, administrative misconduct, and ethics violations. Let me give a little bit of a background and put some context to my comments. I've been a member of Research Council [I think] since 2001 or 2002. I have no idea how many discussions and adjudications I sat through of research misconduct over that period. I have also served on the Academic Standing Committee since Carol Bresnahan was the chair of the committee, and that puts it at about 2002 or 2003. I've chaired the Academic Standing Committee for about 14 or 15 years. If you are not familiar with the Academic Standing Committee, that's a very good thing because it is the last word on all academic grievances, appeals, and misconduct. The decisions of that committee cannot be reversed, appealed, and mitigated. I have many years of experience dealing with these cases, and the events this Summer have sickened me. To be absolutely open, this Summer I filed allegations of research misconduct against an administrator. I cited the policies, the University policies where I believe misconduct was specified. The reason why I gave the background about, “I have no idea how many cases I have adjudicated” is that there are individuals in this room

who have served on the Academic Standing Committee, who served on Research Council, and we have sat in “judgment” of allegations of misconduct by students and faculty members, and the only thing we have are University policies. If we are going to make a judgment, that is what it’s always based on. I don’t have “joy” today because the allegations regarding this particular administrator, I believe they did not follow University policies, and I’ll get into the details of it. My issue today is not the allegations that I’ve filed. Those specific allegations are regarding an administrator asking a subordinate faculty member to be listed as an author, co-author of a scholarly piece of work, even though the administrator did not contribute to that work—that’s the basis of the allegations. My talk today is not about that end of it, it is [about] what happened when those allegations against that administrator were reviewed and the issue whether University policies were actually followed. Now, again, forgive me. Now, a brief summary of the decisions: The University policies, and I’m citing these policies not because I’ve memorized them for today’s meeting, it’s because I’ve cited them countless number of times over the years. If you want to take notes, the University policy, 3364 – 70 – 02, it states, you don’t get authorship on a scholarly piece of work, unless you contribute to it—I’m paraphrasing. The University policy, 3364 – 70 – 21 states explicitly, to propose misconduct is misconduct. Now, we all know this, if you were to do anything inappropriate with a colleague unwanted or inappropriate, you don’t have to have the colleague’s permission to do it, for it to be considered inappropriate. Scholarly misconduct, research misconduct, professional misconduct and ethics violations are all based on the notion, if you propose an action that is misconduct, it is misconduct. I’ve got 17 pages of notes and I’m not going to read them because we will be here till “Thursday.” The initial assessment for research misconduct where the vice president of research, and at the time was the research integrity officer, was to consult two senior faculty members to determine if this allegation should go forward—now, this happens in every single case. In this case when the allegations against an administrator take place, only one faculty member was chosen and the other person was an at-will employee, a retiree who happened to have the same administrative title as the administrator in question of the allegation. The results: The vice president of research determined that this allegation of research misconduct be dismissed. So, if you ask for authorship on a subordinate faculty member, it is not research misconduct, it’s not scholarly misconduct, it’s not professional misconduct, and there are no ethics violations. If you read the one policy that I just mentioned, 364 – 70 – 21, it states, the only way the vice president of research could dismiss this allegation of misconduct was if “the administrator’s action was trivial.” The allegations that I filed are “frivolous.” I understand there’s going to be a discussion on revising the policies, and I can’t emphasize enough, when you sit and try to rejuvenate a misconduct case, the policies are all you have. This fact for what the policies actually meant for an administrator to ask for authorship on a scholarly piece of work, even though he/she did not contribute to it was deemed as “trivial.” This was brought to the top administrators of this University and nothing official has been done—that decision stands. Now, that focused on research misconduct and scholarly misconduct, but professional misconduct and ethics violation was considered by a different administrator. The senior director of Faculty Labor Relations filed that this administrator was not

guilty of any misconduct, he used the word, “misfeasance,” which I have read the policies a number of times and I have never seen that word, but not “misconduct.” What is interesting about that report is that he uses a set of criteria in order to come up with his conclusion that no misconduct took place—was that you had to have misconduct occur in order for misconduct to occur. In other words, you have to have the result of misconduct in order for someone to be guilty of misconduct. Now, that flies in the face of what seems to me like all legal precedent. It also flies in the face of the stated policies of the University of Toledo, to propose misconduct is misconduct. What the senior director of Faculty Labor Relations said was, well, the faculty member said no, I am not going to make you an author, and because of that, it is not misconduct, even though the policy states, if you ask, it is misconduct. Now I’ve been around the block a few times and I’ve never seen treatment of the University’s policies like this. Is it based on a fact that the person at the center of this is an administrator, because I know the Academic Standing Committee has followed policy? Inquiry panels from the Research Council or investigative panels from the Research Council, their reports have to cite University policies when they publish their decisions—they have to relate it back to policy. In this particular case, the report from the senior director of Faculty Labor Relations does not cite the University policy—well, how could he when they are directly in contrast of two existing policies? There is no joy in this and it is heartbreaking to see again, nothing official is done here. When a faculty member is found guilty of misconduct, what happens? Regardless of what the sanction may be, a slap on the wrist or something more serious, it goes on their personnel record. Are administrators subject to the same requirement? Do they have a God given right to subjectively apply what University policies they want to at some times, but not other times? There’s going to be talk about revising the policies. Now, in my more cynical minutes, Senator Kristen Keith and Past-President Mary Humphrys have heard me rant about what is the point because if administrators do not have to follow the policies that are imposed on faculty then they are not policies. If you revise the research integrity policy, 3364 – 70 – 21, there is no language that puts a check on the research integrity officer; there is no check for what occurred by the Faculty Labor Relations director. The Academic Standing policy has a simple sentence that says, the decisions are final (or whatever the words are), unless policies were violated and then it goes back and we start it again. This is a very chilling thing. The Academic Standing Committee is adjudicating a case right now and all of their discussions fall around University policies, college policies and department policies—it always does. Why are faculty held to policies if an administrator is not? For me, I extended faith and trust that the senior administrators of this university, once I provided them with an explanation and I cited University policies then the official action will be taken—officially, I don’t think anything has happened. There is a new research integrity officer, but is there any record of approval or disapproval of the actions of how this case was handled? I have no idea. If you don’t have faith in the uniform application of a policy, then the only thing you have left is subjective application. If we don’t stand for academic integrity transparency then what are we doing here? I’ve seen individuals in this room that I have served with on Academic Standing and Research Council and we’ve seen the “ugly” cases and we’ve seen the minor cases, and the

policies are to apply them both. Revise the policies if you want to, but please include some sort of a language that puts a check on this because as it is now, do we actually have misconduct policies at the University when administrators are given the latitude to subjectively apply them? That's all I got. If I keep talking then I will only be repeating myself.

[Dr. Dowd declined the opportunity to edit his comments]

**President Thompson:** Thank you, Dr. Dowd. I appreciate your comments and we are going to hold questions due to the time, but we will have a chance to follow-up on this. Based on some accusations that Dr. Dowd conveyed to us, we, The Faculty Senate Executive Committee appointed a group to look at this from a process standpoint. So I've asked Past-President Humphrys to share some of her findings and suggestions in terms of how we might address a situation like this and approve it in the future.

**Past-President Humphrys:** Thank you, President Thompson. I would like to start by saying something that we all are aware of and we all believe in, and that is research is vital to this institution. I think because of the importance it plays, it behooves us to make sure, as faculty leaders, that the policies, processes and procedures that are related to how research is done and how misconduct allegations are handled are followed with integrity and consistency. The issue to which Dr. Dowd referred precipitated, as President Thompson said, an examination by several members of the Faculty Senate Executive Committee to look at our policies, our practices, and our procedures related to this type of activity. I can say that we carefully examined the pertinent policies, and we took the opportunity to really do some fact finding of what happened in this particular case and how it reflects on misconduct policies and procedures across the University. One important piece of information to understand and one of the things I'm going to mention here is that the research misconduct policy that Dr. Dowd referred to lays out a specific process for how to handle an allegation of research misconduct. The first stage is called "allegation assessment," which I am going to talk about more in depth later. If in this first stage it is determined that there is potential that research misconduct has occurred, it goes to a second stage which is called an "inquiry." Then there is a third stage which is the actual investigation. The research misconduct policy says, "allegations assessment shall be performed by the RIO (Research Integrity Officer) in consultation with at least two senior faculty members who have experience in misconduct proceedings." President Thompson and I have confirmed that it is currently an accepted practice at UT to allow an administrator to be one of these two reviewers. In fact, in the particular situation that Dr. Dowd referred to, one of the two "senior faculty members" who were put on the review committee was a dean at the time. So as I go along I want to make recommendations that our review group has proposed. One of the things that we believe the Senate should consider is to determine which administrators can be considered "faculty" in this process. Is it in the spirit of the policy that administrators with faculty rank should be allowed to participate in the allegation assessment process, especially in a case where it was involving another administrator? If we agree that administrators can act as reviewers then we



need to decide if it is administrators at any level or not above a certain level. For example, should it be no administrator above a chair etc. - that is one of the recommendations we would make.

If you go back to the quote I just gave you, it talks about having “at least” two senior faculty members. It’s been again, in the recent past, a practice of the University to use only two faculty. In the particular case to which Dr. Dowd referred, the two faculty members initially came back with opposing views on whether it could have been research misconduct. When that happens and you only have two people, there is the possibility of a “tie.” A way to resolve this is to have a third person to come in to break the tie, but that’s not what happened. What can happen in situations like this is that the Research Integrity Officer, who according to the policy should be the vice president for research--that’s been changed at this point as Dr. Dowd mentioned and President Thompson reported in her Executive Report. In that particular case, they came back with opposing views and that leaves it open to the Research Integrity Officer to decide what to do, and it opens it up to the possibility for the RIO to influence the outcome. I think we would probably agree that it is a faculty-driven process that should be unencumbered by potential administrative influence. So another recommendation that we have is to change the language to say that there is a minimum of three faculty involved in the first step of the research misconduct process; which makes the assumption that each of the faculty will come up with a decision so there wouldn’t be a tie.

So what happens, as appears to be the situation in the allegation referenced by Dr. Dowd, when an allegation of research misconduct comes back as something that doesn’t appear to be research misconduct, but inappropriate conduct of another type? Interestingly, there is a policy that addresses non-research related misconduct, but it is very vague. It makes it very murky as to how one goes from a research misconduct case to a non-research misconduct case. It is very difficult to understand, and we never really were able to find what the procedure was. So what happens and what happened in this particular case? The issue was basically sent to the Provost because it was deemed that there was no research misconduct, yet something inappropriate had occurred. An investigation was conducted and a report was written by the Senior Director of Faculty Labor Relations and Academic Inclusion. So another thing that I think we need to look at is if this is the appropriate procedure to handle the transition from a research to a non-research misconduct allegation. This includes the current practice of relying on the recommendation of one person recommending that some sort of disciplinary action be taken against someone. Is that appropriate? Is that effective? Where is the policy that determines how and by whom a report like that is written and how is it distributed?

I can summarize three issues that we had regarding this report.. First, there are several places in the Senior Director of Faculty Labor Relations’ report that refer to issues of research misconduct. This a concern because we have a policy and process in place to look at research misconduct. So why does a report written by the Senior Director of Faculty Labor Relations reference research misconduct? This obviously is not within that individual’s jurisdiction; and when it is taken away from faculty governance, it should be concerning to all of us. We have a policy that addresses this, but in this report there were many references to research misconduct--that should be the decision of the policy that is primarily overseen by faculty members.

Second, the Faculty Senate Executive Committee members who looked at this were very concerned about the report including unsubstantiated allegations against faculty members in one of the departments at the University of Toledo. This is a public document and this was basically the writer of the document quoting an interview that was conducted with one of the principles of the situation. We feel it was very inappropriate. Not only is this something that could be potentially damaging to inculpable faculty, but again—why does this document reference research misconduct—this report was not about research misconduct?

One last thing that I think it will be important for us to get the Senate's take on is the wisdom of making a decision on disciplinary action based on the opinion, recommendations, and the conclusions of one individual. Also, the individuals cited in this report were not given the opportunity to respond to it before it was distributed.

So there seems to be several issues with the report including the conflating of research misconduct and misconduct of another form, unsubstantiated accusations being included in the report, and one individual being allowed to make a recommendation for disciplinary action. In general, I think we have a lot of symptoms of basically an apparent lack of a timeline or a communication-line of how something goes from being a research misconduct allegation to something that is deemed to not be research misconduct, but something of another form of unprofessional action.

**Dr. Dowd:** My request for the Faculty Senate Executive Committee is that you speak with Provost Hsu and ask the Provost to address the full Faculty Senate in public, not just the Executive Committee, on all of these issues-- why the vice president of research have an invalid assessment process; why was that taken as valid, [because] it clearly violated the policies? The senior director of Faculty Labor Relations had a different set of standards that is used for anyone else at the University, so why was that taken as a valid set of standards? Now the Provost Office was not involved in what the vice president of research did, but the senior director or Faculty Labor Relations reports to the Provost and the Provost should be willing to address the validity of using a second set of standards. I believe for the good of the University, this discussion should take place at an open Faculty Senate meeting, and that is what I am requesting from the Executive Committee.

**Past-President Humphrys:** Okay. One last thing several members of the Faculty Senate Executive Committee brought these specific issues, as well as additional related ones, directly to President Gaber.

**Senator Relue:** I have a question in terms of the process. The process for research misconduct---

**Past-President Humphrys:** Right.

**Senator Relue:** And for academic misconduct, it sounds like, [they] are not similar. It also doesn't sound like faculty are evaluating faculty in the academic misconduct process. I guess my bigger question is, if there are multiple kinds of misconduct that can occur, who gets to decide which "pot" a particular allegation falls in and is there any communication before it is moved to

a particular area such as research misconduct? Dr. Dowd brought up charges saying research misconduct, but somebody else said it was not research misconduct. Is there a group of faculty that gets together to make sure that any misconduct charges are being evaluated by the right group and under the right policies?

**Past-President Humphrys:** Not that I am aware of.

**Dr. Dowd:** Just to clarify, the research integrity policy also handles research misconduct, scholarly conduct and it can handle professional misconduct and it talks about ethics violation. Academic standing, there is a separate process, but it doesn't start at the university level, it starts at the department, the college and then it goes to the university level.

**Senator Reuille (substitute for J. Oberlander):** Not only is there research misconduct, but there is a power differential, abuse of power. I mean, there are a lot of things that could be going on here and it seems to me for it to be misconduct only if the person in the subordinate position goes along with it, that's driving another person into the whole system. I'm thinking of some of the other issues we had at the university. There are all kinds of ways of handling this and it wasn't handled well.

**Past-President Humphrys:** We should mention too that this report came to the conclusion that there should be some sort of corrective action taken against the individual who was the subject of the original research misconduct allegation and disciplinary action was taken.

**Dr. Dowd:** Was it official?

**Past-President Humphrys:** I'm sorry.

**Dr. Dowd:** Was it official? Is it part of the record?

**Past-President Humphrys:** That's a good question. I don't know.

**Dr. Dowd:** I'm just being "fussy" here.

**Past-President Humphrys:** That's fine.

**President Thompson:** It was under the category of misfeasance vs. research misconduct.

**Past-President Humphrys:** Right, that is what the report said.

**President Thompson:** I know we are getting close here, but I just wanted Senator Keith to have a minute to talk about what's going to be happening with the next steps of this in terms of here we have recommendations of what we would like to see happen differently. And certainly, we made those recommendations to the vice president of research, but this is in terms of how we can get more involved with Faculty Senate just in a couple of minutes of remarks.

**Senator Keith:** I don't have much to say. I'm the Chair of the Academic Regulations Committee, so policies that Faculty Senate examines and bring to the floor of Senate to endorse

or not endorse comes from my committee. I think initially we weren't supposed to, well, not that we weren't supposed to, but I think the idea behind the revision of the policy on integrity and research and scholarship occurred at the end of Spring semester. There was a serious revision of this policy over the Summer. It was posted for a 30 day comment in July and the Faculty Senate Executive Committee looked at it in late July and we recommended to President Thompson that she ask them to pull the policy so that people will have a chance to look at it and make comments when we start in the Fall. President Gaber also told them to pull the policy and so the policy has been pulled. I understand that AAUP has been involved in drafting some new language, so what I am trying to say is that we haven't seen sort of the final version of this policy in order to bring it forward to the committee. I just talked to the provost today and as soon as it is in its final form and ready to be forwarded to the Faculty Senate, the Academic Regulations Committee will look at it and then we will bring it back to the floor of Senate. There's been some suggested changes made that may not solve some of these problems, but it basically does give the research integrity officer more authority, charging a person to basically be responsible for research misconduct. Hopefully, there's something to that in terms of training. I think we need training and a better sense of what these definitions are—it's been a long time since some of us actually thought about what research misconduct is, those of us who have not actively been involved in some of these cases. That is really all I have to say because at this point, I don't have anything to report, but it will come to our committee.

**Senator Bonnell:** I just went through that training and it is horrible. It was a waste of a day-and-a-half that I would never get back. Dr. Dowd, I got to say that I really emphasize with you, your commitment to exaggerate. We are having this discussion up under the flag and what we are talking about is regulating human behavior. We have over 20,000 laws in this country regulating gun-control and look how well that's working. There are 25,000 pages of federal laws and nobody knows how many there are. This is our legal systems' attempt to...in the country to try to break human behavior, and all I can say is this society, we aren't real good at it. A General I know who happens to be a General in the Army, state senator, and an attorney among other things—he said, “there is no room for justice in the justice system,” which is very disheartening. I hope as a university we could actually be better as a society at large. I think we also have to be very thoughtful with drafting policies as we move forward with this.

**President Thompson:** Thank you for your comments. One last question.

**Senator Van Hoy:** Well, it is not a question. This is an add-on to that in terms of just making sure we are careful with this policy. I would also suggest that this needs to go to Graduate Council for review.

**President Thompson:** Absolutely. I think that was the plan. We want this to be very participatory and we want it to be a lot of faculty feedback and input on this policy. We, specifically as the Executive Committee ask that this policy come through Faculty Senate and to our policy committee. We are very engaged with this and I certainly thank Dr. Dowd for coming

and sharing with us today. Just because of time, any last announcements or items from the floor?  
Meeting adjourned at 6:07 pm.

IV. Meeting adjourned at 6:07 pm.

Respectfully submitted,

Fred Williams  
Faculty Senate Executive Secretary

Tape summary: Quinetta Hubbard  
Faculty Senate Administrative Secretary