

THE UNIVERSITY OF TOLEDO
Minutes of the Faculty Senate Meeting of January 15, 2013
FACULTY SENATE

<http://www.utoledo.edu/facsenate> Approved @ F.S. meeting on 2/26/2013

Summary of Discussion

The Recent Loss of One of Our Students
Remembrance of Beth A. Eisler, Professor of Law
Next Steps for the Core Curriculum
Proposed Changes to Teaching Workload

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 Michael Dowd called the meeting to order, **Lucy Duhon**, Executive Secretary, called the roll.

I. Roll Call: 2012-2013 Senators:

Present: Present: Anderson, Bailey, Barnes, Cappelletty, Cochrane, Crist, Cuckovic, Denyer, Dowd, Duggan, Duhon, Edinger, Ellis, Franchetti, Gilbert, Gohara, Hammersley, Hey, Hill, Hoblet, Humphrys, Jorgensen, Keith, Kranz, Lee, Molitor, Moore, Nigem, Ohlinger, Piazza, Plenefisch, Quinlan, Randolph, Relue, Rouillard, Sheldon, Springman, Teclehaimanot, Templin, Thompson, Thompson-Casado Van Hoy, Weck-Schwarz, Wedding, White, Williams, Wilson, Yonker

Excused absences: Brickman, Giovannucci, Hamer, Hewitt, Hottell, Lingan, Lundquist, Moynihan, Regimbal,

Unexcused absences: Nazzal, Rooney, Cooper, Tinkel, Willey

II. Approval of Minutes: Minutes from November 6th and December 4th meetings are ready for approval.

President Dowd: I call this meeting to order. Welcome to the eight Faculty Senate meeting of Academic Year 2012-2013. I ask that Secretary Duhon come to the podium to call the roll.

The Minutes of the November 6th Faculty Senate meeting have been distributed to you. Do I have a motion to approve those Minutes? Is there a second? Any discussion of those Minutes? Any corrections to those Minutes? **Motion Passed.**

In addition, the Minutes of the December 4, 2012 meeting of Faculty Senate have been distributed to you. Do I have a motion to approve those Minutes? Is there a second? Is there any discussion? Corrections?

Senator Jorgensen: I sent in some edits to the minutes which have not been included in the final draft. They are all minor.

President Dowd: I ask to amend my motion, for approval of the Minutes that contain the revised comments from Senator Jorgensen. **Motion Passed.**

President Dowd: I will try to keep this report as brief as possible because we have a full agenda today and I want to provide as much time as possible for our speakers. Unfortunately, this report will not be overly brief because much has occurred since the Faculty Senate met in December. Please excuse me if I cover the material in this report rather quickly.

To begin this report, I want to explain my absence from the December 4th meeting of the Faculty Senate. I was ill at that time – and have been ill since the Thanksgiving break. Please note that for the most part I was not able to read and reply to email since Thanksgiving. I extend my apologies for not responding to such correspondence.

The only reason I mention my illness is to note my most sincere appreciation of Vice President Rouillard for “stepping-up” and carrying-out the duties I could not effectively perform at that time. This included leading an Executive Committee meeting, setting the agenda for the December 4th meeting of the Faculty Senate and, then, presiding over that meeting. While ill, it was truly comforting to know that Faculty Senate had a competent and effective leader in Vice President Rouillard. Linda, thank you for the time, effort, and leadership you provided at that time.

The Faculty Senate report to the December 11th Board of Trustees’ *Academic and Student Affairs Committee* focused on the “*CWA and classified/non union absenteeism policy*” (policy #3364-25-31). That policy is more commonly referred to as the “Staff Absence Policy.” The Minutes of that Board Committee meeting were approved at the full Board of Trustees meeting yesterday. I believe Ms. Hubbard included a copy of that report when she distributed the agenda for today’s meeting. Is that correct?

Group of Senators: Yes.

President Dowd: Thank you, Ms. Hubbard. As you know, a resolution was passed at the November 6th, 2012 meeting of the Faculty Senate instructing me to focus the next report to the Board of Trustees on that policy which, of course, was the Board meeting I just mentioned. I asked Ms. Hubbard to distribute that report to Senators to record the fulfillment of that resolution. If there are no objections, I ask that the text of that report be included as part of the Minutes to this meeting. Are there any objections? Please note that page numbers in that report refer to those in the version of the Women’s Leadership Forum’s White Paper that was attached to my December 11th report to the Board’s *Academic and Student Affairs Committee*.

President Dowd’s report presented to the Board of Trustees’ *Academic and Student Affairs Committee* on December 11th, 2012:

I wish to bring to the Board’s attention a university policy that was discussed recently at your Faculty Senate. The name of the policy is “*CWA and classified/non union absenteeism*” (#3364-25-31), though it is more commonly known as the “*Staff Absence Policy*.” I recognize that this is a negotiated policy and that Faculty Senate does not involve itself in such negotiations. However, I am not raising a *labor relation* issue. Instead, I bring this policy to the Board’s attention for three reasons. First, the *Staff Absence Policy* has created a significant *gender inequity issue* across our university. Second, discussion of this policy began with the university’s Women’s Leadership Forum but has become a concern of the Faculty Senate because this policy is having a significant negative impact on the operations of both academic and non-academic units. Third, I want to point out what I consider to be a striking conflict of interest with the implementation of this policy. Although I am not expecting explicit action from the committee today, I ask that members of the Academic and Student Affairs Committee

read the attached document attentively – with the hope that a reading of the *Staff Absence Policy* will prompt its reconsideration.

The overriding reason I have brought this policy to the Board’s attention is the same reason I brought it to the Faculty Senate for discussion: in my opinion, this policy is archaic, unfair, and punitive.

The discussion at Faculty Senate was based a White Paper written by the Women’s Leadership Forum (WLF). For new Board members, please note that the WLF has been formally recognized by the UT Administration to promote the development of new policies, practices, research, and procedures to ensure and enhance gender equity. I have attached a copy of that paper to this report.

The White Paper describes the study the WLF conducted, defines the existing problem, and describes the impact of the *Staff Absence Policy* (with examples and evidence). In addition, the White Paper describes the incongruity with other institutions and current workplace practices and the cost of a punitive absence policy. Note some of the important points contained in that White Paper:

- ≠ The current policy “penalizes staff members for taking earned sick leave time by assigning ‘points’ for time taken.”¹
- ≠ Depending on the labor organization, either 12 or 16 “points” results in termination of employment.
- ≠ Again, termination of employment can result for simply taking sick time that employees have already earned through their labor contract.

To repeat, I am not raising a *labor relation* issue. In this case, consider the principle of the policy v. the actual impact of implementation. All policies are intended to be applied equally to all relevant individuals. Yet the application and enforcement of the *Staff Absence Policy* has impacted female staff members more adversely than their male colleagues. The WLF’s White Paper notes that on the Main Campus, 62% of staff members subject to corrective action under this “point system” were female; on the Health Science Campus, 78% of staff members subject to such corrective action were female (WLF White Paper, p. 4). It is clear that though applied equally to all in principle this policy, when enforced, adversely affects women more than men.

While percentages of 62% and 78% are striking, and do provide important information, basic statistics teaches us to look beyond such percentages – for the information content generating those percentages. In this case, why is this policy having a more adverse impact on women than men? In part, it is the nature, structure, and enforcement of this policy. And, in part, it is the role women play in our society. As the WLF’s White Paper states, though this policy “applies equally to all, its impact is felt much more by women because women are – and will remain for the foreseeable future – the primary care givers in our society” (WLF White Paper, p. 2). It continues: “Not only do [women] have to take sick leave for their own illnesses, but also to care for sick children, spouses, and parents and to take family members to doctor appointments” (WLF White Paper, p. 2). With every such instance, even though the employee has earned sick leave, UT strikes 1 or 2 points against these primary care givers – simply because the *Staff Absence Policy* fails to make reasonable accommodations for our female employees and their familial responsibilities.

¹ “*White Paper on the University of Toledo’s Staff Absence Policy*,” The University of Toledo Women’s Leadership Forum, p. 1. Subsequent references to this White Paper in this report will be denoted simply as the “WLF White Paper.” Page references to that White Paper in this report refer to the document attached to this report.

The impact of this policy is that UT's female employees, as primary care givers, cannot take sick days to care for themselves, their children, their parents, etc. – even though they have earned such sick days – because this policy will accrue points intended on termination of their employment. So the choice they face is to either care for their loved-ones and risk losing their job, or going to work while risking the health and safety of their family members. As this choice is currently forced upon our staff members, how can the *Staff Absence Policy* be defended as assisting the University of Toledo in achieving its mission of improving the Human Condition? Is UT's Mission Statement for public consumption only, but not to be applied in practice? Further, UT's first core value is "compassion, professionalism and respect" and our sixth is "wellness, healing and safety."² Can the *Staff Absence Policy* be defended as being consistent with the University of Toledo's Core Values?

As mentioned earlier, the WLF has been formally recognized by the UT Administration to promote the development of new policies, practices, and procedures to ensure gender equity at UT. With that in mind, know that the Women's Leadership Forum states that the *Staff Absence Policy*:

- ≠ "adversely impacts women and creates a climate that is hostile, unwelcoming, and unnecessarily stressful" (WLF White Paper, p. 2), and
- ≠ "contributes to making UT a female--unfriendly place to work" (WLF White Paper, p. 1).

I believe that there will always be good policies and bad policies – and policies with unintended consequences. Perhaps the *Staff Absence Policy* is a policy with consequences neither the university nor staff organizations anticipated. Because this policy is having a significant negative impact on the Human Condition of so many of our employees – and is inconsistent with UT's Core Values – I ask, in the most sincere language, that each member of the Board of Trustees read the White Paper from the Women's Leadership Forum. (Again, that document has been attached to this report.)

The last point I will make about this policy deals with the conflict of interest I mentioned earlier. Before I get to that, I ask for latitude from the Board in my intentional vagueness for not "naming names" during this meeting – as there is no benefit from such specificity in an open meeting. I will provide such details in private if desired.

Regarding the *Staff Absence Policy*, if an employee wishes to appeal a "point" being struck against her or him for sick leave, that employee would make such an appeal to a "specific university administrator" in a "specific university office." It appears to me that a substantial conflict of interest exists when the same "specific university administrator" charged with adjudicating such appeals has additional duties in a different university office charged with strict enforcement of the same policy.

As this White Paper was discussed at the Faculty Senate, this conflict of interest was on full display when that "specific university administrator" responded to issues raised by both Senators and the representative of the WLF. That "specific university administrator" could not provide clear, definitive, or satisfactory answers to most questions asked. This is not a reflection of that "specific university administrator" – in most cases that person had to give two, sometimes conflicting answers to each question asked. To be clear, I am not criticizing that "specific university administrator." How can one person provide one answer to a question when that person is expected to represent two different university positions?

This conflict of interest has produced two results. First, it exacerbates the unfriendly, unwelcoming, and hostile environment for UT women created by the *Staff Absence Policy*. Second, this conflict of interest sends a very clear signal to all female employees regarding the treatment they can expect from this administration. Given this conflict of interest, a female staff member wishing to appeal a decision to that “specific university administrator” knows that the University of Toledo has constructed an administrative environment by which an impartial hearing of such appeals is not possible.

This conflict of interest has been brought to the attention of senior administrators. To my knowledge, no actions have been taken to correct this situation or even investigate it.

The Women’s Leadership Forum has tried on many occasions to engage senior administrators about the impact the *Staff Absence Policy* is having on female employees. So far, administrators simply dismiss such concerns as a *labor relation* issue. Although negotiated, administrators are unwilling to admit that the impact of the *Staff Absence Policy* has extended far beyond *labor relations*. That is, the administration refuses to acknowledge that the *Staff Absence Policy* has created significant gender inequity issues, is having a negative impact on the operations of both academic and non-academic units, and presents a substantial conflict of interest which precludes impartial hearings.

If one of our policies *damages* the Human Condition, or is *inconsistent* with our Core Values, shouldn’t the administration work with staff labor organizations to set right that policy? Or is UT’s Mission Statement and our Core Values just puffery? As the administration is unwilling to have such discussions, only the Board of Trustees can call for a re-examination/reconsideration of the *Staff Absence Policy*. In the strongest language possible, I encourage the Board to do so.

I appreciate very much the opportunity the Board has given me to express the concerns I have received from faculty members, students, staff members, alumni, and community members. I welcome your comments and questions about this issues I raised today.

President Dowd: I and your Executive Committee participated in many, many meetings since the December 4th meeting of Faculty Senate. In December your Executive Committee was notified that an issue involving the Core Curriculum was raised in Columbus. Directives from the State make clear that we need to devote further attention to the Core Curriculum which the Faculty Senate approved last academic year. I see that Vice Provost Penny Poplin-Gosetti is in attendance today. Penny, please jump into this discussion if my description of such “directives from the State” is not accurate.

In mid-December, Vice President Rouillard, Mary Humphrys and myself met with Vice Provosts Traband and Poplin-Gosetti to discuss these directives. Senators Humphrys and Molitor – your Co-Chairs of Faculty Senate’s Committee on the Core Curriculum – then met with your Executive Committee to discuss their plans to address the directives from the State. As this issue is time sensitive, Senators Humphrys and Molitor will address Senate today to talk about the next steps for the revised Core Curriculum.

Next, I am sure you are breathlessly awaiting news about the University Council. Please note that the *University Council Executive Committee* met for the first time today and the full *University Council* will meet for the first time as a university governance body this Friday.

On a related issue, a committee has been formed to review the constitutions and bylaws of all organizations and shared governance bodies to identify any potential conflicts with their governing documents and the constitution of the University Council. In principle, this includes the governing

documents of faculty bodies such as Faculty Senate and Graduate Council as well those extending “all the way down” to student government and student organizations.

As if I don't have enough to do, I volunteered to serve on that committee. I would like to give you an update on the review committee's actions so far. However, given the time constraints for this meeting, I ask for the Senate's indulgence. If there are no objections, I will delay giving a full report on that committee's action until the next meeting of the Faculty Senate. However, it is important to know that the Faculty Senate and the Graduate Council constitutions, elaborations, bylaws, etc. must be revised this semester – to make certain that they are not in conflict with the University Council constitution. To paraphrase a resolution passed by the Board of Trustees, the governing documents of any body such as Faculty Senate will be suspended on June 30th, 2013 if their governing documents are not so suitably revised by that time. The committee's plan is to have Faculty Senate and Graduate Council notified of the language that must be added, deleted, or revised in their documents within the next month. Then those faculty bodies can consider the specific revisions to their documents and submit the revised documents to the full faculty for approval.

Again, as you know, I did not attend the December 4th meeting of the Faculty Senate. A couple of weeks ago I was informed that during that Senate meeting David Dabney, UT's Chief Finance Officer (CFO), stated that since 2009 the administration has cut \$20 Million from administrative expenses but total cuts to college and department budgets has been only \$203,000 over the past four years.

I just about went nuts when I heard that. Did CFO Dabney believe he was being clever when constructing and then reporting that figure of \$203,000? Has he made such a claim to the Board of Trustees? Most colleges have faced budget cuts of multiple hundreds of thousands of dollars each year since 2009. Doesn't the Board of Trustees know this? If not, why not? I am befuddled as to how CFO Dabney determined the aggregate budget cuts to colleges and departments. Although I do not know what he did, I certainly can guess what he did. Perhaps he reported a flow of income instead of the actual cuts each college has had to endure since 2009. And perhaps he is including the approximate \$500,000 in new expenditures required to create each new deans' office every time this administration creates a new college. That would “offset” some of the cuts. And remember that when a faculty member retires that budget line is immediately transferred to the provost office. If that position is not replaced, then maybe that is recorded as a cut in the administration's budget and not actually from the department or college budget. Such salary recapture has been budget to be somewhere between \$8,000,000 and \$10,000,000 each year. If he did any that, then he is masking the actual cuts to colleges and departments. I wonder if he was crystal clear about this – if he reported this data to the Board of Trustees.

Vice President Rouillard and I attended the “newly reconstituted” Finance and Strategy Committee meeting. At that meeting I informed CFO Dabney that I did not accept his claim that the total budget cuts to colleges and departments since 2009 amounted to only \$203K. Mr. Dabney promised to send the data to Vice President Rouillard and myself. Senator Rouillard, do you have anything to add at this point? Did you receive that data yet?

Vice President Rouillard: I haven't seen it. He may have sent it.

President Dowd: If CFO Dabney provides the data, I will review the data and report back to Senate.

The next issues for consideration today are listed under Old Business on our agenda. Vice President Rouillard will give a brief report on the evaluations of Dean Bjorkman and Dean Davis conducted during the Fall~2012 semester, and the Spring~2013 evaluations of President Jacobs, Chancellor Gold, and other

Deans. Then, 2011-12 Faculty Senate President Anderson will provide a brief update on our survey to estimate the magnitude of faculty retirements by 2015.

I trust Senators by now are familiar with the recently announced reorganization plan for this year. Given the time constraints for this meeting I ask for the Senate's indulgence to defer my discussion of such reorganization until the time Provost Scarborough is available to provide details on what his reorganization plan actual involves. Further, I think this year's reorganization impacts both the Main Campus and the Health Science Campus. However, there has been no discussion with Chancellor Gold about his plans for reorganizing the Health Science Campus.

Curiously, for the Main Campus, Provost Scarborough has invited Faculty Senate to appoint at least two individuals to the following "Implementation Teams," though no information has been provided to Senate about what Provost Scarborough's plans are for each new academic unit. The new units are the College of Communication, College of Education, College of Criminal Justice and Human Service, University College, and UTXnet.

I trust Senators are by now familiar with Provost Scarborough and Chancellor Gold's plan to change teaching workloads. Today Provost Scarborough will begin a discussion with Faculty Senate about that plan. As everyone in this room today knows, the issues involved in this workload plan are rather complex and its implementation will have a significant impact on most aspects of this university. So Provost Scarborough has agreed to begin this discussion at Senate today and to continue that discussion at the next Faculty Senate meeting.

Over the years I have had the privilege of being elected to serve on approximately 20 Executive Committees of Faculty Senate and Graduate Council. Across all of those years and the various leadership positions I have held, I do not recall any other proposal that has caused such a pronounced negative reaction from the UT faculty. The negative reaction in this case is not from the proposed change in teaching workload per se but, instead, from the impact this proposal will have on all research activities, graduate studies, and the ability for faculty to supervise undergraduate and graduate research. In short, it may fundamentally alter the focus and direction of UT.

Every member of your Executive Committee has received feedback from faculty members about the implications of the proposed change in workload specified in the memo recently distributed by college deans, and signed by Provost Scarborough and Chancellor Gold. Your Executive Committee expressed those concerns to Provost Scarborough last week. Today provides an opportunity for Senators to express their views to Provost Scarborough. I suggest, in the strongest language possible, that each Senator take this opportunity to inform the Provost of their understanding of the impact from the directives in his memo.

From this issue I must turn to truly heartbreaking events. The issues I mentioned earlier are important but, in perspective, they shrink in importance when we reflect on the true losses our community has suffered. We recently lost students in the Colleges of Medicine and from Languages, Literature, and Social Sciences. Remembrances of these students will take place at the next Faculty Senate meeting. Our community also lost a student, with another student seriously injured, in an incident over the holiday break. Chief Jeffrey Newton of the University of Toledo Police Department is here today to give a report on that loss of life. Our community is also poorer today because of the recent passing of our dear friend and colleague Beth Eisler, Professor of Law. Through her private sorrow, Professor Lee Pizzimenti has agreed to provide a Remembrance of Beth Eisler at our meeting today.

That concludes my portion of the Executive Committee report. Do other members of the Executive Committee want to add anything at this time? Are there any questions from Senators? Hearing none, I invite Jeffrey Newton, Chief of the University of Toledo Police Department

Chief Newton: I appreciate the time. I know you guys have a very busy agenda. I promise to be brief, but we felt that it was important enough to discuss this issue with you, the Faculty Senate.

On December 19, 2012 as you are aware, just after 9^o clock we had a violent incident occur on campus at the International House. It involved two students, very bright students – one was Josiah Golot and the other was Erick Littleton. Josiah was 20 years old and he was an Engineer Major, he was a senior. Erick Littleton was also an Engineer Major and he is a sophomore. These are the two individuals that were involved in the violent altercation; unfortunately, Josiah lost his life in that altercation. And, of course, we are still under investigation. There are some things that I cannot say, but I will try to provide you with a little bit of an overview of what I can talk about: They did know each other. They were friends and they lived next door to each other in the Academic House in the Fall semester. They both made the decision to stay on campus over the break. The Academic House was closed for the break and all students that chose to live on campus resided at the International House because it was the only open residence. So these individuals chose to live together over the break. We know that they were with each other earlier that day and some time just prior to 9^o clock they were in the 5th floor residence hall room and just after 9^o clock they decided to leave that room. Somewhere between that 5th floor room and a second floor exit door and a stairwell there was a violent altercation between these two individuals. We know that the altercation involved a knife by both individuals. They both suffered very serious wounds. They both exited out of the International House. Josiah did not make it very far; he made about fifteen steps off of the stairwell and collapsed. Erick made it a little bit further; he made it to the roadway just alongside the International House. At which time a passenger went by and observed him and called our Police Department and called 911. We were on the scene in minutes. The call that we received was that a person was down and when we arrived, obviously Erick Littleton was seriously injured. We didn't know what he had because he couldn't communicate with us based on his wounds. We knew that he was seriously injured. The officers did what they were supposed to do. They set up a perimeter and they checked the area and at that time, on the backside of the International House they discovered Josiah Golot. We alerted the issue and we had more officers respond. We made sure that every student in that building was accounted for. We had officers positioned in stairwells. The Toledo Police responded and they helped us with the process and the crime scene. A couple of hours later we wrapped-up the scene and we did a press conference and the investigation is still ongoing.

I think at the end of the day we will know what happened in that stairwell once the evidence is processed. We still have an opportunity to talk to Erick Littleton. He was released from the hospital a couple weeks ago and he's at home recovering from those injuries. But, I am confident at some point that he will talk to us. We will have the blood evidence processed and I think we will have a really good idea of what happened in that stairwell. Right now, I am encouraging everybody to reserve judgment in terms of what occurred. Some people are making judgments because Josiah died and Erick survived that they know what happened, but I am encouraging people to refrain from doing that. Erick Littleton's injuries were very serious. He suffered a number of stab-wounds and could have easily died; it is just by chance that he survived and the other young man did not. We don't know what occurred in that stairwell and I am confident we will. After the incident we sent out notifications the first day students were back. We met with students in the International House and other university students. One was the Living Learning Community and the other was the Academic House, which Erick Littleton and Josiah were part of. We met with those folks to talk about the incident and to answer any questions. Then we met with residents from the International House. We had a Town Hall about the incident and I've done a ton of media on it and I am sure I will continue to do that. Again, just stay tuned because I have a strong feeling at the end of the day we are going to figure out what caused this incident. I think it was something at play because

this was not in the character of these individuals. Neither had criminal records, they were bright guys, they were engineering students. I am confident that we will find out what happened and we will have a lesson learned from this. That is really kind of a quick summary of what occurred. If you have any questions I can try my best to answer them.

President Dowd: Chief, I would appreciate very much if you would update Faculty Senate when additional details become available.

Chief Newton: I will.

Past-President Anderson: I have a quick question.

Chief Newton: Sure.

Past-President Anderson: Is there something faculty should be aware of to notice in the future?

Chief Newton: I will always encourage faculty to be conscious about mental issues; if you have knowledge of an issue at play you have to say something to somebody. Again, at the end of the day when all the facts are in I am confident we will learn that this could have been prevented. I don't think there was anything UT Police could have done to prevent this and I don't think there's anything Residence Life could have don't to prevent it. Because this is something like a domestic violence situation when two people hit each other. But again, this is very out-of-character for these individuals. They are not criminals and they are not bad guys, they had no record. Everyone that we talked to said, "We never would have thought." We are going to learn that something was at play and "Yes" maybe there were people that could have reported something strange in these young men lives ahead of time and prevented this situation. I can't tell you anything right now, except the obvious I guess- the mental health issues, the drug issues, and the alcohol issues, things like that.

President Dowd: Thank you, Chief. Now, I will like to turn to a Remembrance of Professor Beth Eisler. I ask for the indulgence of Senate to allow me to provide a few personal remarks about Beth Eisler. Beth and I were "professional friends" in the sense that we served together on many, many committees. When I learned of her passing I knew I lost an opportunity to know better a sharp, insightful, and wonderful person. In professional terms, through Faculty Senate and Graduate Council I have appointed hundreds upon hundreds of faculty members to various committees over the years. I always kept requests of Beth's time in reserve because Beth never declined to serve on a committee that directly impacted our students. I knew she would always serve if asked, so I asked her to serve only when a special appointment came up that required the keen judgment and discretion of someone like Beth. Over the years I turned to Beth many times to serve our students and university and she always, always provided excellent judgment, guidance, and leadership. We have lost a most dear colleague. At this time I invite Lee Pizzimenti to the podium for a Remembrance of Professor Beth Eisler.

Professor Pizzimenti: It is my honor today to remember my friend and colleague, Professor Beth Eisler. Given the group of people to whom I am speaking, I feel compelled in a burst of academic honesty to tell you that throughout my comments today I will borrow liberally from Dean Dan Steinbock's comments at her memorial service, as well from as her husband Ira Fisher's blog.

As I am sure you can imagine, faculty, staff, and students are devastated at her untimely loss. But we remember her as the vibrant, good-natured, accomplished, and caring person and colleague she was.

Beth Eisler came to the law school in 1987, first as a visiting professor, and then joining the faculty as a permanent member two years later. She had earlier taught for 7 years at Wayne State University Law School in Detroit following a stint with the US Justice Department, where she participated in drafting the

federal rules of evidence. Her first assignment as a young lawyer was to draft a memorandum answering the question whether a sitting vice president could be indicted.

In the course of her career here she taught several courses, but her major courses were Evidence and Contracts, a first year course. She was popular and her courses were popular: many years Beth taught the most students of anyone in the building.

Beth received the Outstanding Professor Award from the graduating class of the College of Law on three separate occasions, and the last two years received the University's Student Impact Award.

I can personally attest to her teaching ability. Before Beth was my friend and colleague, she was my evidence professor. I remember sitting in class when someone came in and robbed a classmate. This was not because the law school was in downtown Detroit – we soon learned this was an event set up by Beth so the students could conduct a trial in a later class session to apply their evidence knowledge. Beth was a teacher using new and innovative methods long before using new and innovative methods was cool.

Her husband, Ira Fisher, shared several comments that former and current students sent by email – he stopped counting at 100 emails. He wrote:

Many of the stories have shared themes. The first year students are terrified by Beth and the Socratic Method. And then, they learn to appreciate her, and her words echo in their ears for years to come. At least 20 students have given Beth credit for encouraging them to continue their legal educations when they were ready to quit. They said that she listened to the students' problems, joked with them, encouraged them, and helped them create a plan to continue their studies. Other students wrote of going to Beth with completely non-academic problems. The theme that ran through these anecdotes was that Beth really listened, was not judgmental, infused her sense of humor into the discussion, and helped the student come to his or her own conclusion and to keep a perspective on the problem at hand.

In sum, Beth was the quintessential student centered faculty member. Beth also engaged in meaningful scholarship. Her scholarship was primarily focused in the commercial law field, and several of her articles regarding creation and modifications of contracts were cited by scholars and judges alike, all of whom benefitted from her insights.

This group will especially appreciate the value of an intelligent, kind, and thoughtful faculty colleague. As with every other aspect of her life, she was willing to share. Colleagues have appreciated her class notes, ideas for exams, and counseling about how to teach. We learned from conversations with her about legal doctrine, and legal education generally. But mostly, we just liked having her around.

I have received many comments from colleagues, but will only recount only a couple:

One said: "All the things folks praise her for – being an excellent and dedicated teacher, being supportive to junior colleagues, being a fine administrator, and doing so much service – all are because she wanted to make this a very good school. And she combined high standards with good humor and a lack of pretension. That is all too rare in this business."

Another colleague observed: "There just doesn't seem to be anything I could say in words that could sum up what Beth meant to me personally and professionally. No single story could do her justice, and just thinking about this brings me an immense sense of loss. But to try my best, here's one thing I think anyone who worked with, or learned from Beth, would agree with -- she had high expectations, for her students, for her colleagues, and for the College of Law."

A third colleague wrote a beautiful tribute to Beth that echoes what many faculty colleagues feel about her mark upon the College:

“In *Julius Caesar*, Shakespeare wrote ‘The evil that men do lives after them; the good is oft interred with their bones’ Beth is the exception to this truism. The good she has done will live out in the generations of law students and now lawyers whom she taught, and for whom she served as an exemplar. But that is not the limit --- They will pass on lessons taught by Beth, student- centric administrator and educator, talented teacher, and someone who truly cared --- to their clients, and to the lawyers that they will mentor. I should add that one of the things I learned from her is that you do not have to settle for the dessert already placed in front of you at bar association functions. You can switch desserts.”

It is appropriate that he referred to this, because Beth was a great believer in eating dessert first, or perhaps eating only dessert.

Beth was also a well-regarded administrator and was known for her extraordinary service to the college. She served twice as Associate Dean for Academic Affairs at the College of Law: in 1993-1995 with Dean Jim Klein and in 1999-2005 with Dean Phil Closius. In that position she was involved in many important innovations to our program that continue today. She spent long hours at the office -- on top of the drive from her home in Ann Arbor.

Beth served as Interim Dean in the 2005-2006 academic year. She did her usual thoughtful, hardworking, and effective job. Dean Steinbock noted in his remarks at the memorial service on Saturday that as Dean he had come to appreciate the diplomacy with which she interacted with the law school’s many constituents.

Afterward, Beth did not stop helping to run the school, most especially as chair of the faculty hiring and strategic planning committees. Many of our outstanding professors are at this law school thanks to Beth’s judgment and her efforts.

Just last spring, Dean Steinbock asked her to take on an additional job as chair of the law school’s self-study committee in preparation for the regular accreditation inspection this fall, and, as usual, she agreed. She also was engaged in significant service to the University, including most recently her service as a member of the Faculty Senate. Mike reports to me that, again, as usual, Beth always said yes whenever asked.

We learned what a central role Beth played at the law school after her medical leave this past fall, when we had to replace her on her committee assignments and course coverage. It was not an easy task, but several faculty members stepped forward, in part in tribute to Beth.

As Dean Steinbock said: “This would be a very different – and not nearly as good – law school had Beth Eisler not been a part of it. As an administrator and faculty member she was instrumental in shaping our program and the composition of our faculty. Perhaps most importantly, she helped set the tone of the place – of caring for our colleagues, and most of all, for our students. I think the friendly, collaborative atmosphere at the College of Law is pretty rare among law schools, and Beth deserves a lot of the credit.”

I close by saying I am proud to have been her colleague, but I am most grateful that Beth was my friend. I will miss her warmth, her wise counsel, and her great sense of humor. I miss her, but I am happy she was in my life.

Thank you for allowing me to share these thoughts about Beth Eisler with you today.

[Applause]

President Dowd: At this point in our meeting we will follow the request of Senator Heberle to alter the order of items on our agenda and invite Provost Scarborough to the podium to discuss his recently announced plan to change teaching workloads.

Provost Scarborough: Thank you President Dowd and Senators. Thank you for the opportunity to be with you today. Let me begin by inviting those who have not yet received a copy of the document *Imagine 2017*; if you have not received a copy of that there are copies available in the front. On the website it is really an executive summary of the document. It is in fact an unabridged version and if you've seen the website version you might wish to see the unabridged version and I invite you to do that. We can talk about the process to set up the plan that's happening.

We had five groups of people that work about ninety-days. There was a group of deans and provost staff. There was a group of associate deans and department chairs. There was a group of student leaders. There was a group of representatives from the Faculty Senate and from the Professional Staff Association. Finally, there was a group of senior administrators that worked for ninety-days and then sitting on top of the five groups was the Steering Committee with also the Faculty Senate appointees, members of staff, and others who again worked to get this document done before the holiday break. While it seems to be a rather long document, in reality it is really short and simple. The meat of the document actually begins on page 80, where there are ten key strategies that identify ten big problems that owns the group that is identified for being problematic in terms of moving forward in becoming a better and better university that we all want to become. So, those ten problems are identified, but most importantly are the ten solutions to those problems. The groups identified the problems and what direction might solve that problem involves the Honors College and increasing the amount of experimental learning that occurs on campus- noting that is already a great strength in what we can do to take it to the next level. We don't need to brand ourselves with the University experience learning. Identified by the groups was the MOOC problem how our response should be in changing academic and digital technologies that are available today and a set of strategies involving our learning ventures. The groups identified are great numbers of underprepared students and what is needed to be done to help those students persist and ultimately graduate. A group of strategies that help to do that involves financial strategies and organizing ourselves in the manner to increase the probability of students to increase success and reports all the work that's being done across the institution to improve student experience. We identified the persistent decline in all of higher education in terms of the number of tenure and tenure track ranks and the additional loads being carried by the lecturer rights and the need to do something to make that a more stable and a more attractive career option for people, and then a strategy to deal with that. Number 9 dealt with the financial challenges of the entire education of the country that we face. They outlined the number of steps (six to be exact) that the university should take to address those financial challenges. One that we are going to focus on today is Step 2. But, again, this is in a context of a much larger plan. Given the time of the year to work on the FY13 budget and the initiatives that are ongoing, we thought it was important to cover Step 2. of Strategy 9 today. Lastly, there are structural issues that we felt like if we made some changes that will allow us to grow in certain areas that it might help relieve some pressure that we face. Again, this document is available to you today and I am excited about it from a standpoint if we solve the problems from the group, it opens-up some possibilities to do some great things, so it is truly strategic in that way.

Let me jump again to the small section that we want to talk about today. Dr. Dowd asked that I took some time to present some information to you that I presented to our Board of Trustees and a segment of the Executive Committee leadership yesterday. What we are experiencing is a national phenomenon and it is driven by your sense of understanding of how public education over a period of years has grown and now has begun to contract. The reasons for the growth, the expansion of public higher education is numerated in a timeframe which brought billions of dollars into public higher education beginning with the GI Bill in 1944, the act that created the national science foundation in 1955, the beginning of the federal financial aid program in 1965, through marketing with student loans through 1972, the changes in the intellectual

property laws in 1980, they all brought resources in higher education and allowed it to grow to the great institutions that we see across the United States today. But, beginning in the 1990's it was something that began to change in that period of time that most of us has lived in. At that time Medicaid spending began to expeditiously grow; federal mandates began to put pressure on state governments to provide additional funds in the prison systems and public school systems and all of a sudden for the very first time, higher education began feeling the contractive nature of public support. So here we begin the long general persistent trend of one budget cut after another over a period of years. How does higher education respond? How do the legislatures respond? They say we are cutting your funding, but we will allow you to raise tuition rates and then we will not allow you to raise tuition rates we will "close" our eyes and allow you to raise fees, and we compensated in that way. We tried to compensate for the decline in public support and that is the nature of the comment, "Nibbling around the edges." However, in 2007 things took a bit of a turn. The national recession of the federal government steps in with stimulus funds for two-years to essentially buy us time; either time to make the adjustment to the loss and additional state funding or to buy us time, hoping that things might turn around, which we of course know they have not. The amount of stimulus funds expired December 1, 2011 and our Board of Trustees essentially chose to use cash-reserves and buy yet another year, this is the year we are living in. So, compounded by the fact that we had enrollment declines in the last couple of years that number has grown into a large number. The number is still being estimated, but it is in the range of \$30-36M that we must now adjust to. The scary thing about it, is that it could get worse. As you approach the fiscal cliff and the federal government decides how it is actually going to balance its budget one day, it will put pressure specifically on the federal financial aid program which it has exploded in the last decade in terms of the amount of money the federal government has spent. So it is in this context again that we deal with our particular challenge to end Strategy 9. with the six steps in terms of how to adjust to this. Now, how you deal with this really requires all of us to understand higher education financing. If you consider our sources of revenue and they are listed on the top of the screen- this is what provides the financial resources that allows us to do what we do. We, like most universities, have attractive teaching resources and service and we have administrative structure to support that. If you think about dividing then for economic purposes, dividing that mission into undergraduate and graduate education. Unfunded, partially, and fully funded research subsidized in profitable research you begin to get a sense of the economic reality of these different missions..The research (unfunded) is something that requires us to be subsidized. The partially funded, that part that isn't fully funded by an outside entity requires internal subsidy. And then even the fully funded research- the most beautiful kind of all, let's say the National Institutes of Health that provides federal funding and indirect cost rate and it allows the faculty salary the principal investigator salary benefits. Lastly, we have a service...which are mended by an university. You can think of some of which that all the things we do in the name of service. Think about the Center for... and fill in the blank. Think about athletics. Think about economic development- all of which require some amount of subsidy by the institution from some positive cash-flow that is coming from somewhere. Lastly, there are activities of a university that are profitable in the name of service. For example, the University of Michigan, its academic center is a huge cash cow. In fact, at ten universities across the country they actually make money. Again, you begin to get a sense of the economic pressures across public higher education. In fact, when you draw big boxes and just begin to simplify it, the bottom line is the administrative element is a negative cash-flow. The teaching enterprise is not a positive cash-flow provider of almost any universities. The research enterprise on a direct cash-flow basis is one that must be subsidized. Now, there are exceptions and there are rare exceptions to this general model. What's the point of all of this? The key point is that all three missions are important to any great university, but all three missions had different economic models. It is really important as you begin to understand that any university challenge is to find that right mix that our top line our revenue sources allow us to sustain. And when that top line changes, we must change the mix. So it is all about we as a community, in determining how we are going to make the changes to that mix so our university is sustainable. Now, one point that I think is very important to make is when you look at the 3750 universities across the United States. They are different institutions, right? We simply use the Carnegie Foundation classification system as a guide. You can see

on the one hand you have the very high research universities, which there is 108 in the country and I picked Harvard University as the anchor institution on that side of the scale. The next category down will be the research university high category which there is 99 institutions within the United States which the University of Toledo was one. The next category down is the research university of which Pepperdine is an example. Then you have another example of the Carnegie Maters of these universities, down to the baccalaureate colleges, down to the associate colleges. Now, why is this relevant? The reason this is relevant because of this question – What do you do when your top line declines by \$36M given these realities? What does one do? Not doing something is just not an option. It is for a period of time, but it is not sustainable for the long terms. You have to ask yourself those questions to understand the basic principals from which you can choose to apply how to adjust the mix of what we choose to do and where we choose to do it so we have a sustainable university. Ask yourself the question, what would you adjust? What element of the formula would you re-balance? Whatever we do we will always be a research university- that is our mission. But, you are going to have to adjust this set of elements somehow to have a sustainable research university. Some have argued though that we make such an adjustment somehow we will go all the way over to the other end of the scale, we will not. Things that we are talking about are adjustments that might require us to make and maybe we find ourselves instead of having a certain amount of funding research, a slightly different amount and some of that is in our control. In reality, what we hope for over time, is we can constantly adjust to that top line so one day we can actually move in a direction that we are all inspired to. There is no question that you have to adjust the mix. The steps that are outlined in this strategic plan are the same steps that are shown in this diagram in terms of how I, and others, typically seek to solve a problem like this. The first thing you should always do is look at the administrative development, what amount can you cut? Once you made those cuts you are then left with the remaining elements of the tripartite mission, and what you are essentially going to do, is what we do to make the minuses less minuses and the pluses much larger, and that's essentially your set of solutions. So again, following those steps is a reason why we begin to issue some guidelines to the department chairs to say we are going to have to look at what we can do to make this teaching part of our mission to produce a larger cash-flow to adjust to the fact that we are losing \$36M from the top line. Let's talk specifically about what was in the memo that went out to department chairs and associate deans. Essentially, what we've done is take what's in the Collective Bargaining Agreement and put some parameters/limits on those. It's essentially what is outlined in the Collective Bargaining unit. The Collective Bargaining Agreement says the tenure and tenure track faculty member- you start with the number 12 and work down from there. In the lecturer Collective Bargaining Agreement says- you start with 15 and then you work down from there. What we have done in the memo to department chairs is just say set some parameters on how much you can work down from there because in the end we need to make an adjustment in order to create a larger plus on the teaching enterprise, so we can adjust to this \$36M. So what we said is, if you are tenure and/or tenure track look at all the other faculty work and that is in the Collective Bargaining Agreement and all of that work is important but we need to set some limits on how much time you can give for all of that other faculty work. So, what we said is, put a limit on release time which is 3. However, if it is other faculty work and if it's important then feel free to grant that release time as you always have. We also said for those individuals that are involved with making important contribution to the institution designated interdisciplinary schools that there's some opportunity for another release which is a 3 hr. release time for those faculty working in those areas. Why? Because they are points for strategic emphasis. Why? Because they are solving grand problems and grand challenges. Why? Because we said that this is an area that we are going to invest in. We also said that if there is grant money available to buyout additional teaching load beyond that then certainly there will be no reason to not to do that because economically it is a win-win for everyone. It does not take us in a more negative direction. Lastly, what we said in the memo is there's going to be transitional issues and there is going to be other issues and there will be another process allowed for that. That then determines the actual teaching load with faculty and will actually be asked to help re-balance our overall economic model. Realizing that in the other Collective Bargaining Agreement also talks about the time that should be reserved for underfunded research service outside of the calculation of teaching workload. So, all we

have really done is take the Collective Bargaining Agreement and put some parameters and limits with the overall goal of knowing we have to have more teaching occur in order to re-balance the economic model.

Senator Unknown: I am sorry but I am a lecturer and our Collective Bargaining Agreement does not say that we start at 15 hours and work down from there. The Collective Bargaining Agreement says lecturers are assigned a range between 24-30 hours dependent on a whole list of factors. And, there was an attempt in 2003 to raise the 24 minimum limit to 27 so that no one could teach less than 27 hrs.- that was really arbitrated and ruled against. So maxing everyone out at 15 hr. per semester is a violation of the contract.

Provost Scarborough: Okay, we will look at that together. It sounds like what you are saying is similar to my understanding, it is just being said a little different. But, obviously, you have a different opinion on that so we ought to look at that together and if there's a difference we will modify the plan for you. To me, saying that it can be assigned "up to 30" is the same as saying "you start with 15 x 2 and work down from there," but maybe there are subtle differences that I have yet to learn and have not had an opportunity to do that. It sounds like we were saying the same thing.

Senator Unknown: There is an arbitration Agreement from December 15, 2003.

Provost Scarborough: Okay.

Senator Unknown: Which defines the idea that you can't reestablish the minimum and that the minimum is 24 and to assume that everyone is teaching a maximum is a violation of the contract.

Provost Scarborough: Again, I am not saying that I am assuming. What I am really assuming is that it really depends, it is a question-mark. It's not that I am assuming anything for everyone; I am assuming only a starting point. Again, maybe there is a subtle difference that I need to learn.

Vice President Rouillard: The contract does not stipulate anything about the number of students enrolled in any section. The memo that came out suggested that teaching small under-enrolled course loads will not count towards your teaching workload and that is also not in the contract and that is a serious conflict.

Provost Scarborough: We may have to resolve that.

Past-President Anderson: Also, it has never been clearly stated and I don't think it has been clearly stated in the Collective Bargaining Agreement what these twelve hours means. It clearly states that it is 70%, so that would imply that in converting all of the research time and service into teaching regular faculty will have something like 17 hours, as opposed to the 15 for lecturers.

Provost Scarborough: We have great people that work through the issues that pertain to the Collective Bargaining Agreement and some of those folks are here today and I trust that we will come to a right resolution.

Senator Barnes: I just want to apologize because I have to leave, but I just wanted to note and ask for follow-up in the conversation that follows. Nowhere in the four-page-memo that you sent out was there any mention of the quality of education. I think for a lot of us workload is something that we care about because we want to have a life, but it is also related to what we are capable of doing as instructors. I am one that is fully willing to say that there are other people that can deliver online education without ever knowing a student's name or meeting that student,; all of that is possible. But, for some of us teaching and working with students is the reason why we are here, so to not deliver a high quality education and not see that mentioned in your memo was personally devastating to me.

Provost Scarborough: I always remember that. Just remember when I started this document, the memo that you see is the implementation step if a small part of a larger document and that is the reason I'm starting it. That is what we are trying to achieve, but the memo is something Step 2. of Strategy 9. was the overall goal that has number 1. academic quality. If it was implied it certainly wasn't intended to be implied. The first priority will always be academic quality.

Senator Heberle: I have a couple comments and questions. First, I would suggest to you that it cannot work to standardize workload across a university of this complexity, of our diversity. I see that you are going to make exceptions to find out what question might be raised for each individual, for each department, for each college. The document itself suggests unworkable strategies for assessing and managing workloads. I understand the impulse because it sure would be easier, but it is too diverse and the departments are too different, and the curricular and pedagogical needs are two different, that's one comment. I received a number of emails from colleagues at other campuses who have heard rumors of this – I am married to a UT alumnus of both the undergrad and our law school and he teaches up in Michigan. Every one of emails says, "Do the authors of this memo understand that this will so fundamentally change the character and the reputation of the University of Toledo?" It will never be the same; we will go back to being Bancroft High with this kind of standardized teaching load. It doesn't matter what exception I get, and/or what exception "so and so" gets, and/or what exception research gets, it doesn't matter in terms of reputation and that's not something that can be minimized easily. I understand everything you said about budgetary needs, we need to look to teaching for cash flow. Different colleges also bring in different cash amounts through teaching. Together those two things- the standardization and the message this sends out to the community and higher education, both of them I think are going to be very devastating. So, I would really encourage administration to take this off the table and start over by consulting with groups first before putting out the memo and getting really difficult reactions from the community. My question is, could you please make available to us more concrete details about the cuts in administration budgets? I have a related question, why the date of 2009? I been here since 1997 and the faculty in my department has been cut by half; we had fifteen faculty members and we now have eight and that happened since 1997. Why the year 2009 is the way of thinking about the relationships between the cuts and the growth in terms of academic affairs and administration?

Provost Scarborough: I don't know why 2009. That is a great question for Dave Dabney. I know that President Dowd will pursue that. I did see his email come through; I think I was copied on the data that has been provided. Interestingly, Dave has not backed off the numbers yet.

President Dowd: I know CFO Dabney has not yet disavowed his claim. Nor has he provided adequate data to support his claim.

Provost Scarborough: Again, my history with him- his numbers are generally good; it does not mean that he is infallible, but at the first look he is not backing off the numbers. I would just encourage you, how could it be possible that that happened? There are a number of scenarios that might make it likely since 2009 why your department may have gone down and there are certainly other elements in the academic side that has received financial investment. So, on the ballots maybe the money has been shifted.

President Dowd: But this is a micro perspective on this issue.

Provost Scarborough: Yes.

President Dowd: If you look at the salary recapture data for faculty leaving the university in each year since 2009, you see that CFO Dabney has budgeted \$6,000,000 or \$8,000,000 or \$10,000,000 in each year. In truth, those are \$6,000,000 or \$8,000,000 or \$10,000,000 cuts to departments and colleges but it is not reflected in CFO Dabney's data. Further, does CFO Dabney's data include data that departments

and colleges have no control over and, hence, are red herrings? For this I am thinking of items like automatic increases in salaries?

Provost Scarborough: Right. Again, here's another possible scenario and again I don't know, but how many salary increases have occurred since 2009? Every time there is only 3% of millions of dollars.

Senator Heberle: That is probably in investments.

Senator Dowd: Given our time constraints, I would like to move on. As I mentioned in the Executive Committee Report, CFO Dabney has promised to provide detailed data on this issue. When I have the data I will distribute it to each Senator.

Senator Unknowns: I have a question that is related to the previous one. We are a very diverse university, so I am curious to know the thought was to trying to do a one-size-it-all and in the same suet as opposed to coming back to the colleges and saying, "Here is your budget and here is your . . . , can you come up with something that is workable with the group that you have to fit into a particular budget? I also have questions with how those budgets have been derived in terms of the "hear-say" on how we are a million dollars behind every year. I would like to see in detail to know where those numbers are coming to know if we really are a college that is deficit or non-deficit.

Provost Scarborough: There are two issues there. The first one is, is the number really \$25M or \$36M? Whatever it is, do we really have a significant challenge? I think President Dowd is working with Dave Dabney which is the best source of information to come to understand the numbers. I came to understand the numbers well enough to say that I don't know if the number is \$36M, but it is something north of \$20M. Even if it's only \$20M that is a big number for us given all the cuts that we've taken, and given that we budgeted the margin anyway, and given the fact that we used cash-reserves right now, it is big enough to know that it is not an easy solution to this. We have to think about doing something different. Now, how big are the numbers? I think President Dowd and Vice President Rouillard are great numbers people and they will get to it. Eventually time will help us because some of these are predicting impacts of spring which we are about to finalize and the impact of summer that we will come to know and then we will have a better sense of the big picture. It is an estimation, a number that is going to require us to do something and we can't do what we do in the past which is to continue to eliminate a secretary here and support staff here, we can't do that. I think we have already done that to the point that we don't even have the support staff to deliver the experience that we should be delivering to people to begin with. So, we really do fundamentally have to do something more fundamental. The second part here is the question that both of you asked and I think that it is a good point, one which has been debated fiercely and President Dowd seen some debates and I enjoy it and I think that is the way that it should be. I think a great group of people go at an issue hard, but they are going at it from different directions. One set of deans will argue one size does not fit all and they were very aggressive with that argument, so we try to build enough flexibility so the aspiration is here, but leave enough flexibility in the end that you don't have one-size-fit all. On the other hand, I have a group of deans that come to me after the meeting generally and say, "It's about time those colleges have to live with the rules that we had to." Everyone needs a level of play, so this is attempting to provide a more level fit of playing field for this issue of teaching load is handled with enough flexibility to recognize the differences, but enough structure so we don't end-up with very uneven things happening in the colleges.

Past-President Anderson: I want to ask this question again. I asked this question when Dave Dabney was here, but, what exactly is an administrative cut? It is my interpretation the way the numbers come out that all the cuts in administration are not much in academic, but they are including the cuts of secretaries and administrative staff that support directly departments of the academic missions rather than the Provost Office and the President's Office. If we include all of those, then yes, administration has probably been cut quite a bit. I think that has strongly impacted the budget.

President Dowd: How many years ago was it when the administration created three colleges out of Arts and Sciences? That administrative decision caused approximately \$500,000 in additional spending to establish those new colleges – through new deans’ offices, budget officer, secretaries, etc. Those expenditures would certainly appear to “offset” or “mask” cuts to academic budgets. We are going to go through this again with the recent announcement of the creation of the three colleges from Ed-HS-HS. Perhaps Provost Scarborough can help us with understanding the financial data and how actual budget cuts to colleges and departments have been masked by CFO Dabney’s data.

Senator Thompson-Casado: I would like to refer back to Senator Rouillard’s comment about LLSS subsidizing other parts of the university. I am all for being a team player but I am tired of our students being “crapped-on” every time we turnaround. If we look at this as humanists there is not one thing up there that brings us down to 12/12, that’s a 4/4 teaching schedule. How am I supposed to teach all of my students with 4/4 load? Last semester I was grading until Monday with the classes that I had, so now I will have to change how I am teaching my students. Once again, “Okay, great we are subsidizing other parts of the university and that is wonderful,” but what about my students? What about the quality of education that they are getting? Provost Scarborough, there is nothing up there that is going to bring me down. I don’t have funded research, I don’t have a grant buyout, I don’t teach online and that is another very disturbing aspect here. People that are able to teach online, if they have 160 students and just one prep they get bought out of their teaching and pedagogically, I can’t do that. I am at 4 and none of the classes in my department even have thirty, so what am I going to be, 5/5 or 6/6? I can’t teach online, so those of us that don’t have that option, once again we are disadvantaged.

Provost Scarborough: I agree with you on the “DL.” I think in a short period of time we are going to be revisiting that. I think that was much too much of an incentive that was given to try to clean-up some amount of DL. You don’t think in Line 2. it is something there that’s significant?

Senator Thompson-Casado: “Significant” is a really slippery word, Provost Scarborough.

Provost Scarborough: Well, but, the idea though, these are guidelines given to the department chairs and there is about fifteen or so different categories of other faculty work.

Vice President Rouillard: That is just it; these decisions are apparently going to be at the provost level and not at the chairs level.

Provost Scarborough: Actually, the only one that calls out for the provost approval is the interdisciplinary schools. These are guidelines being given to department chairs in terms of how we are asking them to “tighten” things up.

Senator Thompson-Casado: But, none of my classes have 30, so it says very clearly in that document that I have to teach more than 12/12, so I am already starting at higher than 12/12. So what are they going to do, just eliminate all of us in the Humanities?

Provost Scarborough: Actually, I think this affects engineering and higher sciences much more than it is going to affect the others.

Senator Heberle: It affects the entire university.

Senator Thompson: I just have a comment. It seems like some of our financial issues are also related to the fact of retention. We keep talking about retention and we are losing students. I am not the “sharpest knife in the drawer,” but it seems like if we are adding more students to our courses and having to teach and stretch ourselves more thin we are going to face even bigger retention issues. The other fact to this and I just want to add this in – I don’t know how many of you been reading the paper, but we are cutting so many student service divisions like counseling, we loss a counseling position and the alcohol &

tobacco and other drugs position which is one of the biggest reason we lose freshmen because they have substance abuse issues, and our sexual assault position has not been replaced. These are huge retention issues and we are cutting these positions. Addition to that, again, I don't know other institutions, but I can tell you that my friends who are faculty members at other institutions and they are very comparable to us, I say this stuff, "We are going to go 4/4" and they look at me like I am on another planet because they do not have these kinds of loads and the research expectations are not even close at those institutions. I guess my question is, what is making us so unique that we are being forced into this while other max schools are single deprived in the same environment, what is so special here that is going on?

Provost Scarborough: Well, you have a number of questions there to answer, but I will "pick-off" a few of them. First, if you look at the application of this formula what it is essentially going to do for many faculty is to take it from 2/2 and 2/3 to something that might be closer to 3/3, that is ultimately what I think the impact of this is going to be in all of the exceptions that are provided. There are other universities in the very same Carnegie classification system that we are in, where 3/3 been their teaching load for thirty-years. And they are in the same high research university classification that we are. So we are not asking everyone to go to 4/4 we are actually using a system that is probably going to lead something close to 3/3 which is where other universities in our very same parting classifications are in. In fact, some of those universities when they got in trouble they actually asked some of their faculty to go up to 4/4. The reason why I know that is because my father-in-law was one of them. He is a math and science professor and he did not have a lot of time in research, he was under a hard 3/3 rule for years. He was one of those over a period of time when they got in financial trouble they asked him to take on an additional class and he did. So, I think that is the effectiveness. We do have some retention challenges for being an open-enrollment institution and this shows you when we get down to our most unprepared student we got some assistance problems which is the reason why there are a number of strategies in here which are intended to do two things, attract more of the well-prepared students and to do a better job with finding new approaches that might help with underprepared student. So while there may be one aspect of our economic adjustment that we have to make, there are many other factors that we have to lead to for the success that we are pursuing and hopefully we will end up with a better outcome.

President Dowd: As I understand the timeline, chairs have to report to their deans on workload plans by February 6th and deans have to report to the provost the following week. We are looking at a pretty compressed timeline over the next couple of weeks.

Provost Scarborough: Which is one sad aspect of this, because ideally we would want to take another couple of months to work through all the various university decisions, but if we wait another two weeks we lost the opportunity that have any financial impact on the next fiscal year where we have a \$36M profit. The timing of this was not ideal and I was hoping to work through the issues with the deans much more quickly than we did. It took seven different iterations of the document/memo to get to that point. If we would have waited any longer we couldn't impact the next fiscal year. So that is one of the regrets that I have, but the only thing we can do now, however is use the flexibility of the model to handle the transitional issues and the pedagogical issues in kind of a smart way. The one thing that I wanted to make sure to do is that there are a couple of team messages that I hope you will help me take back to your departments and I am happy to come to department meetings, but these are kind of a key message that we have to take away: increasing teaching pro-activity is an economic necessity course. If we are going to adjust our university to be a sustainable university there has to be some adjustment to the teaching load. The teaching load is the reality of all universities model. We ought to try to squeeze administrative cost to a minimum and follow those steps that should always be under Number 1. And we ought to do what we can realistically do on the academic side and if we are still not there we ought to turn to the conversation of administrative cost and the unfunded service activity and that is where we need to focus the conversation. We do have to improve the perception of our commitment to undergraduate teaching. The end result of this there will be more tenure and tenure track faculty teaching some undergraduate classes.

Also, one of the guidelines in here is we are asking every single administrator with a terminal degree to teach at least one course preferably at the undergraduate level. Our competitors are killing us in terms of characterizing us as a research university that does not care about our undergraduate teaching. We know that is not true, so we have to do something to counter that deception. There are some rumors out there that this is somehow a plot to reduce the ranks of the lecturer. That is in fact not the case. In fact, it is just the opposite. The reality of what's happening to higher education around the country is that these people are carrying heavier courses of our teaching load. So, the last thing we want to do is take these folks and move them out. If anything, we want to be able to create a university that attracts and entertains the best because we are relying on them more and more. There is no question that whatever adjustment that we will make will not take us out as being characterized as a high research university. We are way up the end of what is characterized in that way and so that will not change. But, increasing the amount of teaching pro-activity for economic reasons it is going to put pressure on everyone. So, how to change our mix and time with the amount of time we are spending on unfunded research and unfunded service activity, that's the reality of what we face. My hope is that we work together to try to find a way to be able to sustain those historical levels which will require us to think about things in different ways and to spread the load in various ways. We worked out the beginning of the conversation with Faculty Senate and on these issues that deal with workload we will put together back on the Senate floor and we will be beginning a conversation to work out how that will work. Pedagogical reasons will always be receptive, as will state licensure issues, as will practical lab size issues, all of those are reasons to do this. But, you have to start with a higher aspiration to get people to realize that they have to think differently. Then, the last of the last we are going to have to look at is the programs that we have with very low enrollment; and that ought to be a conversation that we have to determine solutions and an outcome of this conversation. But, the reality of what's happening here in public higher education finance we can at least have a conversation and begin those conversations.

Senator Wilson: I have a couple of comments and a suggestion. Let me start off by saying that I know you are very sincere and it looks like we do have a real problem, but I see some other problems, and one problem is we are trying to deal with this problem from a one-dimensional perspective. We are looking at ways to try to increase teaching and I think we need to look at some other alternatives for dealing with the budget problem, like a possibility of increasing enrollment, raising tuition, putting more resources into retention, and also look at whether or not it make sense to continue to split up colleges, but that is one comment.

The other comment is that it seems to me that we get into this problem with these types of proposals that really come across (that I'm hearing from colleagues) as being really infuriating and narrow because we fail to communicate; the administration fails to communicate and listen to faculty members. My department, the Political Science Department is not alone in terms of taking cuts. I look at the History Department and it is 1/3rd of the size when I first came to this university. I look at the English Department and it has gotten "hit." Most of the departments in humanities and social sciences are a fraction of the size that they use to be ten or twenty years ago and my department has continued to decline just within the past few years through retirements and no replacements. Senator Heberle told me to point out that our majors are the same and enrollments are still up.

Provost Scarborough: Right.

Senator Wilson: In response, over the years we have raised the number of the caps of our classes. I am teaching two classes with over one-hundred students each. We have been working on increasing the number of students that we teach. We have taken "hits." There was a time when we were encouraged to deliver a paper at conferences that encouraged the research that we do. Over the past few years I barely gotten enough money from the university to cover the registration fee for a single conference; I've been paying for my own research out of my own pocket. In terms of going to conferences and in terms of the cost of collecting data the one thing I don't think administrators understand is that we connect our

research to our teaching. We are not about the business of just giving students information and knowledge; we are about the business of collecting our research into our classes and given our students a broader understanding of our discipline and giving them the cutting edge of development of our discipline and teaching them to think critically about what we are teaching and trying to get them to develop the skills of problem solving and critical thinking and we are connecting this with our research. So, our research is part of our teaching.

Group of Senators: Right.

Senator Wilson: And so my suggestion is that the Faculty Senate puts together some sort of committee that can work with what you are doing so you can at least hear what faculty members are saying as well as look for other alternatives.

President Dowd: But the committee the provost is talking about is to hear such “appeals.”

Senator Wilson: I would like to see something much more than just an appeals committee.

President Dowd: But Senator Wilson, that committee can help.

Senator Wilson: Because new policies are being proposed on us before we have a chance to give some input into it.

President Dowd: Although I am not happy about this, the timeline imposed on faculty is in terms of weeks. So that committee can do what it can to help. But in the broader sense and for future actions, I agree with you.

As long as I have the floor, we must cut off this discussion of this issue at 5:45 p.m. because we have to address core curriculum business. This discussion will continue at the next Senate meeting. I hope everyone understands, but at 5:45 p.m. we have to move to the next agenda item. Provost Scarborough, do you want to respond or go to the next question?

Provost Scarborough: We can go to the next. Those are all great questions and I look forward to responding to that the next time, but I think others are trying to get the floor.

Senator Templin: In your analysis you are talking about undergraduate and graduate, I would like to suggest that there is a third category...professional. For example, when I am teaching a teaching methods course if I have thirty undergraduates in that course those thirty undergraduates will be in thirty different schools. So, I not only have to teach a methods course on campus, but I will have to go supervise thirty people at thirty different schools and teach two more courses. It is not so much the number of course loads of 4 courses, it's the class sizes that for a professional school just get unfathomable, I guess for a lack of a better term. We just can't physically get to that number of people in that many cases.

Provost Scarborough: I appreciate that.

Senator Molitor: I just have a quick logistical comment. We are already entering the Fall 2013 schedule and it has to be to the Registrar by the first week of February so they can start assigning classrooms and students will start signing-up for classes after Spring Break.

Senator White: Over the last three comments, what we have seen about the workload requirements is difficult and challenging to the university every week because it has not been thought-out carefully enough. The analysis that we are working through in our department right now, Mathematics and Statistics, is that that will devastate our undergraduate and graduate programs, which will in turn devastate our good faculty, which will in turn devastate our attraction to students. I'm fearful that if this is

true in any other departments that a snowball effect will be created here. So what is written here in this memo could lead to devastating results; this is something that you can think about for next time.

Provost Scarborough: I agree and we can talk about that more next time.

Senator White: This relates to the courses. If we are going to start cutting programs because these enrollment requirements we have to know what courses to cut for next Fall and so this is impossible.

Senator Scarborough: Right. That is the difficult situation that I found. We need two more months to talk about this, but we don't have two more weeks to talk about this, so that is the hard part.

Senator Edinger: One of the things that we need and I want to say this as respectfully as I can, I know sometimes I get the role of different institutional officials a little confused in my head, but a provost has to advocate for the teaching quality and the CFO has to do with the teaching efficiency. We need the provost to actually talk about how those two things can come into conflict. It is not the faculty who aren't interested in teaching quality, the perception has to do with administration commitment of teaching quality and that's where we need the provost to step-up and say, "We can't do this without impacting our students."

Provost Scarborough: Those are difficult conversations to have in public - point one. Those are conversations that I am having in private - point two. However, point three is, we just want to talk about it. When the public of higher education started taking its cut the CFO can usually find a solution to it that can protect the core academic function, a good CFO have that as their first objective. But then the persistent nature started coming in and all of a sudden now the academic areas came to a fall. They cut those that just seemed to be the easiest thing to cut, low level staff positions and we have done that now for a number of years. It's to the point now that the travel budget, developmental budgets, and non-personal budget has been cut slim – my personal belief is we now cut those staff budgets and those non-personal budgets below a level that will adequately support what we are trying to do right now. So now no CFO can solve this problem which is the reason why at a minimum the provost does at some level partner with the CFO and say, "You've done your job and now you need us to do our job." Academic quality we will never sacrifice, but we will put ourselves through the ringer of a thought process that truly ask ourselves a question, is there a way in our system that we can produce high-quality graduates, in ways that are relevant and that is what we are engaging in right now, that is the conversation for engagement.

President Dowd: This will have to be the last question.

Senator Relue: I just wondered if you would share your numbers with us because if this plan is fully implemented how is that going to impact our deficit.

Provost Scarborough: It depends on how these guidelines get applied by department chairs is the hard thing about this. The only way that I can seriously impact what's going to happen in two weeks is to send some guidelines that will cause people to stop, pause, and maybe think differently. There is no chance to ultimately redeem all of this by the time to get it entered in the system, but at least it sends a message that we really do want to have a financially sustainable institution and we have to begin to think about that. The truth, one quick response to Senator Wilson's question, "We don't communicate very well" – communication is a challenge in every organization, number one. Number two though, we have been truly talking about the need to quit "nibbling around the edges" to reinvent models that work for at least four years; that is the most famous presentation that I ever made which was the little mouse coming out and saying, we can't nibble around the edges, but it is hard to when we get to engage these conversations. It is hard without some type of external force pushing people into a new conversation, it is hard for it to naturally respond to a request and begin thinking differently. So, we are now to the point where we have to use the tools of requiring new conversations to occur before we just sign-off.

President Dowd: The Senate must move to the next agenda item. This conversation will continue on to the next Senate meeting. I ask that each Senator to send their comments and suggestions to facultySenate@utoledo.edu. If nothing else your Executive Committee can start to gather your comments and suggestions and then provide them to the provost so he can come to the next Senate meeting with critical answers to those questions.

Thank you, Provost Scarborough. I invite the Co-Chairs of Senate's Core Curriculum Committee, Senators Humphrys and Molitor, to come to the podium to give their report on the next steps for our Core Curriculum.

Senator Humphrys: I want to give a brief update about what's been going on with the core curriculum. If you remember about a year ago, the Faculty Senate approved a new list of general education courses. The idea at that time was that any student starting in the Fall of 2012 would start with that new list and then everybody else would stay with the old list. There was a question about whether the state would allow us to have two core curriculum general education lists.

We found out that the state wouldn't allow us to have two lists and that neither the old or new general education lists meet the requirements of the state. There are several different reasons that they don't meet. First, the state requires 36 hours of general education and we don't require 36 hours. We require 30-33 hours, so we don't meet the state's requirement in that respect. Also, the other thing that we don't meet is that the state said that every course that is in our general education list has to be part of the Ohio Transfer Module. They make the determination for which course is part of the Ohio Transfer Module. We found out through our meeting, which President Dowd referenced earlier, with the Provost Office representatives that many of the courses in our general education list, the new and the old, are not part of the Ohio Transfer Module. So we have not been in compliance with the state for some time. Also, the state has already made decisions that we cannot include language courses in our general education list because they can't be included in the OTM. Also, most Honors courses that some students took in place of Comp I and Comp II cannot be part of the Ohio Transfer Module. So because of that reason, they can't be considered as part of our general education list. So that is what we found out, and I am going to let Senator Molitor take over.

Senator Molitor: Also, as part of this requirement these courses that are in the Ohio Transfer Module are categorized so they have to fall into a category of composition, humanities, natural sciences, mathematics, social sciences. There is an interdisciplinary course category for courses to extend across multiple components. So addition to the 36 hr. requirement it also specifies that you also need 6 hrs. of composition, 6 hrs. of humanities, 3 hrs. of math, 6 hrs. of natural sciences with at least 1 hr. of a lab, and 6 hrs. of social sciences which adds up to 27 hrs. Our previous two iterations of the core did fit this except for courses that we offered in these categories but were not approved for the OTM. The remaining 9 hrs. can be in any category including interdisciplinary, and can be chosen by an individual degree program. So, we came up with a proposal to fix these problems. I want to point out that this is a draft, we are not voting on anything yet. The idea here is that we want to make sure that this proposal is workable for almost all degree programs on campus. What is highlighted in orange are the new requirements, and what is in the black is required by our current general education core curriculum structure. First, all courses that are in our gen ed. core will have to be in the Ohio Transfer Module and I think we also have a converse of that. We want anything that is in our approved Ohio Transfer Module to be part of our gen. ed. core to make sure our students have a diverse selection of courses and to make sure it can satisfy the needs of the individual degree program. We will maintain this requirement that we always maintained, the only difference here is all the courses in the various categories must be Ohio Transfer Module courses. The remaining 9 hrs. is an additional requirement. We are going to add on a remaining 9 hrs. that can be decided by the degree programs and those can come from any Ohio Transfer Module course category. We are hoping that degree programs will be able to go through their degree program requirements and identify required courses satisfying this requirement." We are not promising that this will be the case, but

we are going to try to work as hard as we can to make sure that we can achieve that goal. The individual degree programs will be able to choose those 9 hrs. of course work. In order to meet this requirement about the different categories we are not going to allow interdisciplinary courses to be applied to the first 27 credit hrs., and the reason for that is because they would have to be split across category; you will have to say an interdisciplinary course will count 2 hrs. for humanities and 1 hr. of social sciences. That would make it impossible for students to find a course that fulfills the remaining 4 or 5 hrs. from that category.

We also have as part of our general education core the 6 hr. multicultural course requirement and we are going to maintain this requirement, but it is now going to be on-top of that 36 hrs. rather than being included in the 36 hrs. Again this is where the degree programs will have to go through and figure out if in fact this is workable. We are adding this as our own requirement; these courses are not part of the state requirements. Therefore these courses do not have to be in the Ohio Transfer Module.. Essentially, that is the structure right now. We have a whole list of courses that is offered as multicultural courses that does not satisfy the Ohio Transfer Module and those courses will remain as is. We will also maintain a double-dip option for degree programs so if you have a course that is multicultural and is also included in the Ohio Transfer Module, these multicultural courses can be used to satisfy the gen. ed. requirements as OTM approved courses. As you also see, the state has disallowed the inclusion of foreign language courses from the Ohio Transfer Module and these courses used to count toward the humanities category. What we are advocating is the inclusion of foreign languages in our multicultural course requirement to account for the fact that they are not included in the OTM, but yet we believe that these course are important for inclusion in our overall core curriculum requirement. This is essentially the status quo - we currently have been accepting foreign language courses in our general education core, and we are only proposing to shift the category by which they would be counted.

Senator Humphrys: We are not asking for anything to be voted on today. We are awaiting the final decisions from the state. We provided the Provost's Office with copies of the syllabi of the courses that we had in the new general education list that were not currently part of the Ohio Transfer Module with the exception of the language and the Honors courses which the state already indicated they wouldn't allow in the Ohio Transfer Module. So, we are hoping that more of those courses that we did approve will actually become part of the Ohio Transfer Module, so we can include them in the general education listing. Also, the committee will be looking at making some sort of recommendations about how we should proceed, so are general education list is in compliance with the state.

Senator Molitor If I can just add to that, our goal is to provide a list of courses that are already approved for inclusion in the Ohio Transfer Module. What we want to do is get this out to faculty and advisors, and we want everybody to go through their own undergraduate degree programs to decide if this is workable. I already did this for Engineering with my colleague, Senator Randolph. We went through all of our degree programs and we are going to have to adjust the list of courses chosen as electives for certain programs. Other than that, we think we will be able to incorporate these changes without any program modifications. So we need to hear from you as to whether or not these changes are workable for your degree programs.

Senator Jorgensen: Thank you. That was a clear presentation so I appreciate you bringing it to us. I remember the last time you asked for courses that did not have pre-requisites. So in general, it is safer that the science area didn't not put in courses that have prerequisites, therefore I will say engineering students get their science hours if the core science hours are the ones that non-science majors and math.

Senator Molitor: It turns out that in the science and mathematics categories, the prerequisite requirement is a little relaxed. They will count a course that a student can qualify for based on placement testing, and that can end up being a very high-level course such as Calculus I. Then the next course in sequence will also count, such as Calculus II. But that is it, so students won't be able to count a course higher than the second course in the sequence.

Senator Jorgensen: So, 6 hrs. for each of those categories, four for mathematics can be one for prerequisite.

Senator Molitor: Yes, just one prerequisite.

Senator Jorgensen: Okay, then we will have to submit those courses to you.

Senator Molitor: Well, actually we are proposing that you are not submitting anything. If that course is already in our OTM we are keeping it and including it in the general education.

Senator Humphrys: The first thing we need to do is comply with the state. Then we can address assessment and ask what the competencies are. But, you do not have to do anything; you can say it is already in the OTM and it is just an opportunity for students to have another course to choose from.

Senator Templin: I think that was the nature of my question, in the College of Education we have a course where there is not a core course and it wasn't included in the general ed. course applications, but it is in the Ohio Transfer Module, are you saying that course will be automatically in general ed.?

Senator Humphrys: Right, that is what we are looking at.

Senator Thompson-Casado: I just want to thank you guys for maintain the option of allowing a foreign language; and just to clarify that it is an option, no one will be tortured into taking a foreign language.

Senator Humphrys: Absolutely, and I think the Language Department is also looking at having its cultural courses added to the OTM and general education lists.

Senator Molitor: I know we are "running over," but just one final comment for our colleagues in Honors, we are dedicated in working out a solution for the Honors Readings Conferences.

Senator Sheldon: We believe you.

President Dowd: Again, thank you very much for the hard work your committee provides for the students of this university.

[Applause]

President Dowd: Next, we have two very brief reports, beginning with Senator Rouillard and finishing with Past Senate President Anderson.

Vice President Rouillard: The evaluations of Deans Davis and Bjorkman have been forwarded to them, as well as to the Provost. The results will also be shared with their faculty. This semester faculty will evaluate all the other deans (with the exception of Dean Barlowe since she has not been in the post for 2 years yet), and President Jacobs and Chancellor Gold.

Past-President Anderson: We have all of the results in from the retirement survey with 264 respondents from a total of 1700 faculty of non-faculty and part-time. It was interesting data. Provost Scarborough should hear that out of the 164 faculty who listed their credit hours, the average number of teaching credit hours was 18/year and 20% of them teach 24 or more credit hours/year. About half of the responders said they were interested in retirement and about half said they weren't.

President Dowd: I would like to see Faculty Senate conduct another survey later in the semester or during the summer months to see how the survey results are trending.

With that, is there any old business?

Any new business?

Any recognition of awards or announcements from individuals or departments?

Do I have a motion to adjourn?

Meeting adjourned at 6:10 p.m.

Respectfully submitted by:

Dr. Lawrence Anderson-Huang
Faculty Senate Past-President.

Tape summary: Quinetta Hubbard

Faculty Senate Office Administrative