

THE UNIVERSITY OF TOLEDO
Minutes of the Faculty Senate Meeting of March 15, 2016
FACULTY SENATE

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

Approved @ FS on 4/26/2016

Summary of Senate Business
FY2017 Operating Budget
Proposed Revisions to the Public Records Policy

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 Keith: I call this meeting to order. Welcome to the thirteenth Faculty Senate meeting of AY 2015-2016. I ask that Executive Secretary, Lucy Duhon come to the podium to call the roll.

I. Roll Call: 2015-2016 Senators:

Present: Anderson-Huang, Atwood, Black, Cappelletty, Dowd, Duhon, Fitzgerald (substitute for D. Compora), Franchetti, Giovannucci, Gruden, Gunning, Hoblet, Humphrys, Keith, Kennedy, Kovach, Krantz, Lee, Malhotra, McAfee, Molitor, Nathan, Oberlander, Ohlinger, Randolph, Regimbal(substitute for M. Edwards), Rouillard, Schneider (substitute for M. Caruso), Sheldon, Slantcheva-Durst, Srinivasan, G. Thompson, Thompson-Casado, White, Williams, Wittmer

Excused absences: Barnes, Brickman, Burnett, Denyer, Duggan, Federman, Gray, Hasaan-Elnaby, Jorgensen, Kistner, Lundquist, McLoughlin, Monsos, Nigem, Prior, A. Thompson, Wedding

Unexcused absences: Devabhaktuni, Elmer, Farrell, Harmych, Mohammed, Quinn, Schafer, Skeel, Smas, Tevald

II. Approval of Minutes: Faculty Senate meeting Minutes of February 16, 2016 are ready for approval.

President Keith: Since we can't convince you that we have a quorum without checking, Lucy is going to check. Unfortunately, we do not have a quorum so we can't approve the Minutes, however I am going to read the EC report.

Executive Committee Report: Although Spring Break interfered with our usual schedule, various administrative offices throughout the University still managed to fill your Executive Committee's Outlook calendars. Aside from those meetings as well as our usual EC meeting, we met with Dr. Hsu, the Provost finalist, Lawrence Kelley, the Interim V.P. for Finance and Peter Papadimos, V. P. and UT's General Counsel, and attended the President's Advisory Council meeting.

Although we were busy, other than our discussions with V.P. Kelley and V.P. Papadimos, there is little to report from most of those meetings since much of what was on the agendas is work in progress. I have three informational items to report and then a brief description of today's meeting.

First, an update on the Provost search – the president hopes to have an announcement early next week, period. I was told that you can take the word “announcement” to mean whatever you want it to mean at this point; of course, I am thinking modes of delivery – I am thinking, is she going to call us or send us

email? But what they meant by that is, at this point it is not a failed search –so take that to mean what you want it to be.

Second, on the Provost’s website, there is a link to the websites of the current searches for academic administrators², which include the Provost, Dean of COGS, Dean of the Honors College, Vice Provost of Retention and UG Studies, and the Associate Dean of University College. All of these websites include a page that names the members of the respective search committee. Last Friday, the website for the Dean of COGS search included a page that identified several candidates as ‘finalists’. This was an error since the full search committee has not been named nor started its work of reviewing applications and identifying a group of finalists. Let me make it clear – there is not yet a list of finalists for the position of Dean of the COGS. I am working with Connie Schall, Vice Chair of Graduate Council, the Provost and Dr. William Messer, Chair of the search committee, to name additional members for the search committee to ensure it is inclusive in terms of race, gender and programs of study. We have a meeting this Thursday, March 17th, during which we will finalize the search committee.

Third, last week the Provost sent an email to the Deans with an attachment that contained a list of faculty members who do not have proper documentation of the credentials that they need to teach at their current level. Those credentials are (and I’m quoting from policy): “To teach at the University, a course instructor, except for a graduate assistant, will hold an earned degree recognized by their discipline, as defined in the current *CBA* or in the current *Rules and Regulations* (College of Medicine and Life Sciences faculty), that is either one level above the level of courses the instructor is teaching or is a terminal degree. A course instructor who holds less than an earned master’s degree will possess at a minimum five years of equivalent experience as documented through an evaluative review process.”

Although this language comes from a new University policy on faculty qualifications, it is consistent with the state of Ohio and HLC requirements. The Provost asked the Deans to review the list of ‘undocumented’ faculty for their college and work with the faculty members in question and their chairs to obtain an official transcript and/or process a request to his office for authorization to teach based on equivalent experience. Provost Barrett, did you want to say anything more about that?

Provost Barrett: It’s really, really important that we get our records in order on these credentials. I have not turned anybody down who didn’t have a one-level higher degree than the degree that they’re teaching at. Due to the equivalent experience, I have asked for more data on a couple of them - one of them didn’t have a CV which needs to be part of the packet. This is a state of Ohio requirement and a HLC requirement. We got HLC coming in in under a month and we know that they’re going to ask for this stuff, particularly since we had to basically report anything that was a problematic area anyway. Each college got a list last week of a handful of people - I think the largest college had about ten where there were problems. We just need to get this buttoned-up. So if you are on the list, write-away for your transcript if that’s what’s missing, but please help us get this done because it is a mandate that we really don’t have any choice about. There is a mechanism that allows people to teach that don’t have the credentials, based on their experience and professional life.

President Keith: Thank you, Provost Barrett. We [now] have a quorum.

Executive Committee Report cont’d: In terms of what we’re doing today, as you can see we have a packed agenda. The first item is a report from the Academic Regulations committee. At the start of this

academic year, that committee was charged with continuing the work that had begun last year on proposed changes to the incomplete and the withdrawal policies. One of their challenges was finding existing policy to work from. After much effort, they have two recommendations for us to consider today.

Next is a report from the Constitution and Rules committee asking us to consider two changes to the *Appendix to the Faculty Senate Constitution*. If adopted, the changes would require FS annually to determine and approve the number of colleges having faculty constituencies that will be recognized for apportionment purposes. It also would allow the combining of colleges with small numbers of faculty for apportionment purposes. We also have an update from the Elections Committee.

We have one guest today, Lawrence Kelley, Interim V.P. for Finance. He is here to give a brief presentation on the FY2017 budget process and to answer any questions you might have.

Finally, there are proposed changes to UT's public records policy. Senators Dowd, Molitor and Williams and I met with Peter Papadimos, V.P. and UT General Counsel, to find out their significance. We decided they were major enough that we needed to brief the full Senate as well as ask for a 30-day extension to the comment period. Yesterday I sent you a copy of the draft policy and a link to the document retention schedule. We thought we'd take some time in the second hour to go over these changes. If you have questions or issues we can't answer or address, we'll invite Mr. Papadimos to our next meeting.

Are there any comments or reminders from the Executive Committee? Hearing none. How about questions from Senators? Is there anything you would like to add or comment on? Then I will go back to the agenda and ask you to approve the Minutes of February 16, 2016. May I have a motion to approve the Minutes of February 16, 2016? Is there any discussion or are there any comments? Hearing none. All those in favor, please say "aye." Any opposed? Any abstentions? Thank you. ***Motion Passed.***

Our first speaker is Senator Regimbal, Chair of Academic Regulations. This document was sent to you either Sunday or yesterday, suggested changes to the Grades and Grading Policy 3364-71-11 as related to the No grade (NR) No grade (NR) - R is used until a final grade is available.

Senator Regimbal (substitute for M. Edwards): Members of Senate, I would like to bring forward a motion from the committee to make a change –We believe there was a typographical error in the Grade and Grading policy where it states the available of a grade of R, - there is no grade of R, it should be NR, so we would like to correct that typographical error. Are there any questions? All in favor please say "aye." Any opposed? Any abstentions? ***Motion Passed.***

The second is a much greater issue. I would like to make a motion on behalf of the committee to make a change in the Incomplete part of Grades and Grading policy. The section in white is the current Incomplete policy. Do you want me to read to you how the new policy would read or do you have questions? What are your wishes? Would you like me to explain?

Incomplete (IN)

<p>Current policy:</p> <p>The grade of 'incomplete' (IN) is assigned only in extraordinary cases when unexpected conditions prevent the student from completing the requirements of the course within the term of enrollment. The student must complete the required work before the end of the following semester in which the grade is received (excluding summers);</p> <p>otherwise the grade will be converted to a grade of F by the registrar's office. The student may initiate a request for an additional semester to complete the work for the grade (excluding summers). The extension is granted upon the approval of the faculty member and the associate dean of the college offering the course.</p> <p>Once a course is given a grade of F, the student is required to re-register and re-take the course to earn a different grade</p>	<p>Suggested change:</p> <p>The grade of "incomplete" (IN) is assigned only in extraordinary cases when unexpected conditions prevent the student from completing the requirements of the course within the term of enrollment. The student is expected to complete the required work before the end of the following semester in which the IN grade is assigned (excluding summers). During the semester following the assignment of the IN grade (excluding summers), the student may initiate a request to extend the IN grade to the succeeding semester (excluding summers). That request shall be granted upon approval of the instructor of record. The student may subsequently request a second, succeeding, one-semester extension of the IN grade (excluding summers). The second extension of the IN grade shall be granted upon approval of the instructor of record and an associate dean of the college offering the course. The total number of extensions for an IN grade shall not exceed two succeeding semesters (excluding summers).</p> <p>At the time a student is assigned an IN grade, the instructor of record may also specify a default grade which the IN grade will convert to if the student does not complete the required work within the above specified time limits. The default grade is to be based on the percentage of required course work the student has successfully completed by the date the IN grade is assigned. Valid default grades are limited to the grading system for the course. The registrar's office shall interpret the absence</p>
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<p>The incomplete grade will not be considered in computing the student's grade point average. Students should consult their college regarding any limitations that may exist for this option</p>	<p>of a specified default grade to mean that the instructor of record has assigned the grade of F as the default grade. Once an IN grade has converted to the default grade, the student may choose to re-register and re-take the course to earn a different grade.</p> <p>At the time a student is assigned an IN grade, the instructor of record may also specify a default grade which the IN grade will convert to if the student does not complete the required work within the above specified time limits. The default grade is to be based the on percentage of required course work the student has successfully completed by the date the IN grade is assigned. Valid default grades are limited to the grading system for the course. The registrar's office shall interpret the absence of a specified default grade to mean that the instructor of record has assigned the grade of F as the default grade. Once an IN grade has converted to the default grade, the student may choose to re-register and re-take the course to earn a different grade.</p> <p>The incomplete grade shall not be considered in computing the student's grade point average. Colleges, departments, programs, etc. shall not restrict or otherwise limit the rights of either the student or the instructor of record beyond that established by this policy.</p>
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Senator Molitor: If you could just explain the changes.

Senator White: Yes, I agree.

Senator Regimbal (substitute for M. Edwards): Okay. We had a lot of discussion about this policy and the changes that are being brought forward is this motion: once a student is assigned a grade of Incomplete then that student will have two opportunities to extend the Incomplete, giving them a total of three opportunities to complete their work. In the first request for an extension, the student would request

[it] from the faculty member. The second request for an extension, the student would not only request [it] from the faculty member, but would also need to have a signed-off from someone in the dean's office - the committee members felt this was appropriate because of the amount of time the student is requesting and the administrator may have some questions for that student to be able to understand why they're requesting more time on their IN grade.

Senator Dowd: Regarding that form, will they be housed in department offices? Or college offices? And where would a faculty member submit such a form?

Senator Regimbal (substitute for M. Edwards): Well, that's a question that probably needs to be settled by Faculty Senate. It really can't be stored in the Registrar's Office, that is not the appropriate place to store records about students. I don't know if it should be stored in the deans' office, if there should be some way electronically the form can be stored in the college offices. The committee does feel though that it needs to be filled out and that's a process, but we really didn't cover that process. Maybe we can leave it up to the colleges to determine how that could be taken care of.

Senator Dowd: It could simply be housed within the department office because the purpose of the form is for extreme situations when someone, such as a department chair, needs to determine what work a student needs to complete in order to change the IN grade to a specific letter grade. For this issue we need to keep in mind that this really is for the protection of students. This should not be housed by any sort of university system. The form should perhaps be kept by departments just in case it is needed.

Senator Regimbal (substitute for M. Edwards): Right.

Senator Anderson-Huang: Usually the department chair has to sign-off on a grade change that's made anyway, so the department chair needs to know; it is best to have it in departments.

Senator Humphrys: Did your committee talk at all about deadlines for when a student can initiate a request, because I just have this fear that students on the last day of this Fall semester on December 16th at 11:55 p.m., they're going to send an email and you are not going to see it till you return or whatever. So again, I wonder if you discussed at all if there needed to be a deadline when students need to request it.

Senator Regimbal (substitute for M. Edwards): Actually, we talked about a lot of generalities, maybe a two-week deadline will work. It's a process thing, so it would not be in the policy---

Senator Humphrys: Oh, okay.

Senator Regimbal (substitute for M. Edwards): So it would be the process that's setup in the Registrar's Office. Probably we should all have the same timeframe we would like this to happen within. But the one thing that has to happen is if a student wants an extension then the student must request the extension or the grade will change. Now, this isn't a flip/flop, you can't ask for it to go back- once it's changed, it's changed. Now, one of the great concerns voiced in an earlier Faculty Senate Senate discussion was the language that states that the student is "required to" - that language has been taken out of the policy and it states "...*the student may retake the class if the student would like to.*" Again, that's the process by which all students follow if they would like to change a grade in a course, they reregister and retake a class, but they are not required to do that so that requirement is taken out of this policy statement as well.

Senator Molitor: Can I follow up on where it says the student may choose to re-register and re-take the course to determine a different grade?

Senator Regimbal (substitute for M. Edwards): Yes.

Senator Molitor: Does that exclude the possibility of a faculty member going back and changing the grade later on when there's additional work?

Senator Regimbal (substitute for M. Edwards): Yes.

Senator Molitor: The reason I say that is because we have a Grades and Grading policy that doesn't have any limitations on faculty members going back and changing a grade if a student does additional work.

Senator Regimbal (substitute for M. Edwards): This is a grade, the Incomplete changed to a grade, so it is a part of the Incomplete Grading Policy. If you wanted to, you can give a student a C and let them do the work and you can ask for that. I think the greater concern is the amount of time that happens when you change grades – are you going to wait three years before somebody comes in and finishes the work and you do a grade change?

Senator Molitor: Well, ideally you wouldn't want to wait that long, but to my knowledge there is no limitation if a student works with a faculty member to have a grade that's already been posted changed to another grade if the faculty member feels there is a sufficient reason to do so. I am wondering whether these changes will preclude the possibility once a course grade is an IN and it's changed to a letter grade. Is it no longer possible to change the letter grade to something else?

Senator Regimbal (substitute for M. Edwards): That is the thinking of the committee.

Senator Black: What if a faculty member is tardy in turning the "change of grade" form in? I know I've done that a couple of times.

Senator Regimbal (substitute for M. Edwards): Help me understand a little bit better. So you as a faculty member assign---

Senator Black: If the student completed the work, but I did not fill out a Change of Grade form until I came back from winter vacation.

Senator Dowd: If it is the faculty member's fault for not submitting a change of grade in time, the student must be held harmless.

Senator Black: But that is what I would do anytime.

Senator Dowd: Yes, but that would have to go through the proper process.

Senator Regimbal (substitute for M. Edwards): I don't know, maybe an administrative appeal. I think it's important that we try to do things in timely fashions. If they've asked for a request for an extension and by the end of the extension they've done the work and you haven't changed the grade---

Senator Black: No, like next semester they take your course again for some reason, they are not going to be on the course grading form so you have to physically get a course grade change and change the grade and then send it in.

Senator Dowd: With something like that situation, and basing this on my own experience, all a faculty member would have to do is to speak with your college's student services and simply explain "I messed up."

Senator Black: Okay. Why the responsibility?

Senator Regimbal (substitute for M. Edwards): I really didn't ask Julie what the process was. I mean, if you had an Incomplete grade, then you put in a Change of Grade form to change the Incomplete. This allows you to put in a grade that will go to the student if he/she did not finish their work and then it will automatically go to that grade. So, if they finish that work, then there would be the expectation that you would put in the Change of Grade form. If you didn't do that, then I would imagine you would follow whatever procedure you do anyway to take care of changing the grade; hopefully, I think it would not occur often. I don't really have a good answer to that question, I apologize.

Senator Sheldon: I've been waiting to see what your committee brought back on this because this is something that's going to fall back in my ball court. Through some miscommunication, or error, or something, Honors doesn't have Incompletes, we only have PR's. In earlier conversations, Senator Regimbal you seemed to be presenting a couple more flexible options than the Incomplete because right now what we assign our PR's to, which is why they were initiated to experiential learning, which does not occur at the end of one semester or necessarily the end of the subsequent semester. I want us to be in line with the rest of this, but this seems a little draconian for experiential learning courses.

Senator Regimbal (substitute for M. Edwards): Well, how long is experiential learning take?

Senator Sheldon: Well, I guess it kind of depends on the instructor, who is in charge, but it certainly will not be within the semester in which the grade would normally be submitted - I am thinking the subsequent semester or possibly two; I don't know exactly because I don't teach experiential learning courses.

Senator Regimbal (substitute for M. Edwards): I think this allows the student at least a year to complete the course.

Senator Sheldon: Okay.

Senator Regimbal (substitute for M. Edwards): That was a concern I think other people had---

Senator Sheldon: But the incomplete/tentative grade might be of concern if it's experiential.

Senator Ohlinger: Well, it's not required; it's an option, right?

Senator Regimbal (substitute for M. Edwards): It's an option.

Senator Sheldon: All right.

Senator Regimbal (substitute for M. Edwards): The PR grade – as I understand Grades and Grading – unless you specifically ask for a PR grade in Honors, then the PR grade is only available in graduate classes.

Senator Sheldon: No, not in Honors; we don't have Incompletes, which is what I'm trying to correct.

Senator Dowd: The first stage is appropriate if you're using PR grades for experiential learning courses, The PR grade is the correct application for such courses. However, the Incomplete Grade is not. I suggest that Honors continue using the PR grade when necessary.

Senator Sheldon: Except, our courses that are not experiential also have only PR's, not Incompletes.

President Keith: But I don't think this replaces the PR---

Senator Sheldon: Which is undergrad in Honors.

President Keith: Right. Well, undergraduates can get a PR. The registrar or whoever was in charge before just did not allow anybody but Honors to give PR's to undergraduates, but they are allowed for research and independent studies – it's in the policy. I think this is just referring to the Incomplete, so you will still have that option.

Senator Sheldon: No.

President Keith: Well, we need to get you back that option.

Senator Sheldon: Yes, we are trying to correct it.

President Keith: Right.

Senator Sheldon: I'm just trying to figure out how we correct it.

President Keith: We didn't ask them to look at the PR, just to look at the Incomplete policy.

Senator Sheldon: But earlier there were conversations about the PR.

President Keith: There were.

Senator Regimbal (substitute for M. Edwards): I understood the issue when we talked about PR; I was thinking that this R grade that we changed was a mislabeled grade and I thought that that might be an option, but that was a typographical error as much as I could find. I will tell you that the policies were rather difficult to find. Are there any other questions about this change? This is a fairly substantial change.

Senator Anderson-Huang: Just one technical question again regarding the registrar, if you know the answer - when does the automatic grade take place? Does it take place at the end of the grading period, the last second before it goes flip? Or does it happen at the beginning of the grading period or in the middle somewhere?

Senator Regimbal (substitute for M. Edwards): For the grade of Incomplete change?

Senator Anderson-Huang: Yes.

Senator Regimbal (substitute for M. Edwards): I don't know this and I don't want to speak on behalf of Julie, but I believe the grades get registered at the end when all grades are recorded in the Registrar's Office, so whenever they flip the switch there, is when the grade will become recorded.

Senator Anderson-Huang: Because people get their grades earlier if their faculty member has put in a letter grade, their grades are recorded and the faculty member can't change it anymore, except by form, right?

Senator Regimbal (substitute for M. Edwards): That's right.

Senator Anderson-Huang: But that happens anytime during the grading period.

Senator Regimbal (substitute for M. Edwards): That's true.

Senator Anderson-Huang: So I guess I am asking, when are the last moments for---

Senator Regimbal (substitute for M. Edwards): I did not ask for a drop-dead time for changing the grade from Julie. I can come back with it, would that make a difference on your interest in approving this change?

Senator Anderson-Huang: Not really, just a technical question.

Senator Molitor: If I can just make a comment to follow-up on your earlier point. There is a policy called Grades and Grading that talks about how grades are either changed from an Incomplete or PR to a letter grade or from a letter grade to another letter grade. I would suggest the last sentence in white from the original policy that says "*once an IN grade has converted to a default grade*" – I would just say the "the grade change process from the grading policy is applied" or something along those lines because what I wouldn't want to happen is faculty members would lose flexibility for issuing grade changes which they think are appropriate for the work that a student has done.

Senator Dowd: However, that particular statement is rather important to the policy because it presents another option to students. We have to include an explicit statement indicating that if a student does not like the default grade that student may choose to start over simply by re-registering and re-taking the course. It is the student's choice. If that student chooses to not re-take the course then, of course, the default grade will stand. One concern of committee members, involving rather extensive discussions, was whether there is a true drop-dead date for awarding a "final – final" grade. By that I mean, do Senators want to allow the situation of a student returning to an instructor, a year or so after the "final" grade was awarded, asking the instructor for a higher course grade if the student completes additional work? Chair Regimbal, was that a correct description of the committee's discussion of this issue?

Senator Regimbal (substitute for M. Edwards): Yes.

Senator Molitor: So that would be the intent of this group to change the Grade and Grading policy to suggest the same change because right now there are no limitations on grade changes if the initial grade was not an IN.

Senator Dowd: No. That language is included in the current Grade and Grading policy.

Senator Regimbal (substitute for M. Edwards): This is in the Grades and Grading policy.

Senator Molitor: Okay, then what about letter grade to letter grade changes? In other words, if a student gets a D instead of an Incomplete in a course, there's no limitation on how often a student can come back to a faculty member and have their grade changed.

Senator Regimbal (substitute for M. Edwards): That goes back to the conversation that we were having earlier. I think that probably if there is an option for a change then the change should be that that grade change option doesn't continue for the rest of their life till they graduate from college. Once you completed your time with them in that class then that grade should stand and if they are not happy with that then they need to retake that class. What happens if you leave and they are unhappy? They go to the next person who teaches. We did have that conversation and felt that a grade change is appropriate if there's a miscalculation.

Senator Molitor: My point though is then you're going to have a different process depending on which initial grade is posted. Suppose a student earns a D in your class with an Incomplete so the grade is IN/D. If the instructor gives that student the IN first, you're going to have a different grading process then if the instructor gave the student a D at the outset. If the instructor issues a D at the outset then there's no limitation on how often the student can come back or how many times the instructor can change the grade. In contrast, if the instructor initially awards an IN, you are saying once the grade has converted to the default grade of D then your hands are tied and the student will have to reregister and take the class over again.

Senator Regimbal (substitute for M. Edwards): I see that as a philosophical discussion, but if you want the committee to address that, we certainly could say faculty have a set period of time. I guess it was more that the student had over a year to make a difference in their grade when they asked for an extension in terms of an Incomplete or you've determined that that student has the opportunity to really do much better and so you had that discussion with them that they should get an Incomplete. I think that Change of Grade forms are more for calculation errors than they are for "let me do a little bit more."

Senator Dowd: When we consider the text with yellow background, please recall that this committee brought this issue to the Senate previously – and the Senate provided guidance on this issue. Note the text in white states "...a student must re-register or re-take the course." Focus on the work "must." When presented previously," the Senate instructed the committee to soften the language to "may choose." Therefore, the committee didn't mess with that particular language because we were following the guidance of Senate.

Senator Schneider (substitute for M. Caruso): I have a question on the advice to students that they may choose to re-register and re-take the course to earn a different grade - there is a limit to the number of grade replacements that students can do, is there not?

Senator Regimbal (substitute for M. Edwards): It is determined by colleges, not by the university.

Senator Schneider (substitute for M. Caruso): They can replace 9 credits or 12 credits?

Senator Regimbal (substitute for M. Edwards): I think the university policy is 12 credit hours that they can do a grade replacement for.

Senator Schneider (substitute for M. Caruso): Right. I just think if a student reads this policy they may think that in any class in which they get an Incomplete that goes to a default grade, they can then just re-register and re-take the course, but there's a limit to the number of courses they can do that in. So I was just wondering if we should add language there- the student may choose to re-register and re-take the course to earn a different grade within the limits of the college grade replacement policy.

Senator Dowd: That would be presuming that each college has such a college-specific policy.

Senator Schneider (substitute for M. Caruso): That is fine, but should we not have something that advises students of that? I can see the grade grievances rolling in.

Senator Regimbal (substitute for M. Edwards): Do you see this last statement as taking care of that, "...colleges, departments, and programs?"

Senator Dowd: No, that wasn't the intent. I would consider this as a friendly amendment to the paragraph, "...earn a different grade" – just reword it to be: *consistent with the university policy on grade deletions*.

Senator Schneider (substitute for M. Caruso): I like that word.

Senator Dowd: For the Minutes, I consider this a friendly amendment.

Senator Regimbal (substitute for M. Edwards): Once an IN grade has converted to the default grade, the student may choose to re-register and re-take the course to earn a different grade *consistent with the university policy on grade deletion*.

President Keith: So we are fine with this block of yellow? What about the last piece of yellow? Does anybody have questions or comments?

Senator Schneider (substitute for M. Caruso): I am not trying to be a "pill," but my only question on this is without adding in something about deadlines.

Senator Dowd: Senator Schneider raises a sound point. However, I would view that as a procedural issue and not one we should include in the policy statement.

Senator Schneider (substitute for M. Caruso): Okay, so that's a procedure issue that the Registrar's Office will take care of?

Senator Dowd: Sure, just as long as it is a procedure and not policy.

Senator Regimbal (substitute for M. Edwards): I think it is a procedure issue and our instructions were to try not to put a lot of procedure within policy because then it makes it more difficult to change. However, our policy at The University of Toledo seems to be a mix of both procedure and the policy, the policy has a lot of procedure embedded in that. I would imagine that with all of the review of policy that we're doing, that things may continue to look different as we go forward with a provost and our new president, that's my guess at this point.

President Keith: Can we vote?

Senator Regimbal (substitute for M. Edwards): All in favor? Any opposed? Any abstentions? *Motion Passed.*

President Keith: Thank you so much. This has taken a year or maybe longer.

[Applause]

President Keith cont'd: Okay. Next, Senator Regimbal is going to continue the discussion on the withdrawal policy.

Senator Regimbal (substitute for M. Edwards): We were also asked to examine the instructor withdrawal and asked to consider putting back in instructor withdrawal. Well, we have a drop policy, but we do not have a withdrawal policy. A withdrawal is embedded within registration policies which disappeared from our website for a long time and has reappeared. In the reappearance there seems to have been some adjustments in the language. So some registration policies are in the language that appears and some of it, I don't know where it has gone. The committee had a lengthy discussion about reinstating instructor withdrawal and decided that they will go with the decision of Faculty Senate in 2008 to eliminate the instructor withdrawal options, We did what we were directed to do. Our recommendation is that we continue with the current language of the withdrawal policy which does not give faculty the option of withdrawing students from classes. Is that understandable? So withdrawing from classes is in the Registration policy - Dropping a class has a policy number with it, so a portion of this has been developed within a policy. If you go to the Undergraduate Academic Policy website you will not see registration, a portion of this exist within a policy so what I would like for you to understand is that the registration polices, once again appear in the general session of the catalog if you witness the 2015-2016 catalog online. Some things appear in policy and policy statements, if you go to the academic policy section you will find that some things appear here. So the committee has been asked to examine particularly the Guest Student Status policy. We've been asked to examine a few other polices that seem to be embedded within the registration policy, so we were happy to see that those appeared.

President Keith: So the recommendation coming from the committee is that we do not change the current withdrawal policy.

Senator Regimbal (substitute for M. Edwards): Right.

President Keith: Which is not to add an instructor's initiated option or extend the "blank" from the 10th to the 13th week- those are the two things that we were asked to look at last year. So since the recommendation is to not change the policy, we still have to vote, right?

Senator Dowd: No. It is not a motion from committee. It is only a recommendation for no Senate action on this issue.

President Keith: All right. Well, are there any questions? If not, I think we can give her a round-of-applause because she has put so much time in trying to track down where some of these policies reside.

[Applause]

President Keith cont'd: Next, Constitution and Rules, Professor Mark Templin.

Prof. Templin: This is coming from the Constitution and Rules Committee; David Giovannucci and I are co-chairing that committee. These changes I am going to show you relate to how does Faculty Senate handle the changes when colleges change, are either broken up into separate colleges or recombined, how does Senate deal with that? This is not a complete solution to the problem; this is somewhat of an intermediate step. In an ultimate sense we are going to have to go back to the Constitution itself and do some changing – the problem with doing that is that you have to have faculty forums and there's a whole procedure for changing the Constitution and if we'd got started yesterday we wouldn't get done with it until September so anyway, this is what we can do in the time that we have for this year understanding there's a longer sequence of events that has to play itself out. So this was sent out some time ago, twice and this is in the Appendix and it is in the Responsibility for Elections Procedures and Time of Elections Section. What we did is we inserted a bylaw here in the Appendix that basically says that Faculty Senate shall by the fifth Senate meeting of the Fall term – so this will be for next Fall – determine the number of colleges having faculty constituencies that would be recognized for apportionment purposes. So basically what this is saying is it's putting in the hands of Senate what colleges will be recognized by Senate for apportionment purposes. In cases where a college has a small number of faculty constituents it may be combined with another college. The Senate Committee on Elections shall prepare a list of colleges to be considered for apportionment and the instructions for apportionment representation. The list and its instructions shall then be brought before Faculty Senate for discussion and vote -the list is adopted by a simple majority of Faculty Senate. So basically what this is doing is it's putting in place a procedure, some sort of timeline that by the fifth meeting of Fall that the Elections Committee is going to say, here's the colleges that we have and if there are changes from last year, then that list will be brought forward and the instructions for how to handle the vote. There is one other little change here and that is down here in C, The Election Procedures -basically, it is just starting off with Senate Committee on Elections – it says, using the list of apportionment instructions adopted by Faculty Senate, the Committee on Elections shall prepare a nomination ballot. So it is just saying that is the list from the one above that's going to be used to guide the Elections Committee in preparing the ballots for faculty elections which will happen in the Spring. Questions about that?

Proposed Modifications for Faculty Senate Appendix

1. University Faculty Elections
 - A. Definitions

University Faculty Elections are elections of members to the University Faculty Senate. Election of faculty members as representatives of the University Faculty to committees or bodies other than the one specified above and the University Committee on Academic Personnel and the University Committee on Sabbaticals, and those provided for in Article V of the Constitution, shall be by the Faculty Senate in accordance with Article VII of the Rules of the Senate.

1. Electorate. The members of the University Faculty eligible to serve as representatives to the Faculty Senate shall constitute the electorate for University Faculty Elections. When so specified in the relevant Constitution, Appendix or Rules, mention of the electorate in these articles also shall refer, where appropriate, to the faculty within an individual college.
2. Eligibility. All members of the University Faculty who are members of the electorate described in Section I.A.1 above shall be eligible for election in a University Faculty Election, subject to those limitations set forth in this Appendix that require representation on a college basis.

B. Responsibility for Election Procedures and Time of Elections

1. The Faculty Senate shall be responsible for the conduct of University Faculty Elections.

2. The Faculty Senate shall, by the fifth Senate meeting of fall term, determine the number of colleges having faculty constituents that will be recognized for apportionment purposes; and, in cases where a college has a small number of faculty constituents, it may be combines with another college. The Senate Committee on Elections shall prepare a list of colleges to be considered for apportionment and the instructions for apportionment representation. The list and its instructions shall then be brought before Faculty Senate for discussion and vote. This list is adopted by a simple majority vote of Faculty Senate.
3. The nominating procedure for University Faculty Elections shall commence as soon as possible after promotions have been announced in the spring semester, or five weeks before the last day of classes in the spring semester, whichever is earlier.
4. Except in unusual circumstances, the nomination ballots for all University Faculty Elections shall be forwarded to the electorate on the same day, and all election ballots shall be forwarded to the electorate no more than two weeks later. When faculty members must be elected to fill unexpired terms, such elections may be conducted at other times in accordance with the procedures described in Sections C and D below.
5. The Senate Executive Committee shall notify the faculty of the results of elections no more than three weeks after distribution of the election ballots.

C. Election Procedures

1. Using the college list and apportionment instructions adopted by Faculty Senate, the Senate Committee on Elections shall prepare nomination ballots for all University Faculty Elections. The eligibility of faculty members for election shall in all cases be determined by the Constitution, Appendix or Rules stating the requirements for eligibility.

Senator Anderson-Huang: I didn't do my homework to read this in advance, but can you go back to the first page? Does it say in there, is there any language about approval of the colleges themselves in their representation because I think it would be good to have a statement of college council that they had agreed to this apportionment when you are mixing colleges, right? If you are combining low enrollment colleges into a bigger unit, there really should be some feedback from the individual college.

Prof. Templin: I think that is what we were trying to get at with instructions. But we were thinking of it from the Senate perspective because we were basically assuming that the Elections Committee is going to check with the colleges to figure out what they want done and bring that information to the Senate, that was the gist of it. So that is why it's instructions and not just a list.

Past-President Hoblet: This discussion occurs every time we go through defining a "small number" of faculty constituents in colleges or the Library. I think that the language is vague and that it could be viewed as meaningless. Who knows what configurations our colleges will be in the future? Goodness knows, look at the number of iterations we have gone through in the past few years. I wondered if your committee had discussed why the choice of "small number" instead of "less than" or a "range"?

Senator Giovannucci: If I can interject to that?

Prof. Templin: Sure.

Senator Giovannucci: First of all, this is sort of a stop-gap type thing that positions us because it is likely by next year the numbers of colleges will be given, so it's to allow for some flexibility from year-to-year. In terms of the minimum number of faculty within a college, we talked about that and we did discuss that. I think rather than sort of arbitrarily choosing what that is, maybe we defer that to when there's a full revamping of the language of the constitution which has to go to the entire faculty, that would be sort of worked through and resolved.

Past-President Hoblet: Thank you.

Senator Krantz: In effect, the number of faculty in the two colleges that will be merging will be a consideration when it's brought forward to Faculty Senate to vote, so we would be making a judgment on what is and is not "small," is this a reasonable action?

Senator Dowd: In fact, that point was a significant part of the committee's discussion. Does the current Senate want, at this time, to bind future Faculty Senates to the current Senate's view on what constitutes a "small" college? Specifying in the Constitution a particular number of faculty members in a "small college" would do exactly that. Instead, the committee recommends that we not be ~~not~~ specific in the Constitution and instead leave that decision each year to the collective wisdom of *those* Faculty Senates to determine the appropriate meaning of "small" in each year.

Past-President Hoblet: That is what I wanted to hear. Thank you, Senator Dowd.

Senator Dowd: Well, thank you, but that was from Senator Giovannucci.

Senator Molitor: I have one minor comment. I don't have any comments for that wording specifically, I just thought that that paragraph should be moved down so that you don't talk about the Faculty Senate Election Committee before you can actually define the Faculty Senate Election Committee.

Prof. Templin: Yes, I thought about that subsequent to our meeting. It is a little bit problematic because in one we talk about elections, well, the readers are like, how do we handle that? You are correct. I think the Elections Committee is the new three. Point taken. I don't really know what to do with that.

President Keith: So, are there any other questions or comments?

Senator Atwood: Can I humbly request the phrase *including the Library* be added after colleges?

Prof. Templin: "Including the Library"?

Senator Atwood: Yes.

Senator Dowd: I believe that is not necessary.

Prof. Templin: It's not because the Constitution has the Library in it.

Senator Atwood. Okay. Thank you.

President Keith: Are there any more questions?

Senator Weck-Schwarz: The lowest red part- can one please refer to the previous list and instructions because someone who actually wants to apply the rules might not know what that particular sentence means?

Senator Molitor: In other words, refer to a specific section?

Senator Weck-Schwarz: Yes, refer to a change Section B.2. or 3.

Prof. Templin: Oh, I see, define it in 2.

Senator Weck-Schwarz: Yes, so it is clear what this refers to.

Prof. Templin: Okay.

President Keith: It would be after Instructions, it would be: Defined in B2 Above (Section B, Paragraph 2 above). Is that correct?

President Keith: So you want it to read: *Using a college list and apportionment and instructions defined in section B, paragraph 2 above adopted by Faculty Senate.*

Prof. Templin: Yes.

President Keith: Are there any more questions?

Prof. Templin: Bylaw changes actually require two readings so it's up here. Either I can come back or Senator Giovannucci can do this the next time we meet and that would be the second reading and then you can vote or you can vote to suspend the second reading and vote tonight, but that would not be a recommendation that comes from our committee, that has to come from Senate itself, but it is an option.

Senator Molitor: Can I make a recommendation that we resend this out with the minor changes that have been proposed and have a second reading at our next meeting?

Senator Anderson-Huang: That would consist of the second reading so then we would vote.

President Keith: Okay, we will invite you back and remember to send you a copy of the proposed changes.

Prof. Templin: Okay. Thank you.

President Keith: Thank you very much, Prof. Templin and Senator Giovannucci. Last is an update from Elections and then on to our guest who has arrived.

Senator Molitor: Senator Weck-Schwarz and I wanted to give you an update on what's going on with elections. In case you are not aware, we have ongoing Faculty Senate, University Committee on Academic Personnel and the University Committee on Sabbatical nomination elections. They are all being conducted electronically. If you are eligible to vote in these elections, hopefully you received an email and you will soon be receiving a flyer in your mailbox. All colleges except for Library and Honors have open Faculty Senate seats and have ongoing Faculty Senate nomination elections. Business and LLSS both have UCAP and UCS nomination elections. Education and Nursing also has UCAP nomination elections and Engineering has Committee on Sabbatical nomination elections. If you are in one of these colleges, you and you colleagues should have received anywhere from one to three emails depending on how many elections in which you are eligible to vote. So far, we haven't heard any complaints so it seems to be going well. We had a few minor issues that we're trying to settle with a particular ballot, Nursing UCAP, but we're working on that and we're trying to get that straightened out.

Senator Lee: I think we got it.

Senator Molitor: Okay. It sounds like we're converging on that ballot and everything else seems to be going pretty well. If you or your colleagues have any problems, please contact the Faculty Senate Office and we will try to get those addressed and squared away. Are there any questions?

Prof. Wittmer: This is not a question, just a quick comment from someone who may rush through her emails very quickly. I am fortunate that I understood that these elections are going to be going on so I was expecting it, so when I did receive it from the College of Business I did receive three emails. I knew that they all were something separate, but I don't know that all of my colleagues did. I am wondering if there's a way in the future to differentiate - make the subject heading clearer that they are three separate elections as opposed to "oops," we accidentally sent it out three times.

Senator Molitor: That is a great suggestion and perhaps we should send out a follow-up email to the colleges that have multiple elections that you did receive separate links. We didn't want to put them all in one email because some colleges are not voting in those elections and then we're going to get a whole bunch of people responding that they clicked a link and couldn't vote.

Senator Wittmer: Absolutely.

Senator Molitor: I think it's a wonderful idea and we will follow-up on that suggestion to make sure your colleagues understand that.

Senator Wittmer: I appreciate it.

Senator Molitor: Thank you for this suggestion.

Senator Wittmer: Absolutely.

Senator Molitor: Is there anybody else? Okay. Thank you.

President Keith: I would like to introduce Interim Vice President from the Office of Finance, Mr. Larry Kelley.

[Applause]

Larry Kelley: Well, I noticed in your agenda that this is a highlight<laughter>. So I appreciate that and that has been a highlight for me because I don't get many highlights in what I've been doing these days, so I thank you for that. I also noticed that you have election talk and nobody was violent and needed to be escorted out<laughter>.

I do thank you, President Keith for inviting me here and for all of you for allowing me to join you today. This Fall is my 40th year in education. Having begun my career in the universities in Ohio and serving as Vice President at Kent State before leaving Ohio and retiring a couple years ago as Senior Vice President and CFO of Cal Poly in San Luis Obispo, California, it is a beautiful place to be.

I believe in what we do and have been pleased to be part of providing service and support to the mission of the universities. I've served in public universities that are highly selective and some with a more open mission policy. But in all instances I've seen the value we add to lives—certainly the lives of the young people and others we teach but also for the faculty and staff as they grow in their professions.

I have taught a bit along the way: courses in Accounting, Decision Sciences, and most recently a graduate course at Kent State in Business Administration in Higher Education. I have a deep respect for what you do and how it benefits all of us. I also recognize some of the frustrations that come with the faculty role.

As an example, in the first meeting of the course I taught last fall. As I introduced myself to the students, there were two classes and 50 students total, and said we would be covering topics that I have lived for nearly 40 years. Naively, I paused—in my mind at least—to wait for a WOW. Instead what I got was looks on the faces of the students that said, “this guy is old” <laughter>. We don’t always get what we expect in teaching. I joined you here in November. I appreciate being a part of your university.

Now, I mentioned this, we’re in the political season, I should offer a fact check on that. I do enjoy what I do—that doesn’t mean every day is fun or every person is a joy—but, overall I am pleased to share this time with you. I’ve had the opportunity to talk with Kristen, Mary, Mike and Linda and they have helped me learn about Toledo and have helped me feel welcome here. I thank them and all of you for what you do and have done to bring quality to UT. In the last four months or so, I’ve learned a bit about this university—and have much more to learn. Since I’ve been here, I’ve learned a lot about enrollment changes, state funding issues, tuition freezes, discounting, and changes in leadership. I’ve seen the results of vision-driven decisions and core mission challenges. I am pleased to work with Dr. Gaber: she is a strong leader and clearly focused on the core mission of the University. I have a sign in my office that shows her top 5 priorities:

- Increase graduation and retention
- Increase enrollment
- Increase overall reputation
- Increase fund-raising and development
- Decrease administrative overhead and overall costs

Her actions, her accessibility and her transparency are focused on these priorities and to restoring fiscal health to UT. As we look at the priorities, we all can help by determining our roles in bringing them to reality. For example, I know the people in Administration and Finance are not the reason students select Toledo—but, how we relate to the students once they’re here can help make the experience a positive one. With that challenge set for all of us, and recognizing that by now you are starting to understand how my students last fall could get bored as I talked, I have a few slides to share about the budget. Some of the information you’ve seen before in presentations, maybe a little bit differently as I share them with you. Then at the end if you do have some questions, President Keith is available for those <laughter>.

Numbers you see – 2010, this is FTE, not headcount – just over 20,000, but in 2015 – not quite 17,000. What does that mean financially? If that wasn’t true we would be having a very different discussion at this time. It is almost a 16% decline, which equates to something around \$28 million that we don’t have in our revenue that would’ve been here. State support- for FTE, I realize that is not how we get our funding exactly, but it is a meaningful number to us, as we say, do we have the money to educate the students? In 2011 – about \$7,000 and 2015 –about \$6,300, which is about a 9.6% decline; but if it hadn’t declined – about \$11 million more. [This is in nominal dollars; it would be more like 17% if you factored in inflation.] Again, we wouldn’t be having this kind of conversation if that had been different. With enrollment we are looking at fewer students than we had anticipated. Develop assumptions that will provide for a realistic and balanced budget – we will probably go back to that issue again. What we’re trying to present for next year in our planning is something that – short of a major issue – will be in place for the entire year, not have to be revisited during the year with any reduction. Share the assumptions, which I understand you talked about already here at Senate and formerly, the university in general and

that's about where we are right now. So we are gathering the budget stabilization plans from each of the colleges and administrative areas now. What did we miss in this current fiscal year? Well, currently in enrollment targets we didn't hit what we built the budget on. Our revenue projections, this is not just enrollment targets for other revenue. 18 hr. plateau - I am assuming that many of these things are common to you, relatively new to me - as you know Toledo had a total of 12-16 hr. plateau previously and the state re-did regulations and said that it needed to be 12-18 hrs., so we lost some revenue above that and that is about a \$2 million hit in investment returns, so the budget stress came primarily from those areas. The good news, we're not saying the budget stress came from people spending way too much money or any issues related to that. But it left us with a gap of just above \$16 million, you've heard that number as \$14 million and you've heard that number as \$11 million, it's a snapshot, it's a snapshot today. The closer we get to the end of the year, the more accurate the number gets, I feel pretty confident with it right now. I said in the smaller print up here - it excludes the affiliation agreement with ProMedica and the College of Medicine. How do you survive if you have a \$16 million deficit in a year? Well, if you have \$40 million that helps carry it, at least temporarily. Actions taken this year - you are aware of the eight-month hold on vacant positions. There's been a consolidation of [some] administrative positions. The 1.5% stabilization of the operating budget is non-compensation, removing the allowance for allowing unmet revenue to be a budget reduction. Utility savings - I've been back in Ohio, this is my third winter. We had two really ugly winters where we didn't talk about utility savings, but this year we can talk about utility savings, it is a real blessing for us right now and the number is something close to \$2 million that we didn't spend that we might have if it was a colder year and that includes snow removal and other related issues. We did about 25% carry-forward reallocation and your deans I am sure we shared that with you; it is probably not the most popular thing, but it is one that does help undergird the budget for stability as we move forward. The assumptions, I don't intend to go through all those, although we can, but I think you've seen them, you've talked about them, and you know what they are and we shared them broadly around campus. Maybe the most important item is that we are presenting in our plans a balanced budget for next year. So, how about 2017? Well, we start with that \$16.1 million challenge and we've got certain inflationary adjustments within that budget, but we have mitigations in place that collectively bring us to a point of a balanced budget. We still in our environment are balancing that budget by looking at the academic budget, the clinical budget, and the auxiliary budgets, which at some time in the future I'd imagine the university wants to look at each of those separately. The next steps are to prepare the budget and share it with the Board for their action. We will continue to gather expense reduction, revenue, and growth ideas - this has been a general call, I know the Finance and Strategy group has been involved in some degree, the president's advisory council has been involved, and the deans have been involved. Sharing information, my email works. If you have ideas, we will be glad to hear about what we might do, but none of these ideas at this time is built into the budget. As we learn them, as they can help us even next year, that would be fine, but we aren't building the budget on the come, we're building it on what we know today as best we can. [View PowerPoint on Faculty Senate Website]

Senator Anderson-Huang: Just out of curiosity, have some useful ideas been proposed?

Larry Kelley: Well, yes. We haven't done much of evaluating ideas right now. We got, I would say 2.5 pages of bulleted items that are there. President Gaber would very much like to see incentives built into our practices so if we underspend our budgets there's opportunity to plan on a portion of that money remaining with departments and colleges to incentivize revenue growth, so those are some of the things we're looking at in sort of broader categories. Those are the performances and incentives and we will be

sharing and evaluating those ideas over the next few months, determining which ones might work for next year, which ones might have a life beyond that, or which ones just don't work. We hope to implement those that work. In the best of both worlds, as we've defined ours - at least at this point, consider maybe next year providing some allocations to help incentivize the programs or acknowledge what's been done or where the needs are the greatest because again, there are ideas developing regarding some of the administrator unit consolidations and college consolidations. There's some talk about closing down between Christmas and the New Year's holiday and savings that are there. But as I mention these, none of the decisions have been made, therefore, none of those dollars are built in. So that is the show. There were some questions that President Keith had shared with me from before and I can address some of those or I can just stop, sit down, or leave <laughter>.

President Keith: What is your preference? Do you have any new questions?

Larry Kelley: I can help you with one to start because it's one I get all the time – “Really,² you retired in California and came to Ohio <laughter>? Why would one do that?” The answer is because of [his] family – 15 grandkids and five kids, all live in Akron where my wife and I have our home. So I never thought I would do it, but here we are today.

Senator Regimbal (substitute for M. Edwards): Didn't we do cards?

President Keith: We did do cards. Well, I sent you everything that was on the cards.

Larry Kelley: There was a question about the \$2.7 million that we are showing in revenue from ProMedica for fee waivers. I believe the question was, is that going to be based, can we count on that every year? The answer is, yes, that is part of the agreement and that's new money for the university and new funding that will be here year-after-year.

President Keith: There was a question about College Credit Plus and how it would affect the budget.

Larry Kelley: Yes.

President Keith: The fact that we've seen such an increase in College Credit Plus students.

Larry Kelley: You are all familiar with the program. We had some 1200 students who in some way participated with us in the program – we don't know if they would've come to the university and if they would've stayed, so it is kind of hard to do a real in-depth calculation, but we got \$40 per credit-hour instead of our normal rate. If you apply the normal rate to those credit hours, the delta is \$1.9 million. It is a program, hopefully, that will help the students prepare and do well, but it doesn't help us much financially.

Associate Dean LeBlanc: How much does the 1.5% projection in the operating funds generate?

Larry Kelley: It was roughly \$600,000 in the current year and the 3% was about \$8.9 million – the 3% was on the entire budget including compensation and the 1.5% was on operating, not counting compensation.

Senator Ohlinger: I wanted to follow up on the fee waiver revenue. I am not the one who asked the question when it was asked, but my interpretation and my take on that was if we're going to be including

that as revenue? Might that be another one of these revenues things we're figuring in, that we fall short on?

Larry Kelley: The ProMedica fee waiver payment is contractually obligated. It is a stronger contract that we have with students that haven't yet enrolled. It looks like it's a reasonable revenue source that we would count on year-to-year. There are other programs that are being introduced statewide, you mentioned the College Credit Plus and there's a 3+1 program where there are incentives for students to do three years in a community college campus and transfer in. There are ten four-year degree programs that are going to be introduced for a full bachelor's degree on the community college campuses. There is a plan moving forward to allow competency credit as opposed to classroom credit to work towards a degree, but none of those things provides additional revenue to a full university as we are.

Senator Dowd: There's a whole lot of planning going on here. Perhaps you can describe how the budget building process interacts with strategic planning, enrollment planning, and master planning?

Larry Kelley: The strategic planning is the easiest one because that's going to begin in the Fall, so we aren't there yet. The enrollment planning, we've seen Jim Major's work on campus and we were impressed with his experience, what he brings to the university and his message that it is up to all of us, not just the Enrollment Planning Office. He's developing enrollment projections based on responses and based on contact with potential students. We have not built the budget on any increase. He believes we should see an increase next year. Again, we're not betting on the come; we're building the budget in a conservative way that we hope will be successful as we move forward. We are working very closely with Jim, with the enrollment planners, with the consultants that are involved in that, but at the same time sort of hedging our bets and saying let's just wait and see how the enrollment develops in the Fall.

Senator Rouillard: Speaking of enrollment, there is some concern that international student enrollment may take a dangerous dip next year because of economic issues abroad, because of Saudia Arabia for instance deciding that it will only pay for sending their students to top tier universities, has any of that been taken into account?

Larry Kelley: It has. I am not sure how it's been calculated in, maybe Provost Barrett knows better than I do. But as far as the phasing goes of those changes, we know that Moody's, the investor service that watches over higher education and other industries has issued an alert saying that they're concerned about the Saudi decision, which has said they will send fewer students for American higher education and send them only to the top 50 universities ranked in the nation. Provost Barrett, I believe we have about 500 Saudi students, right?

Provost Barrett: I don't know what the current number was, I believe we were a little down this year. It is not only that they are going to be restricted to the top universities, they also are requiring students to get a certain number of credit hours, I think it's the first 30 on their own dime to show that they are capable. So there's a dual set of changes coming in that's going to hurt us there.

Larry Kelley: We do know that's been factored in to what Jim is looking at and his projections. He still speaks very confidently, so I am hoping we will see that, but at the same time we're not suggesting that we build a budget on it. Are there any other questions? From a perspective of someone who's watched

faculty over the years, we need you. You've been through a lot. We need you to do well and the students deserve it, so we thank you for that.

Senator Anderson-Huang: Just a real quick question.

Larry Kelley: Yes.

Senator Anderson-Huang: Can you provide this PowerPoint to the Faculty Senate Office?

Larry Kelley: Yes. Feel free to use it in any way that you would like, but be kind <laughter>. But it is available and we'll probably share it around in other settings on campus as we put it together. Hopefully, it tells a story that needs to be heard.

President Keith: Thank you very much. I would be happy to take a class from you depending on the subject<laughter>.

[Applause]

President Keith cont'd: Okay, last but not least are the changes to the public record policies, <http://www.utoledo.edu/facsenate/docs/minutes/Public%20records%20policy.pdf>. Senators Williams, Dowd, Molitor, and I went to see Pete Papadimos on Tuesday or Wednesday of last week because we wanted to talk to him about these changes to the public record policy. When we looked at it we didn't understand why they had scratched-out major revisions and changed it to minor technical revisions. He explained that part of it was because some of this information came from two other policies and they were just sort of combining it; so some of these things that look like changes are actually part of an existing policy. The reason we wanted to bring it to your attention was because it looked to us like they were pretty major revisions and there were two things that we were concerned about. First of all, the fact that [now] all employees are responsible for maintaining public records within their control in accordance with the university Records Retention Schedule and for working with the Office of Legal Affairs to ensure prompt response to public records request -whether this is a minor change or a major change we just thought you should be aware of it. The other part was, now they are talking about content that fits the definition of a public record above, which is transmitted to or from private accounts of personal devices, is subject to disclosure under the Public Record Act. All employees and representatives of the university are required to retain such records according to the university's retention schedules - so again, whether this is minor or major, we wanted you to be aware that now we also need to keep track of records that are on our private accounts and personal devices. Gentlemen, I think I'm going to turn it over to you and let you guys jump in here.

Senator Dowd: Part of the issue was how risk is now being transferred from the administration and to employees. Now, I don't know what preexisting or existing state law is with regard to personal devices, but it has always been my understanding that if you use those devices to discuss UT's business, you have to keep those records anyway. So that appears to be not new policy. But we asked if this risk could be held explicitly by the university only, the employee only, or by a mixture of both. The answer was that all three options were possible. However, this policy clearly has the risk exposure on employees only. President Keith, is that description consistent with your memory of that discussion?

President Keith: Well, he kept assuring us that probably nobody is going to go after an individual faculty member just simply because it is the university that has the “deep” pockets so they will sue the university, but still we’re responsible. If we were to purposely destroy public records then I am not even sure the university would provide counsel in that case.

Senator Dowd: Another issue is that, for example, faculty and staff are responsible for archiving their own email. We asked why the university does not simply archive all such email. We were told that the university currently does not have capacity to archive all such material on a frequent basis.

Senator Williams: He said at least on three different occasions that they are trying to work with “whatever” to try to get more capacity, but they don’t have the capacity at this point.

Senator Dowd: Former Faculty Senate President, Barbara Floyd, has indicated for many years that the university does not have a good record of obtaining and archiving electronic documents. We don’t have the capacity to do this for UT email and those on personal devices will be our own responsibility. What I found disturbing from that conversation is that faculty members will not be given facilities to archive their own electronic documents. We were told that the administration is working on this issue, but they are changing the policy before such facilities will be made available.

Senator Rouillard: What happens when an employee leaves? What happens to all those public records? Do they go away? Do we no longer have access to them?

Senator Dowd: Those are great questions.

President Keith: I wish you would’ve been with us because you could’ve asked that question<laughter>.

Senator White: My way to archive email is on my own office machine. First of all, many of my colleagues don’t bother archiving their own email. You are right, the university does not handle our archives so if I ask the university for something from a few years ago, they don’t have it.

Senator Williams: Six months maybe.

Senator White: So again, many of my colleagues don’t bother and don’t do this, but as far as on my own machine, it has plenty of room to archive email. I can do that internally, but I have to be the one who actively learned how to archive on my own machine. Some of the things that you were saying do not necessarily connect well with my understanding of “it is our responsibility to archive it.” Is there or is there not room on our own private machines to do that and are we doing it?

Senator Dowd: The Records Retention Schedule is not uniform across the different documents. President Keith, how many pages did you say it was?

President Keith: It was 80.

Senator Dowd: So each faculty and staff member would have to know what form the archive must be, how many years each particular document must be kept, etc.

President Keith: Here it is, and it’s based on a model schedule from the IUC. If you go through it, you have to kind of know what you’re looking for [I think] to some extent. I sent you a couple of examples

when I sent you this document. In this policy it says, or maybe I just wrote it in my notes, that faculty need to be familiar with this document.

Senator Dowd: Well, we have to keep the records according to what's specified in that document.

President Keith: Senator White, to your point. I did point out that a lot of times they give faculty software and they don't train us in it and we don't know how to use it. Part of the reason we may not archive is because we tried to do it and it doesn't work and so we stopped trying, so if they really want us to be responsible then they will have to provide training.

Senator Regimbal (substitute for E. Edwards): I think one of the issues that I ran into as well while looking at policy is when you're given the opportunity to review policy there's something that comes in your email that says this policy has been posted. When I've gone out to look at policy it seems that three-quarters of it has to do with hospital procedure and I stop looking because I don't work at the hospital, I am not a doctor or a nurse. So maybe it would be helpful if there were some way to disaggregate those things so you knew it was academic policy. I don't know where I am going with this, but if it was easier for me to find the policy that I should be paying attention to rather than finally saying, well, I am not going to read it.

Senator Molitor: Just a follow-up on that. They do generally have a heading over each policy, but you are right, most of them are for the medical center and for patient care issues.

Senator Regimbal (substitute for E. Edwards): I've read a lot of them; I've looked at a lot of policy.

Senator Molitor: Right. But I want to point out that they don't show the red-line version of many of these draft policies, so I believe we got this straight from Pete Papadimos. What I would like to see when they post a revised policy for comment is to post the red-lined version so we know what changes have been made. A lot of times I am looking at revised policy draft and I have no idea if any changes or what changes were made.

Senator Rouillard: No, they do the red-line, Senator Molitor.

Senator Molitor: Do they?

Senator Rouillard: Yes. I am looking at that page right now and they do.

Senator Molitor: Okay, because some of the ones I've seen before this one don't have red line versions.

President Keith: Well, what I would recommend is that you take a look at it and if you have any comments, they agreed to extend the comment period for 30-days. Again, I noted what it was in the email that I sent to you sometime in April. I don't know what kind of effect that will have because we were told that we need to do this to get into compliance, but they do read the comments.

Senator Krantz: Just to ask a very, very basic question. I assume these are public records that the Freedom of Information Act would apply to, is that the concept?

President Keith: Yes.

Senator Krantz: Okay. Just a nuance to your previous comment - the university is the one with “deep pockets,” but not all groups would be interested in monetary. There are ideologically-driven groups that would go after you, think about PETA going after anybody who has animal care or anything like that.

President Keith: Good point.

Senator Molitor: For the record, when I commented on this draft on the policy website I made the comment that the first section under A should say “information technology will work with employees to ensure that all public records are maintained according to the university records retention schedule.” I think that is much better wording than actually saying all employees are responsible to enforce this policy and making it sound as if all employees have the technological capability, the wherewithal and the knowledge to do this.

Senator Krantz: Do any of the lawyers in the Faculty Senate have some advice as to the balance between institutional and personal in this case?

Provost Barrett: There is not a “right or wrong” answer here. I mean, there is a bandwidth concern; it’s hard for us to store everything. We only back things up for a certain period of time as a general matter before the system recycles, whereas every one of us has a computer with pretty much plenty enough space to hold this. I think the main thing is familiarizing yourself with what constitutes a public record, and I think this will ultimately refine further as we deal with it more, but not every document that you get in your email is a public record. First of all, it needs to be a record which is pretty broad, but “public” is the bigger thing – it deals with decision-making, dealing with the running of the university. So an email from a chair to a faculty member saying here’s the textbook we’re going to use in Econ 1100 will be a public record. But something you send to each other, let’s go get lunch at wherever is not a public record, you can toss it.

President Keith: In the Policy of Record Management and Retention was one of the documents he referred to, that they took some of the policy from to put in this new document. It says that, “email messages that are transitory and document only casual and routine matters can be deleted at will. Email messages that are not transitory and document the organizations, functions, policies, decisions, procedures, operations or other activities of the office must be retained as any other record in accordance with established record retention schedules.”

Senator Nathan: As I am reading the definition of public record, I guess I am a little confused because it seems like there’s no concern about our keeping stuff because if we haven’t kept it then it’s not a public record.

President Keith: Was that the inconsistency you pointed out, Senator Dowd, I don’t remember?

Senator Dowd: I am sorry, would you mind repeating your question?

President Keith: He pointed out that there’s inconsistency here. Please say it again.

Senator Nathan: In part B, a public record is a record that’s being kept by the university, so if we’ve thrown it away it will appear that it’s not a public record.

Senator Dowd: The point that I've made is that the employee himself or herself is responsible to produce that record upon request. What if you don't read email frequently enough to know if you have received a particular note? What if your machine does not automatically archive your email? Is the employee still responsible for such records? There are many such issues not spelled out in the policy. President Keith, was that the issue that you were referring to?

President Keith: That may have been the inconsistency that you were pointing out.

Senator Rouillard: As I am looking at this document from IUC, the model retention schedule – they have some comments that are in red and I don't know if this is a proposed language change, but they are specifically about institutional archives. They are not saying the employees are responsible for this in the language they're using – at least in some of these red portions, "*review for continuing administrative or historical value and potential transfer to institutional archives.*" The IUC seems to be assuming that we have institutional archives and if we're going to talk compliance then maybe we need to get ourselves instructional archives.

President Keith: They are working on it.

Associate Dean LeBlanc: Whether it's an email I receive or the one that I write, do I have to keep the ones that I send myself? No. So if a chair sends something to everyone in the department, does every person in the department has to keep it? It has to define whether it is written or received. President Gaber exchanging email to every faculty member in the university, does everybody have to keep it or does only the President have to keep it?

Senator Williams: There are a lot of inconsistencies in the policy.

President Keith: So my question is, what do we want to do with this? Do we want to pursue it further? Should we ask Pete to come talk to us about it?

Senator Dowd: Yes. If nothing else, it can better educate individuals like me.

President Keith: Okay. I will do my best to get him on the agenda in the next couple of meetings. So anybody want to say anything else? Are we ready to wrap it up? Are there any items from the floor? May I have a motion to adjourn? Meeting adjourned at 5:59 p.m.

IV. Meeting adjourned at 5:59 p.m.

Respectfully submitted,
Lucy Duhon
Faculty Senate Executive Secretary

Tape summary: Quinetta Hubbard
Faculty Senate Office Administrative Secretary

