

- T: Secretary Ben Givens
- F: Rules Chair Ken Lee
- R: University Senate Rules Committee 2020 Annual Report
- D: April 27, 2020

This AY20 Rules Annual Report follows the general outline suggested in your April 27, 2020 email request: Highlights, continuing initiatives, new priorities. Membership and meeting agendas reveal how sausage is made. The last page index shows rule numbers and salient nouns. We congratulate Professor Jared Gardner who was duly elected as our next chair.

The University Senate Rules Committee met ten times in academic year 2020 as shown by this table of contents. The annual report consists of a chronological string of agendas for each meeting with some redundant text deleted for brevity. However, the aspirational goal of brevity was not achieved.

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Highlights: Executive summary of Rules completed in AY20

Rules shaded in green were completed in AY20 with some awaiting the 5/5/2020 BOT consent agenda					
Rule # 3335-	Issue	Rules	Steering	Senate	Trustees
3-28	Dean not Director of Libraries	10/4/19	10/24/19	11/14/19	11/22/19
5-04(1)(e)	Hearing 60 day president in 04 rule	11/1/19	10/24/19	tabled	
8-27.1	Grade forgiveness timing	11/1/19	9/26/19	11/14/19	11/22/19
6-03(D)(1)(b)	Exclusion of time for medical reasons	12/6/19	2/13/20	2/20/20	5/5/20
3	Accurate administration chapter	1/17/20	2/13/20	2/20/20	5/5/20
9-11	Faculty pursuit of additional degrees	1/10/20	2/13/20	2/20/20	5/5/20
5-47.3	Housekeeping aka non-substantive	1/13/20	1/17/20	1/30/20	2/27/20
19-02	Five not seven days clarification	1/13/20	1/17/20	1/30/20	2/27/20
5-48.5	Athletic council rules	3/6/20	3/19/20	3/26/20	5/5/20
3-29(B)(5)	Dean-- substantial weight to faculty	3/6/20	**		
5-48.8	Honorary degrees	3/6/20	*		
5-49.4	Ohio faculty council	3/6/20	*		
45.4	Graduate student ombudsman	3/6/20	**		
5-04	Ad hoc 04 (Dollarhide) report	na	**		

*Minor corrections that Rules and the Secretary agree to send directly to the board office.

**Work in progress deferred to AY21.

A numerical rule index is at the end of this annual report.

Executive Summary showing synopsis of each implemented rule.

3335-3-28 Dean not Director of Libraries

Synopsis: The renaming of director of libraries to dean of libraries is consistent with the norm in higher education and conforms with the principle that tenure eligible faculty are led by deans. The use of prior retired # 3-28 enables grouping of dean positions in chapter 3335-3 consistent with a planned rewrite of the entire admin chapter.

3335-8-27.1 Grade forgiveness timing

Synopsis: The deadline for applying for grade forgiveness comes before students have any feedback about their performance and is out of sync with the deadline for withdrawing from a course in rule 3335-8-32. Several five p.m. deadlines occur after a 4:30 p.m. summer hour close of business. These difficulties are expunged.

3335-6-03(D)(1) Exclusion of time for medical reasons (tenure clock)

Synopsis: This clarifies the exclusion of time rule. An exclusion due to personal illness or care of a seriously ill or injured person is a private matter that should not require review by a P&T committee. Current language requiring exclusions based on illness or care be made within a year is struck to provide needed time to afflicted faculty. The exclusion limit at age six for an adopted child is removed.

3335-3 Accurate Description of the University Administration

Synopsis: The current rule is incongruent with the Board of Trustees by-laws on administration. This revision removes specific job descriptions and gives the president and provost discretion to define direct reports, consistent with the by-laws of the Board.

3335-9-11 Faculty Members Pursuing Additional Degrees

Synopsis: Faculty members may not pursue a degree in their own TIU due to conflicts of interest. The associated faculty are added to this existing rule correcting an oversight.

3335-5-47.3 Expedite Minor Corrections to Rules and Bylaws (Housekeeping)

Synopsis: Minor corrections to rules and to by-laws are achieved by the senate secretary, but only the by-laws say this can be done. Moving the text from by-laws into the duties of the Rules Committee codifies minor corrections of the entire governance document.

3335-19-02 Clarify a Five-day Advance Senate Agenda Rule

Synopsis: Seven days advance written notice for a regular senate meeting was changed to five days several years ago. This enables the Steering Committee that meets less than seven days prior to comply. This revision enables a uniform five-day notice for both regular and special meetings of the senate.

3335-5-48.5 Athletic Council (Steve Chapplear, John Davidson & Ken Lee)

Synopsis: The AC duties and appointments are corrected. Contradictions and a flawed timeline for the selection of the FAR are removed. The Big10 and ticket price recommendation is corrected. Appointment of the faculty council chair as interim FAR is corrected to the athletic council chair.

Continuing initiatives and new priorities

This outline of some ideas in progress was presented to Steering at their April 2020 meeting.

1. **Ad Hoc 04 report** from Dr. Dollarhide *et al.* (draft delegation memo follows. See also index under Ad Hoc 04) or under Dollarhide.

Steering has charged the Rules Committee with socialization of the Ad Hoc 04 report. These email messages in this colors will likely be sent from Lee & Gardner

From: Lee, Ken
Sent: Friday, April 24, 2020 6:09 PM
To: Gardner, Jared <gardner.236@osu.edu>
Subject: Summer Reading List

Jared;
Scott's note reminded me that I would like your opinion on sending these notes below to these committees. Steering has not formally charged Rules with anything yet, but as we all know they agreed with Dollarhide to send it to us for disposition. So here are a few draft emails let me know if you want to proceed or just wait. Thanks a bunch.

T: Scott Schricker.1, CAFR
F: Ken Lee, Jared Gardner, Rules

R: Summer reading

Steering has asked the Rules committee to seek your input on the proposed language from the Ad Hoc 04 chaired by Professor Dollarhide. We know you are already doing this, so this is just a note for the record, please review it from the perspective of CAFR. We are placing this in your inbox at the end of the Spring semester in case you need something to read over the summer. We have no deadline for your reply, but would like to report progress to Steering by their last meeting in year 2020. Attached is a copy of the 04 in case you need it again. Thanks so much for considering it and stay safe.

T: Caroline Clark.664
F: Ken Lee, Jared Gardner, Rules
R: Summer reading

Steering has asked the Rules committee to seek your input on the proposed language from the Ad Hoc 04 chaired by Professor Dollarhide. Current Rules Chair Ken Lee and Rules Chair-Elect Jared Gardner welcomes your input from the perspective of Hearing. We are placing this in your inbox at the end of the Spring semester in case you need something to read over the summer. We have no deadline for your reply, but would like to report progress to Steering by their last meeting in year 2020. Attached is a copy of the 04 in case you need it again. Thanks so much for considering it and have a productive and healthy summer.

T: Abigail Turner
F: Ken Lee, Jared Gardner, Rules
R: Summer reading

Steering has asked the Rules committee to seek your input on the proposed language from the Ad Hoc 04 chaired by Professor Dollarhide. Current Rules Chair Ken Lee and Rules Chair-Elect Jared Gardner welcomes your input from the perspective of Research. Of course you can comment on any aspect, but we are particularly interested in your critique of the research misconduct ideas in the attached proposal. We are placing this in your inbox at the end of the Spring semester in case you need something to read over the summer. We have no deadline for your reply, but would like to report progress to Steering by their last meeting in year 2020. Thanks so much for considering it and have a healthy and researchable summer.

T: Abigail Turner
F: Ken Lee, Jared Gardner, Rules
R: Summer reading

Steering has asked the Rules committee to seek your input on the proposed language from the Ad Hoc 04 chaired by Professor Dollarhide. Current Rules Chair Ken Lee and Rules Chair-Elect Jared Gardner welcomes your input from the perspective of Research. Of course you can comment on any aspect, but we are particularly interested in your critique of the research misconduct ideas in the attached proposal. We are placing this in your inbox at the end of the Spring semester in case you need something to read over the summer. We have no deadline for your reply, but would like to report progress to Steering by their last meeting in year 2020. Thanks so much for considering it and have a healthy and researchable summer.

T: Rachel Bowen.208
F: Ken Lee, Jared Gardner, Rules
R: Summer reading

Steering has asked the Rules committee to seek broad input on the proposed language from the Ad Hoc 04 chaired by Professor Dollarhide. Current Rules Chair Ken Lee and Rules Chair-Elect Jared Gardner welcomes your input from the Committee on Diversity. Although there is no connection of diversity with faculty misconduct, the ability of our diversity team to see issues from multiple perspectives is a key to a successful document. We are placing

this in your inbox at the end of the Spring semester in case you need something to read over the summer. We have no deadline for your reply, but would like to report progress to Steering by their last meeting in year 2020. Thanks so much for considering it and have a healthy, socially distant summer.

T: Brian Turner.409
 F: Ken Lee, Jared Gardner, Rules
 R: Summer reading

Steering has asked the Rules committee to seek broad input on the proposed language from the Ad Hoc 04 chaired by Professor Dollarhide. Current Rules Chair Ken Lee and Rules Chair-Elect Jared Gardner welcomes your input from the Fiscal Committee. Of course you may comment on any aspect, but we seek your views on the non-trivial financial fraud aspects in this proposed rule. We are placing this in your inbox at the end of the Spring semester in case you need something to read over the summer. We have no deadline for your reply, but would like to report progress to Steering by their last meeting in year 2020. Thanks so much for considering it and have a healthy and prosperous summer.

2. **Graduate student ombudsman** from Stephen Post *et al.* See also index under ombudsman).
3. **Rank of authority at Ohio State** See also index under hierarchy
4. **Three year terms** for Rules members? Not yet discussed no reference.
5. **Should a dean give substantial weight to faculty** when hiring associate deans? From faculty council discussion led by Crichton Ogle *et al.* See also index under *substantial weight*.
 - a) 3335-3-29 – The President... shall give substantial weight to faculty recommendations in reaching a decision... before appointing a dean.
 - b) 3335-3-35 -- The dean, in turn, will consult with the faculty... In selecting a chair or director.
 - c) 3335-3-35 -- The views of the faculty shall be given substantial weight in arriving at any decision to remove a chair or director from office.


New priorities: As you suspect Rules is both reactionary and proactive. Many new or revised rules come from OAA and other senate standing, adhoc or individual members. As such clairvoyance is required for an accurate statement here. See also index under clairvoyance for detailed AY21 agenda.

Membership and participation in rules


This committee submits this report with gratitude to the Senate and the Trustees for enacting every improvement we placed on their agendas this year.

Rules


An organizing committee of the University Senate




Terry Esper.9
Faculty




Ben Givens.7
Secretary




Jared Gardner.236
Faculty




Liz Webb.761
USG




Helen Malone.175
OAA




Ken Lee.133
Faculty




Lisa Mayhugh.16
USAC




Brandon Lester.173
Legal Affairs




Sara Watson.584
Faculty




Rania Khamees.5
CGS



Hannah Torma.9
Senate



Amy Ferketich.1
Faculty



TJ Beavers.58
IPC

**Rules Annual Report
Academic Year 2020**

12- Participation at meetings

Rules attendance (present is green) is verified by our minutes. Several members completed tasks not shown that were most helpful. The executive committee may note any senator attending only one meeting could provide a spot for others who wish to serve in this capacity.

Rules Committee Attendance 2020										
Member	Constituent	Sept 6	Oct 4	Nov 1	Dec 6	Jan10	Jan17	Feb 7	Mar 6	Apr 3
Jared Gardner.236	Faculty									
Ken Lee.133 (Chair)	Faculty									
Sara Watson.584	Faculty									
Sarah Moore.2204	Faculty									
Amy Ferketich.1	Faculty									
Terry Esper.9	Faculty									
Vidhya Jeyadev.1	USG		Miller				Webb			
Lisa Mayhugh.16	USAC									
Rania Khamees.5	CGS									
TJ Beavers.58	IPC									
Ben Givens.7	Senate									
Helen Malone.175	Provost									
Brandon Lester.173	Legal									
Hannah Torma.9	Recording									

August 22, 2019 Rules Committee orientation

Member	Source	Term	Phone 614	1h Meeting*	Location
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Jared Gardner.236	Faculty Council	2021	323-6267	Aug 22@ 3:30	Library 11 th
Ken Lee.133	Faculty Council	2021	292-7797	Sept 6@ 9:30a	Independence
Sara Watson.584	Faculty Council	2021	292-9647	Sept 13@ 9:30a	Zoom
Sarah Moore.2204	Faculty Council	2020	292-2597	Oct 4@ 9:30a	Independence
Amy Ferketich.1	Faculty Council	2020	292-7326	Oct 11@ 9:30a	Zoom
Terry Esper.9	Faculty Council	2020		Nov 1@ 9:30a	Independence
Vidhya Jeyadev.1	USG	2020		Nov 8@ 9:30a	Zoom
				Dec 6@ 9:30a	Independence
Rania Khamees.5	CGS	2020	247-3035	Jan 10@ 9:30a	Independence
TJ Beavers.58	IPC	2019		Jan 17@ 9:30a	Zoom
Ben Givens.7	Senate Secretary	No expiry	292-0385	Feb 7@ 9:30a	Independence
Helen Malone.175	Provost designee	Ex officio	292-8313	Feb 14@ 9:30a	Zoom
Brandon Lester.173	Legal Affairs	Ex officio	688-2314	Mar 6@ 9:30a	Independence
Hannah Torma.9	Recording Secret	No expiry	292-2423	M 13**@ 9:30a	Zoom
				Apr 3@ 9:30a	Independence
				Apr 10@ 9:30a	Zoom
Communications:	rules@lists.osu.edu				

*All Rules face to face meetings are the first Friday of each month [in Independence Hall](#) senate conference room. All Rules video conference meetings are the second Friday of each month [via Zoom](#). These meetings are 2 and 1 week ahead of each senate meeting, respectively, to enable timely reports when needed. March 13 is during spring break and is likely cancelled but the outlook invitation schedules this recurrent time if needed. March 20-22 is the OSU sesquicentennial.

Rules of the University Faculty Affecting the Rules Committee

3335-5-45 Bylaws of the senate.

...The bylaws shall also be the subject of review by the rules committee at the beginning of each new autumn session of the senate.

3335-5-47.3 Rules committee.

(A) Membership. The rules committee shall consist of eleven members.

- (1) Six faculty senators appointed by the executive committee of the faculty council
- (2) Three students.
 - (a) One graduate student.
 - (b) One professional student.
 - (c) One undergraduate student.
- (3) One staff senator, appointed by the university staff advisory committee.
- (4) One administrator. The secretary of the university senate.

(B) Duties and responsibilities.

- (1) Be responsible, in cooperation with the secretary of the university senate, for the monitoring of the "Rules of the University Faculty" and of all statutes and bylaws pertaining to the senate.
- (2) Ensure that all published rules and bylaws within the senate's purview are up to date and recommend their republication at such intervals as may be desirable.
- (3) Make recommendations for the revision of the procedural rules of the senate.
- (4) Before senate action, the committee shall receive all proposed new rules and changes in existing rules. It shall review them and recommend such editorial or other changes it deems necessary to avoid conflict with other rules, to enhance clarity and precision, and to avoid ambiguity.
- (5) Initiate rules or changes in existing rules and recommend them to the steering committee for scheduling for senate action.

(C) Organization.

As an organizing committee of the senate, this committee is also governed by the provisions of rules 3335-5-46 and 3335-5-47 of the Administrative Code.

3335-6-04 Promotion and tenure review procedures for tenure-track faculty.

(A) General considerations.

(1) In consultation with the rules committee or its designee, the office of academic affairs shall develop and promulgate procedural guidelines for promotion and tenure reviews to supplement Chapter 3335-6 of the Administrative Code.

3335-17-09 and 3335-19-13 Amendments and suspensions.

(A) The secretary of the university senate, with the concurrence of the rules committee, is entrusted to make non-substantive emendations in diction and grammar, and is authorized to change titles of administrative offices, administrative officers, academic units, or student constituent groups in these [election] bylaws following appropriate action on these title changes by the university senate or the board of trustees.

3335-19-07 Proposals for senate action.

(A) Proposals for senate action shall be classified as either routine or substantive, and treated accordingly.

(B) Routine proposals are those that do not establish or alter university policies, such as approval of the minutes or acceptance of reports or appointment of committee personnel and include the call of a special meeting. Such proposals may be introduced and acted upon in any meeting, subject only to the test of germaneness.

(C) Substantive proposals are those that establish or alter an academic program of study, or rules or bylaws within the senate's purview.

(F) Prior to a senate vote a proposal that establishes or alters rules or bylaws within the senate's purview shall be reviewed by the rules committee, which may recommend changes in accordance with paragraph (B)(4) of rule 3335-5-47.3 of the Administrative Code.

University Senate Rules Committee Bylaws

See October 4, 2019 agenda for the finalized text of the bylaws passed at that meeting. Draft bylaws appeared here and is deleted.

Examples of possible Rules business in senate year 2020:

Housekeeping item:

The term "regular faculty" was removed from the rules several years ago but the term keeps surfacing. The ~~strikeout~~ below can be sent by Secretary Givens directly to the Trustees with no senate action needed.

3335-3-36(B)(5) Each university and college center shall have an oversight committee, at least two-thirds of whose members are ~~regular~~ faculty members from the academic units involved in the center. The director shall consult regularly with the oversight committee.

Substantive item:

The athletic council sets ticket prices every year but this is not said in the rules. The new underlined text below gives them this annual task. The athletic council may initiate this change, rules may clean up the language, and the secretary will send it to faculty council, steering and any other relevant group. Athletic Director Gene Smith is informed as an ex officio member of the athletic council.

3335-5-48.5(B)(1)(b) It will consider and establish policy on such matters as the income and expenditures budget, the schedules for seasonal and post-seasonal play in relation to the effect upon the welfare of the athletes, grants and other financial aid to athletes, eligibility of athletes, student grievance procedures and sportsmanship policies related to athletics, awards to athletes, ticket distribution, ticket prices, and public and campus relations of the athletic program.

3335-3 names OSU administrators but titles and positions have changed, should we update it?

Annual item:

Rule 3335-5-45 says we review the bylaws (3335-17 and 3335-19) each fall semester. After reading the bylaws you should score well on this quiz:

- 1- How many faculty, staff, students and administrators are elected to the senate?
- 2- Faculty represent 19 colleges and branches, plus what other two constituencies?
- 3- Can staff represented by a union run for senate?
- 4- When can a senate meeting be closed (not open to the public)?
- 5- Under what condition can a non-senator speak at a senate meeting?
- 6- What happens to a senate committee member who misses all meetings in a semester?
- 7- When can the bylaws be suspended?
- 8- How many days in advance of a meeting must the secretary send the agenda?

September 06, 2019 Rules Committee Agenda

We welcome Lisa Mayhugh as the USAC member to Rules, she is now on the list sever and permitted to the Box. We thank Hannah Torma for volunteering to record our minutes. Troy Tofil.8 is attending in place of Vidhya Jeyadev who has a conflict for this first meeting.

9:30am	1. Introductions and welcome.
9:40am	2. Corrections to the table below.
9:45am	3. Brief mention of rules governing rules below.
9:50am	4. Housekeeping items, two listed below.
9:55am	5. Discuss or approve the bylaws-2020.docx, attached.
10:15am	6. Discuss possible revisions to 3335-3-15 to 3335-3-21 (please generally understand what these rules govern ahead of this meeting)
10:25am	7. New business, next meeting: there is no meeting on Friday the 13 th

2. Rules Committee September 2019 to Aug 2020				Please hold on your calendar	
Member	Source	Term	Phone 614	1h Meeting*	Location
Jared Gardner.236	Faculty Council	2021	323-6267	Aug 22@ 3:30	Library 11 th
Ken Lee.133 (Chair)	Faculty Council	2021	292-7797	Sept 6@ 9:30a	Independence
Sara Watson.584	Faculty Council	2021	292-9647	Sept 13@ 9:30a	NO meeting
Sarah Moore.2204	Faculty Council	2020	292-2597	Oct 4@ 9:30a	Independence
Amy Ferketich.1	Faculty Council	2020	292-7326	Oct 11@ 9:30a	Zoom
Terry Esper.9	Faculty Council	2020		Nov 1@ 9:30a	Independence
Vidhya Jeyadev.1	USG	2020		Nov 8@ 9:30a	Zoom
Lisa Mayhugh.16	USAC	2020	292-0609	Dec 6@ 9:30a	Independence
Rania Khamees.5	CGS	2020	247-3035	Jan 10@ 9:30a	Independence

TJ Beavers.58	IPC	2019		Jan 17@ 9:30a	Zoom
Ben Givens.7	Senate Secretary	No expiry	292-0385	Feb 7@ 9:30a	Independence
Helen Malone.175	Provost designee	Ex officio	292-8313	Feb 14@ 9:30a	Zoom
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Hannah Torma.9	Recording Secret	No expiry	292-2423	M 13**@ 9:30a	Zoom
				Apr 3@ 9:30a	Independence
Buckeye Box:	Senate Rules AY20			Apr 10@ 9:30a	Zoom
List service:	rules@lists.osu.edu				

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3. Rules of the University Faculty Governing the Rules Committee [These are verbatim from the rules, same text as August 22 above is deleted]

4. Housekeeping (3 suggested edits)

The term “regular faculty” was removed from the rules several years ago.

3335-3-29.1 Dean and director of a regional campus.

- (A) There shall be a dean and director of each regional campus who shall be a member of its faculty and the administrative head of the regional campus. The dean and director shall be appointed by the board of trustees upon nomination of the executive vice president and provost in consultation with the president. Before making this nomination, the executive vice president and provost or designee shall confer with the regional campus faculty, the department or school in which the faculty appointment would be made, and shall consider the recommendations of the deans of the colleges with ~~regular~~ faculty assigned to that campus.

3335-3-36(B)(5) Each university and college center shall have an oversight committee, at least two-thirds of whose members are ~~regular~~ faculty members from the academic units involved in the center. The director shall consult regularly with the oversight committee.

3335-5-48.14 University research committee.

- (C) Organization. (1) The committee shall annually elect a chair from its ~~regular~~ faculty membership in the spring semester preceding the academic year of service for no more than three consecutive one-year terms.

5. Bylaws of the Rules Committee (attachment)

See bylaws-2020.docx and August 22 meeting agenda above.

6. Revisions to 3335-3-15 to 3335-3-21

Background from Secretary Givens:

Ken, Faculty leaders have not brought this up with the President or Provost, and I agree that that it is important to bring them in early on this. The idea of looking at this was prompted last year when OAA wanted to replace Dolan Evanovich with someone at a lower level who would report to Beth Hume. They felt locked into the title Vice President for Strategic Enrollment Planning because it was written (in stone) in faculty rule 3335-3-20. It turned out that Stephanie Sanders was hired with the title Associate Vice President for Strategic Enrollment Planning, so they stayed within the rule by adding associate in front of the title.

One of the things I was thinking would be instructive is to try and find the minutes from when the bulk of administrative titles were rescinded from the faculty rules (see Appendix I). When did that happen, and what was the rationale for leaving some of the administrators (like Director of Athletics) in the rule but others (like Vice President for Research) out?

Ben | *also sent these references:*

Northwestern <https://www.adminplan.northwestern.edu/board-of-trustees/University%20Statutes.pdf>

Nebraska <https://www.unl.edu/chancellor/bylaws/01>

October 4, 2019 Rules Committee Agenda

Thank you for connecting via Zoom or sending a note saying you use it regularly and will connect to the first Zoom call on October 11 at 9:30am.

9:30am	1. Introductions and welcome.
9:35am	2. Motion to approve of September 6 minutes, attached
9:40am	3. Motion to approve Rules Committee Bylaws, attached 2/3
9:50am	4. Motion to approve 3335-3 Dean of Libraries, attached
10:05am	5. Discuss possible revisions to 3335-3-15 to 3335-3-21 <ul style="list-style-type: none"> a. A three-column table below starts discussion, attachment. b. The OAA and OOP organization charts inform discussion, attached.
10:25am	6. New business, next meeting via zoom on Oct 11 pending any issues.
10:30am	7. Adjourn

<i>. Rules Committee September 2019 to Aug 2020</i>				<i>Please hold on your calendar</i>	
<i>Member</i>	<i>Source</i>	<i>Term</i>	<i>Phone 614</i>	<i>1h Meeting*</i>	<i>Location</i>
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List service:	rules@lists.osu.edu				

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2. September 04, 2019 Minutes

Meeting Minutes

University Senate Rules Committee

September 6, 2019, 9:30 AM

119 Independence Hall (SCR)

Present: Jared Gardner, Ken Lee, Sara Watson, Amy Ferketich, Terry Esper, Rania Khamees, TJ Beavers, Lisa Mayhugh, Ben Givens

Ex officio: Helen Malone, Brandon Lester, Hannah Torma

Regrets: Sarah Moore, Vidhya Jeyadev

1. Introductions and welcome.
2. Corrections to the table below.
3. Brief mention of rules governing rules below.

The charge of this committee includes, "Be responsible, in cooperation with the secretary of the university senate, for the monitoring of the "Rules of the University Faculty" and of all statutes and bylaws pertaining to the senate," and "Ensure that all published rules and bylaws within the senate's purview are up to date, and recommend their republication at such intervals as may be desirable." The Rules Committee also writes "whereas" statements for proposed rules changes. The Secretary of the Senate can make clerical changes that we also call housekeeping items.

4. Housekeeping items, two listed below.

The term "regular faculty" was removed from the rules several years ago, yet appears in rule 3335-3-29.1, 3335-3-36(B)(5), and 3335-5-48.14. The change to 3335-5-48.14 University research committee. Is clerical. 3335-3-29.1 Dean and director of a regional campus can be changed as well. 3335-3-36(B)(5) will need further investigation to see if it means tenured faculty only, so this should come to a future Rules discussion.

We might think about where regular was intended as a tenure-track faculty marker. Faculty is defined in rules as tenure track and non-tenure track. Are the regulars a reference to tenure track? We need to be

careful of this inclusive definition as we move forward. This might be a council of deans or faculty council question. Do centers clearly define their faculty membership? We might ask Randy Smith.

5. Discuss or approve the bylaws-2020.docx, attached.

Last year, this committee wrote bylaws. As we start the year, we should be aware of how the committee should function. Several issues in random priority include:

- There is no mention of subordination of hierarchy in the rules. Should there be clarity on what governs if there is conflict (between rules and policy, etc.). All rules are codified in Ohio Administrative Code. This supersedes any policies of the institution. We monitor the rules, make sure they are up to date, and recommend improvements.
- We may want to look at senate committee bylaws. We can encourage the committees to create bylaws, and review those who have bylaws.
- Why are faculty appointments to Rules shorter than average? Most others are three years, and the first year is spent learning. It could be that the majority of the Rules term must be served as a senator, as we are an organizing committee of the senate. Staff should be added to the membership bylaws. Perhaps this should also be a two-year term. Staff will need to be added to other bylaws as well. We could specify a chair-elect in the bylaws or have the prior chair as an ex-officio member.
- There was a separate document for reviewing the rules that is now suggested for consolidation into the bylaws.
- The final track-change document is sent as a PDF to Steering and Senate so that the language cannot be inadvertently changed. For our business, we can use track-changes in MS Word. People also have the option of sending us rules change proposals directly.
- We and other committees will round up on fractional numbers when a vote requires a majority.

6. Discuss possible revisions to 3335-3-15 to 3335-3-21

These rules describe the administration, but specific titles are very inconsistent. Ben looked into when this was last changed. A lot of vice presidents were pulled out of the rules. The BoT did a revision and pulled out the vice presidents as well. They now include only the President, Provost, and CFO. It says the president will have a cabinet of leaders to guide the administration. It is up to the president to define these people. These titles change often. It might be best to do something like the BoT did for the President for the Provost. We will not modify the language about Deans and organizations of the colleges. Anything kept will have to be updated each year. We might also check state law to see if these need to be in the OAC. It wouldn't be in the regulations, because we set the regulations. According to the administrative code, we need to keep the Treasurer position. Could this go to the board bylaws? Does it need to go in both? We haven't contacted those administrators who are listed. The next step might be for the faculty leaders to run this past the President and Provost.

Post script: A proposal to change "Director of Libraries" to "Vice Provost and Dean of Libraries" was received from Kay Wolf after our meeting. We will consider this as we review the entire section.

7. New business, next meeting: there was no meeting on Friday the 13th.

My apologies for not cancelling the Outlook calendar invite for Sept 13th. I will do so in the future. I will send individual members a zoom invitation for a very short chat to ensure the zoom connection works ahead of any actual committee chat.

Minutes recorded by Hannah Torma and reviewed by Ken Lee, your edits welcome.

5. Bylaws of the University Senate Rules Committee

Article I. Authorization

Section 1. University Rule

The Rules and Steering Committees are the two organizing committees of the Senate per 3335-5-47. Membership and duties are specified at 3335-5-47.3. All organizing members must be senators.

Section 2. Subordination

All activities of the Rules Committee are subject to the University Rules. These Bylaws must be consistent with the University Rules. If these Bylaws differ from the University Rules or policies, the University Rules or policies will govern. In questions of procedure and organization which are not covered by these Bylaws or by the Rules, then the current edition of Robert's Rules of Order will govern.

Article II. Charge.

Rules charges are in five places and here is a numerical summary of each:

3335-5-45 The bylaws of the senate are reviewed each autumn by Rules.

3335-5-47.3 (B) gives this committee these five duties:

1. Monitor the "Rules of the University Faculty" and all senate bylaws.
2. Ensure that all senate rules and bylaws are up to date.
3. Recommend revision of procedural rules.
4. Receive and review all proposed new or revised rules. Recommend improvements to avoid conflict with other rules, to enhance clarity and avoid ambiguity.
5. Initiate new or changed rules by a recommendation to the steering committee for eventual senate vote.

3335-6-04 In consultation with rules or its designee, OAA develops guidelines for P&T in 3335-6.

3335-17-09 and 3335-19-13 The secretary and the rules committee make non-substantive corrections known as "housekeeping issues." This includes titles of offices or officers, academic units, or student groups in election bylaws following title changes by the senate or the trustees.

3335-19-07 Proposals for senate action are either routine or substantive. Routine proposals do not affect university policies, such as approval of minutes, report acceptance or committee appointments and calling a special meeting of the senate. Routine proposals may be introduced and enacted at any meeting if germane. Substantive proposals affect academic programs, rules or bylaws. All substantive proposals are reviewed by the rules committee in accordance with 3335-5-47.3(B)(4). The senate [proposal pathway](#) illustrates the four paths to the Ohio administrative code, including housekeeping items and special meetings that do not require senate action.

Article III. Membership

There are 11 members specified by 3335-5-47.3 (A). There are three non-voting, ex-officio members (or their designees) not specified in the rules.

1. Executive Vice President and Provost
2. Senior Vice President and General Counsel
3. Recording Secretary of the University Senate

Section 2. Term of Appointment

Terms are rule 3335-5-47(B)(3). Faculty and staff members have a two-year term and may serve a second term but not a third. The chair may serve a maximum of three years. Student members have a one-year term and are eligible for consecutive reappointments.

Section 3. Years.

Calendar year is January 1 to December 31. i.e., 2019.

Fiscal year is July 1 to June 30. i.e., FY20 is 7/1/2019 to 6/30/1920.

Academic year is the first day of the Fall semester to the last day of the summer term. i.e. AY20.

Governance year is August 15 to August 14. i.e. senate year 2020.

Section 4. Responsibilities.

Each member shall attend all senate and rules meetings or video calls, contribute to collegial discussions, communicate clearly with senate membership and officers, initiate ideas, and understand issues on each agenda. Each member shall attend their constituent governing meetings especially if rules are affected. All members may attend the Friday Board of Trustee meetings where our rules are ratified. The observer area is informal. The chair should attend faculty cabinet meetings and steering meetings.

Article IV. Chair

Section 1. Eligibility.

Only faculty members with one or more years of Rules Committee experience are eligible to be Chair.

Section 2. Election.

The chair is elected by a majority (6) vote of the 11 voting members.

Section 3. Term.

A Chair is elected every spring to serve during the following governance year.

Section 4. Duties.

The Chair calls and presides over all Rules Committee meetings, is responsible for the general direction, the agenda, and assures minutes are recorded and distributed. The Chair will distribute an agenda before each scheduled meeting.

The Chair is responsible for all reporting requirements. At the end of the academic year, the Chair sends the Rules annual report and these Bylaws to the Senate Secretary.

The Chair ensures WHEREAS statements go to the Steering Committee. The Chair reports to Steering and represents the Committee at Senate meetings. The Chair is a member of the Faculty Cabinet.

Article V. Meetings.

Section 1. Scheduling.

Notice of a meeting is by e-mail or calendar invite to all Rules Committee and ex officio members as early as possible but typically a week before. All meeting announcements must contain a time and place. Meeting times are convenient for most of the members. Any member with a recurrent conflict should discuss options with the Secretary and the Rules Chair.

The Chair sends an agenda with the meeting notice that includes all topics for discussion or vote. No vote is possible if it is not in the agenda. A member request for a confidential ballot must be honored.

Section 2. Public.

Meetings of the Rules Committee are public. All members of the University are welcome. The Chair may invite non-members to a meeting. A confidential or closed meeting is rare and must be prior announced. The chair may share agendas or minutes with a prior rules chair.

Section 3. Quorum.

A simple majority of the voting members is a quorum. When a quorum is present, the action of the majority of those present is the action of the entire Rules Committee.

Section 4. Electronic voting.

Business of the Rules Committee may be conducted electronically. A proposal can be sent by the Chair via email with a vote deadline. A majority vote is binding. If the proposal is forwarded to the Steering Committee the vote tally may be disclosed. This outcome is recorded in the minutes of the next regular meeting.

Article VI. Super Majority Votes.

Section 1: Bylaws

Establishment and amendment of these bylaws require a 2/3 positive majority of the committee with any 2/3 decimal rounded up to an integer number of members.

Article VII: Process for new or changed rules

New or revised rules can be requested by anyone at the university. Often these originate in a Senate committee. The groups involved in any rule change vary, but always includes Rules, Faculty Council and Steering. Steering needs to know what business is pending and will consult the right groups. Faculty Council may suggest needed improvements. Thus, Rules, Faculty Council and Steering will receive prospective rule making early in the process.

Proposals must be accompanied by a "Whereas Statement." The Whereas Statement describe the rational basis of each proposal before the Senate. Peruse the senate or the trustee minutes for examples of good Whereas Statements. The pro, con, contraindications, and solutions should be disclosed. Every Whereas Statement concludes as follows:

LET IT THEREFORE BE RESOLVED that the revisions to <Rule Number> that will <amend, create or eliminate> the <subject of rule> be approved by the University Senate and respectfully request concurrence of the Board of Trustees, effective upon approval by the Board of Trustees.

The distributed PDF of rule changes shall use ~~strikeout~~ and underline, not dynamic tracking to prevent inadvertent edits.

Who must see a rule change? The Secretary coordinates this activity, but with the ease of electronic communication, requests for new or revised rules can be sent by the originator directly to the Secretary, Rules, Steering and Faculty Council. The Secretary ensures the right people are consulted. The Secretary has the unenviable task of nagging respondents who are challenged by the tyranny of the imminent.

The Senate office will send responses to relevant committees. Important negotiations and changes may be made at this stage. After consensus, co-sponsors are identified and a final whereas statement is written by the rules committee for a Senate vote.

The rule is presented for Senate vote by the co-sponsors or the rules chair. Following ratification by a simple majority vote the rule goes to the Board of Trustees for approval before becoming part of the Ohio administrative code.

Article VIII: Revision History

Revised and approved:

- Nov. 29, 2018; Sept. 6, 2019 discussed, October 4, 2019 vote.

4 - Dean of Libraries 3335-3-18

3335-3-~~18~~28 Dean ~~Director~~ of libraries.

- (A) The ~~dean~~~~irector~~ of libraries shall be appointed by the board of trustees upon nomination of the president. Before making this nomination the president shall confer with the executive vice president and provost who, in turn, shall confer with representatives of the faculty of the university libraries and with the council on distance education, libraries and information technology.
- (B) The ~~dean~~~~irector~~ of libraries shall have the responsibility and authority for administering the university libraries under the jurisdiction of that office and the university archives. In the discharge of library duties the ~~dean~~~~irector~~ shall be guided by the policies established by the council on distance education, libraries and information technology (see rule 3335-5-48.2 of the Administrative Code). The ~~dean~~~~irector~~ shall report to the president through the executive vice president and provost.
- (C) Without limiting the generality of the foregoing, the ~~dean~~~~irector~~ shall evaluate continuously the administrative and operating practices of the university libraries under the jurisdiction of that office and the university archives, and lead in the study of methods in improving them; recommend appointments, promotions, and dismissals under the rules of the university; and prepare for the approval of the executive vice president and provost's annual recommendations for the budgets for personnel and for archives and library materials.

(Board approval dates: 4/4/1997, 12/4/1998, 6/7/2005)

3335-3-22 Council of deans.

(A) The executive vice president and provost, the deans of the colleges, the executive dean of the college of arts and sciences, the senior vice president for business and finance and chief financial officer, the vice president for research, the dean of the graduate school, the deans and directors of the regional campuses, the dean for undergraduate education, and the ~~director~~dean of libraries shall comprise the council of deans of the university. The executive vice president and provost shall be chair of the council.

(B) The council of deans shall meet on the call of the chair. The council of deans shall serve as an advisory council to the president.

(Board approval dates: 10/5/1973, 2/2/1979, 4/3/1981, 7/9/1982, 3/2/1984, 12/5/1986, 11/2/1990, 5/3/1996, 4/4/1997, 12/4/1998, 10/1/1999, 5/7/2004, 6/7/2005, 2/1/2006, 2/11/2011)

3335-5-29 Membership

The members of the graduate faculty shall consist of those members of the faculty who are nominated by their graduate program and approved by the graduate school. Ex officio members of the graduate faculty are the executive vice president and provost, the vice president for research, the dean of the graduate school, the deans of the colleges, and the ~~director~~dean of libraries.

(Board approval dates: 4/4/1997, 12/4/1998, 5/7/2004, 6/7/2005, 6/6/2008, 6/6/2014)

3335-5-48.2 Council on distance education, libraries and information technology.

(A) Membership.

The council on distance education, libraries and information technology shall consist of sixteen members.

1. Eight faculty.
2. Three students.
 - a. One graduate student.
 - b. One professional student.
 - c. One undergraduate student.
3. Four administrators (or their designees).
 - a. The dean of the graduate school.
 - b. The ~~director~~dean of university libraries.
 - c. The chief information officer.
 - d. The associate vice president for distance education.
4. One staff member, appointed by the university staff advisory committee.

(B) Duties and responsibilities.

1. Formulate policies governing the delivery of distance education and educational and research activities and services of libraries and information technology.
2. Assist in the interpretation of distance education, library, and information technology services to the university community.
3. Assist in the presentation of major distance education, library and information technology needs to the university administration.
4. Advise the appropriate administrative office on the appointment of the associate vice president for distance education, the ~~director~~dean of university libraries, and the chief information officer.

(C) Organization.

1. The chair shall be elected from among the voting members of the council.
2. Reports by this council to the president, other than those made through the senate, shall be made through the executive vice president and provost.
3. As a standing committee of the senate, this council is also governed by the provisions of rules 3335-5-46 and 3335-5-48 of the Administrative Code.

(Board approval dates: 5/1/1986, 2/5/1988, 11/2/1990, 2/4/1993, 11/4/1994, 5/3/1996, 4/4/1997, 12/4/1998, 7/12/2002, 6/7/2005, 9/9/2011, 4/4/2014, 5/31/2019)

3335-17-01 Administration members.

The twenty-four members from the administration shall consist of the university president, the executive vice president and provost, the senior vice president for business and finance, the senior vice president for research, the senior vice president of student life, the deans of the fifteen colleges, the executive dean for the regional campuses, the dean of the graduate school, the dean for undergraduate education and the ~~director~~dean of libraries.

Senate revision date: 4/14/2005, 4/18/2019
 (Board approval dates: 5/7/2004, 5/6/2005, 2/11/2011, 5/31/2019)

5 - Revisions to 3335-3-15 to 3335-3-21

Suggested revision of 3335-3. Columns 1 and 2 are current rules. Column 3 is written by rules chair Ken Lee to start a conversation within our committee about CHAPTER 3 ADMINISTRATION. Should we be congruent with the BOT rules in column two? Should our proposed administration rules say we have a president and a provost? What must be retained in the six jobs now defined in the current rules? What can we delete from this list: 3-16 Treasurer [Jake Wozniak](#), who reports to SVP Mike [Papadakis](#), 3-15 Chief info officer Mike [Hofherr](#) who reports to the Provost, 3-18 Registrar [Jack Miner](#) who I think reports to the Provost [but not listed](#) online, 3-18 Library Director [Damon Jaggars](#) who runs a TIU (thus a dean and should be so listed), 3-19 VP for enrollment planning [Stephanie Sanders](#) who reports to the Provost, and 3-21 AD [Gene Smith](#) with a unique physical plant rule (should it be retained)? I left 3-21 AD intact although Gene is a Senior VP not assistant as the rules say. Did we move the library dean to the section on deans. What ideas or concerns do you have?

CURRENT RULES of the FACULTY	CURRENT BOT BYLAWS	PROPOSED UNIVERSITY RULES
<p>Chapter 3335-3 Administration</p> <p>3335-3-15 Chief information officer. Subject to the direction of the executive vice president and provost, the principal duties of the chief information officer shall be the leadership throughout the university with respect to information technology. These duties shall include but not necessarily be limited to: management and oversight of the office of information technology; oversight of strategic visioning and planning with respect to information technology, including planning to leverage technology to better benefit and enhance the academic environment, and the implementation of action plans to advance IT throughout the university; leadership in transitioning the university from decentralized IT governance, infrastructure, and operational environment to a more unified and balanced approach; working collaboratively with all university IT constituencies to develop and implement integrated and appropriately placed standards, policies, and procedures; leadership to ensure that the university has world-class security with respect to data, infrastructure, and servers; and other projects and duties that may be assigned from time to time by the executive vice president and provost.</p>	<p>3335-1-03 Administration of the university</p> <p>(A) The president.</p> <p>1. The president shall be the chief executive officer of the Ohio state university and shall be responsible for the entire administration of the university, subject to control of the board of trustees. The president shall lead in fostering and promoting education, research and outreach as the primary aims of the university. It shall be the duty of the president to enforce the bylaws, rules and regulations of the board of trustees, and, as a member of the faculty, to interpret to the board proposals and actions of the faculty. The president is hereby clothed with the authority requisite to that end.</p> <p>2. The president shall be a voting member of all college faculties, of the graduate school faculty, and of the faculty of the arts and sciences, and shall be a voting member and presiding officer of the university faculty and of the university senate. The president shall appoint all committees of the university faculty and of the university senate, unless membership has been designated by rule.</p> <p>3. After consultation with the steering committee of the university senate, the president may recommend to the board of trustees candidates for honorary degrees. The number of candidates so recommended shall be limited to eight per calendar year. This right and its limitation in no way abrogates the power of the university senate to recommend candidates for honorary</p>	<p>Chapter 3335-3 Administration</p> <p>3335-3-1 President.</p> <p>A The president shall be the chief executive officer of the Ohio State University subject to the control of the board of trustees (BOT). Duties, authority and rights are as specified in the bylaws of the BOT 3335-1-03(A).</p> <p>B Any responsibility of the president may be delegated to any other member of the faculty or staff of the university, subject to any BOT limitations. The president will retain final authority and responsibility for administration of the university. Delegation of major areas shall be in writing to the BOT before implementation.</p> <p><i>from BOT 3335-1-03[E]</i></p> <p>C The president shall designate a president's planning cabinet. The cabinet shall provide advice and counsel to the president, to discuss, deliberate and serve as the primary decision-making body on major university policies, information sharing, and other roles as the president shall determine.</p> <p><i>from BOT 3335-1-03[F]</i></p>

(Board approval date: 7/11/2008)	degrees (rule 3335-5-41 of the Administrative Code).	
SEE NOVEMBER AGENDA ITEM NUMBER 8 AS ALL OF THIS TABLE IS REPLICATED THERE		

5b - Organization charts of OAA and of the Office of the President

Charts deleted for brevity

November 1, 2019 Rules Committee Agenda

Our November meeting this Friday is ambitious with eleven agenda items. I will jettison items 10 & 11 if time prohibits. The BOX version is up to date and for the box challenged individual an identical copy is attached and will be on paper in the room.

9:30am	1. Introductions and welcome: hobbies.
9:35am	2. Motion to approve October 4 minutes , all shaded green text below
	3. Prior approved Rules Committee Bylaws . These are will be sent to Secretary Givens at year end, so send suggestions throughout the year to lee.133
9:37am	4. 3335-3-28 Dean of Libraries was approved by Steering as copied to Rules@lists.osu.edu . It will now proceed to Senate vote as written in our October 4 minutes. I need a volunteer to move approval at the November 14 Senate meeting as I must attend a Chicago board meeting.
9:38am New	5. 3335-5-04(1)(e) Add 60-day president decision time to current 04 rule, from Hearing by way of Steering, below. I need a volunteer to validate the text by me in red and write the resolution in BOT form.
9:45am New	6. 3335-8-27.1 align the deadlines for grade forgiveness with the deadlines to withdraw from a course. I revised the text below from Steering with Meg and Amy's concurrence, so this is different than the last version. I need a volunteer to draft the resolution in BOT form.
9:50am New	7. 3335-6-03(D)(1)(b) New: Exclusion of time from probationary periods for medical reasons, note from Helen Malone, below. If we agree, I need a volunteer to write the redline and resolution in BOT form.
10:00am	8. 3335.3 Continued discussion of possible revisions to 3335-3 Administration. Shall we send the memo below to Drake and McPheron? If so, I welcome your edits.
10:10am New	9. 3335-9-11 pursuit of additional degrees note from Helen Malone below. If we agree, I need a volunteer to draft the redline and resolution.
10:20am New	10. 3335-5-47.3 – Add non-substantive emendations from the bylaws into the rules, also known as the housekeeping rule. If we agree, we will draft the resolution.
10:30am	11. New Business or adjourn.

Gantt chart with date **approved** or discussed or **scheduled**.

Rule # 3335-	Issue	Rule mtg	Steering	Senate	Trustees	OAC
3-28	Dean not Director of Libraries	10/4/19	10/24/19	11/14/19	11/22/19	
5-04(1)(e)	Hearing 60 day president	11/1/19	10/24/19	11/14/19	11/22/19	
8-27.1	Grade forgiveness timing	11/1/19	9/26/19	11/14/19		
6-03(D)(1)(b)	Exclusion for medical reasons	11/1/19				
3	Administration chapter	11/1/19				
9-11	Pursuit of additional degrees	11/1/19				
5-47.3	Housekeeping	11/1/19				

Missing phone numbers should be sent to lee.133

2. Rules Committee September 2019 to Aug 2020				Please hold on your calendar	
Member	Source	Term	P: 614	1h Meeting*	Location
Jared Gardner.236	Faculty Council	2021	323-6267	Sep 6@ 9:30a	Independence
Ken Lee.133 (Chair)	Faculty Council	2021	292-7797	Sep 13@ 9:30a	NO meeting
Sara Watson.584	Faculty Council	2021	292-9647	Oct 4@ 9:30a	Independence
Sarah Moore.2204	Faculty Council	2020	292-2597	Oct 11@ 9:30a	Zoom
Amy Ferketich.1	Faculty Council	2020	292-7326	Nov 1@ 9:30a	Independence
Terry Esper.9	Faculty Council	2020	292-2610	Nov 8@ 9:30a	Zoom
Vidhya Jeyadev.1	USG	2020		Dec 6@ 9:30a	Independence
Lisa Mayhugh.16	USAC	2020	292-0609	Jan 10@ 9:30a	Independence
Rania Khamees.5	CGS	2020	247-3035	Jan 17@ 9:30a	Zoom
TJ Beavers.58	IPC	2019		Feb 7@ 9:30a	Independence
Ben Givens.7	Senate Secretary	No exp	292-0385	Feb 14@ 9:30a	Zoom
Helen Malone.175	Provost designee	Exofficio	292-8313	Mar 6@ 9:30a	Independence
Brandon Lester.173	Legal Affairs	Exofficio	688-2314	M 13**@9:30a	Zoom
Hannah Torma.9	Recording Sec	No exp	292-2423	Apr 3@ 9:30a	Independence
				Apr 3@ 9:30a	Independence
Buckeye Box:	Senate Rules AY20			Apr 10@ 9:30a	Zoom
List service:	rules@lists.osu.edu				

*All Rules face to face meetings are the first Friday of each month [in Independence Hall](#) senate conference room. All Rules video conference meetings are the second Friday of each month [via Zoom](#). March 13 is during spring break and is likely cancelled. March 20-22 is the OSU sesquicentennial.

2. October 4, 2019 Minutes

Meeting Minutes

University Senate Rules Committee

October 4, 2019, 9:30 AM in 119 Independence Hall (SCR)

Present: Ken Lee, Sara Watson, Sarah Moore, Amy Ferketich, Terry Esper, Lisa Mayhugh, Ben Givens

Ex officio: Brandon Lester, Hannah Torma

Absent: Jared Gardner, Rania Khamees, TJ Beavers, Helen Malone (Ex officio)

Representing: Ryan Miller (Vidhya Jeyadev)

8. Introductions and welcome.

9. Motion to approve of September 6 minutes, attached. **Motion passed.**
10. Motion to approve Rules Committee Bylaws.

Ben mentioned that the sentence at line 124 may be false. All substantive proposals that go to the Senate are not reviewed by this committee, only all rules changes. Line 135 might be updated as well. Members can serve two years consecutively. Members can serve a third term if it is not consecutive. We can take the language from the rule. The term governance year, line 141, is not typically used. 164 calls resolutions whereas statements. **Motion passed as modified with these edits.**

11. Motion to approve 3335-3 Dean of Libraries

This proposal came from Kay Wolf. She explained the Director of Libraries should really be called the Dean of Libraries because this role oversees tenure-track faculty. Rule 3335-3-28 is not currently being used. This rule number falls within the section regarding administration. This is just replacing the word Director with Dean. This is also related to the removal of university titles, but it won't affect this position, as the Deans will remain. **Motion passed. Rules will send this as a resolution to Steering.**

12. Discuss possible revisions to 3335-3-15 to 3335-3-21.

Ken got the org charts for the President's Office and OAA. He highlighted which of these roles are currently listed in rules. That section continues to not make any logical sense. Many in the org charts are not included in rule. Amy likes the idea of moving these positions out since they will be subject to change. Under the administration BoT rules, it states that the president has the authority to appoint these members. Could rules just point to the BoT rule? There are some appointments that the BoT is not involved with. Some might need to stay in faculty rules. We could include only titles that are not in the BoT bylaws. Rules could also set boundaries on what vice-provosts do. Or, it could all be left to discretion. Would the term "vice-provost" generally cover senior vice-provosts and other titles? We could indicate that some have dual reporting structures. We could define it, but in a very broad manner. What should we send for administration to look at? We can send the chart of current rules and proposed rules changes. This discussion will continue in our next meeting.

13. New business, next meeting via zoom on **Oct 11 is cancelled** as it falls on fall break.
14. Adjourn, next meeting November 1.

Follow up documents sent to Steering on October 17, 2019 from this meeting:

TO: Steering, c/o Dr. Amy Darragh, Chair

FR: Rules c/o Dr. Ken Lee, Chair

RE: Dean of Libraries 3335-3-28

CC: All members of the rules committee

Hello Amy: The Rules committee at its October 4 meeting approved changing rule 3335-3-18 to rule 3335-3-28 with strikeout and redline text attached in both dynamic DOCX and static PDF formats. Please consider its merits and who else may inform this proposed rule change. Secretary Givens and OAA by way of Helen Malone (both members) are fully briefed. We have not shared it with DELIT. We believe this changes all instances of "director of libraries" in the current rules but feel free to verify as needed. We

are considering major updates to 3335-3 Administration where this name change is likely to remain intact. Thank you for your kind consideration of an improvement in the administration chapter of the faculty rules.

REVISION OF TITLE FROM DIRECTOR OF LIBRARIES TO DEAN OF LIBRARIES (aka agenda item 4)

Resolution Number ?

SYNOPSIS: The renaming of director of libraries to dean of libraries is consistent with the norm in higher education and conforms with the principle that tenure eligible faculty are led by deans not directors. The use of prior retired number 28 enables grouping of dean positions in chapter 3335-3 Administration consistent with a longer term logical resequencing of the entire chapter by the rules committee.

WHEREAS a dean, not a director, is a leader of any academic unit employing tenure eligible faculty members and the Ohio State library employs tenure eligible faculty members; and

WHEREAS ten of the thirteen Big Ten Universities employ a Dean of Libraries and none, other than Ohio State, employ a Director of Libraries; and

WHEREAS the Office of Academic Affairs and the current Director of Libraries both support the proposed title change; and

WHEREAS Chapter 3335-3 of the Rules of the University Faculty describes the administration of the university with paragraphs 3335-3-1 to 3335.3.21 specific to administrators other than deans; and

WHEREAS Chapter 3335-3 of the Rules of the University Faculty describes the administration of the university with paragraphs 3335-3-22 to 3335.3.32 specific to deans and their organization within the university; and

WHEREAS the former rule on organization of the college of arts and sciences was rescinded leaving number 3335-3-28 both vacant and appropriate for the dean of libraries; and

WHEREAS cogent administrative and dean titles should allow flexibility and accommodate future improvements within the required administrative structure of the university; and

WHEREAS the University Senate Rules Committee unanimously approved the proposed changes to the rules and this resolution at its October 4, 2019 meeting;

NOW THEREFORE

BE IT RESOLVED that revisions to eliminate rule 3335-3-18 the Director of Libraries and create rule 3335-3-28 the Dean of Libraries be approved by the University Senate and respectfully request concurrence of the Board of Trustees, effective upon approval by the Board of Trustees.

3335-3-~~18~~28 Dean ~~Director~~ of libraries.

- (D) The dean~~irector~~ of libraries shall be appointed by the board of trustees upon nomination of the president. Before making this nomination the president shall confer with the executive vice president and provost

who, in turn, shall confer with representatives of the faculty of the university libraries and with the council on distance education, libraries and information technology.

- (E) The dean~~irector~~ of libraries shall have the responsibility and authority for administering the university libraries under the jurisdiction of that office and the university archives. In the discharge of library duties the dean~~irector~~ shall be guided by the policies established by the council on distance education, libraries and information technology (see rule 3335-5-48.2 of the Administrative Code). The dean~~irector~~ shall report to the president through the executive vice president and provost.
- (F) Without limiting the generality of the foregoing, the dean~~irector~~ shall evaluate continuously the administrative and operating practices of the university libraries under the jurisdiction of that office and the university archives, and lead in the study of methods in improving them; recommend appointments, promotions, and dismissals under the rules of the university; and prepare for the approval of the executive vice president and provost's annual recommendations for the budgets for personnel and for archives and library materials.

(Board approval dates: 4/4/1997, 12/4/1998, 6/7/2005)

3335-3-22 Council of deans.

(A) The executive vice president and provost, the deans of the colleges, the executive dean of the college of arts and sciences, the senior vice president for business and finance and chief financial officer, the vice president for research, the dean of the graduate school, the deans and directors of the regional campuses, the dean for undergraduate education, and the ~~director~~dean of libraries shall comprise the council of deans of the university. The executive vice president and provost shall be chair of the council.

(B) The council of deans shall meet on the call of the chair. The council of deans shall serve as an advisory council to the president.

(Board approval dates: 10/5/1973, 2/2/1979, 4/3/1981, 7/9/1982, 3/2/1984, 12/5/1986, 11/2/1990, 5/3/1996, 4/4/1997, 12/4/1998, 10/1/1999, 5/7/2004, 6/7/2005, 2/1/2006, 2/11/2011)

3335-5-29 Membership

The members of the graduate faculty shall consist of those members of the faculty who are nominated by their graduate program and approved by the graduate school. Ex officio members of the graduate faculty are the executive vice president and provost, the vice president for research, the dean of the graduate school, the deans of the colleges, and the ~~director~~dean of libraries.

(Board approval dates: 4/4/1997, 12/4/1998, 5/7/2004, 6/7/2005, 6/6/2008, 6/6/2014)

3335-5-48.2 Council on distance education, libraries and information technology.

(A) Membership.

The council on distance education, libraries and information technology shall consist of sixteen members.

5. Eight faculty.
6. Three students.
 - a. One graduate student.
 - b. One professional student.
 - c. One undergraduate student.
7. Four administrators (or their designees).
 - a. The dean of the graduate school.
 - b. The ~~director~~dean of university libraries.
 - c. The chief information officer.
 - d. The associate vice president for distance education.

8. One staff member, appointed by the university staff advisory committee.

(B) Duties and responsibilities.

5. Formulate policies governing the delivery of distance education and educational and research activities and services of libraries and information technology.
6. Assist in the interpretation of distance education, library, and information technology services to the university community.
7. Assist in the presentation of major distance education, library and information technology needs to the university administration.
8. Advise the appropriate administrative office on the appointment of the associate vice president for distance education, the ~~director~~dean of university libraries, and the chief information officer.

(C) Organization.

4. The chair shall be elected from among the voting members of the council.
5. Reports by this council to the president, other than those made through the senate, shall be made through the executive vice president and provost.
6. As a standing committee of the senate, this council is also governed by the provisions of rules 3335-5-46 and 3335-5-48 of the Administrative Code.

(Board approval dates: 5/1/1986, 2/5/1988, 11/2/1990, 2/4/1993, 11/4/1994, 5/3/1996, 4/4/1997, 12/4/1998, 7/12/2002, 6/7/2005, 9/9/2011, 4/4/2014, 5/31/2019)

3335-17-01 Administration members.

The twenty-four members from the administration shall consist of the university president, the executive vice president and provost, the senior vice president for business and finance, the senior vice president for research, the senior vice president of student life, the deans of the fifteen colleges, the executive dean for the regional campuses, the dean of the graduate school, the dean for undergraduate education and the ~~director~~dean of libraries.

Senate revision date: 4/14/2005, 4/18/2019

(Board approval dates: 5/7/2004, 5/6/2005, 2/11/2011, 5/31/2019)

5 – Include a 60 day presidential response to 04 rule

Proposal to Amend Rules 3335-5-04(I)

INCLUDE A PERIOD OF REVIEW BY THE PRESIDENT IN HEARING PROCEDURES

Resolution Number:

Synopsis: All review steps (letters C through H inclusive) in the procedures on complaints against faculty members, commonly known as the 04 rule, specify the number of days to “make every effort to complete the review.” Presidential review (I) is the only step with days not specified.

WHEREAS the Faculty Rule 3335-5-04 outlines the procedures related to complaints against faculty members; and

WHEREAS within the process, each level of review includes an expectation of resolution to include expediency of the process; and

WHEREAS the final review by the president outlined in 3335-5-04(I) currently does not include a period of review; and

WHEREAS every effort to complete the review is now specified as: chair 14 days, dean 14 days, college committee 45 days, dean decision 30 days, provost 14 days, hearing 60 days, it is prudent to afford the presidential review the maximum 60 days; and

WHEREAS the Faculty Hearing Committee has agreed that the president's level of review be updated to include an expectation of resolution within a specific period of time (sixty days); and

WHEREAS the Faculty Hearing Committee **recommends** amending rule 3335-05-04(I) to include the addition of (e) **sixty days**; and

WHEREAS the office of the President intends to make every effort to conclude such a review within 60 days; and

WHEREAS the Rules Committee approved this resolution and proposal on November 1, 2019;

NOW THEREFORE

BE IT RESOLVED, That procedures be clarified with the addition of 3333-05-04(I)(e) **to make every effort to conclude a presidential review within sixty days** be approved by the University Senate and respectfully request concurrence of the Board of Trustees effective upon approval by the Board of Trustees.

3335-5-04 Hearing procedures for complaints against faculty members.

(I) The president.

(1) Upon receipt of the written findings of fact and recommendation and a record of the proceedings from a hearing panel, the president shall review the matter. The president may:

(a) Dismiss the complaint;

(b) Impose any sanction less than termination of employment whether or not it accords with the recommendation of the hearing panel;

(c) Recommend to the board of trustees termination of employment on such terms and conditions as the president may deem advisable;

(d) Remand the case to the hearing panel for reconsideration.

(e) **The president shall make every effort to conclude their review and issue a decision within sixty days.**

(2) Any decision of the president shall be communicated in writing to the hearing panel and to the respondent.

6 – Grade forgiveness deadline alignment

From: University Senate <senate@osu.edu> Sent: Friday, October 25, 2019 3:41 PM

Cc: Marzette, Russell <marzette.1@osu.edu>; Bertone, Alicia <bertone.1@osu.edu>; Darragh, Amy <darragh.6@osu.edu>

Subject: Grade Forgiveness Rule Change

Dear Ken,

At the September 26 meeting of the Senate Steering Committee, Amy Treboni and Meg Daly presented a proposal to move the deadline for declaring grade forgiveness to align with the deadline to withdraw from a course. The steering committee approved moving this proposal to the Rules Committee with consultation from the Committee on Enrollment and Student Progress. The Steering Committee recognized that the rule is directed toward undergraduate students, but in **3335-8-27.1 (D)** it permits the graduate school to adopt a similar rule, and so the graduate school is also being copied on this email. Let me know if there are any questions or concerns. Thanks,

Amy Darragh, PhD, OTR/L, FAOTA Associate Professor and Division Director

Proposal for Senate Action**ALIGNMENT OF GRADE FORGIVENESS DEADLINES WITH WITHDRAW DEADLINES**

Resolution Number:

Synopsis: The deadline for applying for grade forgiveness in rule 3335-8-27.1 comes before students have any meaningful feedback about their performance and is out of sync with the deadline for withdrawing from a course specified in rule 3335-8-32. This has caused difficulties for students and advisors.

WHEREAS ← we need all the reasons why we do this; somebody from Rules will call you, Alicia or Russell about this if we proceed.

WHEREAS ; and

Reasons, from our POV: To clarify and streamline the process for students, to help advisors guide students to the outcomes the students desires, and to make the timeline clear in sessions other than the standard, 14-week term

NOW THEREFORE

BE IT RESOLVED, That revisions to the 3335-8-27.1 grade forgiveness rule to include practical deadlines for each term be approved by the University Senate and respectfully request concurrence of the Board of Trustees, effective upon approval by the Board of Trustees.

Proposers: Meg Daly (daly.66) and Amy Treboni (treboni.6)

3335-8-27.1 Grade forgiveness rule.

Undergraduate students may petition the authorized representative of the dean or director of their enrollment unit to repeat a course and, after completing the course the second time, have the original course credit and grade excluded from the calculation of the student's cumulative point-hour ratio, but remain on the student's official permanent record. This action will be subject to the following conditions:

(A) Permission to apply this rule must be obtained ~~by the fourth Friday of the semester or summer term (the second Friday of a session during autumn or spring semesters, or a six- or eight-week summer session; or the first Friday of a four-week summer session) in which the repeated course is taken- no later than close of business on the following days:~~

(1) The tenth Friday, for courses taken during a full-term autumn, spring, or summer semester

(2) The sixth Friday, for courses taken during an eight-week summer session

(3) The fifth Friday, for courses taken during a seven-week session in an autumn or spring semester

(4) The fourth Friday, for courses taken during a six-week summer session

(5) The third Friday, for courses taken during a four-week summer session

(B) The same course may be repeated only once under this rule.

(C) This rule may be applied for a maximum of three courses.

(D) The graduate school and graduate professional colleges may formulate appropriate modifications of paragraph (A) of this rule, subject to the approval of the council on academic affairs, and publish the rule in their bulletins.

(Board approval dates: 7/21/1978, 6/7/1985, 6/7/2005, 6/22/2012, 6/5/2015, 4/8/2016)

7 - Exclusion of time from probationary period

Sent: Tuesday, October 8, 2019 10:49 AM

To: rules@lists.osu.edu

Subject: [Rules] Proposed Rules Change to 3335-6-03(D)(1)(b)

I forward this request from OAA via Helen Malone to revise **3335-6-03(D)(1)(b)** to allow the chair of a department alone, instead of the chair plus P&T committee, to exclude up to three years from the tenure clock for illness or injury. Helen provides redline and strikeout below, there are no attachments. I believe this request has merit so it will be on the next agenda. Please send me any concerns, compliments or questions on this rule ahead of our November 1, 2019 meeting.

Since Helen is also a member of rules I would like to get the conversation started with this question:

1. Although both the current and proposed rule says "request are to be made [in writing] within one year of the illness or care," what is the rationale for this one year restriction, and has it ever been enforced? Should it be clear this is NOT within one year of diagnosis of the illness, as a person diagnosed with Alzheimer or terminal cancer may need care commencing after one year of the illness or care?
2. "to the unit's human resource office." I thought HR no longer resides in the units. At least in my unit we lost our HR function to last year's restructuring, which may be a grim conversation unto itself.
3. Other issues?

From: Malone, Helen <malone.175@osu.edu>

Sent: Tuesday, October 8, 2019 9:14 AM

Subject: Proposed Rules Change

Hi Ken,

A couple of questions have come up about probationary faculty requesting exclusion of time for medical reasons. The current rule (3335-6-03) indicates that these requests will be reviewed by the P&T Committee, and that that committee will advise the TIU head.

We would like to recommend a revision to the rule, which would allow the request to be made to the TIU head alone. Below is the revision that we are requesting that Legal has okay'd. We think this will allow the faculty member to have greater privacy in this matter, not requiring them to reveal to a larger group than necessary the information around their own (or someone in their care) personal illness.

1. There are three circumstances under which probationary tenure-track faculty may obtain an exclusion of time from probationary periods. These exclusions are intended to recognize that

there are factors that can impact the ability of probationary faculty to meet the criteria for tenure within the probationary period outlined in paragraph (B) of this rule. A request to exclude time from the probationary period for any of the reasons listed in paragraphs (D)(1)(a) to (D)(1)(c) of this rule must be made prior to April first of the year in which the mandatory review for tenure is scheduled to occur.

A probationary tenure-track faculty member may apply to exclude time from the probationary period in increments of one year because of personal illness, care of a seriously ill or injured person, an unpaid leave of absence, or factors beyond the faculty member's control that hinder the performance of the usual range of duties associated with being a successful university faculty member, i.e., teaching, scholarship, or service. **For faculty requesting an exclusion due to personal illness or for care of a seriously ill or injured person, requests are to be made in writing within one year of the illness or care to the unit's human resource office, which will work with the head of the tenure initiating unit to determine appropriate and necessary documentation.** Requests to exclude time from the probationary period made ~~under the terms of this paragraph~~ **for all other factors under this paragraph** must be submitted in writing to the head of the faculty member's tenure initiating unit within one year of the ~~illness, care, or other extenuating factors.~~ **Except for requests due to personal illness or for care of a seriously ill or injured person,** requests shall be reviewed by the tenure initiating unit promotion and tenure committee, which shall advise the head of the tenure initiating unit regarding the appropriateness of the request. In units that do not have a promotion and tenure committee, the eligible faculty shall review the request. ~~Such~~ **All** requests require approval by the head of the tenure initiating unit, dean, and executive vice president and provost. A request to exclude time from the probationary period for any of these reasons must be made prior to April first of the year in which the mandatory review for tenure must occur. The extent to which the event leading to the request was beyond the faculty member's control, the extent to which it interfered with the faculty member's ability to be productive, and the faculty member's accomplishments up to the time of the request will be considered in reviewing the appropriateness of the request.

Let me know if you have any questions.

Thanks,

Helen

Helen I. Malone, PhD

Vice Provost for Academic Policy and Faculty Resources

8 - Revisions to 3335-3-15 to 3335-3-21

I suggest we send this memo from Rules, yes, no or edit?

T President Michael Drake, Provost Bruce McPheron
 F Rules Committee c/o Ken Lee
 R 3335-3 Administration

The University Senate Rules Committee may rewrite chapter 3335-3 Administration contingent upon your agreement. As the attached organization charts show, there are now six administrative positions highlighted in yellow that are defined in rule 3335-3, while most Ohio State administrative positions are not. It may be counterproductive to define only these six jobs and require vote of senate and trustees each time the duties or nomenclature evolves.

The table below shows the current chapter in column 1. There are six administration positions defined: These are 3-16-Treasurer [Jake Wozniak](#), 3-15 Chief info officer Mike [Hofherr](#), 3-18 Registrar [Jack Miner](#), 3-18 Library Director [Damon Jaggars](#) , 3-19 VP for enrollment planning [Stephanie Sanders](#), and 3-21 AD [Gene Smith](#).

Column 2 is a possible rewrite consistent with the BOT bylaws noted in red text for ease of reference. Do these revisions make sense? Should Rules proceed or should the Administration chapter remain as written? Our objective is a 3335-3 chapter that is accurate, consistent with Board bylaws, enables flexibility in Ohio State administrative structure, and does not require senate and BOT vote to update details.

Please let me know if you wish further discussion on any point. Thank you for your kind consideration of the Rules of the University Faculty.

CURRENT RULES of the FACULTY	PROPOSED RULES
<p>Chapter 3335-3 Administration</p> <p>3335-3-15 Chief information officer. Subject to the direction of the executive vice president and provost, the principal duties of the chief information officer shall be the leadership throughout the university with respect to information technology. These duties shall include but not necessarily be limited to: management and oversight of the office of information technology; oversight of strategic visioning and planning with respect to information technology, including planning to leverage technology to better benefit and enhance the academic environment, and the implementation of action plans to advance IT throughout the university; leadership in transitioning the university from decentralized IT governance, infrastructure, and operational environment to a more unified and balanced approach; working collaboratively with all university IT constituencies to develop and implement integrated and appropriately placed standards, policies, and procedures; leadership to ensure that the university has world-class security with respect to data, infrastructure, and servers; and other projects and duties that may be assigned from time to time by the executive vice president and provost.</p> <p>(Board approval date: 7/11/2008)</p>	<p>Chapter 3335-3 Administration</p> <p>3335-3-1 President. A The president shall be the chief executive officer of the Ohio State University subject to the control of the board of trustees (BOT). Duties, authority and rights are as specified in the BOT bylaws 3335-1-03(A).</p> <p>B Any responsibility of the president may be delegated to any other member of the faculty or staff of the university, subject to any BOT limitations. The president will retain final authority and responsibility for administration of the university. Delegation of major areas shall be in writing to the BOT before implementation as specified in BOT bylaw 3335-1-03[E]</p> <p>C The president shall designate a president’s planning cabinet. The cabinet shall provide advice and counsel to the president, to discuss, deliberate and serve as the primary decision-making body on major university policies, information sharing, and other roles as the president shall determine, as specified in BOT bylaw 3335-1-03[F]</p> <p>D Principal administrative officials shall include the members of the president’s cabinet, the deans of the colleges and the dean and directors of regional campuses and their designated staffs, the dean of the university libraries, chairs of academic departments, directors of schools and academic centers, and such other administrative officials as determined by the president, as specified in BOT bylaw 3335-1-03[G]</p>

<p>3335-3-16 University Treasurer.</p> <p>Subject to the direction of the senior vice president for business and finance and chief financial officer, the principal duties of the university treasurer shall be as follows:</p> <p>(A) Receive such moneys as, in accordance with law, are not to be deposited with the state treasurer;</p> <p>(B) Have charge and custody of, and be responsible for all university funds, securities, and other financial instruments of the university, including investment of operating and agency funds in accordance with the investment policy approved by the board of trustees; receive and give receipts for moneys due and payable to the university from any sources whatsoever; deposit all such moneys in the name of the university in such banks, trust companies or other depositories of the university; be responsible for the accuracy of the amounts of and cause to be preserved proper vouchers for all moneys disbursed;</p> <p>(C) Keep, or cause to be kept, in the treasurer's office at the university, correct records of the financial affairs of the university, and exhibit such records to any member of the board, the president, or the senior vice president for business and finance and chief financial officer upon request at such office;</p> <p>(D) In accordance with section 3335.05 of the Ohio Revised Code, give bond, payable to the state of Ohio for the use of the university, in such sum as the board shall determine:</p> <p>(1) For the safe keeping of all university funds,</p> <p>(2) For the payment of same in accordance with the rules of the board, and</p> <p>(3) For the faithful discharge of his or her duties as treasurer.</p> <p>Such bond shall be signed by a surety company authorized to do business in the state of Ohio, and the premium thereon shall be paid by the university. Such bond shall be approved by the attorney general and filed with the secretary of state.</p> <p>(E) Perform such other duties as from time to time may be assigned to him or her by the senior vice president for business and finance and chief financial officer. (Board approval date: 7/11/2008)</p>	<p>3335-3-2 Executive vice president and provost.</p> <p>A The provost shall be the chief operating officer of the university. Under the direction of the president, the provost is responsible for oversight of all academic programs, instructional affairs and faculty affairs of the university. Duties, authority and rights are as specified in BOT bylaw 3335-1-03(B).</p> <p>B Any responsibility of the provost may be delegated to any other member of the faculty or staff of the university, subject to any university limitations. The provost will retain final authority and responsibility for operations of the university. Delegation of major areas shall be in writing to the president before implementation.</p> <p>C The provost shall designate a senior management council. The council shall provide advice to the provost, discuss, deliberate and serve as the primary decision-making body on academic or university policies and other roles as the provost shall determine. The provost shall chair a council of deans as proscribed in rule 3335-3-22.</p> <p>3335-3-3 Senior vice president for business and finance.</p> <p>The senior vice president (SVP) for business and finance is the chief financial officer of the university. Under the direction of the president, is responsible for the administration of the university's business, financial and administrative operations. Duties, authority and rights are as specified in BOT bylaw 3335-1-03(C).</p>
<p>3335-3-18 Director of libraries.</p> <p>(G) The director of libraries shall be appointed by the board of trustees upon nomination of the president. Before making this nomination the president shall confer with the executive vice president and provost who, in turn, shall confer with representatives of the faculty of the university libraries and with the council on libraries and information technology.</p> <p>(H) The director of libraries shall have the responsibility and authority for administering the university libraries under the jurisdiction of that office and the</p>	<p>3335-3-4 Vice President</p> <p>A vice president shall report to the president or the provost and is selected in accordance with BOT procedures. Vice presidential positions may include and are not limited to human resources, student life, general counsel, university communications, advancement, administration and planning, strategy and implementation, health affairs, government affairs, and research.</p>

<p>university archives. In the discharge of library duties the director shall be guided by the policies established by the council on libraries and information technology (see rule 3335-5-48.2 of the Administrative Code). The director shall report to the president through the executive vice president and provost.</p> <p>(l) Without limiting the generality of the foregoing, the director shall evaluate continuously the administrative and operating practices of the university libraries under the jurisdiction of that office and the university archives, and lead in the study of methods in improving them; recommend appointments, promotions, and dismissals under the rules of the university; and prepare for the approval of the executive vice president and provost's annual recommendations for the budgets for personnel and for archives and library materials. (Board approval dates: 4/4/1997, 12/4/1998, 6/7/2005)</p>	<p>3335-3-5 Vice Provost</p> <p>A vice provost shall report to the provost and is selected in accordance with university procedures. Vice provost positions may include and are not limited to student life, graduate studies, chief information officer, dean of undergraduate education, director of libraries, institutional equity, international affairs, academic policy, diversity and inclusion, outreach and engagement, academic programs, and research.</p>
<p>3335-3-18 University registrar.</p> <p>Subject to the direction of the executive vice president and provost, the principal duties of the university registrar shall be the supervision of the details of registration, records, and scheduling which shall include: distribution of registration forms; distribution of approved schedules; fee assessments and adjustments; record of fee payments; maintenance of current semester, summer term, or session schedules; maintenance of home or permanent addresses, name and address of person(s) to be notified in case of emergency, local addresses and the respective telephone numbers of all currently enrolled students; the posting of semesters, summer terms, and sessions of attendance; the posting of all courses and respective marks; recording of all probations and dismissals; recording of withdrawals; recording of all degrees earned and dates; recording of all past names and other demographic data; the distribution of the official student records to include the proper confidentiality safeguards; scheduling of classroom space, classes, and final examinations; offering placement testing, admission testing, test scoring services, a mechanism for student evaluation of teaching, and coordination of the credit by examination programs; other routine duties associated with the registration, records and scheduling of students; and special projects and duties that may be assigned from time to time by the executive vice president and provost.</p> <p>(Board approval dates: 7/12/1991, 4/4/1997, 12/4/1998, 12/4/2001, 5/14/2010)</p>	<p>3335-3-6 Executive Vice President and Chancellor</p> <p>The chancellor shall be the chief executive officer of the Wexner Medical Center and shall be appointed by the Medcenter Board of Trustees. Duties, authority and rights are as specified in the bylaws of the medical staff.</p> <p><i>Rules has not located a bylaw reference; it should be near BOT 3335-111-08(A)</i></p>
<p>3335-3-19 Vice president for strategic enrollment planning.</p> <p>Subject to the direction of the executive vice president and provost, the principal duties of the vice president for strategic enrollment planning shall be as follows:</p> <p>(A) Direct the administration of admission and financial aid policies duly established by the appropriate faculty</p>	<p style="background-color: #cccccc;"></p>

<p>bodies.</p> <p>(1) Exceptions to such policies shall be made only in accordance with recommendations of the dean or the director of the college, school, or division involved.</p> <p>(2) A special student not seeking a degree must be approved for admission by the dean or the director of the college, school, or division concerned.</p> <p>(B) Receive, evaluate, and maintain all certificates and transcripts presented by or on behalf of applicants for admission to the university or for credit in any course. Receive, evaluate and maintain all student financial aid applications.</p> <p>(C) Issue all official notices of admission to applicants and certify the validity of transfer credits to the director of registration and records and to the secretary of the college, school, or division involved. Issue notices of financial aid to students.</p> <p>(D) Transfer students upon request from one college, school, or division in the university to another, but only in accordance with policies established by colleges, schools, or divisions involved.</p> <p>(E) Conduct the official correspondence of the university on all matters connected with the admission of students, and student financial aid.</p> <p>(F) Perform other routine duties associated with the admission process of students.</p> <p>(G) Administer all aspects of student financial aid, including scholarships, loans, grants, and work-study.</p> <p>(H) Engage in special projects or duties as may be assigned from time to time by the executive vice president and provost.</p> <p>(Board approval dates: 7/12/1991, 2/4/1993, 4/4/1997, 6/18/2010)</p>	
<p>3335.3-21 Vice president and director of athletics.</p> <p>(A) The assistant vice president and director of athletics shall be appointed by and responsible to the president. The athletic council (see rule 3335-5-48.5 of the Administrative Code) shall also be consulted in the appointment of the athletic director.</p> <p>(B) Under policies established by the athletic council, the vice president and director of athletics shall administer the intercollegiate athletics program subject to the direction of the president and his or her designees.</p> <p>(C) The athletic physical plant shall be under the concurrent jurisdiction of the department of athletics and the office of physical facilities. Athletic physical plant employees shall be under the jurisdiction of the department of athletics, which in consultation with the office of physical facilities shall be responsible for all normal maintenance and repairs. Major remodeling, renovation, construction, and other capital improvements shall be undertaken only with the prior approval of, and under the direction of, the office of physical facilities.</p>	<p>3335.3.21 Vice president and director of athletics.</p> <p>A. The senior vice president and director of athletics shall be appointed by and responsible to the president. The athletic council (faculty rule 3335-5-48.5) shall be consulted in the appointment of the athletic director.</p> <p>B. Under policies established by the athletic council, the athletic director shall administer the intercollegiate athletics program subject to the direction of the president or designee.</p> <p>C. The athletic physical plant shall be under the concurrent jurisdiction of the department of athletics and the office of physical facilities. Athletic physical plant employees shall be under the jurisdiction of the department of athletics, which in consultation with the</p>

(Board approval dates: 12/4/1998, 3/5/2003, 7/11/2008, 4/8/2016)	office of physical facilities shall be responsible for all maintenance and repairs. Remodeling, renovation, construction and capital improvements require the prior approval and direction of the office of physical facilities.
<p>3335-3-22 Council of deans.</p> <p>(A) The executive vice president and provost, the deans of the colleges, the executive dean of the college of arts and sciences, the senior vice president for business and finance and chief financial officer, the vice president for research, the dean of the graduate school, the deans and directors of the regional campuses, the dean for undergraduate education, and the director of libraries shall comprise the council of deans of the university. The executive vice president and provost shall be chair of the council.</p>	<p>3335-3-22 Council of deans.</p> <p>The executive vice president and provost, the deans of the colleges, the executive dean of the college of arts and sciences, the senior vice president for business and finance, the vice president for research, the dean of the graduate school, the deans and directors of the regional campuses, the dean for undergraduate education, and the dean of libraries shall comprise the council of deans of the university. The provost shall be chair of the council.</p>

- Some links helpful to this table:
- University Faculty Rules [3335-3 Administration](#)
- Board of Trustees [3335-1-03 Administration](#)
- Medcenter [3335-43-10 Administration](#)
- OAA [organization chart](#)
- Office of the president organization chart
- [President's cabinet](#)
- Who is on the [Council of Deans?](#)

See prior minutes for organization charts that can be sent along with the above memo.

9 – Pursuit of additional degrees by associated faculty or staff

From: Malone, Helen <malone.175@osu.edu> **Sent:** Friday, October 25, 2019 2:23 PM
To: Lee, Ken <lee.133@osu.edu>
Subject: Another rule to talk about

Hi Ken,

Hope you've had a good week. Issues have come to light that I think warrants conversation with rules. It's faculty rule **3335-9-11**. There are two questions at hand. First, should associated faculty be included in the first part of the rule? Two, should the same kind of rule apply to staff or is what's included in the rule appropriate? I'm prepared to bring examples of how the rule as currently written create some challenges for colleges and departments. I'm not certain that a rules change is the correct answer, but I certainly think it warrants the conversation.

Thanks, Helen

Helen I. Malone, PhD

Vice Provost for Academic Policy and Faculty Resources

3335-9-11 Tenure-track faculty, clinical/teaching/practice faculty, research faculty, and senior administrative and professional employees pursuing additional degrees.

Faculty members: No tenure-track faculty member, clinical/teaching/practice faculty member, or research faculty member will be permitted to pursue a degree offered by the TIU in which the faculty member holds an appointment, as defined in rule 3335-6-06 of the Administrative Code. In those instances where faculty members wish to pursue degrees in other units or programs of this university, they must demonstrate that the acquisition of these degrees enhances their own competence as teachers and scholars. In making decisions to pursue additional degrees, these faculty must consider first and foremost the requirements of their total university commitment and responsibilities. Requests to pursue additional degrees must be approved by the faculty member's TIU head and dean and by the dean of the college or director of the program in which the degree would be granted.

Senior administrative and professional appointees: In those instances where senior administrative and professional appointees wish to pursue degrees at this university, they must demonstrate that the acquisition of these degrees enhances their competence as university employees. In making decisions to pursue additional degrees, senior administrative and professional appointees must consider first and foremost the requirements of their total university commitment and responsibility. Requests to pursue additional degrees must be approved by the immediate supervisor; the TIU head, dean or the appropriate vice president, in whose area the senior administrative and professional appointee holds position, and dean of the college or director of the program in which the degree would be granted.

(Board approval dates: 6/14/1948, 11/1/1985, 11/2/1990, 5/3/1996, 4/4/1997, 12/4/1998, 6/7/2005, 6/6/2014, 5/31/2019)

10 – Non-substantive emendations in bylaws (aka housekeeping)

I prior suggested 3335-17-09 be moved out of the election bylaws and into the rules. Ben suggest at least two-person accountability so nobody can change rules without second party oversight. When I wrote the proposal pathway “housekeeping” was assumed to apply to all rules, not just the bylaws as specified in 3335-17-09, but there is no such provision. Your opinion on a possible revision to our own committee rule, or elsewhere, is introduced here:

3335-17-09 Amendments. (existing wording from our bylaws)

- (A) The secretary of the university senate, with the concurrence of the rules committee, is entrusted to make non-substantive emendations in diction and grammar, and is authorized to change titles of administrative offices, administrative officers, academic units, or student constituent groups in these election bylaws following appropriate action on these title changes by the university senate or the board of trustees.

3335-5-47.3 Rules

(B) Duties and responsibilities.

- (1) Be responsible, in cooperation with the secretary of the university senate, for the monitoring of the "Rules of the University Faculty" and of all statutes and bylaws pertaining to the senate.
- (2) Ensure that all published rules and bylaws within the senate's purview are up to date, and recommend their republication at such intervals as may be desirable.
- (3) Make recommendations for the revision of the procedural rules of the senate.
- (4) Before senate action, the committee shall receive all proposed new rules and changes in existing rules. It shall review them and recommend such editorial or other changes it deems necessary to avoid conflict with other rules, to enhance clarity and precision, and to avoid ambiguity.
- (5) Initiate rules or changes in existing rules and recommend them to the steering committee for scheduling for senate action.

- (6) The secretary of the university senate, with the concurrence of the rules committee, is entrusted to make non-substantive emendations in diction and grammar, and is authorized to change titles of administrative offices, administrative officers, academic units, or student constituent groups in these rules following appropriate action on these title changes by the university senate or the board of trustees.

Is the above clear or should we say it differently?

- (6) The secretary of the university senate, with a majority of the rules committee, will make non-substantive emendations in diction and grammar, and is authorized to correct names of offices, officers, units, credentials or constituents in these rules without deliberation by the university senate nor by the board of trustees.

DISCUSSION: Is concurrence understood? Why must it follow action by senate? For example, If we wish to correct 3335-5-46 (C) "assist the current." to say "assist the current chair" must it follow an action by senate and trustees? It should be a correction not a change. It should not be limited to student groups nor limited to administrative offices. The current wording may not allow updating a credential, like changing regular faculty to faculty.

Some examples of where a new rule rather than an old bylaw may apply:

From: Givens, Ben <givens.7@osu.edu>

Sent: Thursday, October 3, 2019 2:42 PM

To: Lee, Ken <lee.133@osu.edu>

Subject: RE: faculty council bylaws

Other Rule Changes while we're on the topic

3335-5-46 (C): the word "chair" needs to be added at the end of the last sentence.

3335-3-31 & 3335-5-30: I noticed there are 12 references to the "research and graduate council" in the faculty rules, yet having been on that council, I also know that it was eliminated and replaced by the **Graduate Council**. I spent some time trying to reconstruct what happened, and found in Board of Trustees minutes from their meeting on June 6, 2008 a rule change that never made it into the Ohio Administrative Code. Argh! That previously approved but never updated rule change accounts for 8 of the references to the research and graduate council. However, there are four others found in 5-48.1(B)(2)(b), 9-04(B), 9-29(B), and 9-32.1(D). Given that the 8 already were board approved, I might be able to administratively send them forward to the Ohio Legislative Service (OLS), copying the board, and asking them to update a rule change that happened in 2008. The other four instances were not caught in that original rule change, so we would need to make a determination if these additional changes are simply clerical in nature and could be handled administratively, or if we need to actually approve them in rules, senate and the board. Also, as you've pointed out, the secretary can make clerical changes to the "election bylaws" (Chapter 3335-17) by rule **3335-17-09**, but I don't believe I have that authority for the rest of the faculty rules. We discussed inserting such and authority, perhaps in consultation or approval by the rules chair or committee.

3335-13-02. This is a rule about Smoking that is another example of a rules change that passed through the Rules Committee, the Senate and the BOT, but never made it into the OAC. The rule was rescinded. This would be another rule change to send directly to OLS.

p.s. Ben, not sure what was rescinded, language is consistent in senate, trustees and OAC:

3335-13-02 Smoking - tobacco.

The prohibition of the smoking of tobacco within university facilities designated as "no smoking" areas by the authority delegated by the director of administrative services of the state of Ohio has been established to protect the comfort and health of persons who do not smoke or to whom such

smoke is objectionable. Further, the smoking of tobacco in such designated areas is a violation of section [3791.031](#) of the Revised Code, and all violators are subject to prosecution.

Replaces: 3335-13-02

From our September 6 agenda:

3335-3-29.1 Dean and director of a regional campus.

- (B) There shall be a dean and director of each regional campus who shall be a member of its faculty and the administrative head of the regional campus. The dean and director shall be appointed by the board of trustees upon nomination of the executive vice president and provost in consultation with the president. Before making this nomination, the executive vice president and provost or designee shall confer with the regional campus faculty, the department or school in which the faculty appointment would be made, and shall consider the recommendations of the deans of the colleges with ~~regular~~ faculty assigned to that campus.

3335-3-36(B)(5) Each university and college center shall have an oversight committee, at least two-thirds of whose members are ~~regular~~ faculty members from the academic units involved in the center. The director shall consult regularly with the oversight committee.

3335-5-48.14 University research committee.

- (C) Organization. (1) The committee shall annually elect a chair from its ~~regular~~ faculty membership in the spring semester preceding the academic year of service for no more than three consecutive one-year terms.

EOF

December 6, 2019 Rules Committee Agenda

Our December 06 meeting has ten agenda items. The BOX version is up to date and an identical copy will be on paper in the room. Grey items are tabled. Please send your questions or edits now and come prepared to discuss items 5 6 7 8 9 and 10 below.

9:30am	1. Introductions and welcome: jobs.
9:32am	2. Motion to approve November 1 minutes , all shaded green text below
9:33am	3. November senate results: Jared Gardner will share any discussion from the senate motions: 3-28 Dean of Libraries and 8-27.1 grade forgiveness.
9:37am	4. 3335-5-04(1)(e) Add 60-day president decision time to current 04 rule from Hearing by way of Steering. This was ready but is tabled pending the 04 Ad Hoc revisions from Dr. Dollarhide that we have not yet seen.
9:37am	5. 3335-6-03(D)(1)(b) Exclusion of time from probationary periods for medical reasons. We discussed the note from Helen Malone. We need a resolution in BOT form to advance this conversation.
9:47am	6. 3335.3 possible revisions to 3335-3 Administration. We sent a memo to Drake and McPheron, included here for the record. OAA responded with agreement by way of Katie Hall.

9:47am	7. 3335-9-11 pursuit of additional degrees initiated by Helen Malone. The minutes are silent on who volunteered to draft the redline and resolution, so my draft is here to seed discussion.
10:00am	8. 3335-5-47.3 – Add non-substantive emendations from the bylaws into the rules, also known as the housekeeping rule. We did not have sufficient time so this item is replicated from the November agenda.
10:10am	9. 3335-19-02 steering sets agenda 5 days not 7 days before the senate meeting.
10:20am	10. 3335-3-29(B)(5) Should a dean confer with their faculty when hiring direct reports?
10:31am	11. Adjourn

Gantt chart with date **approved** or discussed or **scheduled**.

Rule # 3335-	Issue	Rule mtg	Steering	Senate	Trustees	OAC
3-28	Dean not Director of Libraries	10/4/19	10/24/19	11/14/19	11/22/19	
5-04(1)(e)	Hearing 60 day president	11/1/19	10/24/19			
8-27.1	Grade forgiveness timing	11/1/19	9/26/19	11/14/19	11/22/19	
6-03(D)(1)(b)	Exclusion for medical reasons	12/6/19				
3	Administration chapter	11/1/19				
9-11	Pursuit of additional degrees	12/6/19				
5-47.3	Housekeeping	12/6/19				
19-02	Five not seven days before	12/6/19				

Missing phone numbers should be sent to lee.133

2. Rules Committee September 2019 to Aug 2020				Please hold on your calendar	
Member	Source	Term	P: 614	1h Meeting*	Location
Jared Gardner.236	Faculty Council	2021	323-6267	Sep 6@ 9:30a	Independence
Ken Lee.133 (Chair)	Faculty Council	2021	292-7797	Sep 13@ 9:30a	NO meeting
Sara Watson.584	Faculty Council	2021	292-9647	Oct 4@ 9:30a	Independence
Sarah Moore.2204	Faculty Council	2020	292-2597	Oct 11@ 9:30a	Zoom
Amy Ferketich.1	Faculty Council	2020	292-7326	Nov 1@ 9:30a	Independence
Terry Esper.9	Faculty Council	2020	292-2610	Nov 8@ 9:30a	Zoom
Vidhya Jeyadev.1	USG	2020		Dec 6@ 9:30a	Independence
Lisa Mayhugh.16	USAC	2020	292-0609	Jan 10@ 9:30a	Independence
Rania Khamees.5	CGS	2020	247-3035	Jan 17@ 9:30a	Zoom
TJ Beavers.58	IPC	2019		Feb 7@ 9:30a	Independence
Ben Givens.7	Senate Secretary	No exp	292-0385	Feb 14@ 9:30a	Zoom
Helen Malone.175	Provost designee	Exofficio	292-8313	Mar 6@ 9:30a	Independence
Brandon Lester.173	Legal Affairs	Exofficio	688-2314	M 13**@9:30a	Zoom
Hannah Torma.9	Recording Sec	No exp	292-2423	Apr 3@ 9:30a	Independence
				Apr 3@ 9:30a	Independence
Buckeye Box:	Senate Rules AY20			Apr 10@ 9:30a	Zoom
List service:	rules@lists.osu.edu				

*All Rules face to face meetings are the first Friday of each month [in Independence Hall](#) senate conference room. All Rules video conference meetings are the second Friday of each month [via Zoom](#). March 13 is during spring break and is likely cancelled. March 20-22 is the OSU sesquicentennial.

2. November 1, 2019 Minutes

Meeting Minutes

University Senate Rules Committee

November 1, 2019, 9:30 AM

119 Independence Hall (SCR)

Present: Ken Lee, Sara Watson, Amy Ferketich, Terry Esper, Ben Givens, Jared Gardner, Rania Khamees

Ex officio: Helen Malone, Brandon Lester, Hannah Torma

Absent: Sarah Moore, Lisa Mayhugh, TJ Beavers

15. Introductions and welcome.
16. Motion to approve of October 4 minutes, all shaded green text below. **Motion passes.**
17. Prior approved Rules Committee Bylaws. These are will be sent to Secretary Givens at year end, so send suggestions throughout the year to lee.133
18. **3335-3-28** Dean of Libraries was approved by Steering as copied to Rules@lists.osu.edu. It will now proceed to Senate vote as written in our October 4 minutes. **Jared Gardner** volunteers to present materials at the senate. **P.S. motion passed at November senate meeting.**
19. **3335-5-04(1)(e)** Add 60-day president decision time to current 04 rule, from Hearing by way of Steering. Ben and the other faculty leaders will follow-up. He can validate the language provided. It would then go to Faculty Council and the Senate. **Motion passes. P.S. tabled pending 04 ad hoc committee report.**
20. **3335-8-27.1** align the deadlines for grade forgiveness with the deadlines to withdraw from a course. CESP will look at this next Tuesday. The current only gives the option to apply for forgiveness before students know what their grade will be. This causes problems for students and advisors. We can take a vote contingent on approval of CESP. If the language Ken created is better than what was taken from the withdrawal rule, then this rule could be changed as well. It is better to say close of business instead of 5pm because of the summer schedule. The deadline could also be 11:59, or the time could be pulled out. CESP might need to review. We will create a similar strikethrough of 8-2 to send to CESP. Ken will reach out. Ken will ask CESP if it should be one package or the rules should go separate. The motion was made to approve this contingent upon feedback from CESP. **The motion passes. P.S. motion also passed at November senate meeting.**
21. **3335-6-03(D)(1)(b)** New: Exclusion of time from probationary periods for medical reasons, note from Helen Malone. People may not want to share private medical

- information as a part of the P&T process. There is a grey area for recurring illness. We want to keep it as grey as possible to respect the person. What if you tied it to the year the condition manifests? Why is this not an HR issue to start with? The chair blurs the HR distinction. We do want the chair to be our advocates. There is risk involved with processes that involve individuals. Taking the P&T committee out protects privacy. People are making these decisions in times of vulnerability and distress. We don't want to specify a year. Can we say within a year of conclusion of the condition? Chronic illness may be covered by other rules. It parallels the birth or adoption rule language. We also need to avoid inconsistencies between colleges. The important concept here is taking out the P&T committee from this process. These still have to be approved. It could say within one year or as soon is reasonable thereafter. We could take out units and say HR. **Jared** will create a redline strikeout for the next meeting.
22. **3335.3** continued discussion of possible revisions to 3335-3 Administration. Ken will send the memo below to Drake and McPheron? The **motion passes**. **P.S. provost acknowledges receipt of proposed revisions. Secretary raised it with leadership.**
23. **3335-9-11** pursuit of additional degrees note from Helen Malone. If we agree, Should we include associated faculty who are also students? Some staff are also prohibited from seeking a degree in the TIU where they are employed. Graduate instructors are also colleagues and students. The knowledge between a GA and an Associated Faculty member might not be that different. There are cases where they could be more involved. We are trying to avoid a conflict of interest. Could a conflict of interest rule take of this? Are we separating them out as a different class? How big of an issue is this and how many people are out there? It would have to be proactive. We also need to know who the professional appointees are that are currently covered under the rule.
24. Adjourn

4 – Include a 60 day presidential response to 04 rule

We finalized this recommendation, but we wait until the ad hoc 04 committee completes its major review on the 04 hearing rules. It appears here as a tabled motion so we don't forget about it.

INCLUDE A PERIOD OF REVIEW BY THE PRESIDENT IN HEARING PROCEDURES

Resolution Number:

Synopsis: All review steps (letters C through H inclusive) in the procedures on complaints against faculty members, commonly known as the 04 rule, specify the number of days to "make every effort to complete the review." Presidential review (I) is the only step with days not specified.

WHEREAS the Faculty Rule 3335-5-04 outlines the procedures related to complaints against faculty members; and

WHEREAS within the process, each level of review includes an expectation of resolution to include expediency of the process; and

WHEREAS the final review by the president outlined in 3335-5-04(I) currently does not include a period of review; and

WHEREAS every effort to complete the review is now specified as: chair 14 days, dean 14 days, college committee 45 days, dean decision 30 days, provost 14 days, hearing 60 days, it is prudent to afford the presidential review the maximum 60 days; and

WHEREAS the Faculty Hearing Committee has agreed that the president's level of review be updated to include an expectation of resolution within a specific period of time (sixty days); and

WHEREAS the Faculty Hearing Committee recommends amending rule 3335-05-04(l) to include the addition of (e) sixty days; and

WHEREAS the office of the President intends to make every effort to conclude such a review within 60 days; and

WHEREAS the Rules Committee approved this resolution and proposal on November 1, 2019;

NOW THEREFORE

BE IT RESOLVED, That procedures be clarified with the addition of 3333-05-04(l)(e) to make every effort to conclude a presidential review within sixty days be approved by the University Senate and respectfully request concurrence of the Board of Trustees effective upon approval by the Board of Trustees.

3335-5-04 Hearing procedures for complaints against faculty members.

(l) The president.

(1) Upon receipt of the written findings of fact and recommendation and a record of the proceedings from a hearing panel, the president shall review the matter. The president may:

(a) Dismiss the complaint;

(b) Impose any sanction less than termination of employment whether or not it accords with the recommendation of the hearing panel;

(c) Recommend to the board of trustees termination of employment on such terms and conditions as the president may deem advisable;

(d) Remand the case to the hearing panel for reconsideration.

(e) The president shall make every effort to conclude their review and issue a decision within sixty days.

(2) Any decision of the president shall be communicated in writing to the hearing panel and to the respondent.

5 - Exclusion of time from probationary period

From our Nov 1 minutes:

3335-6-03(D)(1)(b) New: Exclusion of time from probationary periods for medical reasons, note from Helen Malone. People may not want to share private medical information as a part of the P&T process. There is a grey area for recurring illness. We want to keep it as grey as possible to respect the person. What if you tied it to the year the condition manifests? Why is this not an HR issue to start with? The chair blurs the HR distinction. We do want the chair to be our advocates. There is risk involved with processes that involve individuals. Taking the P&T committee out protects privacy. People are making these decisions in times of vulnerability and distress. We don't want to specify a year. Can we say within a year of conclusion of the condition? Chronic illness may be covered by other rules. It parallels the birth or adoption rule language. We also need to avoid inconsistencies between colleges. The important concept here is taking out the P&T committee from this process. These still have to be approved. It could say within one year or as soon is reasonable thereafter. We could take out units and say HR. **Jared** will create a redline strikeout for the next meeting.

Helen, Jared, please check my redline and strikeout below that replaces Helen's text from last month. I include the entire rule (A)(1)(a,b,c) for context. All; please see if these edits make sense. Why would we exclude in increments of one year (a) with a maximum exclusion of one year? It made no sense to require the member inform the dean and OAA in (a) when the rule states this is unit head's responsibility. I removed redundancies, such as the redundant April first deadline and the TIU abbreviation that is used 29 times throughout the rules. Within "one year of the extenuating factor" may help resolve our discussion about the year.

(A) Exclusion of time from probationary periods.

- (1) There are three circumstances under which probationary tenure-track faculty may obtain an exclusion of time from probationary periods. These exclusions are intended to recognize that there are factors that can impact the ability of probationary faculty to meet the criteria for tenure within the probationary period outlined in paragraph (B) of this rule. A request to exclude time from the probationary period for any of the reasons listed in paragraphs (D)(1)(a) to (D)(1)(c) of this rule must be made prior to April first of the year in which the mandatory review for tenure is scheduled to occur.
 - (a) A probationary tenure-track faculty member will have one year excluded from the probationary period to reflect the caregiving responsibilities associated with the birth of a child or adoption of a child under age six. This exclusion is guaranteed provided the faculty member informs the head of the TIU in writing within one year of the birth or the adoption unless the exclusion of time is prohibited by paragraph (D)(3) of this rule, and no later than April first of the mandatory review year. It is the responsibility of the unit head to inform the college dean and office of academic affairs of the birth or adoption. The probationary faculty member may decline the one-year exclusion by informing the unit head in writing before April first of the original mandatory review year. It is the responsibility of the unit head to inform the college dean and office of academic affairs of the faculty member's choice to decline the exclusion. The maximum amount of time that can be excluded from the probationary period per birth event or adoption is one year.
 - (b) A probationary tenure-track faculty member may apply to exclude time from the probationary period in increments of one year because of personal illness, care of a seriously ill or injured person, an unpaid leave of absence, or factors beyond the faculty member's control that hinder the performance of the usual range of duties associated with being a successful university faculty member, i.e., teaching, scholarship, or service. For faculty members requesting an exclusion due to personal illness or care of a seriously ill or injured person, requests are made in writing to the human resource office, which will work with the head of the TIU to determine appropriate and necessary documentation. Requests to exclude time from the probationary period made under the terms of this paragraph must be submitted in writing to the head of the TIU within one year of the extenuating factor. Except for requests due to personal illness or care of a seriously ill or injured person, requests shall be reviewed by the TIU promotion and tenure committee which shall advise the head of the TIU regarding the appropriateness of the request. In units that do not have a promotion and tenure committee, the eligible faculty shall review the request. All requests require approval by the head of the TIU, dean, and executive vice president and provost. The extent to which the event leading to the request was beyond the faculty member's control, the extent to which it interfered with the faculty member's ability to be productive, and the faculty member's accomplishments up to the time of the request will be considered in reviewing the appropriateness of the request.

- (c) Probationary tenure-track faculty members on less than full-time service for part or all of their probationary period may request an exclusion of time from the probationary period. Such requests require approval of the TIU chair, dean, and executive vice president and provost. The exclusion shall be for an integral number of years based on the principle that the usual probationary period represents full-time service. The maximum exclusion of a probationary period under this paragraph is one year for a probationary instructor, three years for a probationary assistant professor and two years for a probationary associate professor or professor.

6 - 3335-3 Administration

Here for the record is a verbatim copy of the memo sent on November 4, 2019.

T President Michael Drake, Provost Bruce McPheron via email
 F Rules Committee c/o Ken Lee
 R 3335-3 Administration

The University Senate Rules Committee may rewrite chapter 3335-3 Administration contingent upon your agreement. As the attached organization charts show, there are now six administrative positions highlighted in yellow that are defined in rule 3335-3, while most Ohio State administrative positions are not.

We now define only these six jobs and require vote of senate and trustees each time the duties or nomenclature evolves. Chapter 3335-3 is not congruent with the Board of Trustees bylaws 3335-01-03 that define our administration. This rewrite is based upon the Trustees bylaws.

There are now six positions defined in our faculty 3335-3 administration rules: These are 3-16-Treasurer [Jake Wozniak](#), 3-15 Chief info officer Mike [Hofherr](#), 3-18 Registrar [Jack Miner](#), 3-18 Library Director [Damon Jaggars](#), 3-19 VP for enrollment planning [Stephanie Sanders](#), and 3-21 AD [Gene Smith](#). For ease of reference the current chapter is pasted below.

There are now three positions defined in the trustees 3335-1-03 administration bylaws; These are (A) the president, (B) the provost, and (C) the senior vp for business and finance,

A rewrite consistent with the BOT bylaws is suggested below. Do these revisions make sense? Our objective is a 3335-3 chapter that is accurate, congruent with Board bylaws, enables flexibility in Ohio State administrative structure, and does not trigger a rule change vote each time a job description changes.

One position that remains intact in our rules is the Senior (not associate) Vice President and Director of Athletics. This retains the unique language on the athletic physical plant not appearing elsewhere in our rules. If desired this physical plant language could be placed elsewhere. Also the council of deans is revised to include the vice president for research.

Please let me or the faculty leaders know if you seek discussion or edits on any point. Thank you for your kind consideration of these administrative rules.

CURRENT RULES of the UNIVERSITY FACULTY May 31, 2019

Chapter 3335-3 Administration

3335-3-15 Chief information officer.

Subject to the direction of the executive vice president and provost, the principal duties of the chief information officer shall be the leadership throughout the university with respect to information technology.

These duties shall include but not necessarily be limited to: management and oversight of the office of information technology; oversight of strategic visioning and planning with respect to information technology, including planning to leverage technology to better benefit and enhance the academic environment, and the implementation of action plans to advance IT throughout the university; leadership in transitioning the university from decentralized IT governance, infrastructure, and operational environment to a more unified and balanced approach; working collaboratively with all university IT constituencies to develop and implement integrated and appropriately placed standards, policies, and procedures; leadership to ensure that the university has world-class security with respect to data, infrastructure, and servers; and other projects and duties that may be assigned from time to time by the executive vice president and provost. (Board approval date: 7/11/2008)

3335-3-16 University Treasurer.

Subject to the direction of the senior vice president for business and finance and chief financial officer, the principal duties of the university treasurer shall be as follows:

- (A) Receive such moneys as, in accordance with law, are not to be deposited with the state treasurer;
- (B) Have charge and custody of, and be responsible for all university funds, securities, and other financial instruments of the university, including investment of operating and agency funds in accordance with the investment policy approved by the board of trustees; receive and give receipts for moneys due and payable to the university from any sources whatsoever; deposit all such moneys in the name of the university in such banks, trust companies or other depositories of the university; be responsible for the accuracy of the amounts of and cause to be preserved proper vouchers for all moneys disbursed;
- (C) Keep, or cause to be kept, in the treasurer's office at the university, correct records of the financial affairs of the university, and exhibit such records to any member of the board, the president, or the senior vice president for business and finance and chief financial officer upon request at such office;
- (D) In accordance with section 3335.05 of the Ohio Revised Code, give bond, payable to the state of Ohio for the use of the university, in such sum as the board shall determine:
 - (1) For the safe keeping of all university funds,
 - (2) For the payment of same in accordance with the rules of the board, and
 - (3) For the faithful discharge of his or her duties as treasurer.

Such bond shall be signed by a surety company authorized to do business in the state of Ohio, and the premium thereon shall be paid by the university. Such bond shall be approved by the attorney general and filed with the secretary of state.

- (E) Perform such other duties as from time to time may be assigned to him or her by the senior vice president for business and finance and chief financial officer.

(Board approval date: 7/11/2008)

3335-3-18 Director of libraries. The senate voted in favor of moving this position into the section on Deans at the November meeting.

- (A) The director of libraries shall be appointed by the board of trustees upon nomination of the president. Before making this nomination the president shall confer with the executive vice president and provost who, in turn, shall confer with representatives of the faculty of the university libraries and with the council on libraries and information technology.
- (B) The director of libraries shall have the responsibility and authority for administering the university

libraries under the jurisdiction of that office and the university archives. In the discharge of library duties the director shall be guided by the policies established by the council on libraries and information technology (see rule 3335-5-48.2 of the Administrative Code). The director shall report to the president through the executive vice president and provost.

- (C) Without limiting the generality of the foregoing, the director shall evaluate continuously the administrative and operating practices of the university libraries under the jurisdiction of that office and the university archives, and lead in the study of methods in improving them; recommend appointments, promotions, and dismissals under the rules of the university; and prepare for the approval of the executive vice president and provost's annual recommendations for the budgets for personnel and for archives and library materials.

(Board approval dates: 4/4/1997, 12/4/1998, 6/7/2005)

3335-3-19 University registrar.

Subject to the direction of the executive vice president and provost, the principal duties of the university registrar shall be the supervision of the details of registration, records, and scheduling which shall include: distribution of registration forms; distribution of approved schedules; fee assessments and adjustments; record of fee payments; maintenance of current semester, summer term, or session schedules; maintenance of home or permanent addresses, name and address of person(s) to be notified in case of emergency, local addresses and the respective telephone numbers of all currently enrolled students; the posting of semesters, summer terms, and sessions of attendance; the posting of all courses and respective marks; recording of all probations and dismissals; recording of withdrawals; recording of all degrees earned and dates; recording of all past names and other demographic data; the distribution of the official student records to include the proper confidentiality safeguards; scheduling of classroom space, classes, and final examinations; offering placement testing, admission testing, test scoring services, a mechanism for student evaluation of teaching, and coordination of the credit by examination programs; other routine duties associated with the registration, records and scheduling of students; and special projects and duties that may be assigned from time to time by the executive vice president and provost.

(Board approval dates: 7/12/1991, 4/4/1997, 12/4/1998, 12/4/2001, 5/14/2010)

3335-3-20 Vice president for strategic enrollment planning.

Subject to the direction of the executive vice president and provost, the principal duties of the vice president for strategic enrollment planning shall be as follows:

- (A) Direct the administration of admission and financial aid policies duly established by the appropriate faculty bodies.
- (1) Exceptions to such policies shall be made only in accordance with recommendations of the dean or the director of the college, school, or division involved.
 - (2) A special student not seeking a degree must be approved for admission by the dean or the director of the college, school, or division concerned.
- (B) Receive, evaluate, and maintain all certificates and transcripts presented by or on behalf of applicants for admission to the university or for credit in any course. Receive, evaluate and maintain all student financial aid applications.
- (C) Issue all official notices of admission to applicants and certify the validity of transfer credits to the director of registration and records and to the secretary of the college, school, or division involved. Issue notices of financial aid to students.
- (D) Transfer students upon request from one college, school, or division in the university to another, but only in accordance with policies established by colleges, schools, or divisions involved.
- (E) Conduct the official correspondence of the university on all matters connected with the admission

of students, and student financial aid.

- (F) Perform other routine duties associated with the admission process of students.
- (G) Administer all aspects of student financial aid, including scholarships, loans, grants, and work-study.
- (H) Engage in special projects or duties as may be assigned from time to time by the executive vice president and provost.

(Board approval dates: 7/12/1991, 2/4/1993, 4/4/1997, 6/18/2010)

3335-3-21 Vice president and director of athletics.

- (A) The assistant vice president and director of athletics shall be appointed by and responsible to the president. The athletic council (see rule 3335-5-48.5 of the Administrative Code) shall also be consulted in the appointment of the athletic director.
- (B) Under policies established by the athletic council, the vice president and director of athletics shall administer the intercollegiate athletics program subject to the direction of the president and his or her designees.
- (C) The athletic physical plant shall be under the concurrent jurisdiction of the department of athletics and the office of physical facilities. Athletic physical plant employees shall be under the jurisdiction of the department of athletics, which in consultation with the office of physical facilities shall be responsible for all normal maintenance and repairs. Major remodeling, renovation, construction, and other capital improvements shall be undertaken only with the prior approval of, and under the direction of, the office of physical facilities.

(Board approval dates: 12/4/1998, 3/5/2003, 7/11/2008, 4/8/2016)

3335-3-22 Council of deans.

- (A) The executive vice president and provost, the deans of the colleges, the executive dean of the college of arts and sciences, the senior vice president for business and finance and chief financial officer, the vice president for research, the dean of the graduate school, the deans and directors of the regional campuses, the dean for undergraduate education, and the director of libraries shall comprise the council of deans of the university. The executive vice president and provost shall be chair of the council.
- (B) The council of deans shall meet on the call of the chair. The council of deans shall serve as an advisory council to the president.

(Board approval dates: 10/5/1973, 2/2/1979, 4/3/1981, 7/9/1982, 3/2/1984, 12/5/1986, 11/2/1990, 5/3/1996, 4/4/1997, 12/4/1998, 10/1/1999, 5/7/2004, 6/7/2005, 2/1/2006, 2/11/2011)

3335-3-25 Organization of the university.

No further changes are proposed by the rules committee in this chapter.

PROPOSED UNIVERSITY FACULTY ADMINISTRATION RULE 3335-3

Chapter 3335-3 Administration

3335-3-1 President.

- (A) The president shall be the chief executive officer of the Ohio State University subject to the control of the board of trustees (BOT). Duties, authority and rights are as specified in the **BOT bylaws 3335-1-03(A)**.
- (B) Any responsibility of the president may be delegated to any other member of the faculty or staff of the university, subject to any BOT limitations. The president will retain final authority and

responsibility for administration of the university. Delegation of major areas shall be in writing to the BOT before implementation as specified in **BOT bylaw 3335-1-03[E]**

- (C) The president shall designate a president's planning cabinet. The cabinet shall provide advice and counsel to the president, to discuss, deliberate and serve as the primary decision-making body on major university policies, information sharing, and other roles as the president shall determine, as specified in **BOT bylaw 3335-1-03[F]**
- (D) **Principal administrative officials** shall include the members of the president's cabinet, the deans of the colleges and the dean and directors of regional campuses and their designated staffs, the dean of the university libraries, chairs of academic departments, directors of schools and academic centers, and such other administrative officials as determined by the president, as specified in **BOT bylaw 3335-1-03[G]**

3335-3-2 Executive vice president and provost.

- (A) The provost shall be the chief operating officer of the university. Under the direction of the president, the provost is responsible for oversight of all academic programs, instructional affairs and faculty affairs of the university. Duties, authority and rights are as specified in **BOT bylaw 3335-1-03(B)**.
- (B) Any responsibility of the provost may be delegated to any other member of the faculty or staff of the university, subject to any university limitations. The provost will retain final authority and responsibility for operations of the university. Delegation of major areas shall be in writing to the president before implementation.
- (C) The provost shall designate a senior management council. The council shall provide advice to the provost, discuss, deliberate and serve as the primary decision-making body on academic or university policies and other roles as the provost shall determine. The provost shall chair a council of deans as proscribed in rule 3335-3-22.

3335-3-3 Senior vice president for business and finance.

The senior vice president (SVP) for business and finance is the chief financial officer of the university. Under the direction of the president, is responsible for the administration of the university's business, financial and administrative operations. Duties, authority and rights are as specified in **BOT bylaw 3335-1-03(C)**.

3335-3-4 Vice President

A vice president shall report to the president or the executive vice president and provost and is selected in accordance with BOT procedures.

3335-3-5 Vice Provost

A vice provost shall report to the executive vice president and provost and is selected in accordance with university procedures.

3335-3-6 Executive Vice President and Chancellor

The chancellor shall be the chief executive officer of the Wexner Medical Center and shall be appointed by the Wexner Medical Center Board of Trustees. Duties, authority and rights are as specified in the bylaws of the medical staff.

Rules has not located a bylaw reference within BOT 3335-111-08(A)

3335.3.21 Vice president and director of athletics

- (A) The senior vice president and director of athletics shall be appointed by and responsible to the president. The athletic council (faculty rule 3335-5-48.5) shall be consulted in the appointment of the athletic director.
- (B) Under policies established by the athletic council, the athletic director shall administer the intercollegiate athletics program subject to the direction of the president or designee.
- (C) The athletic physical plant shall be under the concurrent jurisdiction of the department of athletics and the office of physical facilities. Athletic physical plant employees shall be under the jurisdiction of the department of athletics, which in consultation with the office of physical facilities shall be responsible for all maintenance and repairs. Remodeling, renovation, construction and capital improvements require the prior approval and direction of the office of physical facilities.

3335-3-23 Council of deans

The executive vice president and provost, the deans of the colleges, the executive dean of the college of arts and sciences, the senior vice president for business and finance, **the vice president for research**, the dean of the graduate school, the deans and directors of the regional campuses, the dean for undergraduate education, and the dean of libraries shall comprise the council of deans of the university. The provost shall be chair of the council.

7 – Pursuit of additional degrees by associated faculty or staff

From: Malone, Helen <malone.175@osu.edu> **Sent:** Friday, October 25, 2019 2:23 PM
To: Lee, Ken lee.133@osu.edu **Subject:** Another rule to talk about

Hi Ken, Hope you've had a good week. Issues have come to light that I think warrants conversation with rules. It's faculty rule **3335-9-11**. There are two questions at hand. First, should associated faculty be included in the first part of the rule? Two, should the same kind of rule apply to staff or is what's included in the rule appropriate? I'm prepared to bring examples of how the rule as currently written create some challenges for colleges and departments. I'm not certain that a rules change is the correct answer, but I certainly think it warrants the conversation. Thanks, Helen

Helen I. Malone, PhD Vice Provost for Academic Policy and Faculty Resources

Ken reply: Based on interim discussions, I added associated faculty so now all faculty are covered under the first paragraph. Thus it is not necessary to list all faculty types in the 9-11 title. The senior A&P language covers all degrees, not just the home department, and this cohort is quite small and these people are so busy it is an unlikely occurrence. I added staff other than senior A&P as this cohort is quite large and this is commonly done. I added sub-paragraphs ABC. All of these points are up for discussion.

3335-9-11 ~~Tenure-track faculty, clinical/teaching/practice faculty, research Faculty, staff and senior administrative and professional employees pursuing additional degrees.~~

- (A) Faculty members:
 No tenure-track faculty member, clinical/teaching/practice faculty member, **associated faculty member, nor** research faculty member will be permitted to pursue a degree offered by the TIU in which the faculty member holds an appointment, as defined in rule 3335-6-06 of the Administrative Code. In those instances where faculty members wish to pursue degrees in other units or programs of this university, they must demonstrate that the acquisition of these degrees

enhances their own competence as teachers and scholars. In making decisions to pursue additional degrees, these faculty must consider first and foremost the requirements of their total university commitment and responsibilities. Requests to pursue additional degrees must be approved by the faculty member's TIU head and dean and by the dean of the college or director of the program in which the degree would be granted.

(B) Senior administrative and professional appointees:

In those instances where senior administrative and professional appointees wish to pursue degrees at this university, they must demonstrate that the acquisition of these degrees enhances their competence as university employees. In making decisions to pursue additional degrees, senior administrative and professional appointees must consider first and foremost the requirements of their total university commitment and responsibility. Requests to pursue additional degrees must be approved by the immediate supervisor; the TIU head, dean or the appropriate vice president, in whose area the senior administrative and professional appointee holds position, and dean of the college or director of the program in which the degree would be granted.

(C) **Staff members:**

In those instances where staff other than senior administrative and professional appointees wish to pursue a degree offered by the TIU in which the staff member holds an appointment, or to pursue degrees in other units, they must demonstrate that the acquisition of the degree enhances their competence as a staff member. The staff must consider first and foremost the requirements of their total university commitment and responsibilities. Requests to pursue additional degrees must be approved by the immediate supervisor and by the TIU head.

8 – Non-substantive emendations in bylaws (aka housekeeping)

I prior suggested 3335-17-09 be moved out of the election bylaws and into the rules. Ben suggest at least two-person accountability so nobody can change rules without second party oversight. When I wrote the proposal pathway “housekeeping” was assumed to apply to all rules, not just the bylaws as specified in 3335-17-09, but there is no such provision. Your opinion on a possible revision to our own committee rule, or elsewhere, is introduced here:

3335-17-09 Amendments. (existing wording from our bylaws)

- (B) The secretary of the university senate, with the concurrence of the rules committee, is entrusted to make non-substantive emendations in diction and grammar, and is authorized to change titles of administrative offices, administrative officers, academic units, or student constituent groups in these election bylaws following appropriate action on these title changes by the university senate or the board of trustees.

3335-5-47.3 Rules

(B) Duties and responsibilities.

- (1) Be responsible, in cooperation with the secretary of the university senate, for the monitoring of the "Rules of the University Faculty" and of all statutes and bylaws pertaining to the senate.
- (2) Ensure that all published rules and bylaws within the senate's purview are up to date, and recommend their republication at such intervals as may be desirable.
- (3) Make recommendations for the revision of the procedural rules of the senate.
- (4) Before senate action, the committee shall receive all proposed new rules and changes in existing rules. It shall review them and recommend such editorial or other changes it deems necessary to avoid conflict with other rules, to enhance clarity and precision, and to avoid ambiguity.
- (5) Initiate rules or changes in existing rules and recommend them to the steering committee for scheduling for senate action.

- (6) The secretary of the university senate, with the concurrence of the rules committee, is entrusted to make non-substantive emendations in diction and grammar, and is authorized to change titles of administrative offices, administrative officers, academic units, or student constituent groups in these rules following appropriate action on these title changes by the university senate or the board of trustees.

Is the above clear or should we say it differently?

- (6) The secretary of the university senate, with a majority of the rules committee, will make non-substantive emendations in diction and grammar, and is authorized to correct names of offices, officers, units, credentials or constituents in these rules without deliberation by the university senate nor by the board of trustees.

DISCUSSION: Is concurrence understood? Why must it follow action by senate? For example, If we wish to correct 3335-5-46 (C) “assist the current.” to say “assist the current chair” must it follow an action by senate and trustees? It should be a correction not a change. It should not be limited to student groups nor limited to administrative offices. The current wording may not allow updating a credential, like changing regular faculty to faculty.

Some examples of where a new rule rather than an old bylaw may apply:

From: Givens, Ben <givens.7@osu.edu>
To: Lee, Ken lee.133@osu.edu

Sent: Thursday, October 3, 2019 2:42 PM
Subject: RE: faculty council bylaws

[Other Rule Changes while we're on the topic](#)

3335-5-46 (C): the word “chair” needs to be added at the end of the last sentence.

3335-3-31 & 3335-5-30: I noticed there are 12 references to the “research and graduate council” in the faculty rules, yet having been on that council, I also know that it was eliminated and replaced by the **Graduate Council**. I spent some time trying to reconstruct what happened, and found in Board of Trustees minutes from their meeting on June 6, 2008 a rule change that never made it into the Ohio Administrative Code. Argh! That previously approved but never updated rule change accounts for 8 of the references to the research and graduate council. However, there are four others found in 5-48.1(B)(2)(b), 9-04(B), 9-29(B), and 9-32.1(D). Given that the 8 already were board approved, I might be able to administratively send them forward to the Ohio Legislative Service (OLS), copying the board, and asking them to update a rule change that happened in 2008. The other four instances were not caught in that original rule change, so we would need to make a determination if these additional changes are simply clerical in nature and could be handled administratively, or if we need to actually approve them in rules, senate and the board. Also, as you’ve pointed out, the secretary can make clerical changes to the “election bylaws” (Chapter 3335-17) by rule **3335-17-09**, but I don’t believe I have that authority for the rest of the faculty rules. We discussed inserting such an authority, perhaps in consultation or approval by the rules chair or committee.

3335-13-02. This is a rule about Smoking that is another example of a rules change that passed through the Rules Committee, the Senate and the BOT, but never made it into the OAC. The rule was rescinded. This would be another rule change to send directly to OLS.

p.s. Ben, not sure what was rescinded, language is consistent in senate, trustees and OAC:

[3335-13-02 Smoking - tobacco.](#)

The prohibition of the smoking of tobacco within university facilities designated as "no smoking" areas by the authority delegated by the director of administrative services of the state of Ohio has been established to protect the comfort and health of persons who do not smoke or to whom such smoke is objectionable. Further, the smoking of tobacco in such designated areas is a violation of section [3791.031](#) of the Revised Code, and all violators are subject to prosecution.

Replaces: 3335-13-02

From our September 6 agenda:

3335-3-29.1 Dean and director of a regional campus.

(D) There shall be a dean and director of each regional campus who shall be a member of its faculty and the administrative head of the regional campus. The dean and director shall be appointed by the board of trustees upon nomination of the executive vice president and provost in consultation with the president. Before making this nomination, the executive vice president and provost or designee shall confer with the regional campus faculty, the department or school in which the faculty appointment would be made, and shall consider the recommendations of the deans of the colleges with ~~regular~~ faculty assigned to that campus.

3335-3-36(B)(5) Each university and college center shall have an oversight committee, at least two-thirds of whose members are ~~regular~~ faculty ~~members~~ from the academic units involved in the center. The director shall consult regularly with the oversight committee.

3335-5-48.14 University research committee.

(E) Organization. (1) The committee shall annually elect a chair from its ~~regular~~ faculty membership in the spring semester preceding the academic year of service for no more than three consecutive one-year terms.

EOF

9- Steering sets agenda 5 days not 7 days before the senate meeting

Background: When I chaired steering we often violated the seven day rule as steering typically meets exactly one week before the senate meeting. Steering sets the agenda for senate and even if we sent it out immediately after the meeting it was less than the required seven full days ahead of the senate meeting. So we changed it to five days and apparently missed 3335-19-02 that Ben discovers below. Special meetings typically have a short fuse so the shorter five day should apply to all meetings.

From: [Givens, Ben](#)

Sent: Tuesday, October 29, 2019 4:56 PM

Subject: Another rule update

Ken,

I remember changing the senate meeting notice rule to 5 days instead of 7 days so that we could set the agenda late on Thursday afternoon in the Steering committee, and then get the agenda out on Friday and not violate the notice rule. That change was made and appears in rule 3335-19-03 (C).

In looking over the rules I see that there is another place that references the notice of meetings - 3335-19-02. In section (D) it states that "Written notice of the time and place of the meeting, the

order of business, and copies of any substantive proposals shall be sent to all members and alternate members at least **seven days** prior to the senate meeting.”

This is either an oversight that should have also been changed to 5 days, or it is a reference to *special* meetings. Given that section (A) refers to regular meetings, and (B), (C) and (E) refer to special meetings, one could interpret (D) as falling in a group of rules that refer to *special* meetings. Either way, I suggest we either change 3335-19-02 (D) to either “...five ~~seven~~ days...”, or to “...the special meeting...”

Ben

Ben Givens, Ph.D.

Secretary, University Senate, 119 Independence Hall, 1923 Neil Avenue, Columbus, OH 43210, (614) 292-6695

3335-19-02 Meetings.

(A) Regular meetings of the senate shall be held during the autumn and spring semesters. In the spring semester each year the steering committee shall recommend and the senate shall adopt and publish the schedule of regular meetings for the following academic year. This schedule shall include at least seven meetings spread over the academic year. Scheduled meetings may be cancelled by the steering committee when deemed appropriate.

(B) Special meetings of the senate shall be scheduled upon:

- (1) Majority vote of senate members present and voting at any meeting, or
- (2) Call of the president of the university, or
- (3) Call of the steering committee, or
- (4) Petition signed by at least twenty-five voting members of the senate and presented to the secretary of the university senate.

(C) If the petition requesting a special meeting specifically requests a meeting at the earliest date and is transmitted with the necessary supporting material for distribution to the membership, then a special meeting shall be called within eight days of receipt of the petition by the secretary of the university senate.

(D) Written notice of the time and place of the meeting, the order of business, and copies of any substantive proposals shall be sent to all members and alternate members at least ~~five seven~~ days prior to the senate meeting.

(E) At a time of emergency, the president shall have authority to call a special meeting without written notice.

(F) All senate meetings shall be open to the public.

10- Should the dean confer with the faculty when hiring direct reports?

New item from Ken: Should deans give substantial weight to faculty recommendations when hiring direct reports? This item comes to light in the wake of the questionable appointment of Clint Woods in FAES. This faculty council discussion is [online here](#). If you have no such access I put a static PDF clint-woods-faes.pdf in the Rules box folder. Our rules are clear when the President appoints a dean but are silent on dean appointments. Specifically, existing rule 3335-3-29 is pasted here, bold emphasis added:

3335-3-29 Deans of the colleges.

(A) There shall be a dean of each college and an executive dean of the college of arts and sciences who shall be a member of its faculty and the administrative head of the college. Each dean and the executive dean shall be appointed and reappointed by the board of trustees upon nomination of the president. **Before making this nomination or recommendation for reappointment, the president shall confer with members of the faculty of the college for which the dean or executive dean is to be appointed and shall give substantial weight to faculty recommendations in reaching a decision.** The president shall also consider the recommendations of the chairs of the departments and the directors of the schools in that college.

(B) The major responsibility of the dean of each college... *snip* ... shall include the duty:

(4) After consultation with the chairs of the departments and the directors of the schools within the college to make recommendations to the executive vice president and provost concerning the college budget, the appointments to and promotions within the staff and the membership of the college faculty.

(5) To confer with members of the college faculty and give substantial weight to faculty recommendations before reaching a decision on appointments and reappointments of the college administration, direct reports and department chairs.

January 10, 2020 Rules Committee Agenda

Our Friday January 10 meeting has ten agenda items. The BOX version is up to date and an identical copy will be on paper in the room. Grey items are tabled. Please send your questions or edits now and come prepared to vote on motions flagged as “M” in the time column below.

9:30am	1. Introductions and welcome: New Year
9:32	2. Motion to approve December 06 minutes , all shaded green text below
9:33	3. 3335-5-04(1)(e) Add 60-day president decision time to current 04 rule from Hearing by way of Steering. This was ready but is tabled pending the 04 Ad Hoc revisions. A copy was sent to Dr. Dollarhide, chair of the ad hoc.
9:33 M.	4. 3335-5-47.3 – Add non-substantive emendations from the bylaws into the rules, also known as the housekeeping rule.
9:45 M.	5. 3335-19-02 steering sets agenda 5 days not 7 days before the senate meeting.
9:50 M.	6. 3335-6-03(D)(1)(b) Exclusion of time from probationary periods for medical reasons. We thank Sara Watson for these revisions and resolution.
10:00 M.	7. 3335.3 revisions to 3335-3 Administration. The president and provost agrees, noted by way of Katie Hall. Please edit the resolution.
10:10	8. 3335-9-11 pursuit of additional degrees. Discussion continues.
10:20	9. 3335-3-29(B)(5) Should a dean confer with their faculty when hiring direct reports? Discussion item.
10:25	10. New business – honorary degrees. Discussion item.
10:30	11. Adjourn.

Gantt chart with date **approved** or discussed or tabled or **scheduled**.

Rule # 3335-	Issue	Rule mtg	Steering	Senate	Trustees	OAC
3-28	Dean not Director of Libraries	10/4/19	10/24/19	11/14/19	11/22/19	pending
5-04(1)(e)	Hearing 60 day president	11/1/19	10/24/19	Tabled		

8-27.1	Grade forgiveness timing	11/1/19	9/26/19	11/14/19	11/22/19	pending
6-03(D)(1)(b)	Exclusion for medical reasons	12/6/19				
3	Administration chapter	11/1/19				
9-11	Pursuit of additional degrees	1/10/20				
5-47.3	Housekeeping	1/10/20				
19-02	Five not seven days before	1/10/20				
3-29(B)(5)	Substantial weight to faculty	1/10/20				

Missing phone numbers should be sent to lee.133

2. Rules Committee September 2019 to Aug 2020				Please hold on your calendar	
Member	Source	Term	P: 614	1h Meeting*	Location
Jared Gardner.236	Faculty Council	2021	323-6267	Sep 6@ 9:30a	Independence
Ken Lee.133 (Chair)	Faculty Council	2021	292-7797	Sep 13@ 9:30a	NO meeting
Sara Watson.584	Faculty Council	2021	292-9647	Oct 4@ 9:30a	Independence
Sarah Moore.2204	Faculty Council	2020	292-2597	Oct 11@ 9:30a	Zoom
Amy Ferketich.1	Faculty Council	2020	292-7326	Nov 1@ 9:30a	Independence
Terry Esper.9	Faculty Council	2020	292-2610	Nov 8@ 9:30a	Zoom
Vidhya Jeyadev.1	USG	2020		Dec 6@ 9:30a	Independence
Lisa Mayhugh.16	USAC	2020	292-0609	Jan 10@ 9:30a	Independence
Rania Khamees.5	CGS	2020	247-3035	Jan 17@ 9:30a	Zoom
TJ Beavers.58	IPC	2019		Feb 7@ 9:30a	Independence
Ben Givens.7	Senate Secretary	No exp	292-0385	Feb 14@ 9:30a	Zoom
Helen Malone.175	Provost designee	Exofficio	292-8313	Mar 6@ 9:30a	Independence
Brandon Lester.173	Legal Affairs	Exofficio	688-2314	M 13**@9:30a	Zoom
Hannah Torma.9	Recording Sec	No exp	292-2423	Apr 3@ 9:30a	Independence
List service:	rules@lists.osu.edu			Apr 3@ 9:30a	Independence
Buckeye Box:	https://osu.app.box.com/folder/8517257713			Apr 10@ 9:30a	Zoom

*All Rules meetings are the first Friday of each month [in Independence Hall](#) senate conference room. All Rules video conferences are the second Friday of each month [via Zoom](#). March 13 is during spring break and is likely cancelled. March 20-22 is the OSU sesquicentennial.

2. December 10, 2020 Minutes

Meeting Minutes

University Senate Rules Committee

December 6, 2019, 9:30 AM | 119 Independence Hall (SCR)

Present: Jared Gardner, Ken Lee, Sara Watson, Amy Ferketich, Ben Givens, Rania Khamees

Ex officio: Brandon Lester, Hannah Torma

Absent: Sarah Moore, Terry Esper, Lisa Mayhugh, TJ Beavers, Helen Malone (Ex officio)

Alternate: Vidhya Jeyadev

1. Introductions and welcome.
2. Motion to approve November 1 minutes **approved.**

3. November senate results: Jared Gardner shared discussion from the senate on 3-28 Dean of Libraries and 8-27.1 grade forgiveness. There was some minor discussion about the pronoun change.
4. 3335-5-04(1)(e) Add 60-day president decision time to current 04 rule from Hearing by way of Steering. This was ready but is **tabled** pending the 04 Ad Hoc revisions from Dr. Dollarhide that we have not yet seen.
5. 3335-6-03(D)(1)(b) Exclusion of time from probationary periods for medical reasons. We discussed the note from Helen Malone. We need a resolution in BOT form to advance this conversation.

Ken took out increments of one year since the maximum is one year. Can you have multiple years excluded if you have multiple children? There is a reference to per birth event. Can we move the last sentence to the second sentence for clarity? This is a friendly amendment. Why does the adoption of the child only include under age six? We would need to know why. This is something OAA can answer. It might be based on school schedule. This might also line up with maternity and paternity policies. There may be consistency. Line 164 after the comma can be struck as it is repetitive. Is it more important to refer to the exclusion than the birth? The default is to get the exclusion. This is preferred as chairs were discouraging taking this leave. In this way, the Provost does need to know about every birth or adoption. Striking line 184 attempted to settle the conversation of when the time starts. Perhaps the time should be taken out altogether. We should start from the position that we trust our faculty. Line 185 can be stricken. Should it be clearer who the request is made to? Could HR receive the request and then work with the chair. Sarah will work on rewriting the language of (B). Should faculty member progress be taken out? Instructors are included on line 207. A probationary instructor might be an artifact. Sara will think about resolution statements as she works on the redline version.

6. 3335.3 possible revisions to 3335-3 Administration.

We now have approval from the president's office and provost's office. The only question is if the Athletics Director should stay in this rule. Vice provosts and presidents are made lowercase and plural. Should we ask for an org chart to be posted online? Vice provosts pertain more to the faculty. There is an organization flow in a way that there is not for vice presidents. There is a page on the OAA website that shows leadership. Could (C) be moved to 13-03? It seems odd to leave Director of Athletics in this list. 13-03 has to do with University Property. Ken favors leaving this in the current rule. OSU has a unique athletics program. The suggestion is made just to move the section that refers to university facilities. A change to this section would have to be sent to Gene. We could reach out for an opinion. If we take this apart we would have to run it past the office of the provost and president again. We should also use the same language to refer to the position consistently throughout.

7. 3335-9-11 pursuit of additional degrees initiated by Helen Malone. The minutes are silent on who volunteered to draft the redline and resolution, so my draft is here to seed discussion.

This says that all faculty members cannot pursue a degree in their own TIU. (C) explains that exceptions can be made. This could be problematic. A lot of staff pursue degrees that will not help with their

current career. The language for staff is changed to reflect that their manager needs to determine that there is no conflict of interest. The head of the TIU needs to sign off that this will not present any problems. We may need more information about specific language. We can make it clear in the resolution that people would be grandfathered in. (C) can be sent to USAC and HR for feedback.

8. 3335-5-47.3 – Add non-substantive emendations from the bylaws into the rules, also known as the housekeeping rule. We did not have sufficient time so this item is replicated from the November agenda.
9. 3335-19-02 steering sets agenda 5 days not 7 days before the senate meeting.
10. 3335-3-29(B)(5) Should a dean confer with their faculty when hiring direct reports?
11. Adjourn

3 – Include a 60 day presidential response to 04 rule

We finalized this recommendation but we wait until the ad hoc 04 committee completes its major review. It appears here as a tabled motion so we don't forget about it. This was sent to the 04 ad hoc.

INCLUDE A PERIOD OF REVIEW BY THE PRESIDENT IN HEARING PROCEDURES

Resolution Number:

Synopsis: All review steps (letters C through H inclusive) in the procedures on complaints against faculty members, commonly known as the 04 rule, specify the number of days to “make every effort to complete the review.” Presidential review (I) is the only step with days not specified.

WHEREAS the Faculty Rule 3335-5-04 outlines the procedures related to complaints against faculty members; and

WHEREAS within the process, each level of review includes an expectation of resolution to include expediency of the process; and

WHEREAS the final review by the president outlined in 3335-5-04(I) currently does not include a period of review; and

WHEREAS every effort to complete the review is now specified as: chair 14 days, dean 14 days, college committee 45 days, dean decision 30 days, provost 14 days, hearing 60 days, it is prudent to afford the presidential review the maximum 60 days; and

WHEREAS the Faculty Hearing Committee has agreed that the president's level of review be updated to include an expectation of resolution within a specific period of time (sixty days); and

WHEREAS the Faculty Hearing Committee recommends amending rule 3335-05-04(I) to include the addition of (e) sixty days; and

WHEREAS the office of the President intends to make every effort to conclude such a review within 60 days; and

WHEREAS the Rules Committee approved this resolution and proposal on November 1, 2019;

NOW THEREFORE

BE IT RESOLVED, That procedures be clarified with the addition of 3333-05-04(I)(e) to make every effort to conclude a presidential review within sixty days be approved by the University Senate and

respectfully request concurrence of the Board of Trustees effective upon approval by the Board of Trustees.

3335-5-04 Hearing procedures for complaints against faculty members.

(I) The president.

(1) Upon receipt of the written findings of fact and recommendation and a record of the proceedings from a hearing panel, the president shall review the matter. The president may:

(a) Dismiss the complaint;

(b) Impose any sanction less than termination of employment whether or not it accords with the recommendation of the hearing panel;

(c) Recommend to the board of trustees termination of employment on such terms and conditions as the president may deem advisable;

(d) Remand the case to the hearing panel for reconsideration.

(e) **The president shall make every effort to conclude their review and issue a decision within sixty days.**

(2) Any decision of the president shall be communicated in writing to the hearing panel and to the respondent.

4 – Non-substantive emendations in bylaws (aka housekeeping)

I prior suggested 3335-17-09 be moved out of the election bylaws and into the rules. Ben suggest at least two-person accountability so nobody can change rules without second party oversight. When I wrote the proposal pathway “housekeeping” was assumed to apply to all rules, not just the bylaws as specified in 3335-17-09, but there is no such provision. Rules may consider a possible revision to our own committee rule as introduced here:

3335-17-09 Amendments. (Existing wording from our bylaws)

(C) The secretary of the university senate, with the concurrence of the rules committee, is entrusted to make non-substantive emendations in diction and grammar, and is authorized to change titles of administrative offices, administrative officers, academic units, or student constituent groups in these election bylaws following appropriate action on these title changes by the university senate or the board of trustees.

3335-5-47.3 Rules

(B) Duties and responsibilities.

(1) Be responsible, in cooperation with the secretary of the university senate, for the monitoring of the "Rules of the University Faculty" and of all statutes and bylaws pertaining to the senate.

(2) Ensure that all published rules and bylaws within the senate's purview are up to date, and recommend their republication at such intervals as may be desirable.

(3) Make recommendations for the revision of the procedural rules of the senate.

(4) Before senate action, the committee shall receive all proposed new rules and changes in existing rules. It shall review them and recommend such editorial or other changes it deems necessary to avoid conflict with other rules, to enhance clarity and precision, and to avoid ambiguity.

(5) Initiate rules or changes in existing rules and recommend them to the steering committee for scheduling for senate action.

- (6) The secretary of the university senate, with the concurrence of the rules committee, is entrusted to make non-substantive emendations in diction and grammar, and is authorized to change titles of administrative offices, administrative officers, academic units, or student constituent groups in these rules following appropriate action on these title changes by the university senate or the board of trustees.

Is the above clear or should we say it differently as follows?

- (6) The secretary of the university senate, with a majority of the rules committee, will make non-substantive emendations in diction and grammar, and is authorized to correct names of offices, officers, units, credentials or constituents in these rules without deliberation by the university senate nor by the board of trustees.

DISCUSSION: Is concurrence understood? Why must it follow action by senate? For example, If we wish to correct 3335-5-46 (C) “assist the current.” to say “assist the current chair” must it follow an action by senate and trustees? It should be a correction not a change. It should not be limited to student groups nor limited to administrative offices. The current wording may not allow updating a credential, like changing regular faculty to faculty.

Some examples of where this new rule may apply:

From: Givens, Ben <givens.7@osu.edu>
To: Lee, Ken lee.133@osu.edu

Sent: Thursday, October 3, 2019 2:42 PM
Subject: RE: faculty council bylaws

[Other Rule Changes while we’re on the topic](#)

3335-5-46 (C): the word “chair” needs to be added at the end of the last sentence.

3335-3-31 & 3335-5-30: I noticed there are 12 references to the “research and graduate council” in the faculty rules, yet having been on that council, I also know that it was eliminated and replaced by the **Graduate Council**. I spent some time trying to reconstruct what happened, and found in Board of Trustees minutes from their meeting on June 6, 2008 a rule change that never made it into the Ohio Administrative Code. Argh! That previously approved but never updated rule change accounts for 8 of the references to the research and graduate council. However, there are four others found in 5-48.1(B)(2)(b), 9-04(B), 9-29(B), and 9-32.1(D). Given that the 8 already were board approved, I might be able to administratively send them forward to the Ohio Legislative Service (OLS), copying the board, and asking them to update a rule change that happened in 2008. The other four instances were not caught in that original rule change, so we would need to make a determination if these additional changes are simply clerical in nature and could be handled administratively, or if we need to actually approve them in rules, senate and the board. Also, as you’ve pointed out, the secretary can make clerical changes to the “election bylaws” (Chapter 3335-17) by rule **3335-17-09**, but I don’t believe I have that authority for the rest of the faculty rules. We discussed inserting such and authority, perhaps in consultation or approval by the rules chair or committee.

3335-13-02. This is a rule about Smoking that is another example of a rules change that passed through the Rules Committee, the Senate and the BOT, but never made it into the OAC. The rule was rescinded. This would be another rule change to send directly to OLS.

p.s. Ben, not sure what was rescinded, language is consistent in senate, trustees and OAC:

[3335-13-02 Smoking - tobacco.](#)

The prohibition of the smoking of tobacco within university facilities designated as "no smoking" areas by the authority delegated by the director of administrative services of the state of Ohio has been established to protect the comfort and health of persons who do not smoke or to whom such smoke is objectionable. Further, the smoking of tobacco in such designated areas is a violation of section [3791.031](#) of the Revised Code, and all violators are subject to prosecution.

Replaces: 3335-13-02

From our September 6 agenda:

3335-3-29.1 Dean and director of a regional campus.

- (F) There shall be a dean and director of each regional campus who shall be a member of its faculty and the administrative head of the regional campus. The dean and director shall be appointed by the board of trustees upon nomination of the executive vice president and provost in consultation with the president. Before making this nomination, the executive vice president and provost or designee shall confer with the regional campus faculty, the department or school in which the faculty appointment would be made, and shall consider the recommendations of the deans of the colleges with ~~regular~~ faculty assigned to that campus.

3335-3-36(B)(5) Each university and college center shall have an oversight committee, at least two-thirds of whose members are ~~regular~~ faculty ~~members~~ from the academic units involved in the center. The director shall consult regularly with the oversight committee. *Note for discussion: is the intent to have 2/3 faculty members or have 2/3 tenure-track faculty members?*

3335-5-48.14 University research committee.

- (G) Organization. (1) The committee shall annually elect a chair from its ~~regular~~ faculty membership in the spring semester preceding the academic year of service for no more than three consecutive one-year terms. *For discussion, ibid.*

5- Steering sets agenda 5 days not 7 days before the senate meeting

Background: When I chaired steering we often violated the seven day rule as steering typically meets exactly one week before the senate meeting. Steering sets the agenda for senate and even if we sent it out immediately after the meeting it was less than the required seven full days ahead of the senate meeting. So we changed it to five days and apparently missed 3335-19-02 that Ben discovers below. Special meetings typically have a short fuse so the shorter five day should apply to all meetings. If we pass the above rule revision, is this change to five days a housekeeping item?

From: [Givens, Ben](#)

Sent: Tuesday, October 29, 2019 4:56 PM

Subject: Another rule update

Ken,

I remember changing the senate meeting notice rule to 5 days instead of 7 days so that we could set the agenda late on Thursday afternoon in the Steering committee, and then get the agenda out on Friday and not violate the notice rule. That change was made and appears in rule 3335-19-03 (C).

In looking over the rules I see that there is another place that references the notice of meetings - 3335-19-02. In section (D) it states that “Written notice of the time and place of the meeting, the order of business, and copies of any substantive proposals shall be sent to all members and alternate members at least **seven days** prior to the senate meeting.”

This is either an oversight that should have also been changed to 5 days, or it is a reference to *special* meetings. Given that section (A) refers to regular meetings, and (B), (C) and (E) refer to special meetings, one could interpret (D) as falling in a group of rules that refer to *special* meetings. Either way, I suggest we either change 3335-19-02 (D) to either “...five ~~seven~~ days...”, or to “...the special meeting...”

Ben

Ben Givens, Ph.D.

Secretary, University Senate, 119 Independence Hall, 1923 Neil Avenue, Columbus, OH 43210, (614) 292-6695

3335-19-02 Meetings.

(A) Regular meetings of the senate shall be held during the autumn and spring semesters. In the spring semester each year the steering committee shall recommend and the senate shall adopt and publish the schedule of regular meetings for the following academic year. This schedule shall include at least seven meetings spread over the academic year. Scheduled meetings may be cancelled by the steering committee when deemed appropriate.

(B) Special meetings of the senate shall be scheduled upon:

- (1) Majority vote of senate members present and voting at any meeting, or
- (2) Call of the president of the university, or
- (3) Call of the steering committee, or
- (4) Petition signed by at least twenty-five voting members of the senate and presented to the secretary of the university senate.

(C) If the petition requesting a special meeting specifically requests a meeting at the earliest date and is transmitted with the necessary supporting material for distribution to the membership, then a special meeting shall be called within eight days of receipt of the petition by the secretary of the university senate.

(D) Written notice of the time and place of the meeting, the order of business, and copies of any substantive proposals shall be sent to all members and alternate members at least **five ~~seven~~** days prior to the senate meeting.

(E) At a time of emergency, the president shall have authority to call a special meeting without written notice.

(F) All senate meetings shall be open to the public.

6 - Exclusion of time from probationary period

3335-6-03(D)(1)(abc) we thank Dr. Sara Watson for providing this lucid text. Her email cover note is pasted here for context. I will try to eliminate the author-specific color strikeout text in our next version. Note also Sara provided comments that for some reason only show up on my PC when reviewed as “simple markup.”

From: [Watson, Sara](#) **Sent:** Sunday, January 5, 2020 1:39 PM **To:** [Lee, Ken](#)
Subject: Fw: [Rules] Rules: follow up items in your short term memory

Hi Ken,

Here is the draft of revised language for the exclusionary rule, with some whereas statements at the bottom. Hopefully this is readable, I have had both my laptop and desktop die on me in the last three weeks (!!!) and right now this email version is the only copy I have.

Take care, Sara

Dr. Sara Watson | Associate Professor | Political Science | The Ohio State University

From: Watson, Sara watson.584@polisci.osu.edu **Sent:** Thursday, January 2, 2020 12:51 PM
To: Gardner, Jared <gardner.236@osu.edu>
Subject: Re: [Rules] Rules: follow up items in your short term memory

Hi Jared,

Happy new year!

I am attaching a revised version of the rule on the exclusionary time rule. The main revisions, reflecting our discussion in the last rules committee meeting, are:

- The language limiting an exclusion based on the age of the adopted child is struck; now all adoptions merit an excluded year.
- Change in process for requesting an excluded year for personal illness/care for an ill person-- no longer is reviewed by P&T, now the request is made to HR who works with TIU head. TIU head still has to approve.
- The language limiting an exclusion based on personal illness or care for an ill person only if made within one year is struck; also struck is the language requiring that ill faculty member must be making good progress to merit an exclusionary year

I also took a stab at writing some WHEREAS statements-- they are at the bottom. If you could take a look and let me know if you have any further suggestions that would be great. I think the Rules Committee meets next Friday so I should try to get this to Ken by the weekend.

Thanks! Sara

[D] Exclusion of time from probationary periods.

- (2) There are three circumstances under which probationary tenure-track faculty may obtain an exclusion of time from probationary periods. These exclusions are intended to recognize that there are factors that can impact the ability of probationary faculty to meet the criteria for tenure within the probationary period outlined in paragraph (B) of this rule. A request to exclude time from the probationary period for any of the reasons listed in paragraphs (D)(1)(a) to (D)(1)(c) of this rule must be made prior to April first of the year in which the mandatory review for tenure is scheduled to occur.

- (a) A probationary tenure-track faculty member will have ~~one year~~ **time** excluded from the probationary period ~~in increments of one year~~ to reflect the caregiving responsibilities associated with the birth of a child or adoption of a child^[wse1]. The maximum amount of time that can be excluded from the probationary period per birth event or adoption is one year. This exclusion is guaranteed provided the faculty member informs the head of

the TIU ~~her/his tenure initiating unit, the dean, or the office of academic affairs~~ in writing within one year of the birth or the adoption unless the exclusion of time is prohibited by paragraph (D)(3) of this rule. ~~and no later than April first of the mandatory review year.~~ It is the responsibility of the unit head to inform the college dean and office of academic affairs of the birth or adoption. The probationary faculty member may decline the one-year exclusion by informing the ~~her/his~~ unit head in writing before April first of the original mandatory review year. It is the responsibility of the unit head to inform the college dean and office of academic affairs of the faculty member's choice to decline the exclusion. ~~The maximum amount of time that can be excluded from the probationary period per birth event or adoption is one year.~~

- (b) A probationary tenure-track faculty member may apply to exclude time from the probationary period in increments of one year because of personal illness, care of a seriously ill or injured person, an unpaid leave of absence, or factors beyond the faculty member's control that hinder the performance of the usual range of duties associated with being a successful university faculty member, i.e., teaching, scholarship, or service. ~~For faculty members requesting an exclusion due to personal illness or care of a seriously ill or injured person, requests shall be made in writing to the human resource office, which will work with the head of the TIU to determine the appropriate and necessary documentation.~~ [WSE2] Requests to exclude time from the probationary period due to unpaid leave or factors beyond the faculty member's control must be submitted in writing to the head of the TIU within one year of the unpaid leave or the extenuating factors. Such requests shall be reviewed by the ~~TIU tenure initiating unit~~ promotion and tenure committee, which will advise the head of the ~~TIU tenure initiating unit~~ regarding the appropriateness of the request. In units that do not have a promotion and tenure committee, the eligible faculty shall review the request. ~~All Such~~ requests require approval by the head of the ~~TIU tenure initiating unit~~, dean, and executive vice president and provost. ~~A request to exclude time from the probationary period for any of these reasons must be made prior to April first of the year in which the mandatory review for tenure must occur.~~ The extent to which the event leading to the request was beyond the faculty member's control and the extent to which it interfered with the faculty member's ability to be productive, ~~and the faculty member's accomplishments up to the time of the request~~ will be considered in reviewing the appropriateness of the request. [WSE3]
- (c) Probationary tenure-track faculty members on less than full-time service for part or all of their probationary period may request an exclusion of time from the probationary period ~~on the basis that they are less than full-time~~. Such requests require approval of the ~~TIU tenure initiating unit~~ chair, dean, and executive vice president and provost. The exclusion shall be for an integral number of years based on the principle that the usual probationary period represents full-time service. The maximum ~~permissible~~ exclusion of a probationary period under this paragraph is one year for a probationary instructor [WSE4], three years for a probationary assistant professor and two years for a probationary associate professor or professor [LK5].

Proposal to Amend Rule 3335-6-03(D)(1)(abc)

EXCLUSION OF TIME FROM THE PROBATIONARY PERIOD

Resolution Number:

Synopsis: This clarifies the exclusion of time rule, also known as extending the tenure clock. The primary concern is an exclusion due to personal illness or care of a seriously ill or injured person, a private matter, should not require review by a promotion and tenure committee. HR now works with the TIU head to address requests for these exclusions. Current language for extensions based on illness or care for an ill person be made within a year of the illness is struck to provide needed flexibility to affected

faculty. Each childbirth and each adoption excludes one year by default (decided previously), and language limiting an exclusion based on the age of the adopted child is removed. Redundant language and redundant dates (eg. April first) are struck.

WHEREAS Faculty Rule 3335-6-03 outlines the procedures related to probationary service and the duration of appointments for tenure-track faculty; and

WHEREAS University Policy 6.27 “recognizes that supporting faculty and staff as they balance career and family life ultimately benefits the faculty, staff and institution alike”; and

WHEREAS the University is developing new policies and best practices that relate to mental health; and

WHEREAS changes to the rule governing probationary service have been recommended to preserve the privacy of faculty members’ and family’s health information and also to provide flexibility in addressing complicated medical and mental health issues; and

WHEREAS changes to the rule have been recommended to provide support for adoptive faculty parents during the probationary period irrespective of the age of the adopted child; and

WHEREAS the proposal has the support of the Office of Academic Affairs, the Office of Legal Affairs and the Office of Human Resources^[WSE6]; and

WHEREAS the Rules Committee approved this resolution and proposal on January 10, 2020;

NOW THEREFORE

BE IT RESOLVED, That procedures be clarified with the revision of 3333-06-03(D)(1)(a,b,c) for exclusion of time from the probationary period be approved by the University Senate and respectfully request concurrence of the Board of Trustees effective upon approval by the Board of Trustees.

7 - 3335-3 Administration

CURRENT RULES of the UNIVERSITY FACULTY May 31, 2019 **Chapter 3335-3 Administration. Please see the December 2019 minutes for the current rules and our note to the president and the provost justifying the revision. These are deleted for brevity.**

PROPOSED UNIVERSITY FACULTY ADMINISTRATION RULE 3335-3

Chapter 3335-3 Administration

3335-3-1 President.

- (E) The president shall be the chief executive officer of the Ohio State University subject to the control of the board of trustees (BOT). Duties, authority and rights are as specified in the **BOT bylaws 3335-1-03(A)**.
- (F) Any responsibility of the president may be delegated to any other member of the faculty or staff of the university, subject to any BOT limitations. The president will retain final authority and responsibility for administration of the university. Delegation of major areas shall be in writing to the BOT before implementation as specified in **BOT bylaw 3335-1-03[E]**

(G) The president shall designate a president's planning cabinet. The cabinet shall provide advice and counsel to the president, to discuss, deliberate and serve as the primary decision-making body on major university policies, information sharing, and other roles as the president shall determine, as specified in **BOT bylaw 3335-1-03[F]**

(H) **Principal administrative officials** shall include the members of the president's cabinet, the deans of the colleges and the dean and directors of regional campuses and their designated staffs, the dean of the university libraries, chairs of academic departments, directors of schools and academic centers, and such other administrative officials as determined by the president, as specified in **BOT bylaw 3335-1-03[G]**

3335-3-2 Executive vice president and provost.

(D) The provost shall be the chief operating officer of the university. Under the direction of the president, the provost is responsible for oversight of all academic programs, instructional affairs and faculty affairs of the university. Duties, authority and rights are as specified in **BOT bylaw 3335-1-03(B)**.

(E) Any responsibility of the provost may be delegated to any other member of the faculty or staff of the university, subject to any university limitations. The provost will retain final authority and responsibility for operations of the university. Delegation of major areas shall be in writing to the president before implementation.

(F) The provost shall designate a senior management council. The council shall provide advice to the provost, discuss, deliberate and serve as the primary decision-making body on academic or university policies and other roles as the provost shall determine. The provost shall chair a council of deans as proscribed in rule 3335-3-22.

3335-3-3 Senior vice president for business and finance.

The senior vice president (SVP) for business and finance is the chief financial officer of the university. Under the direction of the president, is responsible for the administration of the university's business, financial and administrative operations. Duties, authority and rights are as specified in **BOT bylaw 3335-1-03(C)**.

3335-3-4 Vice President

A vice president shall report to the president or the **executive vice president and provost** and is selected in accordance with BOT procedures. ~~Vice presidential positions may include and are not limited to human resources, student life, general counsel, university communications, advancement, administration and planning, strategy and implementation, health affairs, government affairs, and research.~~

3335-3-5 Vice Provost

A vice provost shall report to the **executive vice president and provost** and is selected in accordance with university procedures. ~~Vice provost positions may include and are not limited to student life, graduate studies, chief information officer, dean of undergraduate education, dean of libraries, institutional equity, international affairs, academic policy, diversity and inclusion, outreach and engagement, academic programs, and research.~~

3335-3-6 Executive Vice President and Chancellor

The chancellor shall be the chief executive officer of the Wexner Medical Center and shall be appointed by the [Wexner Medical Center](#) Board of Trustees. Duties, authority and rights are as specified in the bylaws of the medical staff.

Rules has not located a bylaw reference within BOT 3335-111-08(A)

3335.3.21 Vice president and director of athletics

- (D) The **assistant-senior** vice president and director of athletics shall be appointed by and responsible to the president. The athletic council (faculty rule 3335-5-48.5) shall be consulted in the appointment of the athletic director.
- (E) Under policies established by the athletic council, the athletic director shall administer the intercollegiate athletics program subject to the direction of the president or designee.
- (F) The athletic physical plant shall be under the concurrent jurisdiction of the department of athletics and the office of physical facilities. Athletic physical plant employees shall be under the jurisdiction of the department of athletics, which in consultation with the office of physical facilities shall be responsible for all maintenance and repairs. Remodeling, renovation, construction and capital improvements require the prior approval and direction of the office of physical facilities.

3335-3-24 Council of deans

The executive vice president and provost, the deans of the colleges, the executive dean of the college of arts and sciences, the senior vice president for business and finance, **the vice president for research**, the dean of the graduate school, the deans and directors of the regional campuses, the dean for undergraduate education, and the dean of libraries shall comprise the council of deans of the university. The provost shall be chair of the council.

Pursuant to line 66 in the above minutes, I asked SVP-AD Gene Smith by email about 3335-3-21. Here is a rote copy of my question and his reply on 5 Jan.

From: [Smith, Eugene](#)

Sent: Sunday, January 5, 2020 2:27 PM

To: [Lee, Ken](#)

Subject: Re: Rules revision 3335-3.21 Administration

Thank you Ken. Proud of our coaches and student athletes.

Thank you inclusiveness. I agree, it should stay. The position is unique, and requires direct presidential oversight. Secondly, with Athletic a Council assistance and guidance, the department is totally integrated into the University behaviorally and structurally.

This supports that. Agree, Gene

Sent from my iPad

On Jan 5, 2020, at 2:11 PM, Lee, Ken <lee.133@osu.edu> wrote:

Hello Gene:

Great to see you at the Fiesta Bowl. Congratulations on another great year in athletics. This note is from the Rules Committee which I chair. We have permission from the President and the Provost to revise the rules on administration, 3335-3. Paragraph 3335-3-21 below specifies the vice president and director of

athletics. I propose to leave this paragraph intact, except changing “assistant vice president to “senior vice president.” For context the entire new chapter 3335-3 is pasted below, there are no attachments.

The main issue is the AD position is one of a few remaining in this chapter. Some say we should move it to 13-03 that deals with university property. I favor leaving it in this chapter as it is a unique position not defined by the Board of Trustees at <https://trustees.osu.edu/bylaws-board-trustees-ohio-state-university/3335-1-03>

We welcome any suggestions you may have on this important rule. If you think it should remain as stated or be moved or improved that is most helpful to the committee. Thanks so much for considering it. GO BUCKS.

-Ken | Senator / Athletic Council / Rules Chair / Professor and Director

The following blue highlighted text by Ken needs editing by the rules committee:

CLARIFICATION OF THE RULES DEFINING THE UNIVERSITY ADMINISTRATION

Resolution Number:

Synopsis: Our current 3335-3 administration chapter is incongruent with the Board of Trustees by-laws on administration. This revision removes specific job descriptions and gives the president and provost discretion to hire direct reports, consistent with the by-laws of the Board.

WHEREAS there are now six administrative positions defined in rule 3335-3, while most of the 30+ Ohio State vice president and vice provost positions are not defined by rule; and

WHEREAS chapter 3335-3 is not congruent with the Board of Trustees bylaw number 3335-01-03 that defines the Ohio State administration; and

WHEREAS the six positions defined in faculty 3335-3 administration: [3-16-treasurer, 3-15 chief information officer, 3-18 Registrar, 3-18 library director , 3-19 vice president for enrollment planning, and 3-21 athletic director] do not follow known logic and only four of the six appear on either the current university leadership or OAA organization charts; and

WHEREAS there are only three positions defined in the trustees 3335-1-03 administration bylaws; (A) the president, (B) the provost, and (C) the senior vice president for business and finance; and

WHEREAS consistency with Board bylaws enables flexibility in Ohio State administrative structure and does not require a senate vote when one of the six positions change; and

WHEREAS the description for the Senior (not associate) Vice President and Director of Athletics is retained; featuring unique language on the athletic physical plant that does not appear elsewhere; and

WHEREAS the council of deans includes the vice president for research; and

WHEREAS the office of the president and the office of academic affairs has agreed to these revisions; and

WHEREAS the Rules Committee approved this resolution and proposed language on December 9, 2019;

NOW THEREFORE

BE IT RESOLVED, that a revised chapter 3335-3 be approved by the University Senate and respectfully request concurrence of the Board of Trustees effective upon approval by the Board of Trustees.

8 – Pursuit of additional degrees by associated faculty or staff

From: Malone, Helen <malone.175@osu.edu> **Sent:** Friday, October 25, 2019 2:23 PM
To: Lee, Ken lee.133@osu.edu **Subject:** Another rule to talk about

Hi Ken, Hope you've had a good week. Issues have come to light that I think warrants conversation with rules. It's faculty rule **3335-9-11**. There are two questions at hand. First, should associated faculty be included in the first part of the rule? Two, should the same kind of rule apply to staff or is what's included in the rule appropriate? I'm prepared to bring examples of how the rule as currently written create some challenges for colleges and departments. I'm not certain that a rules change is the correct answer, but I certainly think it warrants the conversation. Thanks, Helen

Helen I. Malone, PhD Vice Provost for Academic Policy and Faculty Resources

Ken reply: Based on interim discussions, I added associated faculty so now all faculty are covered under the first paragraph. Thus it is not necessary to list all faculty types in the 9-11 title. The senior A&P language covers all degrees, not just the home department, and this cohort is quite small and these people are so busy it is an unlikely occurrence. I added staff other than senior A&P as this cohort is quite large and this is commonly done. I added sub-paragraphs ABC. All of these points are up for discussion.

3335-9-11 ~~Tenure-track faculty, clinical/teaching/practice faculty, research Faculty, staff and senior administrative and professional employees pursuing additional degrees.~~

(D) Faculty members:

No tenure-track faculty member, clinical/teaching/practice faculty member, **associated faculty member**, nor research faculty member will be permitted to pursue a degree offered by the TIU in which the faculty member holds an appointment, as defined in rule 3335-6-06 of the Administrative Code. In those instances where faculty members wish to pursue degrees in other units or programs of this university, they must demonstrate that the acquisition of these degrees enhances their own competence as teachers and scholars. In making decisions to pursue additional degrees, these faculty must consider first and foremost the requirements of their total university commitment and responsibilities. Requests to pursue additional degrees must be approved by the faculty member's TIU head and dean and by the dean of the college or director of the program in which the degree would be granted.

(E) Senior administrative and professional appointees:

In those instances where senior administrative and professional appointees wish to pursue degrees at this university, they must demonstrate that the acquisition of these degrees enhances their competence as university employees. In making decisions to pursue additional degrees, senior administrative and professional appointees must consider first and foremost the requirements of their total university commitment and responsibility. Requests to pursue additional degrees must be approved by the immediate supervisor; the TIU head, dean or the appropriate vice president, in whose area the senior administrative and professional appointee holds position, and dean of the college or director of the program in which the degree would be granted.

(F) **Staff members:**

In those instances where staff other than senior administrative and professional appointees wish to pursue a degree offered by the TIU in which the staff member holds an appointment, or to pursue degrees in other units, they must demonstrate that the acquisition of the degree enhances

their competence as a staff member. The staff must consider first and foremost the requirements of their total university commitment and responsibilities. Requests to pursue additional degrees must be approved by the immediate supervisor ~~and by the TIU head.~~

Note: struck end of this sentence as many staff do not report to a TIU head.

9- Should the dean confer with the faculty when hiring direct reports?

Should deans give substantial weight to faculty recommendations when hiring direct reports? Ken raised this from a faculty council discussion of a questionable hire in FAES [online here](#). No rule should react to an isolated problem and I apologize for inadvertently connecting these ideas. These are separate issues.

Our rules are clear when the President appoints a dean but are silent on dean appointments. Specifically, existing rule 3335-3-29 is pasted here with bold emphasis added. Rules may consider similar language for a dean as suggested in (5) below.

3335-3-29 Deans of the colleges.

(C) There shall be a dean of each college and an executive dean of the college of arts and sciences who shall be a member of its faculty and the administrative head of the college. Each dean and the executive dean shall be appointed and reappointed by the board of trustees upon nomination of the president. **Before making this nomination or recommendation for reappointment, the president shall confer with members of the faculty of the college for which the dean or executive dean is to be appointed and shall give substantial weight to faculty recommendations in reaching a decision.** The president shall also consider the recommendations of the chairs of the departments and the directors of the schools in that college.

(D) The major responsibility of the dean of each college... *snip* ... shall include the duty:

(4) After consultation with the chairs of the departments and the directors of the schools within the college to make recommendations to the executive vice president and provost concerning the college budget, the appointments to and promotions within the staff and the membership of the college faculty.

(5) *To confer with members of the college faculty and give substantial weight to faculty recommendations before reaching a decision on appointments and reappointments of the college administration, direct reports and department chairs.*

10- New business: Honorary Degrees

This conversation by email reads from recent to original. An apparent rule contradiction is called to our attention by Secretary Givens. This is a discussion item with no rule text proposed.

From: [Givens, Ben](#)

Sent: Friday, January 3, 2020 5:07 PM

To: [Lee, Ken](#)

Subject: RE: Another rule change proposal

I could come up with specific language, and yes, we need to consult with the honorary degrees committee on this. We have three honorary degree nominations coming forward this month, and I'm having to figure out how to make it work while staying within the rules. This may be one that we raise in Faculty Council to get the sentiment of the faculty. Honorary degrees are interesting in that they are treated as absolutely fundamental to the institution within our rules, yet some institutions, like Stanford and University of Virginia, explicitly don't award them. They also can engender controversy, see https://en.wikipedia.org/wiki/Honorary_degree

Perhaps we should let whatever waves are still being generated over the Woods hire to calm down before proceeding with a rule change. I think that the two were linked because the proposal came up at a time when there were a lot of questions being asked about the hire, and it in fact seemed to address some of the concerns raised.

Ben

From: Lee, Ken **Sent:** Friday, January 3, 2020 4:45 PM **To:** Givens, Ben
Subject: RE: Another rule change proposal

Ben;

Do you have new language in mind? Does the honorary degrees committee have new language? We would be pleased to advance a non-awkward process and welcome any wording that expedites the honor.

BTW, in conversation with Dr. Schweikhart this a.m. I wish to ensure the possible rule to ask deans to consult faculty when hiring direct reports (consistent with the requirement that the president consults faculty when hiring deans) is independent, and not at all connected to the questionable hiring of Clint Woods by Cathanne Kress. These are separate issues. I generally eschew making a rule to fix a single issue such as Woods. Faculty consultation is a broad concept consistent with our governance model and our rules.

Happy National Chocolate Covered Cherry Day! Ken

From: Givens, Ben **Sent:** Friday, January 3, 2020 4:22 PM **To:** Lee, Ken
Subject: Another rule change proposal

Ken,

I would like to add another rule change proposal to the docket. Sections (B) (7) of Rule 3335-5-48.8 describes an awkward process for advancing nominations for honorary degrees. In particular, the requirement of attaching a ballot to the nomination report to be returned to the secretary with a deadline of no less than two weeks appears to be a process for rolling nominations, and voting outside of regular senate meetings. We have traditionally brought these nomination to senate for a vote. Also, the requirement to transmit nominations to the president in 3335-5-48.8 (B) (7)(C) seems to be at odds with rule 3335-5-41 (A) (3) and the board bylaw 3335-3 (A) (3), which state that the senate recommends candidates to the board of trustees.

Ben

Signature files deleted for brevity. EOF

January 17, 2020 Rules Committee Agenda

Here is our Friday January 17 meeting agenda. Although the calendar indicates a ZOOM call it can be both; we will be in the Independence senate conference room and also try to open a ZOOM connection. We will not be using Skype for Business. Green shaded notes are advisory as there was no quorum.

Yellow shaded items are motions passed via a Qualtrics ballot that were placed on the next Senate agenda by the Steering Committee yesterday. Grey shaded items are tabled.

9:30am	1. Introductions and welcome: favorites
9:32	2. Motion to accept Jan 10, 2020 meeting notes , all shaded green text below
9:33	3. 3335-5-04(1)(e) Add 60-day president decision time to current 04 rule from Hearing by way of Steering. This was ready but is tabled pending the 04 Ad Hoc revisions. Consider note from Hearing Committee.
Sent	4. 3335-5-47.3 – Add non-substantive emendations from the bylaws into the rules, also known as the housekeeping rule. On Jan 23 Senate agenda
Defer	a. Some non-substantive rule edits that we will not discuss until the above rule is ratified.
Sent	5. 3335-19-02 steering sets agenda 5 days not 7 days before the senate meeting. On Jan 23 Senate agenda
9:40 M.	6. 3335-6-03(D)(1)(b) Exclusion of time from probationary periods for three reasons. A motion to send to steering.
9:55 M.	7. 3335.3 revisions to 3335-3 Administration. The president and provost agrees, noted by way of Katie Hall. A motion to send to steering.
10:10	8. 3335-9-11 pursuit of additional degrees. Discussion of staff input.
10:25	9. 3335-3-29(B)(5) Should a dean confer with their faculty when hiring direct reports? Discussion item only if time remains.
10:25	10. New business – honorary degrees. Discussion item time permitting.
10:30	11. Adjourn.

Gantt showing date **approved** or discussed or tabled or **scheduled**.

Rule # 3335-	Issue	Rule mtg	Steering	Senate	Trustees	OAC
3-28	Dean not Director of Library	10/4/19	10/24/19	11/14/19	11/22/19	pending
5-04(1)(e)	Hearing 60 day president	11/1/19	10/24/19	Tabled		
8-27.1	Grade forgiveness timing	11/1/19	9/26/19	11/14/19	11/22/19	pending
6-03(D)(1)(b)	Exclusion for medical reasons	12/6/19				
3	Administration chapter	1/17/2020				
9-11	Pursuit of additional degrees	1/10/20				
5-47.3	Housekeeping	1/13/2020	1/16/2020	1/23/2020	2/28/2020	
19-02	Five not seven days before	1/13/2020	1/16/2020	1/23/2020	2/28/2020	
3-29(B)(5)	Substantial weight to faculty	1/10/20				

Here are timing considerations assuming no other constituents are involved:

- Prior Rule meeting Jan 16 Steering → Jan 23 Senate → Feb 28 BOT
- Jan 17 Rules → Feb 13 Steering → Feb 20 Senate → Feb 28 BOT
- Feb 7 Rules → Feb 13 Steering → Feb 20 Senate → Feb 28 BOT
- March 6 Rules → March 19 Steering → March 26 Senate → April 5 BOT
- April 3 Rules → April 9 Steering → April 16 Senate → April 5 BOT
- End of academic year 2020

Missing phone numbers should be sent to lee.133

2. Rules Committee September 2019 to Aug 2020				Please hold on your calendar	
Member	Source	Term	P: 614	1h Meeting*	Location
Jared Gardner.236	Faculty Council	2021	323-6267	Sep 6@ 9:30a	Independence
Ken Lee.133 (Chair)	Faculty Council	2021	292-7797	Sep 13@ 9:30a	NO meeting

Sara Watson.584	Faculty Council	2021	292-9647	Oct 4@ 9:30a	Independence
Sarah Moore.2204	Faculty Council	2020	292-2597	Oct 11@ 9:30a	Zoom
Amy Ferketich.1	Faculty Council	2020	292-7326	Nov 1@ 9:30a	Independence
Terry Esper.9	Faculty Council	2020	292-2610	Nov 8@ 9:30a	Zoom
Vidhya Jeyadev.1	USG	2020		Dec 6@ 9:30a	Independence
Lisa Mayhugh.16	USAC	2020	292-0609	Jan 10@ 9:30a	Independence
Rania Khamees.5	CGS	2020	247-3035	Jan 17@ 9:30a	Zoom or Indy
TJ Beavers.58	IPC	2019		Feb 7@ 9:30a	Independence
Ben Givens.7	Senate Secretary	No exp	292-0385	Feb 14@ 9:30a	Zoom
Helen Malone.175	Provost designee	Exofficio	292-8313	Mar 6@ 9:30a	Independence
Brandon Lester.173	Legal Affairs	Exofficio	688-2314	M 13**@9:30a	Zoom
Hannah Torma.9	Recording Sec	No exp	292-2423	Apr 3@ 9:30a	Independence
List service:	rules@lists.osu.edu			Apr 3@ 9:30a	Independence
Buckeye Box:	https://osu.app.box.com/folder/85172577713			Apr 10@ 9:30a	Zoom

*All Rules meetings are the first Friday of each month in [Independence Hall](#) senate conference room. All Rules video conferences are the second Friday of each month [via Zoom](#). March 13 is during spring break and is likely cancelled. March 20-22 is the OSU sesquicentennial.

2. January 10, 2020 Meeting Notes

Meeting Notes

University Senate Rules Committee

January 10, 2020

No quorum. We will discuss the items and each motion will be approved by an email ballot. These are not minutes but notes to help inform the discussion when the full committee meets.

1. Welcome: shared winter break experiences.
2. **Minutes from December 6 approved.**
3. **Tabled 04 rule change** until the committee finishes changing the language for the 4 tracks (research, sexual misconduct/OIE, HR misconduct, grossly deficient performance).
4. 3335-5-47.3: non-substantive emendations from the bylaws into the rules, also known as the housekeeping rule. The group decided on, “the secretary of the university senate with the rules committee chair will make non-substantive emendations in diction and grammar, and are authorized to correct names of offices, officers, units, credentials or constituents in these rules without deliberation by the university senate nor by the board of trustees.”
NOTE: This language will go into the bylaws and rules.
Hold on the rest of item 4 until we approve the above language as these are non-substantive changes.
5. 3335-19-02: **Changed “regular and special meetings” pre-notice to 5 days (from 7 days).**
6. 3335-6-03(D)(1)(b): Discussion about whether to strike the last sentence in part (a): “It is the responsibility of the unit head to inform the college dean and office of academic affairs of the faculty member’s choice to decline the exclusion.” Form 113 is the official “decline” of the

benefit; form 111 is the official “request” for the extra year. Helen said that 113 is not mandatory, but 111 is. If 111 is not filled out, then the tenure clock does not change. **We decided to strike that last sentence in (a).**

Part (b): Helen will ask the OAA HR staff person about the addition to part (b): “For faculty members requesting an exclusion due to personal illness or care of a seriously ill or injured person, requests shall be made in writing to the human resource office, which will work with the head of the TIU to determine the appropriate and necessary documentation.”

Part (c): Cleans up language.

Hold until Helen talks to HR about part (b).

Remaining items will be discussed at the next meeting (1/17/2020). Meeting adjourned at 10:41.

3 – Include a 60 day presidential response to 04 rule -tabled

We finalized this recommendation but we wait until the ad hoc 04 committee completes its major review. It appears here as a tabled motion so we don’t forget about it. This was sent to the 04 ad hoc.

INCLUDE A PERIOD OF REVIEW BY THE PRESIDENT IN HEARING PROCEDURES

Resolution Number:

Synopsis: All review steps (letters C through H inclusive) in the procedures on complaints against faculty members, commonly known as the 04 rule, specify the number of days to “make every effort to complete the review.” Presidential review (I) is the only step with days not specified.

WHEREAS the Faculty Rule 3335-5-04 outlines the procedures related to complaints against faculty members; and

WHEREAS within the process, each level of review includes an expectation of resolution to include expediency of the process; and

WHEREAS the final review by the president outlined in 3335-5-04(I) currently does not include a period of review; and

WHEREAS every effort to complete the review is now specified as: chair 14 days, dean 14 days, college committee 45 days, dean decision 30 days, provost 14 days, hearing 60 days, it is prudent to afford the presidential review the maximum 60 days; and

WHEREAS the Faculty Hearing Committee has agreed that the president’s level of review be updated to include an expectation of resolution within a specific period of time (sixty days); and

WHEREAS the Faculty Hearing Committee recommends amending rule 3335-05-04(I) to include the addition of (e) sixty days; and

WHEREAS the office of the President intends to make every effort to conclude such a review within 60 days; and

WHEREAS the Rules Committee approved this resolution and proposal on November 1, 2019;

NOW THEREFORE

BE IT RESOLVED, That procedures be clarified with the addition of 3333-05-04(I)(e) to make every effort to conclude a presidential review within sixty days be approved by the University Senate and

respectfully request concurrence of the Board of Trustees effective upon approval by the Board of Trustees.

3335-5-04 Hearing procedures for complaints against faculty members.

(I) The president.

(1) Upon receipt of the written findings of fact and recommendation and a record of the proceedings from a hearing panel, the president shall review the matter. The president may:

- (a) Dismiss the complaint;
- (b) Impose any sanction less than termination of employment whether or not it accords with the recommendation of the hearing panel;
- (c) Recommend to the board of trustees termination of employment on such terms and conditions as the president may deem advisable;
- (d) Remand the case to the hearing panel for reconsideration.

(e) The president shall make every effort to conclude their review and issue a decision within sixty days.

(2) Any decision of the president shall be communicated in writing to the hearing panel and to the respondent.

Recent email from the chair of Hearing on this tabled motion:

From: Clark, Caroline <clark.664@osu.edu>

Sent: Tuesday, January 14, 2020 9:57 AM

To: Dollarhide, Colette <dollarhide.1@osu.edu>; Givens, Ben <givens.7@osu.edu>; Lee, Ken <lee.133@osu.edu>

Cc: Amy Darragh <Amy.Darragh@osumc.edu>

Subject: Re: Faculty Cabinet Meeting

Good morning!

I am writing to follow up on this discussion related to the rules change proposed by members of the Faculty Hearing Committee. The FHC met on Friday, January 10th, and we discussed the decision to postpone the change. The group requested that I report back that the FHC does not agree with the decision to postpone the rules change for the following reasons:

- As we discussed when moving the rule change forward, this change is minimal and strictly aims to bring the President's time for review into alignment with the language in all other parts of the rule.
- The current 04 Ad-hoc Committee is undertaking a much broader change that will require a great deal of peer review. Despite the fact that the report may be ready in February, the actual implementation of the changes will likely take much, much longer given their scope.
- While the FHC understands the University's concerns regarding how this change might be perceived or used to further current legal actions against the University, the committee felt that these concerns will always be present in a university this large and complex. Moreover, the committee discussed the fact that the University's legal concerns should not outweigh the rights of appealing faculty members to a speedy outcome. Recently, it took the President as many as 250 days to respond to a case. And, in one case, the President never responded and, in spite of the fact that the FHC ruled in support of the faculty members appeal, that faculty member resigned prior to a decision being rendered by the President.
- Finally, in terms of the President's commitment to respond in 60 days without a rule in place, the FHC is not sanguine regarding this plan. It has already been 53 days since our most recent

decision was handed over to the President on November 22nd, and we have had no response of any kind.

Thank you for your consideration of these concerns. We hope that they are heard and taken to heart. If you have any further questions about our discussion, please feel free to contact me.

All the best, Caroline
Caroline T. Clark, PhD (she/her/hers)

4 – Non-substantive emendations in bylaws sent to steering

EXPEDITE MINOR CORRECTIONS TO RULES AND TO BYLAWS

Resolution Number:

Synopsis: Minor corrections to rules and to by-laws are achieved by the senate secretary, but only the by-laws specify how this is done. Moving the text from by-laws into the duties of the Rules Committee codifies minor corrections of the entire governance document. Wording is clarified.

WHEREAS by-law [3335-17-09\(A\)](#) entrusts the secretary of the university senate to make non-substantive emendations and change titles in the bylaws; and

WHEREAS prior non-substantive emendations to the rules were achieved under the assumption by-law 3335-17-09(A) applies *in toto*; and

WHEREAS this common practice is graphically documented in the [Senate Proposal Pathway](#) in effect since 2012 as shown as an uninterrupted blue line from the Senate Office to the Board of Trustees; and

WHEREAS by-law 3335-17-09(A) is made obsolete by adding responsibility for non-substantive emendations to the duties of the rules committee that governs both bylaws and rules; and

WHEREAS the rules were formerly silent on how to make non-substantial emendations or change titles in the rules; and

WHEREAS minor corrections to by-laws and to rules should not require deliberation by the university senate nor by the board of trustees; and

WHEREAS these minor corrections require the accountability of at least two individuals familiar with the rules and bylaws; and

WHEREAS the Rules Committee approved this resolution and proposal on January 13, 2020;

NOW THEREFORE

BE IT RESOLVED, That procedures be clarified by moving bylaw 3335-17-09(A) to rule [3335-5-47.3\(B\)\(6\)](#) making it a duty of the Rules Committee, be approved by the University Senate and respectfully request concurrence of the Board of Trustees effective upon approval by the Board of Trustees.

3335-5-47.3 Rules

(B) Duties and responsibilities.

- (1) Be responsible, in cooperation with the secretary of the university senate, for the monitoring of the "Rules of the University Faculty" and of all statutes and bylaws pertaining to the senate.
- (2) Ensure that all published rules and bylaws within the senate's purview are up to date, and recommend their republication at such intervals as may be desirable.
- (3) Make recommendations for the revision of the procedural rules of the senate.
- (4) Before senate action, the committee shall receive all proposed new rules and changes in existing rules. It shall review them and recommend such editorial or other changes it deems necessary to avoid conflict with other rules, to enhance clarity and precision, and to avoid ambiguity.
- (5) Initiate rules or changes in existing rules and recommend them to the steering committee for scheduling for senate action.
- (6) The secretary of the university senate in agreement with the rules committee may make non-substantive corrections in diction and grammar, and are authorized to correct names of offices, officers, units, credentials or constituents in the bylaws and in the rules without deliberation by the university senate nor by the board of trustees.

3335-17-09 Amendments.

- ~~(D) — The secretary of the university senate, with the concurrence of the rules committee, is entrusted to make non-substantive emendations in diction and grammar, and is authorized to change titles of administrative offices, administrative officers, academic units, or student constituent groups in these election bylaws following appropriate action on these title changes by the university senate or the board of trustees.~~
- (E) ~~Additional~~ Amendments to these election bylaws shall follow the procedures specified in rule 3335-5-43 of the Administrative Code.

Senate adoption date: 3/8/1986; Senate revision date: 4/6/1996

4a- Some non-substantive corrections that we will not discuss unless the new rules charge is ratified.

We do not yet know if our proposed responsibility (6) is implemented. We could agree these are worthy corrections and empower the secretary to proceed once the new duty passes the BOT.

From: Givens, Ben <givens.7@osu.edu>

Sent: Thursday, October 3, 2019 2:42 PM

3335-5-46 (C): the word "chair" needs to be added at the end of the last sentence.

(C) Organization.

Committee chairs. Except where otherwise specified by the rules, in the spring each committee shall elect a chair from its continuing membership, whose term shall begin the subsequent summer session; where it is deemed useful, committees may elect a vice-chair in the autumn to assist the current chair.

3335-3-31 & 3335-5-30: I noticed there are 12 references to the "research and graduate council" in the faculty rules, yet having been on that council, I also know that it was eliminated and replaced by the

Graduate Council. I spent some time trying to reconstruct what happened, and found in Board of Trustees minutes from their meeting on June 6, 2008 a rule change that never made it into the Ohio Administrative Code. Argh! That previously approved but never updated rule change accounts for 8 of the references to the research and graduate council. However, there are four others found in 5-48.1(B)(2)(b), 9-04(B), 9-29(B), and 9-32.1(D). Given that the 8 already were board approved, I might be able to administratively send them forward to the Ohio Legislative Service (OLS), copying the board, and asking them to update a rule change that happened in 2008. The other four instances were not caught in that original rule change, so we would need to make a determination if these additional changes are simply clerical in nature and could be handled administratively, or if we need to actually approve them in rules, senate and the board. Also, as you've pointed out, the secretary can make clerical changes to the "election bylaws" (Chapter 3335-17) by rule **3335-17-09**, but I don't believe I have that authority for the rest of the faculty rules. We discussed inserting such an authority, perhaps in consultation or approval by the rules chair or committee.

3335-13-02. This is a rule about Smoking that is another example of a rules change that passed through the Rules Committee, the Senate and the BOT, but never made it into the OAC. The rule was rescinded. This would be another rule change to send directly to OLS.

p.s. Ben, not sure what was rescinded, language is consistent in senate, trustees and OAC:

3335-13-02 Smoking - tobacco.

The prohibition of the smoking of tobacco within university facilities designated as "no smoking" areas by the authority delegated by the director of administrative services of the state of Ohio has been established to protect the comfort and health of persons who do not smoke or to whom such smoke is objectionable. Further, the smoking of tobacco in such designated areas is a violation of section 3791.031 of the Revised Code, and all violators are subject to prosecution.

From our September 6 agenda:

3335-3-29.1 Dean and director of a regional campus.

- (H) There shall be a dean and director of each regional campus who shall be a member of its faculty and the administrative head of the regional campus. The dean and director shall be appointed by the board of trustees upon nomination of the executive vice president and provost in consultation with the president. Before making this nomination, the executive vice president and provost or designee shall confer with the regional campus faculty, the department or school in which the faculty appointment would be made, and shall consider the recommendations of the deans of the colleges with ~~regular~~ faculty assigned to that campus.

3335-3-36(B)(5) Each university and college center shall have an oversight committee, at least two-thirds of whose members are ~~regular~~ faculty members from the academic units involved in the center. The director shall consult regularly with the oversight committee. *Note for discussion: is the intent to have 2/3 faculty members or have 2/3 tenure-track faculty members?*

3335-5-48.14 University research committee.

- (I) Organization. (1) The committee shall annually elect a chair from its ~~regular~~ faculty membership in the spring semester preceding the academic year of service for no more than three consecutive one-year terms. *For discussion, should we leave it to the research committee to ensure these are tenure-track faculty members?*

5- Steering sets agenda 5 days not 7 days before the senate meeting – sent to steering

CLARIFY A FIVE-DAY ADVANCE SENATE AGENDA RULE

Resolution Number:

Synopsis: Seven days advance written notice for a regular senate meeting was changed to five days several years ago. This enables the Steering Committee that meets less than seven days prior to satisfy the by-law. This revision of 3335-19-02(D) enables a uniform five-day notice requirement for both regular and special meetings of the senate.

WHEREAS by-law [3335-19-03\(C\)](#) requires copies of the agenda for all senate meetings be available at least five days prior to the meeting; and

WHEREAS five days prior notice enables the steering committee to set the agenda at their meeting that typically is scheduled less than seven but more than five days in advance; and

WHEREAS by-law 3335-19-02(D) should comport to the five-day requirement as applied to both regular and special meetings of the senate; and

WHEREAS an emergency meeting called by the president should not require a five-day advance notice; and

WHEREAS the Rules Committee approved this resolution and proposal on January 13, 2020;

NOW THEREFORE

BE IT RESOLVED, That a change of seven days to five days for written notice of a special or a regular meeting of the senate be approved by the University Senate and respectfully request concurrence of the Board of Trustees effective upon approval by the Board of Trustees.

3335-19-02 Meetings.

(A) Regular meetings of the senate shall be held during the autumn and spring semesters. In the spring semester each year the steering committee shall recommend and the senate shall adopt and publish the schedule of regular meetings for the following academic year. This schedule shall include at least seven meetings spread over the academic year. Scheduled meetings may be cancelled by the steering committee when deemed appropriate.

(B) Special meetings of the senate shall be scheduled upon:

- (1) Majority vote of senate members present and voting at any meeting, or
- (2) Call of the president of the university, or
- (3) Call of the steering committee, or
- (4) Petition signed by at least twenty-five voting members of the senate and presented to the secretary of the university senate.

(C) If the petition requesting a special meeting specifically requests a meeting at the earliest date and is transmitted with the necessary supporting material for distribution to the membership, then a special meeting shall be called within eight days of receipt of the petition by the secretary of the university senate.

(D) Written notice of the time and place of **regular and special** meetings, the order of business, and copies of any substantive proposals shall be sent to all members and alternate members at least ~~five seven~~ days prior to the senate meeting.

(E) At a time of emergency the president shall have authority to call a special meeting without a five-day advance notice.

(F) All senate meetings shall be open to the public.

(Prior effective dates: 2/19/1988, 7/30/2001, 7/30/2010; Board approval dates: 6/22/2012, 6/6/2014)

6 - Exclusion of time from probationary period

3335-6-03(D)(1)(abc) we thank Dr. Sara Watson for providing this lucid text. As promised multicolor strikeout is removed and Ken added some edits clarity. The strikeout is extensive so the clean "new" text follows for readability.

[D] Exclusion of time from probationary periods.

- (3) There are three circumstances under which probationary tenure-track faculty may obtain an exclusion of time from probationary periods, also known as extending the tenure clock. These exclusions recognize factors that impact the ability to meet the criteria for tenure within the probationary period outlined in paragraph (B) of this rule. A request to exclude time from the probationary period for any of the reasons listed in paragraphs (D)(1)(a) to (D)(1)(c) of this rule must be made prior to April first of the year in which the mandatory review for tenure is scheduled to occur.
 - (a) A probationary tenure-track faculty member will have one year excluded from the probationary period for the birth or the adoption of a child. The maximum time that can be excluded per birth or adoption is one year. This exclusion is guaranteed provided the faculty member informs the TIU head in writing within one year of the birth or adoption, unless the exclusion is prohibited in paragraph (D)(3) of this rule. It is the responsibility of the TIU head to inform the college dean and office of academic affairs of the birth or adoption. The probationary faculty member may decline the one-year exclusion by informing the TIU head in writing before April first of the original mandatory review year.
 - (b) A probationary tenure-track faculty member may apply to exclude time from the probationary period in increments of one year because of personal illness, care of a seriously ill or injured person, an unpaid leave of absence, or factors beyond the faculty member's control that hinder the performance of the duties associated with being a successful faculty member, i.e., teaching, scholarship, and service. For faculty members requesting an exclusion due to personal illness or care of a seriously ill or injured person, requests shall be made in writing to the human resource office, which will work with the TIU head to determine the necessary documentation. Requests to exclude time from the probationary period due to unpaid leave or factors beyond the faculty member's control must be submitted in writing to the TIU head within one year of the unpaid leave or the extenuating factors. Such requests shall be reviewed by the TIU promotion and tenure committee, which will advise the TIU head on the appropriateness of the request. In units that do not have a promotion and tenure committee, the eligible faculty shall review the request. All requests require approval by

the TIU head, dean, and executive vice president and provost. The extent to which the event leading to the request was beyond the faculty member's control and the extent to which it interfered with the faculty member's ability to be productive will be considered in granting or denying the request.

- (c) Probationary tenure-track faculty members on less than full-time service for part or all of their probationary period may request an exclusion of time. Such requests require approval of the TIU chair, dean, and executive vice president and provost. The exclusion shall be for an integer number of years based on the principle that the usual probationary period represents full-time service. The maximum exclusion of a probationary period for less than full-time service is one year for a probationary instructor, three years for a probationary assistant professor and two years for a probationary associate professor or professor.

Following is identical text to the above redline version with all changes accepted for readability:

[D] Exclusion of time from probationary periods.

- (4) There are three circumstances under which probationary tenure-track faculty may obtain an exclusion of time from probationary periods, also known as extending the tenure clock. These exclusions recognize factors that impact the ability to meet the criteria for tenure within the probationary period outlined in paragraph (B) of this rule. A request to exclude time from the probationary period for any of the reasons listed in paragraphs (D)(1)(a) to (D)(1)(c) of this rule must be made prior to April first of the year in which the mandatory review for tenure is scheduled to occur.
 - (a) A probationary tenure-track faculty member will have one year excluded from the probationary period for the birth or the adoption of a child. The maximum time that can be excluded per birth or adoption is one year. This exclusion is guaranteed provided the faculty member informs the TIU head in writing within one year of the birth or adoption, unless the exclusion is prohibited in paragraph (D)(3) of this rule. It is the responsibility of the TIU head to inform the college dean and office of academic affairs of the birth or adoption. The probationary faculty member may decline the one-year exclusion by informing the TIU head in writing before April first of the original mandatory review year.
 - (b) A probationary tenure-track faculty member may apply to exclude time from the probationary period in increments of one year because of personal illness, care of a seriously ill or injured person, an unpaid leave of absence, or factors beyond the faculty member's control that hinder the performance of the duties associated with being a successful faculty member, i.e., teaching, scholarship, and service. For faculty members requesting an exclusion due to personal illness or care of a seriously ill or injured person, requests shall be made in writing to the human resource office, which will work with the TIU head to determine the necessary documentation. Requests to exclude time from the probationary period due to unpaid leave or factors beyond the faculty member's control must be submitted in writing to the TIU head within one year of the unpaid leave or the extenuating factors. Such requests shall be reviewed by the TIU promotion and tenure committee, which will advise the TIU head on the appropriateness of the request. In units that do not have a promotion and tenure committee, the eligible faculty shall review the request. All requests require approval by the TIU head, dean, and executive vice president and provost. The extent to which the event leading to the request was beyond the faculty member's control and the extent to which it interfered with the faculty member's ability to be productive will be considered in granting or denying the request.
 - (c) Probationary tenure-track faculty members on less than full-time service for part or all of

their probationary period may request an exclusion of time. Such requests require approval of the TIU chair, dean, and executive vice president and provost. The exclusion shall be for an integer number of years based on the principle that the usual probationary period represents full-time service. The maximum exclusion of a probationary period for less than full-time service is one year for a probationary instructor, three years for a probationary assistant professor and two years for a probationary associate professor or professor.

3335-6-03(D)(1)(abc) EXCLUSION OF TIME FROM THE PROBATIONARY PERIOD

Resolution Number:

Synopsis: This clarifies the exclusion of time rule. An exclusion due to personal illness or care of a seriously ill or injured person is a private matter that should not require review by the P&T committee. Current language requiring exclusions based on illness or care be made within a year is struck to provide needed discretion to afflicted faculty. Similarly, the exclusion limit based on the age of the adopted child is removed. Confusing or redundant wording is removed.

WHEREAS Faculty Rule 3335-6-03(D) outlines the three events that exclude time from the probationary period for tenure-track faculty, commonly known as extending the tenure clock; and

WHEREAS a one-year exclusion of time for birth or adoption is automatic if noted within a year of the event, and a faculty member may decline this exclusion; and

WHEREAS support for adoptive faculty parents during the probationary period should be irrespective of the age of the adopted child; and

WHEREAS changes to this rule maintain the privacy of personal or family health and illness status; and

WHEREAS flexibility is sought in addressing complicated medical and mental health issues; and

WHEREAS a faculty members accomplishments at the time of the request for an exclusion based on events beyond the faculty member's control should not influence the decision to grant or deny the request; and

WHEREAS the proposal has the support of the Office of Academic Affairs, and

WHEREAS the Rules Committee approved this resolution and proposal on January 17, 2020;

NOW THEREFORE

BE IT RESOLVED, That a revision of 3333-06-03(D)(1)(a,b,c) for exclusion of time from the probationary period be approved by the University Senate and respectfully request concurrence of the Board of Trustees effective upon approval by the Board of Trustees.

Chapter 3335-3 Administration. Please see the December 2019 minutes for the current text and our note to the president and the provost justifying the revision. If approved the BOT references in red text will be changed to black text.

PROPOSED UNIVERSITY FACULTY ADMINISTRATION RULE 3335-3

Chapter 3335-3 Administration

3335-3-1 President.

- (I) The president shall be the chief executive officer of the Ohio State University subject to the control of the board of trustees (BOT). Duties, authority and rights are as specified in the **BOT bylaws 3335-1-03(A)**.
- (J) Any responsibility of the president may be delegated to any other member of the faculty or staff of the university, subject to any BOT limitations. The president will retain final authority and responsibility for administration of the university. Delegation of major areas shall be in writing to the BOT before implementation as specified in **BOT bylaw 3335-1-03[E]**.
- (K) The president shall designate a president's planning cabinet. The cabinet shall provide advice and counsel to the president, to discuss, deliberate and serve as the primary decision-making body on major university policies, information sharing, and other roles as the president shall determine, as specified in **BOT bylaw 3335-1-03[F]**.
- (L) **Principal administrative officials** shall include the members of the president's cabinet, the deans of the colleges and the dean and directors of regional campuses and their designated staffs, the dean of the university libraries, chairs of academic departments, directors of schools and academic centers, and such other administrative officials as determined by the president, as specified in **BOT bylaw 3335-1-03[G]**.

3335-3-2 Executive vice president and provost.

- (G) The provost shall be the chief operating officer of the university. Under the direction of the president, the provost is responsible for oversight of all academic programs, instructional affairs and faculty affairs of the university. Duties, authority and rights are as specified in **BOT bylaw 3335-1-03(B)**.
- (H) Any responsibility of the provost may be delegated to any other member of the faculty or staff of the university, subject to any university limitations. The provost will retain final authority and responsibility for operations of the university. Delegation of major areas shall be in writing to the president before implementation.
- (I) The provost shall designate a senior management council. The council shall provide advice to the provost, discuss, deliberate and serve as the primary decision-making body on academic or university policies and other roles as the provost shall determine. The provost shall chair a council of deans as proscribed in rule 3335-3-22.

3335-3-3 Senior vice president for business and finance.

The senior vice president (SVP) for business and finance is the chief financial officer of the university. Under the direction of the president, is responsible for the administration of the university's business, financial and administrative operations. Duties, authority and rights are as specified in **BOT bylaw 3335-1-03(C)**.

3335-3-4 Vice President.

A vice president shall report to the president or the executive vice president and provost and is selected in accordance with BOT procedures.

3335-3-5 Vice Provost.

A vice provost shall report to the executive vice president and provost and is selected in accordance with university procedures.

3335-3-6 Executive Vice President and Chancellor.

The chancellor shall be the chief executive officer of the Wexner Medical Center and shall be appointed by the Wexner Medical Center Board of Trustees. Duties, authority and rights are as specified in the bylaws of the medical staff.

3335-3-7 Vice president and director of athletics.

- (G) The ~~assistant~~ **senior** vice president and director of athletics shall be appointed by and responsible to the president. The athletic council (faculty rule 3335-5-48.5) shall be consulted in the appointment of the athletic director.
- (H) Under policies established by the athletic council, the athletic director shall administer the intercollegiate athletics program subject to the direction of the president or designee.
- (I) The athletic physical plant shall be under the concurrent jurisdiction of the department of athletics and the office of physical facilities. Athletic physical plant employees shall be under the jurisdiction of the department of athletics, which in consultation with the office of physical facilities shall be responsible for all maintenance and repairs. Remodeling, renovation, construction and capital improvements require the prior approval and direction of the office of physical facilities.

3335-3-25 Council of deans.

- (A) The executive vice president and provost, the deans of the colleges, the executive dean of the college of arts and sciences, the senior vice president for business and finance, ~~the vice president for research~~, the dean of the graduate school, the deans and directors of the regional campuses, the dean for undergraduate education, and the dean of libraries shall comprise the council of deans of the university. The provost shall be chair of the council.
- (B) The council of deans shall meet on the call of the chair. The council of deans shall serve as an advisory council to the president.

(Board approval dates: 10/5/1973, 2/2/1979, 4/3/1981, 7/9/1982, 3/2/1984, 12/5/1986, 11/2/1990, 5/3/1996, 4/4/1997, 12/4/1998, 10/1/1999, 5/7/2004, 6/7/2005, 2/1/2006, 2/11/2011)

Edits are sought to the following blue highlighted text

CLARIFICATION OF THE RULES DEFINING THE UNIVERSITY ADMINISTRATION

Resolution Number:

Synopsis: Our current 3335-3 administration chapter is incongruent with the Board of Trustees by-laws on administration. This revision removes specific job descriptions and gives the president and provost discretion to hire direct reports, consistent with the by-laws of the Board.

WHEREAS there are now six administrative positions defined in rule 3335-3, while most of the 30+ Ohio State vice president and vice provost positions are not defined by rule; and

WHEREAS chapter 3335-3 is not congruent with the Board of Trustees bylaw number 3335-01-03 that defines the Ohio State administration; and

WHEREAS only these six positions defined in faculty 3335-3 administration: [3-16-treasurer, 3-15 chief information officer, 3-18 Registrar, 3-18 library director , 3-19 vice president for enrollment planning, and 3-21 athletic director] remain after many iterations of fragmentary corrections that were independent of logic or structure; and

WHEREAS only four of the six positions in the administration chapter being replaced now appear on either the current university leadership or OAA organization charts; and

WHEREAS there are only three positions defined in the trustees 3335-1-03 administration bylaws; (A) the president, (B) the provost, and (C) the senior vice president for business and finance; and

WHEREAS consistency with Board bylaws enables flexibility in Ohio State administrative structure and does not require a senate vote when one of the six positions change; and

WHEREAS the description for the Senior (not assistant) Vice President and Director of Athletics is retained; featuring unique language on the athletic physical plant that does not appear elsewhere; and

WHEREAS the council of deans includes the vice president for research; and

WHEREAS these changes overwrite more than 50% of the current rule there is no attempt to show embedded redline and strikeout text; and

WHEREAS the office of the president and the office of academic affairs has agreed to these revisions; and

WHEREAS the Rules Committee approved this resolution and proposed language on December 9, 2019;

NOW THEREFORE

BE IT RESOLVED, that a revised chapter 3335-3 be approved by the University Senate and respectfully request concurrence of the Board of Trustees effective upon approval by the Board of Trustees.

8 – Pursuit of additional degrees by associated faculty or staff

From: Malone, Helen <malone.175@osu.edu> **Sent:** Friday, October 25, 2019 2:23 PM

There are two questions at hand. First, should associated faculty be included in the first part of the rule? Two, should the same kind of rule apply to staff or is what's included in the rule appropriate? I'm not certain that a rules change is the correct answer, but I certainly think it warrants the conversation. Thanks, Helen

Helen I. Malone, PhD Vice Provost for Academic Policy and Faculty Resources

Ken reply: Based on interim discussions, I added associated faculty so now all faculty are covered under the first paragraph. Thus it is not necessary to list all faculty types in the 9-11 title. The senior A&P language covers all degrees, not just the home department, and this cohort is quite small and these people are so busy it is an unlikely occurrence. I added staff other than senior A&P as this cohort is quite large and this is commonly done. I added sub-paragraphs ABC. All of these points are up for discussion.

3335-9-11 ~~Tenure-track faculty, clinical/teaching/practice faculty, research Faculty, staff and senior administrative and professional employees pursuing additional degrees.~~

(G) Faculty members:

No tenure-track faculty member, clinical/teaching/practice faculty member, **associated faculty member, nor** research faculty member will be permitted to pursue a degree offered by the TIU in which the faculty member holds an appointment, as defined in rule 3335-6-06 of the Administrative Code. In those instances where faculty members wish to pursue degrees in other units or programs of this university, they must demonstrate that the acquisition of these degrees enhances their own competence as teachers and scholars. In making decisions to pursue additional degrees, these faculty must consider first and foremost the requirements of their total university commitment and responsibilities. Requests to pursue additional degrees must be approved by the faculty member's TIU head and dean and by the dean of the college or director of the program in which the degree would be granted.

(H) Senior administrative and professional appointees:

In those instances where senior administrative and professional appointees wish to pursue degrees at this university, they must demonstrate that the acquisition of these degrees enhances their competence as university employees. In making decisions to pursue additional degrees, senior administrative and professional appointees must consider first and foremost the requirements of their total university commitment and responsibility. Requests to pursue additional degrees must be approved by the immediate supervisor; the TIU head, dean or the appropriate vice president, in whose area the senior administrative and professional appointee holds position, and dean of the college or director of the program in which the degree would be granted.

From: Mayhugh, Lisa A. mayhugh.16@osu.edu

Sent: Friday, January 10, 2020 7:27 AM

To: Lee, Ken lee.133@osu.edu

Cc: Givens, Ben <givens.7@osu.edu>

Good morning Ken,

As requested, I solicited feedback from USAC and the other staff senators regarding adding staff to the rule on pursuit of additional degrees (#8 on our agenda today). Overall, the feedback received was not in favor of adding staff to the rule and there were similar concerns amongst both USAC and the other senators to what I had expressed in December. I have included some of that feedback below. The narrative that I have copied below summarize all of the replies that I received:

From staff senators and USAC:

Although it's an interesting proposal, we are not sure it's necessary and do not recommending adding staff language, as suggested. Approval "by the TIU head" adds an additional burden for staff aiming to pursue an additional degree. It's also not entirely clear which TIU head they would need approval from: the one overseeing the new degree program, or the one overseeing their area of employment? Not every staff member may have a TIU head in their reporting lines (such as those in Facilities or Student Life) since they don't work in degree-granting areas of the University or Medical Center, and would be unable to get that second-level of approval as required by this proposal.

I also think this approval requirement could add quite a bit of additional paperwork for those TIU heads that they may not appreciate. I think it would also create an additional headache for whoever is tasked

with ensuring that every employee who is pursuing a degree has approvals on file, ranging from the Office of Admissions (to ensure an application is valid) to local HR (who I assume would need to make sure the approval is still valid each term or whenever there's a change in supervisor). The current OHR policy ultimately fulfills the spirit of the proposed suggestion, so it seems unnecessary.

In addition, we think this suggestion has the potential to cross the line a bit too much in dictating how staff can use their employment benefits (i.e. tuition assistance). If a staff member wants to pursue a degree that can be completed outside of traditional work hours and will not impact their job, why should their direct supervisor have the authority to approve the pursuit of that degree? If there is a potential conflict, such as a course needing to be taken during work-hours, the current flexible scheduling OHR policy already covers this situation. Alternatively, if a staff member wants to move into a different career path from the current role they are in, is there a risk that supervisors may deny approval because a new degree isn't directly related to the current role?

Ultimately, I think the spirit of the suggestion was to include mention of staff in rules where they have been previously excluded, which I applaud. However, I think this particular suggestion could lead to more negative ripples for staff. It makes sense that the current rules requiring additional approval are limited to faculty and senior administrators. Faculty have previously demonstrated their ability to do self-directed study and research through their previous degrees, so they need to make clear why they would need this new degree rather than researching it on their own. Meanwhile, senior administrators, who are also many times faculty members, have substantive decision-making authority at OSU that could potentially disrupt the classroom experience for other students and whose roles often require additional time commitments, so I can see why they need approval by those listed in the rules.

Would every rule need to be considered and statements included about staff? Or by the very fact that staff are specifically eliminated from the list of applicable employees listed after the rule # (Tenure-track faculty, clinical/teaching/practice faculty, research faculty, and senior administrative and professional employees pursuing additional degrees) - does that not basically imply that the rule does not apply to staff? And so additional wording is not necessary?

Staff are included in the OHR benefits description: <https://hr.osu.edu/benefits/tuition-assistance/faculty-staff/>

Maybe it just needs to say: Staff other than senior administrative and professional appointees should follow policy guidelines outlined by OHR, with this link? Or again, maybe we don't even need to say that if these are Faculty Rules?

Additional thoughts included:

- What other rules include staff and what staff are/are not permitted to do? Since staff are now members of senate, is the precedent to get staff added to all faculty rules? If that conversation has happened, it needs to expand to OHR and bargaining units. I would assume there are many employment policies that would contradict faculty rules.
- If this passes, has there been conversation about what the approval process is? Who will be holding staff accountable for getting the appropriate approvals?
- I would suggest this rule change be shared with OHR prior to moving forward. Again, I think of any precedent this might set and what considerations should be included in the process.
- I do not think we should include staff in faculty rules. While it is great we are involved in senate, the governing rules/policies are and should remain very different.

9- Should the dean confer with the faculty when hiring direct reports?

Should deans give substantial weight to faculty recommendations when hiring direct reports? Ken raised this from a faculty council discussion of a questionable hire in FAES [online here](#). No rule should react to an isolated problem and I apologize for inadvertently connecting these ideas. These are separate issues.

Our rules are clear when the President appoints a dean but are silent on dean appointments. Specifically, existing rule 3335-3-29 is pasted here with bold emphasis added. Rules may consider similar language for a dean as suggested in (5) below.

3335-3-29 Deans of the colleges.

(E) There shall be a dean of each college and an executive dean of the college of arts and sciences who shall be a member of its faculty and the administrative head of the college. Each dean and the executive dean shall be appointed and reappointed by the board of trustees upon nomination of the president. **Before making this nomination or recommendation for reappointment, the president shall confer with members of the faculty of the college for which the dean or executive dean is to be appointed and shall give substantial weight to faculty recommendations in reaching a decision.** The president shall also consider the recommendations of the chairs of the departments and the directors of the schools in that college.

(F) The major responsibility of the dean of each college... *snip* ... shall include the duty:

(4) After consultation with the chairs of the departments and the directors of the schools within the college to make recommendations to the executive vice president and provost concerning the college budget, the appointments to and promotions within the staff and the membership of the college faculty.

(5) **To confer with members of the college faculty and give substantial weight to faculty recommendations before reaching a decision on appointments and reappointments of the college administration, direct reports and department chairs.**

10- New business: Honorary Degrees

This conversation by email reads from recent to original. An apparent rule contradiction is called to our attention by Secretary Givens. This is a discussion item with no rule text proposed.

From: [Givens, Ben](#)

Sent: Friday, January 3, 2020 5:07 PM

To: [Lee, Ken](#)

Subject: RE: Another rule change proposal

I could come up with specific language, and yes, we need to consult with the honorary degrees committee on this. We have three honorary degree nominations coming forward this month, and I'm having to figure out how to make it work while staying within the rules. This may be one that we raise in Faculty Council to get the sentiment of the faculty. Honorary degrees are interesting in that they are treated as absolutely fundamental to the institution within our rules, yet some institutions, like Stanford and University of Virginia, explicitly don't award them. They also can engender controversy, see https://en.wikipedia.org/wiki/Honorary_degree

Perhaps we should let whatever waves are still being generated over the Woods hire to calm down before proceeding with a rule change. I think that the two were linked because the proposal came up at a time when there were a lot of questions being asked about the hire, and it in fact seemed to address some of the concerns raised.

Ben

From: Lee, Ken **Sent:** Friday, January 3, 2020 4:45 PM **To:** Givens, Ben
Subject: RE: Another rule change proposal

Ben;

Do you have new language in mind? Does the honorary degrees committee have new language? We would be pleased to advance a non-awkward process and welcome any wording that expedites the honor.

BTW, in conversation with Dr. Schweikhart this a.m. I wish to ensure the possible rule to ask deans to consult faculty when hiring direct reports (consistent with the requirement that the president consults faculty when hiring deans) is independent, and not at all connected to the questionable hiring of Clint Woods by Cathanne Kress. These are separate issues. I generally eschew making a rule to fix a single issue such as Woods. Faculty consultation is a broad concept consistent with our governance model and our rules.

Happy National Chocolate Covered Cherry Day! Ken

From: Givens, Ben **Sent:** Friday, January 3, 2020 4:22 PM **To:** Lee, Ken
Subject: Another rule change proposal

Ken,

I would like to add another rule change proposal to the docket. Sections (B) (7) of Rule 3335-5-48.8 describes an awkward process for advancing nominations for honorary degrees. In particular, the requirement of attaching a ballot to the nomination report to be returned to the secretary with a deadline of no less than two weeks appears to be a process for rolling nominations, and voting outside of regular senate meetings. We have traditionally brought these nomination to senate for a vote. Also, the requirement to transmit nominations to the president in 3335-5-48.8 (B) (7)(C) seems to be at odds with rule 3335-5-41 (A) (3) and the board bylaw 3335-3 (A) (3), which state that the senate recommends candidates to the board of trustees.

Ben

February 7, 2020 Rules Committee Agenda

We meet at 9:30 in Independence and may have this [Zoom link open](#) due to illness (not coronavirus)! Please download this current box version or use the paper copy in the room. We hope to finalize and send our three motions to Steering on exclusion, administration and degrees (6,7,8). We assume the BOT will approve our self-delegation of non-substantive edits so we can get 4a off the table. The green shaded minutes await your approval. Grey items are either tabled or passed at the January 30 Senate meeting. Our discussion items are not time-critical but need your input. Send me corrections to the attendance log at the end.

9:30am	1. Introductions and welcome: OSU
9:32	2. Motion to approve Jan 17, 2020 meeting minutes

9:33	3. 3335-5-04(1)(e) Add 60-day president decision time to current 04 rule from Hearing by way of Steering. This was ready but is tabled pending the 04 Ad Hoc revisions. Consider note from Hearing Committee.
Sent	4. 3335-5-47.3 – Add non-substantive emendations from the bylaws into the rules, also known as the housekeeping rule. Approved at Jan 30 Senate.
9:34	a. Some non-substantive rule edits that we will discuss now that the housekeeping rule has passed senate.
Sent	5. 3335-19-02 steering sets agenda 5 days not 7 days before the senate meeting. Approved at Jan 30 Senate.
9:40	6. 3335-6-03(D)(1)(b) Exclusion of time from probationary periods for three reasons. Is this ready to send to Steering?
9:50	7. 3335.3 revisions to 3335-3 Administration. Is this ready for Steering?
10:00	8. 3335-9-11 pursuit of additional degrees. Please edit resolution before we send this to Steering.
10:10	9. 3335-3-29(B)(5) Should a dean confer with their faculty when hiring direct reports? Discussion.
10:20	10. 3335-5-49.4 Ohio faculty council – new item.
10:25	11. New business – honorary degrees. Discussion time permitting.
10:30	12. Adjourn.

Date **approved** or discussed or tabled or **scheduled**.

Rule # 3335-	Issue	Rule mtg	Steering	Senate	Trustees	OAC*
3-28	Dean not Director of Library	10/4/19	10/24/19	11/14/19	11/22/19	pending
5-04(1)(e)	Hearing 60 day president	11/1/19	10/24/19	Tabled		
8-27.1	Grade forgiveness timing	11/1/19	9/26/19	11/14/19	11/22/19	pending
6-03(D)(1)(b)	Exclusion for medical reason	12/6/19	2/13/2020			
3	Administration chapter	1/17/2020	2/13/2020			
9-11	Pursuit of additional degrees	1/10/20	2/13/2020			
5-47.3	Housekeeping	1/13/2020	1/17/2020	1/30/2020	2/28/2020	
19-02	Five not seven days before	1/13/2020	1/17/2020	1/30/2020	2/28/2020	
3-29(B)(5)	Substantial weight to faculty	1/10/20				
	Honorary degrees					

*I will delete OAC as none of the changes from 2018 or 2019 are in the OAC. No sense in tracking it here.

Here are meetings affecting rules for the remainder of the Academic Year.

Rules meeting	Optional ZOOM	Steering	Senate	Trustees
Sept 2019 - Jan 2020	January 10	January 16	January 30	February 28
February 7, 2020	Feb 14*	February 13	February 20	
March 6, 2020	March 13	March 19	March 26	May 5
April 3, 2020	April 10*	April 9	April 16	

*These ZOOM calls after the Steering meeting enable actions ahead of the Senate meeting.

2. Rules Committee September 2019 to Aug 2020				Please hold on your calendar	
Member	Source	Term	P: 614	1h Meeting*	Location
Jared Gardner.236	Faculty Council	2021	323-6267	Sep 6@ 9:30a	Independence
Ken Lee.133 (Chair)	Faculty Council	2021	292-7797	Sep 13@ 9:30a	NO meeting
Sara Watson.584	Faculty Council	2021	292-9647	Oct 4@ 9:30a	Independence

Sarah Moore.2204	Faculty Council	2020	292-2597	Oct 11@ 9:30a	Zoom
Amy Ferketich.1	Faculty Council	2020	292-7326	Nov 1@ 9:30a	Independence
Terry Esper.9	Faculty Council	2020	292-2610	Nov 8@ 9:30a	Zoom
Liz Webb.761	USG	2020		Dec 6@ 9:30a	Independence
Lisa Mayhugh.16	USAC	2020	292-0609	Jan 10@ 9:30a	Independence
Rania Khamees.5	CGS	2020	247-3035	Jan 17@ 9:30a	Zoom or Indy
TJ Beavers.58	IPC	2019		Feb 7@ 9:30a	Independence
Ben Givens.7	Senate Secretary	No exp	292-0385	Feb 14@ 9:30a	Zoom
Helen Malone.175	Provost designee	Exofficio	292-8313	Mar 6@ 9:30a	Independence
Brandon Lester.173	Legal Affairs	Exofficio	688-2314	M 13**@9:30a	Zoom
Hannah Torma.9	Recording Sec	No exp	292-2423	Apr 3@ 9:30a	Independence
List service:	rules@lists.osu.edu			Apr 10@ 9:30a	Zoom
Buckeye Box:	https://osu.app.box.com/folder/8517257713				

*All Rules meetings are the first Friday of each month [in Independence Hall](#) senate conference room. All Rules video conferences are the second Friday of each month [via Zoom](#). March 13 is during spring break and is likely cancelled. March 20-22 is the OSU sesquicentennial.

2. January 17, 2020 Meeting Minutes

Meeting Minutes

University Senate Rules Committee

January 17, 2019, 9:30 AM ~ 119 Independence Hall (SCR)

Present: Jared Gardner, Ken Lee, Sara Watson, Amy Ferketich, Terry Esper, Ben Givens, Rania Khamees, Lisa Mayhugh (two members connected via ZOOM).

Ex officio: Helen Malone, Brandon Lester, Hannah Torma

Absent: Sarah Moore, TJ Beavers

Alternate: Liz Webb (Vidhya Jayadev). Liz will attend and vote for the remainder of the AY.

12. Introductions and welcome: book or movie?

13. Motion to accept Jan 10, 2020 meeting notes; These are not minutes as we did not achieve the required quorum of 6 voting members. **Notes are approved.**

14. 3335-5-04(1)(e) Add 60-day president decision time to current 04 rule from Hearing by way of Steering. This was ready but is tabled pending the 04 Ad Hoc revisions. We considered a special email message from the chair of the Senate Hearing Committee.

Hearing believed that a case was pending, but that individual had already resigned. The primary concern was the BOT would question why we change the 04 rule during an active 04 rule litigation. While the 04 review is going on, President Drake intends to abide by this rule regardless. Thus the proposed presidential deadline may be moot with Drake's term ending this AY. If the 04 revision does not happen this semester, we can put this rule through the March or April meeting. It is still unclear how long Rules will take to review the new language that comes from the 04 ad hoc committee. This will be about twenty-five pages of rule language. **We will suggest** Steering schedule this for a Senate meeting in the current academic year if the Ad Hoc 04 report is delayed beyond the current AY.

15. 3335-5-47.3 – Add non-substantive emendations from the bylaws into the rules, also known as the housekeeping rule. **Passed 1/13/2020 online.**

This was approved by Steering yesterday. They suggested we modify the resolution to indicate this practice is something we have always been doing. Perhaps unanimous committee approval should be needed to decide what is not substantive. The word chair is taken out. If full committee approval is needed, this vote can also be conducted electronically outside of meetings. Brandon suggests the language changes that the committee “may” make changes, and the secretary “is” authorized. **P.s. These friendly amendments were passed at the January 30 Senate.**

16. 3335-19-02 steering sets agenda 5d not 7d before the senate meeting. Passed 1/13/2020 online

Steering agreed to this. Kari Hoyt suggested that “in advance” be added. The rule is more about timing than the format. The president should have an exception for calling a special meeting. **These friendly amendments were passed at the January 30 Senate.**

17. 3335-6-03(D) (1) (b) Exclusion of time from probationary periods for three reasons. A motion to send to steering.

The wording about extending the tenure clock was added to make it easier for people to find during a rule search. The resolution clarifies that rules come first before policies. Perhaps this concept of hierarchy, i.e., Federal > State > OAC > BOT > Rules > Bylaws > OAA > College > Unit > Individual; could eventually be stated in the rules. Helen suggests ordering the whereas statements to match the order in the rule. **The motion passes** with suggested revision of the whereas statement.

18. 3335.3 revisions to 3335-3 Administration. The president and provost agree as noted by way of Katie Hall. A motion to send to steering.

We already voted on this. There are no changes except minor edits. We can put into the whereas that the text is completely new where more than 50% is edited. Editorializing is taken out of the resolution. **P.s. unable to find a 50% guideline. Chapter 3 revisions are presented in the February 7 agenda as both a redline/strike version and as new text with no redline. This achieves better readability and shows the precise changes. It is suggested we present this to Senate in this form.**

19. 3335-9-11 pursuit of additional degrees. Discussion of staff input.

Staff sent their feedback. We added a statement about staff, but do we need a rule to govern a staff member’s right to pursue a degree. The language, or paragraph “C” about staff is removed. **The motion passes.**

All motions approved by rules that will be sent to Steering are highlighted in yellow in this Feb 7 agenda to enable further edits for clarity and consistency.

20. Adjourn

3: 5-05(1)(e) Include a 60-day presidential response to 04 rule

We finalized this recommendation, but we wait until the ad hoc 04 committee completes its major review. We may decide at our March 6, 2020 meeting to send this to Steering anyway, so it can be finished in this academic year if the ad hoc 04 is delayed.

5-04(1)(e) INCLUDE A PERIOD OF REVIEW BY THE PRESIDENT IN HEARING PROCEDURES

Resolution Number:

Synopsis: All review steps (letters C through H inclusive) in the procedures on complaints against faculty members, commonly known as the 04 rule, specify the number of days to “make every effort to complete the review.” Presidential review (I) is the only step with days not specified.

WHEREAS the Faculty Rule 3335-5-04 outlines the procedures related to complaints against faculty members; and **WHEREAS** within the process, each level of review includes an expectation of resolution to include expediency of the process; and

WHEREAS the final review by the president outlined in 3335-5-04(I) currently does not include a period of review; and

WHEREAS every effort to complete the review is now specified as: chair 14 days, dean 14 days, college committee 45 days, dean decision 30 days, provost 14 days, hearing 60 days, it is prudent to afford the presidential review the maximum 60 days; and

WHEREAS the Faculty Hearing Committee has agreed that the president’s level of review be updated to include an expectation of resolution within a specific period of time (sixty days); and

WHEREAS the Faculty Hearing Committee recommends amending rule 3335-05-04(I) to include the addition of (e) sixty days; and

WHEREAS the office of the President intends to make every effort to conclude such a review within 60 days; and

WHEREAS the Rules Committee approved this resolution and proposal on November 1, 2019;

NOW THEREFORE

BE IT RESOLVED, That procedures be clarified with the addition of 3333-05-04(I)(e) to make every effort to conclude a presidential review within sixty days be approved by the University Senate and respectfully request concurrence of the Board of Trustees effective upon approval by the Board of Trustees.

3335-5-04 Hearing procedures for complaints against faculty members.

(I) The president.

(1) Upon receipt of the written findings of fact and recommendation and a record of the proceedings from a hearing panel, the president shall review the matter. The president may:

(a) Dismiss the complaint;

(b) Impose any sanction less than termination of employment whether or not it accords with the recommendation of the hearing panel;

(c) Recommend to the board of trustees termination of employment on such terms and conditions as the president may deem advisable;

(d) Remand the case to the hearing panel for reconsideration.

(e) The president shall make every effort to conclude their review and issue a decision within sixty days.

(2) Any decision of the president shall be communicated in writing to the hearing panel and to the respondent.

4 – 3335-5-47.3 Non-substantive emendations in bylaws

This was passed at the Jan 30 Senate and will be on the Feb 28 BOT agenda. See prior agenda for the full text. Salient parts remain here for ease of reference.

3335-5-47.3 EXPEDITE MINOR CORRECTIONS TO RULES AND TO BYLAWS

Synopsis: Minor corrections to rules and to by-laws are achieved by the senate secretary, but only the by-laws specify how this is done. Moving the text from by-laws into the duties of the Rules Committee codifies minor corrections of the entire governance document. Wording is clarified.

3335-5-47.3 Rules

(B) Duties and responsibilities.

- (6) The secretary of the university senate in agreement with the rules committee may make non-substantive corrections in diction and grammar, and are authorized to correct names of offices, officers, units, credentials or constituents in the bylaws and in the rules without deliberation by the university senate nor by the board of trustees.

4a- Some non-substantive corrections.

We could agree these are worthy corrections and empower the secretary to proceed.

From: Givens, Ben <givens.7@osu.edu>

Sent: Thursday, October 3, 2019 2:42 PM

3335-5-46 (C): the word “chair” needs to be added at the end of the last sentence.

(C) Organization.

Committee chairs. Except where otherwise specified by the rules, in the spring each committee shall elect a chair from its continuing membership, whose term shall begin the subsequent summer session; where it is deemed useful, committees may elect a vice-chair in the autumn to assist the current chair.

3335-3-31 & 3335-5-30: I noticed there are 12 references to the “research and graduate council” in the faculty rules, yet having been on that council, I also know that it was eliminated and replaced by the **Graduate Council**. I spent some time trying to reconstruct what happened, and found in Board of Trustees minutes from their meeting on June 6, 2008 a rule change that never made it into the Ohio Administrative Code. Argh! That previously approved but never updated rule change accounts for 8 of the references to the research and graduate council. However, there are four others found in 5-48.1(B)(2)(b), 9-04(B), 9-29(B), and 9-32.1(D). Given that the 8 already were board approved, I might be able to administratively send them forward to the Ohio Legislative Service (OLS), copying the board, and asking them to update a rule change that happened in 2008. The other four instances were not caught in that original rule change, so we would need to make a determination if these additional changes are simply clerical in nature and could be handled administratively, or if we need to actually approve them in rules, senate and the board.

3335-13-02. This is a rule about Smoking that is another example of a rules change that passed through the Rules Committee, the Senate and the BOT, but never made it into the OAC. The rule was rescinded. This would be another rule change to send directly to OLS.

p.s. Ben, not sure what was rescinded, language is consistent in senate, trustees and OAC. When was this changed? -K

3335-13-02 Smoking - tobacco.

The prohibition of the smoking of tobacco within university facilities designated as “no smoking” areas by the authority delegated by the director of administrative services of the state of Ohio has been established to protect the comfort and health of persons who do not smoke or to whom such smoke is objectionable. Further, the smoking of tobacco in such designated areas is a violation of section **3791.031** of the Revised Code, and all violators are subject to prosecution.

From our September 6 agenda:

3335-3-29.1 Dean and director of a regional campus.

- (J) There shall be a dean and director of each regional campus who shall be a member of its faculty and the administrative head of the regional campus. The dean and director shall be appointed by the board of trustees upon nomination of the executive vice president and provost in consultation with the president. Before making this nomination, the executive vice president and provost or designee shall confer with the regional campus faculty, the department or school in which the faculty appointment would be made, and shall consider the recommendations of the deans of the colleges with ~~regular~~ faculty assigned to that campus.

3335-3-36(B)(5) Each university and college center shall have an oversight committee, at least two-thirds of whose members are ~~regular~~ faculty members from the academic units involved in the center. The director shall consult regularly with the oversight committee. *Note for discussion: is the intent to have 2/3 faculty members or have 2/3 tenure-track faculty members?*

3335-5-48.14 University research committee.

- (K) Organization. (1) The committee shall annually elect a chair from its ~~regular~~ faculty membership in the spring semester preceding the academic year of service for no more than three consecutive one-year terms.

5- 3335-19-02 Steering sets agenda 5d before the senate meeting

This was passed at the Jan 30 Senate and will be on the Feb 28 BOT agenda. See prior agenda for the full text. Salient parts remain here for ease of reference.

3335-19-02 CLARIFY A FIVE-DAY ADVANCE SENATE AGENDA RULE

Synopsis: Seven days advance written notice for a regular senate meeting was changed to five days several years ago. This enables the Steering Committee that meets less than seven days prior to satisfy the by-law. This revision of 3335-19-02(D) enables a uniform five-day notice requirement for both regular and special meetings of the senate.

3335-19-02 Meetings.

(D) Written notice of the time and place of **regular and special** meetings, the order of business, and copies of any substantive proposals shall be sent to all members and alternate members at least ~~five~~ **five** ~~seven~~ days prior to the senate meeting.

(E) At a time of emergency the president shall have authority to call a special meeting without a five-day advance notice.

6 – 3335-6-03(D)(1) Exclusion of time from probationary periods

3335-6-03(D)(1)(abc) EXCLUSION OF TIME FROM PROBATIONARY PERIODS

Resolution Number:

Synopsis: This clarifies the exclusion of time rule. An exclusion due to personal illness or care of a seriously ill or injured person is a private matter that should not require review by a P&T committee. Current language requiring exclusions based on illness or care be made within a year is struck to provide needed discretion to afflicted faculty. Similarly, the exclusion limit contingent upon the age of the adopted child is removed. Confusing or redundant wording is removed.

WHEREAS Faculty Rule 3335-6-03(D) outlines the three events that exclude time from the probationary period for tenure-track faculty, commonly known as an extension of the tenure clock; and

WHEREAS a search of rules for “extension of tenure clock” yields no result and few searchers realize “exclusion of time” is the synonym for this important concept; and

WHEREAS a one-year exclusion of time for birth or adoption is automatic if noted within a year of the event, and a faculty member may decline this exclusion; and

WHEREAS support for adoptive faculty parents during the probationary period should be irrespective of the age of the adopted child; and

WHEREAS changes to this rule maintain the privacy of personal or family health and illness status; and

WHEREAS flexibility is sought in addressing complicated medical and mental health issues; and

WHEREAS a faculty member's accomplishments at the time of the request for an exclusion based on events beyond the faculty member's control should not influence the decision to grant or deny the request; and

WHEREAS the proposal has the support of the Office of Academic Affairs, and

WHEREAS the Rules Committee approved this resolution and proposal on January 17, 2020;

NOW THEREFORE

BE IT RESOLVED, that a revision of this rule for exclusion of time from the probationary period be approved by the University Senate and respectfully request concurrence of the Board of Trustees effective upon approval by the Board of Trustees.

[D] Exclusion of time from probationary periods.

- (1) There are three circumstances under which probationary tenure-track faculty may obtain an exclusion of time from probationary periods, also known as extending the tenure clock. These exclusions recognize factors that impact the ability to meet the criteria for tenure within the probationary period outlined in paragraph (B) of this rule. A request to exclude time from the probationary period for any of the reasons listed in paragraphs (D)(1)(a) to (D)(1)(c) of this rule must be made prior to April first of the year in which the mandatory review for tenure is scheduled to occur.
 - (a) A probationary tenure-track faculty member will have one year excluded from the probationary period for the birth or the adoption of a child. The maximum time that can be excluded per birth or adoption is one year. This exclusion is guaranteed provided the faculty member informs the TIU head in writing within one year of the birth or adoption, unless the exclusion is prohibited in paragraph (D)(3) of this rule. It is the responsibility of the TIU head to inform the college dean and office of academic affairs of the birth or adoption. The probationary faculty member may decline the one-year exclusion by informing the TIU head in writing before April first of the original mandatory review year.
 - (b) A probationary tenure-track faculty member may apply to exclude time from the probationary period in increments of one year because of personal illness, care of a seriously ill or injured person, an unpaid leave of absence, or factors beyond the faculty member's control that hinder the performance of the duties associated with being a successful faculty member, i.e., teaching, scholarship, and service. For faculty members requesting an exclusion due to personal illness or care of a seriously ill or injured person, requests shall be made in writing to the human resource office, which will work with the TIU head to determine the necessary documentation. Requests to exclude time from the probationary period due to unpaid leave or factors beyond the faculty member's control must be submitted in writing to the TIU head within one year of the unpaid leave or the extenuating factors. Such requests shall be reviewed by the TIU promotion and tenure committee, which will advise the TIU head on the appropriateness of the request. In units that do not have a promotion and tenure committee, the eligible faculty shall review the

request. All requests require approval by the TIU head, dean, and executive vice president and provost. The extent to which the event leading to the request was beyond the faculty member's control and the extent to which it interfered with the faculty member's ability to be productive will be considered in granting or denying the request.

- (c) Probationary tenure-track faculty members on less than full-time service for part or all of their probationary period may request an exclusion of time. Such requests require approval of the TIU chair, dean, and executive vice president and provost. The exclusion shall be for an integer number of years based on the principle that the usual probationary period represents full-time service. The maximum exclusion of a probationary period for less than full-time service is one year for a probationary instructor, three years for a probationary assistant professor and two years for a probationary associate professor or professor.

7 - 3335-3 University Administration

3335-3 AN ACCURATE DESCRIPTION OF THE UNIVERSITY ADMINISTRATION

Resolution Number:

Synopsis: The current chapter is incongruent with the Board of Trustees by-laws on administration. This revision removes specific job descriptions and gives the president and provost discretion to define direct reports, consistent with the by-laws of the Board.

WHEREAS there are now six administrative positions defined in rule 3335-3, while most of the 30+ Ohio State vice president and vice provost positions are not defined by rule; and

WHEREAS chapter 3335-3 is not congruent with the Board of Trustees bylaw number 3335-01-03 that defines the Ohio State administration; and

WHEREAS only these six positions defined in faculty 3335-3 administration: [3-16-treasurer, 3-15 chief information officer, 3-18 Registrar, 3-18 library director, 3-19 vice president for enrollment planning, and 3-21 athletic director] remain after many iterations of fragmentary corrections; and

WHEREAS only four of the six positions in the administration chapter being replaced now appear on either the current university leadership or OAA organization charts; and

WHEREAS there are only three positions defined in the trustees 3335-1-03 administration bylaws; (A) the president, (B) the provost, and (C) the senior vice president for business and finance; and

WHEREAS consistency with Board bylaws enables flexibility in Ohio State administrative structure and does not require a senate vote when one of the six positions change; and

WHEREAS the description for the Senior (not assistant) Vice President and Director of Athletics is retained; featuring unique language on the athletic physical plant that does not appear elsewhere; and

WHEREAS the council of deans includes the vice president for research; and

WHEREAS these changes overwrite more than 50% of the current rule there is no attempt to show embedded redline and strikeout text; and

WHEREAS the office of the president and the office of academic affairs has agreed to these revisions; and

WHEREAS the Rules Committee approved this resolution and proposed language on December 9, 2019;

NOW THEREFORE

BE IT RESOLVED, that a revised chapter 3335-3 be approved by the University Senate and respectfully request concurrence of the Board of Trustees effective upon approval by the Board of Trustees.

Chapter 3335-3 Administration

3335-3-1 President.

- (A) The president shall be the chief executive officer of the Ohio State University subject to the control of the board of trustees (BOT). Duties, authority and rights are as specified in the BOT bylaws 3335-1-03(A).
- (B) Any responsibility of the president may be delegated to any other member of the faculty or staff of the university, subject to any BOT limitations. The president will retain final authority and responsibility for administration of the university. Delegation of major areas shall be in writing to the BOT before implementation as specified in BOT bylaw 3335-1-03[E].
- (C) The president shall designate a president's planning cabinet. The cabinet shall provide advice and counsel to the president, to discuss, deliberate and serve as the primary decision-making body on major university policies, information sharing, and other roles as the president shall determine, as specified in BOT bylaw 3335-1-03[F].
- (D) **Principal administrative officials** shall include the members of the president's cabinet, the deans of the colleges and the dean and directors of regional campuses and their designated staffs, the dean of the university libraries, chairs of academic departments, directors of schools and academic centers, and such other administrative officials as determined by the president, as specified in BOT bylaw 3335-1-03[G].

3335-3-2 Executive vice president and provost.

- (A) The provost shall be the chief operating officer of the university. Under the direction of the president, the provost is responsible for oversight of all academic programs, instructional affairs and faculty affairs of the university. Duties, authority and rights are as specified in BOT bylaw 3335-1-03(B).
- (B) Any responsibility of the provost may be delegated to any other member of the faculty or staff of the university, subject to any university limitations. The provost will retain final authority and responsibility for operations of the university. Delegation of major areas shall be in writing to the president before implementation.
- (C) The provost shall designate a senior management council. The council shall provide advice to the provost, discuss, deliberate and serve as the primary decision-making body on academic or university policies and other roles as the provost shall determine. The provost shall chair a council of deans as proscribed in rule 3335-3-22.

3335-3-3 Senior vice president for business and finance.

The senior vice president (SVP) for business and finance is the chief financial officer of the university. Under the direction of the president, is responsible for the administration of the university's business, financial and administrative operations. Duties, authority and rights are as specified in BOT bylaw 3335-1-03(C).

3335-3-4 Vice President.

A vice president shall report to the president or the executive vice president and provost and is selected in accordance with BOT procedures.

3335-3-5 Vice Provost.

A vice provost shall report to the executive vice president and provost and is selected in accordance with university procedures.

3335-3-6 Executive Vice President and Chancellor.

The chancellor shall be the chief executive officer of the Wexner Medical Center and shall be appointed by the Wexner Medical Center Board of Trustees. Duties, authority and rights are as specified in the bylaws of the medical staff.

3335-3-7 Vice president and director of athletics.

- (A) The senior vice president and director of athletics shall be appointed by and responsible to the president. The athletic council (see rule 3335-5-48.5) shall also be consulted in the appointment of the athletic director.
- (B) Under policies established by the athletic council, the vice president and director of athletics shall administer the intercollegiate athletics program subject to the direction of the president or their designee.
- (C) The athletic physical plant shall be under the concurrent jurisdiction of the department of athletics and the office of physical facilities. Athletic physical plant employees shall be under the jurisdiction of the department of athletics, which in consultation with the office of physical facilities shall be responsible for all normal maintenance and repairs. Major remodeling, renovation, construction and other capital improvements shall be undertaken only with the prior approval of, and under the direction of, the office of physical facilities.

(Board approval dates: 12/4/1998, 3/5/2003, 7/11/2008, 4/8/2016)

3335-3-26 Council of deans.

- (A) The executive vice president and provost, the deans of the colleges, the executive dean of the college of arts and sciences, the senior vice president for business and finance, the vice president for research, the dean of the graduate school, the deans and directors of the regional campuses, the dean for undergraduate education, and the dean of libraries shall comprise the council of deans of the university. The executive vice president and provost shall be chair of the council.
- (B) The council of deans shall meet on the call of the chair. The council of deans shall serve as an advisory council to the president.

(Board approval dates: 10/5/1973, 2/2/1979, 4/3/1981, 7/9/1982, 3/2/1984, 12/5/1986, 11/2/1990, 5/3/1996, 4/4/1997, 12/4/1998, 10/1/1999, 5/7/2004, 6/7/2005, 2/1/2006, 2/11/2011)

8 – Pursuit of additional degrees by associated faculty or staff

3335-9-11 FACULTY PURSUING ADDITIONAL DEGREES

Resolution Number:

Synopsis: Per existing rule, faculty members may not pursue a degree in their own tenure initiating unit due to conflicts of interest. The associated faculty are added to the existing rule for clarity.

WHEREAS tenure-track faculty, clinical/teaching/practice faculty, research faculty and senior administrative and professional employees may not pursue a degree in their appointed TIU; and

WHEREAS the rule was silent on associated faculty pursuing a degree in their appointed TIU; and

WHEREAS all types of faculty appointments should not pursue a degree in their appointed TIU; and

WHEREAS a small portion of staff, the senior A&P appointees, are prohibited for the same reasons as faculty, no change is proposed; and

WHEREAS adding the majority of staff to this rule was discussed and is unnecessary; and

WHEREAS the Rules Committee approved this resolution and proposal on January 13, 2020;

NOW THEREFORE

BE IT RESOLVED, that associated faculty be included with all other faculty titles that are not permitted to pursue a degree in their appointed TIU unit, and this be approved by the University Senate and respectfully request concurrence of the Board of Trustees effective upon approval by the Board of Trustees.

3335-9-11 ~~Tenure-track faculty, clinical/teaching/practice faculty, research~~ Faculty and senior administrative and professional employees pursuing additional degrees.

(I) Faculty members:

No tenure-track faculty member, clinical/teaching/practice faculty member, **associated faculty member**, nor research faculty member will be permitted to pursue a degree offered by the TIU in which the faculty member holds an appointment, as defined in rule 3335-6-06 of the Administrative Code. In those instances where faculty members wish to pursue degrees in other units or programs of this university, they must demonstrate that the acquisition of these degrees enhances their own competence as teachers and scholars. In making decisions to pursue additional degrees, these faculty must consider first and foremost the requirements of their total university commitment and responsibilities. Requests to pursue additional degrees must be approved by the faculty member's TIU head and dean and by the dean of the college or director of the program in which the degree would be granted.

(J) Senior administrative and professional appointees:

In those instances where senior administrative and professional appointees wish to pursue degrees at this university, they must demonstrate that the acquisition of these degrees enhances their competence as university employees. In making decisions to pursue additional degrees, senior administrative and professional appointees must consider first and foremost the requirements of their total university commitment and responsibility. Requests to pursue

additional degrees must be approved by the immediate supervisor; the TIU head, dean or the appropriate vice president, in whose area the senior administrative and professional appointee holds position, and dean of the college or director of the program in which the degree would be granted.

9- Should the dean confer with the faculty when hiring direct reports?

Should deans give substantial weight to faculty recommendations when hiring tenure-track direct reports? This conversation started with a faculty council discussion of a questionable hire in FAES [online here](#). No rule should be crafted based on an isolated issue such as the FAES hire. The important idea embraces the existing rule that the president consults faculty when hiring deans. Such consultation is consistent with the principles of faculty governance.

Our rules are clear when the President appoints a dean but are silent on dean appointments. Specifically, existing rule 3335-3-29 is pasted here. Should we consider similar language for a dean as suggested in (5) below?

3335-3-29 Deans of the colleges.

(G) There shall be a dean of each college and an executive dean of the college of arts and sciences who shall be a member of its faculty and the administrative head of the college. Each dean and the executive dean shall be appointed and reappointed by the board of trustees upon nomination of the president. **Before making this nomination or recommendation for reappointment, the president shall confer with members of the faculty of the college for which the dean or executive dean is to be appointed and shall give substantial weight to faculty recommendations in reaching a decision.** The president shall also consider the recommendations of the chairs of the departments and the directors of the schools in that college.

(H) The major responsibility of the dean of each college... *snip* ... shall include the duty:

(4) After consultation with the chairs of the departments and the directors of the schools within the college to make recommendations to the executive vice president and provost concerning the college budget, the appointments to and promotions within the staff and the membership of the college faculty.

(5) To confer with members of the college faculty and give substantial weight to faculty recommendations before reaching a decision on appointments and reappointments of tenure-track college administrators, direct reports or department chairs.

10 - 3335-5-49.4 Ohio faculty council

From: Givens, Ben <givens.7@osu.edu>

Sent: Wednesday, January 22, 2020 1:12 PM

Subject: Another rule change

I propose another rule change:

3335-5-49.4 Ohio faculty council.

(A) The university's representation to the Ohio faculty council (OFC) shall be the chair of faculty council and the chair-elect of faculty council. The chair of the university senate steering committee ~~and~~ or the secretary of the university senate shall serve as an alternates.

(B) The representatives to the OFC shall report annually to the ~~senate~~ faculty council.

(Board approval dates: 7/10/1987, 5/5/1988, 11/4/1994, 3/5/1999)

Notes: The OFC bylaws only allow one alternate to be named per institution so it should read “or” in the second sentence in (A). I thought about proposing that we delete (B) altogether as this rule has not been followed in the decade I’ve been involved in the senate. However, as the newly elected chair of OFC, I feel like the council’s work is important enough to warrant annual reports. Given that OFC is focused on faculty issues, I propose that the report be made to faculty council, not senate.

Ben

11- New business: Honorary Degrees

This conversation by email reads from recent to original. An apparent rule contradiction is called to our attention by Secretary Givens. This is a discussion item with no rule text yet proposed.

From: [Givens, Ben](#) **Sent:** Friday, January 3, 2020 5:07 PM **To:** [Lee, Ken](#)

Subject: RE: Another rule change proposal

I could come up with specific language, and yes, we need to consult with the honorary degrees committee on this. We have three honorary degree nominations coming forward this month, and I’m having to figure out how to make it work while staying within the rules. This may be one that we raise in Faculty Council to get the sentiment of the faculty. Honorary degrees are interesting in that they are treated as absolutely fundamental to the institution within our rules, yet some institutions, like Stanford and University of Virginia, explicitly don’t award them. They also can engender controversy, see https://en.wikipedia.org/wiki/Honorary_degree

Ben

From: Lee, Ken **Sent:** Friday, January 3, 2020 4:45 PM **To:** Givens, Ben
Subject: RE: Another rule change proposal

Ben;

Do you have new language in mind? Does the honorary degrees committee have new language? We would be pleased to advance a non-awkward process and welcome any wording that expedites the honor.

Happy National Chocolate Covered Cherry Day! Ken

From: Givens, Ben **Sent:** Friday, January 3, 2020 4:22 PM **To:** Lee, Ken
Subject: Another rule change proposal

Ken,

I would like to add another rule change proposal to the docket. Sections (B) (7) of Rule 3335-5-48.8 describes an awkward process for advancing nominations for honorary degrees. In particular, the requirement of attaching a ballot to the nomination report to be returned to the secretary with a deadline of no less than two weeks appears to be a process for rolling nominations, and voting outside of regular senate meetings. We have traditionally brought these nominations to senate for a vote. Also, the requirement to transmit nominations to the president in 3335-5-48.8 (B) (7)(C) seems to be at odds with rule 3335-5-41 (A) (3) and the board bylaw 3335-3 (A) (3), which state that the senate recommends candidates to the board of trustees.

Ben

March 6, 2020 Rules Committee Agenda

We meet at 9:30 in Independence with six items listed 7-to-12. Please view this current box version last updated on 4/27/2020 12:25 PM or use the paper copy in the room. Senate passed our three motions on exclusion, administration and degrees (4,5,6). Green shaded minutes await your approval. Grey item 3 is tabled. This version is substantively different than the one sent last week.

9:30am	1. Introductions and welcome: spring break!
9:33	2. Motion to approve Feb 7, 2020 meeting minutes
9:35	3. 3335-5-04(1)(e) Add 60-day president decision time to current 04 rule. This is tabled pending the 04 Ad Hoc revisions.
9:36	4. 3335-6-03(D)(1)(b) Exclusion of time passed senate
9:37	5. 3335.3 revisions to 3335-3 Administration passed senate
9:38	6. 3335-9-11 pursuit of additional degrees passed senate
9:40	7. 3335-3-29(B)(5) Should a dean confer with their faculty when hiring direct reports? Discussion.
9:50	8. 3335-5-49.4 Ohio faculty council revision.
10:00	9. 3335-5-48.8 Honorary degrees revision.
10:10	10. 3335-5-45.4 Graduate ombudsman proposal.
10:20	11. 3335-5-48.5 Athletic council revision.
10:25	12. New business: hierarchy and rule appointments

Meeting Date where it was approved, will be **scheduled**, or is completed.

Rule # 3335-	Issue	Rules	Steering	Senate	Trustees
3-28	Dean not Director of Library	10/4/19	10/24/19	11/14/19	11/22/19
5-04(1)(e)	Hearing 60 day president	11/1/19	10/24/19	Tabled	
8-27.1	Grade forgiveness timing	11/1/19	9/26/19	11/14/19	11/22/19
6-03(D)(1)(b)	Exclusion for medical reason	12/6/19	2/13/2020	2/20/2020	5/5/2020
3	Administration chapter	1/17/2020	2/13/2020	2/20/2020	5/5/2020
9-11	Pursuit of additional degrees	1/10/20	2/13/2020	2/20/2020	5/5/2020
5-47.3	Housekeeping aka non-substantive	1/13/2020	1/17/2020	1/30/2020	2/27/2020
19-02	Five not seven days before	1/13/2020	1/17/2020	1/30/2020	2/27/2020
3-29(B)(5)	Dean gives substantial weight to faculty	3/6/2020	4/9?	4/16?	5/5/2020
3335-5-48.8	Honorary degrees	3/6/2020	3/19?	3/26?	5/5/2020
3335-5-49.4	Ohio faculty council	3/6/2020	3/19?	3/26?	5/5/2020
3335-5-45.4	Graduate student ombudsman	3/6/2020	4/9?	4/16?	5/5/2020
3335-5-48.5	Athletic council.	3/6/2020	3/19?	3/26?	5/5/2020

Here are meetings affecting rules for the remainder of the Academic Year.

Rules meeting	Optional ZOOM	Steering	Senate	Trustees
Sept 2019 - Jan 2020	January 10	January 16	January 30	February 27
February 7, 2020	Feb 14*	February 13	February 20	
March 6, 2020	Spring break	March 19	March 26	May 5
<i>April 3, 2020</i>	<i>April 10*</i>	<i>April 9</i>	<i>April 16</i>	

**These ZOOM calls after the Steering meeting enable actions ahead of the Senate meeting.*

2. Rules Committee September 2019 to Aug 2020				Please hold on your calendar	
Member	Source	Term	P: 614	1h Meeting*	Location
Jared Gardner.236	Faculty Council	2021	323-6267	Sep 6@ 9:30a	Independence
Ken Lee.133 (Chair)	Faculty Council	2021	292-7797	Sep 13@ 9:30a	NO meeting
Sara Watson.584	Faculty Council	2021	292-9647	Oct 4@ 9:30a	Independence
Sarah Moore.2204	Faculty Council	2020	292-2597	Oct 11@ 9:30a	Zoom
Amy Ferketich.1	Faculty Council	2020	292-7326	Nov 1@ 9:30a	Independence
Terry Esper.9	Faculty Council	2020	292-2610	Nov 8@ 9:30a	Zoom
Liz Webb.761	USG	2020		Dec 6@ 9:30a	Independence
Lisa Mayhugh.16	USAC	2020	292-0609	Jan 10@ 9:30a	Independence
Rania Khamees.5	CGS	2020	247-3035	Jan 17@ 9:30a	Zoom or Indy
TJ Beavers.58	IPC	2019		Feb 7@ 9:30a	Independence
Ben Givens.7	Senate Secretary	No exp	292-0385	Feb 14@ 9:30a	Zoom
Helen Malone.175	Provost designee	Exofficio	292-8313	Mar 6@ 9:30a	Independence
Brandon Lester.173	Legal Affairs	Exofficio	688-2314	M 13**@9:30a	CANCELLED
Hannah Torma.9	Recording Sec	No exp	292-2423	Apr 3@ 9:30a	Independence
List service:	rules@lists.osu.edu			Apr 10@ 9:30a	Zoom
Buckeye Box:	https://osu.app.box.com/folder/85172577713				

2. February 7, 2020 Meeting Minutes

Meeting Minutes

University Senate Rules Committee

February 7, 2019, 9:30 AM

119 Independence Hall (SCR)

Present: Jared Gardner, Ken Lee, Sara Watson, Amy Ferketich, Rania Khamees, TJ Beavers, Lisa Mayhugh, Ben Givens
Ex officio: Brandon Lester, Hannah Torma
Absent: Terry Esper, Sarah Moore
Alternate: Liz Webb (for Vidhya Jeyadev)
Not recorded: Helen Malone?

21. Introductions and welcome: Motion to accept Jan 17, 2020 meeting minutes: The minutes are **approved**.
22. 3335-5-04(1)(e) Add 60-day president decision time to current 04 rule from Hearing by way of Steering. This was ready but is **tabled** pending the 04 Ad Hoc revisions. Consider note from Hearing Committee.
23. 3335-5-47.3 – Add non-substantive emendations from the bylaws into the rules, also known as the housekeeping rule. **Approved** at Jan 30 Senate. 3A. Some non-substantive rule edits that we will discuss now that the housekeeping rule has passed the senate. Ben will wait until the BoT approves 3335-5-47.3 to send the changes.
24. 3335-19-02 steering sets agenda 5 days not 7 days before the senate meeting. **Approved** at Jan 30 Senate.

25. 3335-6-03(D) (1) (b) Exclusion of time from probationary periods for three reasons. Is this ready to send to Steering? Helen sent some minor corrections that are reflected here. **Approved** to send to steering.
26. 3335.3 revisions to 3335-3 Administration. Is this ready for Steering? Administrative bloat may come up; positions are being created regardless of this rule change. All we can do is continue to raise concerns. The nature of the code gives administration this power. This can be framed as a cleanup. Sara and Brandon note a few grammatical changes. **Motion approved** to send to steering.
27. 3335-9-11 pursuit of additional degrees. Please edit the resolution before we send this to Steering. This is clarifying that this rule applies to all faculty (except emeritus). **Motion approved** to send to steering.
28. 3335-3-29(B) (5) Should a dean confer with their faculty when hiring direct reports?

The rule does not currently apply to how college deans appointing and reappointing college administrators. The only issue might be with the direct report language. It might cover executive assistants, etc. Different colleges have different structures. How do we capture significant hires? This person might report to an associate dean instead of a dean. Is this something we can fix in rules? Do our rules state that colleges should have patterns of administration? We might say that patterns of administration should be clear on how deans appoint associate deans and those who affect faculty. It might be difficult to create a general catchall. It is a very broad set of circumstances. Could we say college administrators such as college deans and associate deans? Perhaps we should get advice from HR. Another place to look is the OAA handbook. Some colleges handle POA review differently. This might be a good topic for Faculty Council discussion. We may also want to work with Helen or Kay to get feedback from the Council of Deans.

29. 3335-5-49.4 Ohio faculty council – new item.

The report rule has not been followed. It could be a written report, and in that case, the other rule change is non-substantive.

30. New business – honorary degrees.

The rule currently requires two weeks for voting. Changing this one to week would allow this to go out with the Senate agenda to be voted on the day after the senate meeting. There is also rule disagreement. The senate has the power to recommend candidates to the BoT. This is inconsistent with the rule that says the secretary shall report honorary degrees to the president. It makes more sense to go to the BoT. The motion is **approved** contingent on approval from the Honorary Degrees committee. *P.s. Lee sent this to HD Chair Jennifer Crocker on 2/7/2020, no reply yet.*

31. Adjourn.

3: 5-05(1)(e) Include a 60-day presidential response to 04 rule

*We finalized this recommendation, but we wait until the ad hoc 04 committee completes its major review. We may decide at our **APRIL 3, 2020** meeting to send this to Steering anyway, so it can be finished in this academic year if the ad hoc 04 is delayed.*

Proposed next step: Ask Professor Dollarhide when their work will be sent to us.

5-04(1)(e) INCLUDE A PERIOD OF REVIEW BY THE PRESIDENT IN HEARING PROCEDURES

Resolution Number:

Synopsis: All review steps (letters C through H inclusive) in the procedures on complaints against faculty members, commonly known as the 04 rule, specify the number of days to “make every effort to complete the review.”

Presidential review (I) is the only step with days not specified.

WHEREAS the Faculty Rule 3335-5-04 outlines the procedures related to complaints against faculty members; and
WHEREAS within the process, each level of review includes an expectation of resolution to include expediency of the process; and

WHEREAS the final review by the president outlined in 3335-5-04(I) currently does not include a period of review; and

WHEREAS every effort to complete the review is now specified as: chair 14 days, dean 14 days, college committee 45 days, dean decision 30 days, provost 14 days, hearing 60 days, it is prudent to afford the presidential review the maximum 60 days; and

WHEREAS the Faculty Hearing Committee has agreed that the president’s level of review be updated to include an expectation of resolution within a specific period of time (sixty days); and

WHEREAS the Faculty Hearing Committee recommends amending rule 3335-05-04(I) to include the addition of (e) sixty days; and

WHEREAS the office of the President intends to make every effort to conclude such a review within 60 days; and

WHEREAS the Rules Committee approved this resolution and proposal on November 1, 2019;

NOW THEREFORE

BE IT RESOLVED, That procedures be clarified with the addition of 3333-05-04(I)(e) to make every effort to conclude a presidential review within sixty days be approved by the University Senate and respectfully request concurrence of the Board of Trustees effective upon approval by the Board of Trustees.

3335-5-04 Hearing procedures for complaints against faculty members.

(I) The president.

(1) Upon receipt of the written findings of fact and recommendation and a record of the proceedings from a hearing panel, the president shall review the matter. The president may:

(a) Dismiss the complaint;

(b) Impose any sanction less than termination of employment whether or not it accords with the recommendation of the hearing panel;

(c) Recommend to the board of trustees termination of employment on such terms and conditions as the president may deem advisable;

(d) Remand the case to the hearing panel for reconsideration.

(e) **The president shall make every effort to conclude their review and issue a decision within sixty days.**

(2) Any decision of the president shall be communicated in writing to the hearing panel and to the respondent.

4 – 3335-6-03(D)(1) Exclusion of time from probationary periods

Proposed next step: Find it on the 5/5 BOT consent agenda.

3335-6-03(D)(1)(abc) EXCLUSION OF TIME FROM PROBATIONARY PERIODS

Synopsis: This clarifies the exclusion of time rule. An exclusion due to personal illness or care of a seriously ill or injured person is a private matter that should not require review by a P&T committee.

Current language requiring exclusions based on illness or care be made within a year is struck to provide needed discretion to afflicted faculty. Similarly, the exclusion limit contingent upon the age of the adopted child is removed. Confusing or redundant wording is removed.

5 - 3335-3 University Administration

Proposed next step: Find it on the 5/5 BOT consent agenda.

3335-3 AN ACCURATE DESCRIPTION OF THE UNIVERSITY ADMINISTRATION

Synopsis: The current chapter is incongruent with the Board of Trustees by-laws on administration. This revision removes specific job descriptions and gives the president and provost discretion to define direct reports, consistent with the by-laws of the Board.

6 – Pursuit of additional degrees by associated faculty or staff

Proposed next step: Find it on the 5/5 BOT consent agenda.

3335-9-11 FACULTY PURSUING ADDITIONAL DEGREES

Synopsis: Per existing rule, faculty members may not pursue a degree in their own tenure initiating unit due to conflicts of interest. The associated faculty are added to the existing rule for clarity.

7- Should the dean confer with the faculty when hiring direct reports?

Recent abridged email chat here:

From: Malone, Helen <malone.175@osu.edu> **Sent:** Wednesday, March 4, 2020 8:31 AM
To: Lester, Brandon <lester.173@osu.edu>; Lee, Ken <lee.133@osu.edu>
Cc: Givens, Ben <givens.7@osu.edu>

That's where I would start.

From: "Lester, Brandon" <lester.173@osu.edu> **Date:** Tuesday, March 3, 2020 at 4:43 PM
To: "Lee, Ken" <lee.133@osu.edu>
Cc: "Givens, Ben" <givens.7@osu.edu>, "Malone, Helen" <malone.175@osu.edu>

Thanks Ken — happy to help! Re: the dean piece, sending it to Kay and Bruce may be a good step toward Council of Deans input, though I would defer to Helen there. Thanks!

From: Lee, Ken <lee.133@osu.edu> **Sent:** Tuesday, March 3, 2020 3:40:45 PM
To: Lester, Brandon <lester.173@osu.edu>
Cc: Givens, Ben <givens.7@osu.edu>; Malone, Helen <malone.175@osu.edu>

Brandon:

Thank you for your continued focus on improving rules; your presence is impactful even though not in the room. Toward this end I changed your bullets to numbers below:

1. Rules tweaked the language so that is why it remains a discussion item. Should this be sent to McPherson? How to next proceed with council of deans is the question.
 2. – SNIP -
-

Should deans give substantial weight to faculty recommendations when hiring tenure-track direct reports? The idea embraces the existing rule that the president consults faculty when hiring deans. Consultation is consistent with faculty governance. This version in red has input from Amy, Jared and Ken. Existing rule 3335-3-29 is **pasted here with bold emphasis added**. Should there be similar language for a dean?

3335-3-29 Deans of the colleges.

- (I) There shall be a dean of each college and an executive dean of the college of arts and sciences who shall be a member of its faculty and the administrative head of the college. Each dean and

the executive dean shall be appointed and reappointed by the board of trustees upon nomination of the president. **Before making this nomination or recommendation for reappointment, the president shall confer with members of the faculty of the college for which the dean or executive dean is to be appointed and shall give substantial weight to faculty recommendations in reaching a decision.** The president shall also consider the recommendations of the chairs of the departments and the directors of the schools in that college.

- (J) The major responsibility of the dean of each college... *snip* ... shall include the duty:
- (4) After consultation with the chairs of the departments and the directors of the schools within the college to make recommendations to the executive vice president and provost concerning the college budget, the appointments to and promotions within the staff and the membership of the college faculty.
- (5) To confer with members of the college faculty and give substantial weight to faculty recommendations before reaching a decision on tenure, appointments or reappointments of associate deans, chairs, or direct reports who affect academic issues such as research, service and teaching.

Proposed next step: Edit then decide if we send it to Kay and Bruce.

8 - 3335-5-49.4 Ohio faculty council

From: Givens, Ben <givens.7@osu.edu>

Sent: Wednesday, January 22, 2020 1:12 PM

I propose another rule change:

3335-5-49.4 Ohio faculty council.

(A) The university's representation to the Ohio faculty council (OFC) shall be the chair of faculty council and the chair-elect of faculty council. The chair of the university senate steering committee ~~and~~ or the secretary of the university senate shall serve as an ~~alternates~~.

(B) The representatives to the OFC shall report annually to the ~~senate~~ faculty council.

(Board approval dates: 7/10/1987, 5/5/1988, 11/4/1994, 3/5/1999)

Notes: The OFC bylaws only allow one alternate to be named per institution so it should read "or" in the second sentence in (A). I thought about proposing that we delete (B) altogether as this rule has not been followed in the decade I've been involved in the senate. However, as the newly elected chair of OFC, I feel like the council's work is important enough to warrant annual reports. Given that OFC is focused on faculty issues, I propose that the report be made to faculty council, not senate.

Proposed next step: A volunteer is sought to draft the resolution if these changes are accepted.

9- Honorary Degrees

From: Lee, Ken

Sent: Friday, February 7, 2020 11:10 AM

To: Crocker, Jennifer crocker.37@osu.edu

Subject: honorary degree rule

To Honorary Degrees c/o Jennifer Crocker

F Rules c/o Ken Lee

Hello Jennifer; the Rules Committee is suggesting some fixes to language affecting Honorary Degrees. The redline changes are shown in the attached along with its justification. It is one week instead of two, and BOT instead of president. We have not sent this to Steering yet and will only do so if your committee agrees. Secretary Ben Givens is our most articulate

spokesperson on this issue and can provide cogent commentary if needed. Thank you for your kind consideration of this attachment.

Honorary Degree rule change proposal. Here is a redline version the proposed change to rule 3335-5-48.8 provided by Secretary Ben Givens.

3335-5-48.8 Committee on honorary degrees.

(A) Membership.

The committee on honorary degrees shall consist of seven tenure-track faculty members. There shall be no more than two faculty members from the same college. The term of service is five years.

(B) Duties and responsibilities.

(1) Establish definite standards of scholarly attainment or of the distinctive applications of such attainment in the service of society by which to judge the qualifications for this honor.

(2) Establish procedures for the nomination of potential candidates for honorary degrees.

(3) Receive nominations concerning persons who might be considered for an honorary degree.

(4) Review thoroughly the achievements and qualifications of all persons nominated.

(5) Report to the university senate for its consideration and action such persons as have Received no fewer than four affirmative votes from the committee membership.

(6) Keep all deliberations and votes confidential except where publication is necessary for official purposes.

(7) Deliver the full dossier of each candidate and the nomination report of the committee on honorary degrees to the secretary of the university senate who shall distribute the nomination report to all members of the university senate.

(a) This report shall include a statement that conveys the committee's rationale for the nomination, pertinent details concerning the qualifications of the candidate, and the name of the sponsoring department or academic unit.

(b) A ballot shall be attached to the nomination report and shall be returned to the secretary of the university senate within a time prescribed on the ballot, but in no case less than ~~two weeks~~ one week from the date that the committee report is distributed.

(c) The secretary of the university senate shall transmit to the ~~senate~~ president board of trustees the nominations, together with the appropriate section of the reports from the committee on honorary degrees, for those candidates who are endorsed by a majority of the ballots cast by the members of the university senate.

(C) Organization.

(1) The executive vice president and provost, or designee, shall serve as liaison between this committee and the president.

(2) As a standing committee of the senate, this committee is also governed by the provisions of rules 3335-5-46 and 3335-5-48 of the Administrative Code.

Rationale for the changes:

The way rule 3335-5-48.8 (B) (7) (b) is written implies that voting for these honorary degree nominations will take place outside of a senate meeting and anonymously. However, it has been a recent practice to present the nominations at a senate meeting. The change to one week will allow nominations to be sent out with the senate agenda (with voting concluding the day after a senate meeting). By leaving the language that a ballot will be sent out with the agenda leaves open the possibility of having nominations and voting take place without a presentation at a senate meeting. Keeping this flexibility may be useful for cases that may best be handled outside of a senate meeting, for reasons of privacy or expediency.

The second change is to resolve an inconsistency in the rules. The relevant sections of two other rules in gray (below) mention that the senate recommend honorary degrees to the board of trustees, and not to the president.

3335-5-41 Powers.

The university senate, subject to the authority of the board of trustees, shall have the power:

- (A) Under delegation by the university faculty as defined in rule 3335-5-19.1 of the Administrative Code
- (1) to establish the educational and academic policies of the university,
 - (2) to recommend the establishment, abolition, and alteration of educational units and programs of study,
 - (1) to recommend to the board of trustees candidates for honorary degrees,
 - (4) to recommend candidates for degrees and certificates (which power shall be reserved to the faculty and administrative members of the university senate).
- (B) To consider, to make recommendations concerning, and (in pursuance of rules pertaining to the university) to act upon matters relating to the rights, responsibilities, and concerns of students, faculty, administrators, and staff

3335-1-03 Administration of the university

- (A) The president.
1. The president shall be the chief executive officer of the Ohio state university and shall be responsible for the entire administration of the university, subject to control of the board of trustees. The president shall lead in fostering and promoting education, research and outreach as the primary aims of the university. It shall be the duty of the president to enforce the bylaws, rules and regulations of the board of trustees, and, as a member of the faculty, to interpret to the board proposals and actions of the faculty. The president is hereby clothed with the authority requisite to that end.
 2. The president shall be a voting member of all college faculties, of the graduate school faculty, and of the faculty of the arts and sciences, and shall be a voting member and presiding officer of the university faculty and of the university senate. The president shall appoint all committees of the university faculty and of the university senate, unless membership has been designated by rule.
 3. After consultation with the steering committee of the university senate, the president may recommend to the board of trustees candidates for honorary degrees. The number of candidates so recommended shall be limited to eight per calendar year. This right and its limitation in no way abrogates the power of the university senate to recommend candidates for honorary degrees (rule 3335-5-41 of the Administrative Code).

Proposed next step: A volunteer is sought to contact the Honorary Degrees committee and co-author a resolution.

10- 3335-5-45.4 Graduate Ombudsman

You have this prior correspondence. Helen may have an update from OAA, one reply from Post here.

From: Lee, Ken **Sent:** Monday, February 24, 2020 1:37 PM
To: Post, Stephen J. <post.144@buckeyemail.osu.edu>
 Hello Stephen et al.;

Thank you for this prompt cogent response. I use the same numbering as before to help this document improve. This copy is sent to the Rules committee as it is likely to be on our next agenda, so apologies to all who receive this attachment twice.

- 1- Yes, you should draft a change. The redraft you sent is ambiguous: are you asking these people to be on the search committee, or are you asking these to appoint professional students to the search committee, or some other role? The current text literally states that the provost, president, secretary, and steering committee and grad school are on the search committee. That is far too many people. IMHO neither role should be assigned to the president nor to the provost.
- 2- The graduate ombudsman should be defined independent of any existing rules for the faculty ombudsman. These are distinctly different jobs, otherwise it would make sense to have only one full time ombudsman do both. Please state clearly the intent of the CGS as no third party can do this, nor should the existing rules for faculty be cut and pasted here.
 You say you agree with my suggested change in the synopsis but the file you just sent shows no change. Timing is ambitious so I send this to rules as we look forward to Helen's review for OAA.

– Ken

From: [Post, Stephen J.](#) **Sent:** Monday, February 24, 2020 12:29 PM
To: [Lee, Ken](#)
Cc: [Darragh, Amy](#); [Malone, Helen](#); [Bertone, Alicia](#); [Givens, Ben](#)
Subject: Re: Graduate Ombudsperson Resolution from CGS

Hi Ken,

Thank you so much for your review and questions. In our writing of the resolution, we tried to mirror the Faculty Ombudsman rule as much as possible as we thought that would be the best draft to start from and keep the rule language similar. I think a lot of these questions are a result of some lack of proper edits when starting from that base rule.

Responses to Rule Questions:

1. This is how the Faculty Ombudsman was appointed in their rule. We want to ensure there are a majority of graduate students on the search committee, as well as some professional students. I am open to changing the language to be clearer in terms of role on the committee. Do you think all of these folks need to be represented on the search committee? Or think some other appointment process would be better? Let me know if you have suggestions, or if I should draft a change
2. Again, this is a characteristics the Faculty Ombudsman was to have in their rule. I am open to removing "university governance" and/or adding "graduate advising" to improve relevancy.
3. (A)(3) is suppose to be (A)(2), that was an error on my formatting.
4. Additionally, here "faculty ombudsman" was supposed to be "graduate ombudsperson". Another editing error the draft.
5. I agree the advisor language implies that formal role, thus would like to change (B)(1) to "Gives guidance to graduate students..."

6. Misunderstanding that CAFR wouldn't apply to graduate students. Open to removing CAFR and leaving the other hearing units.

Responses to Resolution Questions:

I agree with all mentioned changes and they should be reflected, along with the proposed rule changes above, in the updated MS Word document version of the rule change attached below. Please let me know if you see any further changes, and if you would like me to attend the March 6th Rules Committee meeting to be available to answer any questions. If so please provide the meeting time/location. Thank you so much for your help in moving this rule change forward!

Stephen Post

President | [Council of Graduate Students at Ohio State](#) Phone: 513-827-2340 - Email: post.144@osu.edu

On Feb 21, 2020, at 9:54 PM, Lee, Ken <lee.133@osu.edu> wrote:

Hello Stephen:

Thank you for sending the proposed rule to me (Rules Chair) today in MS word format. This document is in good shape and it is quite helpful to have the resolution statement. Steering Chair Darragh properly asks OAA to review this before referral to Rules, so I have not yet shared this with my committee. However I ask a few obvious questions here that we could resolve now rather than delay later. Please share this with anyone who may best answer these questions if needed:

QUESTIONS ABOUT THE NEW RULE

1. (A) What is meant by this phrase "the graduate school, the steering committee, the secretary of the senate, the provost, and the president." It implies that these groups and individuals serve on a search committee or perhaps appoint the ombudsman along with a search committee. This would be a notably cumbersome process. The role of each these groups and the role of each person must be clear.
2. (A)(1) Why do we need someone with experience in university governance? Would someone with experience in graduate advising be preferred?
3. (A)(2) is missing.
4. (A)(3) It is a statement of fact that "Compensation for the faculty ombudsman will be provided" but this rule pertains only to the graduate ombudsman. OAA may have some say here.
5. (B)(1) Serve as an advisor to graduate students has a literal meaning, this ombudsman will have a COI if they serve as a grad advisor, so maybe you mean give advice to grad students?
6. (C)(1) What is meant by "a prerequisite for consideration of the dispute by the committee on academic freedom and responsibility." This makes no sense as CAFR deals exclusively with faculty, not graduate student issues.

QUESTIONS ABOUT THE RESOLUTION

7. Synopsis: I suggest advisors and programs, not advisors and/or programs, as the phrase "and divided by or" is meaningless. I agree with "the potential to become an invaluable asset to both graduate students and graduate programs." I think this is an asset to both graduate students and **graduate advisors**" as this is the primary relationship that the ombudsman will help improve.
8. RESOLVED that the proposal to amend faculty rule 3335-5-45; replacing "amend" with "**create.**"
FURTHER RESOLVED that the graduate ombudsperson position be filled by August 1, 2020. This is quite soon, would you agree with the position be created by August 1, 2020?

Amy says in her e-cover that CGS wants this on the March senate agenda. Here is my timing chart. Notice Rules needs this by March 6 for this ambition to bear fruit. IMHO aiming for the May 5 Trustees

agenda is a good plan B. Please note these questions are aimed at increasing the likelihood of a successful motion, it is not a obfusatory critique. I wish you the best with a long overdue concept.

-Ken @ Rules.

Good evening Helen,

Attached please find a proposed rule change from the Council of Graduate Students, as well as the accompanying resolution and position proposal, regarding the formation of a Graduate Ombudsperson. This rule change was presented to Senate Steering Committee on February 13, 2020 for referral to the Rules Committee. Given that the resolution asserts the position reside in OAA, Steering recommended that the attached documents be reviewed and approved by OAA prior to referral to Rules Committee. It is the hope of CGS that this be placed on the March Senate Agenda.

I have cc'd Dean Bertone, Dean of the Graduate School, and Stephen Post, Chair of the Council of Graduate Students, should you have any questions. Ken Lee, Chair of the Rules Committee, also is cc'd given the request for the proposed rule change.

Thank you, Helen, for your timely review of these documents.

Warmly,

Amy Darragh

Amy Darragh, PhD, OTR/L, FAOTA Associate Professor and Division Director

To: University Senate

From: Stephen Post, Chair, Graduate Compensation and Benefits Committee

Subject: Proposal to Establishing a Graduate Ombudsperson at The Ohio State University

Date: February 13, 2020

Title: ESTABLISHING A GRADUATE OMBUDSPERSON AT THE OHIO STATE UNIVERSITY

Synopsis: Graduate students have expressed concern that there is currently no dedicated central, independent resource for graduate students at the university. Issues regarding fairness and impartiality, especially as they relate to student complaints of advisors and/or programs, was identified as a particular area of concern. The graduate ombudsperson has the potential to become an invaluable asset to both graduate students and graduate programs.

WHEREAS in 2018, the Council of Graduate Students asked the Graduate School to explore the creation of a new ombudsperson position with a special focus on supporting graduate students at the University; and

WHEREAS the Graduate School returned a letter to the Council of Graduate Students on September 24, 2019 expressing support for the creation of a graduate ombudsperson position at the University; and

WHEREAS the Graduate School asked the Council of Graduate Students and University Senate in this letter to give their "full and thoughtful consideration to [their] proposed position"; and

WHEREAS the graduate student population at the University is not currently being served by an ombudsperson; and

WHEREAS the Council of Graduate Students passed a resolution October 4, 2019 supporting the Graduate School's stated position and is calling for the creation of a graduate ombudsperson position at the University; and

WHEREAS the proposal was discussed in the Graduate Compensation and Benefits Committee, the Council on Student Affairs, and the Graduate Council; and all committees are favorable to the creation of the ombudsperson position;

THEREFORE LET IT BE RESOLVED that the proposal to amend faculty rule 3335-5-45 the below changes be approved by the University Senate and respectfully request concurrence of the Board of Trustees effective upon approval by the Board of Trustees.

LET IT BE FURTHER RESOLVED that the graduate ombudsperson position be filled by August 1, 2020.

3335-5-45.4 Graduate Ombudsperson

(A) The graduate ombudsperson shall be a staff member who supports graduate students, a member of the tenured or tenure-track faculty, or an emeritus faculty member who was a tenured faculty member appointed by the president. Appointments shall be made on the basis of a recommendation made by a search committee consisting of a majority of graduate students appointed by the council of graduate students, professional students appointed by the inter-professional council, the graduate school, the steering committee, the secretary of the senate, the provost, and the president. The term of office shall be for one year, and is renewable.

(1) The graduate ombudsperson shall be someone with experience in university governance at the Ohio state university, shall be familiar with university rules and policies, prevalent cultural norms within the institution especially those pertaining to graduate students, precedent, and established university policies and operating procedures.

(3) Compensation for the faculty ombudsman will be provided by the office of academic affairs, in the form of course release time or supplemental compensation.

(B) The responsibilities of the graduate ombudsperson will be to:

(1) Serve as an advisor to graduate students to assist them in determining the viability of their complaints and issues.

(2) Direct graduate students to appropriate offices, committees, and university rules and policies.

(3) Serve when appropriate as an informal mediator of early-stage complaints, to mediate as a neutral, confidential, and independent party rather than as an advocate for graduate students involved in complaints to ensure objectivity.

(4) Present an annual report on their activities to the graduate school to be publicly distributed to the council of graduate students and the graduate student body at-large.

(5) Visibility of the office of the ombudsperson will be made available to graduate students through venues such as web pages, oral presentations by the ombudsperson at Graduate School events, and through an introduction at the first meetings of University Senate and the Council of Graduate Students each year.

(C) Recourse to the ombudsperson.

(1) Recourse to the ombudsperson is voluntary and not a prerequisite for consideration of the dispute by the committee on academic freedom and responsibility, the graduate school, the office of academic affairs, or the office of human resources.

3335-5-45.45 University senate faculty leadership.

(A) Membership.

The university senate faculty leadership shall consist of four members.

(1) The chair of the faculty council.

- (2) The chair-elect of the faculty council.
 - (3) The chair of the university senate steering committee.
 - (4) The secretary of the university senate.
 - (B) Duties and responsibilities.
 - (1) Meet year-around to plan, project and assist in expediting university senate business.
 - (2) Meet with the university president to enhance communications between faculty and the office of the president.
 - (3) Meet with the provost to discuss academic policies, educational policies and the mission of the office of academic affairs.
 - (4) Meet with university leadership on an as-needed basis to foster shared governance.
 - (5) Suggest nominees to the executive committee of faculty council to fill faculty vacancies in university senate committees.
- (Board approval date: 1/30/2015)
- Proposed next step:** Resolve any issues raised by our committee.

11- 3335-5-48.5 Athletic council.

This improved rule was approval by unanimous vote of the athletic council on March 5, 2020. My thanks to Brandon for his detailed review that gives us a much better document, all of his edits are in this version:

3335-5-48.5 Athletic council.

- (A) The athletic council shall consist of sixteen voting members with terms commencing July 1 and completing June 30. Incoming members of the council may attend meetings as non-voting members immediately following ~~election~~ **appointment**.
 - (1) Eight faculty **members**. The term of service is four years.
 - (a) Four faculty **members** selected by the faculty council.
 - (b) Four faculty members appointed by the president.
 - (2) Four students.
 - (a) One graduate student. **The term of service is one year.**
 - (b) One professional student. **The term of service is one year.**
 - (c) Two undergraduate students. The term of service is two years with one student selected each year.
 - (3) Two alumni designated by the Ohio state ~~university~~ alumni association using procedures adopted by that body. The term of service is four years and the terms are staggered so that one member retires every two years.
 - (4) Two staff members, one selected by the university staff advisory committee and one by the president. The term of service is four years with one staff member selected every two years.
 - (5) Five ex-officio non-voting members or their designees.
 - (a) The director of athletics.

- (b) The vice president of student life.
- (c) The faculty athletics representative (FAR).
- (d) The director of the student athletics support services office (~~SASSO~~).
- (e) The president of the student-athlete advisory council (~~SAAC~~).

(B) Duties and responsibilities.

- (1) Develop, subject to the general authority of the president and the board of trustees, policies governing intercollegiate athletics, as the agent of the senate. The senate may hold these policies in review.
 - (a) These policies shall guide the administration of the program of intercollegiate athletics by the director of athletics, but the athletic council shall not serve in an administrative or executive capacity.
 - (b) It will consider and establish policy on such matters as the income and expenditures budget, the schedules for seasonal and post-seasonal play in relation to the effect upon the welfare of the athletes, grants and other financial aid to athletes, eligibility of athletes, student grievance procedures and sportsmanship policies related to athletics, awards to athletes, [recommend ticket prices](#), ticket distribution, and public and campus relations of the athletic program.
 - (c) [It will consider and establish standing committees, an executive committee, and ad hoc committees to consider athletic matters raised by any member of the university community.](#)
 - ~~(e)~~(d) Its recommendations and decisions on policy shall be ~~made known~~[reported](#) to the senate and to the ~~staff of the~~ department of athletics.
- (2) ~~Participate with the president in the process~~[selection](#) of ~~selecting~~ a faculty athletics representative. (FAR). The ~~faculty athletics representative~~[FAR](#) shall provide advice and oversight for the intercollegiate athletics program at ~~the Ohio state university~~ and represent the university and its faculty to the [Big10 Conference and the NCAA](#). The ~~faculty athletics representative also~~[FAR](#) shall participate in the assurance of academic integrity of the athletics program; monitor the student-athlete experience; participate in the assurance of ~~the~~ institutional compliance with NCAA and [Big10](#) conference regulations; and serve as the ~~senior~~ faculty advisor to the president and the director of athletics concerning the administration of the collegiate athletics program.
 - (a) ~~When~~ selecting a new ~~faculty athletics representative~~[FAR](#), the athletic council shall prepare a list of no fewer than two tenured faculty members [who do not hold any position in the Athletics Department](#) from which the president shall select ~~a faculty athletics representative~~[the FAR](#).
 - (b) Eighteen months ~~prior to~~[before](#) the [June 30](#) end of the ~~faculty athletics representative's~~[FAR](#) final term, the chair of the athletic council shall appoint a nominating committee which shall ~~have the responsibility to~~ inform the university community about the position of ~~faculty athletics representative~~[FAR](#) and ~~to~~ invite applications and ~~or recommendations for~~ nominations. Brief recommendations in writing that state the candidate's qualifications for the position ~~may be~~[are](#) submitted to the nominating committee by any member of the university

community. Applications and nominations shall be due in accordance with a ~~reasonable~~ schedule established by the nominating committee. Every reasonable effort shall be made to present qualified candidates for vote by the athletic council on or before June 1.

- (a) ~~Final approval of the list of names submitted to the president shall be made by a two-thirds majority of the full voting membership of the athletic council. The list for the faculty athletics representative position shall be presented to the president during the autumn semester preceding the start of the next term of office in order to allow for a smooth transition between outgoing and incoming faculty athletics representatives. The new faculty representative will be appointed January first to take office July first of the same year.~~
- (b) ~~The new faculty athletics representative will be appointed faculty athletics representative every reasonable effort shall be made to appoint the FAR-elect on July one of the year or before becoming faculty athletics representative. The faculty athletics representative July 1 to allow one year of shadowing and transition between FAR-elect shall attend all meetings in which the faculty athletics representative has access to, but the faculty athletics representative-elect shall have no right to vote until the faculty athletics representative-elect becomes the faculty representative.~~
- (c) ~~The term of office for a faculty athletics representative is four years, beginning July and incumbent. The FAR-elect takes office one of the year following after appointment as faculty athletics representative-elect on July 1.~~
- (d) The FAR-elect shall shadow the incumbent FAR on selection and attend all meetings without voting rights until their respective terms begin and end on July 1.
- (e)(e) The FAR term is four years beginning July 1. Reappointment for no more than two additional four-year terms is permissible. If an incumbent ~~faculty athletics representative~~FAR is eligible ~~to for~~ and desires ~~to serve another term, then~~reappointment, at least ~~nine~~eighteen months prior to ~~the~~ expiration of the ~~current~~ term, the athletic council shall complete a review of the incumbent's performance. ~~If the council decides that the incumbent should serve another term~~If two-thirds of voting members are in favor of reappointment and the president concurs, ~~the faculty athletics representative's term~~ the FAR shall be ~~renewed~~reappointed. Otherwise, the athletic council shall ~~move~~ immediately ~~to~~ prepare a list ~~to submit to for~~ the president following ~~the procedures of paragraphs (B)(2)(a) to (B)(2)(c) through (d) of this rule, except for the time limitations.~~
- (d)(f) ~~The faculty athletics representative shall not serve simultaneously as a~~The FAR is an ex-officio non-voting member of the athletic council, ~~but shall attend meetings of the council.~~ The chair of the athletic council, or ~~the chair's~~faculty designee ~~from among the faculty members of the athletic council,~~ shall serve as the ~~interim faculty athletics representative~~FAR with full voting privileges at NCAA, Big10, and other conference meetings ~~whenever the faculty athletics representative~~if the FAR is unavailable.
- (e)(g) In the event that the ~~faculty athletics representative~~FAR does not complete a full term, the ~~faculty athletics representative~~FAR-elect shall complete the ~~remainder of the uncompleted~~ term. The completion of a term does not constitute a four-year term for purposes of the three ~~four-year~~ term ~~limitation~~limit in paragraph (B)(2)(e) of this rule. If there is no ~~faculty athletics representative-elect at the time the~~

~~faculty athletics representative vacates the position, FAR-elect~~ the chair of the ~~faculty athletic council, or the chair's designee from among the faculty members of the athletic council,~~ shall serve as the interim ~~faculty athletics representative~~FAR until the appointment of a ~~new faculty athletics representative~~.FAR-elect. Upon notice of a vacancy ~~or an imminent vacancy in the faculty athletics representative position,~~ the athletic council shall ~~move~~ immediately ~~to~~ prepare a list ~~to submit to~~for the president following ~~the procedures of paragraphs (B)(2)(a) to (B)(2)(c)~~through (d) of this rule, ~~except for the time limitations.~~

(C) Organization.

- (3) Reports by the ~~athletic~~ council to the president, other than those made through the senate, shall be made through the director of athletics.
- (4) As a standing committee of the senate, this council is ~~also~~ governed by the provisions of rules 3335-5-46 and 3335-5-48 of the Administrative Code.

3335-5-48.5 Athletic Council Resolution

Synopsis: The AC duties and appointments are corrected to list actual practice. Contradictions and a flawed timeline for the selection of the FAR (Faculty Athletics Representative) are removed. The Big10 and ticket price recommendation is corrected to current practice. Appointment of the faculty council chair as interim FAR is corrected to the athletic council chair.

WHEREAS the terms of the graduate and professional student member were inadvertently omitted; and

WHEREAS the AC considers and recommends policies on ticket distribution and prices; and

WHEREAS the AC has established standing, executive and ad hoc committees to consider athletic matters; and

WHEREAS the FAR represents the university at both the NCAA and the Big10 conference; and

WHEREAS the FAR may not hold any position in the athletics department; and

WHEREAS election of the FAR requires a two-thirds majority vote of the AC; and

WHEREAS procedures for the election of the FAR are clarified; and

WHEREAS a prior specified 9 month FAR review does not allow the required 12 month of job shadowing by a FAR-elect; and

WHEREAS the athletic council chair, not the faculty council chair serves as the FAR in their absence; and

WHEREAS a confusing rule requiring job shadowing is clearly restated; and

WHEREAS the faculty athletics representative agrees these revisions are needed; and
WHEREAS the athletic council voted in favor of these revisions on March 5, 2020; and

WHEREAS the Rules Committee approved this resolution and language on March 6, 2020;

NOW THEREFORE

BE IT RESOLVED, that a revision to the duties of the athletic council be approved by the University Senate and respectfully request concurrence of the Board of Trustees effective upon approval by the Board of Trustees.

Proposed next step: If we vote yes, I will send this to steering.

12 New business, your questions are welcome:

About our rules: Any minor emendations? Should there be a statement of hierarchy?

3335-15-02 Power to promulgate rules and regulations.

Rules and regulations for the administration and operation of the university may be promulgated, amended, and repealed by the board of trustees upon its own initiative or upon the recommendation of the university faculty or the university senate.

If a rule, policy, pattern or regulation is inconsistent or contradictory, the next higher level will govern. Unless specifically noted, the governance hierarchy has this order

1. The Ohio administrative code
2. Bylaws of the Board of Trustees
3. Bylaws of the Medical Center Board
4. Rules of the University Faculty
5. Bylaws of the University Senate
6. University policies issued by the Office of Compliance and Integrity
7. Policies issued by the office of human resources
8. Patterns of administration of the schools or colleges
9. Patterns of administration of academic units
10. Codes of conduct
11. Other stuff?

About our committee: Are you able to schedule 90 minutes on April 3 or a full meeting on April 10 as a full agenda is anticipated? Some issues that may come up include: Who is eligible for a second term? Why do rule members have two-year terms with three the norm on other committees? Do we have “appointed administrative members?” What should be in our annual report? Should we elect a chair at our next meeting?

(c) Appointed administration members shall serve two-year terms and shall not be eligible for immediate reappointment until one full year has elapsed unless they have served less than two-thirds of a full term.

(C) Organization.

Committee chairs. Except where otherwise specified by the rules, in the spring each committee shall elect a chair from its continuing membership, whose term shall begin the subsequent summer session; where it is deemed useful, committees may elect a vice-chair in the autumn to assist the current.

Proposed next step: Place select items on April meeting and defer others to next year.

April 3, 2020 Rules Committee Agenda

We meet at 9:30am via Zoom with a few end of year items. This is a box version last updated on 4/27/2020 12:25 PM. Senate passed our Athletic Council rule. Green shaded minutes await your approval. We should discuss tabled item 4 as updates continue to arrive. I have one nomination to date for Rules Chair and will accept other nominations up to the 10:20 am election.

9:30am	1. Introductions and welcome: COVID-19!
9:33	2. Motion to approve March 6, 2020 meeting minutes
9:35	3. Four rules await BOT vote including our 3335-5-48.5 Athletic council rule that was passed by the March senate.
9:37	4. 3335-5-04(1)(e) Adding a 60-day president decision time is now moot. The Ad Hoc report from Dr. Dollarhide remains a separate document.
10:00	5. 3335-3-29(B)(5) Should a dean confer with their faculty when hiring direct reports? Sent to OAA response pending.
10:05	6. 3335-5-49.4 Ohio faculty council revision send to BOT office?
10:10	7. 3335-5-48.8 Honorary degrees revision response pending.
10:15	8. 3335-5-45.4 Graduate ombudsman proposal response pending.
10:17	9. 3335-15-02(B) – Hierarchy proposed.
10:20	10. Election of a Rules Chair for AY21.
10:30	11. Do you wish to meet April 10? Rules Bylaws & Rules Annual Report by email.

Meeting Date where it was approved, will be **scheduled**, or is completed through BOT.

Rule # 3335-	Issue	Rules	Steering	Senate	Trustees
3-28	Dean not Director of Library	10/4/19	10/24/19	11/14/19	11/22/19
5-04(1)(e)	Hearing 60 day president	11/1/19	10/24/19	?	
8-27.1	Grade forgiveness timing	11/1/19	9/26/19	11/14/19	11/22/19
6-03(D)(1)(b)	Exclusion for medical reason	12/6/19	2/13/2020	2/20/2020	5/5/2020
3	Administration chapter	1/17/2020	2/13/2020	2/20/2020	5/5/2020
9-11	Pursuit of additional degrees	1/10/20	2/13/2020	2/20/2020	5/5/2020
5-47.3	Housekeeping aka non-substantive	1/13/2020	1/17/2020	1/30/2020	2/27/2020
19-02	Five not seven days before	1/13/2020	1/17/2020	1/30/2020	2/27/2020
3-29(B)(5)	Dean gives substantial weight to faculty	3/6/2020	4/9/2020	?	?
3335-5-48.8	Honorary degrees	3/6/2020	4/9/2020	?	?
3335-5-49.4	Ohio faculty council	3/6/2020	4/9/2020	?	?
3335-5-45.4	Graduate student ombudsman	3/6/2020	4/9/2020	?	?
3335-5-48.5	Athletic council.	3/6/2020	3/19/2020	3/26/2020	5/5/2020

Here are meetings affecting rules for the remainder of the Academic Year.

Rules meeting	Optional ZOOM	Steering	Senate	Trustees
Sept 2019 - Jan 2020	January 10	January 16	January 30	February 27
February 7, 2020	Feb 14*	February 13	February 20	
March 6, 2020	Spring break	March 19	March 26	May 5

April 3, 2020	April 10*	April 9	April 16
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2. Rules Committee September 2019 to Aug 2020				Please hold on your calendar	
Member	Source	Term	P: 614	1h Meeting*	Location
Jared Gardner.236	Faculty Council	2021	323-6267	Sep 6@ 9:30a	Independence
Ken Lee.133 (Chair)	Faculty Council	2021	292-7797	Sep 13@ 9:30a	NO meeting
Sara Watson.584	Faculty Council	2021	292-9647	Oct 4@ 9:30a	Independence
Sarah Moore.2204	Faculty Council	2020	292-2597	Oct 11@ 9:30a	Zoom
Amy Ferketich.1	Faculty Council	2020	292-7326	Nov 1@ 9:30a	Independence
Terry Esper.9	Faculty Council	2020	292-2610	Nov 8@ 9:30a	Zoom
Liz Webb.761	USG	2020		Dec 6@ 9:30a	Independence
Lisa Mayhugh.16	USAC	2020	292-0609	Jan 10@ 9:30a	Independence
Rania Khamees.5	CGS	2020	247-3035	Jan 17@ 9:30a	Zoom or Indy
TJ Beavers.58	IPC	2019		Feb 7@ 9:30a	Independence
Ben Givens.7	Senate Secretary	No exp	292-0385	Feb 14@ 9:30a	Zoom
Helen Malone.175	Provost designee	Exofficio	292-8313	Mar 6@ 9:30a	Independence
Brandon Lester.173	Legal Affairs	Exofficio	688-2314	M 13**@9:30a	CANCELLED
Hannah Torma.9	Recording Sec	No exp	292-2423	Apr 3@ 9:30a	Independence
List service:	rules@lists.osu.edu			Apr 10@ 9:30a	Zoom
Buckeye Box:	https://osu.app.box.com/folder/8517257713				

2. March 6, 2020 Meeting Minutes

Meeting Minutes

University Senate Rules Committee

March 6, 2019, 9:30 AM - 119 Independence Hall (SCR)

Present: Jared Gardner, Ken Lee, Sara Watson, Amy Ferketich, Rania Khamees, Ben Givens

Ex officio: Brandon Lester, Hannah Torma

Absent: Terry Esper, Sarah Moore, Lisa Mayhugh

Alternate: Liz Webb (Vidhya Jeyadev), (TJ Beavers)

32. Introductions and welcome: spring break!

33. Motion to accept Feb 7, 2020 meeting minutes. **Motion approved.**

34. 3335-5-04(1)(e) Add 60-day president decision time to current 04 rule.

This is tabled pending the 04 Ad Hoc revisions. Should we send this during the current academic year?

There is nothing before the President at this moment. They have been discussing it for 30 days. It might be odd to change it to 60 and then 30.

35. 3335-6-03(D)(1)(b) Exclusion of time passed senate

36. 3335.3 revisions to 3335-3 Administration passed senate

37. 3335-9-11 pursuit of additional degrees passed senate

38. 3335-3-29(B)(5) Should a dean confer with their faculty when hiring direct reports? We can send this to Kay and Bruce for feedback.

39. 3335-5-49.4 Ohio faculty council revision.

The secretary would report to the Faculty Council and not the Senate. This might be a non-substantial emendation. Ben suggests an additional rule change that would allow the second representative to be appointed from the Faculty Council. **The motion passes.**

40. 3335-5-48.8 Honorary degrees revision

We did not get a response from the honorary degree committee. Currently, the rules are inconsistent regarding whether HDs go from the Senate to the BoT, or go through the President before the BoT. Also, proposals for HDs came to the Senate for a vote in the past. The rule states that this should happen electronically. Perhaps it is best to wait until a final approval to make HD nominations public. However, the deliberative process is useful. There have also been internal problems regarding the process of sending nominees forward. Changing the voting process in rule from two weeks to one will still not solve the internal problem. Are there more substantive procedures that need to be addressed. The committee needs to have bylaws. Then they need to instruct us about what rules need to be changed. We need to make sure to follow up with them next fall. There should be a vetting by a larger audience. The BoT tabled the most recent HD proposals.

41. 3335-5-45.4 Graduate ombudsman proposal

Stephen sent information to OAA. OAA wonders why we would set up another Ombudsman office instead of setting up a University Ombudsman Office. This office was created in 1970 and operated from 1971-1995. It served a very broad audience. In 1992, law students began to be trained to mediate disputes. In 1994, a committee was set up, and in 1995, the committee recommended that the office be phased out. OAA wants to look into creating this office again. It could house resources for faculty and students. The faculty ombudsman is at a .5. This would probably still work. The student ombudsman would be a different person. January 2021 may be a reasonable time to generate a rule. They are gathering information. Several peer institutions do have a larger office. USAC was also interested in a staff specific ombudsperson. An office like this can also have an opportunity to take proactive steps before dispute resolution. Many students do not know how to navigate talking about their concerns. Student Advocacy does get a few graduate cases, but they are often referred back to the Department or the Graduate School. Helen will seat a group of people to have a conversation about what this office might look like. We will ask that OAA give us updates at future meetings.

42. 3335-5-48.5 Athletic council revision. The council just approved revisions to its rules. **The motion is approved with corrections.**

43. New business – hierarchy and rule appointments

It is not clear anywhere in the rules what happens when one policy document is in conflict with another. Ken drafted some initial language. This will not be resolved today; it is an idea for the future. Next meeting on April 10.

44. Adjourn.

3 – These four rules should be on the 5/5 BOT agenda.

- **3335-6-03(D)(1)** Exclusion of time from probationary periods
- **3335-3** University Administration

- **3335-9-11** Pursuit of additional degrees by associated faculty or staff
- **3335-5-48.5** Athletic council.

Synopsis: The AC duties and appointments are corrected to list actual practice. Contradictions and a flawed timeline for the selection of the FAR (Faculty Athletics Representative) are removed. The Big10 and ticket price recommendation is corrected to current practice. Appointment of the faculty council chair as interim FAR is corrected to the athletic council chair.

4: 5-05(1)(e) Revised 04 rule

For discussion: Yesterday the Faculty Council scheduled a vote on the Ad Hoc 04 committee report with result pending. The unabridged 28 page report is in the Rules BOX for your reading pleasure. Here are a few lettered bullets to consider:

- A. Our prior motion to add a 60 day presidential decision is now moot and struck from the record.
- B. The Faculty Council has an online vote to send the report to Steering then to Rules for disposition. This vote and its outcome is moot, as you know per **3335-5-44** *[The Faculty Council is] separate membership. They may initiate proposals and submit them to the university senate for consideration. The senate, however, shall be independent of [Faculty Council] and its actions shall not need their concurrence nor be subject to their review.*
- C. Rules can assume Steering will send it our way. Steering may send it to CAFR and Hearing, or may ask us to do that per the Ad Hoc recommendation. If we get the job we may consider parsing it out, such as sending the research misconduct piece to the Research Committee, financial fraud piece to Fiscal, etc.
- D. It is impractical for Rules to discuss this document today as few comprehend its scope. We can defer to a future time, agree to an April 10 meeting, set up a joint meeting with other standing senate committees, with ad hoc groups, form a subcommittee, or something else that floats your boat.
- E. Ad Hoc Chair Dollarhide said this 04 rule does not apply to administrators for whom a separate rule may be crafted. I said administrators must be held to identical ethical standards as the faculty members they oversee, stimulating further thoughts.
- F. An email conversation below provides salient context that of course is a reverse chronology starting on January 8 line 380. I do not correct errors [sic].

From: Schricker, Scott

To: Lee, Ken lee.133@osu.edu

Sent: Thursday, April 2, 2020 7:02 PM

Subject: New '04' rule

Hi Ken,

I just wanted to follow-up on the Council discussion regarding the new '04' rule. Since I won't just run into you at a senate event, I have to do this by email. I have not read the whole thing end-to-end, but there are a few things I saw that concerned me. In **3335-5-04.1 B.2** on page 11, it clearly states "Complaints against administrators who hold faculty appointments must allege facts related to the faculty appointment duties to be actionable." I know that Branden said that an Administrator who was

found guilty of sexual harassment could still lose their faculty position under the '04'. But given this language I am not sure how. On the other two tracks (Page 18 and Page 23, it clearly states that these rules are for faculty. I would really like someone to walk us through how this works, it might be ok but I just don't see it right now. What concerns me is that ten years from now, when we are not involved in this, all that is left is the words of the rules. Being on CAFR for the last three years has taught me that the words matter and the outcomes can change based on the meaning or interpretation of a phrase or word. I am really worried that someone could use this to keep a faculty position when they should have been fired. In an ideal world I would like to see the rules for administrators updated at the same time. I would like to know how rules feel about this when you discuss it and I can let you know how CAFR feels about it.

I am also concerned about your point that administrators can protect each other. If you look at **3335-5-04.1 B.2.i** this gives the vice provost and provost the sole power to dismiss an '04' complaint as abusive or retaliatory. I think it is a good idea to have such a mechanism, there was a faculty member who was filing '04' complaints against everyone in administration. I am concerned that there is no faculty voice in this. This could be used to protect someone and there is little oversight in this.

I think there is much to like about this rule, I would just like to stay in touch on this because I would like to have some of these issues clarified before it comes back to Council and then the Senate. Thanks,

Scott

Scott R. Schricker, Ph.D. Associate Professor Director for Student Research **College of Dentistry** Division of

From: Lee, Ken

To: Kaye, Gail kaye.3@osu.edu

Sent: Thursday, April 2, 2020 8:23 PM

Subject: RE: Thank You

Gail;

Thanks for this. I will include your observation in tomorrow morning's scheduled Rule committee meeting. It is likely this will be on the AY21 Senate agenda, allowing us to get it right over the summer or Fall if needed. The ad hoc committee did outstanding work with some issues needing clarification, such as the one you articulate in your note.

-Ken

From: Kaye, Gail

To: Lee, Ken lee.133@osu.edu

Sent: Thursday, April 2, 2020 5:05 PM

Subject: Thank You

Hi Ken,

I appreciate so much, you raising the issue of administrators. It has been my experience as well that HR is brought in to deal with an array of concerns pertaining to administrators. And, it has been my experience that HR is often 'strong armed' by the inner circle of tightly knit administrators, to 'modify' serious complaints to lesser offenses. Ken, what do you think would be appropriate next steps? I think it is time to act.

Again, many thanks! Gail

Gail L. Kaye, PhD, RD, LD, LPCC Director, Undergraduate Studies Associate Prof, Clinical Public Health

From: [Clark, Caroline](#)

Subject: Re: Faculty Cabinet Meeting

Sent: Monday, March 30, 2020 10:05 AM

Thanks, Ben!

Caroline T. Clark, PhD (she/her/hers) Department of Teaching and Learning

From: "Givens, Ben" <givens.7@osu.edu> **Date:** Monday, March 30, 2020 at 10:04 AM
To: clark.664@osu.edu , dollarhide.1@osu.edu; lee.133@osu.edu Amy.Darragh@osumc.edu
schweikhart.1@osu.edu cole.354@osu.edu
Subject: RE: Faculty Cabinet Meeting

I think that the Steering Committee will send it to Rules, and ask that they seek feedback from the Hearing Committee and CAFR, and most likely all faculty. The way I see it, the distribution and feedback may begin in the summer, but the final input and the drafting will occur in Autumn semester.

Ben

From: Clark, Caroline <clark.664@osu.edu> **Sent:** Monday, March 30, 2020 9:54 AM
To: Givens, Ben <givens.7@osu.edu>; Dollarhide, Colette <dollarhide.1@osu.edu>; Lee, Ken <lee.133@osu.edu>
Cc: Amy Darragh <Amy.Darragh@osumc.edu>; Schweikhart, Sharon <schweikhart.1@osu.edu>; Cole, Susan <cole.354@osu.edu>
Subject: Re: Faculty Cabinet Meeting

Good morning, all!

First off, much thanks to you, Colette, for the persistent work and leadership you've provided on this initiative. I know that it's take countless hours and many, many meetings. I'm grateful for your leadership!

Just to be clear, will this proposal then cycle through various committees for input and feedback? Although we have discussed the change ins a few meetings, the Faculty Hearing Committee has not yet seen a complete draft on which to provide comprehensive feedback. I'm just trying to wrap my brain around the step-by-step process once this moves beyond the ad-hoc committee.

Wishing you all well!

Caroline

Caroline T. Clark, PhD Professor, Adolescent Literacies, Young Adult Literature, and English Education

From: "Givens, Ben" <givens.7@osu.edu> **Date:** Monday, March 30, 2020 at 9:48 AM
To: "Dollarhide, Colette" <dollarhide.1@osu.edu>, "Lee, Ken" <lee.133@osu.edu>, "Clark, Caroline" <clark.664@osu.edu> Amy Darragh <Amy.Darragh@osumc.edu>, "Schweikhart, Sharon" <schweikhart.1@osu.edu>, "Cole, Susan" <cole.354@osu.edu>
Subject: RE: Faculty Cabinet Meeting

Yes, the 04 ad hoc committee report highlights will be presented at the Faculty Council meeting this Thursday. The final report will not go out with the agenda, but will be forthcoming.

Ken, perhaps you could set the final Rules Committee meeting for April 10. The Steering Committee, at their April 9 meeting, could send it to the Rules Committee. The Rules Committee could at least have the rule change proposal in their hands at the last meeting to distribute for summer reading.

Ben

From: Dollarhide, Colette <dollarhide.1@osu.edu> **Sent:** Monday, March 30, 2020 9:27 AM
To: Lee, Ken <lee.133@osu.edu>; Clark, Caroline <clark.664@osu.edu>; Givens, Ben <givens.7@osu.edu>
Cc: Amy Darragh <Amy.Darragh@osumc.edu>; Schweikhart, Sharon <schweikhart.1@osu.edu>; Cole, Susan <cole.354@osu.edu>
Subject: Re: Faculty Cabinet Meeting

Good morning, Chairman Lee! We are pushing hard to get the revision and report done by this Thursday to include a short report to the Faculty Council. I will defer to Ben in terms of timing, but that is our goal as of our last meeting on Wednesday.

Peace.

Colette

Dr. Colette T. Dollarhide, NCC, ACS, LPC-S (OH) Professor and Program Chair, Counselor Education

PLEASE NOTE: EMAILS ARE NOT READ ON WEEKENDS

From: Lee, Ken **Sent:** Saturday, March 28, 2020 4:18 PM
To: Clark, Caroline <clark.664@osu.edu>; Dollarhide, Colette <dollarhide.1@osu.edu>; Givens, Ben <givens.7@osu.edu>
Cc: Amy Darragh <Amy.Darragh@osumc.edu>; Schweikhart, Sharon <schweikhart.1@osu.edu>; Cole, Susan <cole.354@osu.edu>

Good day Professor Dollarhide:

The last meeting of the Rules Committee is next Friday April 3, 2020. The team instructs me to inquire if there is any revision of the 04 for this academic year, six days from now. We will schedule accordingly. Thanks a bunch.

-Ken

From: Lee, Ken **Sent:** Tuesday, January 14, 2020 12:24 PM
To: Clark, Caroline <clark.664@osu.edu>; Dollarhide, Colette <dollarhide.1@osu.edu>; Givens, Ben <givens.7@osu.edu>
Cc: Amy Darragh <Amy.Darragh@osumc.edu>; Schweikhart, Sharon <schweikhart.1@osu.edu>; Cole, Susan <cole.354@osu.edu>

Hello:

I defer to the faculty leaders on the scheduling of this motion. The reason for the delay is explained in Secretary Given's message below, part of this email string. I tried calling so if you want to chat about it my number is 2-7797 or we can use zoom. Do I have the calendar options remaining this AY correct here:?

- Jan 16 Steering to make the Jan 23 Senate
 - Jan 17 Rules to make the Feb 13 Steering to make the Feb 20 Senate
 - Feb 7 Rules to make the Feb 13 Steering to make the Feb 20 Senate
 - March 6 Rules to make the March 19 Steering to make the March 26 Senate
 - April 3 Rules to make the April 9 Steering to make the April 16 Senate
 - End of academic year 2020
-

From: Clark, Caroline <clark.664@osu.edu> **Sent:** Tuesday, January 14, 2020 9:57 AM
To: Dollarhide, Colette <dollarhide.1@osu.edu>; Givens, Ben <givens.7@osu.edu>; Lee, Ken <lee.133@osu.edu>
Cc: Amy Darragh <Amy.Darragh@osumc.edu>

Good morning!

I am writing to follow up on this discussion related to the rules change proposed by members of the Faculty Hearing Committee. The FHC met on Friday, January 10th, and we discussed the decision to postpone the change. The group requested that I report back that the FHC does not agree with the decision to postpone the rules change for the following reasons:

- As we discussed when moving the rule change forward, this change is minimal and strictly aims to bring the President's time for review into alignment with the language in all other parts of the rule.
- The current 04 Ad-hoc Committee is undertaking a much broader change that will require a great deal of peer review. Despite the fact that the report may be ready in February, the actual implementation of the changes will likely take much, much longer given their scope.

- While the FHC understands the University's concerns regarding how this change might be perceived or used to further current legal actions against the University, the committee felt that these concerns will always be present in a university this large and complex. Moreover, the committee discussed the fact that the University's legal concerns should not outweigh the rights of appealing faculty members to a speedy outcome. Recently, it took the President as many as 250 days to respond to a case. And, in one case, the President never responded and, in spite of the fact that the FHC ruled in support of the faculty members appeal, that faculty member resigned prior to a decision being rendered by the President.
- Finally, in terms of the President's commitment to respond in 60 days without a rule in place, the FHC is not sanguine regarding this plan. It has already been 53 days since our most recent decision was handed over to the President on November 22nd, and we have had no response of any kind.

Thank you for your consideration of these concerns. We hope that they are heard and taken to heart. If you have any further questions about our discussion, please feel free to contact me.

All the best,

Caroline

Caroline T. Clark, PhD (she/her/hers)

From: "Dollarhide, Colette" <dollarhide.1@osu.edu>**Date:** Wednesday, January 8, 2020 at 1:06 PM
To: "Givens, Ben" <givens.7@osu.edu>, "Lee, Ken" <lee.133@osu.edu>, "Clark, Caroline" <clark.664@osu.edu>
Cc: Amy Darragh <Amy.Darragh@osumc.edu>

Good afternoon! I do share Ben's optimism -- the Ad Hoc 04 committee has been highly dedicated to this process and we are making great progress.

Peace. Colette

Dr. Colette T. Dollarhide, NCC, ACS, LPC-S (OH) <http://people.ehe.osu.edu/cdollarhide/>

From: Givens, Ben <givens.7@osu.edu> **Sent:** Wednesday, January 8, 2020 12:50 PM
To: Lee, Ken <lee.133@osu.edu>; Clark, Caroline <clark.664@osu.edu>; Dollarhide, Colette <dollarhide.1@osu.edu>
Cc: Amy Darragh <Amy.Darragh@osumc.edu>

The concern expressed in November about the rule change proposal going forward related to the November Board of Trustees meeting. Deborah Mitchell had just filed a [lawsuit](#) claiming among other things a failure of due process, and there was a concern that bringing a rule change about processing faculty misconduct to the board at that time might have been misinterpreted by the press or the plaintiff's lawyers, or taken in a direction by the board that may not serve the university or the faculty well. The other part of the equation that made me more comfortable was that the President (with whom the senate faculty leaders spoke about this issue on several occasions) thought it was a fine rule change and one with which he would abide. It's also true that the working version of the 04 revision includes this 60 day limit on the president's decision. The 04 ad hoc met this morning and have weekly meetings scheduled throughout this month. I'm hopeful that a report will be ready for the February 6 Faculty Council meeting, although Colette may not share my optimism.

Ben

From: Lee, Ken <lee.133@osu.edu> **Sent:** Wednesday, January 8, 2020 11:51 AM
To: Clark, Caroline <clark.664@osu.edu>; Dollarhide, Colette <dollarhide.1@osu.edu>
Cc: Amy Darragh <Amy.Darragh@osumc.edu>; Givens, Ben <givens.7@osu.edu>

Hello Collette:

Both Caroline Clark and Ken Lee welcome any updates your Ad Hoc 04 committee may generate. There is much interest and even more gratitude as your work advances. I think we all share the same interest in faculty due process and do not wish to interfere. Caroline and I both get questions about this stuff so we would like to answer

without bugging you each time. Below is a less-relevant email string that fed this conversation. I hope this is helpful.

Happy National English Toffee Day! Ken
 Professor Ken Lee

From: Clark, Caroline <clark.664@osu.edu> **Sent:** Wednesday, January 8, 2020 11:20 AM
To: Lee, Ken <lee.133@osu.edu>
Cc: Amy Darragh <Amy.Darragh@osumc.edu>; Givens, Ben <givens.7@osu.edu>

Hi, Ken,

Thank you for looping me into this; I appreciate it. That said, I'm also quite confused. I know all of the cases that are currently pending, and I can't understand how any of them would be "complicated" by the timing of our proposed rule change. I'm particularly curious to know how OAA came to this conclusion. I would appreciate additional information and, if possible, to be kept informed of these issues in the future. It's tricky given that, as FHC Chair, I am also not included in the communications about the ad-hoc 04 Rules Committee more generally. If you or others have suggestions for how to rectify these matters, I would appreciate hearing them.

All the best, Caroline

Caroline T. Clark, PhD (she/her/hers) Professor, Adolescent Literacies and English Education

From: "Lee, Ken" <lee.133@osu.edu> **Date:** Wednesday, January 8, 2020 at 11:07 AM
To: "Clark, Caroline" <clark.664@osu.edu>
Cc: Amy Darragh <Amy.Darragh@osumc.edu>, "Givens, Ben" <givens.7@osu.edu>

Caroline:

This decision took place after the November 1 meeting (minutes pasted below); OAA asked this be tabled because there is an 04 case in the works that complicates the timing. The relevant email message is pasted here. My apologies for not including you on this paper trail.

Email of 11/9/2019

5-04(1) Hearing 60 days:

<https://osu.box.com/s/ggdvknkd1pxvhzi28hhziubssavftglh2>

I am told the 04 rule adding the 60 day presidential deadline is on hold, as there may be an 04 case now in the system that complicates the timing. You need not say anything about the 04 rule in Senate. We also know Dollarhide's 04 ad hoc will be sending us language, so it may make sense to package it as one 04 revision. Ben or others can better explain this as I presented the 04 rule change to the Faculty Council and gave the impression that it would be on the senate agenda.

November 1 minutes

5. 3335-5-04(1)(e) Add 60-day president decision time to current 04 rule, from Hearing 35 by way of Steering. Ben and the other faculty leaders will follow-up. He can validate the language provided. It would then go to Faculty Council and the Senate. **Motion 37 passes. P.S. tabled pending 04 ad hoc committee report.**

December 10 minutes

4. 3335-5-04(1)(e) Add 60-day president decision time to current 04 rule from Hearing by way 34 of Steering. This was ready but is **tabled** pending the 04 Ad Hoc revisions from Dr. 35 Dollarhide that we have not yet seen.

From: Clark, Caroline <clark.664@osu.edu> **Sent:** Wednesday, January 8, 2020 10:56 AM
To: Lee, Ken lee.133@osu.edu **Subject:** Re: Faculty Cabinet Meeting

Hi, Ken,

I'm just now putting together this email with my earlier request for an update. May I ask about item #3? My understanding was that the FHC request was moving forward without waiting for the 04 sub-committee response, given that our change was a) minor, relatively speaking; and b) urgent, in that having it go into effect might help to

resolve 04 cases more efficiently for everyone involved. If you have additional information to share, I would appreciate it so that I can update the FHC.

All the best,

Caroline T. Clark, PhD (she/her/hers) Professor, Adolescent Literacies and English Education

5-- Should the dean confer with the faculty when hiring direct reports?

For discussion: Table to AY21 or when OAA or Council of Deans respond.

From: McPheron, Bruce A. **Sent:** Sunday, March 29, 2020 7:17 PM
To: Lee, Ken <lee.133@osu.edu>; Wolf, Kay N. <wolf.4@osu.edu>
Cc: rules@lists.osu.edu (you did not get this as the list service is send-subscriber only)
Subject: RE: 3335-3-29 substantial weight to faculty recommendations

Thanks, Ken. We'll keep this in front of us heading into the next academic year.

Bruce

Bruce A. McPheron, PhD Executive Vice President and Provost

From: Lee, Ken **Sent:** Saturday, March 28, 2020 4:27 PM
To: McPheron, Bruce A. <mcpheron.24@osu.edu>; Wolf, Kay N. <wolf.4@osu.edu>
Cc: 'rules@lists.osu.edu' <rules@lists.osu.edu>
Subject: RE: 3335-3-29 substantial weight to faculty recommendations

T Bruce, Kay, OAA

F Ken, Rules

C Rules

The last meeting of the Rules Committee for this academic year is Friday April 3, 2020. The team will table any action on this idea until AY21 when the next committee is constituted. Of course Helen and Brandon are continuing members who keep the conversation informed. Thank you for your lucid leadership in these interesting times.

From: Lee, Ken **Sent:** Friday, March 6, 2020 4:04 PM
To: McPheron, Bruce A. <mcpheron.24@osu.edu>; Wolf, Kay N. <wolf.4@osu.edu>
Cc: rules@lists.osu.edu
Subject: 3335-3-29 substantial weight to faculty recommendations

Dear Kay, Dear Bruce:

The rules committee suggests a conversation, perhaps with the council of deans or wherever you think appropriate. Should deans give substantial weight to faculty recommendations when hiring tenure-track direct reports? The idea replicates the existing rule stating the president consults faculty when hiring deans, shown in bold type below for ease of reference. We believe consultation is consistent with faculty governance, already achieved in most colleges. The prototype rule in **scarlet type below** sets a consistent expectation that may help **advance shared values** across our university. Please let us know of your interest, better wording, or suggestions for the committee.

3335-3-29 Deans of the colleges.

- (A) There shall be a dean of each college and an executive dean of the college of arts and sciences who shall be a member of its faculty and the administrative head of the college. Each dean and the executive dean shall be appointed and reappointed by the board of trustees upon nomination of the president. **Before making this nomination or recommendation for reappointment, the president shall confer with members of the faculty of the college for which the dean or executive dean is to be appointed and shall give substantial weight to faculty**

recommendations in reaching a decision. The president shall also consider the recommendations of the chairs of the departments and the directors of the schools in that college.

- (B) The major responsibility of the dean of each college... *snip* ... shall include the duty:
 - (4) After consultation with the chairs of the departments and the directors of the schools within the college to make recommendations to the executive vice president and provost concerning the college budget, the appointments to and promotions within the staff and the membership of the college faculty.
 - (5) To confer with members of the college faculty and give substantial weight to faculty recommendations before reaching a decision on tenure, appointments or reappointments of associate deans, chairs, or direct reports who affect academic issues such as research, service and teaching.

6 - 3335-5-49.4 Ohio faculty council

Discussion: Should the Secretary send this minor fix directly to the BOT office?

3335-5-49.4 Ohio faculty council.

(A) The university's representation to the Ohio faculty council (OFC) shall be the chair of faculty council and the chair-elect of faculty council. The chair of the university senate steering committee ~~and~~ or the secretary of the university senate shall serve as an alternates.

(B) The representatives to the OFC shall report annually to the senate faculty council.

(Board approval dates: 7/10/1987, 5/5/1988, 11/4/1994, 3/5/1999)

Notes: The OFC bylaws only allow one alternate to be named per institution so it should read “or” in the second sentence in (A). I thought about proposing that we delete (B) altogether as this rule has not been followed in the decade I’ve been involved in the senate. However, as the newly elected chair of OFC, I feel like the council’s work is important enough to warrant annual reports. Given that OFC is focused on faculty issues, I propose that the report be made to faculty council, not senate.

7- Honorary Degrees

Discussion: Should we wait for the Honorary Degrees Committee to respond? Email chat below.

From: Lee, Ken **Sent:** Monday, February 10, 2020 11:31 AM
To: Crocker, Jennifer crocker.37@osu.edu **Cc:** Givens, Ben givens.7@osu.edu
Subject: RE: honorary degree rule

Jennifer:

This is not time-critical so whenever your committee can consider it is fine. I clip below my meeting table that shows any response ahead of the March 19 or April 9 Steering meeting will make the May 5 Trustees agenda. It is too late for the Feb 28 BOT consent agenda so no need to put this on the front burner. Cheers.

Rules meeting	Optional ZOOM	Steering	Senate	Trustees
Sept 2019 - Jan 2020	January 10	January 16	January 30	February 28
February 7, 2020	Feb 14*	February 13	February 20	
March 6, 2020	March 13	March 19	March 26	May 5

April 3, 2020

April 10*

April 9

April 16

*These ZOOM calls after the Steering meeting enable actions ahead of the Senate meeting.

Happy National Cream Cheese Brownie Day! Ken

From: Crocker, Jennifer <crocker.37@osu.edu>**Sent:** Monday, February 10, 2020 10:36 AM**To:** Lee, Ken <lee.133@osu.edu>**Cc:** Givens, Ben <givens.7@osu.edu>**Subject:** Re: honorary degree rule

Hi Ken,

Thanks for the heads up. I am trying to schedule an in-person meeting of the committee to discuss this, and some new nominations that have come in. Is there a deadline for getting back to you?

Jenny

Jennifer Crocker, PhD

Ohio Eminent Scholar in Social Psychology Professor of Psychology

From: Lee, Ken**Sent:** Friday, February 7, 2020 11:10 AM**To:** Crocker, Jennifer <crocker.37@osu.edu>**Subject:** honorary degree rule**To** Honorary Degrees c/o Jennifer Crocker**F** Rules c/o Ken Lee

Hello Jennifer; the Rules Committee is suggesting some fixes to language affecting Honorary Degrees. The redline changes are shown in the attached along with its justification. It is one week instead of two, and BOT instead of president. We have not sent this to Steering yet and will only do so if your committee agrees. Secretary Ben Givens is our most articulate spokesperson on this issue and can provide cogent commentary if needed. Thank you for your kind consideration of this attachment.

Honorary Degree rule change proposal. Here is a redline version the proposed change to rule 3335-5-48.8 provided by Secretary Ben Givens.

3335-5-48.8 Committee on honorary degrees.

(A) Membership.

The committee on honorary degrees shall consist of seven tenure-track faculty members. There shall be no more than two faculty members from the same college. The term of service is five years.

(B) Duties and responsibilities.

(1) Establish definite standards of scholarly attainment or of the distinctive applications of such attainment in the service of society by which to judge the qualifications for this honor.

(2) Establish procedures for the nomination of potential candidates for honorary degrees.

(3) Receive nominations concerning persons who might be considered for an honorary degree.

(4) Review thoroughly the achievements and qualifications of all persons nominated.

(5) Report to the university senate for its consideration and action such persons as have Received no fewer than four affirmative votes from the committee membership.

(6) Keep all deliberations and votes confidential except where publication is necessary for official purposes.

(7) Deliver the full dossier of each candidate and the nomination report of the committee on honorary degrees to the secretary of the university senate who shall distribute the nomination report to all members of the university senate.

(a) This report shall include a statement that conveys the committee's rationale for the nomination, pertinent details concerning the qualifications of the candidate, and the name of the sponsoring department or academic unit.

(b) A ballot shall be attached to the nomination report and shall be returned to the secretary of the university senate within a time prescribed on the ballot, but in no case less than ~~one week~~ ~~two weeks~~ from the date that the committee report is distributed.

(c) The secretary of the university senate shall transmit to the ~~president~~ board of trustees the nominations, together with the appropriate section of the reports from the committee on honorary degrees, for those candidates who are endorsed by a majority of the ballots cast by the members of the university senate.

(C) Organization.

(2) The executive vice president and provost, or designee, shall serve as liaison between this committee and the president.

(2) As a standing committee of the senate, this committee is also governed by the provisions of rules 3335-5-46 and 3335-5-48 of the Administrative Code.

Rationale for the changes:

The way rule 3335-5-48.8 (B) (7) (b) is written implies that voting for these honorary degree nominations will take place outside of a senate meeting and anonymously. However, it has been a recent practice to present the nominations at a senate meeting. The change to one week will allow nominations to be sent out with the senate agenda (with voting concluding the day after a senate meeting). By leaving the language that a ballot will be sent out with the agenda leaves open the possibility of having nominations and voting take place without a presentation at a senate meeting. Keeping this flexibility may be useful for cases that may best be handled outside of a senate meeting, for reasons of privacy or expediency.

The second change is to resolve an inconsistency in the rules. The relevant sections of two other rules in gray (below) mention that the senate recommend honorary degrees to the board of trustees, and not to the president.

3335-5-41 Powers.

The university senate, subject to the authority of the board of trustees, shall have the power:

(A) Under delegation by the university faculty as defined in rule 3335-5-19.1 of the Administrative Code

(1) to establish the educational and academic policies of the university,

(2) to recommend the establishment, abolition, and alteration of educational units and programs of study,

(2) to recommend to the board of trustees candidates for honorary degrees,

(4) to recommend candidates for degrees and certificates (which power shall be reserved to the faculty and administrative members of the university senate).

(B) To consider, to make recommendations concerning, and (in pursuance of rules pertaining to the university) to act upon matters relating to the rights, responsibilities, and concerns of students, faculty, administrators, and staff

3335-1-03 Administration of the university

(A) The president.

4. The president shall be the chief executive officer of the Ohio state university and shall be responsible for the entire administration of the university, subject to control of the board of trustees. The president shall lead in fostering and promoting education, research and outreach as the primary aims of the university. It shall be the duty of the president to enforce the bylaws, rules and regulations of the board of trustees, and, as a member of the faculty, to interpret to the board proposals and actions of the faculty. The president is hereby clothed with the authority requisite to that end.
5. The president shall be a voting member of all college faculties, of the graduate school faculty, and of the faculty of the arts and sciences, and shall be a voting member and presiding officer of the university faculty and of the university senate. The president shall appoint all committees of the university faculty and of the university senate, unless membership has been designated by rule.
6. After consultation with the steering committee of the university senate, the president may recommend to the board of trustees candidates for honorary degrees. The number of candidates so recommended shall be limited to eight per calendar year. This right and its limitation in no way abrogates the power of the university senate to recommend candidates for honorary degrees (rule 3335-5-41 of the Administrative Code).

8- 3335-5-45.4 Graduate Ombudsman

Discussion: Any updates on this proposal?

You have the detailed correspondence on this issue in the March meeting agenda. For brevity I deleted most of that text as this becomes an information item with no rule yet proposed. The message below from Amy to Helen implies any next step is contingent upon the OAA review.

Good evening Helen,

Attached please find a proposed rule change from the Council of Graduate Students, as well as the accompanying resolution and position proposal, regarding the formation of a Graduate Ombudsperson. This rule change was presented to Senate Steering Committee on February 13, 2020 for referral to the Rules Committee. Given that the resolution asserts the position reside in OAA, Steering recommended that the attached documents be reviewed and approved by OAA prior to referral to Rules Committee. It is the hope of CGS that this be placed on the March Senate Agenda.

I have cc'd Dean Bertone, Dean of the Graduate School, and Stephen Post, Chair of the Council of Graduate Students, should you have any questions. Ken Lee, Chair of the Rules Committee, also is cc'd given the request for the proposed rule change.

Thank you, Helen, for your timely review of these documents.

Warmly,

Amy Darragh

Amy Darragh, PhD, OTR/L, FAOTA Associate Professor and Division Director

9 - Hierarchy

Discussion: Should there be a statement of hierarchy? This idea may take shape in AY21.

3335-15-02 Power to promulgate rules and regulations.

- (A) Rules and regulations for the administration and operation of the university may be promulgated, amended, and repealed by the board of trustees upon its own initiative or upon the recommendation of the university faculty or the university senate.
- (B) If any rule, policy, pattern or regulation is inconsistent or contradictory, the next higher level governs. Unless noted, the governance hierarchy has this order
12. Rules of the University Faculty
 13. Bylaws of the University Senate
 14. University policies issued by the Office of Compliance and Integrity
 15. Policies issued by the office of human resources
 16. Patterns of administration of the schools or colleges
 17. Patterns of administration of academic units
 18. Codes of conduct
 19. Others?

10 - Election of a Rules Committee Chair

Discussion: Nominations are sought to chair the rules committee in academic year 2021. The salient rule is:

- (C) Organization.
Committee chairs. Except where otherwise specified by the rules, in the spring each committee shall elect a chair from its continuing membership, whose term shall begin the subsequent summer session; where it is deemed useful, committees may elect a vice-chair in the autumn to assist the current.

Discussion about our committee if there is time

Why do rule members have two-year terms with three the norm on other committees? What should be in our annual report? Should we update the Rules Bylaws?

Meeting Minutes**University Senate Rules Committee**

April 3, 2019, 9:30 AM

Zoom

Present: Jared Gardner, Ken Lee, Sara Watson, Amy Ferketich, Rania Khamees, Ben Givens, Lisa Mayhugh

Ex officio: Brandon Lester, Hannah Torma

Absent: Terry Esper, Sarah Moore, TJ Beavers, Helen Malone

Alternate: Liz Webb (Vidhya Jeyadev)

1. Introductions and welcome: COVID-19!
2. Motion to approve March 6, 2020 meeting minutes
The minutes are approved.
3. 3335-5-04(1)(e) Add 60-day president decision time to current 04 rule. This was tabled pending the 04 Ad Hoc revisions. See email string update.

This will be going to Steering to come to Rules. There is a lot. We do not want to rush this through. It deserves time and attention from everyone. The idea is not to wrap it up this school year. Brandon wants to clarify that under the current 04 rule and new 04 rule you can file complaints against administrators. The idea is that there is already a process for removing chairs for doing their job poorly. It should not be a 04, and an administrator can still be under a 04 complaint. There are also rules about other administrator roles. Misconduct would still go straight to 04.

Perhaps the language could be changed to differentiate between performance and misconduct. The language could reflect that exclusions must be for deficient administrative performance. It is not intended to protect administrators; there are just other rules relevant to their appointments. How do we know the difference between when a person is acting as an administrator or faculty? Who makes that decision? Administrators would still be punished appropriately for misconduct. It was the intent of the committee to make this clear. This is about tenure, not administrative appointments.

Once Steering sends this to rules, it can be sent to continuing members to review over the summer.

4. Four rules await BOT vote including our 3335-5-48.5 Athletic council rule that was passed by the March senate.
 5. 3335-3-29(B)(5) Should a dean confer with their faculty when hiring direct reports? Sent to OAA response pending.
 6. 3335-5-49.4 Ohio faculty council revision send to BOT office?
 7. 3335-5-48.8 Honorary degrees revision response pending.
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 9. 3335-15-02(B) – Hierarchy proposed.
 10. Election of a Rules Chair for AY21.
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