

Senate Rules Committee Annual Report 2022-2023

To: Secretary Ben Givens
From: Rules Chair Sara Watson
Re: University Senate Rules Committee 2022
Date: April 21, 2023

This document details the activities of the Senate Rules Committee during academic year 2022-2023. It starts with a brief overview of the charge and membership of the Rules Committee. Then, as requested, it provides highlights of our work from this past year, as well as a look ahead at what issues might be becoming before our committee next year.

Charge and Membership

As specified in our bylaws, the charge of the Rules committee is to maintain the Faculty Rules. We serve both proactive and reactive roles. Proactively, we initiate changes to the Rules if we believe there need to be updates. Moreover, any group on campus can propose changes to the rules. Steering first screens these proposals and then routes them to Rules. We discuss and consult with other relevant committees and groups on campus, often making friendly amendments to ensure compliance with the law and clarity, before making recommendations to Steering on whether proposals should be brought to the full Senate for a vote.

Rules Committee September 2022 to August 2023			
<i>Member</i>	<i>Constituent</i>	<i>Term</i>	<i>Dot number</i>
Zaida Jenkins	USG	2023	jenkins.1176
Gordon Goodwin	CGS	2023	goodwin.434
Durya Nadeem-Khan	IPC	2023	nadeem-khan.1
Alex Thomas	USAC	2023	thomas.2994
Ann Allen	Faculty Council	2024	allen.952
Valarie Williams	Faculty Council	2025	williams.1415
Maria Coyle	Faculty Council	2025	coyle.167
Jared Gardner	Faculty Council	2023	gardner.236
Karen Beard	Faculty Council	2023	beard.46
Sara Watson	Faculty Council	2023	watson.584
Ben Givens	Secretary of Senate		givens.7
Brandon Lester	Ex-Officio (non-voting)		lester.173
Helen Malone	Ex-Officio (non-voting)		malone.175
Megan Ferguson	Senate Recording Secretary extraordinaire (non-voting)		ferguson.1070

The Rules Committee met 13 times during AY 2023, with an additional orientation session for new members. As highlighted above, our membership included six faculty, three students, the Senate secretary, and 3 ex-officio members (who represent the administration). Megan Ferguson provided crucial administrative support throughout the year.

Highlights of 2023

Here I highlight the four major rule changes that went through Rules this past year; full versions of these changes are included in the Appendix.

Rule Change	Subject	Synopsis of Rule Change	Passed Senate
3335-13-07	IP and UTTC Policy	Aligns university practices with state law and other Ohio universities' rules regarding faculty, staff, and student participation in the commercialization of university technology	October 27, 2022
3335-19 and 3335-5-46	Bylaws of the University Senate; University Committees	Revises the bylaws of the University Senate to clarify procedure for setting the Senate agenda; clarify types of proposals for Senate action and the process for submitting each type of proposal; clarify pathway for submitting a report to Senate. Revision also moved language on Senate committee attendance from the bylaws to the rule governing Senate committees.	March 23, 2023
3335-13-06	Non-substantive emendations to IP Policy	Amends process for approving non-substantive changes to the university Intellectual Property Policy.	March 23, 2023
3335-5-48.7	Committee on Academic Misconduct	Adds faculty and student committee members to the Committee on Academic Misconduct; updates reference to job title; specifies process for director of the Office of the	April 20, 2023

		Committee on Academic Misconduct to make recommendations on student appointments.	
	“Rules Housekeeping”	Reviewed non-substantive recommendations made by Senate Secretary, Ben Givens.	

In addition to shepherding these rule revisions through the Senate, the Rules Committee also discussed several other issues that did not make their way to a full Senate vote.

- Faculty Resignations.** Last spring Faculty Council and Steering asked Rules to consider writing more specific language around faculty resignations to include in the Rules. We engaged with this charge by starting with some initial research around faculty resignation practices at peer and aspirational peer public institutions, as well as at other Ohio and Big Ten institutions. This helped us identify a number of dimensions around a potential resignation policy that we might consider, such as: how should one submit a resignation? how far in advance? should there be a possibility for recensions, and if so, how should it work? The Rules committee then engaged in substantial deliberation around each of these questions. For any solution, we identified pros and cons, but we were unable to come to clear consensus. Importantly, during the summer/fall of 2022, OAA had done some parallel work and developed a policy around faculty resignation which addressed some of the existing ambiguities in OSU policy and rule. Given our own impasse, the Rules Committee decided that it would be better to give the new OAA policy time to germinate and to refrain from proposing new language in the Faculty Rules. We are happy to revisit at some point in the future should faculty stakeholders think that the existing OAA policy is insufficient.
- P-Status.** We were approached late last year with a request from the Research Committee to consider modifying the university rules in order to open the possibility of granting some CTP faculty P-status (the right to advise PhD students). We drafted some preliminary language, but when we shared it with OAA, new Senior Vice Provost for Faculty Success felt that rather than making a narrow fix, it would be better to address broader concerns around the lack of clarity surrounding the general roles and responsibilities of CTP faculty. Amy Darragh in the College of Medicine and I are currently co-chairing a university task force to address not just questions about how titles correspond to roles and responsibilities, but to also make recommendations around CTP’s incorporation into shared governance at different levels.
- Mission and charge of Committee on Academic Freedom (CAFR) and the Faculty Hearing Committee (FHC).** Rules also considered a proposal that came from the AAUP in Spring of 2022 which requested amending language around the mission and charges of CAFR and Hearing. Should there be a case in which, according to the judgment of CAFR, that a faculty member’s academic freedom has been violated, the rule change proposed that CAFR would send it to FHC

for further investigation and eventually a report to the provost. We discussed this in Rules, then brought it to Faculty Council for discussion. The feedback that we received there convinced us to engage in further consultation with various stakeholders. I met with current and former chairs of CAFR and FHC in March. One of the main suggestions coming out of this session was a suggestion to perhaps add language to the Rules about regular consultation between CAFR and OAA, and also to discuss the creation of a mediation process for faculty grievances around workplace (rather than just academic freedom) issues. Rules will continue this discussion when we resume work in the fall of 2023.

Looking Ahead to 2023-2024

The Rules Committee anticipates another busy year in 2023-24, as we already have a number of proposed rule revisions that will be coming our way (in addition to the unfinished business relating to CTP faculty and CAFR/FHC, described above).

- **Religious Accommodations.** The “Testing Your Faith Act” (HB 353) was passed in April of 2022. This bill requires each Ohio institution of higher education adopt a policy to provide reasonable accommodations to the sincerely held religious beliefs/practices of students. More specifically, it requires that (with sufficient notice) instructors provide up to three excused absences per semester for students observing religious holidays and the like. OAA is working with the Committee on Enrollment and Student Progress to outline a policy, and Rules is expecting a rule change request to facilitate this (as there is an absence policy in the rules)
- **Dean and Chair Appointments.** We have a proposal from Rules (via discussions in Faculty Cabinet in AY23) to consider updating and making consistent the language around dean and chair appointments.
- **Updates to the 04 Rule.** The “new” 04 rule (with four separate tracks) has been in effect for two academic years. Rules has heard that OAA plans to send us some procedural changes to the 04 process aimed at streamlining the process.

APPENDIX: Rule Revisions from AY 2022-2023

This section provides redlined copies of the approved rule revisions outlined in the table on pages 2-3 above (“housekeeping” revisions not included, as these were non-substantive emendations).

3335-13-07

Rules governing employee and student participation in companies commercializing intellectual property in which the university or a university affiliate has an interest.

Synopsis: The proposed revisions better align university practices with state law and other Ohio universities’ rules regarding faculty, staff, and student participation in the commercialization of university technology.

WHEREAS University Faculty Rule 3335-13-07 provides faculty, staff, and students the opportunity to hold personal financial interests in University Technology Commercialization Companies (UTCC) while protecting the integrity of the university’s teaching, research, and creative expression.

WHEREAS University Faculty Rule 3335-13-07 provides an exception to limited prohibitions under the Ohio Ethics Law, which makes OSU’s rule more restrictive than Ohio law and other Ohio universities’ rules.

WHEREAS the goal of the proposed rule amendments is to allow for more employee and student participation in university related companies involving research and commercialization.

WHEREAS the proposed rule amendments expand the definition of a UTCC and extend the applicable exception to additional provisions of the Ohio Ethics Law.

WHEREAS the Rules Committee approved this resolution and proposed language on October 7th, 2022;

NOW THEREFORE BE IT RESOLVED, that the revisions to 3335-13-07 that will amend the Rules governing faculty, staff, and student participation in companies commercializing university research be approved by the University Senate and

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

Change to Rule 3335-13-07: Rule Governing UTTCs

REDLINE VERSION (voted out of Rules Committee on 10/7/22)

3335-13-07 Rules governing employee and student participation in companies commercializing intellectual property in which the university or a university affiliate has an interest.

(A) General Information.

(1) In order to translate innovations into useful products and services, universities must engage with various outside entities in the commercialization process. Pursuant to Ohio Revised Code 3345.14, the university board of trustees has determined that the interests of the university will be served if employees – including faculty and staff – and students are afforded the opportunity to hold personal financial interests in university technology commercialization companies.

(2) This rule enables employees and students to realize the benefits of commercialization activities while protecting the integrity of the university's teaching, research, and creative expression.

(3) Employees and students are encouraged to make or create intellectual property with commercial potential; however, they shall do so with due regard to the broader teaching, research, and creative expression of the university and in compliance with applicable university policies and state and federal laws.

(B) **Applicability and Definitions.**

(1) The university's interest in intellectual property made or created by its employees and students is determined in accordance with Ohio Revised Code 3345.14, federal law, and the university Intellectual Property policy.

(2) This rule shall apply to all employees and students who have a financial or fiduciary interest in or with an entity to which the university or a university affiliate has or intends to assignee, license, transfer, or sell its interest in intellectual property. (3) A university technology commercialization company (UTCC) is an entity: (i) in which a university employee or student has a financial interest or a fiduciary role, and (ii) that has received or is expected to receive an assignment, license, or transfer of an interest in intellectual property of the university or a university affiliate.

(4) Financial interest includes any stock, bond, warrant, option, loan, or any other equity or debt interest in a UTCC, or promise of the same, as well as any paid consulting or employment with a UTCC. Amounts due to employees or students as proceeds distributable to creators pursuant to

the university's Intellectual Property policy are excluded from the definition of financial interest for the purposes of this rule.

(5) Fiduciary role includes serving as an officer or board member of the entity or in any other decision-making role or other position of trust or authority with the entity.

(6) Participate in/participating in/participation in means having a financial interest in or fiduciary role with a UTCC.

(7) Employee refers to all faculty, staff, student employees, graduate associates, post-doctoral researchers.

(C) Scope and Relation to the Ohio Ethics Law.

(1) This rule creates an exception to chapter 102.03 and 102.04 and sections 2921.42 and 2921.43 of the Revised Code (collectively, the "Ohio ethics laws"). Among other things, these laws prohibit public officials from having an interest in the profits or benefits of a public contract entered into by or for the use of the governmental unit with which the employee is connected, or from soliciting or accepting anything of value that is of such character as to manifest a substantial and improper influence upon the employee with respect to the performance of the employee's duties.

(2) Compliance with this rule will provide an employee or student who acquires a financial interest in or a fiduciary role with a UTCC with an exemption from these and other potentially applicable provisions of the Ohio ethics laws.

(3) A failure to comply with this rule could result in a violation of the Ohio ethics laws, which may involve criminal penalties.

(D) Administration.

(1) Employees and students participating in UTCCs shall follow all applicable university policies.

(2) Employee and student participation in UTCCs must be approved by the Technology Transfer Oversight Committee (TTOC)) in order for this Rule to apply.

(a) Approval of participation in a UTCC will require, at minimum:

(i) Documented pre-approval and disclosure of the employee's or student's outside work or relationship with the UTCC;

(ii) A conflict management plan addressing the employee's or student's proposed participation in the UTCC.

(b) Each agreement between the university and the UTCC, excluding any agreement between a university affiliate and the UTCC whereby its interest in intellectual property is assigned, licensed, transferred, or sold, requires written TTOC approval. At the discretion of the TTOC, institutional agreements that contemplate numerous university purchases may not require approval for each purchase under the agreement.

(3) Employees and students who wish to participate in a UTCC shall not be involved with any negotiations between the company and the university or a university affiliate.

(4) Supervisors, tenure initiating unit heads, and unit leaders are responsible for monitoring employees' and students' compliance with all applicable university policies and conflict management plans.

(5) Supervisors, tenure initiating unit heads, and unit leaders must be actively involved in the development of the conflict management plan(s) relating to a UTCC.

(6) If a supervisor, tenure initiating unit head, or unit leader has a financial interest or is otherwise participating in the UTCC, another administrator more senior to the conflicted individual must be appointed to perform the responsibilities of the supervisor, tenure initiating unit head, or unit leader.

(7) If the TTOC determines that a transaction involving a UTCC is not in the best interest of the university, the transaction shall not be approved.

(8) Employees and students may choose to not seek TTOC approval for their participation in a UTCC; however, the exception provided in (C)(1) and (2) of this Rule will not apply without TTOC approval and their participation will be subject to applicable laws and university policies.

(E) Responsibilities to the university.

(1) Faculty should not allow their financial interests in a UTCC to adversely influence their teaching, or to interfere with their relationships with other faculty. In particular, faculty members should base research assignments for students on students' interests and academic development. While faculty are permitted by university policy and this rule to engage in authorized private business activities relating to their university positions, they continue to be responsible for the performance of all of their university teaching, research, and service obligations.

(2) Staff may engage in activities relating to a UTCC during regularly assigned working hours only if they take approved leave or document flexible schedule arrangements with their supervisor. Staff may pursue only those research projects that will advance the missions of the university and the employing unit, without regard to the financial interests of individual employees, and that are authorized by their supervisor, tenure initiating unit head, or unit leader.

(3) Student employees may not engage in activities relating to a UTCC during regularly assigned working hours.

(4) Faculty, staff, and students participating in a UTCC are to at all times clearly represent whether they are acting in their university or UTCC role when conducting professional activities.

(F) Conflict of interest management standards.

(1) University facilities, equipment and other resources may be used for the benefit of a UTCC pursuant only to a sponsored research agreement, facilities use agreement, or other appropriate contractual arrangement.

(2) The conflict management plan may describe the employee's contemplated initial equity interest, debt participation, and/or fiduciary role in the UTCC and provide enforceable milestones for reduction of that interest, participation, and/or role. (3) Faculty shall not allow their activities with UTCCs to consume a disproportionate amount of their professional attention. Faculty engaged in approved outside activities who are unable to perform all of their university responsibilities must reduce those outside activities or request a reduction of appointment or other approved leave in accordance with university policies. Faculty professional leave should be authorized in accordance with other university policies (e.g. Faculty Professional Leave).

(4) Staff who are unable to perform all of their university duties because of activities in connection with UTCCs must reduce those outside activities or request a reduction of appointment or other approved leave in accordance with university policies.

(5) Research benefiting a UTCC may not be used to satisfy the criteria for a thesis or dissertation if the material is restricted from publication. Faculty must inform the student in writing of any such publication restriction prior to the start of the student's research.

(6) A student may not be employed by or participate in a UTCC in which a faculty member participates if the faculty member has a university supervisory, teaching, evaluation, advising, coaching, or counseling relationship with the student.

(7) Students may be employed by a UTCC, subject to the limitation set forth in paragraph (F)(5) of this rule.

(8) University regulatory review boards including, for example, the institutional review board and the institutional animal care and use committee, may be used for research benefiting a UTCC pursuant to a sponsored research agreement or another arrangement approved by the TTOC, and any other university policies.

(9) Employees may not be the principal investigator in sponsored research projects funded by UTCCs in which they participate if the projects involve approval by the institutional review board or if the projects include veterinary clinical trials involving the use of animals unless provided for by other university policies. For sponsored research not requiring institutional review board or institutional animal care and use committee oversight, faculty or staff may assume the role of principal investigator if a formal conflict management plan approved by the TTOC and the Conflicts Approval Committee is in place.

(10) Agreements for sponsored research projects funded by UTCCs must include, at a minimum, a requirement for full university publication rights and full cost recovery, unless otherwise approved in writing by the Vice President for Research.

(11) Employees participating in UTCCs approved pursuant to this rule continue to be bound by the university's Intellectual Property policy and all other applicable university policies.

(12) Intellectual property made or created by faculty or staff will be governed by state and federal law and the university's Intellectual Property Policy. New inventions and/or discoveries developed by the faculty, staff member or student for the company must be disclosed to the technology commercialization office as required by the university's Intellectual Property policy.

(Board approval dates: 4/6/2001, 6/29/2001, 6/3/2016, xx/xx/2022)

3335-19 and 3335-5-46
Senate Bylaws and Senate Committees

Synopsis: Clarifies procedure for setting the Senate agenda; clarifies types of proposals for Senate action and the process for submitting each type of proposal; clarifies pathway for submitting a report to Senate; moves language on Senate committee attendance from the bylaws to the rule governing Senate committees.

WHEREAS the Rules Committee is charged with regularly reviewing the University Senate bylaws; and

WHEREAS the current rule does not clearly distinguish between types of Senate action and their pathways; and

WHEREAS proposals for Senate action are distinct from reports to Senate and the process for initiating each should be clear; and

WHEREAS the language on attendance at Senate committees is more appropriate in the section of the rules governing Senate committees; and

WHEREAS the Rules Committee unanimously approved this resolution and proposed language on March 3, 2023 after receiving feedback from Faculty Council;

NOW THEREFORE BE IT RESOLVED, that a revision to rule 3335-5-46 and the bylaws of the University Senate be approved by the University Senate and respectfully request concurrence of the Board of Trustees effective upon approval by the Board of Trustees.

Change to Rule 3335-5-19 and 3335-5-46: Senate Bylaws; Senate Committees

3335-19-01 Rules of order.

Unless otherwise indicated, all meetings of the senate (throughout these bylaws the word "senate" shall be taken to mean the university senate) shall be conducted in accordance with the latest revision of "Robert's Rules of Order."

(Board approval dates: 3/13/1978, 7/30/2001, 8/1/2005)

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. The schedule shall make every effort to avoid meetings on days of major religious observances. Scheduled meetings may be cancelled by the steering committee when deemed appropriate.

(B) Meetings of the senate shall be held in-person, virtually, or in a hybrid format. Acceptable means of virtual participation, ~~such as include~~ teleconferencing or videoconferencing, ~~that must~~ allow verification of identity and permit full participation in meetings.

(C) 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.

(D) 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 ten calendar~~ days of receipt of the petition by the secretary of the university senate.

(E) 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 days prior to the senate meeting.

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

(G) 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, 2/27/2020, 2/10/2022)

3335-19-03 Agenda.

(A) Every meeting of the senate shall have an agenda. The agenda shall include the time and place of the meeting, order of business, and copies of any substantive proposals.

(B) The steering committee shall establish the agenda for all regular senate meetings. For this purpose, the steering committee

1. Shall receive through the university senate office proposals for senate action, other reports and presentations to the senate from any committee of the senate, or university committee or council, or member of the senate, or any member of the university community.

2. Shall, as necessary, refer all board and substantive proposals for senate action to appropriate committees for review prior to entering them in an agenda (see rule 3335-19-07(C)), ~~unless the proposal has been generated in such committee and has been so treated.~~

3. Shall, as soon as practicable, include in the senate agenda of a regular meeting all germane items submitted to the steering committee through the university senate office. Shall, as soon as practicable, include in the agenda of a regular meeting all items submitted by any committee of the senate, or university committee or council, or member of the senate.

a. The steering chair shall, in consultation with appropriate members of the steering committee, make an initial evaluation of germaneness. Items deemed not germane will be returned to the submitter with a written explanation.

b. If the item is re-submitted with the germaneness addressed, the item shall be placed on the steering agenda.

i. The steering committee shall evaluate the germaneness of the proposed business and whether it is fully developed. If the proposal is germane and fully developed, it shall be placed on the senate agenda.

ii. Any proposal deemed not germane for the senate by the steering committee shall be returned with a written explanation. Explanations shall indicate the appropriate

constituent body, campus office, administrator, or entity where the issue can be more appropriately addressed.

iii. The steering committee shall work with proposers to ensure that proposals are developed sufficiently for senate deliberation and vote.

4. Shall set the agenda so that the scheduled business can be disposed of in a meeting of reasonable duration. The senate holds regular meetings seven times during the course of the academic year.

5. Shall include with each agenda an estimate of the time necessary to complete the regularly scheduled business of the senate.

6. ~~May~~ Shall advise the senate regarding the need for a special meeting, when necessary to conduct time-sensitive business or when senate business exceeds the capacity of the regularly-scheduled meeting. ~~of the apparent need for a special meeting.~~

~~In special meetings, the specific purpose set by the initiators of the special meetings shall take precedence over all others. Additional agenda items established by the steering committee may follow if time permits.~~

(C) The secretary of the university senate shall send and make available electronically copies of the agenda for all senate meetings to all members and alternate members at least five calendar days prior to the meeting.

(Board approval dates: 3/13/1978, 11/28/1983, 2/19/1988, 1/7/2001, 7/30/2010, 4/6/2018)

3335-19-04 Order of business.

(A) The order of business for all meetings shall be as set forth in the agenda, except that the order of business and allocation of time may be altered by an action approved in the meeting. Upon completion of the business described in the agenda, the regular meetings shall proceed in the following order:

1. Unfinished business
2. New business
3. Comments and announcements
4. Adjournment

(B) A special meeting shall be limited to the purposes stated in its agenda.

(Board approval date: 3/13/1978)

3335-19-05 Floor privileges.

Proposals, measures, and resolutions shall be introduced on the senate floor by members of the senate only. Members of the university community who are not members of the senate

may be granted the right to speak, but not to vote, on matters before the senate. When a request is made for this privilege, the presiding officer shall ask the senate for objections and, hearing none, shall grant permission to speak. If objections are raised, the privilege shall be extended only by an action of the senate.

(Board approval date: 3/13/1978)

3335-19-06 Quorum and voting.

(A) A simple majority of the voting membership of the senate, whether attending in person or virtually, shall constitute a quorum for the conduct of the senate's business. The same quorum, a simple majority, shall be required of each committee of the senate.

(B) Action by the senate shall be by vote of a majority of members present, except as otherwise required by these rules or by the latest revision of "Robert's Rules of Order."

(Board approval dates: 3/13/1978, 5/25/1991, 8/1/2005, 2/10/2022)

3335-19-07 Proposals for senate action.

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

B. Routine proposals are those that relate to Senate business, 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. SubstantiveBoard-proposals are those which establish or alter an academic program of study, or rules or bylaws within the senate's purview, and which must be approved by the Board of Trustees.

D. Substantive proposals are those which address matters of university policy or university-wide concern, such as the approval of university policies or centers, or of resolutions related to university business or activities. Substantive proposals do not require approval by the Board of Trustees.

E. SBoard and substantive proposals shall be:

1. Submitted to the university senate office in the complete and exact form intended for senate debate and adoption, and shall be processed by the steering committee following rule 3335-19-03 of the Administrative Code, except that proposals for presentation at a special meeting need not be submitted to the steering committee. If a board or substantive proposal is referred to a committee by the steering committee or by the senate, and any subsequent suggested changes are not acceptable to the originators of the proposal, then the steering committee shall place the original proposal and the suggested changes in the same agenda.

2. Sent to all members and alternate members of the senate as part of the agenda at least five calendar days prior to the meeting.

3. Moved and seconded by members of the senate and then opened for floor debate. The proposal may then be amended, referred to committee in whole or in part, tabled, postponed, divided, and/or adopted or rejected.

a. Amendments offered in floor debate are classified as minor or substantive. A substantive amendment alters the sense or strength of the original proposal. Determination of the status of an amendment is made by ruling of the presiding officer or by vote of the senate. Classification may be made at the time a motion to amend has been made and seconded or after the senate has voted affirmatively in favor of the motion to amend.

b. If a motion from the floor is passed and is declared to be substantive or board-related, it cannot become effective until the next meeting of the senate. At that time it must be reconsidered, unless the committee which submitted the original proposal has requested a continuation from the steering committee. In case of a continuation, the steering committee shall, as soon as practicable, place the amendment on the agenda for reconsideration. The ~~committee party which that~~ submitted the original proposal shall be afforded the opportunity to present arguments against the amendment or to move substitute language for the amendment at the time of reconsideration. If substitute language is approved by the senate, the amendment as modified will become effective at that time. If substitute language is defeated or is not presented, the senate shall vote on reaffirmation of the amendment in the form originally passed except for possible changes of a purely editorial nature. The amendment may be reaffirmed and become effective at that time or it may be defeated. (This section may be set aside by a successful motion to suspend the bylaws of the senate as prescribed in paragraph (C) of rule 3335-19-13 of the Administrative Code.)

(F) Substitute statements or suggested amendments which are included in an original proposal and distributed in an agenda shall each be acted upon as a board or substantive proposal.

(G) Substitute statements or suggested amendments proposed by any senate or university committee or by any member of the senate, shall be received by the steering committee and shall be scheduled in the same agenda as the original proposal.

(H) 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.

(Board approval dates: 3/13/1978, 2/6/1983, 1/15/1987, 5/3/1987, 7/30/2001, 7/30/2010, 2/10/2022)

3335-19-08 Reports.

(A) Reports are items on which no senate action other than acceptance is requested. They may be distributed with the agenda and presented by the secretary of the university senate by reporting the title, source, and date of receipt. If an oral presentation of a written report is to be made at the senate meeting, such oral presentation shall be limited to a short summary of the written report and to responses to questions concerning the report from members of the senate.

(BA) Any member(s) of any committee of the senate may report to the senate on any matter before the committee. A Written notification of intent to present a report shall be submitted to the university senate office, as specified in 3335-19-03 (B), -at least twelve calendar days preceding the senate meeting. The steering committee shall decide whether a written report is required to be included with the senate agenda mailing. Reports coming from a minority of committee members may be brought to senate through the senate office, as specified in 3335-19-03 (B), or for time-sensitive reports, as new business. report by a minority of one may be denied a hearing by vote of two-thirds of the members of the senate present. A majority of the members of the senate present and voting may require a standing committee to report at the next regular meeting of the senate.

(BC) -Written notification of intent to present a report shall be submitted to the university senate office at least twelve days preceding the senate meeting. The steering committee shall decide whether a written report is required to be included with the senate agenda mailing.

(C) Reports on which no senate action other than acceptance is requested, may be distributed with the agenda and presented by the secretary of the university senate by reporting the title, source, and date of receipt. If an oral presentation of a written report is to be made at the senate meeting, such oral presentation shall be limited to a short summary of the written report and to responses to questions concerning the report from members of the senate.

(D) Reports for which written versions are not required by the steering committee may be included on the senate agenda. The secretary of the university senate shall be provided with a written synopsis when the report is presented.

(Board approval dates: 3/13/1978, 11/28/1983, 7/30/2010)

3335-19-09 Office of the university senate.

There shall be a permanent office of the university senate, administered by the secretary of the university senate, to facilitate the orderly conduct of the meetings of the senate and the work of the committees of the senate. The office shall also be responsible for maintaining liaison between the senate and university committees. The staff shall consist of the secretary of the university senate and at least one full-time recording secretary.

(Board approval date: 3/13/1978)

3335-19-10 Attendance.

Members of the senate shall attempt to avoid conflicts between their academic schedule and the meetings of the senate and related committees. In the event of unavoidable conflict, it is

expected the members will choose that resolution most favorable to their academic obligations. All members are expected to arrange for attendance by an alternate member at those senate meetings the member is unable to attend.

~~A committee member who misses all committee meetings in a semester may be removed by the committee chair and replaced, as appropriate, by an appointment made by the executive committee of faculty council, student leadership, the office of the president, or other relevant appointing body. Any mitigating circumstances should be reported to the committee chair and the chair should keep and report attendance records to the university senate office and the senate constituencies.~~

(Prior effective date: 3/13/1978; Board approval dates: 2/11/2011, 6/6/2014)

3335-19-11 Minutes and reports of senate meetings.

(A) Official minutes of the senate meetings shall be taken and kept by the secretary of the university senate. A secretary's report of action taken at each meeting of the senate shall be sent to all members and alternate members after each meeting, and approved by senate action in a subsequent meeting.

(B) The official record and minutes of all senate meetings shall be those "Secretary's Reports on Actions of the Senate," together with the appropriate supporting and reference documents, as have been submitted to and accepted by the senate. The secretary shall also have taken and have preserved, for reference purposes, verbatim electronic sound recordings of all proceedings in senate meetings.

(Board approval dates: 3/13/1978, 11/28/1983, 2/19/1988)

3335-19-12 Transmittal and record of senate actions.

(A) The secretary of the university senate shall transmit the results of senate actions to the president, board of trustees, and other appropriate agencies.

(B) The secretary shall maintain and periodically communicate to the members and alternate members of the senate and to the university faculty a record of those actions of the senate having continuing effect, and not published in the "Rules of the University Faculty."

1. At least once each year the secretary shall send a summary of such actions to all members and alternate members of the senate.

2. A permanent record of such actions shall be maintained in the office of the university senate and posted publicly. (Board approval dates: 3/13/1978, 2/6/1983, 11/28/1983, 7/4/1987)

3335-19-13 Amendments and suspensions.

(A) These bylaws may be amended as provided for in rule 3335-5-45 of the Administrative Code. Such proposals shall be substantive proposals (Rule 3335-19-07 of the Administrative Code) and shall be introduced in the agenda of a regular or special meeting.

(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 bylaws following appropriate action on these title changes by the senate or the board of trustees.

(C) These bylaws may be suspended for a single and designated purpose. A proposal to suspend a provision of the bylaws may be introduced and acted upon in the same meeting, as a routine proposal, provided that the suspension shall be germane to only one specific proposal, and the suspension is affirmed by a two-thirds vote.

(Board approval dates: 3/13/1978, 4/27/1986, 8/5/1996)

NOTE: We move the language on attendance at committees from the bylaws to here:

3335-5-46 Senate Committees

...

6. Terms of service.

(a) Faculty members shall serve three-year terms and are eligible for immediate reappointment to a second term. Following that they are ineligible for reappointment until one full year has elapsed. Faculty members may not serve as chair of an individual committee for more than three successive years.

(b) Unless otherwise specified by the rules, staff members shall serve two-year terms and be eligible for reappointment.

(c) Unless otherwise specified by the rules, student members shall serve one-year terms and be eligible for reappointment.

(d) Appointed administration members shall serve two-year terms and be eligible for reappointment.

(e) Multiyear terms shall, whenever possible, be staggered so that approximately equal proportions of the number of members rotate off the committee each year.

(f) Unless otherwise specified by the rules, terms of service of senate committee members shall begin and end on the first day of autumn semester; incoming members may attend meetings as non-voting members as soon as they are appointed or elected

(g) A committee member who misses all committee meetings in a semester may be removed by the committee chair and replaced, as appropriate, by an appointment made by the executive committee of faculty council, student leadership, the office of the president, or other relevant appointing body. Any mitigating circumstances should be reported to the committee chair and the chair should keep and report attendance records to the university senate office and the senate constituencies.

**3335-13-06 and University IP Policy
Non-Substantive/Technical Changes to IP Policy**

Synopsis: Amends process for approving non-substantive changes to the university Intellectual Property Policy.

WHEREAS the university has an interest in maintaining a valid and accurate Intellectual Property (IP) policy; and

WHEREAS non-substantive portions of the IP policy, such as management hierarchy, weblink addresses, and university titles, often need updating; and

WHEREAS the current rule around intellectual policy requires that any changes to the university IP policy be voted on by both Faculty Council and the University Senate; and

WHEREAS it is important to retain Faculty Council and University Senate oversight of substantive changes to the IP policy; and

WHEREAS a streamlined process for non-substantive changes to the IP policy facilitates quick changes and updates to keep the IP policy current while still providing faculty and senate oversight via the intellectual property and patents committee; and

WHEREAS Faculty Council approved the proposed policy change on March 2, 2023 and the Rules Committee unanimously approved the proposed rule change on March 3, 2023;

NOW THEREFORE BE IT RESOLVED, that a revision to rule 3335-13-06 and university intellectual property policy be approved by the University Senate and respectfully request concurrence of the Board of Trustees effective upon approval by the Board of Trustees.

Change to Rule 3335-13-06: Non-Substantive Changes to Intellectual Property Rights Policy

Proposed revision to the university rules from the Intellectual Property and Patents Committee (IPPC):

Intellectual Property Rights

3335-13-06 Rights to and interests in intellectual property, patents, and copyrights.

The university shall have a policy or policies on intellectual property, patents, and copyrights (hereinafter referred to as “the policy”).

- (A) The intellectual properties, patents and copyrights committee of the university senate shall maintain the policy. Specifically, the committee shall review all proposed changes to the policy, and shall also have the power to initiate its own proposed changes to the policy. The chair of the committee shall also be designated as a member of the policy writing group for any revisions to the policy. Revisions shall be promulgated through the university policy process and then recommended to faculty council and the university senate. All substantive revisions to the policy must be approved by the faculty council and the university senate, in addition to the other approvals required by the university policy process. Revisions that are clearly non-substantive and of a technical nature, such as typographical errors, changes in grammar, format, title of administrative and academic units and executives, and cross-references, can be approved solely by the university’s director of policy, the vice president responsible for the operation of the technology commercialization office, and the intellectual property, patents and copyrights committee.
 - (1) Membership, duties, and organization of the intellectual property, patents and copyrights committee shall be in accordance with rule 3335-5-48.19 of the Administrative Code.
 - (2) The policy on intellectual property, patents, and copyrights shall include specific procedures for appeals to the intellectual property, patents and copyrights committee.
- (B) The board of trustees deems it in the best interest of the university, its faculty, staff, and students, and in the interest of the promotion of research and development to provide for participation by faculty, staff, and students in the proceeds from intellectual property conceived or developed by them as determined by the policy. The term “intellectual property” shall be defined in the policy.
- (C) The university recognizes that copyright protections are fundamental to the academic mission, and that traditional scholarly and artistic intellectual works created by faculty, staff, and

students generally belong to those individual creators. There are, however, instances defined in the policy in which specific rights, titles, and/or interests in copyrightable works created by faculty, staff, and students may vest in whole or in part in the university or other entities. As such, the policy shall establish the ownership of all rights, titles, and interests for copyrightable works created by faculty, staff, and students. The technical meaning of “copyrightable works” shall be defined in the policy.

- (D) The policy shall be implemented under the direction of the president of the university or their designees, as determined by the policy.

Proposed revision to the IP Policy (to be put forward by IPPC and then promoted through the University’s Policy Process, plus the Faculty Council and the University Senate, and then the BOT):

IX. Policy Review and Revisions

- A. IPPC shall maintain this policy and shall review it and its effect, from time to time, as needed. IPPC shall review all proposed changes to this policy, and shall have the power to initiate its own proposed changes to this policy. The chair of IPPC shall be a member of the policy writing group for any revisions to this policy. Revisions to this policy shall be promulgated through the university policy process and then recommended to faculty council and the university senate. All revisions to this policy must be approved by the faculty council and the university senate, in addition to the other approvals required by the university policy process.
- B. Notwithstanding section XI.A., revisions that are clearly non-substantive and of a technical nature, such as typographical errors, changes in grammar, format, title of administrative and academic units and executives, and cross-references, can be approved solely by the university’s director of policy, the vice president responsible for the operation of the technology commercialization office, and the intellectual property and patents committee.

3335-5-48.7

Committee on Academic Misconduct

Synopsis: Adds faculty and student committee members to the Committee on Academic Misconduct; updates reference to job title; specifies process for director of the Office of the Committee on Academic Misconduct to make recommendations on student appointments.

WHEREAS the university has an interest in maintaining standards of academic integrity; and

WHEREAS the Committee on Academic Misconduct (COAM) is responsible for processing cases of alleged academic misconduct; and

WHEREAS the number of panel hearings coming before COAM has increased by fifty percent between 2014 and 2022; and

WHEREAS the university has an interest in the prompt adjudication of academic misconduct cases; and

WHEREAS the increase in cases has made it difficult to schedule panel hearings in a timely manner; and

WHEREAS the work of COAM will be made more effective and efficient with the addition of new members; and

WHEREAS permitting a greater share of non-tenure track faculty will provide flexibility in recruiting faculty members to COAM; and

WHEREAS the Office of the Committee on Academic Misconduct has knowledge of students potentially interested in serving on COAM; and

WHEREAS the Office of the Committee on Academic Misconduct is re-aligning titles, including the current title of coordinator; and

WHEREAS the Rules Committee unanimously approved the proposed rule change on April 7, 2023;

NOW THEREFORE BE IT RESOLVED, that the University Senate approve the proposal to amend the provisions of 3335-5-48.7 as follows, and respectfully seek approval from the Board of Trustees.

Proposed Change to Rule 3335-5-48.7: Committee on Academic Misconduct (COAM)

Proposed changes for the (A) Membership section:

(A) Membership.

The committee on academic misconduct shall consist of ~~sixty-two forty-six~~ members.

1. ~~Thirty-Twenty-four~~ faculty, at least half of whom shall be tenure-track faculty. Faculty members are eligible for reappointment, but may not serve more than two consecutive terms.
2. ~~Thirty-Twenty~~ students.
 - a. ~~Fifteen Ten~~ graduate students.
 - b. ~~Fifteen Ten~~ undergraduate students. The term of service shall begin with the summer term.
3. Two administrators.
 - a. The vice president of student life or designee, non-voting.
 - b. ~~The coordinator~~ director of the Office of the Committee on Academic Misconduct, appointed by the executive vice president and provost, who shall not participate in the decisions of the committee. The director may recommend student members for approval by the appointing body, as specified in 3335-5-46(B)(1).
4. Alternate members.

Faculty and students who have been regular members of the committee during the previous three years shall be eligible to be alternate members, providing they remain at the university in their same category.