

## MINUTES

April 12, 2019 OFC meeting

### Members in Attendance

**Online:** Amy Lee (NEOMED); Michael Kalafatis (Cleveland State); Sara Helfrich (Vice Chair Ohio U); Ed Dauterich (Kent State); Leann Schaeffer (U of Akron); and Wade Lee (U of Toledo).

**In Person:** Dan Krane (Wright State); Lori Ligget (Elected Rep., BGSU), Laura Luehrmann (Incoming VP Wright State); Anthony Milburn (Elected Rep., Central State); David Jackson (BGSU); Ben Givens (OSU), and Cynthia Ris (U of Cincinnati).

### Also in Attendance

John McNay (Ohio Conference AAUP); Kevin O'Donnel (Ohio Student Association)  
Lauren Monowar-Jones (Joint Education Oversight Committee); Terry Filicko (Ohio Faculty Senate Chair); Mike Duffey (Sr. Vice Chancellor, ODHE).

**CALL TO ORDER:** 12:36 p.m.

**APPROVE AGENDA**—Proposed change in agenda noted below; unanimous consent for change.

**APPROVE MINUTES FROM THE MARCH 8, 2019 OFC MEETING** (draft attached)—so approved

## INTRODUCTIONS

### OLD BUSINESS

**CLOSING OF NOMINATION PERIOD/ELECTION OF OFC OFFICERS** (by Ben Givens)—delayed to later in meeting

### **CAMPUS FREE SPEECH RESOLUTION/POLICIES** (Dan Krane)

- HB 88 SB 40 like HB 758 inspired by ALEC (American Legislative Exchange Council) (written testimony by the OFC on HB 758 is online at [https://www.ohiofacultycouncil.org/sites/ohiofacultycouncil.wright.edu/files/page/attachments/HB758OFCtestimony\\_0.pdf](https://www.ohiofacultycouncil.org/sites/ohiofacultycouncil.wright.edu/files/page/attachments/HB758OFCtestimony_0.pdf)) which had been in Chair Mike Duffy's committee in the 132nd General Assembly; a third hearing has been held on HB 88.
- Cleveland State has now institutionally embraced its Faculty Senate Free Speech policy
- Free Speech on Campus Resolution for us to consider—already adopted on some campuses, up for consideration on others
- John McNay noted that the President of Ohio State AAUP Chapter testified about HB 88 and that the issues it addresses are not Ohio-issues.

- The OFC unanimously adopted a resolution regarding free speech on campuses (posted at <https://www.ohiofacultycouncil.org/sites/ohiofacultycouncil.wright.edu/files/page/attachments/OFCFreeSpeechResolution.pdf>).

#### **AGENDA FOR JUNE 11 STATEHOUSE FREE SPEECH FORUM (Dan Krane)**

- Ben Givens, Terry Filicko, and David Goldberger have been working on an agenda for a Campus Free Speech forum
- The event will conclude with a meeting of the Faculty Congress of Ohio (a joint meeting of the OFC and Ohio Faculty Senate of Technical and Community Colleges)
- David Goldberger is a nationally recognized emeritus law professor at OSU.
- Specific speakers will be identified in the next one to two weeks. Possibilities include legislators, ODHE, Ohio Supreme Court justices, student leaders, student affairs administrators, faculty from public institutions in Ohio.
- Overriding question: how do we engage communities on campuses in civil discourse?

#### **NOMINATIONS AND ELECTION OF OFC OFFICERS—overseen by Ben Givens**

*Chair:* Dan Krane, Wright State

Unanimous Vote in favor: Elected to a 2-year term

*Vice Chair:* Marc Scott, Shawnee State

Unanimous Vote in favor: Elected to a 1-year term

*Secretary:* Cynthia Ris, University of Cincinnati

Unanimous Vote in favor: Elected to a 1-year term

#### **EVALUATION OF ADMINISTRATORS (Bill Bowen and Marc Scott)**

#### **ASSESSMENT OF OUTCOMES (Kyle Vick)**

No white paper today on either topic; will look at as Old Business in May

#### **NEW BUSINESS**

#### **PROPOSED INCLUSIVE ACCESS EXPERIMENT (McGraw-Hill)**

- Jennifer Becker from McGraw-Hill talked about textbook affordability and access at the January OFC meeting.
- McGraw-Hill is proposing a study to determine if students in inclusive access courses perform better than those in courses where students can purchase course materials through the bookstore.
- Members of the OFC are asked to determine if courses at their institution meet either of the following criteria: 1) a course that was offered in fall 2018 that was not inclusive but which will be taught by the same instructor in fall 2019 as an inclusive access course, and 2) a course that will be offered in fall 2019 with inclusive access for which there are multiple sections that are taught by the same instructor.

- In May the OFC will assess the number of courses across the state system that might be able to participate in the type of study that is being proposed.

Affordable learning initiatives at Ohio Link may also be interested.

### **HB 66 STUDY COMMITTEE ATTRACTING, DEVELOPING AND RETAINING HIGH-QUALITY FACULTY (Dan Krane)**

- Membership of a committee tasked with studying the role of tenured faculty in teaching undergraduates will be finalized within the next 30 days.
- Chancellor, IUC, Chair of OFC, 2 students, 3 legislators each from House and Senate,
- 2 at-large faculty (1 each chosen by Speaker & House)

### **LEGISLATIVE UPDATE/HB 166 TESTIMONY**

- UC and OSU students did well in their testimony regarding the proposed state budget (HB 166). OFC's written testimony is available online at <https://www.ohiofacultycouncil.org/sites/ohiofacultycouncil.wright.edu/files/page/attachments/BudgetOFCtestimony.pdf>.
- All testimony in the House Finance subcommittee on Higher Education has been recorded and is available online: Ohiochannel.org
- State support for higher education in FY 2009 was \$2.79B and proposed support for higher education in FY 2021 will be \$2.77B (and would have been \$3.20B if it had kept up with inflation since FY 2009). Comparisons with other state's support of higher education are not favorable.
- Amendments will be offered through Representative Rick Perales:
  - \$275,000 for faculty development at two- and four-year institutions (train the trainer programs in areas such as the development of effective online courses, textbook affordability);
  - \$725,000 to recognize faculty at institutions (may be incentive for Ohio Technology Award) including train the trainer workshops;
  - Graduate employment consultation committee w/Ohio Faculty Council and Ohio Faculty Senate at the table

### **GUEST PRESENTATION**

HB 166 (Sr. Vice Chancellor Mike Duffey)

**Choose Ohio First:** Under evaluation—faculty feedback useful for STEM program to ask if and how Ohio institutions are engaged (e.g., Computer Science at OSU):

- What are problems, such as support, students, etc.
- How would you design a bigger/better pipeline?
- Underrepresented students a target—because it's an RFP process, resources, services, scholarships can vary greatly. Not easy to navigate for students.
- **Feedback earlier is better for June budget—send to Dan Krane to summarize for Mike Duffey.**

**Likely / Proposed Amendments to HB 166:**

- Take \$6M out of textbooks to OCOG (Want money to go to texts vs room & board. Prioritizing with tuition first followed by textbooks.)
- Several earmarks for individual institutions are expected
- Increase SSI at a rate greater than the proposed 1.1% and 1.0% for FY 2020 and FY 2021, respectively, to be more inline with the consumer price index.
- As Choose Ohio First relates to Primary Care Medicine requires they stay in Ohio; changes possible in debt collection. Principal must be paid plus collection fees. Students need to pay earlier rather than later due to increase in costs once it's certified. Strong efforts needed for students to pay fees. Began in 2007 (added dental, nursing since)

### **Other Legislation**

- Companion Legislation to allow 529 investment of \$4000 tax deduction to allow 529 investment outside of Ohio.
- Financial literacy as K-12 requirement

**Cleveland State Visit** by Mike Duffey on April 24<sup>th</sup>

*Let Dan Krane know about specific Faculty Senate meeting where you would like the Chancellor and/or Sr. Vice Chancellor to attend in the fall semester.*

**Textbook affordability** is going well across Ohio; OSU won contract case in which their campus bookstore argued that it could not suggest that OER's be used as an alternative to materials sold through the bookstore; it is worth looking to see what specific language is in each institution's contract regarding online/digital materials. It is important that faculty take the initiative in the development of policies that result in timely adoption of course materials. Wright State's auto-adopt policy (<https://policy.wright.edu/policy/2025-textbook-selection>) could be used as a model for other institutions.

### **ONBOARDING OF TRUSTEES (Dan Krane)**

Things are in the works for Dan Krane and Ben Givens to run a highly recommended day-long workshop for incoming trustees as part of the Ohio Trustee Conference in November 2019; there might also be one whole day just to explain university budgets.

**CAMPUS REPORTS** (two to three-minute summaries of news that would be of general interest to faculty across the state such as changes in top administrative positions and contract negotiations)

**Wright State** The language for a new faculty contract is ready for a ratification vote by the faculty.

Enrollment for summer 2019 is down 21% relative to summer 2018.

A search is underway for a new Vice Provost for Faculty Affairs. In addition to disciplinary matters and administration of the new contract, the successful candidate will also be responsible for the institution's Program Effectiveness Review work and its annual Affordability and Efficiency report to ODHE.

WSU students have saved \$1,077,902 in textbook costs in the 2018-2019 academic year due to the use of inclusive access and the implementation of a “textbook auto-adopt” policy (<https://policy.wright.edu/policy/2025-textbook-selection>). Inclusive access was piloted in spring 2018 with nine courses (and a savings of \$102,000). In fall 2018 and spring 2019 it was used in a total of 76 courses (with a savings off \$753,869). In fall 2019 it will be used for 91 courses (with a savings of \$1.2M and a projected savings of \$2M for the 2019-2020 academic year).

UC in negotiations; UC initiating a Strategic Sizing Initiative that will increase resources over the next ten years; Reconsidering Performance-Based Budgeting but it is now moving to regional campuses. Athletic subsidy at \$33 million.

OSU: A&S Dean search; New Vice-Provost for Institutional Equity to bring Title IX concerns under one roof

**BGSU:** Ratifying 3% first and second years, 2.5%

- Qualified rank faculty instead of non-teaching
- Teaching professor, etc.
- 4/4 tenure track will permit course releases at regionals
- Raises include \$600,000 compression costs
- A little more in health care but made up by increases in salary.

**Central State:**

- Teams meeting for ne
- New criteria for tenure and promotions
- Anticipating enrollment bump / building new dorms

**ADJOURN at 2:42 p.m.**

## Free Speech on Campus Resolution

**Whereas**, the Ohio Faculty Council firmly supports academic freedom and free speech on campus; and

**Whereas**, multiple events on university campuses, and especially, political speakers and demonstrators who have made visits to such campuses over the past several years, have raised questions about the status of free speech on American university campuses; and

**Whereas**, the free speech policy statement produced by the Committee for Freedom of Expression at the University of Chicago has become a model for many universities' affirmation of free speech and academic freedom across the country since its publication in 2015; and

**Whereas**, the Chicago Statement<sup>1</sup> has been adopted or endorsed by a large number of faculty bodies and institutions across the United States including institution of higher education in Ohio; therefore

**Be it resolved** that the Ohio Faculty Council endorses the following statement on freedom of expression, adapted when italicized from the University of Chicago statement:

*Because the Ohio Faculty Council is committed to free and open inquiry in all matters, it guarantees all members of the University community the broadest possible latitude to speak, write, listen, challenge, and learn. Except insofar as limitations on that freedom are necessary to the functioning of the University, [insert institution name] fully respects and supports the freedom of all members of the University community to discuss any problem that presents itself.*

*Of course, the ideas of different members of the collegiate community will often and quite naturally conflict. But it is not the proper role of the University to attempt to shield individuals from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive. Although the University greatly values civility, and although all members of the University community share in the responsibility for maintaining a climate of mutual respect, concerns about civility and mutual respect can never be used as a justification for closing off discussion of ideas, however offensive or disagreeable those ideas may be to some members of our community.*

*The institutions of the Ohio Faculty Council may restrict expression that: violates the law, falsely defames a specific individual, constitutes a genuine threat or harassment, unjustifiably invades substantial privacy or confidentiality interests, or is otherwise directly incompatible with the University's functioning. The institutions of the Ohio Faculty Council should retain the commensurate right to regulate reasonably the time, place, and manner of expression to ensure that it does not disrupt any ordinary university activities. But these regulations and exceptions cannot ever compromise each institution's commitment to a completely free and open discussion of ideas.*

*As a corollary to the Ohio Faculty Council's commitment to protect and promote free expression, communities associated with institutions of the Ohio Faculty Council must also act in*

*conformity with the principle of free expression. Although members of the university communities are free to criticize and contest the views expressed on campuses, and to criticize and contest speakers who are invited to express their views on campuses, they may not obstruct or otherwise interfere with the freedom of others to express views they reject or even loathe. To this end, universities have a solemn responsibility not only to promote a lively and fearless freedom of debate and deliberation, but also to protect that freedom when others attempt to restrict it.*

Each member institution of the Ohio Faculty Council has and will continue endeavor to ensure the safety and security of its communities. This includes those invited guest speakers who have the right to express their views without obstruction or threats of harm regardless of whether or not their speech is perceived by some to be morally repugnant or socially harmful. Freedom of expression is at the heart of education and democracy and the Ohio Faculty Council is committed to the protection of this right in accordance with Constitutional law and its commitment to provide a high-quality education.

<sup>1</sup>: For the full text of the Chicago Principles, please see the following:  
: <https://provost.uchicago.edu/sites/default/files/documents/reports/FOECommitteeReport.pdf>

CAMPUS FREE SPEECH PROGRAM  
TOPICS FOR THE DAY

10:00 – 10:15 am: Welcome and opening comments.

10:15 – 11:15 pm: What is the faculty and administration role with respect to civil discourse on campus?

- a. A summary of the relevant law.
- b. To what extent should members of the campus community be restricted or censored in their speech?
- c. What should be done when there is a clash between university policies and strongly held religious, racial or gender-related views? For example, what is the best university response to a clash between religious groups and transgender or gay student groups holding assemblies addressing competing school policies seeking to accommodate gay or transgender students on one hand or religious groups on the other?
- d. Who should be making the decisions about whether to allow controversial and potentially volatile speakers and assemblies? The university president? Student Affairs? The Faculty Senate? Others?

11:15 –12:15 am: Controversial, offensive, and extremist speakers on campus. How should your university respond?

- a. What measures should be taken to facilitate a campus discourse that assures that all viewpoints are represented?
- b. What criteria should guide decisions about speakers and programs that are likely to draw a hostile or potentially violent response from protesters?
- c. What range of options are available to public colleges and universities when faced with speakers that are likely to draw a hostile or violent response?"
- d. Who should pay the costs of policing? University? Students? Local or state government? What tools should be employed? Mediation? Informal administrative intervention? Disciplinary proceedings? Criminal charges? Injunctions against assemblies?

12:15 – 12:30 pm: Coffee Break

12:30 – 1:30 pm: Lunch with luncheon speakers from Ohio's judicial and executive branches of government.

Suggested lunch topic: A judge's and the governor's view of the role of the judiciary and the executive branch in finding the proper balance between rights to freedom of speech and the interests of Ohio's colleges and universities in providing a high-quality educational experience

for their students. [Suggested speakers: the Governor or Lt. Governor and a current or retired Ohio Supreme Court justice.]

1:30 pm-2:45 pm: Is currently proposed legislation designed to set statutory boundaries on regulation of campus speech the best way to go?

a. Do Ohio colleges and universities actually have a history of suppression of freedom of speech on their campuses? If so, what were the instances and how were they ultimately addressed?

b. Do the political views of faculty members and administrators lead to censorship of students?

c. Who is the best decision maker about the issue of free speech on campus? The faculty? The administration? The legislature? The courts? [See for example language in H.B. 88 and S.B. 40 requiring each state college and university (1) to report its course of action with respect to protecting speech on campus and (2) a “description of any barriers to or incidents of disruption of free expression occurring on campus, including attempts to block or prohibit speakers and any investigation of students or student groups on the basis of expression.”]

2:45 – 3:00 pm. Coffee Break

3pm-4pm: Faculty Congress of Ohio meeting.