

OFFICE OF THE PRESIDENT

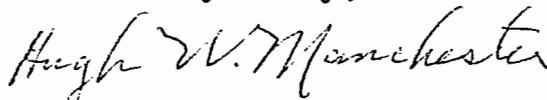
June 1, 1972

TO THE TRUSTEES OF
YOUNGSTOWN STATE UNIVERSITY

This notice is to advise you that the next regular meeting of the Trustees of Youngstown State University will be held on Saturday, June 17, 1972, at 1:30 p.m. at the Faculty Lounge in Kilcawley Student Center.

This is in accordance with the action taken at the last meeting of Trustees. The agenda for the meeting will be furnished by Dr. Pugsley's office.

Yours very truly,



Secretary to the Board of Trustees
of Youngstown State University

HWM MM

P. S. Luncheon to follow Commencement in the
Buckeye Room of Kilcawley Center.

Copies of the above Notice were mailed on June 1, 1972 to:

William J. Brown
The Youngstown Vindicator
Vindicator Square
Youngstown, Ohio 44503

Dr. Bertie B. Burrowes
529 North Avenue
Youngstown, Ohio 44502

Carl L. Dennison
Butler, Wick & Company
6th Floor
Union National Bank Bldg.
Youngstown, Ohio 44503

John N. McCann, MD
2722 Mahoning Avenue
Youngstown, Ohio 44509

John M. Newman
1203 Union Natl. Bank Bldg.
Youngstown, Ohio 44503

Albert J. Shipka
c/o United Steel Workers of America
Realty Building
47 Central Square
Youngstown, Ohio 44503

Clarence J. Strouss
Northwestern Mutual Life Ins. Co.
Dollar Bank Building
Youngstown, Ohio 44503

Robert E. Williams
1359 Virginia Trail
Youngstown, Ohio 44505

Raymond J. Wean, Jr. President
Wean United, Inc.
Three Gateway Center
401 Liberty Avenue
Pittsburgh, Pa. 15222

Dr. Albert L. Pugsley, President
Youngstown State University
410 Wick Avenue
Youngstown, Ohio 44503



(This is a set that includes all resolutions introduced at meeting) (w.p.)

YOUNGSTOWN STATE UNIVERSITY

BOARD OF TRUSTEES MEETING

Kilcawley Center, 1:30 p.m.

Saturday, June 17, 1972

AGENDA

- a) Roll Call
- b) Proof of Notice of Meeting
- c) Disposition of Minutes for Meeting Held April 22, 1972
- d) Recommendations of the President of the University
 - 1. University Senate Proposal for Procedure on Loss of Tenure
 - 2. Resolution Modifying YR 1967-14
 - 3. Resolution to Remodel Elm Street Building
 - 4. Resolution to Adopt Affirmative Action Policy
 - 5. Resolution Formalizing Board of Trustees Procedure
- e) Report by the President of the University
 - 1. Governor's Proposed Code of Ethics
 - 2. Special Counsel's Advice on Student Code Legality
 - 3. Report from Vice President for Academic Affairs
 - a. Ohio Board of Regents Allocations for Developmental Instruction Funds
 - b. Changes in Faculty
 - c. Regents Medical Consultant Visits YSU
 - d. Clinical Chemistry/Medical Technology Program
 - e. Regents Approval of Real Estate Technology and Medical Secretary Programs
 - 4. Report from Vice President for Administrative Affairs
 - a. Library Bid
 - b. Amended Substitute House Bill 457-75
 - c. Bids on Distribution System
 - d. Music and Fine Arts Project
 - 5. Report from Vice President for Financial Affairs
 - a. Financial Report
 - b. Report on Property
- f) Report on Committees of the Board
 - 1. Building Committee
 - 2. Finance Committee
- g) Communications, Petitions, and Memorials
- h) Unfinished Business
- i) New Business
 - 1. Recommendation on Consultant for Collective Bargaining
 - 2. Transmittal of Letter from Dr. Thomas Shipka, President, YSU OEA
 - 3. Report of Nominating Committee
- j) Time of Meetings for next year

1st Meeting	Saturday, November 11 or earlier in the week
2nd Meeting	Saturday, January 20
3rd Meeting	Saturday, April 14
4th Meeting	Saturday, June 16 (Commencement)

June 17, 1972, Agenda Item d)1

University Senate Proposal for
Procedure on Loss of Tenure

Attached are minutes of the University Senate meeting of May 19, 1972, relating to the Report of the Faculty Affairs Committee suggesting Procedures on Loss of Tenure. This Senate meeting was a continuation of a previous meeting held on May 5, 1972, for which minutes already have been supplied to you. The minutes are useful in identifying the points of debate on the various issues, and the final action of the University Senate is contained in the last two pages of the May 19 minutes identified by the heading "Approved and Passed at Adjourned Senate Meeting Friday, May 19, 1972, Proposal on Loss of Tenure, Faculty Affairs Committee."

There are important changes in policy and present University practice embodied in this proposal. One cannot read the minutes or the proposal without recognizing a fundamental mistrust of the faculty towards the administration and the Board of Trustees since the solution proposed in the report is to shear the Board of Trustees of its final authority and delegate this authority to an arbitrator. (A-2, paragraph five) Although the arbitrator's decision is described as binding on all parties it could not in fact deny the faculty member from taking his case to the courts after an adverse decision. The Board must determine whether it may properly abdicate the powers and responsibilities with which it is charged by law and which one of its reasons for existence as the duly authorized agency of the public interest. From having read the Chronicle you know there are many cases where Boards of Trustees of institutions have found it necessary to take actions unpopular with the faculty, contrary to the recommendations of the faculty, or the administration, or both. I do not see how a Board may properly yield that power or right. It is one of its very reasons for being.

The proposal that the arbitrator's decision be binding cannot and should not prevent due recourse to the law by the individual, but the Board's agreement to accept this provision could not help but be binding on the Board.

I do believe that before taking final action on a tenure case which is being appealed by a faculty member, it is proper for an appeals procedure to be followed.

Several other matters give concern.

In the preamble paragraph it says that "the definition of adequate cause for loss of tenure cannot be precise." It then recites general areas of concern. Yet the 5th U.S. District Court has indicated that reasons must be given for discharge of even untenured faculty. If reasons must be specific enough to be held valid in the courts, I find this statement somewhat ambiguous. The proposal sets forth the challenge procedures as those to be followed for loss of tenure from any cause, yet the recited list of general reasons omits financial exigency, discontinuation of programs, contumacy, failure to meet classes and other negligences. I find also that there is wide difference of opinion as to what constitutes immoral conduct. I suggest that a document devoted to establishing a procedural process relating to loss of tenure and appeal should not attempt to define reasons. It should be limited to procedures.

June 17, 1972, Agenda Item d)1

The effect of A-2, paragraph three is to make the meetings public. The participants but not the observers, are limited in public statements or publicity under D, but this does not bind others.

No mention is made of who pays the costs involved. The University may properly pay the costs of its own legal talent if such is used, and invariably it will be used. Perhaps it must pay for the cost of transcribing that record. If so, we must budget for these unexpected costs. In no case may the University pay for salaries or for extra time for faculty involved, for legal services of the petitioning faculty member, for travel, witnesses, etc. Nor do I believe that the University should be required to pay for an arbitrator.

Once a decision has been made by the Judicial Committee it specifies that it shall be reported to the administration. I maintain that the Judicial Committee is the appeal agency within the processes of the University, and that the Board of Trustees and it alone makes the final decision.

I suggest that the recommendation be returned to the Senate with the simple explanation that the Board of Trustees will not delegate its powers to an arbitrator and that the proposal should be restudied to eliminate such proposal. The Board will consider the findings of such judiciary committee as may be appropriate along with such recommendations as may be forthcoming from the administration, but that it reserves for itself the responsibility of making the final decision as the lawfully appointed governing body of the University.

June 17, 1972, Agenda Item d)1

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SENATE MINUTES--ADJOURNED MEETINGYOUNGSTOWN STATE UNIVERSITYFriday, May 19, 1972

PRESENT: Mr. Foldvary, Mr. von Ostwalden, Mrs. Niemi, Mr. Sweeney (visitor), Miss Feldmiller, Mr. Richley, Mr. Behen, Mr. Hurd, Mrs. Hotchkiss, Mr. Hotchkiss, Mr. Krill, Mr. Rand, Mr. Cohen, Mr. Wales, III, Mr. Aurand, Mrs. Smith, Mr. Klasovsky, Mrs. Painter, Mr. Painter, Mr. DeGarmo, Mr. Scriven, Miss Boyer, Mrs. Mackall, Mr. Ringer, Mr. Kramer, Mr. L. Domonkos, Mr. Tarantine, Mr. Satre, Mr. Blue, Mr. Kessler, Mr. Bill Jones (Student), Mr. Solomon, Jr., Mr. Almond, Mr. Deiderick, Mr. Siman, Mr. O'Neill, Mr. Hahn, Mr. Yozwiak, Mr. Ives, Mrs. Miner, Mr. Miner, Mr. Hare, Mr. C. Hankey, Miss Sterenberg, Mr. Gay, Mrs. Hoffmann, Mr. R. Morris, Mr. Shipka, Mr. Hanzely, Mr. May, Mr. Henkel, Mr. J. S. Zetts, Mr. Koss, Mr. Robinson, Mr. Hill, Mr. Parm, Mr. Montgomery, Miss Cannatti, Miss Shellock (Jambar), Mr. Salpietra, Mr. Cernica, Mr. Baldino, Jr., Mrs. Foley, Miss DeCapita, Mr. Paraska, Mr. Esterly, Mr. Katz, Miss Mead, Mr. Toskas, Mrs. Budge, Mr. Simko, Mr. Rondy, Mrs. Turner, Mr. Laitman, Mr. Abram, Mr. Iarene, Mr. Hoops, Miss M. Saulino, Miss J. Saulino, Mr. G. Jones, Mr. Eshleman, Mr. Mavrigian, Mr. Shuster, Mr. Curran, Mr. Hvey, Mrs. Dykema, Miss Jenkins, Vice President Rook, Vice President Coffelt and Vice President Edgar.

PRESIDING: VICE PRESIDENT EARL E. EDGAR

TIME: 4:00 p.m. SCHWEBEL AUDIT.

Vice President Edgar called the Adjourned Meeting to order. Because this is a continuation of the meeting from Friday, May 5, 1972, the minutes that you have received are incomplete and should not at present be acted upon.

We will continue the Report of the Faculty Affairs Committee. According to the minutes that we have we were considering the major motion made by the Faculty Affairs Committee and which was presented by Mrs. Christine Dykema.

CONTINUATION OF FACULTY AFFAIRS COMMITTEE REPORT:

This report was given by the Chairman, Mrs. Christine Dykema.

(SEE APPENDIX I FOR DISCUSSION AT TODAY'S MEETING)

Mr. Joseph May asked to make an Amendment. He stated he was referring to page #2 of the Report, Paragraph #3, next to last sentence. This sentence now reads as follows: (NOTE: This is above Item B, Suspension).

Should the Administration, the Board of Trustees, or the faculty member not concur with the decision of the Judicial Committee, an appeal may be made to a fair and impartial party, acceptable to the Administration, the Board of Trustees, and the faculty member.

AMENDMENT: Mr. Joseph May - referring to A, Procedure, Section 2, Judicial Committee, Paragraph #3 (next to last sentence)

Mr. Joseph May moved an Amendment to delete the "Board of Trustees" as it appears twice in the second to the last sentence.

The sentence would then read as follows:

"Should the Administration or the faculty member not concur with the decision of the Judicial Committee, an appeal may be made to a fair and impartial party, acceptable to the Administration and the faculty member."

Seconded.

(SEE APPENDIX I FOR CHANGE IN LANGUAGE OF AMENDMENT).

(CONT'D. NEXT PAGE)

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SENATE MINUTES CONT'D.: (Adjourned meeting Friday, May 19, 1972)

Dr. Hare: For clarification purposes will Dr. May restate his Motion to include correct phrasing as he wished for the last sentence. This is as follows for the last sentence:

Dr. Edgar:

"His decision shall be binding upon the administration, the Board of Trustees and the faculty member."

This is the Amendment we are now talking about.

Mr. Koss: Wished to make an Amendment to the Amendment.

Amendment would be: in 3rd to last line after the word appeal to read as follows:

After the decision of the Judicial Committee in the 3rd line,
"concur with the decision of the Judicial Committee and
appeal if filed within 15 days, etc."

Mr. Koss: Withdrew the Amendment. Stated he would bring it up separately later.

QUESTION ON AMENDMENT CALLED FOR.

Dr. Edgar read the Amendment now to be voted on which read as follows:

Replacing the 2nd sentence in paragraph #3 on page 2 of the Proposal with this sentence:

"should the administration or the faculty member not concur with the decision of the Judicial Committee an appeal may be made to a fair and impartial party acceptable to the administration and the faculty member. His decision shall be binding upon the administration, the Board of Trustees and the faculty member."

Seconded.

AMENDMENT LOSES.

AMENDMENT to the Motion which Mr. Joseph J. Koss mentioned earlier:

Mr. Joseph J. Koss moved the following Amendment:
(in the 3rd line from the bottom):

"concur with the decision of the Judicial Committee, an appeal within fifteen (15) days may be made.....(and continues to read as indicated).
Seconded.

Dr. Hare: Editorial change so Motion would read:
(An appeal within 15 days of the report (and we do not need anything further since there is only one report mentioned).

Motion reads as follows:

An appeal within 15 days of the report may be made to the Faculty Appeals Committee which will appoint a fair and impartial party acceptable to the administration, the Board of Trustees and the Faculty member.
Seconded.

Mr. Koss WITHDREW his Motion.

(CONT'D. NEXT PAGE)

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SENATE MINUTES CONT'D.: (Adjourned meeting Friday, May 19, 1972)

Dr. Hare restated AMENDMENT as it now stands: (starting at comma before "an appeal")

AMENDMENT AS IT NOW STANDS:

.....a notice of intent to appeal within 21 days of the report may be filed with the Faculty Appeals Committee, which will appoint a fair and impartial arbitrator, acceptable to the Administration, the Board of Trustees and the faculty member.

Seconded.

QUESTION CALLED FOR.

AYES HAVE IT. AMENDMENT PASSES.

AMENDMENT: Dr. Clyde Hankey made the following Amendment:
Referring to the same paragraph #3. To delete all of the paragraph except the first sentence which will read:

"and this position shall be reported to all concerned parties and shall be binding. (The rest of the paragraph to be deleted).

Seconded.

Dr. Hovey: MOVED THE PREVIOUS QUESTION.

This is to stop debate on Dr. Clyde Hankey's Proposed Amendment. (Must be 2/3 vote).

AYES: 36 NO: 33.

Since 2/3 vote required and this did not receive necessary 2/3 discussion proceeded.

(SEE APPENDIX I FOR FULL DISCUSSION OF AMENDMENTS, ETC.)

Dr. C. Hankey: Dr. Clyde Hankey restated his Motion at this point:

AMENDMENT: Paragraph #3. The Motion is to have Paragraph #3, page #3 of Loss of Tenure Proposal to read only this:

"The decision of the Judicial Committee shall report what the Committee believes to be in the best interests of the University and this decision shall be reported to all concerned parties and shall be binding."

QUESTION ON DR. CLYDE HANKEY'S MOTION CALLED FOR.

NO'S HAVE IT. DR. C. HANKEY'S AMENDMENT LOSES.

Dr. Edgar placed the question before the Senate which was as follows:

Voting on the Faculty Affairs Committee Proposal on Loss of Tenure as Amended.

AYES HAVE IT. PROPOSAL PASSED.

(CONT'D. NEXT PAGE)

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SENATE MINUTES CONT'D.: (Adjourned meeting Friday, May 19, 1972)

REPORT OF HEALTH AND SAFETY COMMITTEE:

This report was given by the Chairman, Mrs. Margaret Connelly. Mrs. Connelly covered the following items in her Report:

1. Accident Reports
2. Hand bells installed at Linder and Dana Music Hall
3. Tuberculosis Mobile X-ray Program
4. Youngstown City Fire Department
5. Emergency Lights
6. Blood Bank
7. Kilcawley Student Cafeteria
8. Cigarette Vending Machines
9. Construction Areas

All topics pertaining to Youngstown State University.

(SEE APPENDIX II FOR TEXT OF HEALTH AND PHYSICAL EDUCATION COMMITTEE REPORT AND DISCUSSION)

REPORT OF LIBRARY COMMITTEE:

This report was given by the Chairman, Dr. Christopher Sweeney. Dr. Sweeney covered 3 topics:

1. Library Budget
2. Overdue books drawn by faculty members
3. Problem of additional space for the Library.

SUMMARY: The Library is now operating under an allocation system with next year's allocation still in Committee. Hopefully by next year the Library will make all charges including books, periodicals, micro-film to the originator of the request.

The problem of faculty overdue books although not solved seems to be reasonably under control.

There is going to be a small expansion as soon as possible into one classroom in Tod Hall (probably Room 10).

(SEE APPENDIX III FOR TEXT OF LIBRARY COMMITTEE REPORT AND DISCUSSION)

Dr. Edgar: Do you wish to continue the meeting? The alternative is a continued meeting on Friday, June 2, 1972.

Dr. Clyde Hankey moved that we continue the meeting on Friday, June 2, 1972.

Seconded.

MOTION PASSED.

The Secretary will send out notices.

Respectfully submitted,

Vera Jenkins
SECRETARY OF THE SENATE

APPENDIX I--TO SENATE MINUTES--ADJOURNED MEETING--FRIDAY, MAY 19, 1972

CONTINUATION OF DISCUSSION ON FACULTY AFFAIRS COMMITTEE REPORT:

1) Dr. Joseph May moved an Amendment to delete the "Board of Trustees" as it appears twice in the second to the last sentence.

This refers to A. Procedure, Section 2, Judicial Committee, Paragraph 3.

Dr. May's reasons for offering this Amendment as follows:

Dr. Edgar asked: The last sentence: His decision shall be binding.
Are you dropping that?

Dr. May: That last sentence is not affected; only the next to the last sentence as stated above.

2) Dr. Hare: Then "Board of Trustees" is deleted twice?

Dr. May: Yes, that is correct.

Dr. May stated he offered his Amendment for the following reasons:

1) It seems to me that there is an artificial distinction between the Administration and the Board of Trustees that does not exist in reality. The President of the Institution cannot take a position, especially in a sense or a case of this matter that is contrary to the wishes of the Board of Trustees.

The President is appointed for an indefinite term of office.

If he were appointed for a definite term of office this would imply periodic review by the Board of Trustees and the President. There would be a degree of independence perhaps in the office of the President under that situation but he is appointed for an indefinite period which implies a constant review.

It seems to me that this complicates matters unnecessarily by having a separate distinction in the regulations where there is no real difference.

2) Furthermore, this Amendment (I offered) would simplify and uncomplicate it.

It would remove the possible need for calling meetings or special meetings of the Board of Trustees in order that they may pass on a particular point of view when the President knows very well what the Board of Trustees position is without calling any special meetings.

3) Furthermore, the Board of Trustees are not brought in earlier in the Proposal as initiators of dismissal proceeding. If they wish to initiate a dismissal proceeding, as they have a legal right to do, they would have to act to the President in that instance; so if they are not brought in as initiators why bring them in at this particular stage?

Let me emphasize that this Amendment is in no sense whatsoever intended, in any way whatsoever, as a slap at the Board of Trustees nor does it diminish the authority of the Board of Trustees.

The Board of Trustees can exercise their authority far more easily, far more gracefully, and far more efficiently through the President.

3) Dr. Shipka: I think if this Amendment is passed it would so weaken the intent of the Committee's language that it might well overlook perhaps the most fundamental aspect of this whole problem.

The spokesman for my case last time was Dr. David Behen. I thank him for his generosity on speaking on my behalf since I was absent.

(CONT'D. NEXT PAGE)

APPENDIX I--TO SENATE MINUTES--ADJOURNED MEETING--FRIDAY, MAY 19, 1972 CONT'D.Dr. Shipka cont'd.: (FACULTY AFFAIRS COMMITTEE CONT'D.)

The point he and I have stressed in Committee is that the Board of Trustees is often the initiator of the challenge to Tenure. Now, if I understand this Amendment the Board of Trustees will still have the power to overturn the decision of the arbitrator.

Dr. May: NO.

Dr. Shipka:

1) I beg to disagree. If it says "His decision shall be binding" and the Board of Trustees is not mentioned in the prior sentence it seems to me to appear that his decision is not binding on the Board of Trustees.

Now, I can well agree with the point made that there is a close working relationship between the Board of Trustees and the Administration. Nevertheless, there is the real possibility of a difference of opinion in a particular case between the two parties.

2) The Board of Trustees has under State Statute the responsibility to govern this Institution. It is the ultimate legislative and executive body of the University. Unless we specify in our language that the Board of Trustees may not reverse the decision of the arbitrator then the Board of Trustees, which may in the first instance initiate the challenged contender, will have ultimately the power to decide in a case in which it is a Plaintiff.

I would argue against this Amendment. I think if there were one phrase we could take out it would be "administration" in both instances rather than "Board of Trustees" in both cases because the key element here is the Board of Trustees.

I oppose the Amendment.

4) Dr. C. Hankey: Point of information as to both State Law and Board of Trustee Regulations. Who is charged with hiring and dismissing of faculty? Is it not the President and his Administration?

Dr. Edgar: Well, over the Board of Trustees. I assume it is delegated.

5) Dr. Hare: It seems to me there is a problem because in approval of the Budget the Board of Trustees merely exercises the power of renewal of contract but in new hirings the President signs the contract and not on behalf of the Board of Trustees. The President seems to have the hiring authority.

Dr. Edgar: I understand that it is delegated. That is my understanding. The Board of Trustees meet once a Quarter. Between its meetings, the authority of operating the Institution including making these appointments is delegated to the President.

His decisions could be overturned, as I understand it, if the Board of Trustees should ever see fit to do so.

6) Dr. Hare (to Dr. Shipka): Would Dr. Shipka feel that Dr. May's Amendment would be satisfactory if the last sentence were altered to read "His decision (the arbitrator's decision) shall be binding upon the Administration, the Board of Trustees and the Faculty member."

7) Dr. Shipka: If that modification were made to clarify it I would have no objections.

My fear is that unless we recognize that this decision is binding upon the Board of Trustees then the Board of Trustees will be free to overturn this decision.

Now if that modification is made I would support the Amendment with the above language.

(CONT'D. NEXT PAGE)

FACULTY AFFAIRS COMMITTEE CONT'D.:

APPENDIX I--SENATE MINUTES--ADJOURNED MEETING--FRIDAY, MAY 19, 1972 CONT'D.

8) Dr. Hare: Would Dr. May accept this then?

Dr. May: Yes. I had no intention of doing what he fears would be done.

COMMENT: How does it read now?

Dr. Edgar: Reads now: Moved to delete the Board of Trustees as it appears twice in the next to last sentence of that paragraph:

"Should the administration or the faculty member not concur with the decision of the Judicial Committee an appeal may be made to a fair and impartial party acceptable to the administration and the faculty member."

9) Dr. Baldino: A point that should be made here and a factual one; whether the deletion of the "Board of Trustees" does in fact result in action anticipated as made by Dr. Shipka. That is to say, does in fact give the power of rejection of arbitration by the Board of Trustees because someone in effect did not like that. That is crucial. If it doesn't then the crux of this point is not well taken at all.

10) Dr. Hare: For clarification purposes will Dr. May restate his Motion to include the phrase "his decision shall be binding upon the administration, the Board of Trustees and the faculty member". Then we can debate that Motion.

Dr. May: Yes. That is acceptable.

Dr. Edgar: It now reads:

"His decision shall be binding upon the administration, the Board of Trustees and the faculty member".

This is the Amendment we are now talking about.

11) Dr. Cohen: There is another point that Dr. Shipka raised that I think is very important.

The Amendment implies, although the proposer evidently does not feel that way, that the Administration and the Board of Trustees are essentially of single mind and therefore, it is redundant and not necessary to cloud things up by having both mentioned.

If that ever is the case I don't see that there is any harm in mentioning both but it may very well be that the President will disagree with the Board of Trustees desire to fire a given person. This has happened at other places and it could very well happen here. Both parties have an opportunity to approve the proposed arbitrator explicitly.

I think the Amendment should be defeated.

12) Dr. Hovey: Should this Amendment be passed we would be left with language which makes no provisions for the Board of Trustees not concurring with the decision of the Judicial Committee and since that is not explicitly provided for presumably the Board of Trustees could insist that they could disagree, and the appeal to arbitration would apply only to disagreement by the administration or the faculty.

I think that the Amendment has the unfortunate effect of weakening the original Majority Proposal.

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FACULTY AFFAIRS COMMITTEE CONT'D.:

APPENDIX I--SENATE MINUTES--ADJOURNED MEETING--FRIDAY, MAY 19, 1972 CONT'D.

- 13) Mr. Koss: Wished to make an Amendment to the Amendment.
The Amendment would be: in the 3rd to the last line, after the word appeal read as follows:

"After the decision of the Judicial Committee in the 3rd line, concur with the decision of the Judicial Committee and appeal if filed within 15 days, etc."

Reason for making this Amendment:

The Board of Trustees meets once a Quarter and you may be hung up for two (2) Quarters with regard to the appeal that they make and it will unduly drag out and complicate this matter.

- 14) Dr. Hare: Point of order.
 Is this an Amendment to the Amendment or a Substitute Amendment?

- 15) Mr. Koss: This is an Amendment to the Amendment.
 I would ask whether the proposer of the original Amendment would accept this as an editorial addition.

Dr. May: It's hard to say.

- 16) Dr. C. Hankey: I would like to ask the Chair to rule if this is not in fact a different main Motion.

Parliamentarian: It is different. I think he is right.
 (Mrs. Dykema)

- 17) Mr. Koss: I will withdraw the Amendment and bring it up separately later.

Mr. Koss made the following Amendment to the Motion which he mentioned earlier:

in the 3rd line from the bottom:
 "concur with the decision of the Judicial Committee, an appeal within fifteen (15) days may be made (rest of sentence as indicated).
 Seconded.

Reason for this Amendment:

Mr. Koss stated the Board of Trustees meets only once a Quarter and this unduly complicates the adjudication of a matter of this type. It is important enough it seems to me that if the Board of Trustees is going to be in there they ought to make and file an appeal within a reasonable time.

I think 15 days in this type of matter is a reasonable time.

- 18) Dr. Hovey: Point of clarification.
 Does the 15-day provision modify the non-concurrence or the filing of an appeal?

It seems to me it should modify the non-concurrence so that if the Board of Trustees does not concur they have to do so in 15 days.

- 19) Mr. Koss: That is right. They appeal within 15 days; and 15 days modifies the appeal from the decision of the Judicial Committee.

- 20) Dr. Hovey: When does the faculty member whose case has been ruled on by this Judicial Committee then know whether or not the Board of Trustees accepts or does not accept the finding of the Judicial Committee?

- 21) Mr. Koss: Obviously he has to wait at least 15 days to see whether or not the Board of Trustees is going to file a Petition and appeal.

(CONT'D. NEXT PAGE)

FACULTY AFFAIRS COMMITTEE CONT'D.:

APPENDIX I--SENATE MINUTES--ADJOURNED MEETING--FRIDAY, MAY 19, 1972 CONT'D.

- 22) Mr. Ives: Couldn't that be clarified by adding in there the phrase:
"within 15 days of what" --

Mr. Koss: I thought it was perfectly clear that it was within 15 days of the date of the decision of the Judicial Committee but I certainly have no objection to adding to the ending: "within 15 days of the Judicial Committee's decision" -- if you wish to do so.

The date of the report might be different from the date of the decision of the Judicial Committee.

I accept that sort of change if it is acceptable to the Seconder.

- Dr. Edgar: It would be changed after "appeal":

"within 15 days of the date of the report of the decision of the Judicial Committee."

- 23) Mr. Koss: The date of the report of the decision might be different from the date of the decision. If you want to take that additional differential of time I certainly have no objection to that.

We certainly would expect the Judicial Committee would report its decision within a reasonable time.

- Dr. Edgar: Restated wording of sentence at this point. Asked Mr. Koss to reread it:

The whole sentence now reads:

"should the administration, the Board of Trustees or the faculty member not concur with the decision of the Judicial Committee, an appeal within 15 days of the date of the report of the decision of the Judicial Committee....."

- 24) Dr. Sally Hotchkiss: I do not see any indication to whom this appeal should be addressed?

25) Dr. Shipka: I do not think Dr. Hotchkiss that that is a valid point. It seems to me that all the Board of Trustees have to do is state in writing that they are going to appeal. I think the question as to which party will hear the appeal can be decided at a later date. That seems to be the reasonable point of view.

26) Dr. Sally Hotchkiss: But the statement is quite clear: "may be made to a fair and impartial party" -- I think there would be some necessity of defining this fair and impartial party.

27) Dr. Hare: I think there is some technical ambiguity in here which could be no doubt editorially clarified. I want to go to the substance of the Amendment which in effect is to require the Board of Trustees and the administration if it wishes to appeal to do so without unreasonable delay.

I think if this language of the sentence being Amended is to stand in this Committee report then certainly we should support this Amendment because as we all know the Board of Trustees meets at its regular meeting every 3 months and it could mean that a delay to the advantage conceivably of the Board of Trustees might hold up proceedings indefinitely or for a very long period of time.

However, I myself am of the persuasion that the decision of the Judicial Committee itself as specified in this provision should be binding on all 3 parties from the word "go".

I think since this Amendment is on the floor we should support this Amendment and hopefully this House will support an Amendment to make the Judicial Committee the final arbitrator of the matter in any case.

I am talking as though this Amendment might fail and therefore, we should put in this 15 day provision.

FACULTY AFFAIRS COMMITTEE CONT'D.:

APPENDIX I--SENATE MINUTES--ADJOURNED MEETING--FRIDAY, MAY 19, 1972 CONT'D.:

28) Dr. Sanford Hotchkiss: Within 15 days, you send an appeal to whom? Does one party send it to the other two parties? Do you appeal to the Judicial Committee? Where does the appeal go? Where does the Board of Trustees send their appeal? Where do you appeal?

29) Dr. Hare: I agree with you entirely.
The intent of the language I think is that the appeal should be directed to the Faculty Appeals Committee to seek out an arbitrator.

30) Dr. Sanford Hotchkiss: I think that is what is intended but I don't clearly understand it. I wonder if someone would clarify it.

31) Dr. Shipka: I don't find it nearly as confusing. It seems to me that when the decision of the Judicial Committee is made that will be reported to the Administration, to the Board of Trustees and to the faculty member. If either of those three (3) parties wish to challenge the finding then he must do that. He must express his intention to appeal within 15 days. Then the three (3) parties would converge and agree upon a third party to hear the appeal.

32) Dr. Hotchkiss: Let's say I am the faculty member and they decided to throw me out of here and I don't like it. So to whom do I appeal?

33) Dr. Shipka: You are appealing the decision of the Judicial Committee. I would think you would notify them that you do not concur. You would send copies to the Board of Trustees and to the administration indicating: (1) that you appeal and (2) that you want to meet with the proper parties to agree upon a fair and impartial arbitrator.

34) Dr. Hotchkiss: I notify the other parties to the controversy of my intention to seek an appeal and I do so within 15 days in concurrence with the Amendment.

35) Dr. Hahn: I have a suggestion for a wording which would incorporate these meanings, and if the people who made these Amendments would agree to this perhaps this might be the solution:

should the administration, the Board of Trustees or the faculty member not concur with the decision of the Judicial Committee (and here is where the change comes in):

an intention to appeal must be made to a fair and impartial party acceptable to the Administration, to the Board of Trustees and the faculty member within 15 days of the report of the decision of the Judicial Committee.

Mrs. Dykema: Perhaps you could say: notification of intent to appeal should be filed with the Judicial Committee within 15 days.

36) Mr. Koss: This is not an acceptable wording change. However, I would suggest that it is pretty clear that he will appeal. There is difficulty with the wording here. It should be clear about this appeal and not just an intention; obvious some manifestations with intent to appeal to the parties.

37) Dr. Greenman: It seems to me that 15 days may be too short a time for any of the parties to decide on an appeal. Would you accept 30 days as a more reasonable period?

38) Mr. Koss: I will compromise at 21 days.

39) Dr. Hare: 21 days, 15 days. It is the principle that I am talking about. It seems to me that the appeal should not go to the Judicial Committee. The appeal should go to the Faculty Appeals Committee that constituted the Judicial Committee. Presumably there is no provision in here, in fact, for choosing this fair and impartial arbitrator and I presume this duty too will fall upon the Faculty Appeals

(CONT'D. NEXT PAGE)

FACULTY AFFAIRS COMMITTEE CONT'D.:

APPENDIX I--SENATE MINUTES--ADJOURNED MEETING--FRIDAY, MAY 19, 1972 CONT'D.

Committee. Therefore, it seems to me that this perhaps should be spelled out and that is that the appeal should be directed to the Faculty Appeals Committee and that the appeal in and of itself is asking the Faculty Appeals Committee to appoint -- and somebody has to appoint -- this fair and impartial person, and I do not know who is going to do it except our elected representative on the Faculty Appeals Committee.

40) Mr. Ives: Any statement or intention to appeal must be made to someone in existence and not to a not yet appointed arbitrator.

41) Mr. Koss: Rewording should be as follows:

After the word 'appeal':

within 15 days of the report of the decision of the Judicial Committee.

Dr. Hare stated he would not second this. I think the House is voting on absolutely impossible phrasing.

42) Dr. Behen: I am in hearty accord with Mr. Koss' intention here but I fear that his Motion is going to be lost because it seems to me that it has set up an impossibility.

I think, Mr. Koss, what you want is that no one shall delay in making known the fact that it does not agree with the decision that the Judicial Committee has reached so that then an expeditious action may be taken to go ahead with the appointing of the arbitrator, etc. But, as Mr. Ives and a number of other people have pointed out I think your language now seems to specify that an appeal must be made within 15 days to the impartial arbitrator. No impartial arbitrator as yet exists and it might conceivably take a good part of that 15 days to find a man that all three (3) parties will agree upon.

If I understand your intention I am quite in agreement with it but the language at present I do not believe is going to satisfy this body.

It doesn't satisfy me at any rate.

43) Mr. Koss: Possibly add some words then. Right behind impartial party: "or the Judicial Committee or until an impartial party is determined".

You will then have somebody to appeal to specifically to try to answer these criticisms of the wording.

In other words, it would read:

"an appeal within 15 days of the report of the decision of the Judicial Committee may be made to a fair and impartial party or to the Judicial Committee until such impartial party is appointed."

Dr. Edgar: As I understand the situation the Motion has not yet been seconded.

44) Dr. Hare: We are in an editorial problem.

May I read an alternative phrasing of the Motion. Possibly we could suspend the rules for a minute so that we can clarify these phrases.

Dr. Edgar: Suspended the rules for a moment for clarification of phrasing of the Motion.

Dr. Hare: Editorial change so Motion would read:

"An appeal within 15 days of the report (and we do not need anything further since there is only one report mentioned).."

MOTION READS AS FOLLOWS:

An appeal within 15 days of the report may be made to the Faculty Appeals Committee who will appoint a fair and impartial party acceptable to the administration, the Board of Trustees and the Faculty member.

Seconded.

NOTE: Mr. Koss withdrew his Motion; he was happy to second the one above.

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FACULTY AFFAIRS COMMITTEE CONT'D.:

APPENDIX I--SENATE MINUTES--ADJOURNED MEETING, FRIDAY, MAY 19, 1972 CONT'D.

45) Dr. C. Painter: I just wonder how many years YSU is going to try to do in Senate what they appoint committees to do?

This Committee has met weekly since the beginning of the year. We have hashed over many things that the Committee the year before and the year before that had rehashed. We bring it to the Committee, to the Senate and what the Senate is saying in essence is: what you have done is of no value. We will do the work that you have been supposed to have been doing for the past two or three years.

I don't think the Faculty Appeals Committee or the Faculty Committee here has any right to appoint a third party arbitrator.

- 1) We are trying to tell the Board of Trustees what to do.
- 2) Now you want to tell them when to do it.
- 3) When are you going to get to the "how" to do it?

Dr. Hare: That is what we are dealing with right now.

Who is going to appoint the fair and impartial party?

Dr. C. Painter:; The fair and impartial party is to be selected by the three (3) persons and not in Faculty Committees. Just stop for a moment: You are going to be on some of these Faculty Committees drawn by lots.

How many of you know a fair and impartial arbitrator? Or know of one? One out of the whole 122 of us?

My heart goes out to Mrs. Dykema. An awful lot of work has gone into this particular thing and all we are doing is trying to get in a Senate Open meeting what we could not get in the Faculty Affairs Committee meeting itself.

46) Mr. Ives: As Dr. Hare's phraseology now stands there is no indication of what the impartial party is supposed to do.

Would he accept as substitute the word 'arbitrator' instead of party in Dr. Hare's Motion?

Dr. Hare: Yes, it is acceptable.

47) Dr. Baldino: I would like to go on record as upholding the right of this body to review any Committee Report.

48) Dr. Cohen: There is a difference between an appeal and a notice of intent to appeal. I suggest that the wording here ought to be "notice of intent to appeal".

I suggest that the number of days be 21 rather than 15.

I suggest this be included in the Amendment.

Dr. Edgar: Are you willing to, Dr. Hare?

Are you asking them to revise their Motion, Dr. Cohen?

Dr. Cohen: I am asking that they do so. If not, that they would propose this as an Amendment to the Amendment.

49) Dr. Hare: I would accept that Amendment.

You make it read "notice of intent to appeal" instead of appeal and you change the time element to 21 days instead of 15 days.

MR. KOSS ACCEPTED THIS AS HE WAS THE SECONDER.

50) Dr. Hanzely: I am no legal expert but since each of these parties are going to be represented supposedly by highly over-paid legal counsel I would say the typical time allowed for an appeal to be on the order of 15 days or at the most 30 days.

This isn't any intent to appeal but rather an actual appeal.

The appeal is not going to be made by the Board of Trustees or the faculty member, but by the legal counsel. It seems that 15 days certainly is sufficient in preparing the appeal.

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SENATE MINUTES CONT'D.: (FACULTY AFFAIRS COMMITTEE)APPENDIX I--SENATE MINUTES--ADJOURNED MEETING, FRIDAY, MAY 19, 1972 CONT'D.

51) Mr. Ives: If this is changed to intention to appeal, then there is no time limit of any kind set on the matter of appealing. This could go on forever. Should there be no specification?

52) Dr. Shipka: I agree with Mr. Ives. In the wording which we have had in the Majority Report and I think the language "the notice of intent to appeal" made sense but in the light of this modification of the language I don't think it does.

We now have a particular body we have agreed that this appeal will be directed at and that is the Faculty Appeals Committee.

It seems to me we ought to have a limit of 15 or 21 days that the appeal must be filed with that Committee. I agree with both Dr. Hanzely and Mr. Ives. I see no reason for this because it can simply complicate the situation.

Dr. Hare restated Amendment as it now stands: (starting at comma before 'an appeal)

AMENDMENT AS IT NOW STANDS:

"a notice of intent to appeal within 21 days of the report may be made to the Faculty Appeals Committee which will appoint a fair and impartial arbitrator acceptable to the Administration, the Board of Trustees and the faculty member.

Seconded.

QUESTION CALLED FOR.

AYES HAVE IT.

AMENDMENT PASSES.

AMENDMENT: Dr. Clyde Hankey made the following Amendment:

Referring to the same paragraph (#3). To delete all of the paragraph except the first sentence which will read:

"and this position shall be reported to all concerned parties and shall be binding. (The rest of the paragraph to be deleted).

Seconded.

53) Mr. Koss: I think this is contrary to the last Motion that just carried. He is trying to delete something that this body just accepted.

Parliamentarian, he is trying to eliminate exactly what was passed by this body a few moments ago.

Parliamentarian: I think he's right on that.

(Mrs. Dykema)

As it stands the paragraph has been appealed by deletion of words and insertion of words, and that stands that way now.

We now have a Motion to Amend this to have entirely different ultimate authority which would be the Judicial Committee.

54) Dr. C. Hankey: We worry a lot about what the Board of Trustees can and cannot do; will and will not do. All I am asking is a straight forward Motion.

All the Board of Trustees does in fact, is either to accept and by accepting implement the revised or Amended version as I presented or they override it. If they override it the only recourse anyone has is to something outside the University.

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FACULTY AFFAIRS COMMITTEE CONT'D.:APPENDIX I--SENATE MINUTES--ADJOURNED MEETING, FRIDAY, MAY 19, 1972 CONT'D.Dr. C. Hankey cont'd.:

If they do not override it it keeps the action of the Judicial Committee inside the University. I think there are at least circumstances in which it is obvious that the Board of Trustees would be wise to have set as binding as all other things would have to the decision of the Judicial Committee.

We can stop the whole business by having a singly powerful Committee admitted so by all.

If the faculty member does not like the Judicial Committee decision that's the point to go to Court; not to mess around with weeks and weeks more of problems.

55) Mr. Koss: Point of clarification.

I appeal to the Parliamentarian again.

This is contrary to the fact that this body accepted an arbitrator internally in this procedure.

Dr. Edgar: Mrs. Dykema, you have made a ruling on this?

You think this Amendment is proper and that we can vote upon it.

56) Dr. Hovey:

MOVED THE PREVIOUS QUESTION.

THIS IS TO STOP DEBATE ON DR. CLYDE HANKEY'S PROPOSED AMENDMENT.

(Must be 2/3 vote).

AYES: 36 NO: 33.

Since 2/3 required and this did not receive necessary 2/3 we go ahead with discussion.

57) Dr. Hare: It seems to me that any process that is to be of value to this Institution or the faculty member or to any of the parties concerned in such a dispute as we are talking about requires a fairly expeditious procedure and a just one.

I cannot conceive that an outside arbitrator would be any more impartial or fairer than the Committee selected according to the procedures in this among the tenured faculty members. Therefore, it seems to me that the outside arbitrator is one more step in a delaying procedure that will set everybody's teeth on edge and will not be any more valid than what we already have by the Judicial Committee.

Therefore, it seems to me that this Amendment is a quite proper one and I hope Senate supports it in the interest of speed, efficiency and fairness.

58) Mr. Toskas: I think in recent history we have certainly seen in example after example, at this University and at others that outside observations and outside evaluation has had dimensions which have largely preserved individual rights and certainly the integrity of the Institution at the same time.

I think what we do is add an outside arbitrator; this is largely to remove the colored glasses by which so many of us within a particular Institution view a particular problem or problems and as such I think he should be maintained.

59) Dr. Hahn: A distinction should be made between cases of tenure and cases of non-tenure.

This procedure is designed for cases of tenure. These cases of tenure involve questions of incompetence, moral turpitude and economic reasons. It seems to me probably economic reasons would not be involved among tenured people, possibly. However, that is possible too, and it might be the case.

However, probably most of the cases would be for the other reasons or some variations of them in which case the faculty members involved are better judges than anybody outside the University.

I am in favor of this Amendment.

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FACULTY AFFAIRS COMMITTEE CONT'D.:APPENDIX I--SENATE MINUTES--ADJOURNED MEETING, FRIDAY, MAY 19, 1972 CONT'D.

60) Dr. Shipka: I would like to oppose the Amendment.

In terms of the history of the development of this language the Committee this year took the proposal of the Committee last year and found certain defects in procedures once the Judicial Committee rules.

There was a back and forth procedure which several of us on the Committee felt threatened the rights of the faculty member. We wanted a procedure whereby the faculty member would not be put in a situation where he would have to turn to Court, and in this case probably Federal District Court, at great expense in order to insure that his rights were preserved.

Now, we should keep in mind that the members of the Judicial Committee are employees of the University and specifically the Board of Trustees. In a Loss of Tenure case, by the nature of the case, we have a difficult situation which will have many, many strange elements to it and so we should try to cover all possible bases.

One of the possible bases is pressure on the Committee for reasons that we cannot imagine now. But pressure on the committee, by members of the Board of Trustees, or members of the community who subsidize the University and who come up with a particular judgment that may be in violation of their personal point of view, but under pressure who knows what anyone of us would do.

I think this particular procedure which is now being challenged by the Amendment loses coverage in terms of protection and one of the bases that the Committee wanted coverage for and that is the kind of situation where either the Board of Trustees or the Administration can influence the Judicial Committee to a point of view that perhaps in a more mature reflected situation it might not agree to.

One final point: in terms of support of my case. I recognize that the Poddar case is not typical. There were many aspects of the Poddar case that make it a unique case.

Judge Battisti, of the Northern District of Ohio, Federal District Court, took the position, once he analyzed the Poddar case, that Dr. Poddar could not possibly receive a fair hearing by his peers at the University because of the unique nature of his case.

I think there is a possibility, at least, in a Loss of Tenure case that we will be in a similar situation where because of the widespread circulation of rumors, because of pressures from the Community, because of pressures from the Board of Trustees, because of a lot of factors that we cannot anticipate at this moment we can be in a situation where a faculty member cannot receive a fair hearing from his peers.

Granted that this is an outside possibility but it is a possibility.

It is an area we should cover and I think to approve this Amendment would dissolve that area of protection that the Committee wanted to protect.

I urge you to defeat the Amendment and stand by the original language.

61) Dr. Cohen: There have been a number of arguments raised. One that we should not send a case in which we are involved to an outsider; that if we cannot do it how can an outsider do it?

There is apparently some merit to that. But, I really wonder. This is the whole point in arbitration. Sometimes those who are close to a case are too close; and an outsider can see what an insider cannot see.

A question of legality has been raised. I don't think it is up to us to worry about that. The Board of Trustees will investigate whether or not it is legal for this.

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FACULTY AFFAIRS COMMITTEE CONT'D.:

APPENDIX I--SENATE MINUTES--ADJOURNED MEETING, FRIDAY, MAY 19, 1972 CONT'D.Dr. Cohen cont'd.:

But a question that has been left out is this: I haven't been convinced that an arbitrator will really aid the cause of a person but it is clear that a great many people here think that it may aid the cause of the person. This is very important.

The purpose for this is after all to safeguard the faculty and the faculty with a safeguard but does not feel safeguarded is no more a faculty than one which is, in fact, not safeguarded.

I think this Motion should be defeated and more than that I would refer it to the administration and ask that the administration support this Motion and in its presentation of it to the Board of Trustees.

62) Dr. Hare: A great deal of justice in what Dr. Cohen has said.

I myself am of a somewhat divided mind on the subject and that is why I would have been extremely unhappy to have had debate closed on it.

I think we have to realize today that some of these Tenure cases and hopefully there will be none and therefore, the whole thing is a question, but the tendency is to take such cases to Court.

The arbitration factor in here adds a further obstacle to the faculty member who wishes to take such a case to court and therefore, I have heard nothing here that suggests to me that a faculty member will be any better protected by an outside arbitrator.

I simply would like to find a procedure that is as expeditious as possible, and obviously as fair as possible. I don't quite see how a faculty member who is being thrown out of the Institution is going to feel that an arbitrator is any fairer than a Judicial Committee or a Faculty Appeals Committee.

Dr. Edgar: Asked Dr. Clyde Hankey to restate his Motion.

Dr. C. Hankey: Dr. Clyde Hankey restated his Motion at this point:

AMENDMENT: Paragraph #3. The Motion is to have Paragraph #3, page #3, of Loss of Tenure Proposal to read only this:

"The decision of the Judicial Committee shall report what the Committee believes to be in the best interests of the University and this decision shall be reported to all concerned parties and shall be binding."

63) Mr. Ives: Does the present language or Dr. C. Hankey's Proposal change prevent by the word "binding" any further legal action?

Ans.: No.

64) Mr. Koss: Just a minute and no more.

I rise to oppose this Motion.

1) In most grievance procedures arbitration is part of the internal policy.

2) No appeal is necessary in line with what Dr. Hare said. We shouldn't have an appeal in the Judicial system either.

In this internal thing we are trying to implement the decision.

65) Dr. C. Hankey: Dr. Shipka and Mr. Koss' implications are irrelevant.

We don't have to worry about what the outside world does. Nobody is bound by this. I think we have to worry about getting something done inside the faculty and done right and having it accepted as right.

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FACULTY AFFAIRS COMMITTEE CONT'D.:APPENDIX I--SENATE MINUTES--ADJOURNED MEETING, FRIDAY, MAY 19, 1972 CONT'D.QUESTION ON DR. CLYDE HANKEY'S MOTION CALLED FOR.NO'S HAVE IT. DR. C. HANKEY'S AMENDMENT LOSES.66) Dr. Hanzely: Point of information.

Mrs. Dykema, in the original version of this the selection of the Judicial Committee members shall be selected at random "by lots". I presume you will have given the faculty member chosen leeway to not accept on this Committee? The individual has a right not to serve? That is understood?

Ans.: Yes.67) Dr. Shipka: We have debated this at length now for hours. I wonder if we can get the vote on the over-all package.68) Dr. Behen: I think we have no arrived at as good a Proposal as we could have reached.

I would like to point out that this is not or should not be an administration versus faculty member; or vice presidents, or Deans, or Chairmen of Departments or Directors of Programs or all members of faculty who hold or I assume they anticipate acquiring Tenure.

There is only one set of Tenure provisions. They apply precisely the same to the faculty member, Deans or Department Heads as they do to the ordinary Professor.

It is in the interest of every member of the faculty to support strongly protective devices of Tenure. I would furthermore point out holding the position of Dean, Department Head, etc., does not insulate a person from pressure or criticism or from the possibility that his Tenure will be attacked. Indeed, there are many occasions when holding such a position places a person in greater exposure. I think that a strong vote on the part of the Senate members will be impressive to the Board of Trustees but I do not know, of course, how they will react to this.

Dr. Edgar placed the question before the Senate which was as follows:

Voting on the Faculty Affairs Committee Proposal on Loss of Tenure
as Amended.

Seconded.

AYES HAVE IT. PROPOSAL PASSED.

May 19, 1972

APPENDIX II
1971-72 REPORT OF YSU HEALTH & SAFETY COMMITTEE AT SENATE

I. ACCIDENT REPORTS:

The reports are completed by the Health Service, no need to be filled in by the department where the accident occurred. The Social Security number of the injured person should be included on the accident form to facilitate filing procedures for industrial compensation.

The University personnel should report accidents immediately so that Worker's Compensation claims can be filled out. Too often the bill for care is rendered before the claim is filed.

II. Hand rails have been installed at Linder and Dana Music Hall.

III. TUBERCULOSIS MOBILE X-RAY PROGRAM:

The unit was on campus March 1, to provide chest x-rays for faculty and staff. 407 people availed themselves of the service and have already received the results of the examination. There was a point of concern that this service was not available to the students. This was not the decision of the committee but of the Mahoning County T.B. and Health Association who stipulated that the university must guarantee that at least 80% of the student body would participate in the program. It was impossible to make this guarantee.

IV. YOUNGSTOWN CITY FIRE DEPARTMENT:

The City of Youngstown Fire Department has jurisdiction on campus and can arrest people for smoking in posted areas. The Fire Department is reinstalling unannounced fire drills. It is recommended that all faculty members enforce the "no smoking" regulations in posted areas by precept and example.

V. EMERGENCY LIGHTS:

These are needed badly in the Engineering Science Building. But there is no apparent solution to this problem at this time. However, new buildings under construction will have auxiliary generators in order that lights will continue to function during power outages.

VI. BLOOD BANK:

The institution of a Blood Bank at local hospitals for the faculty and staff of YSU was researched thoroughly. To successively implement such a program appeared to the committee to be too cumbersome and time consuming to administer, so a substitute plan of a Volunteer Donor System has been originated. A memo to this effect has been sent to all faculty and staff. We urge you to cooperate with this effort if you are willing to donate or when you and your dependents are in need of replacements. To date 107 persons have indicated their willingness to donate as necessary.

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APPENDIX II CONT'D.--HEALTH & SAFETY COMMITTEE REPORT - May 19, 1972VII. KILCAWLEY STUDENT CAFETERIA:

The problem of keeping the student cafeteria clean was brought to the attention of the committee at each meeting. Garbage, trays, paper and debris are on the tables, chairs and floor. Action by various members of the committee included "cleanliness" slogans drawn up and posted in the cafeteria, an ad was placed in the Jambar and a self-bussing program was initiated. As of May 1, 1972 there have been no promising results from these efforts so the committee requested that the Youngstown City Health Department inspect the student cafeteria and offer recommendations for further action.

Mr. John Ross, Chief Food Inspector, states that the complaint is a valid one and has sent sanitarians to inspect the area.

The most plausible solution to the problem, as proposed by Mr. Pappas, is for the students to leave the materials on the tables so that the personnel can clear it off better and faster. This is not the situation that exists today.

This is an internal problem which YSU must solve itself, the Board of Health is assisting in an advisory capacity.

VIII. CIGARETTE VENDING MACHINES:

The issue arose as to whether it was possible to prevent the installation of cigarette vending machines in the Beeghly Physical Education Building. Since local hospitals prohibit the selling of cigarettes on their premises and many doctors do not permit smoking in their offices, many of the faculty and students utilizing the facility felt an equal obligation to the health of the people who utilize the Beeghly Building.

A petition asking that the machines not be installed, was distributed to classes and over 500 signatures were obtained. The petitions were then sent to Mr. Orlando who said he would consider the feeling of the signers if other sources wanted the cigarette vending machines in the Beeghly Building.

IX. CONSTRUCTION AREAS:

No faculty, staff or students are permitted in the construction areas on campus without permission of the job superintendent.

Respectfully submitted,

SIGNED: MARGARET J. CONNELLY
CHAIRMAN

May 19, 1972

APPENDIX II--DISCUSSION ON 1971-72 REPORT OF YSU HEALTH AND SAFETY COMMITTEE (by Margaret Connelly)

DISCUSSION:

1) Dr. Baldino: I am puzzled by two aspects of your Report:

1) Students not allowed to have access to the X-ray Program due to the demands

2) A strange kind of request -- concerned with the health of our people in regard to cigarette machines. If you are duly concerned with that kind of logic I think you would make X-ray Program available to students.

Mrs. Connelly: We would have made the X-ray Program available to students but the TB and Health Association would like to have the Mobile unit associated with the Free Clinic and they would like it on campus in that particular reference. It was their choice and not ours. We were in a situation where we could not guarantee 80% of the students using the facility.

I think what they really want to do is a controlled study of some type and they would like to do it where they would have enough numbers to work with.

2) Dr. Hanzely: I don't repudiate your statements but there is a clear misunderstanding between the person you spoke to and the person I spoke with. I simply cannot accept the reasons myself. I called Mr. Fife. He gave me a different version. In fact, he stated the Mahoning County TB Society placed no conditions whatsoever to his knowledge.

As a faculty member I avail myself of this opportunity every year. Then I read the Charge of the Committee which is as follows:

B-9. HEALTH AND SAFETY COMMITTEE:

To promote programs of health protection for students and University personnel, and to bring to the attention of the administration any factors detrimental to health or safety.

I simply cannot accept this 80% participation because from the figure you gave us 407 faculty and staff and that is not 80%.

(Mrs. Connelly said it was about 50% for 407).

Mr. Fife suggested people under 20 don't as a rule expose themselves to the X-ray unit for health reasons and also small likelihood of finding TB cases in young people.

I simply wanted to bring to your attention that there is a clear inconsistency as far as the TB Society is concerned.

Mrs. Connelly: We talked with two (2) different people.

3) Mrs. Smith: We used to require the TB X-ray of all faculty and students on campus. Each fall as people registered we went through this. The X-ray unit itself will take about 100 an hour. That is about as fast as the Mobile unit can do it.

If you are going to have compulsory X-ray of all students you get into a major scheduling problem.

I think this is what made the TB Health Association say this. If they could get 80% of the students to do it then they would have to set up certain days and hours and some kind of scheduling process especially for this. They have approached us at various times to go

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May 19, 1972

APPENDIX II--DISCUSSION ON 1971-72 REPORT OF YSU HEALTH AND SAFETY
COMMITTEE (by Margaret Connelly)

Mrs. Smith cont'd.:

back to this but they know that high schools, shopping areas, malls, etc., have the units set up at various times.

There was probably 20% of the people who came in and said we just had an X-ray. All the school teachers in our public schools have it and many are required to have it where they work.

I think the 80% figure would represent those who were left. But it certainly is a scheduling problem.

4) Mr. Ives: The only result I received was a card that stated I had had an X-ray. If anything would be wrong how would I know?

Mrs. Connelly: When you went in for the X-ray you gave your family Doctor's name. If there had been any difficulty he would have been notified and so would you. If you heard nothing, that is good.

5) Dr. Hare: I am a little puzzled by the preoccupation of cigarette machines. I am easily the heaviest smoker on campus and I buy no cigarettes from cigarette machines for the simple reason that it costs too much.

If you wish to encourage more students to bring more packages of cigarettes to campus with them by not installing cigarette machines it is a very good way of doing it.

If you wish to return to the Vendors and the State Board taxes I guess the best way is to put cigarette machines on campus.

I just feel that to have a Health and Safety Committee occupying itself with cigarette machines on a campus like this seems like a terrible irrelevancy.

6) Mr. Simko: You will have students pushing cigarettes into all the little corners and niches of Beeghly.

May 19, 1972

APPENDIX III--REPORT OF YSU LIBRARY COMMITTEE TO SENATE

This Report was given by the Chairman, Dr. Christopher Sweeney. Dr. Sweeney reported for the Library Committee on 3 topics:

- 1) Library Budget
- 2) Overdue books drawn by faculty members
- 3) Problem of additional space for the Library

I. This year the Library Committee through the vehicle of the Subcommittee has concerned itself mainly with making recommendations concerning allocations for the Library Budget.

Actually we have concerned ourselves with two (2) allocated Budgets, this year's and next year's. The final allocations for this year have been disseminated and are well known.

The recommendations for next year's allocations are still in process.

Our Subcommittee has felt that the major undertaking of an allocated Budget should be to give the various Schools and Departments direct and tight control over their allocated monies.

Thus our Committee has recommended the practice of making charges to the various allocations by Library of Congress numbers be discontinued in favor of making charges against the originator of the request.

By this method a School or Department will be charged only for their requests and not for material ordered by someone else.

In other words, each Department or School Library Committee can rigidly control its own expenditures.

Although this recommendation has been put into effect with the recent final approval of this years Budget there are two (2) exceptions which are still being charged by Library of Congress number. That is: current periodicals and books received through the Abel Plan.

We hope that a transition can be made for these two items. In fact, the transition is now in progress for the periodicals. A list of periodicals has been circulated to each School and Department Library Committee containing those periodicals which are being charged to that School or Department.

The Library is requesting that each list be scrutinized and any unwanted periodicals be deleted. Thus, if any periodicals are not deleted that School or Department Library Committee will be electing to choose that periodical and will be accepting financial responsibility for it.

In regard to the Abel Plan: this is a system initiated by the Library about two years ago through which the Library receives on approval scholarly books from throughout the United States. Since it is an approval plan the Library has final say over which books will be accepted or which books will be returned.

Books can be returned without any financial penalty.

The present feeling of our Committee concerning the Abel plan for next year is to continue with the plan but to leave the final choices of books to be kept to each Department or School rather than to the Library itself.

Over-all then our efforts are to have each School or Department rigidly control its own allocated sums.

(CONT'D. NEXT PAGE)

May 19, 1972

APPENDIX III--REPORT OF YSU LIBRARY COMMITTEE TO SENATE CONT'D.

II. The problem of faculty overdue books was evident again this year.

Initially there were approximately 147 books overdue from 31 faculty members.

Ultimately our Committee recommended that the Library take measures to retrieve these books. We proposed three (3) successive recommendations:

- 1) that the Library again request the return of books with threat of suspension of Library privileges if the books were not returned;
- 2) that the Library privileges be suspended;
- 3) If the above two were ignored that the matter be turned over to the Financial Office.

Overdue books has come down from 147 to about 42. In general the response has been encouraging. The Library has retrieved many of the books and is hoping that all will be forthcoming.

III. In terms of space needs the Library is operating in cramped quarters and does need more space.

Long range plans for alleviating this need call for construction of a new Library Building while more proximate plans call for partial expansion to the North and in Tod Hall.

Mr. Leonelli informed me that one classroom will be made available for Library use in Tod Hall (probably Room 10) as soon as possible.

IN SUMMARY:

The Library is now operating under an allocation system with next year's allocation still in Committee. Hopefully by next year the Library will make all charges including books, periodicals, micro-film to the originator of the request.

The problem of faculty overdue books although not solved seems to be reasonably under control.

There is going to be a small expansion as soon as possible into one classroom in Tod Hall (probably Room 10).

May 19, 1972

APPENDIX III--DISCUSSION ON YSU LIBRARY COMMITTEE REPORT
(by Dr. Christopher Sweeney)

1) Dr. Hanzely: About two years ago there was a plan adopted whereby 10% of all the purchases in the Library could be made by students, or faculty in general interest material.

Has this now been discontinued?

Dr. Sweeney: I was not aware of that. Right now the policy is that any charges to be made will be made to the originator of the request and that should lie in either the Department Chairman or the Chairman of the individual Library Committee.

In terms of the allocation for the General Works Fund I suppose that would be up to the Library.

2) Mr. Jones: Has the Library Committee made any kind of recommendations to the Library that they do stay open the week-end before finals week as was not the case, I believe, in the Fall Quarter, when they closed for four (4) days immediately prior to finals week.

Dr. Sweeney: We did consider that problem and we hope that will never occur again. We have not made any specific recommendations. One of our Committee members is trying to find out exactly what other schools do. There were objections to closing it.

3) Dr. R. Morris: The Library reportedly is still discarding certain periodicals.

I know during the Winter there were certain periodicals in the area of Psychology which were being discarded. The Committee presumably looked into it.

Do you have any control over what things are thrown out?

Dr. Sweeney: I was not aware that anything in Psychology was being thrown out.

I believe it was last Summer that a Physics teacher pointed out to me that there was a Journal that was being discarded after a certain period.

I checked into it and found that was the case and that it wasn't the only piece of material being discarded.

I was not able to communicate to my satisfaction the problem. Recently I brought it up again with Mr. Clark, who is the new Assistant Librarian, and he has promised to do something about it.

I don't think there is any question that the Library with its limited space cannot keep everything.

We are requesting that a discarded list be made and be made known to the Faculty and if a Department or an individual would like to keep certain material that the Library is going to discard let them know and perhaps the Department could keep it themselves. This is being worked out.

NOTE: APPROVED AND PASSED AT ADJOURNED SENATE MEETING FRIDAY, MAY 19, 1972

PROPOSAL ON LOSS OF TENURE

V. Jenkins
SEC. OF SENATE

FACULTY AFFAIRS COMMITTEE

The appointment of a tenured faculty member may not be terminated by the University prior to retirement except for adequate cause. The definition of adequate cause for loss of tenure cannot be made precise. The general areas of concern that may generate charges of misconduct sufficient to warrant loss of tenure are professional incompetence, unprofessional actions, and unethical or immoral conduct.

A. PROCEDURE

When the fitness of a faculty member is under question, appropriate administrative officers shall ordinarily discuss the matter with him directly. If a mutually satisfactory resolution does not result, subsequent procedure can involve:

1. Faculty Appeals Committee (FAPC)

The duties of the FAPC in loss of tenure cases shall be to make an informal inquiry, to advise the faculty member of his rights, and to assist in arriving at a mutually satisfactory solution, if possible. If no solution is agreed upon, the Chairman shall promptly notify, in writing, the administrative officials and the faculty member of such fact.

If the administrative officials decide to initiate formal proceedings, their representative shall formulate a statement in writing setting forth specific charges and grounds for their desire to terminate tenure. This statement shall be sent to the FAPC and to the faculty member. If he wishes a hearing before a Judicial Committee, the faculty member shall inform the FAPC within ten (10) days after receipt of this written notice. It shall then be the duty of the FAPC to form such a committee.

2. Judicial Committee (JC)

The ad hoc Judicial Committee (JC) shall consist of seven (7) members, including the Chairman. The members shall be selected at random; that is, names drawn by lot, from the membership of the tenured faculty of the University. The faculty member involved and the administration may each exercise not more than two pre-emptory challenges and unlimited challenges for cause against the JC membership. The validity of such causes is to be determined by the FAPC. Five (5) members shall constitute a quorum and a majority vote of four (4) is required for decision. The Committee shall set its own rules for matters not specifically prohibited or required.

The JC shall proceed by informing the administrative officials and the faculty member of the time and place of its meetings. In order to allow adequate time to prepare a defense the date of the first meeting shall be set no sooner than twenty (20) days after receipt by the faculty member of the specific charges against him. At its first meeting the JC shall consider the statement of grounds for loss of tenure already formulated, and the faculty member's written response.

(CONT'D. NEXT PAGE)

NOTE: APPROVED AND PASSED AT ADJOURNED SENATE MEETING, FRIDAY, MAY 19, 1972.

PROPOSAL ON LOSS OF TENURE CONT'D.
FACULTY AFFAIRS COMMITTEE

V. Jenkins
SEC. OF SENATE

The Committee shall establish procedures consistent with accepted principles of due process, which shall include calling and examining of witnesses, the receiving of deposition where personal appearance is impractical, and the hearing of arguments by the principals or their representatives.

At the request of the faculty member, the administration, or the JC, representatives of faculty or professional associations shall be permitted to attend as observers. The administration and the faculty member may each designate counsel to assist in developing their cases, to attend the hearing, and to speak before the committee. The JC shall determine the order of proof, normally conduct the questioning of witnesses, and if necessary secure the presentation of evidence; however, the adversaries or their representatives may question witnesses during the proceedings. The faculty member shall have the aid of the committee in securing the attendance of witnesses. The committee shall keep a stenographic record of the hearing.

The decision of the Judicial Committee shall represent what the Committee believes to be in the best interest of the University, and this decision shall be reported to the Administration. Should the Administration, the Board of Trustees, or the faculty member not concur with the decision of the Judicial Committee, a notice of intent to appeal within twenty-one (21) days of the report may be filed with the Faculty Appeals Committee, which will appoint a fair and impartial arbitrator, acceptable to the Administration, the Board of Trustees and the faculty member. His decision shall be binding.

B. SUSPENSION

Until the final decision upon termination of an appointment has been reached, the faculty member will be suspended only if immediate harm to himself or others is threatened by his continuance.

If the administration wishes to effect such a temporary suspension, it must first set forth the specific charges on which the intention to terminate the appointment is based. The faculty member's salary is continued during the period of suspension.

C. TERMINAL SALARY

If an appointment is terminated the faculty member will receive his salary for at least one year after the Board of Trustees' official notification of dismissal. The provision for terminal salary need not apply where the JC has found that the conduct which justified dismissal involved moral turpitude.

D. PUBLICITY

Publicity concerning the deliberations shall be limited to such simple announcements as may be required. Public statements about the case shall be avoided until the final decision is reached and until the administration has been notified of the decision.

109th General Assembly,
Regular Session,
1971-1972

Am. Sub. H.B. No. 475

7804 "The general assembly hereby declares its expectation that the authority of government vested by law in the boards of trustees and in the boards of directors of state-assisted institutions of higher education shall in fact be exercised by said boards. Boards of trustees and boards of directors may consult extensively with appropriate student and faculty groups. Administrative decisions about the utilization of available resources, about organizational structure, about disciplinary procedure, and about administrative personnel shall be the exclusive prerogative of boards of trustees. Any delegation of authority by a board of trustees or by a board of directors shall be accompanied by appropriate standards of guidance concerning expected objectives in the exercise of such delegated authority and shall be accompanied by periodic review of the exercise of this delegated authority to the end that the public interest in contrast to any institutional or special interest shall be served."

Resolution Modifying YR 1967-14

YR 1967-14 adopted on August 28, 1967 by the Board of Trustees incorporated in its regulations the following statement. "Limited Service faculty who teach 12 or more credit hours per quarter on a continuous basis during the three quarters of the academic year may upon their election be provided with one half the cost of an individual (not family) membership in Blue Cross-Blue Shield." At the time the regulation was approved there were a number of limited service faculty members for whom it was meaningful. This continued during the upsurge in enrollment period when limited service faculty were extensively used. With decreasing enrollments and cutbacks on limited service faculty we find that there are no longer limited service faculty members who qualify for the benefit. It is therefore recommended that this language be deleted from the Board regulation, and the Faculty Handbook, and propose the following resolution:

"BE IT RESOLVED, that the following sentence be deleted from YR 1967-14, 'Limited Service faculty who teach 12 or more credit hours per quarter on a continuous basis during the three quarters of the academic year may upon their election be provided with one half the cost of an individual (not family) membership in Blue Cross-Blue Shield.'" YR 1972-

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Resolution to Remodel Elm Street Building

"WHEREAS, the Dean and faculty of the School of Education have recommended the early remodeling of the Elm Street Building to be their permanent home; and YR 1972

"WHEREAS, the Director of Campus Planning, Vice President for Administrative Affairs and Vice President for Academic Affairs concur with their recommendation; and

"WHEREAS, this building, after major remodeling and renovation, will contain sufficient net assignable space to accommodate the School of Education for many years; and

"WHEREAS, Amended Substitute Senate Bill #457 includes funds which may be used for major renovation of some University facilities;

"NOW THEREFORE BE IT RESOLVED, that the Youngstown State University Board of Trustees authorizes the remodeling of Elm Street Building as the permanent home of the School of Education; and

"BE IT FURTHER RESOLVED, that the Board of Trustees' Building Committee be authorized to proceed with the selection of an architect when funds are available for this project."

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YOUNGSTOWN STATE UNIVERSITY

AFFIRMATIVE ACTION POLICY

D R A F T

I. INTRODUCTION

On January 21, 1971 the Board of Trustees of Youngstown State University unanimously adopted the following proposal and resolution (YR 1971-16):

"WHEREAS, the YSU Board of Trustees recognizes its responsibility under federal, state and local laws and executive orders relating to fair employment practices; and

WHEREAS, the official operational position of the University is one of complete agreement with the philosophy of equal employment opportunity, Now, THEREFORE, BE IT RESOLVED, by the Board that in the operations and activities of YSU there shall be no discrimination on the basis of race, color, sex, religious belief, country of national origin or ancestry. This policy shall apply to employment as well as all operational aspects of the University involving students, faculty, the use of University buildings and other facilities and to the promotion and discharge of members of faculty or other employees."

II. PURPOSE

The purpose of this statement is to reaffirm YSU's

AFFIRMATIVE ACTION POLICY
D R A F T

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established policy of non-discrimination and to effect an affirmative action policy which will be meaningful and operational.

III. POLICY

It is the policy of YSU to provide equal employment opportunities for all individuals regardless of race, color, ethnic and national origin, religion or sex, except where sex and age are bona fide occupational qualifications; that all personnel action involving its employees, students, and other personnel contacts will be governed by an affirmative action program in compliance with federal and state statutes as applicable.

It shall be the practice of YSU to recruit qualified individuals from minority groups and to seek out and to promote those presently employed and qualified for promotion. Necessary steps in compliance with state civil service regulations will be taken to hire and train minority individuals who do not meet minimum job requirements. Following recruitment, promotion, or training, appropriate steps will be taken to insure that minority group members who are employed are given fair and equitable treatment in assignment and duties.

Immediate steps will be taken to evaluate equal employment opportunities extended to minority group members in all job categories. If deficiencies exist, appropriate steps will be taken to make the necessary corrections in staffing procedures. Such action could include the freezing of positions.

AFFIRMATIVE ACTION POLICY
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Appropriate action, up to and including dismissal, will be taken against persons within the University community found to be following other than the aforementioned affirmative procedure, to ensure that this policy is enforced.

This policy, while intended for those employed directly by the University, will also be extended to include contractual agreements with contractors, vendors, and suppliers.

University contract agreements and purchase orders will state:

CONTRACT NON-DISCRIMINATION CLAUSE

"The Contractor and any sub-contractor will take affirmative action to insure that applicants are employed and employees are treated during employment without discrimination because of race, creed, color, national origin, sex or age in accordance with the law pursuant to the Civil Rights Act of 1964 and Executive Orders thereunder. Such action shall include, but not be limited to the following:

'Employment, upgrading, demotion, or transfer, and the use of facilities; recruitment advertising; lay-off or termination rates of pay or other forms of compensation; and selection for training.'

The Contractor and any sub-contractor agrees to post in conspicuous places available to employees and applicants for employment, notices setting forth these provisions."

PURCHASE ORDER NON-DISCRIMINATION STAMP

"Notice: YSU, an Equal Opportunity Employer, and all parties to this transaction, will maintain and promote non-discrimination regarding race, color, creed, national origin, sex or age in all phases of employment matters including facilities in accordance with the Civil Rights Act of 1964 and Executive Orders thereunder."

This policy shall hold in all instances where other local, state, or federal regulations do not take precedence.

IV. DISSEMINATION OF POLICY

Information about YSU's Affirmative Action Policy and Program will be communicated through the following procedures, practices and requirements

1. Informational and educational seminars on YSU's Affirmative Action Policy will be scheduled for management, supervisory and other personnel.
2. Special briefing sessions will be conducted for all personnel of the University who have the authority to employ or initiate personnel action.
3. Copies of the Affirmative Action Policy statement will be sent to all University personnel.
4. The Affirmative Action Policy will be displayed in conspicuous places throughout the campus.
5. The Affirmative Action Policy will be publicized to students and to the community through seminars, workshops, news releases, the Jambar, faculty and staff handbooks and administrative memos.

6. Copies of the Affirmative Action Policy and Program will be sent to each union and association representing University employees. Each union and association representing University employees will be asked to submit to the University a copy of their Affirmative Action Policy or statement of non-discrimination in membership.
7. All contractors, vendors, and suppliers will be notified of YSU's Affirmative Action Policy and will be required to take appropriate action. An equal opportunity clause will be incorporated in all purchase orders, contracts, etc.
8. The evaluation of the Affirmative Action Policy will be continuous, including periodic and regularly scheduled reports to the University community of compliance and progress.
9. A written annual report and evaluation will be made and will be available for public record.

V. RESPONSIBILITIES FOR ADMINISTERING THE AFFIRMATIVE ACTION POLICY

The President of YSU is responsible for the development and implementation of the Affirmative Action Policy. Specific authority and responsibility is delegated by the President as follows:

- a. A central Affirmative Action Committee, directly responsible to the President, has been appointed. It will be charged with the duties of maintaining and on-going evaluation of the program, coordinating and reviewing all aspects of the program, and seeing that the program is properly implemented and maintained by all departments of the University.
- b. All administrative officers of the University -- vice president's, deans, directors, department heads, supervisors, and all

others exercising supervisory or administrative control over any employee -- are responsible for performing their functions without regard to race, religion, age, color, national origin, or sex. Not only are they responsible for performing all their activities in a manner consistent with the University's equal opportunity policy, but they must include in their policies and procedures the implementation of affirmative action and compliance programs devised by the Affirmative Action Committee.

c. The University will appoint an Equal Opportunity Officer, who shall serve as Executive Secretary to the Affirmative Action Committee. This officer will be authorized to administer and coordinate the Affirmative Action Policy to monitor its implementation and to assess its accomplishments. He will have sufficient authority and logistical support to fulfill his responsibilities.

VI. IMPLEMENTATION AND INTERNAL EVALUATION

In order to attain established goals and objectives as set forth in the Affirmative Action Policy and to eliminate minority employment problems, the Equal Opportunity Officer, at the direction of the Affirmative Action Committee, will perform the following functions:

1. Require appropriate personnel to prepare detailed analyses of position descriptions and see that descriptions are consistent from one department to another.
2. With the assistance of the individual departments, the Director of Institutional Research, and the Personnel Office, study the racial, sexual, and financial profile of the University's academic and non-academic staff and secure information which will include but not be limited to:

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- the representation of minority races and women in the various departments of the University.
- the nature of the availability pool and the applicant flow.
- turnover, vacancies and new appointments.
- salary and rank differentials for minority races and women.
- the composition of committees or other mechanisms for the selection and promotion of teaching staff.
- the distribution of, applications for, and appointments to graduate assistantships.

3. Establish periodic briefing sessions for supervisory personnel to advise them of requirements of the Affirmative Action Policy, programs, and progress.

4. Establish and coordinate training programs and provide for counseling service to minority group personnel to encourage them to seek advancement through training and to insure that they are given equal opportunity for promotions.

5. Encourage supervisors to conduct in-service training for upgrading of minority group personnel.

6. Receive grievances or complaints about discrimination, see that prompt attention is given to corrective action or to providing information pertinent to clarification of any misunderstanding, and provide for the establishment of new grievance procedures as the need for them becomes evident. He must also insure that minority personnel are informed of all services and facilities of the University and that these are available to all employees.

7. Evaluate the total selection process to insure freedom from bias.

AFFIRMATIVE ACTION POLICY
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8. Provide for continued review, appraisal, and adjustment of the Affirmative Action Program.

9. Establish a means of reporting progress by requiring formal reports from managers, supervisors, etc., on a scheduled basis in order to determine to what degree goals are attained and time tables are met.

10. Arrange when requested, for an exit interview for all minority personnel terminating from the University, upon notification of their termination.

11. Develop a system for monitoring records of referrals, placements, transfers, promotions, and terminations at all levels to insure that the Affirmative Action Policy is carried out.

12. Review report results with appropriate levels of management; advise the appropriate managerial levels or program effectiveness; submit recommendations to improve unsatisfactory performance.

13. See that recruiting sources specializing in or oriented to minority placement are utilized, particularly for those job classifications presently underrepresented by minority group members.

14. Assure that new procedures necessary to comply with revisions in Program guidelines are developed and implemented.

VII. DEVELOPMENT AND EXECUTION OF ACTION PROGRAMS DESIGNED TO ELIMINATE PROBLEM AREAS

To make an Affirmative Action Policy completely effective, problem areas must be identified and a "sub-policy" followed which has relevance to that particular area. These supplementary affirmative action policies are designed to focus upon the expansion of employment and promotion

AFFIRMATIVE ACTION POLICY
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opportunities for women and members of minority groups. The Affirmative Action Committee will designate these problem areas and formulate appropriate affirmative action with the assistance of the administrative officer responsible. These areas include:

A. Academic Employment - establishment of a program for recruiting qualified women and minorities, formulation of position descriptions, use of consultants and professional recruiters specializing in minority recruiting, broad advertising of vacant positions, counseling at the undergraduate level to effect increased enrollment of women and minorities in graduate programs, and review of appointment papers before authorization to fill a position is given.

B. Non-Academic Employment - recommendation of recruiting procedures and advertising, and establishment of processes for upgrading, testing, elimination of sex requirements from job descriptions and requisitions in accordance with civil service regulations.

C. Salary Parity - a complete review of salary differentials between men and women employees and recommendation to the Budget Committee for correction of inequities. Where discrimination is shown, salary adjustments will be made.

D. Nepotism - There shall be no barrier to employing spouses anywhere in the University except that each must meet appropriate qualifications.

VIII. INTERNAL AUDIT AND REPORTING SYSTEM

Internal audit and reporting procedures to measure the effectiveness of the Affirmative Action Policy will be strengthened through the establishment of a coordinated Data Skills Bank for academic and non-academic employees. The coded items, including racial-ethnic identification, will permit periodic

updating of the inventories outlined in Section VI in order to measure the University's progress. Pre-employment records will provide an additional evaluation tool in assessing the strengths and weaknesses of campus recruitment and selection activities. Semi-annual reports analyzing the progress of each school and department toward the University's equal opportunity objectives will be prepared for the Affirmative Action Committee, which will present an annual summary review to the President, the Board of Trustees, and the entire University community.

IX. SUPPORT FOR LOCAL COMMUNITY AND NATIONAL ACTION PROGRAMS

The University recognizes that traditional methods of recruiting alone will not produce the desired gains in employment of minorities and women. The University will continue to expand efforts utilizing appropriate resources, such as local community action agencies, professional organizations, trade schools, high school, and other colleges and universities, and, where appropriate, will interview in minority neighborhoods. The University will vigorously recruit using all appropriate media for both academic and non-academic employees.

X. TECHNICAL REQUIREMENTS

a. Contractors and Subcontractors: All contractors, subcontractors, and lessors will continue to be notified of the University's responsibilities under Federal Executive Orders No. 11246 and No. 11375 of the Ohio Executive Order of January 27, 1972, and of their ensuing obligations. The University will advise all contractors and subcontractors of amendments to the Executive Orders and will alter all contracts and purchase orders to reflect such changes.

AFFIRMATIVE ACTION POLICY
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b. Purchase Orders: All purchase orders and leases will carry Equal Employment Opportunity clauses, with the specific intent that statutes outlined in this clause shall be adhered to by vendors. The University, in accordance with the law, requires detailed equal opportunity stipulations for purchase orders issued under government contracts or grants to which suppliers are required to adhere.

c. Advertising: The phrase "an equal opportunity employer" will continue to be placed prominently in all recruitment advertising, to remind all recruitment sources that selection for and participation in University employment is without regard to race, sex, color, religion, age, political affiliation, national origin or ancestry.

d. Facilities: The University certifies that all facilities will continue to be maintained on a non-segregated basis; certification of non-segregated facilities is also required of contractors and subcontractors.

e. Equal Employment Posters: The University displays official equal employment opportunity posters in conspicuous locations normally trafficked by employees and applicants for employment.

f. Annual Compliance Report: The University has submitted the EEO-1 Compliance Report annually, and will continue to do so.

June 17, 1972, Agenda Item d) 5

no action taken**YOUNGSTOWN STATE UNIVERSITY**

YOUNGSTOWN, OHIO 44503

February 3, 1972

Following items are for discussion with Mr. Williams and possibly for next Board Agenda:

1. Signing in of persons attending the Trustee meeting.

For several meetings Mr. Manchester has requested Mrs. Webster to have persons sign in when visiting Trustee meetings. At the last meeting, at least four individuals refused to do this, namely Dr. Poddar, Dr. Shipka, Dr. Hanzely, Dr. Charles Reid, and perhaps others. Mr. Manchester's desire to have this record came from his wish to list visitors by name in the minutes.

I suggest that this is a practice which should be discontinued. It seems to me that it is perfectly in order for the Chairman to request the identification of any individual seeking recognition from the Chair to address the Board on any subject since his remarks then become a part of the business of the meeting, but that under normal conditions there is no basis for requiring others to be identified any more than there is for identification of visitors in a courtroom of law. Under Trustee Regulation the Chairman may declare an executive session for the discussion of any item on the agenda and the room may be cleared if desired although the Board may not take action while in executive session. Action must be taken only in public session. I would suggest that the Board make its policy clear, however, by the adoption of a resolution which might read as follows:

"WHEREAS, the meetings of the Board of Trustees are by law public meetings and therefore open to any citizen, and

"WHEREAS, the attendance by interested citizens is encouraged in order to promote the fullest understanding of Board policies and decisions, and

"WHEREAS, persons wishing to contribute to the understanding of the Board may be recognized by the Chair under conditions set by the Chair, therefore,

"BE IT RESOLVED, that any individual seeking recognition from the Chair shall first identify himself to the Chair by giving his name, and state the basis of his interest to the subject or his affiliation with the body or group he may represent in order that due reference may be made to these matters in the minutes."

For discussion with Mr. Williams
February 3, 1972

2. Transcripts of Board Meetings.

At the last meeting of the Board of Trustees a student reporter from the Jambar requested permission from me to make a tape recording of the meeting. I indicated to the young lady that she should consult with the Chairman of the Board concerning this matter since it was not a determination that I could make. She made the same request of Mr. Manchester, Secretary of the Board, and he too advised her that the Chairman of the Board would make such a decision. She inquired of Mr. Williams whether taping the meeting would be permitted, and Mr. Williams advised that since the actions of the meeting were recorded in the minutes he did not consider that it was necessary. I fear that here again we shall sooner or later be confronted with an issue that we could not insist upon, insofar as I know an individual attending a public meeting can make a recording of the meeting simply by holding a tape recorder on his or her lap. I feel that Mr. Williams' position is somewhat vulnerable. Therefore, I believe the Board of Trustees should enunciate a policy on the matter.

Mr. Ingram called me on Monday, January 31st to suggest that the Board consider the possibility of having a steno typist who is a court reporter take down a transcript of the record. In his opinion, the transcript need not be typed up unless there is call for it, but Mr. Manchester does not agree that this would be the case. Such a practice would involve a great deal of additional expense for any such transcript would be long and involved, particularly if there is read into the record the discussion and background material provided to the Board. It may very well be that there should be less extensive explanation given in the public meeting, and that this Board should have a pre-session meeting to discuss the matters, but reserve the public meeting for its formal actions. This is the practice that is followed by the Ohio Board of Regents and the Trustees of some of our sister institutions. If this is done, the stenotype record of the actual Board meeting would be greatly reduced. However, in view of the public interest I am inclined to believe that the fuller backgrounds are needed in the public meeting. I am inclined to believe also that there is no reason to prevent any person from making a tape recording of any public hearing. Indeed, it may be desirable instead of a court reporter taking steno type notes and writing them up to instead make a tape recording of the proceedings for whatever reference is necessary, although the tape does not have the same official standing as the court reporter's record.

A. S. Ingram

ALLOCATION OF DEVELOPMENTAL INSTRUCTION FUNDS
1972-73 Fiscal Year

June 17, 1972
Agenda Item e) 3a

Universities

Akron	\$ 77,596
Bowling Green State	27,954
Central State	31,399
Cincinnati	84,618
Cleveland State	37,722
Kent State	99,746
Miami	32,614
Ohio University	73,597
Ohio State	98,393
Toledo	48,677
Wright State	46,071
Youngstown State	<u>55,532</u>

Total Universities \$713,919

Community Colleges

Cuyahoga	\$175,829
Lakeland	30,548
Lorain	38,243
Sinclair	<u>77,456</u>

Total Community Colleges \$322,076

Technical Colleges

Agricultural-OSU	\$ 4,970
Alien County	5,843
Belmont	7,229
Central Ohio (Newark)	6,119
Cincinnati	13,791
Clark	12,468
Columbus	21,059
Hocking	8,898
Jefferson	10,140
Marion	7,503
Muskingum	10,891
North Central	6,551
Northwest	6,599
Owens	11,565
Scioto	9,890
Stark	6,354
Vanguard	9,577
Washington	<u>4,558</u>

Total Technical Colleges \$164,005

Grand Total \$1,200,000

June 17, 1972, *Agenda Item #1*

Resolution Authorizing Building Committee to Approve
Final Plans and Specifications for the Music and Fine Arts Project

"WHEREAS the Ohio Legislature appropriated \$5.5 million to
Youngstown State University for construction of a new Music
and Fine Arts Building; and

YR 1972

WHEREAS preliminary and basic plans for this project have
been approved by the Board of Trustees; and

WHEREAS final working drawings and specifications for this
project will be completed in July, 1972; and

WHEREAS the Board of Trustees next regularly scheduled
meeting will be in November, 1972;

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees
authorize its Building Committee approve final plans and
specifications for the Music and Fine Arts Building."

June 17, 1972, Agenda Item F)1

3411

Resolution Pertaining to Facilities to be Financed
by the Ohio Public Facilities Commission

"WHEREAS, The Ohio Public Facilities Commission will sell revenue bonds and that the Board of Regents and the trustees of public institutions will enter into a master agreement with this Commission for capital improvement financing; and

YR 1972-

WHEREAS, the trustees would pledge the payment of rents to the Commission but the rent actually would be paid to the Commission by the Board of Regents from appropriations made by the General Assembly as was the case in Senate Bill 457.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Youngstown State University, as follows:

Section 1. The President or the Vice President for Financial Affairs of the University is hereby authorized to complete and sign, on behalf of the University, Ohio Public Facilities Commission form Nos. 101 and 101A for any or all of the projects for the University provided for by or pursuant to the appropriations made under Section 2 of Amended Substitute Senate Bill No. 457 enacted by the 109th General Assembly.

Section 2. This Board of Trustees agrees to permit the Ohio Public Facilities Commission to use the sites for the purpose of said projects, the boundaries of which are shown in the plans for such project, for so long as the bonds issued to finance such projects shall be outstanding.

Section 3. The University and this Board of Trustees in its behalf, agrees to undertake performance of the functions and responsibilities of a using governmental agency, and of a designated agency to the extent it is such, as provided in the Regulations of the Ohio Public Facilities Commission and any applicable leases, agreements or rules of the Commission, with respect to the aforesaid projects."

Resolution on Appointment of a Consultant on Collective Bargaining

"WHEREAS, elections held in accordance with Board of Trustees regulations, have established that the YSU faculty wishes to initiate collective bargaining on various issues affecting 9 months faculty members during the 1973-75 biennium, and

WHEREAS, such collective bargaining constitutes a relationship of faculty with university administration and Trustees that is new and untried at YSU, and

WHEREAS, the bargaining agent elected by the faculty has indicated that it will be advised by expert national representatives of the Association,

BE IT RESOLVED, that the University Administration be authorized to investigate consultant services to provide needed advice and assistance in the bargaining process, and to recommend to the Board of Trustees the name of such consultant or consulting firm to be retained for this purpose."

President's Office

TO: Marion

Date: 1-4-73

Following are changes to be made in the official minutes of the June 17, 1972 Board of Trustees Meeting.

d) 3 should be d) 2 in Resolution YR 1972-31

d) 5 should be d) 4 in Resolution YR 1972-33

d) 6 should be d) 5

p 6 under (d) Item 4. Vice President Coffelt reported

is not "Item 7)b."

A. L. Pugsley

that copies of the Agenda and supplemental data had been furnished to each Trustee on or about June 9, 1972 by the President's office.

ITEM II - Minutes of the Meeting held April 22, 1972

Copies of the draft of minutes of the meeting held on April 22, 1972 had been mailed to each Trustee, to the President, three Vice Presidents, and the State Examiner on May 18, 1972. There being no additions or corrections the same were approved upon motion duly made, seconded and unanimously carried, and such minutes were signed by the Chairman and attested by the Secretary.

ITEM III - Recommendations of the President of the University

1. University Senate Proposal for Procedure on Loss of Tenure

The President noted that the University's Senate proposal adopted at its May 19, 1972 meeting covered procedures to be followed in cases involving termination of employment prior to retirement of tenured members of the faculty. He questioned the power of the Trustees to delegate to a possible arbitrator their power and responsibilities with reference to termination of employment of faculty members, which are imposed upon the Board by statute.

After discussion, upon motion by Mr. Strouss, seconded by Dr. Burrowes, and carried by the unanimous vote of all Trustees present, the Chairman declared the following resolution duly adopted:

"RESOLVED that the matter of procedures to be followed in case of termination of employment prior to retirement of tenured members of the faculty be referred back to the Senate for further study and review, because it is not within the power of the Board to delegate its responsibilities imposed upon it by statute to remove professors, teachers and other employees." YR 1972-30

2. Resolution modifying YR 1967-14

The President's recommendation that the inclusion of Limited Service Faculty in the group entitled to Blue Shield benefits be eliminated was contained in Item d) of the Agenda.

MINUTES OF MEETING

of

BOARD OF TRUSTEESYOUNGSTOWN STATE UNIVERSITY

Faculty Lounge in Kilcawley Student Center
Saturday, June 17, 1972

Pursuant to action previously taken and the foregoing Notice, which was mailed by the Secretary to each Trustee on June 1, 1972, the twenty-fifth meeting of the Board of Trustees of Youngstown State University convened at 1:30 p.m. on Saturday, June 17, 1972 in the Faculty Lounge of Kilcawley Student Center.

Such meeting followed the commencement exercises which were held for the first time in Beeghly Center that morning; and a luncheon in Kilcawley Center. A copy of the Notice for such meeting and of the Agenda and supplemental data which had been furnished by the President's office to each Trustee on or about June 9 is attached to these minutes.

Seven Trustees were present, to wit: Robert E. Williams, who presided as Chairman, William J. Brown, Dr. Bertie B. Burrowes, Carl L. Dennison, Mrs. Ann Isroff, Clarence J. Strouss and Raymond J. Wean. Two Trustees, John M. Newman and Albert J. Shipka were absent.

Other persons present included Dr. Albert L. Pugsley, President, Dr. Earl E. Edgar, Vice President for Academic Affairs, Dr. John J. Coffelt, Vice President for Administrative Affairs, Joseph S. Rook, Vice President for Financial Affairs, Philip A. Snyder, Director of University Relations, and Hugh W. Manchester, Secretary of the Board of Trustees.

Also present were approximately 10 persons, including representatives of the Jambar, The Youngstown Vindicator, various news media and members of the faculty.

Mr. Williams presided and welcomed Mrs. Isroff to the Board, the announcement having been made on June 15 that she was being appointed as a Trustee effective June 22, by Governor John J. Gilligan

ITEM I - Proof of Notice of Meeting

Evidence was presented that due notice of the meeting had been mailed by the Secretary on June 1, 1972 to each Trustee and

Upon motion made by Mr. Brown, seconded by Mr. Wean and carried by unanimous vote of all Trustees present, the following resolution was declared adopted:

"BE IT RESOLVED that the following sentence be YR 1972-31
deleted from YR 1967-14, 'Limited Service
faculty who teach 12 or more credit hours
per quarter on a continuous basis during the
three quarters of the academic year may upon
their election be provided with one half the
cost of an individual (not family) membership
in Blue Cross-Blue Shield.' "

3. Resolution to Remodel Elm Street Building

It was reported that the Dean and Faculty of the School of Education preferred remodelling of the former Elm Street School Building with funds already appropriated to awaiting further legislative appropriations for a new building for such school, and that a major remodelling of this building would provide suitable facilities for such school as a permanent home.

After motion by Mr. Strouss, seconded by Mr. Dennison and carried by vote of all Trustees present, the Chairman declared the following resolution duly adopted:

" WHEREAS, the Dean and Faculty of the School YR 1972-32
of Education have recommended the early re-
modelling of the Elm Street Building to be
their permanent home; and

WHEREAS, the Director of Campus Planning, Vice
President for Administrative Affairs and Vice
President for Academic Affairs concur with
their recommendation; and

WHEREAS, this building, after major remodelling
and renovation, will contain sufficient net
assignable space to accommodate the School of
Education for many years; and

WHEREAS, Amended Substitute Senate Bill #457
includes funds which may be used for major re-
novation of some University facilities.

NOW, THEREFORE, BE IT RESOLVED that the Youngs-
town State University Board of Trustees authorizes
the remodelling of Elm Street Building as the per-
manent home of the School of Education; and

BE IT FURTHER RESOLVED, that the Board of Trustees Building Committee be authorized to proceed with the selection of an architect when funds are available for this project."

4. Resolution to Adopt Affirmative Action Policy

An affirmative action policy to prevent discrimination, which would supplement the Trustees' resolution YR 1971-16, had been recommended in Agenda Item d) 5.⁴

Upon recommendation by the President and after motion made by Mr. Brown, seconded by Mr. Burrowes, and carried by vote of all Trustees present, the Chairman declared the following resolution duly adopted:

"WHEREAS, the Youngstown State University Board of Trustees has unanimously adopted the policy that 'in the operations and activities of YSU there shall be no discrimination on the basis of race, color, sex, religious belief, country of national origin or ancestry'; and YR 1972-33

WHEREAS, Executive Order 11246, issued by the President of the United States in 1965, and Executive Order 11375, effective October 13, 1968, forbids discrimination by all federal contractors (including educational institutions), on the basis of race, color, religion, national origin, or sex; and

WHEREAS, these Executive Orders require contractors to 'take affirmative action' to assure that the commitment to equal employment opportunity is carried out in a positive way; and

WHEREAS, the Youngstown State University Board of Trustees is in thorough agreement on the need for affirmative action to implement its policy of equal employment opportunity,

BE IT RESOLVED, that the Affirmative Action Policy attached herewith is adopted."

5. Possible Formalizing of Trustees Procedure

Certain suggestions had been made as to the possibility of formalizing procedures at Trustees meetings at Item d) of the Agenda. After discussion it was suggested that no formal action be taken at this time.

ITEM IV - Reports by the President and the Vice Presidents

1. Governor's Proposed Code of Ethics

The Governor's Proposed Code of Ethics was reported to the Trustees by Item e)1 of the Agenda. It was further reported that legislation was being considered involving such matters and that no formal action was needed.

2. Special Counsel's Advice on Student Code Legality

The President reported that he had received an opinion from Special Counsel of the University that the provisions in the Student Code were proper in all respects and that interested persons had been so advised.

3. Report from Vice President for Academic Affairs

(a) Dr. Edgar reported that \$56,000 would be available this year and in excess of \$55,000 would be available next year for use in conducting tutorial programs and special counselling of students under allocations for developmental instruction funds made by the Ohio Board of Regents.

(b) Dr. Edgar reported the following faculty changes:

Dr. George Kelley, Chairman of the Department of Biology will be on leave commencing September 1, 1972 and Dr. Paul Van Zandt will serve as acting Chairman.

Mrs. Dorothy Hille, Instructor in Business Education and Secretarial Studies, will serve as acting Chairman of the Department of Business Technology in the Technical Community College to replace Dr. Clyde Painter, former Chairman, who has resigned.

Richard Huntley, Instructor, will be on leave for one year commencing August 12, 1972, to complete his M.A. Degree in Urban Studies at Akron University.

Dr. Aili J. Hakojarvi will be Chairman of the Department of Home Economics, replacing Dr. Barbara Armstrong, who has resigned.

(c) Dr. Edgar reported concerning visits made by the Board of Regents' Medical Consultant, Philip Lee. It was reported also that Dr. Pugsley and a member of the Trustees will meet soon with the presidents and representatives of Akron University and Kent State University concerning the possibility of a medical college for Northeastern Ohio.

(d) It was reported that approvals had been received for proposed programs in clinical chemistry and medical technology and medical secretary; that the program for a Master's Degree in Criminal Justice had recently been approved and that a grant in excess of \$34,000 had just been received for graduate programs in connection with medical training.

4. Vice President Coffelt reported with reference to the following matters

(a) Preliminary enrollment figures for the summer term indicate a head count of 5,000, which is 600 less than last year.

(b) If bids to be opened on July 6 for the proposed Library Building can be accepted, construction should be commenced prior to the opening of the fall term.

(c) Under the capital appropriations made by Senate Bill 457 Four and Four-tenths Million is being appropriated for the University's Utility Distribution System, and One Million for renovating and remodelling of Utility Distribution Facilities. Bids were opened on May 23 for the Utility Distribution System. The low bid of \$2,087,985 was substantially below estimates. It is hoped that Control Board approval of an award of a contract for the Utility Distribution System will be made soon. Easements for such System have been partially secured and easements from the City are expected. It was also reported that progress was slow concerning the Music and Fine Arts Building.

(d) A copy of Am. Sub. H.B. 475 adopted by the 109th General Assembly relative to exercise of Board of Trustees of governmental powers conferred upon them and the delegation of such powers without appropriate standards of guidance was submitted with the Agenda in connection with Item 7b.

5. Report from Vice President for Financial Affairs

(a) Mr. Rook's statement of Current Income and Expenditures and Budget Summary for the period July 1, 1971 to May 31, 1972 had been submitted with the Agenda. He expects to meet the budget.

(b) Property Acquisitions

It was reported that the acquisition of four parcels of real estate as follows, to wit:

716 Walnut Street, City Lot No. 11405,
City of Youngstown.
Owner: Thomas Nunziato

656 Bryson Street, City Lot No. 1526,
City of Youngstown.
Owner: Charles Altman

654-656 Elm Street, City Lot No. 970 (pt)
City of Youngstown.
Owners: Frank and F. A. Moretti

648 Elm Street, City Lot No. 970 (pt)
City of Youngstown.
Owner: Frank and F. A. Moretti

is presently pending approval by the Control Board of the State of Ohio.

Upon motion by Mr. Dennison, seconded by Dr. Burrowes and carried by the affirmative vote of all Trustees present, the Chairman declared the following resolution duly adopted:

"NOW BE IT RESOLVED that the acquisition of YR 1972-34
the properties as provided under YR 1970-24
be hereby confirmed and approved."

ITEM V - Reports of Committees of the Board1. Building Committee

Mr. Dennison, Chairman of the Building Committee, reported that final plans and specifications for the Music and Fine Arts Building should be completed in the very near future and that authority should be given to approve such final plans and specifications so that approval would not have to await the November meeting of the Board.

Upon motion by Mr. Strouss, seconded by Dr. Burrowes and carried by the affirmative vote of all Trustees present, the Chairman declared the following resolution duly adopted:

"WHEREAS the Ohio Legislature appropriated \$5.5 YR 1972-35
nillion to Youngstown State University for con-
struction of a new Music and Fine Arts Build-
ing; and

WHEREAS preliminary and basic plans for this project have been approved by the Board of Trustees; and

WHEREAS final working drawings and specifications for this project will be completed in July, 1972; and

WHEREAS the Board of Trustees next regularly scheduled meeting will be in November, 1972.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees authorize its Building Committee to approve final plans and specifications for the Music and Fine Arts Building."

It was further reported that authorization should be given to complete necessary forms which may be required in connection with securing monies appropriated by the General Assembly for University projects which will be financed through the Ohio Public Facilities Commission.

Upon motion by Mr. Dennison, seconded by Mr. Strouss and carried by the unanimous vote of all Trustees present, the Chairman declared the following resolution duly adopted:

"WHEREAS The Ohio Public Facilities Commission YR 1972-36 has authority to sell revenue bonds and the Board of Regents and trustees of public institutions may enter into a master agreement with such Commission for capital improvement financing; and

WHEREAS the trustees may pledge the payment of rents to the Commission and the rent actually would be paid to the Commission by the Board of Regents from appropriations made by the General Assembly as was the case in Senate Bill 457.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Youngstown State University, as follows:

Section 1. The President or Vice President for Financial Affairs of the University is hereby authorized to complete and sign, on behalf of the University, Ohio Public Facilities Commission Form Nos. 101 and 101A for any or all of the projects for the University provided for by or pursuant to

the appropriations made under Section 2 of Amended Substitute Senate Bill No. 457 enacted by the 109th General Assembly and such projects provided for by or pursuant to appropriations made in future enactments of Ohio General Assemblies.

Section 2. This Board of Trustees agrees to permit the Ohio Public Facilities Commission to use the sites for the purpose of said projects, the boundaries of which are shown in the plans for such project, for so long as the bonds issued to finance such projects shall be outstanding.

Section 3. The University and this Board of Trustees in its behalf, agrees to undertake performance of the functions and responsibilities of a using governmental agency, and of a designated agency to the extent it is such, as provided in the Regulations of the Ohio Public Facilities Commission and any applicable leases, agreements or rules of the Commission, with respect to the aforesaid projects."

ITEM VI - New Business

1. Report of Nominating Committee

Mr. Brown reported on behalf of the Nominating Committee that such Committee recommended the election of John M. Newman as Chairman and Robert E. Williams as Vice Chairman for the ensuing year.

There being no further nominations, upon motion by Mr. Brown, seconded by Mr. Strouss and carried by the affirmative vote of all Trustees present, the following resolution was adopted:

"RESOLVED that the nominations be closed and that John M. Newman be elected as Chairman of the Board, and Robert E. Williams be elected as Vice Chairman of the Board, to serve for the ensuing year and until their successors are elected and qualify." YR 1972-37

2. Appointment of Consultant on Collective Bargaining

It was reported that as a result of two elections conducted pursuant to the approval of this Board at the April 22

meeting of Trustees a majority of the full time faculty had voted in favor of collective bargaining and had selected the Youngstown State University Chapter of the Ohio Education Association as their collective bargaining agent. A communication from the president of such OEA Chapter dated June 5, 1972 had been submitted in connection with the Agenda for the meeting and there was a full discussion of the subject matter. The Chairman pointed out that the mechanics of the bargaining process must be worked out and that in all probability the bargaining agent would use outside representatives and that the University should have a consultant who was experienced in such matters.

Mr. Joseph J. Koss, Assistant Professor of Economics and Vice President of the OEA Chapter, stated that the requests of the bargaining agent were reasonable and that any delay would raise questions of good faith on behalf of the Board. President Pugsley pointed out that two issues were involved; first, the development of process for working out a collective bargaining contract and; second, questions as to whether the OEA was to replace regularly established faculty procedures. Mr. Koss claimed that the Board must surrender some of its decision making powers. Mr. Wean pointed out that the Board was not the proper forum for collective bargaining; that the services of a consultant should be obtained in the near future; that it was hoped that a proper agreement could be worked out and that until the University bargained away its powers it should retain its regular powers and processes.

Upon motion made by Mr. Dennison, seconded by Mr. Strauss and carried by the unanimous vote of all Trustees present, the following resolution was declared duly adopted:

"WHEREAS elections held in accordance with Board of Trustees regulations, have established that the YSU faculty wishes to initiate collective bargaining on various issues affecting 9 months faculty members during the 1973-75 biennium; and YR 1972-38

WHEREAS such collective bargaining constitutes a relationship of faculty with university administration and Trustees that is new and untried at YSU; and

WHEREAS the bargaining agent elected by the faculty has indicated that it will be advised by expert national representatives of the Association.

BE IT RESOLVED, that the University Administration be authorized to investigate consultant

services to provide needed advice and assistance in the bargaining process, and retain a consultant for such purposes when and if approved by a majority of the members of the Board either in a meeting called for such purpose or by other indications of their approval.

ITEM VII - Meeting Schedule

It was determined that unless otherwise provided, the regular meetings of the Board for the next year would be held on the following dates:

1st Meeting	Saturday, November 11, 1972
2nd Meeting	Saturday, January 20, 1973
3rd Meeting	Saturday, April 14, 1973
4th Meeting	Saturday, June 16, 1973

There being no further matters to come before the Board the meeting was duly adjourned at 3:00 o'clock p.m.


 Chairman

Attest:


 Secretary

YOUNGSTOWN, OHIO 44503

OFFICE OF THE PRESIDENT

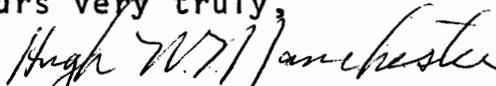
July 12, 1972

Trustees of
Youngstown State University

Gentlemen:

Enclosed is draft of minutes of the Meeting
of Trustees held June 17, 1972.

Yours very truly,



Secretary to the Board of Trustees
of Youngstown State University

HWM MM
Enclosure

These minutes mailed to the following on July 12, 1972

William J. Brown
Dr. Bertie B. Burrowes
Carl L. Dennison
Mrs. Ann Isroff
John M. Newman
Albert J. Shipka
Clarence J. Strouss
Robert E. Williams
Robert J. Wean, Jr.

Dr. Albert L. Pugsley, President
Dr. John J. Coffelt, Vice President
for Administrative Affairs
Dr. Earl Edgar, Vice President
for Academic Affairs
Mr. Joseph S. Rook, Vice President
for Financial Affairs
Mr. Hershel Rickard, University State
Examiner

(TRUSTEES)

