

SENATE MINUTES--ADJOURNED MEETING
YOUNGSTOWN STATE UNIVERSITY
Friday, 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 pm 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)

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).

Notion 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.

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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

AYE'S 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,"

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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.

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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 Halls 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.

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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.

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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.

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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.

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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

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FACULTY AFFAIRS COMMITTEE CONT'D.:

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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.

(CONT'D. NEXT PAGE)

FACULTY AFFAIRS COMMITTEE CONT'D.:

APPENDIX I--SERAMIE 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. Hoveg:

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. Cchen: 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, 1972

VII. 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 11--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 11—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 Bseghly.

May 19, 1972

APPENDIX 111--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 year's 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.

XI. 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 111--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.
(Student)

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

#1

PROPOSAL ON LOSS OF TENURE

U. 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

E. 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.

YOUNGSTOWN STATE UNIVERSITY

SENATE MEETING

Friday, May, 19, 1972

IN ATTENDANCE:

Elmer Foldvary	L. S. Donowick
Peter W. von Ostwalden	Frank Tarantini
Esben Niemi	Lowell J. Satre
Christopher J.weeney (visitor)	Fred Blue
Deanna Feldmiller	Ronald J. Esler
Visitor A. Richley	Rico Jones
Richard	Alvin R. Slomoff
Raymond W. Durd	George L. Almond
Sally M. Hotchkiss	E. T. Weidner
Joseph N. Hotchkiss	Matthew Luman
Carl E. Kree	D. Orill
W. Rand	Philippe
Joseph G. Pfen	B. Jozwick
John F. Nelson	David S. J. via
John L. Leonard	Shelma S. Miner
Henry B. Smith	Ward J. Wier
Michael Kasovsky	Robert A. Kere
Joseph S. Hoak	Lynde T. Hawkey
John J. Coffey	Elizabeth Storkenberg
Edna Pauter	Thomas Gary
Lyde A. Pauter	Lynore Hoffmann
Gene W. O'Zarned	Robert Morris
Jim Scriven	Thomas A. Shupka
J. Boyer	Stephen Hanzely
E. Macphall	Joseph Maly
L. D. Finger	J. P. Stenif
R. E. Kramer	John Zettl

YOUNGSTOWN STATE UNIVERSITY

SENATE MEETING

Friday, May 19, 1972

IN ATTENDANCE CONT'D.:

~~J. Ross~~
 O. W. Robinson
 James E. Hill
 Jerome E. Ham
 Thomas Montgomery
 Raphael Cannata
 Mark G. Shullock (gambar)
 Tom Salputra
 John Cernica
 Peter F. Baldwin, Jr.
 M. J. Lepista
 Paraske
 Margaret Foley
 Larry E. Estorly
~~Bruce Hester~~
 Deborah Ann Mead
 Charles Tashar
 Alice Bond
 Larry Link
 Gilbert F. Roney
 Mae Turner
 Tom Sattman
 Everett Abram
 James Larene
 M. De Hoop
 Mary Saulino
 Janet Saulino

George Jones
 Winston Eshleman
 Guy Mavigian
 R. J. Austin
 A. R. Cressan
 J. S. Honey
 Christine R. Ryshman
 Vera Jenkins