

SPECIAL SENATE MEETING  
YOUNGSTOWN STATE UNIVERSITY  
Thursday, June 3, 1971

PRESENT: Mr. Hankey, Mr. Behen, Mr. Poddar, Mr. Henkel, Mr. Moorhead, Mr. Berger, Mr. Bronstrup, Mr. Dillon, Mr. Shipka, Miss Pfau, Mrs. Miner, Mr. Hurd, Mr. Hare, Mr. Magner, Mr. Koss, Mr. Reilly, Mrs. Turner, Mr. Fukui, Mr. Hanzely, Mr. Fortunato, Miss Boyer, Mr. Vanaman, Mr. Mavrigian, Mr. Almond, Mr. Deiderick, Mr. Gould, Mr. Hahn, Mr. Schroeder, Mr. Tarantine, Mr. Paraska, Mr. Miller, Mr. Slavin, Miss Sterenberg, Mr. Ronaghy, Mr. Wales, III, Mr. Richley, Mr. Spiegel, Mrs. Budge, Mr. Petrych, Mrs. Dykema, Mr. Sorokach, Mr. Ringer, Mr. Hotchkiss, Mr. Beckman, Mr. Yozwiak, Mr. Rand, Mr. Harris, Jr., Mr. Ellis, Mrs. Smith, Mr. D'Isa, Mrs. Niemi, Mr. R. Smith, Mr. Jenkins, Mr. Williamson, Mr. Cernica, Mr. May, Mr. Steele, Mr. Rishel, Mr. Livosky, Mr. Miner, Mr. Kramer, Mr. Parm, Mr. Dennison, Mr. Simko, Mr. Brachfeld, Mr. Terlecki, Miss Jenkins, Vice President Edgar and President Pugsley.

The President suggested Senate members proceed with discussion until a quorum was present. The Secretary will keep a record to note when a quorum is present so this may be declared an official meeting.

One of the Senate members made a suggestion to the President (which he transmitted to the group)-- the President stated it is for your own sense of responsibility. This Senate member called attention to the fact that inasmuch as the Engineering Science Auditorium is posted for 'NO SMOKING' he considers it improper for faculty members to do those things which students are not allowed to do. The President merely brought it to the attention of the group for their own guidance. The President left it up to the judgment of all as to whether or not they wanted to smoke during the session.

The business today is to take up the recommendations of the Faculty Affairs Committee pertaining to the formulation of a new Committee which they recommend to be known as THE YOUNGSTOWN STATE UNIVERSITY FACULTY APPEALS COMMITTEE. (No quorum yet at this point). The President stated: those of you who attended the last meeting will remember the discussion; it has been recorded by your Secretary. It was an unofficial meeting since a quorum was not present. Both Mr. Koss and Mr. Petrych have distributed statements to Senate members. A comparative analysis was prepared which relates to the Majority and the Minority Report. Mr. Petrych stated full credit was due Mr. Koss on this as he (Mr. Koss) had prepared the comparative analysis.

The President then turned the meeting over to Mr. William Petrych, Chairman of Faculty Affairs Committee. (NO quorum yet at this point). The President stated discussion up to the time we have a quorum; then the meeting will be declared official; then you may make Motions or take official action, etc.

Mr. William Petrych called upon Mrs. Christine Dykema to explain to the Senate the Parliamentary procedure that will be necessary to follow today in our efforts to get this Committee put together. Dr. Pugsley asked to make the remark stated on the next page before

(CONT'D, NEXT PAGE)

SENATE MINUTES CONT'D. : (Special Meeting June 3, 1971)

Mrs. Dykema gave her explanation.

Dr. Pugsley stated: In the confusion of the last meeting there was a call for a vote (which would require a 2/3 vote on the ruling) of the Chair. I apologize to you for as we got into other things it escaped my mind and apparently it escaped the thoughts of others as we went along. I apologize to you for not having called for that vote, on the Chair's Ruling.

Mrs. Dykema: If we get a quorum - the way to handle a Motion of this variety is to have the Motion presented and move the adoption of the Committee Report by the Senate; and then it would be taken up article by article. There would be debates and/or amendments for each article; after all articles have been considered and possibly been amended then the entire document as a whole is open to amendment. Motions then can be made to add or delete, After all this is finished then the entire document as amended is voted upon, Where we take up general discussion is where we left off last time - does anybody know?

We now have a quorum of 63. A Senate member (Mr. Reilly asked, How do we know?) Mr. William Livosky brought us the word, He stated there were several people present who were not Senate members but they did not sign the roll. Mr. Livosky was not absolutely sure that all who signed were Senate members. The President stated that student members do not count on the quorum requirement.

The President asked Mr. Reilly if he wished to pursue this in some other way? Mr. Richard Magner requested a Roll Call.

The Secretary then called the Senate Roll. 65 members (Senate members) answered the Roll Call, A quorum was present.

Mrs. Dykema: We have had a **Minority** Report circulated, The Minority Report is for information only,

NOTION: Mr. William Petrych moved the acceptance of the Faculty Affairs **Committee** Proposal for the formation of The Youngstown State University Faculty Appeals Committee.  
Seconded,

DISCUSSION:

Mr. Petrych: The first Article, having to do with the naming of the **Committee** as The Youngstown State University Faculty Appeals Committee; we were trying to keep this in mind with another Committee which the University has for the hearing of problems from non-teaching personnel, This is the only reason for the name. If there is a suggestion for a better one would be glad to hear it.

Dr. Hare: If there appears to be no discussion on this particular paragraph I presume we could move on to the next one.

Mr. Petrych: With regard to our second (2nd) Proposal here: the intent of the Proposal, the intent of the Majority as far as this Proposal is concerned was to give recognition to the fact that our University has Rules and Regulations in effect. Should this Faculty Appeals Committee be established we felt that it should give some

(CONT'D. NEXT PAGE)

SENATE MINUTES CONT'D. : (Special Meeting June 3, 1971)

consideration in the formation of a decision whether they had a petition that involved an alleged grievance to existing University policy; and if there were no such policy to anyone's knowledge in effect then this covered a different matter.

We attempted to tie Item #2 in with Item #3 saying that if a situation arose where an alleged grievance was brought to the Faculty Appeals Committee and existing University policy dictated that a decision be found against the grievant; but, if the Committee felt, as a Majority that there was a certain amount of inequity involved as far as the existing University policy we would expect this Committee to go to the appropriate Administrative officials and suggest changes in the existing policy. This is why we attempted to divide the areas of possible problems into two (2) categories.

Mr. Koss: In order to expedite our action on this first item, at least, I would like to ask a question before making an Amendment or several Amendments.

May I make an Amendment to Article 2 in the Majority Report, except that I have four (4) of them. Would the Chair rule or will the Parliamentarian inform us as to whether or not we must act on each individually or can we amend the Motion and amend the amended Motion four (4) times?

Dr. Hare: Point of Order,

What is the status of Mr. Koss at the head table?

I understand that he has submitted a Minority Report.

I don't quite see why Mr. Koss is seated where he is.

Dr. Pugsley: Merely for purpose of convenience, I would guess; and the people whom Mr. Koss represents, I presume.

Dr. Hare: As far as I know he represents no one but himself.

Dr. Pugsley: What is your wish with respect to Mr. Koss being at the head table?

Do you wish him to be seated with members of the Senate?

Dr. Shipka: I think the main purpose of Mr. Koss' presence in front of the group was one to specify the difference between the Majority and Minority Report.

Dr. Slavin: Mr. President, I think the purpose of Robert's Rules of Order is not to confuse a body but to expedite business. I think we have gone through this before: we had a first meeting; Mr. Koss' presence is important because there are different points of view. This is the easiest way of doing things that I can think of.

Dr. Pugsley: Do you wish to take formal action on this matter:

Dr. Hare: Yes.

MOTION: Dr. Robert R, Hare moved that Mr. Joseph J. Koss take his place in the Senate, with the other members.

Seconded.

AYES: 18, NAY: 27, (Show of hands asked for).

NAY'S HAVE IT,

SENATE MINUTES CONT'D.: (Special Meeting June 3, 1971)

Mr. Koss: Wanted to make an Amendment.

The question on the Amendment to the Majority Motion Item#2 which is now up for consideration,

We are open now for amendments now, is that not so?

Parliamentarian: You asked for a ruling.

(Mrs. Dykema) You can make a series of amendments, explain what they are going to be, and then take each one up separately.

Mr. Koss: Then I will make my first Amendment.

Mr. Petrych: Before this, may I say something; I believe I was in error at our informal meeting in April. I believe it was Mr. Reilly who asked if Administrators could bring an alleged grievance to this Appeals Committee, and I believe I responded that Department Chairmen could only in their capacity as Faculty members serving in a faculty function.

We, of the Committee, had a subsequent discussion and felt that anyone with faculty status should be permitted to bring a grievance here to this Committee although we felt that it would be highly unlikely that Dr. Edgar would come to us with a complaint against Dr. Pugsley or Mrs. Nolfi, etc,

The intent was that anyone with faculty status be permitted to bring a grievance before this Faculty Appeals Committee. This is as the proposal now stands.

Mr. Reilly: What are we discussing?

Dr. Pugsley: This is preliminary explanation from Mr. Petrych.

Mr. Koss: The first Amendment I would like to make is this:

This is in regard Article 2 of the Majority Report - with reference to the Majority-Minority side-by-side report:

I move that in line 5 - Article 2 - of the Majority Report the word "including" be stricken and be replaced by the word "excluding".  
Seconded.

Dr. Pugsley: Do all of you understand this?

Mrs. Dykema: Point of Order.

This is trivial perhaps but Roberts' Rules of Order make a big thing of it; you never speak of the Majority Report; you speak of Committee Report.

Dr. Pugsley: If I understood Mrs. Dykema's earlier remarks she did say that it was the privilege of consideration of the entire matter upon which an amendment was to be made, to be described for the edification of the body and then take up the amendments one by one.

How can you have a full understanding of these separate amendments until you have heard the entire scope of the question?

Dr. Shipka: Is it in order for Mr. Koss to present his series of amendments at once?

Dr. Pugsley: With relationship to this article, if I understand Mrs. Dykema correctly, the answer would be Yes. The extent of them, but then they would be taken up one by one. Is this not correct?

SENATE MINUTES CONT'D. : (Special Meeting June 3, 1971)

Mrs. Dykema: The Motion would be for four (4) separate amendments.

Mr. Koss: I would be glad to do that to clarify.

The 2nd amendment would be this:

Again referring to the side-by-side report:

Mr. Chairman: with reference to the Committee Minority side-by-side Report I move - no you can't do that - I will subsequently move that after the word "solution" in line 10, Article 2 of the Committee Report the following sentence be added:

"The Committee may hear grievances brought by persons who jointly perform both an Administrative, faculty role or function such as Chairmen of academic departments provided that the grievance has its basis in his role or function as a faculty member.

The faculty member is an employee having no supervisory, evaluative or directive function over the faculty or a portion thereof, But the committee shall not hear the grievance if its basis rests on his role as an Administrator. An Administrator is an employer or agent of the employer exercising, directly or indirectly, complete or partial supervisory evaluative and/or directive function over the faculty or portion thereof."

I have a few more here that you could consider all at once if you will,

Dr. Pugsley: If you are going to read these and they are in the printed reference it might be helpful if you would point out on the Minority Report where they occur.

Mr. Koss: I will be prepared later to make a Motion to this effect:

That after line #5 on Article 2 of the Committee Report:

"After the word members the following be inserted:

"brought individually or jointly" - that appears in the Minority Report if you look across and see it.

Question called for on the first amendment.

Dr. Pugsley: We have to hear the entire discussion before there is an acceptance.

Mr. Koss: The next or subsequent amendment would be:

Beginning on line 10 the deletion of the entire sentence beginning with "any findings.....and ending with University policy."

And that on the Committee report includes that (a) and (b) indentation under the Committee report.

Dr. Pugsley: This does not appear in any of your text.

Mr. Koss: The last amendment is an additional statement - it appears in the Minority Report as the last paragraph basically on page 2 about half way down.

Dr. T. Miner: I do not understand, Please explain.

Dr. W. Miner: You are confusing all of us sitting here,

Mrs. Dykema: You have divided up the 2nd paragraph on page #2 into two (2) paragraphs.

(CONT'D. NEXT PAGE)

SENATE MINUTES CONT'D.: (Special Meeting June 3, 1971)

Dr. Pugsley: Altogether then, there are six (6) amendments.

It would appear to me that it would be helpful if we were to understand what these were to be.

Mr. Koss: All of our amendments and their meanings in essence are in the Minority Report. But we have to take them up one at a time-

Amendment #1: ~~MOTION~~: Whether or not we retain in the Minority Report the wording "including" or insert the word "excluding".  
Seconded.

Dr. Hare: It seems to me when you reach the stage here where it renders these Amendments incapable of any real discussion without considering all of the other amendments which Mr. Koss is going to offer, and which he said he would offer (and I recognize this procedure is probably necessary) but it is also obvious if we do not find a way here to consider this business in the next half hour or so we will not have a quorum and disaster will ensue to a Proposal which all of came here to hear about and vote on.

I do not know what the solution is. I suppose one of the possible solutions is to introduce the Minority Report as a substitute Motion in its entirety and vote on that, Is there a solution? Otherwise, in this procedure simply lies madness and disaster.

Dr. W. Miner: There is a solution.  
We can call for the question on the Committee Report.  
Am I right? Which requires immediate vote?

Parliamentarian: On the entire Committee Report?

(Mrs. Dykema) No, you will have to take that up paragraph by paragraph; well, we can take it up as it is without any amendments.

Dr. W. Miner: I call for the Question.

Parliamentarian: But one solution to this mess is to suggest a  
(Mrs. Dykema) substitute Item 42 in the Minority Report for Item #2 in the Committee Report since these are all stated in the Minority Report,

Mr. Koss: Mr. Chairman, that is a ruling we tried to get and we were ruled out of order.

Parliamentarian: You had a series of amendments to make.  
(Mrs. Dykema)

Dr. Slavin: Can't this be a Substitute Motion.

In other words, he can make a Motion to substitute Item #2 for the Item #2 in the Committee Report.

Mr. Koss: If I am permitted to do that I would be glad to withdraw the previous Motion and substitute for it:

At this point - Dr. Pugsley asked: Is this with consent of seconder?

Parliamentarian: He doesn't need it.

Mr. Koss cont'd.: and submit as my Motion what appears under the Minority Report under Item #2 as a substitute for Article 2 of the Committee Report.

SENATE MINUTES CONT'D.: (Special Meeting June 3, 1971)

Dr. Pugsley: You move the Minority Report Item #2 as a substitute Motion for Item 2 of the Committee Report.  
Seconded.

Dr. T. Miner: Need some information. When you say Item #2 of the Minority Report you mean beginning with the words "The purpose..... and ending on page 2 of that report with the word grievance. (In its entirety, then).

Mr. Koss: Yes - that's the Minority Report.

Dr. T. Miner: You mean then to substitute the entire thing for the entire #2 of the Committee Report which is on page #1.

Dr. Ronaghy: What would this do to the report? Why should we consider this?

Mr. Koss: 1) it would exclude department chairmen and other administrators from serving on the committee

2) it would permit joint as well as individual actions being brought to the Grievance Committee

That in effect was the 2nd proposed amendment.

3) It would delete in effect the (a) and (b) in the Committee Report

4) it would permit those people who serve in both a faculty and an administrative function to bring grievances to this Committee if their grievance is grounded in their faculty function or role but not if it was grounded in an administrative role

5) Lastly, it would make the findings of the Appeals Committee available not only to the administrative officials but also to faculty groups and officials as well as faculty members who had a direct or indirect interest in the grievance.

Dr. Shipka: A general comment on the Minority Report.

This particular Faculty Appeals Committee is important to us. We all recognize the importance of this, Perhaps there is an inconvenience at this time. Should have chance to consider this in detail. This isn't a Curriculum revision.

This is a revision of something that affects the careers of hundreds of people. I hope that we won't let perhaps a half hour or an hour hinder us in giving due consideration to this document.

Dr. T. Miner: But, some of us do have classes at 5:00 and 5:15 p.m. That's a problem.

Dr. Shipka: Would like to speak to a couple points in the Minority Report.

I think Mr. Koss' suggestion is wise that those Administrators who have a dual role as faculty-administrators be permitted to file a grievance in their role as faculty but not as administrators. We want to protect this concept of the Faculty Appeals Committee.

I would want to suggest that the Minority Report makes it very clear that we do not sanctify existing policies of the University.

SENATE MINUTES CONT'D.: (Special Meeting June 3, 1971)

Dr. Shipka cont'd.:

Mr, Koss has pointed out very carefully that an existing policy at times may be faulty and he wants to give due protection to a grievant so that an existing policy is not arbitrary.

I think I would urge we give very careful consideration to that point.

In the Minority Report, which is now under consideration, if a grievant files a grievance it is very carefully protected now in the language that his grievance, even if the finding is against an existing University policy, his grievance can be found in favor of, I think that is an important point we want to protect,

Finally, there is the question of openness of deliberations, I think it is highly important that we avoid secrecy and that we have deliberations reported and carefully made available to the entire University community because many of the issues that will be brought before the Grievance Committee (Faculty Appeals Committee) will be issues not just of importance to one person but issues of importance to many people. I would want to urge you to favor particularly that point also. It is not just an individual filing a grievance but in many situations this would probably be a grievance which is of considerable interest to many, many people in the University Community. I very strongly urge you to give consideration to this particular Motion.

Mr. Magner: I feel what we are doing here in the original Committee Report - want to limit this directly to the individuals involved. If you go to the Minority Report I feel we are infringing upon an individual's privacy, If this individual desires to take this and tell everyone what has occurred in that meeting that is his right to do so, but it is not the right for anyone to have direct or indirect interest in a grievance to ask for the findings of that Committee,

This is the same thing we have been fighting in the so-called Pentagon, that says they are distributing information about individuals. That is the same thing that is happening here,

I do not want to see this happen in this University,

Dr. Hahn: I would like to point out something that would make this asymmetrical; meaning that the definition of a person who is an administrator is one who supervises and evaluates and directs. However, we may move to the position where the faculty may be evaluating department chairmen. I believe this is a desirable thing yet we are making it such that the department chairmen in being evaluated, which is presumably an administrative function, would not have the opportunity to make an appeal,

I don't believe that just for the purpose of making it appear as though its purely faculty that we should deny this symmetry; and in looking into the future I believe that it might be worthwhile,

Dr. Hare: I would simply like to address a few remarks to the practicable problems involved, The original proposal for the Appeals Committee was submitted by the local Chapter of the AAUP after a consultation with the National AAUP and various other groups, a sort of model form,



SENATE MINUTES CONT'D.: (Special Meeting June 3, 1971)

Dr. Hare cont'd.:

The Faculty Affairs Committee has had the matter under discussion and advisement for many, many months.

It seems to me that there is only one practical consideration which this Senate should consider and that is to vote right down the line for the Committee Report as it is submitted and get this on the books. An amendment later on might be necessary in order to perfect it but we need a Grievance Committee: we need it now and it seems to me there should be no consideration except for the Majority Report (Committee Report) to be considered. The Minority Report is glaringly defective.

Mr. Koss: With regard to the comment Mr. Magner made.

Some reasonable men take the view that it is not only the interest of the person who is in privity to a grievance that counts. The effect of a grievance procedure, the decisions it makes, will we hope, be, that one of the benefits will be improvement of the environment in which all of us live and work, And this is the benefit we can derive if these findings and the bases of the findings are not denied. I am not suggesting that the justice that the person whose privity to the agreement is not important, it certainly is important, but another important area is the improvement of the environment from the initiation of this type of procedure.

Dr. Pugsley: Question has been called for. Voting on:

The amendment which is to substitute the Minority Report for the Committee Report under Item #2.

Seconded,

AYES: 14. NAY'S: 46. (Show of hands asked for).

That disposes of Item #2.

Mr. Petrych: With regard to Item #3 we felt that after due consideration to the alleged grievance and consideration of University policy, where such existed, as I said before if the Committee was forced to find against the grievant because of some existing University policy, and we felt that there was some inequity in this University policy they would be under obligation to recommend to the University administration changes in the policy.

Comment: Is this being duly inscribed in the Minutes as the intent of the Committee Proposal that the Grievance Committee shall not be forbidden from objecting to University policy?

Dr. Pugsley: Referring to Item #3, of Committee Report:

The Committee shall have the responsibility to make appropriate officers or committees recommendations for improvement of the operation of the University.

Dr. Shipka: The intent of the preceding remarks was to get the intention of the Committee as regards existing University policy.

Did you not say before that an existing University policy could be faulted by the Committee?

Mr. Petrych: Yes - they may feel there is something wrong with existing policy, and if they do they would be obligated or feel it their obligation to recommend a change in that policy.

SENATE MINUTES CONT'D. : (Special Meeting June 3, 1971)

Dr. Shipka: What would be the implication then in terms of the grievance with the existing University policy in a specific grievance; be applied even if the policy is found faulty by the Committee?

Mr. Petrych: I would think so, but possibly, after the recommendation and consideration by the administration for change it may be that the Chairman of the Appeals would want to take this and the Committee would want to take this further, and maybe the grievant does have something here in his favor and we suggest certain other action be taken.

Dr. Pugsley: If the Committee made a recommendation for a change such as, for example, a change in a Regulation enacted by the Board of Trustees that I would feel bound to follow the Regulation of the Board of Trustees until it was changed. And I think all of us would have to take that attitude, would we not? This does not prevent the faculty or myself from making recommendations to the Board of Trustees for a change but if such change is not forthcoming we follow the Regulations.

Dr. Shipka: If the Committee recommended to you (Dr. Pugsley) a change in existing University policy would you feel obligated by the Committee recommendations to propose that change either to the Senate or to the Board of Trustees?

Dr. Pugsley: I have brought to the Board of Trustees the recommendations of the Senate sometimes with and sometimes without a favorable recommendation.

Dr. Dillon: I think Dr. Hare's suggestion is a very good one. Is there some proper Parliamentary way we can ask the Question?

If there is, I would like to make the Motion - whatever is necessary.

Parliamentarian: You can move that the entire Committee Report be (Mrs. Dykema) accepted as written.

MOTXON: Dr. Thaddeus Dillon moved that the entire Committee Report be accepted as written.  
Seconded.

DISCUSSION:

Dr. Shipka: Is this (on which we are voting) on Point #3?

Dr. Pugsley: No, sir. This is the entire package.

Dr. Shipka: Mr. Chairman, does this contravene our earlier agreement? That this would be a point by point consideration?

Dr. Pugsley: This overrides that if it is passed.

Mr. Koss: Wanted to point out to Senate group that if it adopts the Committee Report it may be depriving itself of the possibility of instituting some possible amendment or condition in the Majority Report which it will be denying itself by this action unless it is subsequently taken up,

(CONT'D. NEXT PAGE)

SENATE MINUTES CONT'D.: (Special Meet June 3, 1

Dr. Behen: Before we vote would you please, Dr. Pugsley, state precisely what we are voting on?

Dr. Pugsley: You are voting on the Majority Report unchanged.

Comment: Would like a ruling from the Parliamentarian - would an incidental Motion at this moment be in order? To take precedent over the Main Motion to adopt the Committee Report?

Parliamentarian: The ruling would be No  
(Mrs. Dykema)

Comment: I feel that there is an incidental Motion that might be made to give this body a chance to vote on whether or not it wants to consider this by paragraph before it adopts the whole thing. It is my feeling that the body should have the opportunity to make that decision first and then if it wants to or doesn't want to consider this by paragraph then it is perfectly legitimate, in my opinion, to adopt the whole thing.

Parliamentarian: Speaking of this Motion to adopt is the same thing.  
(Mrs. Dykema) If it's defeated then it's done for,

Dr. Ware: I was just going to make the same comment.

Comment: Who will elect the members in Article #4?

Mr. Petrych: That is answered in #5. The electors shall be non-tenure as well as tenured full-service faculty members, etc., etc.,.....

Mr. Koss: Point of Order, Mr. Chairman,  
Are we not voting on whether we will consider to adopt in the entirety the Committee Report but not on the question of adopting?

Dr. Pugsley: No, sir.  
The Motion is to adopt the Committee Report.

QUESTION CALLED FOR: The Motion is to adopt the Committee Report,  
Seconded.

AYES: 43. NAYS 17,  
AYES HAVE IT.

A quorum was present when the vote was taken,

MEETING ADJOURNED!

NOTE: ATTACHED IS A COPY OF THE COMMITTEE REPORT AS ADOPTED AT TODAY'S SPECIAL SENATE MEETING (June 3, 1971).

Respectfully submitted,

Vera Jenkins  
SECRETARY OF THE SENATE

MINORITY PROPOSAL  
for the  
YOUNGSTOWN STATE UNIVERSITY FACULTY APPEALS COMMITTEE  
for reconsideration on  
Thursday, June 3, 1971  
after previous consideration on  
April 23, 1971  
by the  
UNIVERSITY SENATE

This Minority Proposal is respectfully submitted to the members of the University Senate on request of a member of the University Senate to aid the Senate in its deliberations, Both the undersigned, J. J. Koss, and Prof, Petrych, Member and **Chairman**, respectively, of the Faculty Affairs Committee concurred that the undersigned should prepare and present this proposal to the University Senate for the purpose stated.

MAJORITY REPORT

The Faculty Affairs Committee recommends the formation of a faculty **committee**, to be constituted and charged as described below:

1) The Committee in question shall be known as the Youngstown State University Faculty Appeals Committee.

2) The purpose of this committee is to function as an agency for the hearing of faculty grievances received from full and limited service faculty members, including those faculty serving as full or part-time administrators, and to explore the possibilities of redress and/or to assist in arriving at satisfactory solutions. Any findings of the committee will be

a) with regard to the application and interpretation of existing University policy where such policy is stated, or

b) with regard to matters not covered by University policy.

The findings and recommendations of the committee shall be reported to the petitioner, the members of the committee, the appropriate Vice President,, the President, and any other appropriate Administrative Officer.

NOTE: See end of report for notes and references,

MINORITY REPORT

SAME

1) SAME

2) The purpose of this committee is to hear faculty grievances received from either full-service and/or limited service faculty excluding department chairmen and other full or part-time administrators except as herein-after provided, **brought** individually or **jointly**<sup>1</sup> to make **findings** of fact either for or **against** the grievant(s) on the merits of the grievance; and if its findings are for the grievant(s) to explore the possibilities of redress including full restitution and/or to assist in arriving at satisfactory solutions consistent with the **Committee's** official findings,<sup>2</sup>

The **Committee** may hear grievances brought by persons who jointly perform both an "administrative" and a "faculty" role or function such as Chairmen of Academic Departments

MAJORITY REPORTMINORITY REPORT

provided that the grievance has its basis in his role or function as a faculty member (a faculty member is an employee having no supervisory, evaluative or directive function over the faculty or portion thereof); but the Committee shall not hear the grievance if its basis rests on his role as an administrator (an administrator is an employee or agent of the employer exercising, directly or indirectly, complete or partial supervisory evaluative and/or directive function over the faculty or portion thereof);<sup>3</sup>

The findings and recommendations of the Committee shall be reported to the grievant(s), to members of the Committee, to the appropriate faculty or administrative groups or officials, and shall be available on request to faculty members having a direct or indirect interest in the grievance.<sup>4</sup>

3) The Committee shall have the responsibility to make to appropriate officers or committees recommendations for improvement of the operation of the University.

4) The Committee shall consist of a Chairman, with the privilege of voting, elected at-large for a term of one year; and three other members, elected at-large and serving for terms of three years, provided that on the first election the three members shall be elected from a single slate for the terms of 3, 2, or 1 years respectively on the basis of highest number of votes. The Senate Executive Committee shall appoint annually the nominating committee from the full-service faculty members. At least two candidates shall be nominated for each position, and additional candidates shall be included if a petition for their candidacy is signed by a minimum of ten (10) full-service faculty members. No person shall be a candidate for more than one position.

3) The Committee shall make to appropriate faculty and administrative groups or committees, recommendations rooted in its area of authority for the improvement of the University.<sup>5</sup>

4) The Committee shall consist of a Chairman voting only to break a tie<sup>6</sup> elected-at-large annually in May for a term of one calendar year commencing and terminating on September 15; and nine<sup>7</sup> other members elected at large in May for a term of three calendar years commencing and terminating on September 15. On the first election the nine members shall be elected, three members each, for terms of three, two and one years, respectively, the candidates receiving the highest number of votes receiving the longer terms. On the first election, the elected Chairman and/or members shall take office immediately and shall serve their elected term plus the time interval between their election and September 15.

(CONT'D. NEXT PAGE)

MAJORITY REPORT

MINORITY REPORT

The Faculty Appeals **Committee**<sup>8</sup> shall annually nominate for the May ballots at least two candidates for each position; additional nominations shall be included on the ballot if a petition for candidacy is signed by a minimum of six full-service faculty members; the Faculty Appeals Committee shall conduct the election by secret mail ballot; and those three Committee members who have the longest unexpired terms shall serve as election tellers, In the event of a tie vote the candidate receiving the highest number of votes of the Faculty Appeals Committee shall be declared elected.

In the first election all nominations shall be by petition signed by at least six full-service faculty members;<sup>9</sup> such petitions shall be forwarded to the Faculty Affairs **Committee** which shall conduct the secret mail ballot, and shall serve as election tellers. In the event of a tie vote in the first election there shall be a run-off election by secret mail ballot.

No person shall be a candidate for more than one position.

MAJORITY REPORT

5. The Chairman and the three other **members** shall be tenured members of their faculties, excluding department chairmen and other administrative officers, The electors shall be non-tenured, as well as tenured full-service faculty members, including department chairmen, but excluding deans and other administrative officers,

Any member of the Committee, knowing that he will not be available for duty during any extended period, shall be authorized to appoint a substitute member during his period of unavailability; such substitute shall have the same qualifications for membership as the elected member, and shall have the same power.

6. The Chairman shall be empowered, whenever he feels it appropriate, to appoint from among the faculty-at-large ad **hoc** committees for more thorough investigations and recommendations except in cases relating to loss of tenure. Any such subcommittee can report only to the parent committee.

7. The Chairman shall convene the Committee within one week of receipt of any written petition. A quorum of the Faculty Appeals Committee shall consist of three members. The Chairman, however, at the request of the petitioner, is empowered to seek a conciliation without recourse to the Committee,

8. The Constitutional right of any person appearing before the Committee to be represented by counsel of his choice shall not be infringed.

MINORITY REPORT

5. The Chairman and all nine members of the Committee shall be full service faculty members excluding **department** chairmen and other administrative officers. The Chairman may hold any faculty rank but no more than three of the nine members shall hold the rank of Associate Professor or Full Professor,<sup>10</sup>

The electors shall be non-tenured as well as tenured **full-**service faculty members, excluding department chairmen, deans and other administrative officers,<sup>11</sup>

Any member of the Committee, who will not be available for duty during any extended period shall appoint a substitute member during the period of his unavailability; such substitute shall have the same qualification for membership as the elected member he replaces and shall have the same **power**.<sup>12</sup>

6. The Chairman shall be empowered, whenever he feels it appropriate, to appoint from among the faculty-at-large ad **hoc** committees for more thorough investigations and **recommenda-**tions.<sup>13</sup>

7. The Chairman shall convene the Committee within one week of receipt of any grievance under these procedures. A quorum of the Faculty Appeals **Committee** <sup>14</sup> shall consist of seven members, and the "Chairman" shall be considered a "member" for quorum purposes,<sup>15</sup>

8. The Constitutional right of any person appearing before the Committee in any capacity to be represented by legal counsel shall not be infringed.

MAJORITY REPORT

9. The Committee shall keep minutes of its meetings for its own use.

10. It is expected that the other duties of the person who is Chairman shall not be such that it will prevent his effective attention to the responsibilities of the Faculty Appeals Committee.

MINORITY REPORT

9. The Committee shall keep accurate records of its meetings and of its hearings including all evidence and detailed oral and written representations of all parties for proper subsequent use by all persons having an interest, direct or indirect.<sup>16</sup>

10. If and as the duties of the Chairman become so burdensome as to prevent his effective performance of this function, he shall be granted appropriate release time for the period of such excessive duties without prejudice.<sup>17</sup>

11. A faculty grievance is a complaint by a faculty member of members based upon the decision, action, or failure to act of the employer, or agent of the employer, the operational result of which affects the conditions, circumstances and environment within which the faculty member, or members, work. The grievance is allegedly caused by an employer decision, misinterpretation or inconsistent application of existing rules or practices, or of the initiation of new rules at any and all levels, -- behavior which affects salaries, hours, working conditions, academic freedom, professional standards, and other areas including, but not exclusively limited to, economic considerations.

Settlement of Grievances by nature is essentially a collective bargaining function presuming good faith and a sincere desire to achieve a mutually-acceptable solution rooted in equity and justice.

In addition to the undersigned, other Faculty Affairs Committee Members who have not collaborated in the writing of this opinion may concur in this Minority Report in whole or in part.

Respectfully Submitted,




---

J. J. KOSS, MEMBER  
FACULTY AFFAIRS COMMITTEE



FOOTNOTES AND REFERENCES  
of the MINORITY REPORT

<sup>1</sup>Grievances may be brought jointly only if the grievants allege a common cause of their complaint, To disallow joint actions might result in a miscarriage of justice in many cases occasioned by the failure of an individual grievant at the hearings to meet the standard of proof necessary to prevail -- a standard much more easily met by the cumulative evidence of several grievants filing a claim in a proper joinder.

<sup>2</sup>The Committee should not endeavor to explore possibilities of redress or reconciliation until after it has heard the case and come to a decision.

<sup>3</sup>See Minority Report, April 23, 1971, Sections IX and X

<sup>4</sup>See Minority Report, April 23, 1971, Sections III, IV, V, VI and VII.

<sup>5</sup>See Minority Report, April 23, 1971, Section VIII.

<sup>6</sup>See Minority Report, April 23, 1971, Section XI.

<sup>7</sup>The Minority believes that the majority's recommended Committee is too small and recommends a ten member committee with the Chairman voting only to break tie-votes.

<sup>8</sup>The Faculty Appeals Committee, it appears to the Minority, would be much better qualified to perform this function than the Executive Committee of the Senate in view of the current structure of the Senate.

<sup>9</sup>Again, in view of the structure of the Senate and its influence on the Executive Committee of the Senate, it appears to the Minority that the recommendation reflects a more democratic procedure,

<sup>10</sup>For this type of Committee, in the view of the Minority, the suggested proportions according to Faculty Rank reflect much more accurately the different constituencies than do the several schools as argued in the Senate meeting of April 23.

<sup>11</sup>The electors to this Committee established to protect employee rights should not include agents of the employer or first-line management, against whom many of the grievances may eventually be filed.

<sup>12</sup>This represents an innovative but probably workable suggestion for achieving continuity especially during the Summer Quarter. See also Minority Report, April 23, 1971, Item XI.

<sup>13</sup>The Minority views the loss of tenure recommendation of the Faculty Affairs Committee as almost completely worthless primarily because it provides no right to the faculty member to be represented by legal counsel -- a motion to that effect having been made in Committee by the undersigned only to fail for lack of a "second",

<sup>14</sup>A quorum of seven of the expanded Committee appears reasonable.

<sup>15</sup>The Minority believes the Chairman should not be empowered to seek a conciliation through the "good offices" of the Committee. The person who is Chairman may seek a conciliation in the interest of the grievant in his role as professor but not in his official role as Chairman of the Committee.

<sup>16</sup>See Minority Report, April 23, 1971, Item XII.

<sup>17</sup>While it is impossible to predict the time necessary for the Chairman to spend in his function, it appears to the Minority that when the Chairman is unduly burdened with the problems of the Committee, especially since no other committee of this type exists anywhere within the University structure, that reasonable relief time be provided to him without prejudice. To fail to comply would hamper the grievance procedure with possibly grave consequences to harmony within the University environment.

*F. J. Koss*

NOTE: 6-3-71. Approved and passed at today's Special Senate Meeting, Thursday, June 3, 1971.

*Vera Jenkins*  
SECRETARY OF THE SENATE

April 19, 1971

TO: UNIVERSITY SENATE MEMBERS

FROM: THE FACULTY AFFAIRS COMMITTEE

The Faculty Affairs Committee recommends the formation of a faculty committee, to be constituted and charged as described below:

1. The committee in question shall be known as the Youngstown State University Faculty Appeals Committee,
2. The purpose of this committee is to function as an agency for the hearing of faculty grievances received from full and limited service faculty members, including those faculty serving as full or part-time administrators, and to explore the possibilities of redress and/or to assist in arriving at satisfactory solutions. Any findings of the committee will be
  - (a) with regard to the application and interpretation of existing University policy where such policy is stated, or
  - (b) with regard to matters not covered by University policy.

The findings and recommendations of the committee shall be reported to the petitioner, the members of the committee, the appropriate Vice President, the President, and any other appropriate Administrative Officer.

3. The Committee shall have the responsibility to make to appropriate officers or committees recommendations for improvement of the operation of the University.
4. The Committee shall consist of a Chairman, with the privilege of voting, elected at large for a term of one year; and three other members, elected at large and serving for terms of three years, provided that on the first election the three members shall be elected from a single slate for the terms of 3, 2, or 1 years respectively on the basis of highest number of votes, The Senate Executive Committee shall appoint annually the nominating committee from the full-service faculty members. At least two candidates shall be nominated for each position, and additional candidates shall be included if a petition for their candidacy is signed by a minimum of ten (10) full-service faculty members. No person shall be a candidate for more than one position.

(CONT'D. NEXT PAGE)

NOTE: 6-3-71. Approved and passed at today's Special Senate Meeting, Thursday, June 3, 1971.

*Vera Jenkins*  
SECRETARY OF THE SENATE

- 2 -

FACULTY AFFAIRS COMMITTEE CONT'D.: (April 19, 1971)

- 5, The Chairman and the three other members shall be tenured members of their faculties, excluding department chairmen and other administrative officers, The electors shall be non-tenured, as well as tenured full-service faculty members, including department chairmen, but excluding deans and other administrative officers.

Any member of the Committee, knowing that he will not be available for duty during any extended period, shall be authorized to appoint a substitute member during his period of unavailability; such substitute shall have the same qualifications for membership as the elected member, and shall have the same power.

6. The Chairman shall be empowered, whenever he feels it appropriate, to appoint from among the faculty at large ad hoc committees for more thorough investigations and reconunendations, except in cases relating to loss of tenure. Any such subcommittee can report only to the parent committee.
7. The Chairman shall convene the Committee within one week of receipt of any written petition. A quorum of the Faculty Appeals Committee shall consist of three members. The Chairman, however, at the request of the petitioner, is empowered to seek a conciliation without recourse to the Committee.
8. The Constitutional right of any person appearing before the Committee to be represented by counsel of his choice shall not be infringed,
9. The Committee shall keep minutes of its meeting for its own use.
- 10, It is expected that the other duties of the person who is Chairman shall not be such that it will prevent his effective attention to the responsibilities of the Faculty Appeals Committee,