



Academic Senate
Youngstown State University
Youngstown, Ohio 44555



ACADEMIC SENATE MINUTES

February 1, 2006

Note: The next meeting of the Academic Senate is scheduled for March 1, 2006, at 4:00 p.m. Please submit agenda items and cover sheets for the October Senate meeting to [Bob Hogue](#) by noon on February 20 at the latest. Provide both a hard copy and a disk or electronic copy of your report and cover sheet in *Word* or rich text format. A downloadable cover sheet is available at the Academic Senate web site [hit "cancel" if asked for a password]:

<http://cc.yosu.edu/acad-senate/index.html>

Note 2: If you want to read or print the pdf version of these minutes and don't have *Adobe Acrobat Reader*, you may download the program at the following link:
<http://www.adobe.com/products/acrobat/readstep2.html>.

To save paper, use the Acrobat Reader menus or toolbar to print the file, not the menus or toolbar in your web browser.

Click on the links in the table to go directly to a specific section of the minutes.

Senate Chair's Report	Professional Conduct Committee	Academic Programs Committee
General Education Committee	New Business	Sign-in Sheet

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Call to Order: Tom Shipka, Chair of the Academic Senate, called the meeting to order at 4:04 p.m.

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Nominations for Senate Chair and Charter & Bylaws:

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Minutes of the Previous Meeting:

Minutes of the December 7, 2005, meeting were approved as distributed. To view the minutes, go to <http://www.cc.ysu.edu/acad-senate/mindec05.htm>.

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Senate Executive Committee (SEC) / Report from the Chair / Ohio Faculty Council Report: **Dr. Shipka** reported:

As is my custom, I will consolidate my reports.

The Ohio Faculty Council last met in Columbus in December. There was a small turnout and basically those present reviewed the recent settlement by the faculty union at the University of Akron. The January meeting was cancelled to accommodate our scheduled guest who will meet with the group instead on Friday, February 10. Our guest on the 10th is Mr. Jon Husted, Speaker of the Ohio House of Representatives.

I have filed a complaint about a possible conflict of interest of Mr. Hunter Morrison, Director of the YSU Center for Urban and Regional Studies, with the Professional Conduct Committee on campus and the Ohio Ethics Commission in Columbus. When I learned that Mr. Morrison is employed by the Urban Design Center, the group that YSU hired as a consultant for the campus centennial master plan as well as a project involving the Wick Avenue corridor, I asked him for an explanation which he declined to provide. I also learned

that in his conflict of interest attestation form he indicated that he had no ties to vendors who do business with YSU.

The Labor-Management Review Panel has submitted its report and that report is available on the Senate web page in case you have not yet seen it. You will remember that I, as Senate chair, requested the creation of this panel by President Sweet to study the problems in labor relations on campus in the wake of the recent strikes and to recommend a course of action to alleviate those problems. The Panel believes that we have put our finger on the problems and their causes and outlined a workable plan to improve the labor climate significantly.

Members of the panel are Provost Herbert as chair, Jim Graham, an alumnus who is president of UAW Local 1112 at Lordstown, Dennis Haines, a university benefactor and labor attorney, John Pogue, an attorney, current university trustee, and chair of the Board of Trustees' Internal Affairs Committee, Eugenia Atkinson, an alumna, Executive Director of the Youngstown Metropolitan Housing Authority, and a former university trustee who served for eleven years, Dr. Jim Morrison, professor and chair emeritus in psychology and former Senate chair, and myself.

Our findings and recommendations were reached by consensus with unanimity or near unanimity on all issues. We met face-to-face with forty people over three months and we received written testimony from thirty others. Those with whom we met included trustees, administrators, negotiators for all sides, faculty and staff. Some written submissions were anonymous.

In our report we express a sense of urgency about the labor climate on campus, asking that the corrective actions which the panel recommends be taken quickly. That remains our hope.

Our collective judgment is that labor relations on this campus are bad and getting worse and that the administrators responsible for managing labor relations on this campus need to step aside if there is any realistic hope of reversing the trend. We also recommend that certain key union figures voluntarily step down. At this time there are 34 grievances slated for arbitration originating from the classified staff. Each arbitration costs the university between \$7,000 and \$10,000 in attorney's fees, not to mention lost staff time. Thus, the breakdown in labor relations is not only a cause of anger, mistrust, and stress, but it comes with a significant price tag. I have made available to you today a graph which tracks university payments to various law firms in recent years up to last August. The two firms which handle the lion's share of the university's labor work are Kastner, Westman & Wilkins, and Manchester Bennett. Right now YSU is a cash cow for lawyers. One recommendation of the panel is to appoint an ombudsperson to work among non-faculty employees and their supervisors to attempt to improve relationships and nip potential grievances in the bud so that we can avoid some of these expenses. This is particularly necessary in Facilities. This institution desperately needs problem-solvers, peace-makers,

and diplomats who can understand and implement win-win strategies in labor relations.

One myth about the recent negotiations is that they broke down because the trustees and the administration insisted that all employees be required to pay part of their insurance coverage. The testimony showed that the leadership of both unions expected from the outset that they would not conclude these negotiations without an insurance co-payment provision in their labor agreements. While the unions did object to the university's overall economic offer, including some concessions demanded by the administration of the faculty, they did not reject the principle of shared insurance costs.

The President and labor leaders will be tempted to piecemeal the Panel's recommendations, approving the ones they like and ignoring the ones they don't. The Panel believes that that is a sure prescription for disaster.

The fact that our employees returned to work five months ago but the faculty union and the administration have yet to sign a labor agreement and the classified staff union and the administration signed one only several weeks ago is a sign that the gap between management and labor remains very wide.

One knowledgeable witness, a long-time YSU veteran, said to the Panel: "We are in an intermission during a war." If people with the authority to take the steps that the Panel recommends fail to do so, that intermission will soon end. The Panel has done its part. The rest is up to the President, the trustees, and campus union leaders.

I will be happy to answer any questions.

[Secretary's Note: The chart of payments to law firms is contained in [Attachment 1](#).]

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[Charter & Bylaws Committee](#): No report.

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[Elections & Balloting Committee](#): No report .

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Professional Conduct Committee **Ron Chordas**, representing the Professional Conduct Committee, reported on the work of a Case Investigation Subcommittee that was formed in November 2005. A copy of Dr. Chordas' report is contained in [Attachment 2](#).

Gabriel Palmer-Fernandez: In the Ohio Revised Code, there is language regarding children. Did the committee look further into whether children can be hired? The fact that Hugh Chatman said it didn't apply doesn't mean it doesn't apply. Did the committee question the application of the policy regarding hiring children? The subcommittee might not have done its job.

Ivan Maldonado: Hugh Chatman is not an authority on law. Are you stating that the Board Policy trumps the Ohio Revised Code?

Tom Shipka: The Professional Conduct Committee conducted an investigation of this case and concluded that the hiring of relatives as student workers by a YSU full-time employee is not a violation of university policy because it is not clear that student workers are covered by YSU nepotism and conflict of interest policies. The Professional Conduct Committee recommends that university policy be amended to bring it into compliance with the Ohio Revised Code, particularly the Ethics Law. Those who believe that Ohio law has been violated in this case should file a complaint with the Ohio Ethics Commission. Information about how to do that can be accessed online. But, as I understand it, the Professional Conduct Committee's work in this case is done.

Cynthia Hirtzel: In Engineering, there are some student workers whose parents work at the University. Is that a problem?

Tom Shipka: The hiring of a child of an employee is not a problem unless the parent would be a supervisor of the student employee or unless the parent interceded to get the job for the student employee.

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Academic Programs Committee: **Sunil Ahuja**, Chair of the Academic Programs Committee, reported. A list of approved program changes is contained in [Attachment 3](#). The committee will meet again on February 15.

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General Education Committee : **Bill Jenkins**, Chair of the General Education Committee, reported. A list of newly-approved General Education courses is contained in [Attachment 4](#).

Unfinished Business: None.

New business: Gabriel Palmer-Fernandez introduced the following resolution endorsing the report of the Labor-Management Review Panel:

**RESOLUTION ENDORSING
THE REPORT OF
THE LABOR-MANAGEMENT REVIEW PANEL**

FEBRUARY 1, 2006

WHEREAS, a Labor-Management Review Panel was established in October 2005 to determine the reasons for last year's concurrent strikes by Youngstown State University's two largest employee unions and to make recommendations for improving labor relations on campus and particularly future negotiations; and

WHEREAS, the Panel was comprised of individuals whose integrity and dedication to the University are well known; and

WHEREAS, after a thorough and objective process of fact-finding and interviews, the Panel issued a report on January 12, 2006; and

WHEREAS, the labor-management climate on campus cannot reasonably be expected to improve without the full and immediate implementation of the Panel's recommendations;

NOW, THEREFORE, BE IT RESOLVED, that the Academic Senate of Youngstown State University endorses the Panel's report; and

BE IT FURTHER RESOLVED, that the Academic Senate calls for the implementation of the Panel's recommendations completely and without delay, and that this Resolution be immediately distributed to all members of YSU's Student Government Association, the Board of Trustees, and the Ohio Board of Regents.

Dr. Palmer-Fernandez moved the approval of the resolution. Motion was seconded.

Bruce Waller: I support the resolution. It is high time this is acted upon.

Cynthia Hirtzel: Should the Chancellor of the Board of Regents also be included in the list of those to whom the resolution will be distributed? **Dr. Palmer-Fernandez:** Yes, I will accept that as a friendly amendment.

Dr. Hirtzel: My only other comment is that I was somewhat concerned that names were used in the report.

Dr. Palmer-Fernandez: President Sweet is calling for campus-wide consultation as if there are still facts out there that need to be learned. However, at least 6% of the campus employees participated in this process, either by submitting written comments or providing testimony to the panel or both. That's enough to establish a high doctrine of statistical significance.

A vote was then taken on the motion to approve the resolution, as amended. Motion passed unanimously.

[Secretary's Note: The full text of the resolution, as amended, is shown below:]

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Adjournment: The Academic Senate adjourned at 4:30 p.m.

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[Print or Read a PDF File of the February Sign-in Sheet](#)

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For further information, e-mail [Bob Hogue](#) .

Special Counsel Fiscal Year Expenditures

Law Firm	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2005 (AG Approved)	FY 2005 (Budgeted)	FY 2006 (Partial August)	FY 2006 (AG Approved)	FY 2006 (Budgeted)
Amer Cunningham	0.00	80,751.77	60,973.34	17,500.00	2,169.24	5,000.00		3,367.00	5,000.00	5,000.00
Baker & Hostetler	1,271.34	1,804.63	3,685.91	3,369.83	1,768.67	5,000.00		30.00	5,000.00	2,500.00
Brennan, Manna & Diamond	0.00	0.00	1,462.50	25,000.00	3,870.70	60,000.00		0.00	60,000.00	10,000.00
Brouse McDowell	61,025.65	16,495.18	72,633.60	19,287.50	0.00	0.00		0.00	0.00	0.00
Buckingham Doolittle	175,471.27	100,000.00	291,450.58	58,167.68	5,267.77	25,000.00		437.50	25,000.00	15,000.00
Dobbins & Henshaw	0.00	0.00	3,037.50	375.00	162.50	5,000.00		1,575.00	30,000.00	20,000.00
Kastner, Westman & Wilkins	4,918.66	36,535.25	65,565.07	62,448.02	89,785.01	100,000.00		40,653.15	125,000.00	70,000.00
Manchester Bennett	129,253.60	75,091.35	79,345.76	99,005.94	91,573.93	100,000.00		19,147.60	125,000.00	70,000.00
Perez & Morris	10,765.85	6,116.96	22,793.93	35,000.00	17,158.01	35,000.00		7,682.26	35,000.00	17,000.00
Renner Kenner	3,882.60	4,072.21	677.30	0.00	0.00	0.00		0.00	0.00	0.00
Roetzel & Andress	0.00	0.00	9,179.05	29,248.22	24,123.90	75,000.00		0.00	20,000.00	10,000.00
Shihab & Associates	0.00	0.00	0.00	2,369.50	0.00	2,000.00		0.00	0.00	0.00
Squire, Sanders & Dempsey	1,072.01	0.00	0.00	0.00	0.00	0.00		0.00	0.00	0.00
Ulmer & Berne	0.00	0.00	0.00	0.00	0.00	10,000.00		0.00	10,000.00	5,000.00
Vorys, Sater, Seymour & Pease	0.00	0.00	0.00	0.00	93.75	10,000.00		(June) 93.75 62.50	10,000.00	5,000.00
TOTALS	387,660.98	320,867.35	610,804.54	351,771.69	235,973.48	412,000.00	380,000.00	73,048.76	525,000.00	259,500.00 <i>original budgeted</i> 280,000.00

Case Investigation Subcommittee
Professional Misconduct

Summary of Findings

In late November of 2005 a Subcommittee of the Committee on Professional Misconduct was formed to investigate a series of complaints alleged by Dr. Gabriel Palmer-Fernandez against Ms. Julie Sharrow and Dr. William Beisel of the YSU Metro College. A parallel investigation of these complaints as they relate to the Ohio Revised Code was conducted by General Counsel. Committee members included Joseph Edwards, Judith Gaines (Chair), Steve Lucivjansky, Kenneth Miller and Joseph Mosca.

The Committee met four times. Relevant documents were reviewed and individuals believed to have information related to the case were interviewed. Individuals interviewed included Dr. William Beisel, Hubert Chatman, Melvin North, Dr. Gabriel Palmer-Fernandez, Julie Sharrow and Meredith Young.

Of the twelve specific complaints, nine were not supported by the facts collected in both the document review and interviews. Three, however, did reflect poor judgement on the part of Ms. Sharrow and a questionable pattern of hiring practices related to student employees. Specifically, Ms. Sharrow did recommend for hire her niece, Ms. Kristin Leininger. She also served as her immediate supervisor for approximately six weeks. Further, Ms. Sharrow took a major role in the development of a position description for which she knew her daughter would be a candidate.

That these facts are characterized by the Subcommittee as errors in judgement rather than professional misconduct is directly related to one of the central issues in our recommendations. There is considerable confusion as to whether University Guidebook Policies on Conflict of Interest and Nepotism apply to student employees. This is highlighted by the fact that Dr. Beisel questioned the Executive Director of Human Resources about the applicability of these policies to students and was told that they did not apply.

Following are the recommendations of the Subcommittee, subsequently supported by the Committee on Professional Misconduct.

- Both University Guidebook Policies, 7001.01 and 7013.01 should be reviewed and revised. A determination needs to be made as to whether these policies apply to students and that decision needs to be explicit within the policy.
- Both should specifically state the inclusion of student employees.
- In 7013.01 the definition of “relative” should mirror that of the ethics laws within the Ohio Revised Code.
- In 7013.01, under “Parameters,” bullet four, the categories of “professional associate” and “friend” need to be defined or changed to mirror the language in the Ohio Revised Code.
- There is an annually circulated document related to Student Employment Policies. This document needs to explicitly address issues related to nepotism, conflicts of interest and hiring procedures of student employees.
- While the Subcommittee believes poor judgment was exercised, we do not believe there was unethical behavior in the actions charged. We recommend that no further action be taken.

COVER SHEET TO BE ATTACHED TO ALL REPORTS SUBMITTED TO THE ACADEMIC SENATE

Date January 23, 2006 Report Number (For Senate Use Only) _____

Name of Committee Submitting Report Academic Programs Committee

Committee Status: (elected chartered, appointed chartered, ad hoc, etc.)

Appointed Chartered

Names of Committee Members: 2005-2006 members are Sunil Ahuja (chair), Kathy Akpom, Lauren Cummins, Maria Delost, Jeanette Garr, Marla Mayerson, Joseph Palardy, Bill Vendemia, Jim Ritter (academic advisor), Bege Bowers (ex officio), Jim Mike (ex officio), Teresa Riley (ex officio, UCC chair), Chad Miller (student).

Please write a brief summary of the report the Committee is submitting to the Senate:

The following six proposals have been approved by the committee. These proposals were circulated. There was an objection to one proposal, but that issue has been resolved. These are being reported for informational purposes only.

- APD#037P-05 – *Bachelor of Science in Education Degree: Early Childhood Education License P-3* – CHANGE – Education.
- APD#043M-05 – *Computer Databases* – CHANGE – Computer Science and Information Systems.
- APD#045M-05 – *Electronic Commerce Technologies* – CHANGE – Computer Science and Information Systems.
- APD#048P-05 – *Post Baccalaureate – Computer Databases* – CHANGE – Computer Science and Information Systems.
- APD#049P-05 – *Post Baccalaureate – Electronic Commerce Technology* – CHANGE – Computer Science and Information Systems.
- APD#053P-05 – *Information Technology – Database Option* – CHANGE – Computer Science and Information Systems.

Do you anticipate making a formal motion relative to the report? _____ No _____

If so, state the motion: _____

If substantive changes in your committee recommendation are made from the floor, would the committee prefer that the matter be sent back to committee for further consideration? _____ Yes _____

Other relevant data: _____

Sunil Ahuja, Chair

COVER SHEET TO BE ATTACHED TO ALL REPORTS SUBMITTED TO THE ACADEMIC SENATE

Date January 19, 2006 Report Number (For Senate Use Only) _____

Name of Committee Submitting Report General Education Committee

Committee Status: (elected chartered, appointed chartered, ad hoc, etc.)

Names of Committee Members Sracic, Feld, Kasuganti, Sarro, Sweeney, Munro, Gergits, Lovelace-Cameron, Riley, White, Crist, Jenkins, Miller (ad hoc)

Please write a brief summary of the report the Committee is submitting to the Senate: _____

GEC is appending a list of certified courses that have cleared the circulation process without objection.
See Appendix .

Do you anticipate making a formal motion relative to the report? No
If so, state the motion: _____

If substantive changes in your committee recommendation are made from the floor, would the committee prefer that the matter be sent back to committee for further consideration? _____

Other relevant data: _____

William D. Jenkins
Chair

APPENDIX

Certified General Education Courses

The following courses have been certified and circulated for ten days without objection. They are being appended to the Senate Agenda as an indication of their certification as general education courses.

Artistic and Literary Perspectives

990501 – MUSH 2622, Popular Music in America

Personal and Social Responsibility

990503 – PSYCH 2692, Human Sexuality

Writing Intensive

990497 – MGT 4881, Project Management

YSU ACADEMIC SENATE ATTENDANCE ROSTER — February 1, 2006

Arts and Sciences

Departmental (2004-06)

Joseph Palardy, Economics
 Diane Barnes, History
 Bill Buckler, Geography
 Iole Checcone, Foreign Lang.
 Diana Fagan, Biology
 William Rick Fry, Psychology
 Tom Oder, Physics & Astronomy

Departmental (2005-07)

Tim Wagner, Chemistry
 A.L. Alina Lazar, CSIS
 Suzanne Diamond, English
 Isam Amin, Geol./Env. Studies
 Jamal Tartir, Mathematics & Stat.
 Bruce Waller, Phil/Rel. Studies
 Keith Lepak, Political Science
 Paul Gordiejew, Sociol. & Anthr.

At Large

Chet Cooper, Biology
 Diana Fagan, Biology
 Gary Walker, Biology
 Daryl Mincey, Chemistry
 Rick Shale, English
 Sandra Stephan, English
 Jeffrey Dick, Geology
 Annette Burden, Mathematics
 Gabriel Palmer-Fernandez, Phil/Rel.
 Tom Shipka, Phil/Rel. Studies

Business Administration

At Large, continued

Bill Vendemia, Management
 Jane Reid, Marketing

Departmental

Bissen Karpak, Management (04-06)
 Ray Shaffer, Acctg & Fin. (04-06)
 Mark Toncar, Marketing (05-07)

At Large

Ram Kasuganti, Management
 Sheen Liu, Acctng. & Finance
 Clem Psenicka, Management

Education

At Large, continued

Sylvia Imler, Teacher Ed.
 Paul Carr, EARF

Departmental

Janet Williams, Teacher Ed. (04-06)
 Donald Martin, Counseling (04-06)
 Richard Baringer, Ed. Adm. (04-06)

At Large

Sally Lewis, Teacher Ed.
 Dora Bailey, Teacher Ed.
 Regina Rees, Teacher Ed.

Engineering and Technology

Departmental

Irfan Khan, Civ/Env/Chem (04-06)
 Dan Laird, Technology (04-06)
 John George

Departmental (continued)

Philip Munro, ECE (04-06)
 Elvin Shields, Mech/Ind. (04-06)

At Large

Doug Price, Civ/Env/Chem
 Salvatore Pansino, ECE
 John George, Technology

Fine and Performing Arts

At Large (continued)

Dan O'Neill, Commun/Theater
 Darla Funk, Music
 Allan Mosher, Music

Departmental

Michelle Nelson, Art (04-06)
 Frank Castronovo, Comm. (04-06)
 Till Meyn, Music (04-06)

At Large

Kelli Connell, Art
 Marla Mayerson, Art
 Dennis Henneman, Commun/Theater
 John Murphy, Commun/Theater

Health and Human Services

Departmental

Kathlynn Feld, Hlth Prof. (04-06)
 C. Onwudiewe, Crim. Just. (05-07)
 Bonnie Laing, Social Work (05-07)
 Cathy Bieber Parrott, Ph.Th. (05-07)

Departmental (continued)

John Neville, HPES, (04-06)
 Louise Pavia, Human Ecol. (04-06)
 Susan Lisko, Nursing (05-07)

At Large

Kim Serroka, Nursing
 Nancy Landgraff, Physical Therapy
 Ken Learman, Physical Therapy
 Elaine Greaves, Criminal Justice
 Carol Hawkins, Human Ecology

Administration (15)

Cynthia Anderson
 Jonelle Beatrice
 Bege Bowers
 Bill Countryman

Joseph Edwards
 Philip Ginnetti
 Robert Herbert
 Cynthia Hirtzel
 Peter Kasvinsky
 Ikram Khawaja
 Paul Kobulnicky
 Betty Jo Licata

Thomas Maraffa
 Tod Porter
 John Yemma

Students

School / College

Sherman Miles, A&S
 Jaclyn Elias, Education
 Joe Gintert, E&T
 Andie Bok, F&PA
 Dana Broomes, HHS
 Albert Morar, WCBA
 (vacant), Graduate Studies

Student Government

Bob McGovern, President
 Amanda Mielke, 1st VP
 Joe Iesue, 2nd VP

At Large (5)

Nicole Cunningham
 Justin Truitt
 Josh Taylor
 Louise Popio
 Chad Miller