Senate Meeting  
March 10, 2011  
Minutes

1. **Approval of the Minutes.** The minutes of the February 10 senate meeting were approved. Minutes of the Special Meeting of the Faculty Senate, February 24, 2011, will be reviewed at the April Senate meeting.

2. **Report of the Faculty Chair, Richard Harknett**
   Chair Harknett welcomed everyone to the meeting, including the gallery in attendance. The Chair opened discussion of his report, which was submitted earlier. The text of the report can be found on the Faculty Senate website. Chair Harknett expanded on the role of the newly formed Ad Hoc Committee of the Faculty Senate on Deregulation, Autonomy, and Internal Restructuring (DAIR). He underscored that the role of the committee is investigative, not to provide an endorsement of any idea or plan. The report of the committee will be on the agenda at the All-Faculty meeting in May. Frank Wray serves as committee Chair. Other committee members include: Steve Mockabee, Janine Hartman, Jennifer Krivickas, Jeff Bauer, Pamela Heaton, Sidney Barton, and Alex Lentsch. Chair Harknett expressed appreciation for this willingness to serve on this committee. The Chair emphasized, relative to the university budget situation, that the Budget and Priorities Committee will continue to report out as it is important to provide budget information for FY12. A reminder was provided that the April Senate meeting will take place at Clermont College and the fall meeting will take place at Raymond Walters College.

3. **Report of the President of the University of Cincinnati, Gregory Williams**
   Karen Faaborg, Executive Vice President, provided the report as President Williams was unable to attend the meeting due to a scheduling conflict with another meeting away from Cincinnati. Karen Faaborg, on behalf of the President, communicated that the President is sorry that he is unable to be at the Senate meeting. There are two meetings per year for the Big East Presidents, and it is important for him to represent UC. Unfortunately this meeting, on the President’s calendar for a year, coincides with this Senate meeting.
   Vice President Faaborg anticipated that the Senate would question whether the President wants to do away with collective bargaining. In this matter, she referenced President Williams’ letter to John Kasich indicating the President’s interest in Charter universities. President Williams realized that he had to clarify beyond the list reflected in the letter to Governor Kasich, and this clarification was outlined in his letter to Richard Harknett. He explained in this letter that he is not against collective bargaining. This was one of several regulatory instruments identified in the letter to the Governor-elect. Vice President Faaborg underscored the importance of the President’s relationship with the new Governor, and the delicacy of the situation. Most IUC Presidents are neutral on SBS. Bruce Johnson, Head of the IUC, offered the amendment to SBS, which classifies faculty as managers. She indicated that the IUC Presidents did not ask Mr. Johnson to make that amendment. President Williams is trying to get some regulatory relief for UC, especially in regards to construction and capital projects. Bob Ambach has estimated that there would be 20-30% savings on capital projects. The President is pleased that the Senate committee will work with him on the regulatory issues.
Collective bargaining is just one issue on the list. President Williams is not sure about charter universities, as not much is known, and looks forward to exploring the issues relating to this with the faculty. Vice President Faaborg underscored that President Williams believes in the principles of shared governance and wants to preserve that in its entirety. The President will not do anything that might undermine recruiting and retaining the best faculty. Vice President Faaborg stated that regardless of what happens in Columbus, we will keep wages, benefits, shared governance principles, academic freedom, and high academic values.
Vice President Faaborg then opened the discussion to questions from Senators. The following questions and comments were put forward by Senators:

Academic freedom can easily be lost without the AAUP. What would happen to tenure?
The President needs to say what he believes in, what he thinks of his faculty, in the public press.

*Vice President Faaborg responded that she was sure that he will, in the right time.*

Why was there a need for him to send a letter to the Governor-elect?

*Vice President Faaborg responded that the letter was not an endorsement of charter universities.*

Are there alternatives to charter? Recent articles describe alternatives at other universities, such as Oregon.

*Vice President Faaborg responded that the President has seen these articles. Charter is not the only possibility. The Senate Ad Hoc Committee can be helpful with research on this.*

The letter has caused suspicion. We are expecting to hear from the President, and we are extending goodwill.

When will we hear from the President himself, about his intentions?

*Vice President Faaborg responded that she thinks that it will be soon.*

Why couldn’t the President be videoconferenced in to this meeting?

4. **Discussion of Distributed Reports of Standing Committees/All University Committees**
   There was no discussion.

5. **New Business**
   **Discussion of SBS’s implications for faculty governance**
Chair Harknett referenced the Special Meeting of the Faculty Senate on February 24, and extended his thanks to the Senate for moving swiftly on the issue. There was not the time, however, to discuss the specific amendment regarding the classification of faculty as managers in that meeting. The view of the Senate Cabinet on this amendment was that all university faculty would be affected in that they would be ineligible for collective bargaining.

Chair Harknett then opened the discussion to any Senators that wished to make comments, given that the amendment came after the meeting on February 24. The following questions and comments were put forward by Senators:

What is the timeline for SBS and a potential referendum?
Chair Harknett responded that if legislation is signed into law before April 1, and if there was a determination to use the veto referendum process, the law would not go into effect if the required signatures were obtained over a 90 day period. The law would be held in abeyance, then another 90 day window to then have the veto on the November 11 ballot. If the bill is signed into law after April 1, a referendum would have to occur in November 2012. Chair Harknett underscored the important work of the DAIR Committee to investigate regulatory issues regardless of SB5.

Chair Harknett then asked the Senate for unanimous consent to allow for public comment. There was unanimous consent. The Chair then recognized members of the public and colleagues from the gallery. The following questions and comments were put forward by members of the public:

There was a question about the distribution of the letter sent by President Williams to Richard Harknett.

Chair Harknett clarified the distribution of the letter. It was sent by email to all faculty on March 10. President Williams’ letter to Richard Harknett indicates no support of collective bargaining.

There are some Supreme Court issues regarding SB5.

John Cuppoletti added that Senator Grennel has written a letter with concerns regarding constitutionality.

A concern was expressed regarding deregulation and lack of disclosure. Anything can be done. Please relay to President Williams the grave concerns of untenured faculty. Untenured faculty may look elsewhere if the future of tenure is unsure. This would take away the ability to attract faculty.

Vice President Faaborg responded that tenure and leaves would be maintained. The President does not want to take away from the good working relationship with the faculty.

There was a concern expressed that if the IUC does not speak for us, our President needs to do this. His leadership is needed right now.

People outside the university seem to be denigrating the role of the faculty. If the President does not say he believes in the work of the faculty, what he says or does not say carries weight.

6. **Report of the President of the AAUP**

John McNay conveyed appreciation to the Faculty Senate for the passing of the resolution in opposition to SB5. In his report, he outlined many impacts of SB5 that would affect all faculty. Under SB5, all raises would be merit. Health care costs would increase drastically. The RPT process would be gone, as well as minimum salary standards, sabbaticals, faculty development monies, safeguards for academic freedom, and grievance procedures. The AAUP is part of a coalition building process with other labor groups. The faculty are concerned about what will happen to our students and other union people at the university. The latest version of SB5 is even worse than the first version.

John McNay called for a clear statement from President Williams that he rejects the language of SB5 and this attempt to eliminate the AAUP. The Faculty Senate was commended for the formation of the committee to investigate the matter of charter universities.

The text of John McNay’s comments is included as part of the minutes of the meeting.

7. **Report of the Graduate Student Government Association President**

There was no further discussion of the submitted report.
8. **Report of the Student Government Association President**
   There was no further discussion of the submitted report.

9. **Provost Input Session**
   Although there had been advance questions formed for the basis of this discussion, Provost Ono deferred this discussion in order to continue the conversation of important matters from the earlier agenda items. Provost Ono stated that he values the faculty and staff, and that they are at the core of the university’s mission, and is sure that President Williams would say the same.

   Provost Ono commented that it is his belief that unions have played a very important role in the advancement of the country.

   John Cuppoletti asked how the Provost would envision what the university would be like without tenure or a grievance process. The Provost stated that faculty and staff are at the core of the university mission. Vice President Karen Faaborg stated that President Williams will preserve tenure, and that the President wants UC to be an AAU member institution. Provost Ono indicated that while issues will be decided in Columbus, that we have to come together as a community and be committed to working together in challenging times.

   When asked how many AAU institutions have unions, the Provost responded that few have unions. When asked how many AAU institutions are public versus private, the Provost indicated that is about an even split.

   Judith Feinberg brought forward several issues of concern from the College of Medicine. She indicated that the COM provides an example of what would happen without collective bargaining. COM faculty members have concerns, and have less protection than other faculty. Salaries are a concern. Most of the salaries in the Department of Medicine are below the median. The provost indicted that he was aware of these challenges and he is committed to working with COM faculty.

   There was a suggestion that there be a discussion of what the terms “tenure” and “salary increases” would mean in the future. The Provost stated that he would be glad to continue the conversations on the meaning of these terms in future Senate meetings.

   Chair Harknett commented on the Provost’s initiative to institutionally recognize tenure. The Senate Planning Committee will be presenting a proposal on this soon.

   Provost Ono concluded that he is committed to having conversations and honest dialogue with the faculty.

10. **Announcements**
    Chair Harknett thanked the Senate and members of the gallery. The Chair provided a reminder that the April Senate meeting will be at Clermont College.

11. **Adjournment.** Motion to adjourn: The motion to adjourn the March meeting of the Faculty Senate carried.

   Respectfully submitted by: Arlene Johnson, Secretary of the Faculty Senate
AAUP REPORT of Chapter President John McNay’s comments to the Faculty Senate
March 10, 2011

We, as a faculty, are facing extraordinary challenges these days. The ground seems to be shifting under our feet. All the things that we have worked so hard on for so many years is under attack by — let’s be blunt — the radical and extremist policies endorsed by Gov. Kasich and pushed by his allies. I’m very pleased that the UC Faculty Senate has voted to approve a resolution that opposed Senate Bill 5 (SB5), because it’s bad for our students and generally bad for Ohio: without a collective bargaining agreement, it will be very difficult, or impossible, for faculty to have a real voice in key decisions that ensure quality research and education. Salaries that make us competitive in the marketplace; good, affordable health insurance benefits; retirement contributions; an RPT system that gives faculty with expertise in their disciplines a significant role in crucial decisions; paid sabbaticals, which are key to production of research and publications; a grievance process that provides true safeguards for academic freedom .... all of these things and more could be at risk without the bulwark of a collective bargaining agreement.

All twenty-one AAUP chapters across the state have joined together with unions and community organizations in a broad coalition to oppose SB5. Never has organized labor and community groups opposed to the destruction of public services and decent-paying jobs been so united. Our AAUP leaders have found that we have allies we didn’t know we had in other unions, in working people who see value in university faculty and the work we do.

The Budget “Deficit”
Its proponents claim SB5 is needed to “fix the budget.” But let’s also be honest about why we are really here, arguing today in Ohio about SB5. Certainly, the collapse of the U.S. economy has generated job losses and business failures in Ohio that have cut into tax revenues. But the story is more complicated than that. Led by Gov. Bob Taft in 2005, the state legislature instituted a five-year series of cuts to the state income tax totaling 22 percent. The result of this has been a huge windfall in tax breaks to the wealthiest Ohioans. The individuals in the top 10 percent of the tax bracket in Ohio are now paying at least $7,000 a year less in taxes, while the bottom 10 percent — the poorest citizens of our state — are paying only about $20 a year less in taxes.

While Gov. Strickland had postponed that last piece of the tax cuts, the proponents of SB5 have already put in place in January 2011 — in the midst of what they claim is a terrible budget crisis — the last 4.2 percent cut in the income tax. This now costs the state about $2 billion a year in lost revenue. The accumulated impact of this disappearing revenue over the last several years is obvious. And there’s no evidence it’s produced any jobs or even blunted the impact of the recession.

So, what we have is this: a big chunk of the state budget deficit has been manufactured by specific tax policies voted on in 2005, and the rest, by a recession almost entirely created by illegal and irresponsible behavior on Wall Street. It is therefore utter nonsense for those who voted for that tax policy to now blame public employees and union contracts for the problem. It has become clear over the last few weeks that here in Ohio, in Wisconsin, and in other states, what is really going on here is not a battle about fixing the budget — it’s about political power.
Turning Professors into “Managers”
As destructive as SB5 was as originally proposed, the amended version that passed by a 17-16 vote (with 7 Republicans voting “no”) in the Ohio Senate is even worse for UC’s faculty. It includes what is known as “Yeshiva language,” which “presto-changol!” makes a manager out of any professor who does that part of our required service duties in which we make decisions on curriculum, recommendations and decisions on faculty hires, RPT recommendations, or even serve on the Faculty Senate.

Imagine our shock to find that this “Yeshiva language” was inserted into the final version of SB5 at the specific request of Bruce Johnson, president of the Inter-University Council and who purports to speak for all Ohio public university presidents. What we need from President Williams now is a clear statement that he rejects the Yeshiva language and this attempt to eliminate the AAUP’s bargaining agency role. We need him to disassociate himself from the radically destructive approach of the IUC’s Mr. Johnson.

When the AAUP’s state-level executive director in Columbus was informing the other union leaders about this specific attack on the faculty unions, they were puzzled and one even asked her, “Why do they hate the professors so much?” (This is a verbatim quote.) To say that we, too, are puzzled, surely doesn’t go far enough.

“Charter Universities” — A Trojan Horse?
This brings us to another issue. We all have heard about the ideas being floated in the state about turning many of our institutions of higher education into “charter” universities, another idea being heavily promoted by Bruce Johnson and Gov. Kasich. This is uncharted territory. No one knows exactly what the term means, but frankly, many of us in the midst of this battle fear it is a Trojan Horse that basically means “privatization” of one of Ohio’s greatest resources, its public universities. Over the past 20-25 years, states have cut support for higher education so much that some undoubtedly feel now is the time to simply give up and sell off this precious asset. I say that now is the time to face the music, and turn that trend around.

I was pleased to hear from Faculty Senate President Harknett and other senators that they have created a committee to carefully examine this idea and what it might mean. Although the seating of this committee was represented in the Columbus Dispatch recently as the UC faculty being so interested (i.e., supportive of) the idea that the committee is now “exploring the possibilities,” Professor Harknett and other senators have assured me that this committee’s task is to research the idea, not give an endorsement of what is right now, at best, a fuzzy concept.

I’ve seen the heavily nuanced letter that President Williams provided to the Faculty Senate explaining his positive comments on the charter concept, saying it was not meant to be an attack on collective bargaining or the AAUP.

It was good to see that letter, but it is not enough. Unlike President Williams, I and many other faculty do believe “charters” are a step — and perhaps a big step — toward privatization. Public universities, collective bargaining, and specifically the AAUP at UC are now receiving body blows from forces in Ohio that want to see all unions eliminated and have a long history of support for privatization. Now is not the time for nuanced argument.
Standing Up for Ohio’s Future
This is not just about us, the faculty. This is a much larger issue of social justice. SB5 is an attack on Ohio’s middle class because, especially among the working and middle classes, even those who are not union members have their pay, benefits, and work conditions influenced by the union standard. Without that last guardrail, we will truly be in a race to the bottom, with no emergency off ramps in sight. No University Administration should be actively participating in further eroding the standard of living of our staff, which have already seen wage and benefits erosion and layoffs for years now — paying the price for poor management decisions made during the “building boom” years in the 1990s and 2000s.

We believe public university presidents and public universities should be a force for positive change in society. Every day, we as faculty change lives for the better at this great university because we care about our students. On Monday (March 7th), Wright State’s president, David R. Hopkins, sent his campus an e-mail that said, “I was raised in a union family and, as president and provost, have found our union leadership to be of the highest quality. I appreciate all they have brought to us, and I believe we are a stronger institution because of their dedicated commitment to their membership.” This is the kind of leadership we want from our UC Administration.

We have all been pleased that the difficult days of the Steger years have been replaced by an increasing sense of trust and mutual respect between the Administration and the faculty. We want that to continue, but see it as badly threatened by these events. When all this is over, faculty will want to remember that the Administration was on the right side of this battle.

Taking It to the Ballot Box
The extremist proponents of SB5 seem to have a firm hold on the leadership of the House and Senate, even if they are small in numbers — we’ve already seen that 7 Senate Republicans voted against SB5 and word is that a number of House Republicans are uneasy. Nevertheless, it’s quite possible SB5 will be passed in a House vote eventually. If it comes to that, all recent polls give us reason to have confidence that SB5 will be rejected by the voters in a state-wide referendum. If it comes to that, I hope UC faculty will joint in the push to get voters to the ballot to ensure our right to have a seat at the bargaining table and a voice in maintaining excellence at UC.