

THE UNIVERSITY OF AKRON



OFFICE OF THE PRESIDENT

GARY L. MILLER
PRESIDENT

April 19, 2021

VIA ELECTRONIC MAIL

Gregory F. Scholtz, Ph.D.
Director, Department of Academic Freedom, Tenure, and Governance
American Association of University Professors
1133 19th Street NW, Suite 200
Washington, DC 20036

RE: Joint Response from The University of Akron & The University Akron Chapter- AAUP to the Draft Special Report: COVID-19 and Academic Governance by the AAUP's Committee on College and University Governance

Dear Dr. Scholtz:

We are writing to update you on some significant developments at The University of Akron that bear on the contents of the draft Special Report: COVID-19 and Academic Governance by the AAUP's Committee on College and University Governance. These developments pertain to financial transparency; the process for academic reorganization; the processes for academic program review, resource allocation, and program elimination; and the promulgation of faculty workload policies for academic units within the University.

In late February 2021, the University and The University of Akron Chapter of the AAUP ("the Chapter") successfully concluded negotiations on a new, six-year collective bargaining agreement. (That agreement subsequently was ratified by the Chapter's membership and by the University's Board of Trustees.) The University and the Chapter also agreed to negotiate a Memorandum of Understanding (MOU) on shared governance to address some of the issues that were identified in the AAUP staff's October 7, 2021 letter to UA President Gary Miller. Negotiations about the MOU successfully concluded on April 2, 2021. A copy of the MOU is attached. Its provisions are summarized below.

Financial Transparency

Representatives of the University and the Chapter will meet quarterly to discuss the University's finances and budget modeling. The University's representatives will provide the Chapter's representatives with the same information about the University's financial condition that is provided to the University's Board of Trustees, along with supporting data reasonably requested by the Chapter's representatives. This process is intended to keep the Chapter well informed about the financial health of the University.

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Investment in Academic Programs

A regular and transparent process is to be established whereby faculty proposals (as well as those from the Administration) for investment in existing or new academic programs will be considered and evaluated by a standing committee of the University's Faculty Senate, with assistance from the University's Office of Academic Affairs. The committee will make recommendations about these proposals to the Faculty Senate, which in turn will make recommendations to the President of the University for consideration in the annual budgeting process.

Program Review Process

Regular academic program reviews will be conducted by a standing committee of the Faculty Senate, which will make recommendations to the Senate. The Senate will, in turn, make recommendations to the President of the University.

As part of the academic program review process, the faculty and administrators associated with each program will be provided with clear feedback on its status for the purpose of providing guidance and support and promoting continuous improvement. Programs will be rated as either satisfactory (thus no review required for five years), requiring interim review, or underperforming. Programs that are underperforming or that are adversely affected by changes in accreditation or licensure standards will be given detailed guidance about how they can improve or meet the challenges posed by the changes in those standards and, if appropriate, will be provided with support by the Administration. These programs will be reviewed on an accelerated schedule.

Programs will not be terminated except as a result of this review process, which ordinarily would not occur until the fifth year after a regular review identifies deficiencies that could, if not corrected, warrant elimination of the program. In rare and compelling circumstances, a program may be terminated more rapidly if enrollment trends or financial data indicate that program recovery is not feasible, or if efforts to correct programmatic issues either failed or were not initiated within a reasonable period of time; but, in no event, will a program be terminated less than two years after a review identifying deficiencies that, if not remedied, could result in program termination.

Process for Reorganizing Academic Units

The MOU prescribes in detail the process by which the faculty are to be consulted and make recommendations concerning the reorganization or renaming of academic units. This process includes votes on the part of the faculty of the affected units, an evaluation of the proposal by a standing committee of the Faculty Senate, which then makes a recommendation to the Faculty Senate. The Faculty Senate, in turn, makes a recommendation to the President of the University.

Faculty Workload Policies

In accordance with the University's existing rule on faculty workloads, deans will establish and clearly communicate to the faculty of each of their respective college's departments or schools the proportions of teaching, research, and service expected of the unit as a whole. If those proportions are changed, the unit will be given a reasonable time to implement the change. Each unit will develop a policy for determining the workload of its individual faculty members, which will be submitted to the dean of the college for approval. The MOU prescribes a schedule for the development or modification of those policies, and for their approval by the dean and the Office of Academic Affairs.

We believe this MOU represents a good-faith effort to set the University on the right course to make the progress that is needed in order for the University to meet its current challenges, which we believe can only be achieved through meaningful shared governance. We believe that the collaborative approach we have taken to addressing the above issues lays the groundwork for further improvements in shared governance on our campus. As the original reasons for the AAUP's investigation of the University that are addressed in the MOU no longer exist, we request that the draft Special Report: COVID-19 and Academic Governance by the AAUP's Committee on College and University Governance be updated to reflect these developments and that the Council take these developments into account when it meets to discuss the report. The University further requests that the Council take no action adverse to the University; the Chapter does not oppose this request.

Factual Corrections to Draft Report

In addition, we ask that the following corrections be made to the draft report:

- P. 2, lines 14-17 (“When the hoped-for cost savings failed to materialize...”): The reduction in force was unrelated to any failure of the reorganization to achieve savings. There was no time for any such savings to materialize before the reduction in force was enacted.
- P. 2, lines 19-20 (“...as part of proposed mid-term modifications to the current collective bargaining agreement.”): The reduction in force was enacted by the Board of Trustees independently of proposed mid-term modifications of the collective bargaining agreement.
- P. 3, lines 20-21 (“...none of the affected faculty members were afforded any due process protections”): To make this statement accurate, the phrase “before their positions were eliminated” should be inserted immediately after “due process protections.” Most of the affected faculty members were afforded post-termination hearings and statements of reasons pursuant to Grievance 2020-03 brought by the Chapter.

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- P. 4, line 21: (“Mr. George S. Crisci at the firm of Zashini and Rich”): The name of the law firm is Zashin and Rich.

Thank you for considering these joint comments and corrections of fact.

Sincerely,

THE UNIVERSITY OF AKRON



Gary L. Miller
President

AKRON-AAUP



Pamela A. Schulze
President

Attachment: Memorandum of Understanding – Shared Governance