

EXHIBIT 2

THE UNIVERSITY OF AKRON

RESOLUTION 7-7-20

Approval to Abolish Bargaining Unit Faculty Positions

WHEREAS, On January 30, 2020, the International Health Regulations Emergency Committee of the World Health Organization (WHO) declared the outbreak of COVID-19 a public health emergency of international concern, and on January 31, 2020, the United States Health and Human Services Secretary declared a public health emergency for the United States; and

WHEREAS, On March 9, 2020, Governor Mike DeWine issued executive order 2020-01D, declaring a State of Emergency to protect the well-being of Ohio citizens from the dangerous effects of COVID-19 and to coordinate the state response to COVID-19; and

WHEREAS, On March 11, 2020, the WHO declared COVID-19 a global pandemic and on March 13, 2020, the President of the United States declared a National Emergency concerning the COVID-19 outbreak; and

WHEREAS, On May 5, 2020, Governor Mike DeWine announced significant cuts to the Ohio Department of Higher Education's fiscal year 2020 budget for the state's public colleges and universities; and

WHEREAS, As a result of the reduction in state funding for fiscal year 2020, as well as the projected reduction in state funding for fiscal year 2021 and other financial losses resulting from the COVID-19 pandemic, The University of Akron, (the "University") projected a revenue shortfall of approximately \$65 million for fiscal year 2021; and

WHEREAS, In an effort to offset a portion of the projected shortfall, the University has announced plans to reduce the administrative organization of the institution through a consolidation of the current eleven (11) college structure into five (5) academic colleges and by significantly reducing all academic and non-academic departmental budgets, including Athletics, by an average of twenty percent (20%) with reductions issued strategically and in a differential manner; and

WHEREAS, University President Gary L. Miller and all senior administrators, including the Provost, Cabinet members, and those with the title of Vice President or Dean, voluntarily have agreed to temporarily reduce their annual base wages by ten percent (10%), and the four highest compensated athletic head coaches voluntarily have agreed to temporarily reduce their annual base wages by ten or twenty percent (10% or 20%), effective July 1, 2020, through June 30, 2021; and

WHEREAS, This Board approved a resolution on May 29, 2020, authorizing the University administration to temporarily reduce the annual base wages of all non-bargaining unit staff and contract professionals, including those in the Department of Athletics, hired before April 1, 2020, and earning \$50,000 or more per year, who are not subject to an individual employment agreement, effective July 1, 2020, through June 30, 2021; and

WHEREAS, This Board approved a resolution on May 29, 2020, increasing the percentage of contribution to the health plan annual premium effective January 1, 2021, for all non-bargaining unit employees not having faculty rank, who earn more than \$50,000 per year; and

WHEREAS, This Board approved two resolutions on June 10, 2020, temporarily reducing the annual base wages, effective July 1, 2020, through June 30, 2021, and increasing the health care premiums effective January 1, 2021, for all non-bargaining unit faculty and academic administrators with faculty rank, hired before April 1, 2020, and earning \$50,000 or more per year; and

WHEREAS, On June 10, 2020, this Board also approved a resolution granting temporary spending authority for the General Fund, combined auxiliary funds, and combined sales funds budgets for July and August 2020, to allow time to develop a complete budget for fiscal year 2020-2021 as the details of the University's financial situation are clarified; and

WHEREAS, As part of developing the fiscal year 2020-2021 budget, the University administration has undertaken a review of its current bargaining unit faculty positions and has determined that 96 positions should be abolished due to a lack of continued need for the positions, including but not limited to the following reasons: (1) as a result of a reorganization for the efficient operation of the University; and/or (2) reasons of economy; (the list of the affected positions is attached to this resolution as Exhibit A); and

WHEREAS, Ohio Revised Code Section 3359.03 and Ohio Administrative Code Section 3359-1-01 vest authority in The University of Akron Board of Trustees to “. . . employ, fix the compensation of, and remove, the president and such number of professors, teachers, and other employees as may be deemed necessary," and to “. . . do all things necessary for the creation, proper maintenance, and successful and continuous operation of the university”; and

WHEREAS, Ohio Administrative Code Section 3359-09-02 provides a framework for academic and administrative personnel matters related to non-tenure-track bargaining unit faculty; and

WHEREAS, Article 15, Section 12, of the Collective Bargaining Agreement between the University of Akron and the Akron Chapter, American Association of University Professors (the “AAUP”) recognizes that catastrophic circumstances, such as force majeure, could develop which are beyond the control of the University and would render impossible or unfeasible the implementation of certain procedures set forth in Article 15 (Retrenchment); and

WHEREAS, The University administration now recommends to the Board of Trustees that 96 bargaining unit faculty positions at the University be abolished; Now, Therefore,

BE IT RESOLVED, That this Board authorizes the Associate Vice President for Human Resources/CHRO, in consultation with the Interim Chief Financial Officer, and Vice President and General Counsel, to take all necessary action to effect the abolishment of the 96 bargaining unit

faculty positions identified in this resolution and other related personnel actions, consistent with the requirements of the applicable Collective Bargaining Agreement as well as any applicable University Rules, as contained in the Ohio Administrative Code, subject to the statutory rights of the affected employees that may arise as a result of the abolishment of these positions; and

BE IT FURTHER RESOLVED, That employees in the abolished positions shall separate from the University no later than August 21, 2020, or if the extension to the Collective Bargaining Agreement between the University of Akron and the AAUP is ratified, such other agreed-upon date authorized in the extension; and

BE IT FURTHER RESOLVED, That should employees who are currently in a position to be abolished elect to resign or retire prior to their separation date, those employees shall not be affected by this resolution and that retirees shall be afforded those benefits afforded to all similarly situated retirees, provided that such retirement or separation from service occurs on or before August 21, 2020 or if the extension to the Collective Bargaining Agreement between the University of Akron and the AAUP is ratified, such other agreed-upon date authorized in the extension; and

BE IT FURTHER RESOLVED, That should the membership of the AAUP ratify the proposed tentative agreement between the University and the Akron-AAUP extending the Collective Bargaining Agreement to December 31, 2021, which was approved by the Board of Trustees on July 15, 2020, those employees who are currently in a position to be abolished and who elect to resign or retire prior to their separation date, also shall be afforded the benefits included in the extension to the Collective Bargaining Agreement, provided that such retirement or separation from service occurs on or before August 21, 2020 or other agreed-upon date authorized in the extension to the Collective Bargaining Agreement.

M. Celeste Cook, Secretary
Board of Trustees