

# THE UNIVERSITY OF AKRON

## RESOLUTION 3-1-20

Pertaining to the Presidential Authority to Respond to a Public Health Emergency

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,

WHEREAS, On January 31, 2020, the United States Health and Human Services Secretary, Alex M. Azar II, declared a public health emergency for the United States to aid the nation's healthcare community in responding to COVID-19; and,

WHEREAS, On March 9, 2020, testing by the Ohio Department of Health confirmed that three (3) patients had tested positive for COVID-19 in the state of Ohio, creating a potentially dangerous condition that may affect the health, safety and welfare of Ohio citizens; and,

WHEREAS, On March 9, 2020, Governor Mike DeWine issued Executive Order 2020-01D, (attached as Exhibit A), 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,

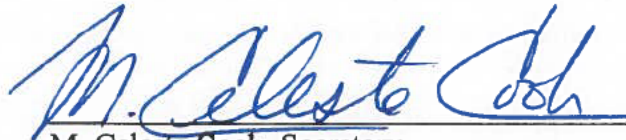
WHEREAS, Ohio Revised Code §3359.03 (attached as Exhibit B) empowers the University's Board of Trustees ". . . to do all things necessary for the creation, proper maintenance, and successful and continuous operation of the University . . .;" and,

WHEREAS, Subject to the authority of government vested by law in the Board of Trustees, Ohio Administrative Code §3359-1-05 (attached as Exhibit C) outlines the broad authority of the University President, including the responsibility for the internal administration of the University and the authority for administrative decisions in all matters of operations of the University; and,

WHEREAS, Additional University rules contemplate the need for adjustment to University policies, procedures and practices during emergency situations;

WHEREAS, During the current State of Emergency and rapidly evolving public health crisis, there is a need for the University to act expeditiously at the direction of government and University officials, as well as public health and healthcare experts, to respond to crucial developments as they occur; Now, Therefore,

BE IT RESOLVED, That the Board of Trustees authorizes the President, in consultation with appropriate public health and healthcare experts, governmental officials, and University officials, to oversee and direct all steps necessary to protect the health, safety, and welfare of the campus community and to maintain the essential functions and operations critical to carrying out the mission and business continuity of the University. However, if during this crisis the President encounters an extraordinary circumstance as determined by the President, which requires official action, the President will first contact the Board Chair. This resolution is effective retroactively to March 9, 2020.



M. Celeste Cook, Secretary  
Board of Trustees



**MIKE DEWINE**

**GOVERNOR  
STATE OF OHIO**

**Executive Order 2020-01D**

**Declaring a State of Emergency**

**WHEREAS**, COVID-19 is a respiratory disease that can result in serious illness or death, is caused by the SARS-CoV-2 virus, which is a new strain of coronavirus that had not been previously identified in humans and can easily spread from person to person. The virus is spread between individuals who are in close contact with each other (within about six feet) through respiratory droplets produced when an infected person coughs or sneezes. It may be possible that individuals can get COVID-19 by touching a surface or object that has the virus on it and then touching their own mouth, nose or eyes; and

**WHEREAS**, currently, the Centers for Disease Control and Prevention (CDC) lists over 79 countries with confirmed cases of COVID-19. The CDC reports over 98,000 diagnosed cases worldwide with 3,380 deaths reported worldwide. The CDC has announced 164 confirmed and presumptive positive cases, with eleven deaths reported from the disease in the United States; and

**WHEREAS**, on January 23, 2020, the Ohio Department of Health issued a Director's Journal Entry making COVID-19 a Class A reportable disease in Ohio; and

**WHEREAS**, on January 28, 2020, the Ohio Department of Health hosted the first statewide call with local health departments and healthcare providers regarding COVID-19; and

**WHEREAS**, on January 30, 2020, the International Health Regulations Emergency Committee of the World Health Organization declared the outbreak of COVID-19 a public health emergency of international concern; and

**WHEREAS**, on January 31, 2020, Health and Human Services Secretary, Alex M. Azar II, declared a public health emergency for the United States to aid the nation's healthcare community in responding to COVID-19; and

**WHEREAS**, on February 1, 2020, the Ohio Department of Health issued a statewide Health Alert Network to provide local health departments and healthcare providers with updated guidance for COVID-19 and revised Person Under Investigation (PUI) criteria; and

**WHEREAS**, on February 3, 2020, the Ohio Department of Health trained over 140 personnel to staff a call center for COVID-19, in the event it was needed; and

**WHEREAS**, on February 5, 2020, the Ohio Department of Health began updating and notifying the media of the number of PUIs in Ohio every Tuesday and Thursday; and

**WHEREAS**, on February 6, 2020, the Ohio Department of Health updated all agency assistant directors and chiefs of staff on COVID-19 preparedness and status during the Governor's cabinet meeting; and

**WHEREAS**, on February 7, 2020, the Ohio Department of Health and the Ohio Emergency Management Agency met to conduct advance planning for COVID-19; and

**WHEREAS**, on February 13, 2020, the Ohio Department of Health conducted a Pandemic Tabletop Exercise with State agencies to review responsive actions should there be a pandemic in Ohio; and

**WHEREAS**, on February 14, 2020, the Ohio Department of Health held a conference call with health professionals across the state. The purpose of the call was to inform and engage the healthcare community in Ohio. Presentations were provided by the Department of Health, Hamilton County Public Health, and the Ohio State University; and

**WHEREAS**, on February 27, 2020, the Ohio Department of Health and the Ohio Emergency Management Agency briefed the directors of State agencies during the Governor's cabinet meeting regarding preparedness and the potential activation of the Emergency Operations Center; and

**WHEREAS**, on February 28, 2020, the "Governor DeWine, Health Director Update COVID-19 Prevention and Preparedness Plan" was sent to a broad range of associations representing healthcare, dental, long-term care, K-12 schools, colleges and universities, business, public transit, faith-based organizations, non-profit organizations, and local governments; and

**WHEREAS**, on March 2, 2020, the Ohio Department of Health activated a Joint Information Center to coordinate COVID-19 communications; and

**WHEREAS**, on March 5, 2020, the Ohio Department of Health hosted the Governor's Summit on COVID-19 Preparedness, a meeting with the Governor, cabinet agency directors, local health department commissioners, and their staff; and

**WHEREAS**, on March 6, 2020, the Ohio Department of Health opened a call center to answer questions from the public regarding COVID-19; and

**WHEREAS**, on March 09, 2020, testing by the Department of Health confirmed that three (3) patients were positive for COVID-19 in the State of Ohio, creating a potentially dangerous condition which may affect the health, safety and welfare of citizens of Ohio; and

**WHEREAS**, on March 09, 2020, the Ohio Emergency Management Agency activated the Emergency Operations Center; and

**WHEREAS**, in accordance with Ohio Revised Code section 5502.22, this Executive Order is necessary to authorize previously-alerted state departments and agencies to prepare to respond to this public health emergency as needed;

**NOW THEREFORE**, I, Mike DeWine, Governor of the State of Ohio, by virtue of the authority vested in me by the Constitution, the laws of this State and in accordance with Section 5502.22 of the Ohio Revised Code, do hereby order and direct that:

1. A state of emergency is declared for the entire State to protect the well-being of the citizens of the Ohio from the dangerous effects of COVID-19, to justify the authorization of personnel of State departments and agencies as are necessary, to coordinate the State response to COVID-19, and to assist in protecting the lives, safety, and health of the citizens of Ohio.
2. I hereby further request the Department of Administrative Services and other departments and agencies of the State to suspend purchasing and contracting requirements contained in Chapters 125 and 153 of the Revised Code, pursuant to Section 125.061 of the Revised Code, during the period of the emergency for the Ohio Emergency Management Agency and any other State agency participating in emergency assistance under this declaration, in order to procure any necessary resources or supplies to protect the health, safety, and welfare of the citizens of Ohio.
3. After consultation with the appropriate medical experts, the Department of Health shall create and require the use of diagnostic and treatment guidelines and provide those guidelines to health care providers, institutions and providers.
4. The Department of Health issue guidelines for private businesses regarding appropriate work and travel restrictions, if necessary.
5. State agencies shall develop and implement procedures, including suspending or adopting temporary rules within an agency's authority, consistent with recommendations from the Department of Health designed to prevent or alleviate this public health threat.
6. This Proclamation does not require the implementation of the Department of Administrative Services Directive HR-D-11. Accordingly, State employees' obligations to travel to and from work is not to be limited as a result of this proclamation.
7. All citizens are urged to heed the advice of the Department of Health and other emergency officials regarding this public health emergency in order to protect their health and safety.

8. Persons who believe that they have been subjected to excessive prices for essential consumer goods during this public health emergency should contact the office of the Ohio Attorney General at 800-282-0515.

I signed this Executive Order on March 09, 2020, in Columbus, Ohio, and it shall take effect immediately and remain in full force and effect until the emergency no longer exists, such time to be determined by the Director of Health and the Executive Director of the Emergency Management Agency in consultation with the Governor, who will coordinate State response efforts and terminate the emergency upon the recommendation of appropriate officials of the other responding State departments and agencies.

  
Mike DeWine, Governor

ATTEST:

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Frank LaRose, Secretary of State



**3359.03 Powers of board of trustees regarding employees and university.**

The board of trustees of the university of Akron shall employ, fix the compensation of, and remove, the president and such number of professors, teachers, and other employees as may be deemed necessary. The board shall do all things necessary for the creation, proper maintenance, and successful and continuous operation of the university and may adopt and from time to time amend bylaws, rules, and regulations for the conduct of the board and the government and conduct of the university. The board may accept donations of lands and moneys for the purposes of such university.

Effective Date: 11-11-1965.



**3359-1-05 President of the university.**

(A) The board shall elect a president of the university to hold office at its discretion, in accord with its authority set forth in section 3359.03 of the Revised Code. The following procedures shall serve to guide the selection process, unless revised as provided herein.

(1) In recognition of the legitimate concerns and interests of faculty, staff, academic and senior administration, students, alumni and community leaders, the search committee will involve such appropriate constituencies in the search process as follows:

(a) Prior to the invitation for nominations or applications of candidates, the presidential advisory and screening committee shall offer university constituency groups the opportunity to provide input concerning the proposed criteria, process and scheduling for the search process. The representative constituency and advisory groups may include, but are not limited to a representative from: the council of deans; department chairs; faculty senate; senior administration; contract professional advisory committee (CPAC); staff employee advisory committee (SEAC); university council; the Akron chapter of the American association of university professors (Akron AAUP); students, and community leaders.

(b) The board will consider the recommendations from all constituency groups, but retains the final authority to determine the criteria, process and schedule for the search.

(2) Pursuant to the bylaws of the board of trustees, the chairperson of the board shall name four voting trustees as a presidential advisory and screening committee with the following responsibilities:

(a) To make initial and ongoing recommendations to the full committee regarding the criteria, process, and scheduling for the search for the president;

(b) To recommend executive search firms for consideration by the full committee;  
and

(c) To conduct those activities related to the search as may be assigned by the chairperson of the search committee.

(3) The presidential search committee shall consist of:

(a) The entire board of trustees, including student trustees and advisory trustees, convened as a committee of the whole; and

(b) The elected leader (i.e. president or chair) of the following constituency groups:



- (i) University council;
  - (ii) Faculty senate;
  - (iii) CPAC;
  - (iv) SEAC;
  - (v) Undergraduate student government; and
  - (vi) Akron AAUP.
- (c) Members of the search committee who are not members of the board of trustees shall be required to execute a confidentiality agreement as a condition of participating on the search committee.
- (d) Members of the search committee shall participate in all discussions and meetings of the presidential search committee and shall have access to all presidential search materials.
- (4) The search committee shall recommend by consensus those individual(s) to be considered for employment as president by the board of trustees.
- (5) The foregoing procedures for the selection of the president by the board of trustees shall not be construed to limit, reduce, modify or relinquish any authority, responsibility, or discretion of the board to employ the president and govern the university consistent with the powers conferred upon the board by law. The board has the final authority to select and employ the president. Notwithstanding anything herein to the contrary, these procedures shall not be deemed to be mandatory, but shall be considered directory in nature; and, may be revised, in whole or in part, upon a majority vote of the board of trustees at any regular or special meeting, without the necessity of prior notice thereof.
- (B) The president is the executive head of all university colleges, branches, schools, and departments and thus, responsible for general supervision of all its interests. Within general policies of the board, the president shall lead in fostering and promoting education, instruction, research and scholarly activity, and public service as its primary aims. Each year the president shall submit to the board a report on the institution's activities, plans, current and future needs and other relevant data. The president shall attend all meetings of the trustees and address to them matters of institutional importance. The president is the official medium of communication between the university, the board and its committees, possessing the exclusive right to transmit proposals from the faculty and staff--either as a group or as individuals--to the board. This exclusive right of the president shall not abridge the right of trustees to communicate directly with faculty, staff, or other employees of the university; and, no employee shall incur any penalty or sanction whatsoever in connection with such communications.

- (C) By virtue of administrative assignment, the president is a member of the faculty senate and of each college faculty and thus, may preside at every meeting thereof, if the president so wishes. The president shall appoint all committees of the faculty senate unless their memberships are designated by rule. The president shall see that measures of the faculty senate, which have been properly submitted to and approved by the board, are implemented and shall ensure that directives of the board relative to internal administration are carried out.
- (D) The president has authority in all matters of student discipline in accordance with the rules and regulations of the board. The president shall oversee preparation of the annual budget and advise the board on all financial matters; shall preside at commencement and all other public academic occasions; and shall confer such appropriate degrees and honors as are granted by the institution. The president shall have authority and responsibility to oversee intercollegiate athletics and ensure compliance with NCAA and conference rules. The president shall oversee and foster relationships with legislative representatives, community, and municipal leaders, state and national higher education officials, professional associations, other educational institutions, business leaders, and other various publics of the university and higher education. The president shall assume a primary role in fund raising on behalf of the university.
- (E) The president, or the president's designee, is authorized to recommend to the board of trustees for employment, including compensation therefor, or for removal, all full-time administrative officers, faculty, contract professionals, and unclassified staff members whose total annual earnings exceed seventy-five thousand dollars. Although the president may delegate authority to appropriate officials, the president shall retain final authority and responsibility for administration of the university in accord with the bylaws and regulations of the board. Delegation of major areas of authority or responsibility shall be in writing and shall be reported to the board of trustees prior to implementation.
- (F) The board delegates authority to the president or the president's designee(s) to employ, set compensation for and remove full-time administrative officers, faculty, contract professionals and unclassified staff members whose total annual earnings are less than seventy-five thousand dollars, and all part-time employees and classified staff. Any authority or responsibility of the president may be delegated by the president to any other full-time administrative officers, members of the faculty or contract professionals of the university, subject to any limitations set forth by action of the board of trustees. Delegation of major areas of authority or responsibility shall be in writing and shall be reported to the board of trustees prior to implementation.
- (G) The president is authorized and empowered to compromise, adjust, and settle any and all claims, actions, causes of action, demands, costs, expenses, and any and all other damages in connection with any lawsuit filed for or against the university in an amount not to exceed twenty-five thousand dollars, upon such terms and conditions as the president shall deem reasonable and best. All such settlements shall be made upon advice of the general counsel and shall be subject to any necessary approval of the

attorney general and the court in which the action is pending, and such other requirements as are mandated by law. Further, the president is empowered to execute such agreements of settlement and perform such acts as are reasonable and necessary to effect this settlement authority.

- (H) When in the judgment of the president the safety and well-being of students, faculty or staff, or university property is endangered, or when necessary to comply with the requirements of federal or state laws or regulations or when circumstances require the promulgation of rules without the benefit of prior review and approval of the board of trustees and/or the faculty senate, the president, upon advice of the general counsel, is authorized and empowered to promulgate rules for the governance of the university and provide for filing of such rules in compliance with section 111.15 of the Revised Code. The president shall immediately inform the board of trustees and when appropriate the faculty senate of any rules promulgated pursuant to this authority.
- (I) Subject to the authority of government vested by law in the board of trustees, the authority and responsibility for the internal administration of the university is delegated to the president of the university of Akron and shall in fact be exercised by the president. The president may consult extensively with appropriate student, faculty, employee, and administrative groups. However, administrative decisions in all matters of operation of the university of Akron shall be the responsibility of the president, subject to appropriate review and/or approval by the board of trustees, notwithstanding any other delegation of authority or responsibility to any student, faculty, employee, or administrative group. Any delegation of authority by the president shall be accompanied by appropriate standards of guidance in the exercise of such delegated authority and shall be accompanied by periodic review.
- (J) For reasons of protocol or otherwise, the president shall have the right to execute or by express written direction to delegate the authority to execute any contract. Contracts may only be executed on behalf of the university of Akron as authorized in the bylaws, regulations, and rules of the board; and except as expressly provided, no employees, agents, or other representatives whatsoever of the university of Akron shall have any contracting authority to bind the university of Akron. Contracts shall not be authorized unless executed in accord with policies and rules established by the board and the president. Except for routine contracts and purchases authorized by rules of the board, contracts shall be reviewed for legal form and sufficiency by the office of general counsel prior to their execution.
- (K) When authorized by the board of trustees, the president may serve on corporate boards in a representative capacity on behalf of the university. In such instances, the president shall keep the board of trustees informed regarding such activities and shall consult with and obtain prior approval from the board of trustees, unless otherwise authorized by the board of trustees, regarding the president's participation in any change in the mission, governance or legal structure of the entity or any commitment of university assets in connection with the president's service while acting in a representative capacity with the entity. For purposes of this provision, the term "assets" shall be liberally and broadly

construed to include anything of value, including but not be limited to capital, real or personal property, financial resources, personnel, "in-kind" contributions as that term is commonly known in higher education, or other such form of value.

Effective: 12/15/2018

Certification: \_\_\_\_\_  
M. Celeste Cook  
Secretary  
Board of Trustees

Promulgated Under: 111.15

Statutory Authority: 3359

Rule Amplifies: 3359

Prior Effective Dates: 11/04/1977, 02/16/1987, 07/20/1990, 05/22/1991,  
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02/27/2009, 12/26/2013, 02/01/2015