



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Holly Cantrell Gilman

Sub. H.B. 66

132nd General Assembly
(LSC 132 0705-6)

Rep. Young

BILL SUMMARY

- Requires the Chancellor of Higher Education to develop standards for annual performance reviews of all tenured faculty members at state universities with an emphasis on each faculty member's meaningful participation in the undergraduate mission.
 - Generally requires faculty members who are tenured by an academic unit with a preponderance of undergraduate students to teach at least three semester hours of undergraduate courses per semester unless an alternative or exemption applies.
 - Requires a three-year tiered remediation plan for a faculty member whose annual evaluation indicates a failure to contribute to the undergraduate mission.
 - Requires the Chancellor to review for discontinuance any degree major, department, or division within an academic unit of a state university that attracts a disproportionately low percentage of the total enrollment of the academic unit.
-

CONTENT AND OPERATION

Standards for annual performance reviews of tenured university faculty

The bill requires the Chancellor of Higher Education, jointly with all state universities, within 90 days after the bill's effective date, to develop standards for annual performance reviews of all permanently tenured faculty members at state universities, with specific emphasis on a faculty member's meaningful participation in the undergraduate mission of the faculty member's academic unit. Within 150 days after the bill's effective date, the coordinator or administrator of each academic unit must take formal action to adopt an annual performance review of permanently tenured

faculty members consistent with the Chancellor's standards. For these purposes, the bill defines "academic unit" as the program, college, or field of study within a college or university under which the faculty member has received tenure.¹

Annual evaluations

The Chancellor's standards must require an annual evaluation, beginning with the 2018-2019 academic year, of every tenured faculty member, with contribution to the undergraduate mission as a key component. The bill requires each academic unit to submit an annual written report describing the academic unit's mission and each faculty member's contribution to that mission. The bill clarifies that this annual evaluation requirement may be conducted as part of, rather than in addition to, any annual review or evaluation of faculty members ordinarily conducted by a state university.²

Contribution to the undergraduate mission

The bill provides two pathways for a faculty member to satisfy the requirement to contribute to the undergraduate mission of the academic unit, and exempts from compliance those faculty members who are unavailable for specified reasons during any semester.

Pathway one: teach undergraduate courses

Under the bill, each academic unit with a preponderance of undergraduate students must require each of its tenured faculty members to teach at least three semester hours of undergraduate courses per semester. A faculty member teaches traditional courses, online courses, or a combination of both within the academic unit satisfies the requirement to contribute to the undergraduate mission.³

Pathway two: mutual agreement that faculty member is better suited to research

In the event that an academic unit determines that a faculty member's talents are significantly better suited to research, it may provide an alternative method of compliance. An alternative may be offered to not more than 20% of the academic unit's tenured faculty members. In such a case, the faculty member and the unit's program coordinator must complete a written report (and attach it as an addendum to the annual

¹ R.C. 3345.451(A).

² R.C. 3345.451(B).

³ R.C. 3345.451(C).



evaluation) outlining how that faculty member will contribute to the undergraduate mission through other means, including undergraduate research or advising.⁴

General exceptions

The Chancellor's standards must exempt from compliance with the requirement to teach undergraduate courses a faculty member who, during any semester, engages in any of the following:⁵

- A faculty exchange program;
- Professional leave (also known as "sabbatical leave");
- Active duty in the U.S. Armed Forces;
- Extended medical leave or disability status for a majority of the semester;
or
- Teaching graduate level courses on a regular basis.

Failure to contribute to the undergraduate mission; remediation

The bill requires that the standards specify a three-year remedial response if a faculty member's evaluation indicates a failure to contribute to the undergraduate mission of the academic unit.

First failure to contribute

If a faculty member's annual evaluation indicates a failure to contribute to the undergraduate mission, the faculty member and the unit coordinator must develop a remediation plan, which must describe in detail how the faculty member will contribute to the mission going forward. The faculty member must then satisfy all elements of the plan within one academic year.⁶

Second consecutive failure to contribute

If a faculty member receives a second consecutive performance evaluation that indicates a failure to contribute to the undergraduate mission, that faculty member is prohibited from participating in any faculty improvement program (sabbatical) or any faculty exchange program. Additionally, the faculty member is prohibited from

⁴ R.C. 3345.451(D)(2)(a).

⁵ R.C. 3345.451(D)(1) and (D)(2)(b).

⁶ R.C. 3345.451(E)(1).



receiving or requesting any reduction in teaching schedule until that faculty member shows evidence of contribution to the undergraduate mission.⁷

Third consecutive failure to contribute

If a faculty member receives a third consecutive performance evaluation that indicates a failure to contribute to the undergraduate mission, the academic unit, in its discretion, may revoke tenure. If the academic unit chooses to revoke tenure, it must afford the same notice, hearing, and other procedural requirements to the faculty member as it affords to other faculty members whose tenure status is being considered for revocation for any other reason. If the academic unit decides not to revoke tenure, it may direct the unit coordinator to initiate a post-tenure review as soon as practicable, but not later than 180 days after the performance evaluation that triggered the third consecutive failure to contribute.⁸

Proposal to discontinue certain majors, departments, or divisions

The bill requires the Chancellor of Higher Education to review for discontinuance any degree major, department, or division within an academic unit of a state university whenever it attracts a disproportionately low percentage of the total enrollment of the academic unit as compared to others within that academic unit. If the Chancellor determines that a major, department, or division should be discontinued, the Chancellor must make a written proposal for its discontinuance to the board of trustees of the state university and submit that proposal to the Governor, the Speaker of the House of Representatives, and the President of the Senate.⁹

Displaced tenured faculty

The bill permits the board of trustees to offer a position elsewhere within the university to a permanently tenured faculty member whose position is eliminated by the board's decision to discontinue a degree major, department, or division on the basis of the Chancellor's proposal.¹⁰

Effect on collective bargaining agreements

The bill's provisions do not affect any collective bargaining or employment contract entered into prior to the bill's effective date. However, its requirements do

⁷ R.C. 3345.451(E)(2).

⁸ R.C. 3345.451(E)(3).

⁹ R.C. 3345.452(A).

¹⁰ R.C. 3345.452(B).



prevail over any conflicting provisions of a collective bargaining agreement or employment contract entered into on or after the bill's effective date.¹¹

Application to state universities

The bill's provisions apply to the 13 state universities (University of Akron, Bowling Green State University, Central State University, University of Cincinnati, Cleveland State University, Kent State University, Miami University, Ohio University, Ohio State University, Shawnee State University, University of Toledo, Wright State University, and Youngstown State University).

HISTORY

ACTION	DATE
Introduced	02-15-17

H0066-I-132.docx/emr

¹¹ R.C. 3345.451(F) and 3345.452(C).

