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132nd General Assembly
Regular Session
2017-2018

Sub. H. B. No. 66

A BILL

To enact sections 3345.451 and 3345.452 of the
Revised Code to require the Chancellor of Higher
Education to adopt standards requiring an annual
performance review of each permanently tenured
faculty member at state universities which
emphasizes the faculty member's contribution to
the undergraduate mission and to evaluate
certain majors, departments, and divisions for
discontinuance.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3345.451 and 3345.452 of the
Revised Code be enacted to read as follows:

Sec. 3345.451. (A) (1) Within ninety days after the
effective date of this section, the chancellor of higher
education jointly with all state universities, as defined in
section 3345.011 of the Revised Code, shall 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. Those standards



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shall include the requirements set forth in divisions (B) to (E) 20
of this section; however, the chancellor and the state 21
universities shall adopt any additional standards necessary to 22
implement a comprehensive performance review process. 23

(2) Within one hundred fifty days after the effective date 24
of this section, the academic unit coordinator or administrator 25
of each academic unit shall take formal action to adopt an 26
annual performance review of permanently tenured faculty members 27
consistent with the standards developed under this section. 28

(3) For purposes of this section, "academic unit" means 29
the program, college, or field of study within a college or 30
university under which the faculty member has received tenure. 31

(B) The standards adopted pursuant to this section shall 32
require an annual evaluation, beginning with the 2018-2019 33
academic year, of every tenured faculty member, with 34
contribution to the undergraduate mission as a key component. 35
Each academic unit shall submit an annual written report, in the 36
form and manner selected by the chancellor, describing the 37
academic unit's mission and each faculty member's contribution 38
to that mission, which shall include a list of those faculty 39
members who are subject to division (E) of this section, 40
disaggregated by whether it is the faculty member's first, 41
second, or third consecutive year of remediation pursuant to 42
that division. 43

The annual evaluation required by this division may be 44
conducted as part of, rather than in addition to, any annual 45
review or evaluation of faculty members ordinarily conducted by 46
a state university. 47

(C) Except as provided in division (D) of this section, 48

the standards adopted pursuant to this section shall require 49
each academic unit with a preponderance of undergraduate 50
students to require each of the academic unit's permanently 51
tenured faculty members to teach not less than three semester 52
hours, or the equivalent, of undergraduate courses per semester. 53
A faculty member may comply with this requirement by teaching 54
traditional courses, online courses, or a combination of both, 55
provided that each course is taught within the academic unit 56
that awarded permanent tenure. A faculty member who complies 57
with this requirement satisfies the requirement to contribute to 58
the undergraduate mission. 59

(D) (1) The standards shall provide an exception to the 60
requirement described in division (C) of this section for a 61
faculty member during any semester in which the faculty member 62
engages in any of the following: 63

(a) Participates in a faculty exchange program that is 64
recognized by the institution that awarded tenure; 65

(b) Is granted professional leave pursuant to section 66
3345.28 of the Revised Code; 67

(c) Is on active duty, as defined in division (F) of 68
section 5919.34 of the Revised Code, in the armed forces of the 69
United States; 70

(d) Remains on extended medical leave or disability status 71
for a majority of the semester. 72

(2) (a) The standards shall permit the academic unit, under 73
limited circumstances, to determine that a faculty member's 74
talents are significantly better suited to research. In this 75
case, the faculty member and the unit's program coordinator 76
shall complete a written report to be attached as an addendum to 77

the annual evaluation required by division (B) of this section 78
outlining how the faculty member will contribute to the 79
undergraduate mission through other means, including but not 80
limited to undergraduate research or undergraduate advising. The 81
academic unit shall provide an exception pursuant to this 82
division for not more than twenty per cent of the academic 83
unit's tenured faculty members. 84

(b) An academic unit with a preponderance of undergraduate 85
students may exempt a faculty member who teaches graduate level 86
courses on a regular basis from the requirement described in 87
division (C) of this section. 88

(E) (1) The standards shall specify that if an annual 89
evaluation of a tenured faculty member indicates a failure by 90
that faculty member to contribute to the undergraduate mission 91
of the academic unit, the faculty member, in consultation with 92
the unit coordinator, shall develop a remediation plan, which 93
shall describe in detail how the faculty member will contribute 94
to the undergraduate mission going forward. All elements of the 95
plan shall be satisfied within one academic year. 96

(2) If a faculty member receives a second consecutive 97
performance evaluation that indicates a failure to contribute to 98
the undergraduate mission of the academic unit, that faculty 99
member shall be prohibited from participating in any faculty 100
improvement program established by the university pursuant to 101
section 3345.28 of the Revised Code or any faculty exchange 102
program recognized by the university and shall not be permitted 103
any reduction in teaching schedule until that faculty member 104
shows evidence of compliance. 105

(3) If a faculty member receives a third consecutive 106
performance evaluation that indicates a failure to contribute to 107

the undergraduate mission of the academic unit, the academic 108
unit may, in its discretion, do either of the following: 109

(a) Revoke tenure in accordance with the standards adopted 110
pursuant to this section. However, the academic unit shall 111
afford the same notice, hearing, and other procedural 112
requirements to a faculty member under this division as it 113
affords to other faculty members whose tenure status is being 114
considered for revocation for any other reason. 115

(b) Direct the unit coordinator to initiate a post-tenure 116
review as soon as practicable, but not later than one hundred 117
eighty days after the third consecutive performance evaluation 118
that indicated a failure to contribute to the undergraduate 119
mission. 120

(4) The requirements of this division shall take effect 121
beginning with the 2019-2020 academic year. 122

(F) This section shall not affect any collective 123
bargaining agreement or employment contract entered into prior 124
to the effective date of this section. However, notwithstanding 125
any provision to the contrary in Chapter 4117. of the Revised 126
Code, the requirement of this section prevails over any 127
conflicting provisions of a collective bargaining agreement or 128
employment contract entered into on or after the effective date 129
of this section. 130

Sec. 3345.452. (A) If a degree major, department, or 131
division within an academic unit of a state university, as 132
defined in section 3345.011 of the Revised Code, attracts a 133
disproportionately low percentage of the total enrollment of the 134
academic unit, as compared to others within that academic unit, 135
the chancellor of higher education shall review that major, 136

department, or division for discontinuance. If the chancellor 137
determines that a major, department, or division should be 138
discontinued, the chancellor shall make a written proposal for 139
its discontinuance to the board of trustees of the state 140
university. A copy of that proposal also shall be submitted to 141
the governor, speaker of the house of representatives, and 142
president of the senate. 143

(B) A permanently tenured faculty member whose position is 144
eliminated when the board of trustees of a state university 145
discontinues the degree major, department, or division within an 146
academic unit as a result of the chancellor's proposal under 147
division (A) of this section may be offered a position elsewhere 148
within that university. 149

(C) This section shall not affect any collective 150
bargaining agreement or employment contract entered into prior 151
to the effective date of this section. However, notwithstanding 152
any provision to the contrary in Chapter 4117. of the Revised 153
Code, the requirement of this section prevails over any 154
conflicting provisions of a collective bargaining agreement or 155
employment contract entered into on or after the effective date 156
of this section. 157

(D) As used in this section, "academic unit" has the same 158
meaning as in section 3345.451 of the Revised Code. 159