



State Representative
Ron Young
Sponsor Testimony Substitute HB 66
May 3, 2017

Chairman Duffy, Vice Chairman Antani, Ranking Member Sweeney, Members of the House Higher Education and Workforce Development Committee, thank you for taking the time to hear sponsor testimony on Substitute HB 66, a bill that will update and codify the tenure system in the State of Ohio.

This substitute bill “-6” is a result of many hours and meetings with numerous State Representatives, Professors from several different Universities, and Bruce Johnson from the Inter-University Council of Ohio. Also I have been emboldened by the statement calling for a potential review of Ohio Professor Tenure Rules as stated in the Ohio Buckeye Pathway.

As we began working on this topic we soon found that this is a very complex issue and tenure cannot be treated with a “one size fits all” approach. We took a step back and looked at what was the purpose of our higher education system and tenure in general and decided to take a holistic approach.

Up to this time, tenure has not been addressed in statute. Each State University is responsible for their own guidelines, pathway, requirements, and benefits to tenured professors. Through much study, input and council from others, we have come up with the following minimum requirements that should be in place in order to provide for a successful undergraduate mission.

Although it is a somewhat subjective term I believe most would agree that the undergraduate mission is, at least in part, to expose undergraduate students to the best expertise with the highest levels of professional development that any given university has to offer. This, of course, is a call for tenured staff to be a major part of fulfilling the mission. While this definition is not found in code and varies from institution to institution, I believe emphasis on exposing undergraduate students to the best a school has to offer should be at the core of any such definition. It is critical that those paying for training and considering a career in any given field be exposed to the best and brightest our state institutions of higher education have to offer.

The bill requires the Chancellor of Higher Education working in conjunction with all 13 state universities 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.

At each university the academic unit coordinator or the administrator of each academic unit will adopt an annual performance review model in accordance with the general guidelines offered by the Chancellor and tailored to the university's particular needs with an emphasis on fulfilling the undergraduate mission. This review may be included as part of, rather than in addition to, any other review of performance conducted by the university.

Faculty members who are tenured by an academic unit with a preponderance of undergraduate students will be required to teach at least three semester hours of undergraduate courses per semester unless an exemption applies. Some of the exemptions include the following:

- 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;
- Mutual agreement that a professor is not suited to teach undergraduate courses. A maximum of 20% of the tenured professors in an academic unit with a preponderance of undergraduate students may be granted this exemption. In this case, the faculty member and the unit's program coordinator shall complete a written report to attach as an addendum to the report forwarded to the Chancellor.

The legislation requires a three-year tiered remediation plan for a faculty member whose annual evaluation indicates a failure to contribute to the undergraduate mission. A remediation plan will be put in place when there is a failure to contribute to the mission in the first year. If the member also fails in the second year's evaluation, she/he will be prohibited from participating in any faculty improvement programs, otherwise known as a sabbatical, or any faculty exchange program. The member will also be prohibited from receiving or requesting any reduction in teaching schedule until they show evidence of contribution to the undergraduate mission. Upon receipt of a third poor performance review, indicating failure to contribute to the undergraduate mission, the academic unit may revoke the faculty member's tenure. If the Unit decides not to revoke the tenure, it may direct the unit coordinator to initiate a post-tenure review as soon as is practical.

The bill also requires that each academic unit shall submit an annual written report, in the form and manner selected by the chancellor, describing the academic unit's mission and each faculty member's contribution to that mission. The report must include a list of faculty members that are undergoing remediation for not successfully fulfilling the mission.

And finally, although not specifically a tenure issue, but certainly a higher education issue, the Substitute bill requires the Chancellor to review for discontinuance and forward his proposal to discontinue to the Board of Trustees of the state university 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. This report will also be forwarded to the Governor, Speaker of the House and President of the Senate.

This proposal will not affect any collective bargaining agreement or employment contract entered into prior to the effective date of this legislation. I have been in communication with the Chancellor's office and while they are watching this bill they have no opposition.

Thank you again for your time. I would be happy to answer any questions you might have.