

**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 Revised Code 3359-03. The following procedures shall serve to guide the selection process, unless revised as provided herein.
  - (1) The entire board of trustees, including student trustees, shall convene as a committee of the whole to constitute the presidential search committee for the president of the university of Akron.
  - (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;
    - (c) To receive applications and nominations on behalf of the search committee;
    - (d) To serve as a first level screening for candidates, and make recommendations to the full search committee;
    - (e) To conduct those activities related to the search as may be assigned by the chairperson of the search committee.
  - (3) 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 have the responsibility to meet and discuss the proposed criteria, process and scheduling for the search process with the representative constituency and advisory

groups, including but not limited to, the council of deans, representatives of the department chairs, faculty senate, senior administration, contract professional advisory committee (CPAC), staff employee advisory committee (SEAC), students, and community leaders, as identified in this section.

- (b) Prior to the selection of the president, the candidates (finalists) who are determined by the search committee to be well qualified to lead the university of Akron as its next president shall be invited to campus and each of the following constituencies and/or advisory groups shall be provided an opportunity to meet with the finalists and provide input.
  - (i) ~~Council of deans~~ Deans. The ~~entire council of deans of degree-granting colleges~~ shall be invited to a meeting with each finalist candidate brought to the campus. A representative chosen by ~~the council of those~~ deans shall have the opportunity to discuss orally with the full board of trustees, in executive session, their collective views with respect to each finalist candidate.
  - (ii) ~~Department chairs~~ Academic department chairs and school directors. The ~~department chairs of academic departments and directors of schools, as defined in 3359-20-02(b)(5),~~ shall elect from their membership five representatives who shall be invited to a meeting with each finalist candidate. A representative chosen by this group ~~of department chairs~~ shall have the opportunity to discuss orally with the full board of trustees, in executive session, their collective views with respect to each finalist candidate.
  - (iii) Faculty senate and Akron-AAUP. The faculty senate and Akron-AAUP shall each elect from their membership three representatives ~~who are bargaining unit members and~~ who shall be invited to a meeting with each finalist candidate. This

group of faculty senators and bargaining unit faculty, in accordance with article 10, section 6 of the collective bargaining agreement between the university of Akron and the American association of university professors, the university of Akron chapter, which became effective in 2005, shall have the opportunity to discuss orally with the full board of trustees, in executive session, their collective views with respect to each finalist candidate.

- (iv) Senior administration. The vice presidents, ~~executive director~~ head of human resources, director of affirmative action/~~and~~ EEO officer shall be invited to a meeting with each finalist candidate. A representative chosen by this group of administrators shall have the opportunity to discuss orally with the full board of trustees, in executive session, their collective views with respect to each finalist candidate.
- (v) CPAC and SEAC. CPAC and SEAC shall each elect from their membership three representatives who shall all be invited to a meeting with each finalist candidate. One SEAC and one CPAC representative from this group of six shall have the opportunity to discuss orally with the full board of trustees, in executive session, their collective views with respect to each finalist candidate.
- ~~(v)~~(vi) Student representatives. The president of the ~~associated undergraduate~~ student government, the president of graduate student government ~~or~~ and the president of the student bar association shall be invited to a meeting with each finalist candidate. A representative chosen by these student representatives shall have the opportunity to discuss orally with the student trustees and the chair of the presidential advisory and screening committee, in executive session, their collective views with respect to each finalist candidate.

~~(vi)~~(vii)Community leaders. The advisory committee shall select a group of community leaders, including the president of the university of Akron alumni association, to meet with each finalist candidate. A representative chosen by this group shall have the opportunity to discuss orally with the full board of trustees, in executive session, their collective views with respect to each finalist candidate.

- (4) 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. 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 is empowered to nominate all administrative officers, faculty, and staff members to the board for appointment. This responsibility also extends to recommendations on the vacation of professorships and other positions. With the board's prior approval, the president may appoint administrative officers as necessary to ensure the institution's effective operation. 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.
- (F) 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 \$25,000, 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.

- (G) 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 Ohio 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.
- (H) 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.
- (I) 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.
- (J) 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: ~~February 27, 2009~~

Certification: \_\_\_\_\_  
Ted A. Mallo  
Secretary  
Board of Trustees

Prom. Under: 111.15

Rule Amp: Ch. 3359

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