Faculty Senate
Executive Committee
Tuesday, March 5, 2013
3:00p.m. – 5:00p.m. – Adelbert Hall, Toepfer Room

AGENDA

3:00 p.m.	Approval of Minutes from the February 8, 2013 Executive Committee Meeting, *attachment*	R. Dubin
3:05 a.m.	President's Announcements	B. Snyder
3:10 p.m.	Provost's Announcements	B. Baeslack
3:15 p.m.	Chair's Announcements	R. Dubin
3:20 p.m.	Revisions to CAS By-Laws, *attachment*	D. Singer
3:25 p.m.	Revisions to MSASS By-Laws, *attachment*	D. Crampton
3:30 p.m.	Report from Ad Hoc Committee on Appointments	A. Levine
3:40 p.m.	Revision to Faculty Senate By-Laws Amendment Provision, *attachment*	D. Singer
3:45 p.m.	Online LLM Program , *attachment*	D. Nance
3:50 p.m.	Faculty Senate Budget Priorities	R. Dubin
4:00 p.m.	Resolution from Committee on University Libraries, *attachment*	F. Merat
4:10 p.m.	Statement from Committee on Faculty Compensation, re salary plans, *attachment*	W. Merrick N. Ziats
4:20 p.m.	Member report (CAS)	D. Singer
4:30 p.m.	Special Faculty Senate Meeting	R. Dubin
4:35 p.m.	Approval of March 20, 2013 Faculty Senate agenda, *attachment*	R. Dubin

Faculty Senate Executive Committee
Minutes of the March 5, 2013 Meeting
Adelbert Hall, Toepfer Room

Committee Members in Attendance

Bud Baeslack	Joseph Mansour	Barbara Snyder
Gary Chottiner	William Merrick	Rebecca Weiss
David Crampton	Leena Palomo	
Robin Dubin	David Singer	
Steve Garverick	Martin Snider	

Committee Members Absent
Dick Buchanan
Patricia Higgins

Others Present
Alan Levine

Call to Order
Prof. Robin Dubin, chair, Faculty Senate, called the meeting to order at 3:00 p.m.

Approval of Minutes
The minutes of the February 8, 2013 meeting of the Faculty Senate Executive Committee were reviewed and approved.

President's Announcements
The President made no announcements.

Provost's Announcements
The Provost made no announcements.

Chairs Announcements
The chair of the Faculty Senate made no announcements.

Revisions to CAS By-Laws
Professor David Singer presented revisions to the CAS by-laws. Changes include the requirement that the CAS representative to the Faculty Senate Executive Committee serve on the Executive Committee of the CAS; clarification of promotion policies for instructors; revisions to the Dean's review process so that it conforms with the Provost's requirements; and language reflecting the merger of the departments of Mathematics and Statistics. The Executive Committee voted to include the revisions to the CAS by-laws on the agenda for the Faculty Senate meeting. *Attachment*

Revisions to MSASS By-Laws
Professor David Crampton presented revisions to the MSASS by-laws. Changes include the creation of a new standing committee on Information Technology and clarification that doctoral education falls within the purview of the Doctoral Program Faculty, not the school's Curriculum Committee. The Executive Committee voted to include the revisions to the MSASS by-laws on the agenda for the Faculty Senate meeting. *Attachment*

Revisions to the Amendment Provision of the Faculty Senate By-Laws

Prof. Singer reported on proposed revisions to the amendment provision of the Faculty Senate by-laws. The current provision states that the Senate must forward a proposed amendment to an ad-hoc committee. Prof. Singer said that before the By-Laws Committee became an official standing committee of the Faculty Senate, it had existed as an ad hoc committee and that is probably the genesis of the language in the current amendment provision. The proposed revisions state that the amendment shall be sent to the FS By-Laws Committee instead. The By-Laws Committee would report to the Executive Committee which in turn would report to the Faculty Senate at its next regular meeting. Adoption of the proposed amendment by the Faculty Senate would require a two-thirds vote as stated in Robert's Rules of Order. The Executive Committee voted to include the revisions to the amendment provision of the Faculty Senate By-Laws on the agenda for the Faculty Senate meeting. *Attachment*

Online LLM Program

Professor Dale Nance presented the online L.L.M. program in International Business Law from the School of Law. This would be the first online L.L.M. program in the country focused on international business law. The residential L.L.M. program at the School of Law is directed towards international students. This would be true for the online program also. The duration of the new program would be two years instead of one year for residential students since it is anticipated that the majority of online matriculants would be employed while they are in the program and would need additional time to complete the work. The School of Law is in the process of negotiating an agreement with the online provider which will include provisions relating to start-up costs and revenue-sharing. The Executive Committee voted to include the online L.L.M. program on the agenda for the Faculty Senate meeting. *Attachment*

Report from the Ad Hoc Committee on Appointments

Professor Alan Levine, chair of the ad hoc committee, provided background on the formation of the committee. In 2011-12 the Faculty Senate voted to approve an ROTC program at CWRU. ROTC instructors were given temporary appointments through the Provost's office with the understanding that permanent appointments would be made by the spring of 2014. The ad hoc committee was convened to consider whether appointments made outside the eight constituent faculties (such as those made in ROTC and Physical Education and Athletics [PHED], as well as SAGES instructors) are appropriate, and if so, the policies that should govern them. The committee decided to consider each group separately and made several recommendations (see attached). With respect to PHED the committee recommended that faculty be included within the University Faculty as defined by the Faculty Handbook (FH) and therefore governed by the policies that relate to the University Faculty. The committee rejected the idea that PHED be considered a ninth Constituent Faculty as defined by the FH. The Faculty Senate By-Laws Committee would be responsible for determining where within the FH to use the term University Faculty and where to use the term Constituent Faculty. The committee discussed whether to make a recommendation that PHED create its own By-Laws but decided to leave the decision up to PHED faculty. PHED does not intend to hire tenure-track faculty.

The committee recommended that ROTC instructors be appointed through PHED. This recommendation was well received by the Office of Student Affairs, ROTC leadership, and PHED.

With respect to SAGES instructors, the committee focused on Presidential Fellows who have appointments through the Provost's office, and those SAGES Fellows without regular faculty appointments. The committee recommended that the FH be amended to state that all faculty appointments outside the constituent faculties *should* be prohibited, and that all *instructors of record* teaching CWRU courses *should* be members of the University Faculty. The committee discussed whether to change the word "should" as it is used in the

recommendations to "shall", and whether to eliminate recommendation 3(b), as defined in the attachment. Prof. Levine said that he would seek additional input from the ad hoc committee on these issues. The Executive Committee voted to include the recommendations (with the above-mentioned changes, if any, by the ad hoc committee) on the agenda for the Faculty Senate meeting. *Attachment*

Faculty Senate Budget Priorities
Prof. Dubin said that the Faculty Senate had established budget priorities three times in the recent past. The Senate may want to consider engaging in this process again since there have been several requests for funding from standing committees, and the university is in the middle of a strategic planning process. Input from the Faculty Senate on budget priorities could be useful. President Snyder agreed that setting priorities and establishing cost estimates would be helpful. However, at this time, the university's budget process for the 2013-14 academic year is fairly well-developed. Provost Baeslack suggested that the Faculty Senate review the draft strategic planning document that should be available in early to mid-April, paying particular attention to the budget priorities contained within the draft plan. A special meeting of the Faculty Senate is being scheduled for May, and at that meeting faculty will be encouraged to provide feedback on the plan. The strategic planning implementation plan will be available in the fall and faculty can provide feedback on that document also. The committee agreed and Prof. Dubin will communicate this to the Senate at its next meeting, along with the date of the special Faculty Senate meeting.

Resolution from Committee on University Libraries
Professor Frank Merat, chair of the Faculty Senate Committee on University Libraries, presented a draft Faculty Senate resolution requesting that the new university strategic plan explicitly state that a significant increase in funding for the university libraries is a high priority. Members of the library committee would also like to be more engaged in the strategic planning process. Provost Baeslack suggested that involvement in the strategic planning process would be a more effective approach and offered to brainstorm ways in which this could happen. The Executive Committee agreed with this approach. *Attachment*

Statement from Committee on Faculty Compensation
Professor Nick Ziats, chair of the Faculty Senate Committee on Faculty Compensation, presented a statement endorsed by the committee calling on the President and Provost to enforce the provisions of the Compensation Philosophy adopted by the Faculty Senate in 2010. The Compensation Philosophy provides that each school should institute a performance-based compensation plan. One of the provisions states that levels of compensation should be competitive with peer institutions, with the goal of achieving at least the mean of AAU averages over a four-year period. The school plans have not been developed and Professor William Merrick brought this to the attention of the Faculty Compensation Committee. Prof. Merrick would like to see the plans mandated by the President and Provost. He was particularly interested in the provisions that relate to salary compression and inversion. Provost Baeslack said that to achieve the goal of reaching the mean of AAU averages over a four-year period, schools may have to reallocate salary money from open positions to existing faculty. President Snyder added that the quality of our faculty is the single most important driving factor in the stature of the university. She agreed that if a particular faculty member is on track and performing well, that there should be a way to for him/her to reach the appropriate salary level. The Executive Committee agreed that this budget priority issue would be addressed along with others through the strategic planning process as previously outlined. Prof. Ziats suggested that the AAU Data Exchange annual report on faculty salaries be posted on the Faculty Senate website. *Attachment*

Member Report (CAS)
A report was not given due to insufficient time.

Special Faculty Senate Meeting
The Executive Committee approved the scheduling of a special Faculty Senate meeting in May. The only agenda item for this meeting will be a review of the strategic plan and therefore, a May Executive Committee meeting will not be necessary.

Approval of March 20, 2013 Faculty Senate Agenda
The Executive Committee voted to approve the agenda for the March 20, 2013 Faculty Senate meeting with the following deletions: faculty senate budget priorities, the resolution from the Committee on University Libraries and the statement from the Committee on Faculty Compensation.

The meeting was adjourned at 5:30p.m.

Approved by the Faculty Senate Executive Committee

Rebecca Weiss
Secretary of the University Faculty

BY-LAWS OF THE FACULTY

OF THE

COLLEGE OF ARTS AND SCIENCES

(~~November 1, 2011~~New date will be date of final approval)

February 12, 2013
This is a special track-changes copy prepared for Faculty Senate
consideration and reflects changes to the following Sections:
2, 4, 14, 15, 22, 25, 26, 32, 38

ARTICLE I. PURPOSE

Section 1. Purpose
The purpose of these by-laws is to provide regulations to govern the faculty of the College of Arts and Sciences in discharging its responsibilities as provided for in the Constitution of the University Faculty.

ARTICLE II. MEMBERSHIP

Section 2. Members
Members of the faculty shall be all persons holding tenured or tenure-track appointments (assistant professor, associate professor, and professor), non-tenure track appointments (instructor and senior instructor), or special faculty appointments (see Article XIII, Section 42), as defined in the Faculty Handbook, Chapter 2, Article I, Sections A-C A, B, and C of the Faculty Handbook, in the departments listed in Section 32. Appointments of assistant professor, associate professor, and professor shall be exclusively tenured or tenure-track. Appointments of instructor and senior instructor shall be the only non-tenure-track appointments.

Section 3. Members *Ex Officio*
The following persons shall be members of the faculty *ex officio*: the President, the Provost, the Dean of the College, the Dean of Undergraduate Studies, the Director of the University Libraries, and the Dean of Graduate Studies.

Section 4. Voting Privileges
All members holding tenured, tenure-track, or non-tenure track appointments and all members *ex officio* shall have the right to vote. All faculty members who are tenured, tenure-track, or non-tenure-track (i.e., instructors and senior instructors), and all members ex officio shall have the right to vote. The official list of members of the faculty is that list submitted each year by the Dean of the College to the Secretary of the University Faculty, as provided in the Faculty Handbook, Chapter 2, Article I, Section F. Constitution of the University Faculty, Section I.F.

Section 5. Non-voting Members
Persons holding emeritus or special faculty appointments shall be invited to attend faculty meetings and participate in discussion but shall not vote.

ARTICLE III. RESPONSIBILITIES

Section 6. Responsibilities of the Faculty
The Faculty of the College of Arts and Sciences is responsible for all academic affairs of the college. As provided in the Constitution of the University Faculty, Article VII, Section A., Par. l.d, the faculty recommends awarding of degrees in course. Other specific responsibilities include but are not limited to the following: a) making recommendations to the Faculty Senate

regarding requirements and standards for degrees, standards of admission for students, approval of new degrees, and discontinuance of existing degrees; b) review and approval of curricula and content of degree programs; and c) setting standards for and making recommendations regarding facilities for teaching, research, and scholarship.

ARTICLE IV. MEETINGS

Section 7. Regular Meetings

The faculty shall hold regular meetings at least once each semester in October and March on dates to be determined by the Executive Committee in consultation with the Dean of the College. The faculty at any regular meeting may, by majority vote, fix the date of the next regular meeting. The October meeting shall be designated the annual meeting and shall include reports by the chair of the Executive Committee and the Dean of the College on activities of the preceding and current academic years.

Section 8. Special Meetings

The faculty shall hold special meetings when called by the President, the Dean of the College, the majority of the Executive Committee, or on petition to the Dean of the College signed by no fewer than 10 percent of the voting members of the faculty. The purpose of such a special meeting shall be stated by the person or group requesting the meeting. The business of the special meeting shall be limited to the matter or matters for which the meeting was called.

Section 9. Notification

The Dean of the College shall notify each member in writing at least seven days before each regular meeting and at least three days before each special meeting, specifying the time, place, and agenda of the meeting. The Dean of the College shall provide for recording minutes of all meetings of the faculty and of the Executive Committee and for distributing them to all members of the faculty.

Section 10. Chair, Quorum, and Order of Business

The President, or in the absence of the President, the chair of the Executive Committee or an Executive Committee member designated by the chair, shall preside at both regular and special meetings of the faculty. Each meeting shall be conducted in accordance with the latest edition of *Robert's Rules of Order*. Twenty percent of the voting membership shall constitute a quorum. Decision shall be made by majority vote of the members in attendance.

The order of business at all regular meetings shall be as follows:
   a. Presentation and adoption of minutes
   b. Resolutions in memoriam
   c. Introduction of new faculty members
   d. Announcements
   e. Report of the Executive Committee
   f. Report of standing and special committees
   g. Report of the Faculty Senate's Representative to the Executive Committee

h.   Consideration of unfinished business
i.   Consideration of new business

ARTICLE V. COMMITTEES

Section 11. Standing Committees

The standing committees of the faculty shall be the Executive Committee, the Committee on Appointments, the Committee on Educational Programs, and the Graduate Committee.

Section 12. Selection and Terms of Office

Members of the standing committees shall be selected during the spring semester for the following year, by procedures specified in sections 14, 15, 24, 28, and 30. Terms of office shall begin on the day following commencement. The Dean of the College shall distribute to all members of the faculty a list of members to all standing and special committees at the beginning of each fall semester.

Section 13. Special Committees

The faculty may at any time provide for special committees to study and recommend on any matter or matters within its jurisdiction which it may deem appropriate.

ARTICLE VI. EXECUTIVE COMMITTEE

Section 14. Membership

There shall be 12 members of the Executive Committee, 10 11 with a vote and two one without. The voting members shall consist of nine persons elected from the tenured, tenure track, and non-tenure track members of the faculty; one member of the faculty elected at large by the Faculty Senate to represent the college on the Executive Committee of the Faculty Senate *ex officio*; and the Dean of the College *ex officio*. The nNon-voting members shall be one person selected annually by the Executive Committee from the elected faculty senators of the college who shall serve as a liaison between the Executive Committee and the Faculty Senate, and one member selected annually by the Chair Council from among its members who and shall serve as a liaison between the Executive Committee and the Chair Council (defined in Section 36).

Section 15. Election and Terms

Elected members of the Executive Committee shall serve overlapping three-year terms and shall not be eligible for immediate reelection.

Election shall be by a two-ballot process. The Dean of the College shall prepare and distribute a first, or nominating, ballot listing all persons eligible to serve according to the following rules: department chairpersons are not eligible for election. All faculty members who are tenured, tenure-track, or non-tenure-track (i.e., instructors and senior instructors) All tenured, tenure track, and non-tenure track faculty members are eligible except those from departments already represented among continuing elected members of the Executive Committee.

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The Dean of the College shall then prepare and distribute a second, or election, ballot according to the following rules: The election ballot shall list twice the number of nominees to be elected but also listing no more than one person from each eligible department. Subject to this rule, those persons receiving the greatest numbers of votes from the nominating ballot shall appear on the second ballot. The Executive Committee shall resolve any tie votes.

Vacancies shall be filled by reference to the results of the most recent election and in order of preference according to the votes cast. Vacancies must be filled according to the eligibility rules outlined above. Persons selected to fill such vacancies shall be eligible for election when their terms expire.

Section 16. Executive Committee Chair

The chair of the Executive Committee shall be a tenured faculty member and shall be elected annually by the committee from among its elected members. The election of the new chair shall be conducted at the first meeting of the incoming committee which shall be called by the Dean of the College.

Section 17. Regular Meetings

The Executive Committee shall hold meetings monthly during the academic year beginning in September on dates to be selected by the chair. However, the Executive Committee may at any regular meeting, by majority vote, fix the date of the next regular meeting.

Section 18. Special Meetings

The Executive Committee shall hold special meetings when called by the President, the Dean of the College, or the chair. The chair shall call a special meeting when requested by three members of the Executive Committee or when requested by 10 members of the faculty by a petition stating the purposes of the proposed meeting.

Section 19. Notification of Meetings

The chair shall notify each member of the Executive Committee in writing at least seven days before each regular meeting and at least three days before each special meeting specifying the time, place, and agenda of the meeting.

Section 20. Agenda

The agenda for Executive Committee meetings normally shall be as follows:

  a. Approval of minutes for the previous meeting
  b. Announcements by the chair of the committee
  c. Dean's report
  d. Committee reports
  e. Chair Council and Faculty Senate reports
  f. Consideration of Unfinished Business
  g. Consideration of New Business

Any faculty member in the college may request that an issue be placed on the agenda. Items of new business may be placed on the agenda by any elected member of the Executive Committee or the dean.

Section 21. Chairing Meetings

The chair or, in the chair's absence, a member selected by the Executive Committee shall preside at both regular and special meetings of the Executive Committee.

Section 22. Responsibilities

The Executive Committee shall consider all matters of policy, procedure, and any other matter within the jurisdiction of the faculty which the committee may deem appropriate. Such matters include but are not limited to appointments, reappointments, promotions, separations, tenure, academic freedom, curricula, professional and academic conduct, teaching load, student admission, terms and times of attendance, examinations, degree programs, and faculty organization.

A concern of the Executive Committee shall be fiscal planning and budget, and a subcommittee for that purpose may be established. Discussion of the college budget shall take place at least twice annually to consider budget matters at an early stage for the coming year and to review the budget after approval by the trustees.

The Executive Committee shall set the agenda for all regular meetings of the faculty, resolve tie votes in elections, and fill vacancies in committees.

The Executive Committee shall be advisory to the Dean of the College concerning the selection of department chairpersons, the appointment of special committees, and other matters that the Dean of the College may deem appropriate. It shall be advisory to the president in selection of the Dean of the College and shall nominate members of the search advisory committee in accordance with the Guidelines for Selecting Deans, Chapter 3, Part II, Section VIII. of Policies and Procedures for Members of the Faculty of Case Western Reserve University (hereinafter Policies and Procedures).

There shall be a review of the dean's performance every five years. The Executive Committee shall appoint a Dean Review Committee of six faculty members at the end of the fourth year of a dean's tenure which shall report to the Executive Committee by the end of the first semester of the fifth year. The review committee shall consider the dean's performance in the areas listed in Section 38: academic, fiscal, and administrative. The ~~review~~ report summarizing the committee's findings shall be discussed with the dean prior to transmission to the Executive Committee. ~~A summary of the findings shall be sent to the president for information and action.~~The Executive Committee shall transmit the report, together with the Executive Committee's recommendation with respect to reappointment, to the provost and the president.

The Executive Committee shall appoint the members of the Committee on Appointments and the Graduate Committee and prepare a slate of nominees for the Committee on Educational Programs in conformance with the criteria stipulated in Sections 24, 28, and 30.

The Executive Committee shall consider, on recommendation of the appropriate department chairperson, requests for sabbatical leaves of absence and shall forward them to the Dean of the College, together with the committee's recommendation on the merits of the study proposed and the applicant's qualifications to undertake it.

The Executive Committee, in conjunction with the Dean of the College, shall conduct elections in the spring semester for faculty senators representing the Faculty of the College of Arts and Sciences, according to the procedures specified in Section 39.

Section 23. Quorum and Voting

Six of the elected faculty members of the Executive Committee shall constitute a quorum and all decisions shall be by majority vote of those voting.

ARTICLE VII. COMMITTEE ON APPOINTMENTS

Section 24. Composition, Terms, Meetings, and Presiding Officer

The Committee on Appointments shall be composed of nine faculty members holding the rank of professor with tenure appointed by the Executive Committee, no two of whom shall be from the same department. The membership shall be selected so as to be broadly representative of the spectrum of disciplinary, scholarly, and research activities in the College of Arts and Sciences. Members shall serve a term of one year, but may be reappointed to a maximum of three consecutive years. The Dean of the College shall set a time and notify members of the first meeting each academic year. Vacancies for unexpired terms shall be filled by the Executive Committee. For meetings at which promotions, awards of tenure, or new appointments are acted upon, all members of the committee shall be present to constitute a quorum. At meetings dealing only with other matters, seven members shall constitute a quorum.

When an initial appointment must be considered and acted on at a time during which classes are not in session and, therefore, when some members may be unavailable to meet, the dean may appoint one or more temporary replacement members from among those who served on the committee in the previous academic year. Should this fail to constitute a nine-member group, the dean has the authority to make temporary special appointments in accordance with the composition guidelines outlined above in order to constitute a quorum of nine members.

The chair of the Committee on Appointments shall be elected annually by the committee at its first meeting of the academic year from among its own members. The Committee on Appointments shall hold meetings on dates to be determined by the chair, who shall notify each member at least three days before each meeting, specifying the time, place, and agenda for the meeting.

Section 25. Responsibilities

The Committee on Appointments shall consider all matters of tenure; promotions to the ranks of senior instructor, associate professor, professor, and research professor; initial appointments to the ranks of senior instructor, associate professor, professor, research associate professor, and research professor; appointments to chaired professorships; and third-year review of tenure-track faculty. The committee shall be advisory to the dean concerning appointments to chaired professorships. It shall also consider and make recommendations pertaining to the dismissal of tenured faculty members.

The committee is responsible for insuring the equitable applications of standards for assessing the credentials of all candidates considered by the Committee on Appointments in accordance with the Faculty Handbook, Chapter 3, Part One, Article I, Sections E-J. Policies and Procedures, particularly Part One, Section I, Subsections E, F, G, H, I, and J in the Faculty Handbook. Assessment of tenured and tenure-track faculty shall be based on contributions to teaching, scholarly activity, research, creative performance, professional service, and service to the university and community, taking into account the different mixes and styles of contributions

that are appropriate in different disciplinary areas. Assessment of research faculty who are non-tenure track faculty shall be based on contributions to scholarly activity and research. Each faculty member whose appointment leads to tenure consideration shall be considered for tenure no later than six years after the date of initial appointment to the tenure track.

Section 26. Procedures

At the beginning of each fall semester, the Dean of the College shall draw up a list of those faculty members who must be considered for tenure during that academic year and shall notify the appropriate department chairpersons. Each department shall consider the merits of each of its own candidates in accordance with the Faculty Handbook, Chapter 3, Part One, Article I, Sections F and I Policies and Procedures, particularly Section I, Subsections F and I, and shall transmit its recommendations to the Committee on Appointments. A department may, on its own initiative or at the request of one of its faculty, propose a candidate for tenure and/or promotion following the prescribed procedures. In addition, instructors may request consideration for promotion to senior instructor status at any time during their careers (although applicants should try to ensure they have sufficient work histories to be adequately evaluated).

For each candidate considered by the Committee on Appointments, the committee shall review the recommendation of the originating department and may invite the department chairperson or the chairperson's designee to appear before the committee to respond to questions from the committee. If there is a member of the committee from the same department, that member shall not participate in the discussion or voting.

The committee shall prepare a report containing its own recommendation, which shall represent a separate and independent assessment of the candidate as well as a review of the department's recommendation. The committee shall approve, disapprove, or refer recommendations back to the originating department for additional documentation. In the case where recommendations are referred back to departments, the departmental response shall normally be returned to the Committee on Appointments within two weeks. The chair of the Committee on Appointments is responsible for preparing each report and for insuring that the report accurately reflects the views of each member of the committee. In the event that the Committee on Appointments does not concur with the recommendation of the originating department, the committee shall transmit its report to the department chairperson for comment and submission of additional evidence in time for possible reconsideration by the committee before its recommendations are forwarded to the Dean of the College. All recommendations, positive and negative, shall be forwarded.

After receiving recommendations from the Committee on Appointments, the dean may convene a meeting with that committee in order to clarify matters related to the recommendations.

Section 27. Changes in Procedure

The Committee on Appointments shall recommend to the Executive Committee for its approval such rules governing the procedure of the Committee on Appointments and such criteria for the recommendation of appointments, promotions, and tenure as it deems appropriate.

ARTICLE VIII. GRADUATE COMMITTEE

Section 28. Membership

The Graduate Committee shall consist of six tenured, tenure-track, or non-tenure track faculty members, no two of whom are from the same department, and the Dean of the College *ex officio*. The Executive Committee shall appoint the faculty members and shall assure broad representation of academic disciplines. Faculty members shall serve three-year overlapping terms. The committee shall select its own chair from among its faculty members, and the chair shall serve a one-year renewable term.

Section 29. Responsibilities

The Graduate Committee shall advise the Executive Committee concerning the needs of, and opportunities for, enhancing the environment for scholarly research, creative performance, and other creative activities involving graduate students, particularly with regard to fostering high quality and productive graduate research and creative endeavors. It shall advise on all other matters related to graduate programs in the college including, but not limited to, financing graduate education, academic integrity, and opportunities for new graduate programs. It shall serve as a vehicle for consideration of faculty concerns about graduate matters.

Faculty members of the college may request that the committee chair convene a meeting of the committee to consider an issue. In such cases, the committee chair determines whether to convene the full committee. If the chair declines to convene the committee, the faculty member requesting the meeting may petition the entire committee to request a meeting. If a majority of the committee members agree, the committee chair will convene the committee to address the stated issue. If there is a tie vote, the dean's representative to the committee will break the tie. The Executive Committee must be informed of all such requests sent to the committee chair and kept apprised of the committee's deliberations.

ARTICLE IX. COMMITTEE ON EDUCATIONAL PROGRAMS

Section 30. Membership

The Committee on Educational Programs shall consist of 16 members as follows: nine tenured, tenure-track, or non-tenure track faculty members, no two of whom are from the same department; two undergraduate students appointed by the Undergraduate Student Government; two graduate students chosen by the Graduate Student Senate, the Dean of Undergraduate Studies *ex officio*, the Dean of Graduate Studies *ex officio*, and the Dean of the College *ex officio*. Faculty members to replace members of the Committee on Educational Programs whose terms have expired shall be elected at the regularly scheduled spring faculty meeting. Prior to this meeting, the Executive Committee shall prepare a slate of candidates for this election and additional nominations may be made from the floor. The nominees shall be representative of the broad spectrum of disciplines within the college. Any nomination from the floor shall have the nominee's prior consent. Faculty members shall serve three-year overlapping terms. The committee shall select its own chair from among its faculty members, and the chair shall serve a one-year, renewable term.

Section 31. Responsibilities

The Committee on Educational Programs shall address academic issues relevant to all educational programs in the college—undergraduate, graduate, and continuing—and shall undertake periodic reviews of these programs. It shall be the committee of first instance for all curricular matters, including degree requirements, terms and times of attendance, examinations, and new courses; it may have further jurisdiction as delegated to it by the Executive Committee. The committee shall report annually to the Executive Committee prior to the end of the academic year. In addition to a review of its activities during the year, the committee shall make recommendations for handling longer term educational issues which it has identified or which have been brought to its attention.

ARTICLE X. DEPARTMENTS

Section 32. Departments

The primary unit of the faculty is the College of Arts and Sciences. For the purpose of organizing the research and teaching functions of the faculty, the College of Arts and Sciences is divided into departments. The departments of the faculty shall be: Anthropology; Art History and Art; Astronomy; Biology; Chemistry; Classics; Cognitive Science; Dance; Earth, Environmental and Planetary Sciences; English; History; ~~Mathematics~~ Mathematics, Applied Mathematics, and Statistics; Modern Languages and Literatures; Music; Philosophy; Physics; Political Science; Psychological Sciences; Religious Studies; Sociology; ~~Statistics~~; and Theater. All faculty members must have an appointment within a department. Programs of study or centers for research which may be established within or between these departments shall not be deemed departments.

Section 33. Department By-Laws

A department may be governed in accordance with by-laws adopted by its membership, ratified by the faculty through the Executive Committee, and filed in the Office of the Dean of the College, provided that the by-laws are consonant with the Constitution of the University Faculty, Policies and Procedures, and with these by-laws.

Section 34. Appointment of Chairpersons and Term of Office

Each department shall have a chairperson who shall report to the Dean of the College. A chairperson shall be appointed by the president upon recommendation of the Dean of the College and after the latter has consulted individually with each member of the faculty of the department and with the Executive Committee. The recommendation to the president shall contain a summary of the consultations with the faculty members of the department. The selection process shall follow the "Guidelines for Selecting of Department Chairpersons" as described in the Faculty Handbook. The aim of the appointment process is to identify a candidate for department chairperson who is acceptable to the president, the Dean of the College, and the department faculty.

Section 35. Responsibilities of Department Chairpersons

The chairperson shall be the executive officer of the department and shall exercise leadership in matters of department policy, including appointments, promotions, research, instruction, and department administration, in accordance with Policies and Procedures. The chairperson shall represent the interests of the department and of individual members of the department to other departments and to officers of the administration, keeping the department faculty informed of administrative actions and the administration informed of department action. Within the limitations imposed by confidentiality of individual faculty members, the chairperson shall keep the faculty of the department informed on issues of concern to the department.

The chairperson shall prepare the department's budget, subject to the approval of the Dean of the College. The chairperson shall monitor the expenditures of the department budget and shall report at least once each year to the faculty of the department on the state of the department budget.

The chairperson shall transmit recommendations for faculty appointments, reappointments, promotion, and tenure, together with his or her independent recommendation, and shall be the hiring officer for all other personnel assigned to the department. The chairperson shall consult with faculty of the department on appointment of non-tenure track persons whose responsibilities include instruction.

The chairperson of each department shall transmit an annual report to the Dean of the College.

Unless the responsibilities are otherwise assigned in the department's own by-laws, the chairperson shall, as necessary, convene and preside at all department meetings, appoint committees, delegate duties, prepare teaching schedules, maintain records, and conduct correspondence.

Section 36. Chair Council

The chairpersons of all the departments shall meet jointly in a Chair Council. The council also shall have a member selected by the Executive Committee from among its members. The Chair Council shall meet regularly, and shall be chaired by the Dean of the College. It shall address the common issues which arise from the responsibilities of department administration and shall function to share information and exchange views of matters of mutual concern to the departments.

Departments may choose to form separate groups of chairpersons from departments with common concerns. These separate groups may convene their own meetings or may be convened by the Dean of the College. They also may bring their concerns directly to the Chair Council or the Dean of the College.

ARTICLE XI. THE DEAN OF THE COLLEGE

Section 37. Appointment

The chief executive officer of the faculty shall be the Dean of the College of Arts and Sciences. The Dean of the College shall be appointed in accordance with Article VII.A of the Constitution of the University Faculty and with the Guidelines for Selection of Deans, Part II., Section VIII., of Policies and Procedures.

Section 38. Responsibilities
The Dean of the College has academic, fiscal, and administrative responsibilities.

a.   Academic

The Dean of the College shall have the responsibility to build and maintain a faculty whose commitments and quality are consonant with the mission of the college; to provide leadership in undergraduate and graduate student recruitment and selection for the college; to achieve and maintain faculty balance and student balance in the college consonant with the concept of a comprehensive College of Arts and Sciences; to undertake regular and systematic department reviews with the goal of improving the quality of programs and research activities; to develop and sustain both graduate and undergraduate programs of the highest quality; and to represent the academic needs, ambitions, and plans of the college both to the university administration, to other constituent faculties, and to outside constituencies.

b.   Fiscal

The Dean of the College shall be responsible for administering the budget of the college to meet the objectives stated in Subsection a. above, and shall communicate the fiscal needs of the college to the university and other groups. The dean shall aggressively pursue all sources of income—including endowments, grants, tuition income, and gifts—in order to support the objectives of the college. Unless otherwise directed by the president, the dean shall serve as vice chair of the Case Advisory Board and present appropriate funding proposals from departments and programs in the college. The dean shall review the budget periodically with the Executive Committee and shall make an annual report of the budget and fiscal status of the college at a regular faculty meeting of the college.

c.   Administrative

The Dean of the College shall assure the development and implementation of policies and best practices to promote effective and efficient operation of the college. Through engagement with unit faculty and stakeholders, the dean shall lead development of strategic and related plans and ensure their implementation and shall promote regular and open communication of information and decisions with faculty and other college stakeholders. The dean shall support the professional development and advancement of faculty and staff of the college, encourage high ethical and professional standards for all members of the college, shall support and encourage leadership development within the college, and shall assure that procedures and practices for evaluation of performance of faculty and staff, promotions, tenure, and leave are clearly documented and communicated. The ~~Dean of the College~~dean shall communicate directly with each department chairperson regarding fiscal and academic issues within the departments. The dean shall also identify and recommend appointments of department chairpersons to the president.

ARTICLE XII. REPRESENTATION IN UNIVERSITY GOVERNANCE

Section 39. Faculty Senate

The faculty shall provide representatives to the Faculty Senate in accordance with the by-laws of the body. All representatives at large shall be elected by a two-ballot process, the ballots to be prepared and distributed by the Dean of the College and the election to be conducted by the Executive Committee in conjunction with the Dean of the College. The first, or nominating, ballot shall list all faculty members eligible to serve. Those with the greatest numbers of votes shall appear on the second, or election, ballot. The number of nominees on the second ballot shall be twice the number of senators to be elected. The Executive Committee shall resolve any tie votes.

To help faculty make informed choices, the first ballot shall also list the current senators from the faculty with their departmental affiliations.

Section 40. Other Bodies

In other cases when the faculty is asked to select representatives to university bodies and when the mode of selection is not specified, the Executive Committee shall either appoint such representatives or designate an appropriate method of selection.

ARTICLE XIII. POLICIES ON APPOINTMENT, REAPPOINTMENT, PROMOTION AND TENURE OF FACULTY

Section 41. Faculty Titles and Definitions for Special Faculty Members

a. Lecturer

Lecturers may be either part-time or full-time. The appointment is used for individuals whose primary responsibility is to teach one or more courses. Appointments are for one year. In some cases appointments are made with the possibility of limited renewal.

b. Adjunct Faculty--(Instructor through rank of Professor)

Part-time service for individuals who hold primary staff or administrative positions within the university, or for individuals whose primary appointment is held outside the university in business, industry, or other institution. Adjunct faculty normally are not compensated. Continuing appointments are renewed annually with a $0-salary contract after the dean's office has received notification from the department in the spring semester.

c. Visiting Faculty--(Instructor through rank of Professor)

Full-time service (for the short- or long-term) for individuals from other academic institutions within the United States who are visiting for a period of up to three years, for individuals from foreign academic institutions who will visit for a period of one year or less, or for independent scholars without home institutions. Compensation may or may not be involved.

d. Secondary Appointment--(Instructor through rank of Professor)

Part-time service for individuals who hold primary faculty appointments within the university. No faculty member may hold a secondary faculty appointment at a

rank higher than the rank held in his or her primary department or school. Compensation may or may not be involved. If compensation is to be made, a transfer of funds between departments or schools may be arranged. Usually there is no compensation paid directly to the individual. Continuing appointments are renewed annually by notification to the department during the spring semester.

e. Clinical Faculty--(Instructor through rank of Professor)
Part-time service for individuals who will engage in clinical training and/or supervision of students. Clinical faculty normally are not compensated.

f. Research Faculty (Research Associate Professor and Research Professor)
Appointment of research faculty shall follow the procedures described in the "Policies and Procedures for Research Faculty Appointments" approved by CAS and the Faculty Senate in 2000.

Section 42. Qualifications and Standards for Appointment, Reappointment, Promotion, and Tenure

The college evaluates candidates for appointment, reappointment, promotion, and tenure based on evidence of:

a. expert knowledge of field and a demonstrated commitment to continuing development of that competence,

b. dedication to and evidence of effective teaching,

c. commitment to a demonstrated continuing program of research or advanced creative activity and evidence of achievement in this work, and

d. willingness to perform university service.

Each department in the college must have written criteria for promotion and tenure and should make these available to faculty at least yearly.

Appointments and reappointments for non-tenure track faculty and for special faculty shall be made in accordance with the guidelines in Chapter 3, Part One, Section I.F of the University Faculty Handbook.

Section 43. Rights and Obligations of Faculty

The College of Arts and Sciences provides tenure-track faculty with a base academic year salary and office space. Non-tenure-track and special faculty receive resources as agreed in their contracts. The College of Arts and Sciences is committed to faculty development as described in the Faculty Development Policy adopted by the faculty on March 27, 1997.

Section 44. Procedures for Review of Tenure-track Faculty

The canonical pretenure period in the College of Arts and Sciences is six years. Tenure-track faculty shall receive an annual written evaluation of their professional progress relative to the qualifications for tenure described in the Faculty Handbook (3.1.F.). The department chair is expected to meet with the tenure-track faculty member annually to discuss his or her review. During the faculty member's third year, a formal review of progress toward tenure will be conducted by the eligible department faculty members. Absent sufficient eligible departmental faculty members (minimum of four), the dean will appoint a special committee for this purpose.

The department or special committee's report will be reviewed by the Committee on Appointments.

Tenured faculty receive a written review annually. Tenured associate professors should meet with their chair regularly to review their progress toward promotion. Each department has a written mentoring policy outlining department procedures for mentoring faculty through the process of tenure and of promotion. These policies are reviewed and approved by the Executive Committee.

Section 45. Terminations in the Case of Financial Exigent Circumstances

In accordance with Chapter 3, Part One, I, E., 3. of the University Faculty Handbook, these by-laws set forth the following guidelines for termination of faculty in the event of financial exigencies facing the college. If all other remedies are exhausted, tenured faculty shall be terminated in reverse order of seniority of rank. Within a rank faculty shall be terminated in reverse order of length of service within that rank.

ARTICLE XIV. AMENDMENTS

Section 46. Proposal

Amendments to these by-laws may be proposed at any time by the Executive Committee or by any tenured, tenure-track, or non-tenure track member of the faculty to the Executive Committee for review and recommendation. Proposed amendments shall be distributed by the Executive Committee in written form to each voting member of the faculty no later than 14 days before either the next scheduled faculty meeting, which shall include discussion of the proposed amendments in its agenda, or a special meeting called for the purpose of hearing discussion on the proposed amendment(s). Following the meeting, the Dean of the College shall distribute the proposed amendments along with a secret mail ballot to all voting members of the faculty.

Section 47. Approval

Approval of amendments shall require a two-thirds majority of the ballots cast, provided however that at least 50 percent of the ballots (excepting those from faculty on leave) have been returned.

ARTICLE XV. RATIFICATION

Section 48. Ratification

These by-laws shall be approved by a two-thirds majority of the total votes recorded. Upon approval, the by-laws shall be submitted to the Faculty Senate for its approval, according to the established procedures of that body.

December 4, 1992—Ratified by the Faculty of Mathematics and Natural Sciences
and the Faculty of Humanities, Arts, and Social Sciences
December, 1993—Amended by the Faculty of the College of Arts and Sciences
April 21, 1994—Approved by the Faculty Senate

October 18, 1994—Amended by the Faculty of the College of Arts and Sciences

March 25, 1999—Amended by the Faculty of the College of Arts and Sciences
February 10, 2000—Approved by the Faculty Senate

November 30, 2001—Amended by the Faculty of the College of Arts and Sciences
March 26, 2002—Approved by the Faculty Senate

April 15, 2003—Amended by the Faculty of the College of Arts and Sciences
October 22, 2003—Approved by the Faculty Senate

May 9, 2003—Amended by the Faculty of the College of Arts and Sciences
October 22, 2003—Approved by the Faculty Senate

November 30, 2003—Amended by the Faculty of the College of Arts and Sciences
April 29, 2003—Approved by the Faculty Senate

October 11, 2005—Revision Approved by the A&S Executive Committee
December 9, 2005—Revision Approved by the Faculty of the College of Arts and Sciences
March 23, 2006—Approved by the Faculty Senate

October 17, 2007—Section 32 updated to show Religious Studies (formerly Religion)

April 28, 2010—Revisions (5) Approved by the Faculty of the College of Arts and Sciences
September 23, 2010—Motions Approved Re: Dept of THTR Split and Combination of Depts of COSI and
PSCL
November 16, 2010—Approved by the Board of Trustees

March 15, 2011—Revision to Rename Department of Geological Sciences to Department of Earth,
Environmental, and Planetary Sciences; Approved by the A&S Executive Committee
April 18, 2011—Approved by the Faculty of the College of Arts and Sciences
September 28, 2011—Approved by the Faculty Senate
October 15, 2011—Approved by the Board of Trustees

March 9, 2012—Revisions (8) Approved by the A&S Executive Committee
April 20, 2012—Approved by the Faculty of the College of Arts and Sciences
_____--Approved by the Faculty Senate
_____--Approved by the Board of Trustees

October 11, 2012—Revision to Rename Departments of Mathematics and Statistics to be Department of
Mathematics, Applied Mathematics, and Statistics Approved by the A&S Executive
Committee
November 16, 2012—Approved by the Faculty of the College of Arts and Sciences
_____--Approved by the Faculty Senate
_____--Approved by the Board of Trustees

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BY-LAW XI. AMENDMENT

A proposal for amendment of these By-laws may be initiated by any member of the Faculty Senate in the form of a motion at any regular meeting, subject to the provisions of By-law III, Item d, such motion to be for referral of the proposed amendment to the Faculty Senate By-Laws Committee for review. ~~an ad hoc committee, as provided in the Constitution, Article VI, Section F, the membership of such ad hoc committee to be chosen by the Executive Committee, provided, however, that the Chair and the Secretary shall be members, *ex officiis*.~~

Should the Faculty Senate adopt such motion for referral, the By-Laws Committee ~~ad hoc committee~~ shall consider the amendment at its next meeting and report to the Faculty Senate Executive Committee. The Executive Committee shall in turn report to the Faculty Senate at the Senate's next regular meeting, subject to the provisions as to notification and agenda of Bylaw III, Item d. Action of the Faculty Senate as to adoption of such proposed amendment shall be by a two-thirds majority vote of the voting members present.

DATE: February 20, 2013

TO: Martin Snider
Chair, Graduate Studies Committee
CWRU Faculty Senate

FROM: Lawrence E. Mitchell
Dean and Joseph C. Hostetler –
BakerHostetler Professor of Law

RE: Proposal for on-line Delivery of Previously Approved
LL.M. in International Business Law

I am writing to express my strong endorsement of the proposal for the on-line LL.M. in International Business Law. This proposal has been unanimously approved by the Faculty of Law on December 6, 2012.

Again, I wholeheartedly support this and I think it will be a great program for our School of Law.

Please let me know if you have any questions, or if I can provide any additional information.

Case Western Reserve University
School of Law

Proposal for on-line Delivery of Previously Approved
LL.M. in International Business Law

February 20, 2013

Contact person: Dale Nance, dale.nance@case.edu

On-line delivery approved unanimously by the Faculty of Law on December 6, 2012

Overview

The "LL.M." degree is an advanced law degree for students who have obtained the basic professional law degree (usually called an LL.B. or a J.D., but there is considerable variation among countries). In 1992, CWRU established an LL.M. Program in United States Legal Studies. In 2004, to reflect changes in the LL.M. curriculum, the name of the program was changed to "The Master of Laws in United States and Global Legal Studies." The program received American Bar Association acquiescence in August 1992. The law school enrolled its first candidates for the LL.M. in U.S. Legal Studies in the fall of 1992. At the time, CWRU was one of a handful of American law schools offering an LL.M. program only for foreign students, and the first in Ohio. In 2008, the law school launched a specialized LL.M. degree program in International Criminal Law for foreign as well as U.S. trained lawyers. In 2009, two additional, more specialized LL.M. degree programs, directed exclusively at foreign law graduates, were created at CWRU: the LL.M. in International Business Law and the LL.M. in Intellectual Property. All four LL.M. degree programs are one-year programs, as are most residential LL.M. programs offered in this country.

The LL.M. program launched in the fall of 1992 with just three students, one from each of Belarus, France, and the Philippines. The program grew steadily each year. The two principal feeder countries in the early years were Saudi Arabia and Thailand. Since the events of September 11, 2001, the LL.M. class has changed considerably in terms of source countries; the principal feeder countries are now China, Taiwan, and Thailand. There are currently 82 students in the four LL.M. programs combined. Our LL.M. graduates are law professors, judges, prosecutors, legislators, partners in international law firms, corporate legal counsel, and lawyers employed in government ministries all over the world. For example, in 2000, eight of the forty lawyers in the Bangkok office of Baker and McKenzie were CWRU LL.M. graduates.

More than 75 U.S. law schools compete for foreign law graduates as LL.M. students, so far mostly in residential programs. CWRU has maintained a competitive edge by capitalizing on the strengths of the law school curriculum and certain core values on which the LL.M. program has been grounded: integration into the American law school experience, preparedness for the global economy, and a welcoming atmosphere.

But the competition is now expanding to non-residential programs. In part because of the rather dramatic downturn in the market for U.S. law graduates in recent years, many law schools are looking for alternative revenue sources, and one relatively untapped source is the market for advanced American legal education for foreign students who cannot or do not wish to travel to the United States in order to attend classes. Unlike students who come to the U.S. for graduate legal studies, many foreign students may have no intention of practicing law in the U.S. This means that residence requirements, which many states impose

on those who wish to take American bar examinations, become irrelevant. That opens up the possibility of providing legal education to foreign students by means other than requiring those students to attend classes in the U.S.

The present proposal is to adapt and offer our current LL.M. in International Business Law to these students using a different delivery system: entirely on-line education. On-line programs are burgeoning, with numerous universities, and law schools in particular, offering on-line LL.M. degrees. However, we are aware of no law school that has yet offered an on-line LL.M. in International Business Law. For foreign law graduates who are not planning to practice in the U.S. but will likely do business with firms from the United States, an LL.M. in international business from an American perspective is likely to be a very useful supplementary credential that can advance their careers.

1. Degree Program & Rationale

The existing degree program is a "Master of Laws in International Business Law." The residential LL.M. in International Business Law is designed to give foreign lawyers an opportunity to study United States business law as applied in international transactions. The one-year program, which begins in the Fall semester only, requires full-time attendance. It immerses students in academic analysis and practical applications of United States business law to entities doing business both within and outside the United States.

The proposed on-line version of the LL.M. in International Business Law will serve essentially the same purposes, but it will be delivered on-line without a residence requirement. Like the resident LL.M. program, the on-line program will prepare foreign lawyers for positions in international law firms, in-house legal departments of multinational enterprises, government posts, and other for-profit and non-profit organizations doing business internationally. It will combine an academic approach to international business, including study of policy rationales underlying legal regimes, with a practical orientation to day-to-day problem-solving.

The program is a potential source of substantial revenue. Beyond that, like the graduates of our residential LL.M. programs, our on-line program graduates will become resources as we expand our international programs in the future and spread the global reputation of the university as a whole. These graduates help us establish contacts in order to bring the full breadth of international scholarship to our faculty and to identify foreign faculty and students who can enrich our programs at all levels.

Finally, as our faculty gain sophistication in the tools of on-line education, we anticipate spill over benefits for the regular J.D. program. Not the least of these will be the faculty members' opportunity to use

the on-line materials developed for the LL.M. program to enrich their residential courses. Even for residential students, basic competencies can be reinforced by on-line learning, freeing class time to be devoted to more subtle or complex issues or practical exercises.

2. Description of Proposed Curriculum

Like the residential program, the on-line version of the LL.M. program in International Business Law will require that the student earn 24 hours of course credits. Moreover, most of the required course work will be essentially the same as that required for the residential program. However, the nature of the delivery context and format necessitates certain modifications:

a. Based on the advice of vendors specializing in on-line course delivery, we contemplate courses arranged in eight-week terms, not unlike the traditional quarter system. Initially, the school will admit students to begin the program only in a specific term in the fall of the year. After the program is up and running, however, it may be possible to admit students on a rolling basis; once created, the courses can be taught during any term, subject to staffing constraints.

b. There is little demand for a part-time residential LL.M., extending longer than two semesters of study. For the most part, students who come to the U.S. to study have left behind whatever employment they had. In the on-line environment, however, we anticipate applications from persons who would want or need to hold down full-time or part-time jobs, students who might be able to afford the tuition only if their employment continues. That could necessitate a slower pace, and we see no reason not to allow a somewhat extended time period to complete the degree. On the other hand, the program must be completed in a period of time short enough to allow for cumulative learning that does not become stale. Ordinarily, that would mean taking at least two courses per term. Thus, we contemplate allowing the student the flexibility of completing the on-line program in a period of time no shorter than three terms and no longer than five terms.

c. In the 2003-2004 academic year, the law school introduced an LL.M.-J.D. transfer program, allowing our residential LL.M. graduates who have done particularly well to transfer into the J.D. program with about half a year of credit toward completion of the J.D. degree. There are currently several such LL.M. graduates studying for the J.D. degree. At this point, the school does not have sufficient confidence in our ability to make the necessary judgments based on students whose performance is entirely on-line. Until we do have such confidence, we do not propose to offer transfer on such special terms to the graduates of the on-line program. Of course, such graduates will be welcome to apply for admission into our J.D. program, but they will not be permitted to transfer any credit toward that degree, nor will they be allowed to transfer from the on-line LL.M. program into the residential LL.M. program. This policy will be re-evaluated when adequate experience has been gained with the on-line program.

The requirements of the two versions of the degree are compared below.

Current Requirements for **Residential** LL.M in International Business Law:

Program Structure: courses taken over two 13-week semesters in residence

Required Courses: Foreign Graduate Seminar (4 credits, over two semesters)
                                 U.S. Legal Writing (3 credits. over two semesters)
                                 U.S. Contract Law for the LL.M. (3 credits)
                                 Business Associations for the LL.M. (3) or Business Associations (4)

Proposed Requirements for **On-line** LL.M. in International Business Law:

Program Structure: courses taken over no less than three, and no more than five, 8-week terms

Required Courses: Introduction to U.S. Law (3 credits)
                                 U.S. Legal Writing I: Basic Writing Skills (2 credits)
                                 U.S. Legal Writing II: Transactional Writing (2 credits)
                                 U.S. Contract Law for the LL.M. (3 credits)
                                 Business Associations for the LL.M. (3)

Electives for both programs: Additional electives are taken to fill out the required 24 credits. They are chosen from offerings within the following list, subject to the requirement that at least one of the electives must be one of those courses that are underlined:

                  Alternative Dispute Resolution (2)
                  Antitrust Law (3)
                  Bankruptcy (3)
                  Conflict of Laws (2 or 3)
                  Contemporary Issues in International & Comparative Law (1)
                  Corporate Finance (3)
                  Corporate Real Estate Transactions (2)
                  Credit Transactions in the Global Economy (1)
                  Cyber Law (2)
                  Debtor-Creditor Law (3)
                  Doing Business in the U.S. (3)
                  Employment Law (3)
                  Federal Income Tax (3)
                  Federal Income Tax of Corporations & Shareholders (3)
                  Financial Institutions Regulation (3)
                  Global Corporate Governance Law (3)
                  Insurance Law (3)
                  Intellectual Property Survey (2)
                  Intellectual Property: Business & Strategic Planning Perspectives (1)
                  International Banking and Finance Law
                  <u>International Business Transactions</u> (3)
                  International Environmental Law
                  International Issues in Intellectual Property Seminar (3)

International Law (2)
International Real Estate Transactions (2)
International Tax (3)
International Trade & Development
Mergers and Acquisitions (3)
Remedies (2)
Remedies in Transnational Litigation (1)
Sales (3)
Secured Transactions (2)
Securities Regulation (3)
The World Trade Organization and Dispute Settlement (2)

Of course, the list of available electives changes over time according to availability of instructors and to faculty's perceptions of subject-matter importance. Moreover, some of these courses are not offered every semester even for the residential students, and some may not be put into on-line format. For the first year of the offering of the on-line degree program, we plan to have enough electives placed in on-line format that students will have some meaningful choice, but more extensive on-line elective offerings will be developed over time. In developing the on-line version of each course, there may be some adjustment in credit hours attributed to the course.

The Foreign Graduate Seminar for residential students, together with their one-month on-campus "orientation" program, is being replaced with a course called "Introduction to U.S. Law." This course will probably be "front-loaded" during the first term; that is, it would be the only course the student takes for the first three weeks. It will be designed to give students a basic familiarity with the concepts essential to reading about American law, including: the federal structure of the nation and the associated structure of our court system; the basic differences between civil and criminal procedure; an introduction to administrative and regulatory processes; and the allocation of doctrine among the basic subjects of tort, contracts, property, and criminal law.

As with the residential LL.M. program, on-line students' course schedules will be determined with the advice of the Director of the program, taking into account the student's prior course work and experience, the career goals of the student, and the sequencing of courses. In particular, for students who have not already had a good grounding in basic International Law, our first course in International Law will be strongly recommended. Except in unusual circumstances, full-time students would be required to enroll in no fewer than 6 credits and no more than 12 credits per term; part-time students would be required to enroll in no fewer than 3 credits and nor more than 6 credits per term. (Attached as Appendix A is a document illustrating the probable course sequence for students who complete their degree in three terms as well as a sample course sequence for students who extend their program to the maximum five terms.)

The use of traditional textbooks is complicated by the possible necessity of mailing (unreliably) books to distant parts of the world. Solutions being explored include the use of e-books, which some law - publishers now produce, as well as the compilation of materials in the public domain in digital form into readers. In addition, students will have access to the enormous on-line resources of our library and its affiliates, which includes statutory and case law as well as articles written about the law. With regard to books that do not exist in digital form, but that might be of assistance to students (for example, monographs), generally students will have to acquire these themselves or rely upon their access to local libraries. As graduates of law schools in their respective countries, they should have some degree of access to useful materials.

The same grading system will be used for the on-line courses as for the residential LL.M. courses. That system is currently being revised. The current grading system is three-tiered: Honors, Satisfactory, and Unsatisfactory. It is anticipated that the new system will be a four-tiered system (e.g., Honors, High Pass, Low Pass, Fail).

There will be several forms of monitoring and advising during the student's period of study. Deltak will monitor the rate of completion of course segments, so that the law school can identify a student who is not proceeding at an appropriate pace and intervention can be initiated in order to discern the nature of the problem. Synchronous communication by sections leaders (adjunct faculty) will be combined with asynchronous communication (by e-mail) with both section leaders and primary course instructors in order to provide critical learning assistance and advice and to identify students who may be having particular problems that can be addressed.

3. Administrative Arrangements

The On-line LL.M program will be under the direction of a faculty member appointed as Director of the program. Initially, this function will be served by Dale Nance, the John Homer Kapp Professor of Law. Professor Nance has over 30 years of experience teaching law and has been a member of the CWRU faculty since 2002. His principal field of research has been the law of evidence, in which he has long maintained a comparativist (international) approach. (For example, his basic course in trial evidence, rather than being a "how to" course on presenting and opposing evidence in American trial courts, has been structured as a course on the differences between Anglo-American courts and Continental European courts and how those differences explain the differences in the rules of evidence employed.) Professor Nance also teaches a course on the Law of Archeological Relics, which has a heavy international component because of the international trade in legal and illegal artifacts and international

treaties enacted to address such matters.

The Director has been and will be consulting regularly with those who administer our residential LL.M. programs in order to assure that our residential and on-line programs are roughly equivalent, as least as much so as is possible given the difference in delivery systems. The Director also will be working with an on-line learning specialty company, an independent contractor selected to provide expertise in on-line education. This company will be a full-service provider: it will provide pre-program market research, on-line program design and development, faculty support and training, program marketing, admissions recruitment and management, and technology support. All fundamentally academic decisions, including admissions decisions, student curriculum planning, course grading and awarding of credit, and final degree certification will, of course, be retained by the law school.

After considerable research and numerous interviews, the law school's administration has settled on, and is currently engaged in final negotiations with, the company Deltak. (See www.deltak-innovation.com/.) Deltak specializes in partnering with educational institutions to create on-line learning programs. Over the last 15 years, it has launched over 100 on-line degree and certificate programs. Its partners include Boston University and Purdue University. The collaboration with Boston University is particularly relevant to us because it has produced an on-line LL.M. (in Taxation). This provides confidence that Deltak has appropriate experience in the law-course environment and with a highly regarded law school. Deltak has recently been acquired by the prestigious John Wiley & Sons and will be one of three businesses within the Wiley Global Education group.

4. Need for New Delivery System for this Extant Degree Program

There are many foreign attorneys who wish to earn an LL.M. in the area of international business. Based on input from current residential LL.M. students, we understand that there is a high demand in foreign countries for training and degrees in U.S. business law concepts and practices. There are currently 30 residential LL.M. students enrolled in the LL.M. in International Business Law. Some foreign attorneys have been able to obtain tuition assistance from their current corporate, governmental and law-firm employers for the LL.M. in International Business Law because it has direct application to the performance of their jobs. While other United States law schools offer LL.M.s in a variety of areas, including specialty areas such as international tax, international securities and international environmental law, only a few other U.S. schools offer an LL.M. in international business, and so far

none has offered a fully on-line program, one without a significant residency requirement.[1]

Both the residential and on-line programs represent the natural growth of the law school's integration of international legal concepts into many J.D. courses. The program recognizes the globalization of business and the requirement that attorneys who represent international clients become knowledgeable in more than their own legal systems. This is particularly true for those attorneys who represent clients that do business in the United States or whose clients deal with other persons that are doing business in the United States. No longer can an attorney adequately represent such clients based solely upon an understanding of local national laws. Without an understanding of international treaties and business-law concepts and approaches such as those employed in the United States, a foreign attorney may fail to provide sophisticated clients with a complete analysis of issues, risks and available solutions.

Further, foreign governments and their lawmakers often look to United States business law and institutions in reviewing and reforming their own laws and systems. Even when they do not adopt United States models, as is often the case, they frequently want to understand how their systems differ from those in the United States. Finally, the accelerating process of harmonization of international business laws requires that foreign governments understand the intersection of bilateral and multilateral business and tax related treaties with business laws enacted in the United States and other developed countries.

5. Prospective Enrollment

Both the residential and on-line programs in International Business Law are designed primarily for non-U.S. lawyers who will interact with American lawyers or represent clients whose legal affairs are affected by United States business law. Thus, applicants must have a first degree in law from a foreign university and at least one year of legal or business experience.[2] Candidates must have a strong academic record and a good command of English. Students whose first language is not English must submit a TOEFL minimum test score of 90 or other equivalent test score. Just as the university aspires to raise that minimum, so does the law school, since facility in the English language is vitally important

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[1] ABAnet.org – Post J.D. Programs by School; llm-guide.com – LLM Guide, Master of Laws Programs Worldwide.
[2] Foreign business executives who do not have a law degree and would benefit by a year of immersion in international business law are considered for admission into the residential program, so applications from students with a business degree from a foreign university will be considered for the on-line program as well. Such students, however, will never constitute a significant portion of the enrollment. Also, the program will not be open to J.D. graduates of U.S. law schools.

in understanding the dense conceptualism of the law.

The existing residential LL.M. programs admit about 80% of their aggregate applicant pool, and about 40% of those admitted matriculate. Since the inception of the LL.M. programs, CWRU has graduated more than 800 students with LL.M. degrees from over 60 different countries. Of all the students who have matriculated in the LL.M. program since 1992, only a very small number (fewer than ten) have failed to complete the program of study.

We believe that web-based and student word-of-mouth marketing are the most successful approaches. When the residential LL.M. in International Business Law was created, in 2008, we expected enrollment in the first few years of the program to be no more than three to ten students per year. That program has already grown to 30 students. The school's pending agreement with Deltak contemplates a minimum of 42 students in the first year, with increases thereafter.

Based on our experience with the residential LL.M. degree, it is very likely that most students in the program will be from groups that constitute minorities in the U.S. That in itself serves the goal of diversity, but we of course hope and believe that spreading the good reputation for the school and the university internationally will contribute to successes in increasing the diversity of our residential student populations in all our colleges and schools.

6. Adequacy of Faculty and Facilities

The law school anticipates that the course development can be handled by the existing faculty. If necessary, we may contract out to obtain the services of one or more faculty at other law schools to fill particular curricular gaps, but we have no present anticipation of a specific need to do so. However, the teaching model contemplated by vendors with which we have consulted suggests that we will probably need to hire several adjunct faculty to assist in providing the synchronous "chat room" experience associated with each course.

There may be some modest additional administrative work associated with admissions and monitoring of students' completion of course work necessary for the degree. Because the program is entirely on-line, there is very little increase in physical space needs, other than what may be required to house the modest additional administrative personnel.

7. Plans for Meeting Additional Needs

The hiring of potential adjunct faculty will begin as soon as the program is approved. How many such faculty will be needed will depend on enrollment levels. Over time, with the emergence of a cadre

of motivated alumni of the program, it may be possible to incorporate some of these individuals as "on-site" discussion leaders in cities with significant enrollment.

8. Projected Additional Costs and Institutional Commitment to Meet Costs

The on-line program will have a positive financial impact on our J.D. program. The contemplated contract requires our collaborating technology company, Deltak, to bear all expenses associated with the development of the on-line program with the exception of the following: (a) expenses for faculty compensation; (b) additional technical support for faculty or students beyond that provided by the Deltak platform; (c) additional support for added student admissions processing; (d) support required for any additional student financial aid inquiries and processes; (e) additional costs of added student academic support; and (f) additional costs of ceremonial or other expenses to confer student degrees.

Deltak will: provide customized course development services in collaboration with faculty, delivering to the faculty information about best practices in effective course design and implementation as well as outcome assessment; provide all marketing related to the on-line program; generate enrollment applications, collect all pertinent admissions information to complete a student's admission file, and forward the file to the law school for admissions decisions; provide and host the on-line Learning Management System that supports the program; and provide ongoing student technical support services including but not limited to a 24x7 helpdesk and a designated Student Support Specialist responsible for ongoing communications with students.

The contemplated contract calls for Deltak and the law school to split tuition revenues 50-50, except for the first year, during which Deltak will receive a 60% share in recognition of its up-front costs in the development of the program. The present plan is to charge the same total tuition for the on-line LL.M. degree as is charged for the residential LL.M degree. The program can be discontinued if it does not produce a positive cash flow, so there is little down-side potential and considerable up-side potential.

9. State Approval

Attached as Exhibit B is an examination of the compliance of this proposal with the Ohio Board of Regents' Advisory Committee on Graduate Study (RACGS) Guidelines for the approval of new delivery formats for existing degree programs.

Appendix A
Illustrative Curricula

<u>Standard Three-Term Curriculum</u>

First Term (8 credits):
        Introduction to U.S. Law (3)
        U.S. Legal Writing I: Basic Writing Skills (2)
        U.S. Contract Law for the LL.M.(3)

Second Term (8 credits):
        U.S. Legal Writing II: Transactional Writing (2)
        Business Associations for the LL.M. (3)
        International Law for the LL.M. (3)

Third Quarter (8-12 credits):
        International Business Transactions (3)
        Electives (5-9 credits)

<u>Illustrative Alternative Five-Term Curriculum</u>

First Term (5 credits):
        Introduction to U.S Law (3)
        U.S. Legal Writing I: Basic Writing Skills (2)

Second Term (5 credits):
        U.S. Legal Writing II: Transactional Writing (2)
        U.S. Contract Law for the LL.M. (3)

Third Term (6 credits):
        Business Associations for the LL.M. (3)
        International Law for LL.M. (3)

Fourth Term (5 credits):
        International Business Transactions (3)
        Elective (2)

Fifth Term (3-6 credits):
        Electives

Appendix B
Ohio Board of Regents' Advisory Committee on Graduate Study (RACGS) Guidelines

RACGS Guidelines have been adopted with the intent "to permit flexibility in adapting degree requirements to alternative audiences, while not permitting institutions to design and deliver essentially new degrees within the format of a previously approved degree." Thus, on those occasions when "a previously approved degree program will be offered at an off-campus site, or extended to a different audience via electronic or blended means," RACGS need only be notified in writing. This requires only "a brief, concise description of the program that addresses the conditions" necessary to qualify as a new delivery of a previously approved degree. These conditions are stated and addressed below.

Condition 1. Under the RACGS Guidelines, "a program will be considered to have been 'extended to a different audience via electronic or blended means' when 50% or more of the course delivery is off-site or via alternative delivery models."

Our extant LL.M. in International Business Law is an exclusively residential program; foreign students must travel to the U.S. to take the entire program on campus. For the proposed on-line LL.M. in International Business Law, 100% of the program will be delivered on-line as distance learning. The program is clearly extended to a different audience via electronic means. At some point in the future, there may be a small off-site in person component if we add discussion coordinators who work in particular foreign cities.

Condition 2. Under the RACGS guidelines, "a degree program will be 'previously approved' when less than 50% of the content or course requirements in a degree previously given approval has been changed." "The Graduate Dean (or equivalent administrative officer) at each institution is responsible for the determination of whether or not the curriculum has been changed less than 50%."

An examination of the description of the program, and its comparison with the residential version thereof, which appears on pages 4-7, above, demonstrates that the great bulk of the course requirements remain the same in the on-line program. The content of the courses will be as similar as is possible given the difference in delivery modality.

As indicated by the accompanying letter of support, Lawrence Mitchell, Dean of the Case Western University School of Law, has examined this proposal and determined that less than 50% of the curriculum for the on-line LL.M. in International Business Law has been changed as compared to the previously approved residential LL.M in International Business Law (see description provided above, pages 3-5) and that otherwise the program standards can and will be maintained in accordance with RACGS Standards (see "RACGS Program Standards" below).

"**RACGS Program Standards:**

"To ensure that off-site and alternative delivery models adhere to the same standards as on-campus programs, RACGS member institutions will be responsible for utilizing the following guidelines and shall use the same guidelines in those cases where new degree programs using alternative delivery models are being brought forward for approval (these may supercede new degree program criteria as outlined earlier in these guidelines).

1.	The program is consistent with the institution's role and mission.

2.	The institution's accreditation standards are not appreciably affected by offering the program, especially via alternative delivery mechanisms.

3.	The institution's budget priorities are sufficient to sustain the program in order for a selected cohort to complete the program in a reasonable amount of time.

4.	The institution has in place sufficient technical infrastructure and staff to support offering the program, especially via alternative delivery mechanisms.

5.	The institution has in place sufficient protocols for ensuring instructional commitments are met, including instructor/staff training, compliance with copyright law, and quality instruction among other variables.

6.	The institution has in place a relevant and tested method of assessing learning outcomes, especially in the case of alternative delivery mechanisms.

7.	As new delivery mechanisms are brought into course instruction, students and faculty are presented with sufficient training and support to make appropriate use of new approaches.

8.	The institution assures that the off-site/alternatively delivered program meets the same quality standards for coherence, completeness and academic integrity as for its on-campus programs.

9.	The faculty offering the program maintains the same standards and qualifications as for on-campus programs.

10.	The institution assures that, for all off-site and alternative programs, students will have access to necessary services for registration, appeals, and other functions associated with on-campus programs.

11.	In those instances where program elements are supplied by consortia partners or outsourced to other organizations, the university accepts responsibility for the overall content and academic integrity of the program.

12.	In those instances where asynchronous interaction between instructor and student is a necessary part of the course, the design of the course, and the technical support available to both instructor and student are sufficient to enable timely and efficient communication.

13.   Faculty are assured that appropriate workload, compensation, and ownership of resource materials have been determined in advance of offering the off-site or alternatively delivered course.

14.   Program development resources are sufficient to create, execute, and assess the quality of the program being offered, irrespective of site and delivery mechanism employed.

15.   Procedures are in place to accept qualified students for entry in the program-it is imperative that students accepted be qualified for entry into the on-campus program. In addition, program costs, timeline for completion of the cohort program and other associated information is made clear to prospective students in advance of the program's initiation.

16.   Assessment mechanisms appropriate to the delivery approach are in place to competently compare learning outcomes to learning objectives.

17.   Overall program effectiveness is clearly assessed, via attention to measures of student satisfaction, retention rates, faculty satisfaction, etc."

Whereas, CWRU aspires to remain an outstanding research university, and

Whereas, great universities require great libraries, and

Whereas, the libraries historically have been significantly underfunded relative to peer institutions,

Whereas, the libraries have not and will not be able to accommodate the mission-critical demands and expectations for support of research and education, and

Whereas, there are increasing demands for the libraries to provide: (1) expanded scholarly content; (2) services in support of existing and new academic programs, including e-research and digital scholarship; and (3) general maintenance and redevelopment of existing library facilities.

Therefore, the Faculty Senate resolves that the new University strategic plan establish an explicit high priority for the university libraries to receive significantly increased annual funding to provide the essential content and services to support intensive research, learning and scholarship.

APPROVED UNANIMOUSLY

DRAFT

The Value of the Case Western Reserve University Libraries:
SUPPORTING DOCUMENTATION FOR THE FSCUL RESOLUTION TO THE FACULTY SENATE

TABLE OF CONTENTS

LIST OF APPENDICES *(forthcoming)*

The Value of the Case Western Reserve University Libraries:
SUPPORTING DOCUMENTATION FOR THE FSCUL
RESOLUTION TO THE FACULTY SENATE

THE LIBRARIES OF CWRU provide excellent value for the university community, and accomplish much with the funding they receive. However, the historical and ongoing underfunding of the libraries will threaten the ability of the libraries to supply essential content for faculty and students, support e-research and digital scholarship, and ensure that the facilities (physical and virtual) can meet the ever-changing needs of our academic community. Failure to increase library support substantially will not only relegate our standing against peer academic research libraries, but more importantly will undercut the quality of research and academic excellence that are the lifeblood of this institution.

This document will identify some of the past accomplishments of the libraries and the causes of the current difficulties, including identifying critical funding gaps. Peer data may not be a perfect indicator of the level of the funding gap, but neither is peer data without any merit. The University uses peer data to ascertain our relative quality in recruitment (e.g., U.S. News & World Reports) and research activity (e.g., Federal funding for research), and there is a strong correlation of these rankings to research library investment rankings. Two comparative statistics illustrate this point:

> **1.** The number of monographs purchased by CWRU is dramatically below that of our national peers. In FY2011, the CWRU libraries purchased only 8,640 books, which was only 13% of the national peer average of 67,207 (it should also be noted that the CWRU number of titles dropped from 11,764 just two years before in FY2010).
>
> Some have wondered whether our purchasing level, and our peer rankings in general, are lower because we benefit from the availability of OhioLINK resources. However, our purchasing level was extremely low even compared to the other four Ohio Association of Research Libraries (ARL) members. The average for Ohio ARL institutions was 43,223, which means that CWRU purchased only 20% of that average. In comparison, Ohio State purchased 70,334 monographs, the University of Cincinnati purchased 34,640, and even Ohio University purchased 24,694 books – three times more than that of CWRU. Without this content we are unable to accommodate the intensive needs for researchers, and do not provide the level of collections required to support the undergraduate curriculum.
>
> **2.** The number of library staff to provide user services is also substantially below our peers. In FY2012, CWRU had 128 fte library staff (including professional, support and student staff), which was less than 50% of the national peer group average (259 fte). We also do not fare well when compared to Ohio institutions, which had 219 fte.

These numbers are even more striking when we look at the academic profile of our peers. CWRU has the same number of the fields in which we award PhDs as the national average for our peer group, but we only add a tiny fraction of monographs compared to our peers, and our staffing support is also vastly below. It is simply impossible to provide the level of services expected at an institution of our stature when library resources are so starved.

The Benefits and Dangers of OhioLINK

Of particular concern is that CWRU historically has over-relied upon OhioLINK to meet basic needs that should have been the responsibility of the local institution, not of OhioLINK centrally. Over the past twenty years, CWRU has become complacent, expecting OhioLINK to act as our academic safety net. This was never a tenable proposition, and is dangerously less so today because OhioLINK's own financial support has been eroding. It was never reasonable to expect other OhioLINK libraries to provide monographic titles that should have been in our on-campus collection. Perhaps of even more concern, OhioLINK decreasingly is able to pay substantial portions of the cost of many electronic journals and databases.

As OhioLINK reevaluates its own spending priorities, we as a research-intensive institution are particularly vulnerable. We will need to assume a much larger percentage of the content costs. We also may have to pay much higher costs to replace e-journals or other resources that OhioLINK has been providing. The financial cost to close these gaps will be substantial, and we must begin to consider the implications immediately.

To ensure that CWRU has great 21st century library collections and services, the University must set a goal to double its financial investment in our libraries over the course of the next five years by $15.5 million annually.

The purpose of this case statement is to set out the most significant gaps in library funding, and place the proposed investments within the context of the emerging new University Strategic Plan for the next five years. Appendix 1 provides a summary budget of all budget requests.
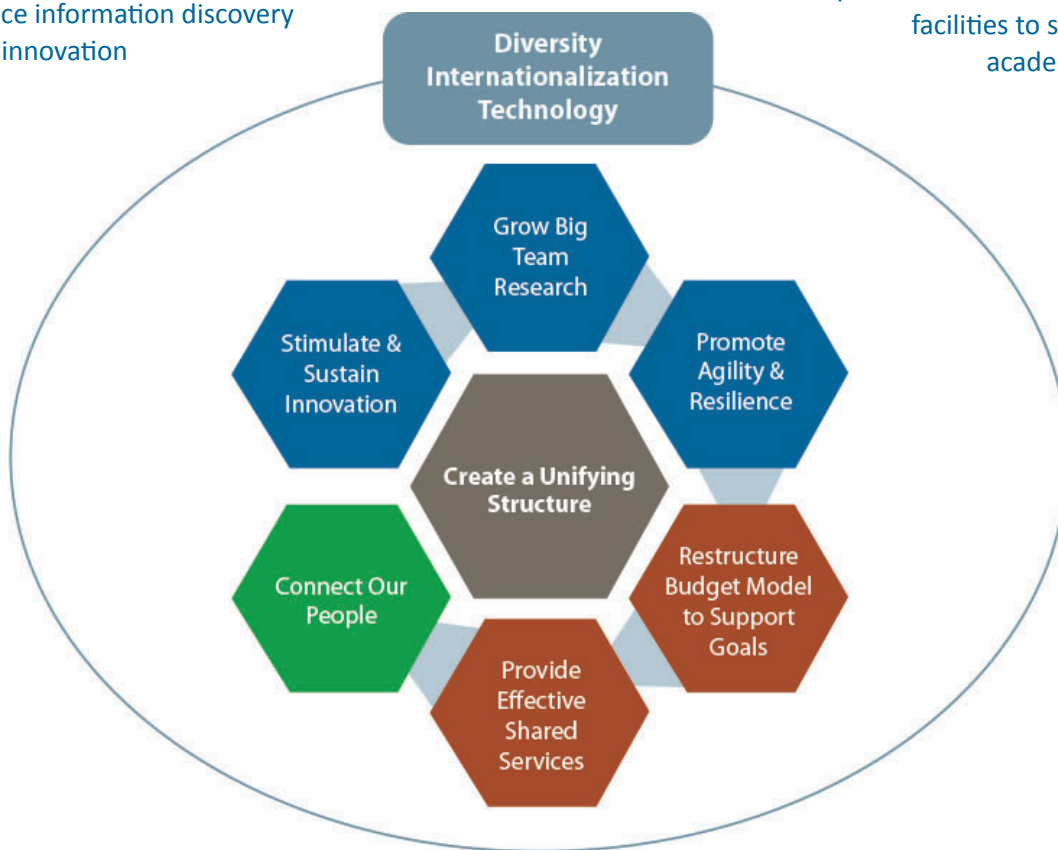
CWRU Libraries' Funding Needs to Support Emerging University Strategic Directions

RESEARCH & INNOVATION

- Increase library materials to strengthen and grow new interdisciplinary programs and research in emerging areas

- Reinstate previously cut journals and electronic database content directly imperative to faculty and student research

- Support digital scholarship to increase interdisciplinary team research and global partnerships through the use of emerging tools to advance information discovery and stimulate innovation

ACADEMIC EXCELLENCE

- Acquire materials to mend deficiencies in core undergraduate, graduate and research level collections across all disciplines

- Increase electronic content to accommodate distance education and MOOCs

- Support digital scholarship to connect faculty and students across campus and across the globe to generate ideas and further intellectual pursuits

- Update and maintain technology and facilities to support a thriving academic environment

Diagram:

Diversity / Internationalization / Technology

- Grow Big Team Research
- Stimulate & Sustain Innovation
- Promote Agility & Resilience
- Create a Unifying Structure
- Connect Our People
- Restructure Budget Model to Support Goals
- Provide Effective Shared Services

OUR PEOPLE

- Expand library programs and events to improve personal and professional development of students, faculty and staff

- Increase library staff to support emerging areas of research and instruction, new faculty specialties, masters and PhD programs

- Expand library staff to provide enriched educational services for the use of new content and technology

- Compensate staff to bring current library salaries up to market rates to recruit and retain top-notch staff

FINANCE, OPERATIONS & INFRASTRUCTURE

- Expand digital scholarship infrastructure to monitor and connect researchers to provide increased services and support

- Optimize library facilities to create flexible, collaborative and tech-enabled spaces to incubate new research and educational initiatives, provide meeting places and spaces for community activities and events

- Improve current conditions and provide new alternatives for library storage facilities

ENRICHING CONTENT TO SUPPORT RESEARCH, INNOVATION & ACADEMIC EXCELLENCE

Emerging university goals & strategies related to library funding needs for content:

ACADEMIC EXCELLENCE
• Continue to pilot and selectively adopt new learning technologies.
• Expand experiential learning opportunities for undergraduate and graduate students through independent research.

OUR PEOPLE
• Recruit and retain top-notch faculty, staff and students.
• Promote interactions among faculty, students, staff and alumni that cross international, discipline and ethnic groups.

RESEARCH & INNOVATION
• Develop research focus areas within energy, environment and sustainability, health and humanity where there are existing strengths.
• Strengthen role of research in undergraduate education.
• Bring together interdisciplinary teams to identify priority research opportunities with health, humanities, environment and energy.

A. Collection Gaps

The current budget at CWRU was highly inadequate to meet the needs to purchase monographs even in largely journal-intensive STEM disciplines. For example in Engineering, we have gone many years buying 50-100 books annually while other peer engineering universities were reporting 1,000-2,000 books bought per year. This problem is even more pronounced in humanities and social science disciplines that are highly reliant upon monographs.

This problem will be exacerbated as the libraries struggle to meet the emerging university needs to support online education and MOOCs. The CWRU libraries will need to negotiate and purchase many licenses for e-books that will be accessible to larger numbers of CWRU faculty and students who are working around the world. This will have a profound effect on all disciplines.

The current major gaps in CWRU library collections were caused by three major factors:

1. ***The inability to maintain support for core collections in all disciplines.*** The University receives excellent value from its investment in electronic content by the university libraries. In 2012, there were over 3.6 million searches and 1.4 million articles downloaded. These numbers are impressive, and bear in mind that there are a number of important resources that we are unable to afford. The CWRU libraries consistently maintain a profile of books and journals that should be purchased, but for which there have been insufficient funds.

For example, there are many books that faculty and librarians have collaboratively defined as essential in each discipline. Each year the university libraries are unable to purchase about 30,000 additional titles at an annual cost of at least $2 million, and there are at least 45 journals and databases at a cost of $100,000 annually.

In addition, since 2011, cuts to journals and electronic databases totaled over $830,000. These cuts spanned all university libraries and all academic disciplines, and included eight research databases and 1,233 journal titles. Examples of recently cut content can be found in Appendix 2.

2. ***New CWRU areas of research and instruction.*** The university has been and will continue to grow new academic programs and areas of research interest that will require increased

numbers of books, journals and media in multiple formats. In the past these programs were approved without consideration for the possible need for additional library collections to support these new endeavors. Some of these programs are identified in Appendix 2.

For example, within the past few years the university has approved new interdisciplinary programs and graduate level degrees. In addition, new faculty positions have been added in specialization within existing disciplines. In both cases, the libraries' funding has been inadequate to build collections commensurate with the need.

3. *Over-reliance upon OhioLINK.* The mission of OhioLINK is to supplement, not supplant, the campus core resources to meet basic instructional and research needs. Our OhioLINK book borrowing patterns reveal hidden deficiencies in the core undergraduate and research level collections at CWRU. OhioLINK can be strong only if every institution contributes books of significant research value around the state, and at present CWRU is not a strong partner.

OhioLINK itself and its members have faced, and are continuing to face, significant budget pressures. Currently, CWRU libraries pay about $2.5 million for approximately 40 collections consisting of major databases, journal packages, and e-book packages. Institutional contributions to OhioLINK to maintain this level of content are increasing and will continue to do so. Based on sample pricing, we estimate that we would need at least $5 million per year to maintain OhioLINK resources if CWRU were forced to purchase these resources solely on our own. This amount would only cover currently received resources, not the many additional resources noted above.

CWRU libraries will face additional related problems because increasingly OhioLINK libraries have been expanding their purchase of new books in e-book only format. These books have been licensed only by the purchasing institution. Therefore, as OhioLINK libraries individually purchase more books as e-books, other libraries such as ours are unable to borrow those e-books (as we would have been able to do had they been purchased in print). The growth in e-book collections and restrictions in licensing further jeopardize the "safety net" we have counted upon for years.

Appendix 2 provides a sample list of titles that should be core to the university libraries' collections but that our current budget is unable to support. This list includes: (a) journals subscriptions to support current disciplines; (b) one time purchases of monographic sets and series; and (c) monographs, research databases, journals, and large data sets to support emerging areas of interdisciplinary university research and instruction.

B. Our People: Staffing to Support Content Management, Acquisition & Access

Given the size of the current libraries' staff, we are barely able to provide our core services. This impairs our ability to increase the level and quality of our customer service (such as enriched information literacy instruction on campus and globally, and personalized services such as electronic and physical delivery of materials to campus offices).

For content-related support alone, at least eight professional and eleven support staff positions have been identified to meet the quality demands of today and tomorrow. The estimated cost for these positions is $1.2 million annually. Appendix 3 itemizes specific staffing needs related to content.

DIGITAL SCHOLARSHIP / E-RESEARCH

Emerging university goals & strategies related to library funding needs for digital scholarship:

ACADEMIC EXCELLENCE
• Continue to pilot and selectively adopt new learning technologies.

OUR PEOPLE
• Recruit and retain top-notch faculty, staff and students.
• Promote interactions among faculty, students, staff and alumni that cross international, discipline and ethnic groups.

RESEARCH & INNOVATION
• Align culture, infrastructure, processes, funding and incentives with team-based interdisciplinary research.
• Globalize research.

What is Digital Scholarship?

Digital scholarship (or e-research) extends traditional methods of research by applying new technologies in all disciplines (such as GIS data, visualization, and big data) to advance the research and educational processes. E-research often involves interdisciplinary and global collaborations.

The CWRU libraries are strongly committed to supporting research and scholarship by adapting our services, resources, and spaces to adjust to the changing academic requirements. Support for digital scholarship is a key example of how libraries nationally are evolving to bring technology and research together to meet a dynamic new platform in the 21st century.

The Role of the Libraries and Our Partners

The libraries have built a strong foundation to develop and provide digital scholarship services. Libraries bring significant and unique expertise to support e-research. As digital scholarship is adopted in a wider array of disciplines, and is deployed to investigate research topics more deeply, we will need to expand significantly both the availability of new information technologies and additional staffing and expertise not previously available on campus.

The essence of digital scholarship is collaboration among researchers, faculty, staff, and researchers at other institutions. These services will be provided in partnership with other university offices, but the libraries will still need significant additional staffing to enable us to be an effective partner.

As illustrated here, the CWRU libraries should serve as the physical and virtual hub and facilitator for digital scholarship collaboration.

At CWRU, the libraries are well positioned to serve as this physical and virtual service hub. We can enable all campus partners to advance the research life cycle by aiding faculty and students to manage, analyze and archive their scholarly data. The libraries can advance scholarship as both: (1) direct providers of services from the beginning of the research process through the final data storage and curation; and (2) as a facilitator for collaboration among University colleges, centers, institutes, organizations, and individual faculty. We can also leverage both our facilities
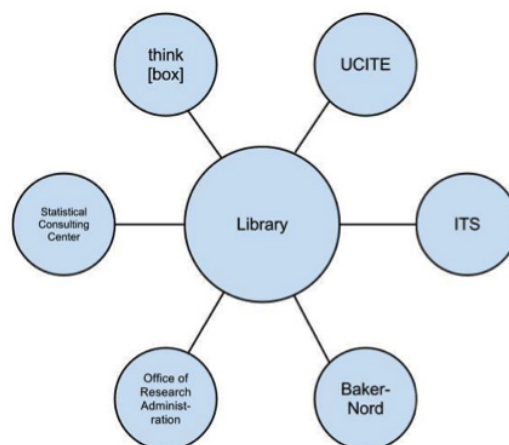
and our virtual services to provide personalized support for research teams that are embedded within a center, institute, or lab.

For many years the CWRU libraries have been campus and national leaders in the evolving world of e-research. We provide education about digital scholarship (through CaseLearns, an annual digital scholarship Colloquium, etc.), consultation services, project management (particularly for faculty who were awarded Freedman Fellows grants for digital projects), and data management and access through Digital Case.

New Roles and Services

To expand library e-research services, the libraries need significant additional financial support to provide new information technologies and to obtain staff expertise to support digital scholarship. In this way, the work of the libraries will adhere closely to the e-research process itself, helping faculty and students move through the process from concept to research, from research to creation, and from creation to dissemination and data curation. The libraries will play three key roles that are inextricably linked within this process.

> 1. ***Instruction and Consultation.*** At the beginning the libraries will provide general education for members the academic community on a wide range of issues (from data management to intellectual property). As a faculty or student research project progresses, the libraries will work collaboratively with faculty and students to provide customized consultation to apply appropriate digital scholarship methodologies, techniques and media resources that can be delivered live or virtually and on campus or internationally.

> 2. ***Scholarly Production.*** The libraries will work with faculty and students to clarify research topics, resources, techniques and tools, and recommend potential digital scholarship solutions. The libraries will also provide specialized support, such as for statistical data analysis, data visualization and manipulation, 3D printing, discipline-specific expertise, multimedia design and production employing new media, and digitization of information, digital text encoding and metadata generation.

> 3. ***Dissemination: Publication, Curation & Archiving.*** Specialized services and tools are essential for data and database management, and for curating data to ensure its continuous accessibility beyond the end of the project. This encompasses life-cycle and archival data storage to ensure that data generated by CWRU researchers follows standards required by NIH, NSF and other grant agency mandates, and so that we ensure perpetual archiving and irretrievability of big data through Digital Case 2 and other means.

The libraries will create and provide a unifying structure and serve as a hub of campus activity that supports the university's strategic directions in research, innovation and academic excellence by doing the following:

> • **Be an incubator to stimulate and sustain innovation** by connecting people physically and virtually. Libraries are experts at organizing and preserving the big data that digital scholarship engenders. As faculty and students generate new ideas, they will need facilities to foster their investigation and experimentation. As the facilitator working with other University services, the libraries can be the hub to connect faculty and students with the tools and services they need to develop their ideas and stimulate and sustain innovation.

• **Grow big data and enable team-based research.** Big data becomes unwieldy and requires proper formatting, description, metadata, tagging, preservation, and user interfaces to make the data usable. Researchers neither have the time nor expertise to manage this important enterprise. The libraries are well positioned to assist in the process of integrating varied datasets from multiple sources, cataloguing datasets, and (in collaboration with IT professionals), developing long-term storage and access solutions. The libraries have begun some efforts to support some big data initiatives, but we have insufficient staffing and systems to do so on a university-wide scale.

• **Provide effective shared services.** The libraries have been championing the use of shared services for researchers for some time. A recent and thorough investigation of campus e-research services and partnerships identified vast gaps in services across the campus. With additional resources, the libraries would be able to help relieve faculty frustration and give them a strong sense that they are properly supported. Significant financial investment is required if we are to eliminate fragmentation, duplicative efforts, and inadequate and inconsistent data systems.

Funding Needs to Support Digital Scholarship Services

The costs to support digital scholarship relate directly to the university's strategic directions of research & innovation and academic excellence. For staffing support related to digital scholarship, at least seven professional staff and five support intern positions have been identified as essential. Specific staffing needs can be found in Appendix 3. The estimated one time and recurring costs are shown in detail in Appendix 4, and can be summarized as follows:

Strategic Planning Area	One time Technology Cost	One time Staffing Cost	Annual Technology Cost	Annual Staffing Cost
RESEARCH & INNOVATION	$20K	$150K	$30K increasing to $150K in 5 years with expected growth (at current ITS rates)	$435K
ACADEMIC EXCELLENCE	$50K	N/A	$10K	$50K

FACILITIES

Emerging university goals & strategies related to library funding needs for facilities:

ACADEMIC EXCELLENCE
• Support a thriving academic and residential experience that ensures CWRU's status as a destination research university for undergraduate, graduate and professional students.

FINANCE, OPERATIONS & INFRASTRUCTURE
• Optimize and repurpose the use of space to support changing education and research paradigms such as ways the university might incorporate learning technologies or create flexible spaces used to incubate new team research initiatives.

Faculty and students are engaging in research and learning in new ways that are more collaborative, more interdisciplinary and more international in their reach. The libraries need to respond by creating facilities that are the incubators for new ideas. Although much information is available electronically and remotely, this has not diminished the value of the libraries as a knowledge and creativity commons. This requires continuous facility renewal and investment.

While the libraries have had some significant success demonstrating the potential for creating new and innovative spaces, this is not a once-and-done activity. Facilities and technology today require continuous investment to upgrade equipment, furnishings, etc. Some of the specific challenges we face are:

   • **Aging and Maintenance.** All the library facilities on campus are aging. Kelvin Smith Library (KSL) opened in 1996, has not had a significant renovation since then, and now has some significant deferred maintenance issues. The Law and Health Center Libraries were renovated within the last five years, but every library on campus must annually invest in lifecycle replacement of furnishings and equipment. With the infusion of new technologies, and the expanded use of libraries as collaboration spaces, as well as being available 24/7, the wear-and-tear on the buildings is substantial.

   • **Continuous Reinvention**. Every first year class brings new students who have had different experiences with technology and the use of information. To remain relevant and inviting, our library facilities must be thoroughly rethought and reinvigorated every 5-10 years to incorporate changes in research methodologies (such as digital scholarship) and learning pedagogies (such as collaborative learning).

   • **Continued Collection Growth.** All of the library buildings are at physical capacity for storing printed material. The days of electronic-only publications are not here, nor will they be soon – not even 2026. Therefore, we need conveniently located and climate-controlled storage facilities to house additional materials off-site while maintaining space in the central campus library buildings for the most frequently used materials.

To address these challenges, increased investment in the libraries will be necessary in the following areas:

A. Impact of Length of Building Service Hours and Extended Services
As the only CWRU academic building that provides 24/7 access to students and faculty, KSL has unique facility needs. The Health Center Library and the Law Library face similar issues since they are open from early morning until midnight most of the week, hours that are far greater than most, if not all, other campus facilities.

The libraries have also added new services that are highly valued, but also increase traffic, such as the library cafe. Greater usage of library buildings can be expected to increase as we further enrich service offerings, such as in digital scholarship. As the library buildings experience more traffic there will be greater wear-and-tear on everything, including research and study spaces, public computers, and restrooms.

Standard maintenance to facilities, such as replacing worn furniture and carpeting, and increased custodial and security services are currently unfunded. In addition, at KSL the cost for 24/7 security, which was once funded by the university, had to be absorbed within the library budget with no additional allocation.

A detailed estimate of costs can be found in Appendix 4, and can be summarized as follows:

● One time deferred maintenance, $2 million
● Master space plan and Comprehensive renovation of KSL, [Capital project, not operating expense] $10 million
● Annual building renewal, $250,000

B. Flexibility of Space

● *The Library as Meeting Place.* KSL is no longer a traditional library. We have transformed our facilities to offer a mixture of social and communal spaces that accommodate changing engagement activities and learning styles. The libraries have made renovations to the buildings to provide casual seating, leisure reading materials and an art gallery. Such gathering places reflect a new vision for libraries as a place to learn in a comfortable, relaxing and convenient social environment.

As a hub of studying and socializing for students on campus, KSL also partners with other university offices, such as the Writing Resource Center, to provide a location where tutors can work collaboratively with students to assist them in becoming better writers.

● *Instructional Spaces.* Increasingly, the libraries provide not only instruction for faculty and students on how best to use the library, but also classroom space to support academic needs. These spaces are highly technology-enabled and heavily scheduled. Maintaining these facilities requires continuous investment to retain optimal functionality. When renovation is done, the libraries (working with ITS) take a university-wide perspective on making the instructional spaces as accommodating as possible for academic use. For example, in a recent expansion and renovation of a lower level classroom in KSL, the space design took into account the specialized needs to support the Department of Film Studies of the College of Arts and Sciences.

● *Lectures, Scholarly and Development Events.* An essential role of the libraries is to serve as an intellectual center for the exchange of ideas. One means of doing so is to provide lectures and educational events that attract scholars from around campus and reach out to engage members of the Cleveland community. The flexibility and technological features of the libraries' classrooms, conference rooms and open areas provide desirable environments for events, lectures and meetings for groups across campus and University Circle. KSL also serves the general community by extending invitations to cultural programs (e.g. Martin Luther King Celebration Week programs and collaborations with area high schools to provide access to resources and information).

● *Digital Scholarship.* While Digital Scholarship inherently requires all the flexibility mentioned above, there is also a strong emphasis on access to technology, whether in collaborative learning arrangements or lecture-style events. Library facilities will need ample access to power, reliable wireless networks, and access to tools & technologies not readily accessible through average consumer outlets. KSL has made some strides in this area with the Freedman Center for Digital Scholarship, but many of these activities need to expand out of a specific center and need to be integrated into everyday library service. These needs need to be examined from a campus-wide perspective and have the customized tools for the specific subject areas of each library.

● *Collaborative Learning.* Libraries are in a unique position to combine technology, information and personal assistance to provide academic support for students and faculty. These services cannot be found elsewhere on campus – a "one stop shop" for research and educational needs.

Technology-enabled spaces created in partnership with ITS, such as the Active Collaboration Room (ACR), enrich the ability of students to receive onsite instruction in a dynamic teaching and learning collaborative environment and to communicate with other faculty and students around the world.

Collaboration spaces provide a place for learning activities among groups of students. KSL's collaboration rooms have been redesigned to include new technology optimized for project-based learning. During Spring and Fall 2012 semesters, a total of 4,170 rooms were reserved by students, and checkout of these rooms has been extended to 24 hours.

To meet the specialized needs of the large graduate enrollment of CWRU, the KSL Research Commons provides quiet study space expressly for their use.

C. Library Storage Facilities
All of the CWRU libraries are at capacity for housing print and audio-visual format materials. To add new materials, the libraries have to remove one volume to add a new one. For more than 25 years CWRU has had a variety of nearby off-campus storage facilities provided as part of CWRU building infrastructure. They were designed, and have been operated, by the libraries expressly to hold library materials. However, significant deferred maintenance has resulted in serious environmental issues (e.g., serious leaks, vermin, HVAC inadequacies, lack of public parking etc.)

In addition to the on-campus facility, which is also at capacity, the libraries have had to contract for storage with a commercial company (Iron Mountain). Based upon expected growth rates of the collection, the increased cost for this off-site storage is likely to be about $50,000 annually beyond the current cost.

Long term, a strategic library goal is to house a nearby, campus storage facility of sufficient size to contain books and journals that are of current research value, but that do not fit criteria for being maintained in the campus library buildings. It may be desirable to explore the possibility of creating such a facility in partnership with other libraries in the University Circle and the Cleveland area.

Staffing to Support Facilities
For facilities-related support, at least three staff positions have been identified to meet custodial and security demands. The estimated cost for these positions is $100,000 annually. Appendix 3 itemizes specific staffing needs.

SHARED SERVICES & OTHER
INVESTMENT OPPORTUNITIES

The libraries have been, and continue to be, leaders in building partnerships and pursuing consortial opportunities. We remain committed to doing so. The campus libraries have worked together to minimize collection duplication and share technology infrastructures. The libraries have also been strongly committed to ensuring the success of OhioLINK.

Moving forward, the libraries will continue to pursue every opportunity to improve operations while reducing costs. There are two opportunities that do not require financial support, but rather a strong voice, from the university administration to further the cause:

1. **OhioLINK.** As statewide funding for OhioLINK decreases, and the priorities for OhioLINK investment are under review, strong advocacy by the university administration with the Board of Regents is essential to ensure that the needs of research-intensive universities, such as CWRU, are met.

2. **CIC (Committee on Institutional Cooperation).** The CIC is a consortium of the Big Ten institutions plus the University of Chicago that leverages expertise and resources on behalf of all of its members. A key program of the CIC, the Center for Library Initiatives, focuses on optimizing student and faculty access to the combined resources of member libraries; maximizing cost, time, and space savings; and supporting a collaborative environment where library staff can work together to solve mutual problems. Currently the CIC provides significant discounts for electronic resources, is exploring collaborative storage of library materials, and is a leader of the HathiTrust (a leading e-book effort with over 10.6 million total volumes digitized). As the CIC is an institutional collaborative and not just a library program, advocacy by the university administration for CWRU to become a full member of the CIC could create great new opportunities for our libraries to support research and learning.

LIST OF APPENDICES
(information forthcoming)

APPENDIX 1: **Summary Budget (all budget requests)**

APPENDIX 2: **Enriching Content Support**

APPENDIX 3: **Staffing Increases**

APPENDIX 4: **Technology & Facility Increased Costs**

APPENDIX 5: **The FSCUL Statement on Inclusion of the Libraries in the New University Strategic Plan**

APPENDIX 6: **Kelvin Smith Library 2012 Annual Report**

APPENDIX 5:

PROPOSAL FOR INCLUSION OF A SPECIFIC GOAL REGARDING THE UNIVERSITY'S LIBRARIES IN THE UNIVERSITY STRATEGIC PLAN FOR 2014-2018

Summary: Vision and Desired Outcomes. Great research universities have great research libraries, and great libraries increase the status and competitiveness of the university. The University libraries are foundational to every aspect of the University's mission: teaching, research, service, and outreach. There are strong statistical correlations between an institution's ranking within the Association of Research Libraries (the ARL "Investment Index Score"[1]) and a university's institutional standing in two key ranks[2]:

1. University research and development spending financed by the Federal Government[3], and
2. The *U.S. News and World Reports* rankings of "national universities."[4]

A significant strategic increase in CWRU's investment in its libraries would provide a strong return on investment to increase CWRU's competitive advantage.

Recent cuts to the library budgets threaten the competitive standing of the CWRU libraries against our institutional peers[5], which has resulted in a decline in our ARL ranking. Over time, this will hamper the recruitment of outstanding faculty and students. CWRU's ARL Index Ranking has been relatively low for decades, but there should be cause for significant institutional concern about the precipitous erosion since 2003. In 2003, CWRU ranked number 90. By 2011, our rank dropped to number 103 out of 115 institutions. This ***was the second from the bottom among all private university research libraries.***[6] The mean ranking for private research universities in the U.S. was number 48.
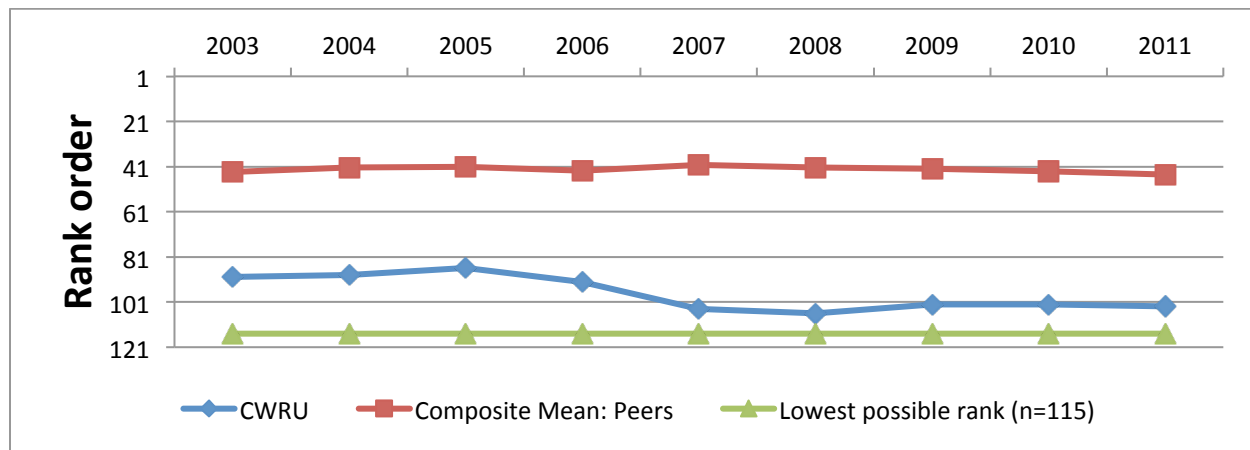
In the past, CWRU was able to offset partially the lack of local institutional information content by being a charter member of OhioLINK. However, OhioLINK's own funding has not kept pace with its real costs, and OhioLINK members increasingly are being called upon to close OhioLINK budget gaps. Continued over-reliance upon OhioLINK could leave CWRU's library research resources extremely vulnerable.[7]

Recommendation. To enhance CWRU's reputation for excellence in research and education,[i] the University must elevate the importance of the CWRU libraries by incorporating an explicit investment goal within the next University strategic plan[8]. Inclusion of a library-specific goal within a university plan is common; in a recent ARL member survey, there were explicit library goals in about 70% of university strategic plans – including those of leading institutions, such as Cornell, Duke, and Penn State.

==Therefore, the Faculty Senate Committee on University Libraries (FSCUL) recommends that to ensure that CWRU continues to have great libraries, the University must set a goal to increase financial investment in our libraries by 2018 such that CWRU's ARL Investment Index Score rank will move to number 65,[9] and to move to number 45 by 2023 (which is the median of all private research institutions).==

Rationale. Excellent libraries are indispensable to the University's academic mission, foundational to excellence in virtually all departments and programs, and integral to the educational experience of students, faculty and staff at all levels. Increasing the institutional investment in the libraries as a major strategic university asset will ensure that the libraries can support: (1) preeminent research and scholarship that capitalizes upon the power of collaboration; (2) education that is active, creative and continuous; and, (3) creative endeavors that promote an inclusive culture of global citizenship.

This proposed investment is essential if the libraries are to support faculty productivity, which depends heavily upon the availability of strong library information resources. Increasing CWRU's ARL ranking will also result in a noticeable improvement in the ability of CWRU faculty and students to locate, retrieve, apply, and curate the data and information that are essential to forward-thinking research. As a result, the University will be better able to recruit and retain the finest faculty and students, ensure our competitiveness against our peer and aspirant institutions, and enhance our rapidly increasingly interdisciplinary and global presence.

Investment Strategies. If we are to be a leader in scholarly and pedagogical innovation, we must support the key role of our libraries in light of rapid technological change. Wise and strategic investment in our libraries is crucial to the University's internationalization and technology thrusts. The University will also realize sound outcomes that advance the academic excellence and research and innovation, provide essential academic support for our people, represent a strategic investment in our operations and infrastructure, and set us on a strong path for 2026.

Library Investment Strategies	**CWRU Planning Areas**				
	Academic Excellence	CWRU 2026	Our People	Research & Innovation	Finance, Ops, Infra.
1. *Information Content Expansion.*[10] The excellence of library information resources is a hallmark of a top-tier university, and provision of this content remains the core enterprise of libraries. We need to increase substantially our investment over the next five years (and continue to increase thereafter) to support the broad and deep research collections in print and electronic form that are vital for faculty and students to respond to the rapidly advancing changes in higher education, including interdisciplinary research and the burgeoning information resource needs to support online education (including MOOCs).	✔	✔	✔	✔	✔
2. *E-Research and Digital Scholarship Support.* The future of research in nearly all disciplines will be digital, and library expertise must grow to support e-research. This requires that the libraries receive enhanced funding to hire or retrain staff to support faculty and student training and consultation services that advance discipline-based e-research and digital scholarship. These services are essential for research-intensive universities such as CWRU. The libraries will need to recruit research services librarians, post-docs, and discipline experts, and must work collaboratively with departmental research and instructional teams of the College, the Schools, and ITS.	✔	✔	✔	✔	✔
3. *Facilities Revitalization.* Strong libraries create spaces that invite exchange, discovery, collaboration and innovation. Additional funding would enable the libraries to create and execute a comprehensive master plan to renovate library facilities that will ensure the libraries have effective technology-enabled collaborative and individual research and instructional spaces, and that the libraries continue to be welcoming and inviting spaces for advancing knowledge and intellectual creativity	✔	✔	✔	✔	✔

To achieve this vision, and assuming spending levels by other ARL peer institutions grow at their historic rates, CWRU will need to commit to compound increases in CWRU spending in its libraries by about 15-20% during each of the next five years. By FY2018, the total spending for libraries will be about $30 million (or about double that of the FY2011 total spending level for all libraries of the University).[11]

[1] The ARL index for CWRU comprises the investment in all of the CWRU libraries, i.e., including KSL, Health Sciences Library, Law Library, and MSASS Library.

[2] It is recognized that correlation does not necessarily imply causality. However, this data does suggest that increased investment in the university libraries could bolster the standing of the University in these two key rankings.

[3] The correlation factor of all U.S. ARL institutions that were within the top 100 for Federal research funding in 2009 was 0.5721

[4] The correlation factor of all U.S. ARL institutions with a *U.S. News* ranking in 2009 was 0.5322

[5] CWRU defines our institutional peers as: Chicago, Emory, Johns Hopkins, MIT, Northwestern, Rochester, Vanderbilt, and Washington University in St. Louis

[6] As shown in the table below, the ARL index score of half of our peers increased between 2003 and 2011, and CWRU's position dropped precipitously faster than all but one of the institutions that we define as our peers. *Note:* In the case of Washington University in St. Louis, index scores before 2003 and beginning 2007 indicate that years 2003-2006 were anomalies, probably caused by increases in one-time funding. In the chart on the first page of the proposal the WUSTL ranking for the three anomalous years were normalized to a rank of 42, which was the mean rank for the institution from 2007-2011. When this is done, the WUSTL index score increases by 4 rather than dropping by 23 against the 2003 base year.

Rank in ARL Investment Index									
	2003	2004	2005	2006	2007	2008	2009	2010	2011	Index Score Change (FY 2003 as base year
CWRU	90	89	86	92	104	106	102	102	103	-13
Chicago	31	27	28	24	28	28	24	25	26	5
Emory	26	26	23	25	21	29	25	26	25	1
Johns Hopkins	24	25	26	32	29	36	36	28	29	-5
MIT	60	55	54	55	50	50	50	53	62	-2
Northwestern	34	30	31	36	34	35	30	34	34	0
Rochester	76	75	75	77	75	61	81	80	83	-7
Vanderbilt	55	52	50	51	45	51	53	52	52	3
Washington U STL	23	24	15	26	39	40	37	47	46	-23 [see note above]

[7] In December 2011, OhioLINK faced a financial crisis that almost led to drastic cuts to many essential e-resources. That crisis was averted only by special funding secured by the Chancellor of the Ohio Board of Regents, funding that only extends through the current biennium. In December 2012, a new financial crisis emerged as new OhioLINK management recognized that funding reserves were nearly depleted, and that OhioLINK's recurring expenses were currently underfunded by about $1 million. As a result, OhioLINK cut a very major resource from its budget (the Web of Science, which includes BIOSIS among other databases, and is the gold standard source for the "impact factor" for research. The cost for this product was shifted from OhioLINK back to the member institutions such as CWRU, and created further stress on an already highly stressed budget.

While CWRU should continue to be a member of OhioLINK and support its work, continued reliance upon OhioLINK at current levels will likely significantly imperil research support at CWRU. If the resources and services that OhioLINK currently provides were to disappear or be greatly reduced, the impact on CWRU research and teaching would be immediate and profound, and the current library budget could not in any way absorb the costs of replacing OhioLINK resources.

By increasing our financial commitment to the University's own libraries, CWRU would actually strengthen OhioLINK by making us a stronger partner that is better able to do contribute to the collaborative.

[8] It is quite common for university libraries to be mentioned extensively in University strategic plans. In a recent survey of ARL members, it was reported that about 70% of all universities that have strategic plans include explicit mention of their University Libraries. Examples include the following.

Cornell University
- Objective 5A. University Library   Rationale: The library is foundational to excellence in virtually all departments and programs. It is the "core facility" for humanists who, in particular, need access to books and monographs; natural and social scientists need access in particular to digital resources, open source journals, and the like. It is also important to emphasize that the libraries are integral to the educational experience of students at all levels. However, recent cuts to the budget for library acquisitions and burgeoning publication costs have threatened the competitive standing of Cornell's library, and this problem could hamper attempts to recruit outstanding faculty, especially in the humanities. Strengthening the collections and ensuring that they are at a competitive level should be a high priority, as should be a recognition and understanding of the differential needs in the sciences, social sciences, and humanities.
  Actions:
  a. Assess how the university libraries are supporting the research and scholarship of faculty.
  b. Develop deeper engagement between faculty and librarians across campus in order to identify priorities for collection building; to enhance support for new, under-supported, or interdisciplinary fields; and to respond to emerging needs in areas such as data curation, visual resources, and digital culture.
  c. Ensure that collaborations and partnerships with other libraries serve the needs of faculty and students at Cornell and strengthen faculty scholarship and productivity.
  d. Examine and track the library needs of students (undergraduate, graduate, and professional) to ensure strong services to support their academic work.

Duke University. Listed under "Academic Goals and Strategies to Build Distinction"
- *Goal 6: Lead and Innovate in the Creation, Management, and Delivery of Scholarly Resources in Support of Teaching and Research.* Indispensable to our academic mission, Duke's libraries and advanced technological environment must remain nimble and responsive to the changing needs of faculty and students. Faculty and student expectations for easy and immediate access to information resources of all types will increase dramatically as teaching, learning, and research become more interdisciplinary, collaborative, and interactive. If Duke is to be a leader in scholarly and pedagogical innovation, we must acknowledge and support the key role of our libraries and information infrastructure, especially in light of rapid technological change. To do so, we will pursue the following three key strategies:
  1. Coordinate and expand library resources and services to maximize support for interdisciplinary initiatives, teaching, learning, and research.
  2. Exploit digital technology to provide convenient, seamless access to scholarly resources
  3. Enhance Duke's information and instructional technology resources
  4. Coordinate and expand library resources and services to maximize support for interdisciplinary initiatives, teaching, learning, and research

  The interdisciplinary initiatives that increasingly characterize Duke will not succeed without deeper and more visible collaboration among all campus libraries, i.e., those of the Perkins system and the professional schools. All libraries share the responsibility of supporting and serving the broader campus information needs and new academic initiatives, many of which cross not just departmental, but also school lines. It is essential that the libraries develop a shared vision and mission; maximize communication; pool knowledge, resources, and perspectives; and create common policies and efficiencies to provide the highest level of service and satisfaction to the wider Duke community and its component parts. To do so, we must strengthen and preserve collections, reorganize staff to serve interdisciplinary centers, and expand instruction programs in cross-disciplinary areas. Strong library collections and convenient access to them - services that not only respond to needs but anticipate them - and inviting facilities will attract and help retain excellent faculty and students.

Capitalizing on the success of Bostock's new library spaces and the von der Heyden Pavilion, completing the Perkins Project, and defining the scope of our other library facilities will be critical in the coming years. Including flexible teaching spaces will enhance the centrality of the libraries and further integrate technology with information resources. With the relocation of materials and services to a new Central Campus library facility in support of the study of visual culture, Lilly Library will realize its full potential as a first-year gateway to library collections and services. A planned expansion of the Library Service Center will allow for the ongoing transfer of selected low-use print materials to an offsite facility.

Penn State University. *Goal 6: Use Technology to Expand Access and Opportunities*. Vast amounts of information are essential to function in the contemporary world, and the University Libraries and information technology (IT) infrastructure are now the foundation for every aspect of the University's mission, whether it is teaching, research, service, or outreach. Digital libraries and e-repositories are emerging as key components of teaching and learning and of research, and the reach of the University Libraries has extended as access is provided to Pennsylvania residents, the nation, and the world. The critical nature of IT and our University Libraries to fulfilling our mission is already evident; but its importance will continue to increase and at an ever-accelerating rate over the next decade. As the University sets priorities for excellence, smart and effective decisions about (and investments in) information technology will continue to be crucial, as will commitments to existing information formats. …

University of Southern California
- B – CREATING CONDITIONS FOR SUCCESS: It is axiomatic that great research universities house outstanding libraries. Strong libraries create spaces that invite exchange, discovery, collaboration and innovation. Library collections, access and services are hallmarks of top-tier universities. Linkages to academic programs create opportunities for scholarly exchange that feed faculty collaboration and innovation. Efforts to connect university libraries to disciplines and forms of artistic and professional practice help us reinforce one of USC's great strengths: the breadth and variety of our curricular offerings. By strengthening ties between our libraries and academic programs, we are creating a new library for the digital age.

[9] As explained below, an index score ranking of 65 would place CWRU at about the median of all ARL research institutions, but still well below the index ranking of all but one of the institutions that CWRU defines as our peers. A rank of 45 would put us at the median of all private university members of ARL.

The ARL 2011 rankings for the institutions that CWRU defines as its institutional peers are shown below. If CWRU were ranked at 65, we would still be below all but the lowest of the peer institutions.

Institution	ARL Index Score (2011)
Emory	25
Chicago	26
Johns Hopkins	29
Northwestern	34
Washington U.-St. Louis	46
Vanderbilt	52
MIT	62
Rochester	83
Mean	45
Standard deviation	20

[10] Each year the library's purchasing power has been reduced both in terms of actual dollars available, a problem that has been significantly exacerbated by unmet inflationary costs increases of 6-9% annually for library materials (books, journals and databases). As the library budget continues to fall far short, this has led to significant cuts to both the library materials budget (especially electronic journal subscriptions, and print and electronic books). Further inabilities to keep pace with (or go beyond) inflationary cost increases will have a major impact on scholarly research and teaching.

It is also important to note that CWRU already devotes a very high percentage of our total library expenditures to library materials (FY2011: 50.1%), which placed us in the top 18% of all ARL institutions. While this is positive, unfortunately our total spending for library materials is very low compared to our peers. In addition,

our content spending percentage is high because the total number of staff (and therefore the spending on compensation) is also relatively low against the ARL peers, where we are in the bottom quartile, a problem exacerbated over the last few years by further staffing reductions that resulted in a severe decrease in the flexibility of the libraries to implement the strategic initiatives.

2011 Index Rank	Institution	2011 Total Library Expenditures	2011 Salaries & Wages of Prof. Staff	2011 Total Library Materials Expenditures	2011 # of Prof. & Support Staff	% of budget spend on materials	ARL Rank for % Spent on Materials
26	U. of Chicago	$36,153,527	$5,111,645	$18,680,779	251	51.7%	18
103	CWRU	$14,763,679	$4,071,158	$7,392,519	105	50.1%	21
52	Vanderbilt	$25,206,657	$6,163,839	$12,274,237	189	48.7%	34
29	Johns Hopkins	$32,416,105	$8,343,018	$15,480,846	250	47.8%	43
83	U. of Rochester	$19,010,587	$5,428,638	$8,818,112	150	46.4%	48
34	Northwestern	$30,948,218	$8,308,410	$14,035,157	259	45.4%	57
25	Emory U.	$36,651,350	$6,714,443	$16,507,242	235	45.0%	60
46	Washington USTL	$27,440,983	$6,663,340	$12,151,603	200	44.3%	62
62	MIT	$23,054,773	$8,225,403	$8,333,732	157	36.1%	103

[11] The actual calculations by ARL are based upon a more complex formula, but for purposes of this explanation, the $30 million illustrated below is a good approximation. Column 1 is based upon 2011 constant dollars, i.e., with no inflationary costs. Column 2 assumes that 50% of the budget is expended on personnel and 50% on content, with a 2% annual inflation factor for the former and a 6% inflation factor for the latter. FY2012 figures are still unavailable for other ARL institutions, but CWRU is already in the middle of FY2013. In the table below, the base year for this calculation assumes FY2013 spending levels are the same as in FY2011. This has been done for illustration purposes only.

	Column 1: Projected CWRU Total Library Expenditures to Achieve a Rank of 65 with No Inflation	Column 2: Projected CWRU Total Library Expenditures to Achieve a Rank of 65 including inflation of 2% on personnel & 6% on collections
annual budget increase factor	15.50%	
FY2013 budget	$14,763,679	$14,763,679
FY2014 budget	$17,052,049	$17,734,131
FY2015 budget	$19,695,117	$20,482,922
FY2016 budget	$22,747,860	$23,657,774
FY2017 budget	$26,273,778	$27,324,729
FY2018 budget	$30,346,214	$31,560,063

Revised February, 2010
COMPENSATION PHILOSOPHY, OBJECTIVES, PRINCIPLES and STRATEGIES

Whereas, it is Case Western Reserve University's belief that competitive pay is a key element in the recruitment, retention, motivation, development, and reward for the productivity and commitment of our highly qualified, diverse faculty who play a key role in fulfilling the University's mission and programs, it is hereby proposed that the following Compensation Philosophy be instituted and enacted to achieve equitable and fair compensation for our faculty at Case Western Reserve University.

Compensation Philosophy

Case Western Reserve University believes that competitive pay is a key element in the recruitment, retention, motivation, development, and reward for the productivity and commitment of our highly qualified, diverse faculty who play a key role in achieving the University's mission and programs. It is hereby proposed that the following Compensation Philosophy be instituted to achieve equitable and fair compensation for faculty at Case Western Reserve University.

Faculty salaries will be based on performance in relation to faculty obligations as described in the *Faculty Handbook*, and, as defined by the individual's School, external market comparisons by discipline at peer institutions, and internal equity within the capacity of the fiscal resources of the University, while maintaining compliance with all applicable rules and laws and taking into consideration the fiduciary accountability to the Case Western Reserve University Board of Trustees. The compensation evaluation process shall be equitable, fair, and transparent, recognizing a combination of scholarly and creative activities aligned with the Institutional vision, values, and goals, including scholarship, teaching, research, service and other contributions, including collaborative and interdisciplinary efforts.

Compensation Objectives

To fulfill its mission, Case Western Reserve University must attract and retain outstanding faculty. To achieve this goal, faculty compensation must be competitive, and the processes and practices used to adjust compensation must be transparent, clearly communicated, and fairly administered. The following compensation objectives will enable the implementation of the compensation philosophy:

1. Compensation should be commensurate with a faculty member's rank within their discipline, their time in rank, and past and present performance and accomplishments.
2. A level of compensation should be achieved that is competitive with our peer institutions, with the goal of achieving at least the mean of AAU averages over a four-year period in all disciplines and ranks.

1

3. A performance-based compensation process shall be instituted by each School that is equitable, fair, and transparent, recognizing a combination of scholarly and creative activities aligned with institutional goals, including: teaching, research, service contributions, collaborative, and interdisciplinary efforts.
4. Salary compression, inversion, and internal and external inequity of traditional salary structures, not reflecting levels of documented faculty performance, shall be systematically adjusted.
5. Barring unusual University-wide fiscal circumstances, faculty, who have satisfactorily achieved defined performance metrics, will receive an annual compensation increase. A zero compensation increase for any faculty member will be an exception.
6. The University and its Schools will provide raise pools for annual merit-based and equity-based compensation increases that accommodate the achievement of competitive faculty salaries and thereby support the Institution's success in fulfilling its mission.

Compensation Principles

1. Each school will have a compensation planning process that will incorporate faculty performance and impact, as well as internal and market equity information.
   - Performance metrics should be clearly defined, including criteria and the process used to measure performance, with input from the Dean, Department Chair, direct supervisors, and faculty. Faculty input on the metrics and process is expected with sufficient faculty consensus seen as a desirable outcome.
   - As required by the Faculty Handbook, performance evaluations and salary adjustments will be performed annually and inversion, compression, and equity issues addressed in a systematic manner.
   - Whenever possible, compensation increases will include above average increases for faculty with exceptional accomplishments over the year. The contributions of individuals who are strong and consistent performers will also be recognized through a compensation increase.
2. The compensation plan for each School should be driven by central principles and guidelines, the University Compensation Philosophy, unit governance, and focused on furthering academic excellence in scholarship, teaching and service, while creating an environment of opportunity and fairness.
3. The annual performance and compensation review must fairly assess performance and provide opportunity for performance improvement and faculty development. The factors determining rewards for performance must be clearly delineated.
4. Schools will communicate their written compensation guidelines and salary budget increases to faculty on an annual basis.

Compensation Strategies

The University's compensation strategies will maximize recruitment, development, performance, and retention of quality faculty across their careers, while adhering to the letter and spirit of applicable regulations.

1. The Office of the Provost will assist the Schools by providing competitive market salary data regarding rank and discipline that will be used to determine appropriate compensation levels for these positions, and this will be distributed on an annual basis to all faculty by the Compensation Committee. This data will be drawn from our peer institutions that we use in our University comparisons. Base salary considerations are determined by composite survey information collected from such organizations as College and University Professional Association (CUPA), American Association of University Professors (AAUP), American Medical Council (AMC), American Association of Colleges of Nurses (AACN), (UUA), American Association of Collegiate Schools of Business (AACSB), and the dental professional organization scale.

2. Schools will examine equity patterns across protected groups identified in Civil Rights legislation, taking leadership to transcend any of the historical market-based patterns of inequality.

3. As part of the compensation process, Schools will develop an equity adjustment process, in addition to the annual merit-based salary increase process, to both support the requirement for compensating exceptional performance and to systematically address salary inversion, compression, and/or inequity of the salary of the more experienced faculty whose performance has been satisfactory over their years of employment.

4. To correct for unjustified salary distortions that do not accurately reflect the relative level of performance by faculty members, the Office of the Provost will conduct an annual review to assess faculty compensation and equity using salary and performance metrics consistent with the compensation philosophy described herein, along with appropriate statistical analysis. This review will identify potential inequities in compensation. Any flagged inequities will be communicated to the appropriate Dean and Chairperson for further review and a course of corrective action developed, as necessary.

Faculty Compensation Committee

Members on the Faculty Senate Compensation Committees (2007-2010) involved in developing the University Compensation Philosophy, Principles and Strategies:

Susan Case, Chair, Organizational Behavior, (2007-2009, member 2009-2010)
James Dennis, Orthopedics UH, (2008-2010)
Donna Dowling, School of Nursing, (2007-2009)
Kathleen Farkas, MSASS, (2007-2009)
Stanley Hirsch, Dental Medicine, (2007-2008)
Alex Jamieson, Macromolecular Science and Engineering, (2009-2010)
Eva Kahana, Sociology, (2008-2009)
Patrick Kennedy, Physical Education and Athletics, (2007-2010)
Carol Liedtke, Pediatrics, (2009-2010)
Charles Malemud, Rheumatology UH, (2007-2010)
Sean McDonnell, Physical Education and Athletics, (2009-2010)
Karen Potter, Theater and Dance, (2007-2008)
Catherine Scallen, Art History (2007-2010)
Mark Smith, Chair, Pathology, (2009-2010)

Ex officio
Hossein Sadid, Chief Finance and Administration Officer (2007-2008)
Jerold Goldberg, Interim Provost and Univ. Vice Pres. (2007-2008)
John Sideras, Sr. VP for Finance and CFO, (2008-2010)
Bud Baeslack, Provost, (2008-2009)
Lynn Singer, Deputy Provost and VP for Academic Affairs, (2009-2010)

It has been roughly 5 years since President Snyder declared a top priority of CWRU was to achieve salary equity with our peer AAU institutions and that the median salary for departments within CWRU should be at the median value as seen in the AAU survey. Subsequently, it was left to each college or school to develop a plan to meet this goal. Recently, the Dean of the School of Medicine agreed that the SOM goal would be to have departmental averages for salary that were at the 50th percentile for salaries as reported by the AAMC for all medical schools (but being departmentally specific). To date, the Faculty Senate Committee on Compensation is unaware of any plan to achieve this goal from any of the colleges or schools at CWRU. Given the lapse in time, it is felt that the Provost and/or President ought to require schools and colleges to develop such a plan, review it with their faculty and forward their plan to the Provost and/or President for review.

At the same time, it would be useful for each plan to indicate what limitations there are to their implementation and whether some changes would need to be made to accommodate the schools' and colleges' plan. In part, this may reflect limitations in the increase in salary at promotion to either associate or full professor or may reflect limitations in the annual increase in salary permitted by central administration.

It is noted that current plans within schools and colleges on how to distribute permitted annual salary increases does not reflect a plan to achieve any level in salary, rather how to distribute increases (if any) within each school or college. Secondly, these plans also have no goal of achieving an average median salary that is competitive with our peers. It is felt that if there is any validity to reaching the goal of peer competitive salaries, plans must be developed and the Provost and President should see that this happens.