

3359-1-05 President of the university.

- (A) The board shall elect a president of the university to hold office at its discretion, in accord with its authority set forth in section 3359.03 of the Revised Code. The following procedures shall serve to guide the selection process, unless revised as provided herein.
- (1) In recognition of the legitimate concerns and interests of faculty, staff, academic and senior administration, students, alumni and community leaders, the search committee will involve such appropriate constituencies in the search process as follows:
 - (a) Prior to the invitation for nominations or applications of candidates, the presidential advisory and screening committee shall offer university constituency groups the opportunity to provide input concerning the proposed criteria, process and scheduling for the search process. The representative constituency and advisory groups may include, but are not limited to a representative from: the council of deans; department chairs; faculty senate; senior administration; contract professional advisory committee (CPAC); staff employee advisory committee (SEAC); university council; the Akron chapter of the American association of university professors (Akron AAUP); students, and community leaders.
 - (b) The board will consider the recommendations from all constituency groups, but retains the final authority to determine the criteria, process and schedule for the search.
 - (2) Pursuant to the bylaws of the board of trustees, the chairperson of the board shall name four voting trustees as a presidential advisory and screening committee with the following responsibilities:
 - (a) To make initial and ongoing recommendations to the full committee regarding the criteria, process, and scheduling for the search for the president;
 - (b) To recommend executive search firms for consideration by the full committee; and
 - (c) To conduct those activities related to the search as may be assigned by the chairperson of the search committee.
 - (3) The presidential search committee shall consist of:
 - (a) The entire board of trustees, including student trustees and advisory trustees, convened as a committee of the whole; and
 - (b) The elected leader (i.e. president or chair) of the following constituency groups:
 - (i) University council;
 - (ii) Faculty senate;

- (iii) CPAC;
 - (iv) SEAC;
 - (v) Undergraduate student government; and
 - (vi) Akron AAUP.
- (c) Members of the search committee who are not members of the board of trustees shall be required to execute a confidentiality agreement as a condition of participating on the search committee.
- (d) Members of the search committee shall participate in all discussions and meetings of the presidential search committee and shall have access to all presidential search materials.
- (4) The search committee shall recommend by consensus those individual(s) to be considered for employment as president by the board of trustees.
- (5) The foregoing procedures for the selection of the president by the board of trustees shall not be construed to limit, reduce, modify or relinquish any authority, responsibility, or discretion of the board to employ the president and govern the university consistent with the powers conferred upon the board by law. The board has the final authority to select and employ the president. Notwithstanding anything herein to the contrary, these procedures shall not be deemed to be mandatory, but shall be considered directory in nature; and, may be revised, in whole or in part, upon a majority vote of the board of trustees at any regular or special meeting, without the necessity of prior notice thereof.
- (B) The president is the executive head of all university colleges, branches, schools, and departments and thus, responsible for general supervision of all its interests. Within general policies of the board, the president shall lead in fostering and promoting education, instruction, research and scholarly activity, and public service as its primary aims. Each year the president shall submit to the board a report on the institution's activities, plans, current and future needs and other relevant data. The president shall attend all meetings of the trustees and address to them matters of institutional importance. The president is the official medium of communication between the university, the board and its committees, possessing the exclusive right to transmit proposals from the faculty and staff--either as a group or as individuals--to the board. This exclusive right of the president shall not abridge the right of trustees to communicate directly with faculty, staff, or other employees of the university; and, no employee shall incur any penalty or sanction whatsoever in connection with such communications.
- (C) By virtue of administrative assignment, the president is a member of the faculty senate and of each college faculty and thus, may preside at every meeting thereof, if the president so wishes. The president shall appoint all committees of the faculty senate unless their memberships are designated by rule. The president shall see that measures of the faculty senate, which have been properly submitted to and approved by the board,

are implemented and shall ensure that directives of the board relative to internal administration are carried out.

- (D) The president has authority in all matters of student discipline in accordance with the rules and regulations of the board. The president shall oversee preparation of the annual budget and advise the board on all financial matters; shall preside at commencement and all other public academic occasions; and shall confer such appropriate degrees and honors of all colleges and schools as are granted by the institution. The president shall have authority and responsibility to oversee intercollegiate athletics and ensure compliance with NCAA and conference rules. The president shall oversee and foster relationships with legislative representatives, community, and municipal leaders, state and national higher education officials, professional associations, other educational institutions, business leaders, and other various publics of the university and higher education. The president shall assume a primary role in fund raising on behalf of the university.
- (E) The board delegates authority to the president or the president's designee(s) to employ, set compensation for and remove all full-time administrative officers, faculty, contract professionals and unclassified staff members, other than those individuals whose employment is pursuant to a personal multi-year employment agreement, and all part-time employees and classified staff. Any authority or responsibility of the president may be delegated by the president to any other full-time administrative officers, members of the faculty or contract professionals of the university, subject to any limitations set forth by action of the board of trustees. Delegation of appointing authority or responsibility shall be in writing and shall be reported to the board of trustees by the president.
- (F) The president is authorized and empowered to compromise, adjust, and settle any and all claims, actions, causes of action, demands, costs, expenses, and any and all other damages in connection with any lawsuit filed for or against the university in an amount not to exceed two hundred fifty thousand dollars, upon such terms and conditions as the president shall deem reasonable and best. All such settlements shall be made in privileged consultation with the chair of the board of trustees, the chair of the finance and administration committee of the board of trustees, and the general counsel. All such settlements shall be subject to any necessary approval of the attorney general and the court in which the action is pending, and such other requirements as are mandated by law. Further, the president is empowered to execute such agreements of settlement and perform such acts as are reasonable and necessary to effect this settlement authority.
- (G) When in the judgment of the president the safety and well-being of students, faculty or staff, or university property is endangered, or when necessary to comply with the requirements of federal or state laws or regulations or when circumstances require the promulgation of rules without the benefit of prior review and approval of the board of trustees and/or the faculty senate and university council, the president, upon advice of the general counsel, is authorized and empowered to promulgate rules for the governance of the university and provide for filing of such rules in compliance with section 111.15 of the Revised Code. The president shall immediately inform the board of trustees and when appropriate the faculty senate and university council of any rules promulgated pursuant to this authority.

- (H) Subject to the authority of government vested by law in the board of trustees, the authority and responsibility for the internal administration of the university is delegated to the president of the university of Akron and shall in fact be exercised by the president. The president may consult extensively with appropriate student, faculty, employee, and administrative groups. However, administrative decisions in all matters of operation of the university of Akron shall be the responsibility of the president, subject to appropriate review and/or approval by the board of trustees, notwithstanding any other delegation of authority or responsibility to any student, faculty, employee, or administrative group. Any delegation of authority by the president shall be accompanied by appropriate standards of guidance in the exercise of such delegated authority and shall be accompanied by periodic review.
- (I) For reasons of protocol or otherwise, the president shall have the right to execute or by express written direction to delegate the authority to execute any contract. Contracts may only be executed on behalf of the university of Akron as authorized in the bylaws, regulations, and rules of the board; and except as expressly provided, no employees, agents, or other representatives whatsoever of the university of Akron shall have any contracting authority to bind the university of Akron. Contracts shall not be authorized unless executed in accord with policies and rules established by the board and the president. Except for routine contracts and purchases authorized by rules of the board, contracts shall be reviewed for legal form and sufficiency by the office of general counsel prior to their execution.
- (J) When authorized by the board of trustees, the president may serve on corporate boards in a representative capacity on behalf of the university. In such instances, the president shall keep the board of trustees informed regarding such activities and shall consult with and obtain prior approval from the board of trustees, unless otherwise authorized by the board of trustees, regarding the president's participation in any change in the mission, governance or legal structure of the entity or any commitment of university assets in connection with the president's service while acting in a representative capacity with the entity. For purposes of this provision, the term "assets" shall be liberally and broadly construed to include anything of value, including but not be limited to capital, real or personal property, financial resources, personnel, "in-kind" contributions as that term is commonly known in higher education, or other such form of value.

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Certification: _____
M. Celeste Cook
Secretary
Board of Trustees

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