

FACULTY SENATE EXECUTIVE COMMITTEE

Minutes of January 14, 1998 (approved)

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The Faculty Senate Executive Committee met at 2:00 PM on January 14, 1998 in 567 Capen Hall to consider the following agenda:

- [1. Report of the Chair](#)
- [2. Approval of the Minutes of October 22 and November 5, 1997](#)
- [3. Policy for Faculty Access to Student Data](#)
- [4. Code of Academic Ethics and Relations to Students](#)
- [5. Campus Creed](#)
- [6. Brief Update from the Governance Committee](#)
- [7. Report on the New Paltz Controversy](#)

Item 1: Report of the Chair

Professor Nickerson reported that he visited the Educational Opportunity Center (EOP) just before the holiday break. The EOC, which is actively engaged in providing educational opportunities for extremely disadvantaged people, has faculty representation on the Faculty Senate and FSEC; however, because it is short-staffed, it has not been able to send representatives to the FSEC meetings.

Dean Lopos thanked the Senate for the opportunity to talk about Distance Learning, and invited the FSEC to nominate a representative to the Distance Learning Committee.

There are as yet no nominations for the next Secretary of the Faculty Senate. As a result, the Chair will appoint an *ad hoc* Nominating Committee, and solicited names from the FSEC.

The Secretary announced a run-off election for SUNY Senator between the two candidates with the highest number of votes, Professors Judith Adams and John Boot.

In the Chair's absence, Professor Malone attended the meeting of the Graduate School Executive Committee. He reported the following:

- The GSEC meeting focussed on the process and criteria for selecting an outside reader for a doctoral defense, and the possibility of scheduling the defense before the reader is selected.
- Also discussed was the possible impact of non-standard university venues for instruction, such as Phoenix University. Evidence points to increasing enrollment in such institutions, thus offering increasing competition with traditional university instruction.
- Although no conclusions have yet been reached, the issue of Graduate Faculty status is still under discussion.
- Senior Vice-President Wagner has indicated that the national search for the Associate Vice-President for University Facilities proved unsuccessful; a new search committee chaired by Mr. Voldemar Innus will try again.
- The Provost has established a *UUP Discretionary Increase Work Group*, and is actively working to establish guidelines; the Chair circulated a revised memo for the Committee's information.
- Professor Nickerson delivered a presentation, sponsored by the Medical School and the UUP Health Sciences Chapter on tenure, on governance, the formulation of policies, and the context and future of tenure.
- The workshop on the budget process, postponed because of snow, has been re-scheduled for February 12, 1998 from 3-5 PM in Room 330 of the Student Union.
- President Greiner responded to the Faculty Senate resolution on Affirmative Action, and will establish a Task Force (or other appropriately titled body) to address the issues affecting underrepresented groups at UB. In addition, the Vice-Presidents and deans will discuss pay inequity and equal opportunity in employment, and will also be referred to the new task force.
- Professor Straubinger (Pharmaceutics) has agreed to serve as Interim Chair of the Computer Services Committee for Professor Cowen, who is presently on sabbatical leave.

- The Chair circulated the last few pages of a report [the full report has not yet arrived] from SUNY Senate Chair Aceto on the New Paltz situation, to be discussed in executive session.

Item 2: Approval of the Minutes

The Minutes of October 22 and November 5, 1997, were approved.

Item 3: Policy for Faculty Access to Student Data

Vice-Provost Goodman presented a draft *Policy on Access to Student Data in the UB Infosource*, data which at present are difficult to use and interpret because it is not organized "in any reasonable way". New tables have accordingly been created to start re-organizing the data; the main disadvantage is that the data are not quite up-to-date. Controversial is not only the question of *which* data should be made available, but also that of *how widely*. Professor Goodman added that he will ask the Provost to make the present document University policy, in order to abide by the Federal Educational Rights to Privacy Act (FERPA); until then, "it is *de facto* what we are doing".

Responding to a question by Professor Malone, the Vice-Provost affirmed that the data are indeed "individually identifiable", and warned that anyone misusing the information --- as well as the institution as a whole --- can be subject to a lawsuit which "you would probably lose".

Professor Churchill asked whether faculty could obtain information on students taking courses at other institutions. Vice-Provost Goodman replied that this could only happen if students submit transcripts from those institutions (to get credit for courses, for example), in which case all data are entered into the Infosource. If they choose not to, there is no mechanism to force students to divulge this information.

Professor Wooldridge suggested that the policy also allow faculty to access the data for analytical purposes, leading perhaps to research and publications, since this could prove useful for guiding academic policy. The Vice-Provost welcomed the idea.

The problem of drafting a policy has been challenging, Professor Goodman added, "partly

because everyone is involved, and partly because technology tends to outrun the policy". He noted that he drafted the policy in such a way that he "could not imagine an appeal [process]" to be necessary, since it permits access to those who have clearance. The FSEC agreed to include discussion of the policy in the agenda for the next Faculty Senate meeting.

In response to the currency crisis in the East Asian countries, the Vice-Provost announced that UB (and several comparable institutions) will allow affected students from these countries, on an individual basis, the option of a deferred payment plan, provided they can document their need. The University cannot afford an entitlement, since the total bill would amount to approximately \$2 million.

Asked whether students are aware of this policy, Professor Goodman noted that, officially, UB has no such policy; instead, his office is encouraging students to go to Student Accounts for advice and assistance.

Professor Malone cautioned against doing anything that would arouse the ire of our non-foreign students, and advised caution in the wording of any memos that might be sent out; the Vice-Provost agreed that this is a serious and "tricky" issue and would be treated accordingly. Professor Baier pointed out that APEC (Asian-Pacific Economic Cooperation) has financial resources available which might provide short-term economic assistance for students.

Item 4: Code of Academic Ethics and Relations to Students

The Chair circulated materials pertaining to ethical conduct of faculty members, including a memo from Professor Boot, Chair of the Committee on Academic Freedom and Responsibility, and a newspaper article. He pointed out that a number of universities have had significant problems in this area, and addressed the issue only *post facto*; it might therefore be wise for UB to discuss the issue and make some sort of statement.

Professor Malone wondered whether an explicit policy or even statement was really necessary, since it is "hard to believe that there's anybody who doesn't know that that kind of activity is not welcomed by the University". Professor Jameson added that the opportunities for conflicts of interest --- such as having a University official's children in a class, or the desire for promotion and tenure --- are so numerous that it might be "unnecessarily prudish to single out sexual relationships". Professor Wooldridge found the document too restrictive for faculty; according to its wording, he argued for example that a faculty member would need to forbid an ex-spouse from taking a certain course. In such cases, "the proposed cure might be worse than the problem".

Professor Simon thought there is a need for some due process, since the greater power is made to bear the burden of accountability in Professor Boot's memo; several details need to be worked out before any making any such statement. Professor Malone agreed that there should be a statement of process explaining how the problem would be investigated, i.e., who would decide, and based on what evidence? Professor Wooldridge wished to see some distinction made between contacts occurring outside the academic setting and those that are directly related to the instructional context.

The Chair planned to forward these comments to the Committee for further discussion, before it presents the document for a first reading in the full Senate.

Item 5: Campus Creed

Dr. Donna Rice, Associate Vice-President for Student Affairs, and Ms. Bascom presented the idea of developing a "Campus Creed". Reasons for such a creed include:

UB is a public institution with a diverse student population;

This diversity --- across all categories --- has increased over the last decade;

Since the students comprise a large portion of this diversity, they should especially be involved in this effort, which will help prepare them when they "go out into the workplace";

Such a creed, instead of being a mandate coming down from the administration, would show the unity of students, faculty, and staff in valuing diversity and not tolerating acts of intolerance.

Although he agreed with the spirit of the effort, Professor Wooldridge argued that a fixed policy could easily interfere with serious, free and open debate on a number of issues; to decree a zero-tolerance policy would not prove particularly effective. Dr. Rice countered that they are not proposing a policy, but rather a creed, an official statement meant to at least begin to challenge intolerant attitudes and behaviors in the campus community. Professor Wooldridge said it would be better to allow free discussion of any controversial issue, albeit in a manner which minimizes any *ad hominem* attacks.

Professor Albini agreed, saying that instead of being against intolerance, we should be more positive and stress tolerance. He added that "creed" may not be the desired formulation, since it connotes something dogmatic. Professor Smith supported this view, and objected to the rigid nature of the proposal. For example, it stated that we would not accept "ignorance"; however, one of the faculty's functions lies precisely in helping to educate people who might otherwise remain ignorant. The draft is too preclusive and harsh, and needs to be mollified significantly. Excluding a wide variety of opinions --- even those we find offensive --- is *not* appropriate for the University community. Professor Malone underscored this point, allowing every individual the "right to be stupid", provided they be required to defend their viewpoints. Professor Baier cited the controversial decision to bring a British Nazi philosopher to campus, whose speech ignited a "vigorous debate from which we all learned, and it would have been a real loss to our understanding of what the process was about", had he been barred from campus. Dr. Rice stated that the Committee does indeed encourage free speech.

Professor Faran noted also that the document was too negative, and favored the more positive "Celebrate Diversity" theme. The creed should make clear our goal of getting knowledge, and that prejudice is contrary to this effort.

Professor Wallace asked whether UB has a mechanism for tracking whether we are indeed becoming more diverse, and are making headway in our efforts; if we have no way of measuring this, why have such a document? Dr. Rice replied that we are already required

by law (via EEO/AA) to encourage diversity; what is under discussion is different --- namely, drafting a belief statement for the UB community.

Instead of disseminating this creed in the classroom, Professor Faran suggested we find other vehicles for celebrating diversity, such as fairs and similar events. Instead of dictating to people how they should behave, it would be more effective to invite them to have fun, and in the process unconsciously learn to become more tolerant and welcome diversity.

Item 6: Brief Update from the Governance Committee

Professor Albini reported that the Governance Committee had agreed on a revised draft of its proposed resolutions on procedures to evaluate proposed changes in the University structure, a draft which in principle is similar to the earlier version:

The Faculty Senate has the responsibility and should be able to review such proposals before they are implemented, and in a way that insures that this review is meaningful; For changes which are non-controversial, the Senate Chair and the FSEC may forward a proposal to the Senate for approval without having to send it first to a Committee.

The main thrust is for *all* proposed changes to be discussed in the full Senate, to allow for greater transparency of process; to bolster this, the Committee's resolutions call for some mechanism for the administration to issue a follow-up report on the implementation of change.

He hoped that, in the present, less "charged" atmosphere, the Faculty Senate could pass the resolutions and finally put in place procedures for proper review.

Professor Nickerson noted that the resolutions would be included on the agenda of the next Senate meeting as a Second Reading (the First Reading having occurred on June 17, 1997).

Item 7: Report on the New Paltz Controversy

The Chair reminded the FSEC that he had not yet received from SUNY Senate Chair Aceto the full report of the investigation into the New Paltz controversy; instead, only the final pages of it had been distributed. To the question of how the FSEC should respond, Professor Malone replied that we would first need the full report, after which we should issue a statement of whether or not we support its conclusions. He added that one central question is whether this issue concerns academic freedom or freedom of speech, which are not identical; if it is a freedom of speech issue, then, under the Fourteenth Amendment of the U.S. Constitution, it is "much more validly protected on the public university than it is on the private university".

The meeting was adjourned at 3:55 PM.

Respectfully submitted,

Robert G. Hoeing

Secretary of the Faculty Senate

Present: Chair: Peter A. Nickerson

Secretary: Robert G. Hoeing

Architecture & Planning: Sherri Wallace

Dental Medicine: Robert Baier

Health-Related Professions: Judith Tamburlin

Medicine & Biomedical Sciences: Boris Albini, Cedric Smith

Natural Sciences & Mathematics: Melvyn Churchill, James Faran

Nursing: Powhatan Wooldridge

Social Sciences: Simon Singer

SUNY Senators: Maureen Jameson, Dennis Malone

University Libraries: Marilyn Kramer

Guests: Nicolas Goodman, *Vice-Provost for Undergraduate Education*

Donna Rice, *Associate Vice-President for Student Affairs*

Jacqueline Bascom, *University Commission for the Promotion of Tolerance and Diversity*

Mary Gresham, *Public Service & Urban Affairs*

Sue Wuetcher (*The Reporter*)

Excused: SUNY Senators: John Fisher, Claude E. Welch

Absent: Arts & Letters: Martha Hyde

Engineering & Applied Sciences: Ramalingam Sridhar

Graduate School of Education: Thomas Schroeder

Information & Library Studies: George D'Elia

Management: Ramaswamy Ramesh

Medicine & Biomedical Sciences: Ronald Batt, Herbert Schuel

Pharmacy: Nathan