

## **FACULTY SENATE EXECUTIVE COMMITTEE**

### **Minutes of September 5, 2001 (approved)**

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The Faculty Senate Executive Committee met at 2:00 PM on September 5, 2001 in Capen 567 to consider the following agenda:

1. [Approval of the minutes of April 25, 2001 & August 23, 2001](#)
2. [Report of the Chair](#)
3. [Report of the President/Provost](#)
4. [Role of faculty governance at a large university – Professor Bruce Johnstone](#)
5. [New business](#)
6. [Old business](#)

#### **Item 1: Approval of the minutes of April 25, 2001 & August 23, 2001**

The minutes of April 25, 2001 and of August 23, 2001 were approved.

#### **Item 2: Report of the Chair**

The Chair has identified a series of topics that may be appropriate for the Faculty Senate Executive Committee to discuss, viz. shared governance, survey of the faculty, Middle States Commission on Higher Education, budget priorities, faculty role in decanal and other administrative reviews, graduate student stipends, library services, faculty responsibility to community, intellectual property, benchmarking and undergraduate teaching assistants. These items will be addressed sequentially at subsequent meetings, and they may be the basis of charges to various Faculty Senate Committees.

The Chair reported on his progress in getting chairs for the various Faculty Senate Committees:

Academic Freedom and Responsibility – John Boot

Academic Planning – vacant

Admissions and Retention – offered, awaiting reply

Affirmative Action – David Banks  
Athletics and Recreation – Frank Cerny  
Budget Priorities – Susan Hamlen (Peter Nickerson, interim chair)  
Bylaws – Judith Hopkins  
Computer Services – vacant  
Educational Programs and Policies – vacant  
Elections – Marilyn Kramer  
Facilities Planning – offered, awaiting reply  
Faculty Tenure and Privileges – Donald Schack  
Grading – William Baumer  
Information and Library Resources – status unclear  
Public Service – Robert Shibley  
Research and Creative Activity – John Ho  
Student Life – Peter Nickerson  
Teaching and Learning – Ronald Gentile  
University Governance – Dennis Malone

### **Item 3: Report of the President/Provost**

The President offered his expertise to the Senate in understanding how the Faculty Senate evolved at UB. He was intimately involved in its formation; for example, he and Professor Newton Garver were the primary authors of the current Bylaws of the Voting Faculty.

He announced that the Annual Meeting of the Voting Faculty, originally scheduled for September 11, will be rescheduled for October. At the meeting the President will discuss the next five years at UB. The September 11 meeting will revert to a regular meeting of the Faculty Senate at which the Provost will report on the 2000/2001 academic year.

The College of Arts & Sciences Governance Committee is looking at procedures for the appointment and removal of department chairs. The matter may come to the Faculty Senate for its consideration, an outcome President Greiner would welcome. To give context to the matter he outlined how major administrative appointments have been made over the last ten years.

Ø the Policies of the SUNY Board of Trustees vests authority for approving almost all UB appointments in its President; President Greiner has delegated much of that authority

Ø vice-presidents and the provost are appointed by the President in consultation with major stakeholders; deans are appointed by the Provost with the right of refusal being retained by the President; departmental chairs are appointed by the Provost upon decanal recommendation

Ø by SUNY policy department chairs are appointed for a term of no more than three years but serve at the pleasure of the President, devolved to the Provost and the dean

Ø chairs are removed by the Provost upon recommendation of the dean with the concurrence of the President; removal of a department chair during a term is rare

Ø the norm is for academic administrators to concurrently hold academic rank independent of their administrative rank

Ø acceptance of administrative rank, however, somewhat curtails a faculty member's traditional and contractual right of academic freedom to speak on any topic

President Greiner suggested that a useful conversation would be about how the presence of collective bargaining affects the conduct of our affairs. The Senate has traditionally distanced itself from matters under the purview of the collective bargaining units. The unions in return respect the role of the Senate in academic matters.

The Chair noted that as to the issue being studied by the College of Arts & Sciences Governance Committee, the Senate discusses an issue arising from an academic unit only after the academic unit has fully dealt with it and requests Senate involvement.

- the Policies of the Board of Trustees (Article IX, Title C, Section 2, <[http://www.suny.edu/Board\\_of\\_Trustees/Policies.pdf](http://www.suny.edu/Board_of_Trustees/Policies.pdf)>) say that faculty consultation is also a part of the appointment and removal processes (Professor Boot)
- agree as to the appointment process (President Greiner)
- what is the status of the Faculty Senate Resolution on a Second Chance Policy? (Professor Baumer)
- pending in the Provost's Office; am personally very interested in the Policy (President Greiner)

#### **Item 4: Role of faculty governance at a large university - Professor Bruce Johnstone**

Professor Johnstone, having served 9 years as President of Buffalo State College, 6 years as SUNY Chancellor and as a tenured faculty member at UB since 1995, has extensive experience with faculty governance, albeit most often on the administrative side. He spoke about limitations and constraints on faculty governance within SUNY institutions and at UB. Some constraints arise from New York's political environment; e.g., a very powerful Board of Regents, state finance law, state labor laws, the Governor's Office, the Division of Budget, etc. Others arise from the current Governor and members of the SUNY Board of Trustees. Others are common to most faculty senates and their campus administrations.

∅ neither SUNY nor individual campuses have employees; the State of New York is the employer and negotiates conditions and terms of employment

∅ SUNY is not an autonomous public corporation that can sue or be sued and enter into contracts; it is a part of state government

∅ executive power over the state budget is very strong, and the impact on SUNY is intensified by state finance laws that prohibit deficit spending while restricting budget cuts for local assistance, school aid, and funding for community colleges

∅ Trustees are very constrained in setting tuition because state law requires that the state budget be passed before the Trustees may set tuition rates, and money raised in excess of SUNY's state budget allocation cannot be spent

∅ approval of new degree programs is very cumbersome; programs must be approved by the Regents, by SUNY, by the Chancellor and Trustees and budget authority must be obtained

∅ Governor Pataki and the Trustees give public higher education a low priority and hold SUNY institutions and SUNY Central in low esteem; they discount how SUNY is regarded by scholars and focus on how it is regarded by U.S. News and World Report and their affluent political supporters; they discount SUNY's prior history, programs and agenda

∅ politically there is a strong tension between a belief in the desirability of decentralization and a distrust of SUNY

∅ faculty governance is not solely or even primarily the concern of a faculty senate; much governance occurs within the Faculties and in departments; the unsuccessful attempt by this Faculty Senate to parallel its role in undergraduate education in graduate education illustrates the possibility for conflict

∅ a faculty senate is constrained by the presence of a faculty union

Ø administrations tend to consult with trusted faculty rather than its faculty senate about governance issues

Ø a faculty senate has influence while administration has authority

Ø faculty governance takes time and many faculty lack time or incentive to participate

Ø some faculty perceive some administrators as unappreciative of the "real" academic values and the nature of academic work, self-aggrandizing and too solicitous for outside input; some administrators view faculty and faculty senates as too adversarial, especially in preserving programs and faculty jobs, parochial, oblivious to deadlines, and not always willing to do their homework

Ø successful sharing of influence requires: an administration to actively solicit its faculty senate for advice, provide feed on faculty senate suggestions, and to use the senate as the faculty representative; a senate must expeditiously respond to administrative requests and rigorously prioritize its agenda to a manageable number of items

Ø basically faculty and administration have complementary interests, especially in SUNY where terms and conditions of employment are off the table

- want to emphasize several of your points: the Senate's influence depends on the rigor of analysis it displays; consultation with the Senate does not require the administration to agree to the advice provided, but if the advice is not followed, the administration should explain why not, multiple points of view help decision making (Professor Malone)

- is the role of the Senate in decanal and other administrative reviews a useful topic of discussion and if so what form should the discussion take? (Professor Cohen)

- because that role is a perennial source of contention, it would be a good discussion topic; might look to produce a paper outlining the Senate's current role and what questions it raises (Professor Johnstone)

- what should the role of a Trustee be? (Professor Cohen)

- Trustees pick, defend and fire the Chancellor; their role in selecting campus presidents has changed from approving a candidate picked by the local Council to picking the successful candidate from a pool identified by the Council (Professor Johnstone)

- how does a newly appointed Trustee learn about and develop trust in the system? (Professor Nickerson)

- as Chancellor I spent a lot of time with new Trustees (Professor Johnstone)

- how do we overcome faculty lethargy about participating in faculty governance? (Professor Fourtner)
- not sure; necessary for the Executive Committee to function more candidly and thoughtfully, especially with regard to committee composition and agenda items, than the Faculty Senate can do (Professor Johnstone)
- have sent letters to newly tenured faculty and to Distinguished Service Professors suggesting they have an increased service responsibility (Professor Cohen)

### **Item 5: New Business**

The Chair, as a matter of expediency, sent out generic charges to the Senate Committees. During future meetings of the Executive Committee he will schedule discussions of specific charges for the various Committees. In particular the Executive Committee needs to decide which committee would be most appropriate to study the Senate role in decanal review.

The Chair would also like to charge the Public Service Committee with drafting a proposal outlining a process for recognizing public service activity in a promotion dossier.

- Deans objected to a similar proposal from Professor Nyberg, past Chair of the Presidential Review Board (Professor Nickerson)
- should re-open the issue (Professor Cohen)

The Chair will also be scheduling a discussion of the Research and Creative Activity Committee's survey of what was on the minds of researchers at UB. The survey evokes strong reactions in faculty and administration, but it should not be buried and the questions it raises ignored.

- a survey of faculty is also being conducted for the Middle States accreditation visit (Professor Malone)
- interesting to look at both surveys (Professor Cohen)

The Chair asked for suggestions for other priority topics that should be addressed.

- Grading Committee should look at a memo sent by Vice Provost Grant; the memo is in conflict with a Faculty Senate Resolution saying that the "W" grade can only be given for a semester's coursework, not a single class (Professor Fourtner)
- the Vice Provost is now aware of the Resolution and will comply with it (Professor Malone)

The Chair asked to be alerted to Resolutions that had been passed by the Senate but have not yet been promulgated or rejected by the President.

- a number of Resolutions are sitting in the Provost's Office, e.g. a resolution from the Committee on Teaching and Learning (Professor Nickerson)
- ask Chairs of the Committees what resolutions are pending (Professor Baumer)
- lack of administrative response to well thought out resolutions contributes to faculty disinclination to work through the Faculty Senate (Professor Noble)
- Faculty Senate website lists resolutions passed by the Senate and indicates their disposition <<http://wings.buffalo.edu/faculty/governance/fac-sen/resolutions.html>> (Professor Hopkins)
- website not completely up to date (Professor Nickerson)

The Chair asked for suggestions for structuring a discussion of shared governance.

- would be useful to examine how robust shared governance is in the Schools and departments (Professor Nickerson)
- UB has shared governance, but the administration's share is larger (Professor Malone)
- if the Senate passes a resolution and the administration summarily rejects it, is there any recourse? (Professor Cohen)
- there is nothing to prevent the Senate from continuing to discuss the matter (Professor Malone)
- if rejection seems imminent, the Senate can often negotiate with the administration (Professor Nickerson)
- Charter does not explicitly recognize the President's right of veto over the Faculty Senate actions (Professor Kramer)
- view the Charter as a contract between the administration and Faculty Senate, with changes requiring both parties to agree (Professor Malone)
- can the President veto an amendment to the Charter that affects how the Senate operates? (Professor Cohen)
- the President vetoed the amendment to the Charter which would have extended the scope of Faculty Senate to explicitly include graduate education; the Committee on Governance would be the appropriate committee to discuss issues of shared governance (Professor Kramer)

## **Item 6: Old business**

The vote on the Grading Committee's Class Absence Policy was postponed from the May Faculty Senate meeting. Professor Baumer, Chair of the Grading Committee will poll the Committee to see whether it wishes to make changes based on the Senate's May discussion of the proposal. Professor Baumer noted that the Guidelines for Reasonable Academic Progress and Financial Aid Eligibility was partially implemented this summer, its provisions being used to evaluate the status of students returning in Fall 2001. There is some question as to the appropriateness of factoring in classes taken before the Policy was adopted. He also noted that some faculty have complained that the Policy on Grade Replacement which the President promulgated will create additional enrollments for which there are no resources. Data provided by Professor Gold suggests that the problem is more driven by students seeking to replace "R" grades. The Committee will discuss both these concerns.

- Provost Capaldi provided feed from the Deans on the Class Absence Policy, suggesting that only the first paragraph of the Policy be adopted (Professor Cohen)
- the Class Absence Policy says that an instructor's absence policy be included in the course syllabus; that is an issue because some instructors do not provide a written syllabus, and it is not clear they are required to do so (Professor Malone)
- the first three paragraphs seems an adequate statement of the Policy, avoiding detail that may be inappropriate for some courses (Professor Cohen)
- the document Faculty Teaching Responsibilities  
<<http://www.business.buffalo.edu/hrs/facultyhandbook/IIIE.html>> sets out the requirement for a written syllabus; because there is wide spread uncertainty about what constitutes a reasonable absence policy and a reasonable set of actions and procedures, there is a need for the Policy's detail (Professor Baumer)
- should schedule a full discussion of the Policy in the Executive Committee before going to the Senate (Professor Adams-Volpe)

There being no other old/new business, the meeting adjourned at 4:30 PM.

Respectfully submitted,

Marilyn McMann Kramer  
Secretary of the Faculty Senate

Present: Chair: M. Cohen

Secretary: M. Kramer

Parliamentarian: D. Malone

Arts & Sciences: W. Baumer, J. Bono, C. Fournier

Engineering & Applied Sciences: R. Sridhar

Graduate School of Education: L. Malave

Health Related Professions: G. Farkas

Management: J. Boot

Medicine & Biomedical Sciences: B. Noble, A. El Solh, S. Spurgeon

SUNY Senators: J. Adams-Volpe, J. Boot, H. Durand, P. Nickerson

University Libraries: J. Hopkins

University Officers:

W. Greiner, President

Guests: D. Bruce Johnstone, Professor, Graduate School of Education

Victor Doyno, Professor, College of Arts & Sciences

Robert Wagner, Senior Vice President

Loyce Stewart, Director, Office of Equity, Diversity and Affirmative Action Administration

William Coles, Chair, Professional Staff Senate

Elizabeth Courtney, Academic Affairs Coordinator, Undergraduate Student Association

Stefanie Alaimo, The Spectrum

Christine Vidal, Reporter

Kenneth Levy, Senior Vice Provost