

# FACULTY SENATE EXECUTIVE COMMITTEE

## Minutes of November 4, 1998 (approved)

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The Faculty Senate Executive Committee met at 2:00 PM on November 4, 1998 in Capen 567 to consider the following agenda:

- [1. Approval of the Minutes of October 21, 1998](#)
- [2. Report of the Chair](#)
- [3. Report of the President/Provost](#)
- [4. Talloires Declaration](#)
- [5. Consensual Relations Report from the Academic Freedom and Responsibility Committee](#)
- [6. Approval of the Faculty Senate agenda for November 10, 1998](#)
- [7. Old/new business](#)

## Item 1: Report of the Chair

The Chair reported that:

- elaborating on his oral response at the October 28, 1998 meeting to a comment from the floor regarding searches in the University, President Greiner sent a four page letter to the Chair documenting search practices throughout the University, including those at the Senior Administrative level; the Chair circulated the letter
- question whether the Chair intended Senators to read such a substantial document during the meeting (Professor Swartz)
- would the Chair provide copies for those Senators wishing to read the letter later? (Professor Welch)

- it is efficient to circulate the letter during the meeting; will be happy to also supply a copy to any Senator requesting one (Professor Nickerson)
- the call for nominations for Chair of Faculty Senate has been sent out and has appeared in the *Reporter*. Professor Kramer indicated that Anna Kedzierski has the matter well in hand
- copies of the rosters of the Faculty Senate committees are available; the list is still not complete but is being revised
- several committees have been active; the Educational Program and Policy Committee, chaired by Professor Tedlock, had an organizational meeting last week and formed three subcommittees to respectively: examine skills requirements (including computer literacy), examine general education and its extension to undergraduates in all faculties, and examine program assessment; EPPC is also interested in discussing the "Freshman Year"; the Admissions and Retention Committee, chaired by Professor Fournier, will be ready in March to report on the formula for admissions
- there have been no additional responses to Faculty Senate resolutions

## The Chair asked for questions:

- has it been possible to meet regularly with the President and the Provost? (Professor Welch)
- on a reasonably regular basis, although it has been difficult to see the Provost (Professor Nickerson)
- has there been any explanation of why the search for Provost will be delayed until next Fall? (Professor Woodson)
- there has been no official explanation; understand the functions of the Office of the Provost will be assessed before a search is undertaken (Professor Nickerson)
- the Rev. Dr. Walter Macintyre, who was Director of Computing Services at UB from 1974-1980, died this morning (Professor Baumer)

## Item 2: Talloires Declaration

The Chair invited Professor Welch, Professor Gardella, Chair of UB's Environmental Task Force and Professor Meidinger, Director of the Institute for the Environment and Society to speak to the Talloires Declaration. The Chair reminded FSEC that at the October 13 Faculty Senate meeting, Senators had raised a number of questions on the first reading of a resolution urging the President to sign and support the Declaration.

Professor Welch began by saying that he views concern for environmental issues to be an important citizen concern, but has never taught environmental issues within his discipline of political science. As a member of the Environmental Task Force, Professor Welch found the Talloires Declaration to be personally persuasive and in the best interest of the University as a public institution. Fifty-eight American universities, twelve of them members of the Association of American Universities, have signed the Declaration. Institutions to which we frequently compare ourselves, such as the University of California at Santa Barbara, the University of North Carolina and University of Pittsburgh, have signed the Declaration. UB has already made significant commitments to pursuing environmental issues by establishing the Environmental Institute and supporting an active Environmental Task Force.

Professor Gardella stated that in 1995 when the Environmental Task Force discussed the Talloires Declaration, the members of the Task Force concluded that UB was well on its way to not only being an international leader in certain areas of environmental commitment but also to meeting the obligations of signers outlined in the Declaration, such as teaching, research, policy formation and information exchange. Since then the University has strengthened its commitment by forming the Institute for the Environment and Society, and engaged in activities to co-ordinate programs on campus, and of outreach to the community.

Professor Meidinger added that he considers the Declaration non-controversial. It simply reflects a widely held belief that environmental problems and the difficulty of creating a sustainable society are central issues to world society. It is important to sign the Declaration to highlight the importance of the issues.

There were comments from the floor:

- what would we do new or differently because of signing the Declaration? (Professor Malone)
- more a case of doing more, e.g., broadening the teaching of and expertise about environmental issues; the Declaration is in itself not prescriptive and would fit into our process of faculty governance (Professor Welch)

- would need to ensure that faculty are competent to teach and that students are taught environmental literacy; our resource conservation, recycling and waste reduction programs have been recognized as excellent, but we could make them better (Professor Gardella)
- this is a highly unusual issue which requires unusual action and so would support the resolution, but UB should not endorse other issues (Professor Swartz)
- principles of the Declaration are salutary, but not interested in committing to significant dues or meetings; UB is a leader in environmental issues and therefore might be inclined to sign this, but without establishing any precedent for endorsing other issues (President Greiner)
- uncomfortable with endorsing any principle other than an academic one because it becomes a lever that can be used in discussions of institutional priorities; challenge the statement that UB is a leader in environmental areas; have only seen good words followed by no deeds, for example, to date only the document announcing the initiative to use recycled paper came on recycled paper (Professor Schack)
- UB is using paper that contains at minimum 25% post consumer waste recycled paper for internal distribution (Professor Gardella)
- expand to the maximum the use of e-mail for distribution of memos, letting readers print if they want a hard copy (Professor Malone)
- there is a subcommittee of the Environmental Task Force developing a policy on electronic communications); the Environmental Task Force has also engaged in monitoring waste recycling effectiveness in areas other than paper use, e.g. auditing recycling efficiency in the dormitories and developing policies about demolition and construction materials (Professor Gardella)
- we are being so cautious that it seems we wouldn't have signed the Declaration of Independence; this is not a contract but an expression of principle (Professor Albini)
- the full Senate should debate the points raised by Professors Swartz and Schack; the Environmental Task Force should be asked periodically to report to the Faculty Senate so we can stay current with the issues raised (Professor Welch)
- is there a Faculty Senate committee that could take responsibility for monitoring this area? (Professor Schack)
- the Committee on Facilities Planning is probably the best candidate (Professor Welch)

### **Item 3: Approval of the Minutes of October 21, 1998**

The Minutes of October 21, 1998 were approved.

#### **Item 4: Report of the President/Provost**

The President announced that Provost Headrick will step down as Provost effective December 31. The search for his successor should be complete by the Fall of 1999. The President will chair a search committee that will be broadly based and representative of key constituencies. The first step will be to identify a highly qualified search consultant; the next step will be to analyze what the Provost's Office is becoming. The presence of a Vice President for Health Affairs and of a Dean of the College of Arts and Sciences will have a profound impact on the role of the Provost's Office. Additionally the work of the last fourteen years, culminating in Provost Headrick's activities in academic planning and in instituting an academic information management system will allow the Provost's Office to be more concerned with planning and strategic investments and quality oversight. The actual search process should begin early in Spring semester.

David Triggie will continue as Dean of Graduate Education but will also serve as interim Provost. His job will be to keep on the course that Provost Headrick has set. That course should also guide the new incumbent. Integrating the Vice President for Research with the Provost's Office and focusing on graduate education and research issues will be on the new Provost's agenda.

The President expressed his thanks to Provost Headrick and noted the widespread expressions of regret at the Provost's decision. After stepping down as Provost, he will revert to his position as Senior Counselor to the President, and he will continue working on the mission review process and implementing the information management system in the Provost's Office.

The Chair asked for questions for the President:

- have you discussed the difficulties that Dean Triggles absences doing research could have on his discharge on these new duties? (Professor Boot)
- Dean Triggles is a very effective user of modern telecommunications; not aware that his absences have caused problems (President Greiner)
- will Dean Triggles be a candidate for the position? (Dr. Coles)
- will not speak to the issue; however, we are fortunate in having more than one person already on campus who could fulfill the role; having a national search is important; this is an opportunity to bring in a different generation of leadership (President Greiner)
- consider whether to involve "faculty at large" in interviewing candidates (Professor Malone)
- faculty will be well represented on the search committee (President Greiner)

Provost Headrick addressed his announced retirement. He never planned a long tenure as Provost, and since he believes he has already made the impact he was capable of making, he saw no reason to prolong his stay. The University must now focus on graduate education and research, and Dean Triggles can give stronger leadership in those areas. He wants to devote himself full time before he retires to two uncompleted projects, the mission review statement and the budget and allocation system.

The Chair asked for comments:

- Provost Headrick underestimates the future contributions he could make to UB (President Greiner)

## **Item 5: Consensual Relations report from the Academic Freedom and Responsibility Committee**

The Chair invited Professor Boot to speak on the revision of the Committee's report on consensual relations. Professor Swartz immediately raised a point of order, stating he did not believe that the document before FSEC constituted a considered Committee report in that the Committee has acted in an extremely informal fashion and has been driven by the need to have a document for Faculty Senate to discuss at its November 10 meeting.

Professor Boot responded, concurring with the assessment of prematurity. However, he added the Committee did meet with four members present (and one member commenting

by phone) and unanimously endorsed the revision presented today. The Chair then ruled against the point of order.

The revised statement reads: "Relations with students in one's class or under one's supervision are primarily teaching or mentoring relations. Social interactions which preserve symmetry among students or serve a clear educational purpose are also encouraged. However, social activities which treat students differently and serve no clear educational objectives are unprofessional and unacceptable. This includes entering into sexual relations with a student in one's class or under one's supervision".

Professor Boot explained that this statement intends to make clear that the faculty member may appropriately initiate social interaction with students, e.g., go for coffee, so long as the invitation extends to all members of the class and does not exclude some. Asymmetric social interactions which have a clear educational purpose are also appropriate, e.g. go for coffee with a student during an office hours consultation. But asymmetric social interactions with no educational purpose are inappropriate. However, relations between students and faculty which pre-date the teaching or mentoring relationship are exempted from the ban.

The Chair asked for comments:

- are pre-existing relationships between a faculty member and a student acceptable? (Professor Woodson)
- the Committee discussed at length the question of what are the appropriate steps to take when someone for whom the faculty member has reason to have a pre-existing bias, e.g., a neighbor, enrolls in one's class; informing the class or one's supervisor of the relationship was suggested, but the Committee decided against adding that provision to the statement (Professor Boot)
- there were suggested revisions to the language of the statement from several FSEC members
- the role of FSEC is to comment on the principles of the statement, not to redraft its language (Professor Welch)
- need a clear report that sets a record as to what the Committee expected and why it came to its recommendations; without such documentation would not promulgate such a statement as University

policy; Faculty Senate should not be trying to regulate social interactions between faculty and students, but should stay focused on consensual relations (President Greiner)

- this is a short statement but it reflects substantial discussion by the Committee (Professor Boot)
- today' statement does not reflect FSEC's comments of last week which rejected the broader focus of social relations and preferred the narrower focus of sexual relations (Professor Wooldridge)
- the Committee considered the view expressed in FSEC, but choose to adopt this statement (Professor Boot)
- whatever the Committee's intent, the wording of this statement in fact would prohibit going for coffee with one student or accepting an invitation to a student's house since those are asymmetric interactions (Professor Wooldridge)
- Committee should follow its own beliefs and not write to please FSEC; the Faculty Senate should be the body that decides the merits of the proposal; the issue of sexual relations with a student may be more serious, but the issue of asymmetric social connections is far more common and troubling to students and we should not ignore the problem (Professor Schack)
- in our effort to ameliorate some problems by writing rules, we may create many more problems; the energy of the faculty is limited and we can not do everything; the Committee needs to think through the mechanisms of enforcement of this policy; if the University vigorously enforces this policy it will harm the University's reputation (Professor Swartz)
- this is a code of conduct to make faculty think about their relations with students; it is not a penal code to be enforced by the campus sexual police (Professor Boot)
- last week it was suggested that this issue be combined with the work on a sexual harassment policy in order to take advantage of the procedures that have been developed there; FSEC decided that it wished to present a general principle for the Faculty Senate to discuss, and if the principle were adopted, a procedure would then be developed; having chosen a course we should not turn the canoe around in the water (Professor Baumer)

**Professor Baumer then moved (seconded) that the Committee's current proposal be presented to Faculty Senate on November 10. The Chair asked for discussion on the motion:**

- would a student gain anything from this code of conduct when there had been a sexual relationship with the faculty member? (Professor )

- the procedure spelling out what happens when there is such a relationship will be developed later (Professor Baumer)
- only the President can promulgate a code of conduct; this statement needs to be presented as a resolution, and it needs to be clarified as to what provisions the Faculty Senate wants (Professor Malone)
- if this statement goes forward to the Faculty Senate it will be another unfortunate example of a less than careful presentation of an important matter to the Faculty Senate
- the statement is extremely ambiguous and needs to be far more carefully drafted with explanations provided where there is any question of ambiguity (Professor Smith)
- given the content of today's discussion, it would be counter-productive to offer this statement without surrounding documentation for Faculty Senate discussion (Professor Harwitz)
- need fuller report to resolve the ambiguities that have been discussed in FSEC today and also need a resolution to present to the President; this statement is not ready to go to the Faculty Senate (Professor Schack)
- is it the Committee's position that it is acceptable for a faculty member to enter into a sexual relationship with a student who is not enrolled in the faculty member's class? (Professor D'Elia)
- the only ban is when a student is in a faculty member's class or is in a mentoring relationship (Professor Boot)
- there may be legitimate reasons to have social interactions which do not have clear educational objectives; for example the Chemistry Department at Harvard encourages social interactions between faculty and students in response to several suicides among graduate students (Professor )

The motion to send the Committee's statement to the Faculty Senate failed. Professor Baumer moved (seconded) to send the statement to the Committee with two instructions: that supporting comments be appended to the statement; that the Committee consider the phrasing of the statement in light of FSEC's comments. The Chair asked for comments on the motion:

- we should be concerned about protecting the students, not worrying about our reputations or social interactions (Professor Hyde)

- the Academic Freedom and Responsibility Committee also recommended that the Grading Committee look at grading issues when the faculty member and the student have had prior social contacts (Professor Boot)
- the Committee needs to work on the principles of the statement and not just on the wording; the proposed instructions to the Committee are too restrictive (Professor Swartz)
- the motion contemplates that the Committee will look at principles as well as wording; FSEC, however, is not sending a clear signal as to whether it wants the Committee to produce a statement of principle, for which procedure will be provided at a later date, or whether the Committee is expected to produce both principle and procedure (Professor Baumer)
- FSEC's last discussion favored a statement focused on sexual relations, not on the broader issue of social interactions; if we want to address the issue of social interactions, do it separately (Professor Sridhar)
- some of the discussion has been concerned with fairness of evaluation, and that is an issue for the Grading Committee; other discussion has dealt with sexual harassment, and that is an issue already being addressed by the Task Force; the Academic Freedom and Responsibility Committee has a topic to report on only if there is a subset of sexual relations which neither involve fairness in evaluation nor rises to the level of sexual harassment (Professor Harwitz)
- the consensus of the last FSEC discussion was that it is unacceptable to enter into a consensual sexual relationship with a student enrolled in one's class or under one's supervision and furthermore if one has a prior sexual relationship with a student who intends to enroll in one's class, it is appropriate to divulge that relationship to one's supervisor to make arrangements for fair grading; don't understand why the Committee broadened the scope of the statement to include sexual harassment and social interactions (Professor Wooldridge)

The motion to return the statement to the Committee passed. The Committee should be prepared to report to FSEC in the next calendar year.

## **Item 6: Approval of the Faculty Senate Agenda for November 10, 1998**

The Chair reviewed the proposed agenda. With the recommitment of its statement to the Academic Freedom and Responsibility Committee, the second reading of the Tallories Declaration remained as the only action item. The Chair proposed scheduling in more informational items to lengthen the agenda. He then asked for comments from the floor:

- will not achieve a quorum with the proposed agenda because it will not be perceived as important enough to attract Senators into coming (Professor Schack)
- a general Faculty Senate discussion of the issue of consensual relations without presenting a report would be helpful to the Academic Freedom and Responsibility Committee (Professor Boot)
- Senators' time is too valuable to waste on a meeting with a weak agenda (Professor Baumer, Professor D'Elia)

Professor D'Elia moved (seconded) to cancel the Faculty Senate meeting of November 10, 1998. The motion passed.

#### **Item 7: Old/new business**

There was no old or new business.

The meeting adjourned at 4:10. Respectfully submitted Marilyn M. Kramer

Secretary of Faculty Senate **Present:** **Chair:** Peter Nickerson **Secretary:** Marilyn Kramer **Arts & Letters:** Martha Hyde **Engineering & Applied Sciences:** Ramalingam Sridhar **Health Related Professions:** Judith Tamburlin **Information & Library Studies:** George D'Elia **Law:** Louis Swartz **Management:** John Boot **Medicine & Biomedical Sciences:** Boris Albin, Cedric Smith **Natural Sciences & Mathematics:** Samuel Schack **Nursing:** Powhatan Wooldridge **Pharmacy:** Nathan **Social Sciences:** William Baumer, Mitchell Harwitz **SUNY Senators:** Dennis Malone, Claude Welch **University Libraries:** Dorothy Woodson **University Officers:** William Greiner, *President* Thomas Headrick, *Provost* **Guests:** Eran Kabakov, Undergraduate Student

Association William Coles, Chair, Professional Staff Senate Sue  
Wuetcher, *Reporter* John Celock, *The Spectrum* Lisa Miljoner,  
Academic Affairs, Undergraduate Student Association Martin Weiss,  
Pre-Professional Special Interest Housing Christopher S. Connolly,  
Pre-Professional Special Interest Housing **Excused: Natural  
Sciences & Mathematics:** Melvyn Churchill **SUNY  
Senators:** William Fisher **Absent: Architecture &  
Planning:** Shahin Vassigh **Dental Medicine:** Robert Baier **Graduate  
School of Education:** Lilliam Malave **Medicine & Biomedical  
Sciences:** Herbert Schuel **Ex-Officio:** Robert Hoeing