

Faculty Senate Executive Committee

Minutes of October 27, 1999 - (approved)

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The Faculty Senate Executive Committee met at 2:00 PM on October 27, 1999 in Capen 567 to consider the following agenda:

1. [Report of the Chair](#)
2. [Report of the President](#)
3. [Sexual Harassment Policy](#)
4. [Update on classrooms - Quality and Utilization](#)
5. Old/New Business

Item 1: Report of the Chair

The Chair reported that:

1. he attended a meeting of the Graduate School Executive Committee at which Mission Review, the budget and issues concerning outside dissertation readers were discussed
2. the Budget Priorities Committee has established a subcommittee, consisting of the Senate Chair and Professor Hamlen, to examine and report on the budget shortfall in the College of Arts and Sciences; the subcommittee hopes to meet with Dean Grant and the Provost but is having difficulty finding mutually convenient meeting times
3. due to the absences of Professor Foster and Vice Provost Sullivan, today's scheduled update on classroom quality and utilization will be postponed
4. next week the FSEC will discuss the principles used in formulating the University Calendar; he asked that FSEC members survey colleagues about problems with the current Calendar and suggested solutions
5. yesterday the University dedicated the Center for Computational Research; Governor Pataki was in attendance, and the students rallied very effectively to convey their concerns about SUNY to the Governor
6. various Faculty Senate Committees were active: the Grading Committee met and will report at the November 3 FSEC meeting as will the Computer Services Committee; the Affirmative Action Committee met last week; the Tenure and Privileges Committee will meet on October 28

7. the FSEC has been asked to make nominations to three committees: a panel chaired by Professor Baier to consider the Policy on Responsible Conduct in Intellectual and Creative Activity; the Faculty Senate Athletics and Recreation Committee; and the Nominating Committee for the Chancellor's Award for Excellence in Teaching

The Chair asked for questions:

- what group is responsible for developing the *Sexual Harassment Policy and Procedures* we will be discussing? why and for what action is the document coming to the FSEC? (Professor Swartz)
- the item is for discussion and the question is whether to put the document on the agenda for the November 16 Faculty Senate meeting and how best to present it for full Senate discussion (Professor Nickerson)
- the document was drafted over a long period of time and with much research about the policies of institutions like UB by a subcommittee of the Equal Opportunity/Affirmative Action Committee; members of the subcommittee included Professors Finley and Munger of the Law School; the subcommittee redrafted portions of the document to respond to administrative concerns about the resources required to implement the original procedures (Vice Provost Fischer)
- additional members of the subcommittee were Professors Acara and Noble and Ms. Stewart; the document underwent many different reviews over a three year period (Professor Acara)
- would have been helpful to have invited Professors Finley and Munger to this meeting (Professor Swartz)
- is the intent that the Faculty Senate vote on whether to recommend that the President promulgate the *Policy*? (Professor Schack)
- Senate discussion as recorded in the minutes will be transmitted to the Committee on Equal Opportunity/Affirmative Action and the President (Professor Nickerson)

Item 2: Report of the President

The President distributed copies of a letter from Senior Associate Vice President and Chief Information Officer Innus to the Editor of the *Reporter*. The *Reporter* had reported on a purchasing hold on monographs and electronic databases imposed by the Associate Vice President for University Libraries. With no budget figures yet available, the hold was a temporary measure to conserve a buffer to cover the lack of any inflationary increase in the

1999/2000 SUNY budget and the possibility of a larger savings factor than that of 1998/1999 being assigned to the Libraries. The Senior Associate Vice President's letter informed the Editor of the *Reporter* that the hold has been lifted.

The President expressed concern that the purchasing hold was imposed and had become a matter of general knowledge without having been brought to the University Budgetary Committee, composed of himself, the Provost and the Senior Vice President. The Committee does not have to approve every internal memo, but on a matter with such serious consequences for the University community, the purchasing hold should have been discussed with the Committee. The advent of Responsibility Centered Management makes it important for managers to avoid "stove-pipe thinking". In that model information goes up and down the pipe, but doesn't go sideways, and decisions that affect others are made unilaterally. The Chief Information Officer controls especially sensitive areas, CIT as well as the Libraries, and in a meeting with the Chief Information Officer, the President urged him to be very aware of the need to consult with the Libraries' and CIT's many different users.

The President felt that a memo from the Associate Vice President for University Libraries to the Chief Information Officer, the Provost and the Deans announcing the hold lacked important factual elements. He, therefore, asked the Chief Information Officer to outline in a letter to the *Reporter* the fact that the Libraries' 1999/2000 budget for books and electronic databases will be approximately \$5.2 M, \$4.2 M of which has already been spent, leaving \$1 M. Since it has been decided that the Libraries will be assigned the same savings factor as last year, a contingency buffer is no longer necessary and the remaining \$1 M can be safely spent acquiring books and electronic databases. It is a disappointment that there was no inflationary money for library acquisitions. In the past inflationary money earmarked for library acquisitions was passed to the Libraries intact, reflecting the fact that there was no higher priority.

There were comments from the floor:

- [the Innus memo is not a model of clarity \(Professor Swartz\)](#)

- it says that there will be no additional savings factor required of the Libraries so they can spend all of their \$5.2 M on books and electronic databases (President Greiner)
- effectively they only have \$.5 M because of the lack of inflationary money (Professor Jorgensen)
- they will get \$5.2 M, but it just won't go as far (President Greiner)
- the Libraries savings factor has been about \$250/300 K; in the past it has come from the Libraries personnel budget, but this year the personnel budget is running a deficit, so this year the savings factor will have to be taken from some other source, and if it doesn't come from the acquisitions budget I don't know from where it will come (Professor Adams-Volpe)
- the problem is not just the Libraries problem; it is also a University problem and the decision making will not be made in the stove-pipe mode (President Greiner)
- the problem is really one of lack of timely communication with your office (Professor Woodson)
- incumbent on us to develop better communications; this has been a good example of the importance of doing so (President Greiner)
- the Libraries are primarily an academic unit and should report to the academic rather than the administrative side of the University to facilitate this kind of communication (Professor Woodson)
- von Wahlde's memo was copied to the Provost and the Deans, so there was opportunity for them to respond (Professor Schack)
- a copied memo doesn't get the same attention as a direct memo because of the volume of mail; should have talked about the issue before writing a memo; believe there will soon be an announcement by the Provost and the Senior Vice President about the issue of the Libraries' reporting structure; CIT has areas that are at least as academic as the Libraries, so am opposed to separating them (President Greiner)
- limiting book purchases is a very emotional issue to an academic community; before making such a decision there should be documentation and interaction with the users; such a decision should not be made entirely within the Libraries or CIT; need to ensure that the stove-pipe is wider (Professor Malone)

The President is working on an interpretive essay on the funding of higher budget was 4.7% of state tax collections; in 1997 it was 3%. In 1987 among the 13 most populous states, New York was first in educational appropriation per student; in 1997 New York was ninth. Among all the states New York's per student appropriation

went from sixth to twenty-fifth. During the decade, New York's appropriation per student decreased 7% from \$5700 to \$5350; of the 13 most populous states, only New York had a decrease, and many states substantially increased their appropriations. In 1987 among the 13 most populous states, New York's net tuition (tuition minus TAP) per student ranked seventh and remained seventh in 1997, reflecting higher tuition and much higher TAP support. The sum of New York's operating budget support for higher education and net tuition revenues in 1987 placed first among the 13 most populous states and in 1997 placed eighth.

The President sees several messages in those figures. New York is still supporting public higher education respectably. However, the trend line is not good. The figures suggest that public higher education has been squeezed so that it is no longer a contributor to New York's taxing problems. If the negative trends continue there will be a public higher education disaster in New York. The structural deficit which UB is experiencing is an outcome of 13 years of sizable budget reductions.

Item 3: Sexual Harassment Policy

The Chair asked President Greiner to introduce the discussion of UB's proposed Sexual Harassment Policy. President Greiner said that UB has been working for three years on the Policy, with the third year taken up in revision and consultation. The Policy is our interpretation of the responsibilities imposed on us by federal and state law, rule and regulation and our own sense of our obligations, and it is a statement of the processes which will be used in instances of alleged sexual harassment. The President introduced Lewis Rosenthal, the SUNY counselor who has worked continuously with us in developing the Policy.

Mr. Rosenthal stated that it is important for UB to have a policy statement on sexual harassment. The U.S. Supreme Court last year held that in cases where an employee or student is alleging a hostile environment, the institution has an affirmative defense where it can show first that it exercised reasonable care to prevent and to correct promptly any sexually harassing behavior and second that the student or employee unreasonably failed to

take advantage of any preventive or corrective opportunities provided. Having a policy on sexual harassment in place demonstrates that an institution is taking reasonable care to prevent sexual harassment and that the institution is providing preventative or corrective opportunities.

The Chair asked for questions:

- do the other University Centers have sexual harassment policies in place, and if so, are the policies accessible? (Professor Swartz)
- their policies are available on their web sites; additionally SUNY Central is drafting a SUNY wide policy (Ms. Stewart)
- this is a remarkably good document; it is clear and delineates the requirements and the standard of proof; would, however, prefer that if a complaint is proven to be malicious and made in bad faith that action against the complainant be mandatory rather than discretionary (Professor Schack)
- it will be important that the Policy be implemented with good sense and good judgment so that it can't be challenged as de facto flawed (Mr. Rosenthal)
- is the Policy sufficiently comprehensive to cover third party complaints? (Professor Kramer)
- believe the Policy would cover a case where a third party alleges that he has been injured by, though is not the object of, sexual harassment; the Policy will not allow a third party who has not suffered injury to complain (Mr. Rosenthal)
- the Policy designates the Provost, the Senior Vice Provost or the Vice President for Student Affairs to make an election of the investigatory team; what provision would be made if the officer was a party to the complaint? (Professor Kramer)
- the election would be made by the President (President Greiner)
- the second paragraph of II A does not set up the requirement that a complainant be the object of the sexually harassing behavior (Professor Schack)
- how large will the designated pool from which the review panel is selected be?; should be large enough that members not be called on repeatedly (Professor Adams-Volpe)
- following SUNY grievance procedures, the pool would be approximately 20 (Ms. Stewart)
- the review panel is responsible for both investigation and adjudication; why was the adversarial system not used?

- this mode is fairly standard and is simpler to implement (Mr. Rosenthal)
- to date no cases have gotten to the adjudication stage (Ms. Stewart)
- few cases weakens the argument for a simplified procedure; there is a danger that having invested effort into the investigation, the panel has a stake in the outcome and can not judge impartially (Professor Swartz)
- the Starr Investigation demonstrates this problem; the Policy sets a short time for the investigation so the panelists don't develop such a stake (Mr. Rosenthal)
- has been long practice at UB to use three person fact finding panels; the panel's report goes to a senior administrative officer who is not forced to accept it, and any action against the party complained of must go through disciplinary procedures so there are checks and balances (President Greiner)
- a finding against a party has such serious consequences that it is critical for the initial process be trustworthy and its authority not rest on subsequent administrative review (Professor Swartz)
- subsequent administrative review would be done with cognizance of the seriousness of the situation (Mr. Rosenthal)
- Policy seems to provide adequate procedural safeguards (Professor Adams-Volpe)
- agree that the Policy provides substantive process (Mr. Rosenthal)
- what happens to the Policy now? (Professor Malone)
- the minutes of the Faculty Senate discussion of the Policy will be provided to the Committee that drafted it and to the President who will promulgate the Policy (Professor Nickerson)
- the most important part of the Policy is the provision for education of the community about sexual harassment (Professor Acara)
- consider making less parenthetical the paragraph including same sex sexual harassment in the definition of sexual harassment (Professor)
- can not treat male and female students differently in order to protect oneself against allegations of sexual harassment (Professor Swartz)

There was a motion (seconded) to schedule a discussion of the Policy for the November 16 meeting of the Faculty Senate. The motion passed unanimously. The Chair said that he would schedule the discussion of this Policy after the second reading of the Resolution on Program Assessment in order to give it adequate time.

Item 4: Update on Classrooms - Quality and Utilization

The Chair would like to provide Professor Foster and Vice Provost Sullivan with a list of classroom issues so they can prepare. He asked for a general discussion.

- would like to see more faculty consultation on classroom use; for example, in teaching mathematics need lots of black board space, but that problem doesn't get addressed (Professor Schack)
- teaching technology is unevenly distributed; the Baird Recital Hall which holds about 100 students just has one television for presentations (Professor Charles Smith)
- need a means for faculty to report problems in classrooms, especially low technology problems; would like to better understand scheduling protocols; would like to provide mechanism whereby all faculty and students in a discipline are free for academic purposes, e.g. colloquia, etc. (Professor Schack)
- scheduling is outside the purview of Professor Foster and Vice Provost Sullivan; perhaps Vice Provost Goodman could address it (Professor Nickerson)
- would be nice for classrooms to have chalk and erasers (Professor Fournier)
- if a class has unexpectedly high registration, classroom scheduling is so tight that you can't get a larger classroom; as central scheduling takes place it would be helpful to departmental schedulers to make available electronically the times classrooms are still available (Professor Sridhar)
- there have been assurances that when the new Student Affairs Building is completed, classroom space that is now being used for administrative offices will be freed up; would like to see an iron clad guarantee (Professor Charles Smith)
- we faculty tend to schedule classes at odd times; we must be willing to give too (Professor Fournier)
- should be an academic justification for odd class times (Professor Schack)
- several years ago there was discussion of scheduling classes into the evening to more fully utilize space (Professor Nickerson)
- if we spread teaching out into the evening there wouldn't be as great a parking problem (Professor Tamburlin)
- wouldn't mind Saturday classes if there were also Sunday classes (Professor Schack)
- if classes are scheduled for odd hours, making that information available would allow others to use the time (Professor Sridhar)
- odd times complicate students' scheduling (Professor Schack)

- have field classes on Saturday since it is the only time can get everyone together (Professor Fournier)
- ease of getting a parking space on Friday afternoon suggests that many faculty aren't teaching then (Professor Charles Smith)
- will it be a problem that the new Math Building won't have classrooms? (Dr. Coles)
- large lower division classes are already being taught on the North Campus; it's the smaller upper division and graduate classes that have yet to move, and the seminar and colloquia rooms in the Math Building should be able to accommodate those (Professor Schack)
- as freshman classes get bigger and retention rates for the other classes rise, the problem of large classroom space will get worse; the President has mentioned making Summer a regular semester which could help space out classes (Dr. Coles)

The Chair noted that it is again time to make up the three-year academic calendar. He asked that members survey colleagues to identify problems they have had with the academic calendar and to make suggestions on how to improve it.

- a break in the Fall semester, like the Spring semester break, would be very useful for the students; Thanksgiving break comes at a really bad time since when students come they are immediately hit by exams (Professor Tamburlin)
- because students tended to go home on Wednesday before Thanksgiving, we have no classes on Wednesday, but instead of solving the problem it made it worse because students leave on the weekend instead (Professor Schack)
- remember when exams were scheduled after the holidays which was terrible; want to warn that there have been thefts of computer parts from offices; difficult to track because the thieves replace good parts with inferior parts so one isn't aware of the problem; hard to enforce security because there are so many master keys available (Dr. Coles)
- had my office taken off the master key because was tired of finding office door unlocked and finding evidence that someone had been in the office listening to the stereo; do own cleaning (Professor Charles Smith)
- the Committee on Facilities should look at some of these issues (Professor Schack)

There being no old/new business, the meeting adjourned at 4:15 PM.

Respectfully submitted,
Marilyn McMann Kramer
Secretary of Faculty Senate

Present:

Chair: P. Nickerson

Secretary: M. Kramer

Parliamentarian: D. Malone

Arts & Sciences: C. Fournier, S. Schack, Charles Smith

Engineering & Applied Sciences: R. Sridhar

Graduate School of Education: T. Schroeder

Health Related Professions: J. Tamburlin

Information Studies: C. Jorgensen

Law: L. Swartz

Pharmacy: N.

SUNY Senators: J. Adams-Volpe, H. Durand

University Libraries: D. Woodson

University Officers: W. Greiner, President

Guests:

W. Coles, Chair, Professional Staff Senate

C. Welch, Chair, Academic Planning Committee

M. McGinnis, *Reporter*

O. Provost, *The Spectrum*

L. Pallickal, Undergraduate Student Association

B. Noble, member, Sexual Harassment Policy Committee

M. Acara, member, Sexual Harassment Policy Committee

W. Fischer, Vice Provost

K. Levy, Senior Vice Provost

G. Page, Leadership House

J. Celock, Red Jacket Hall Council

Excused:

Arts & Sciences: W. Baumer, J. Meacham

Medicine & Biomedical Sciences: Cedric Smith

Absent:

Architecture: R. Shibley

Management: J. Boot

Medicine & Biomedical Sciences: B. Albini

Nursing: J. Thompson

SUNY Senators: J. Boot, J. Fisher