

# FACULTY SENATE EXECUTIVE COMMITTEE

## Minutes of December 16, 1998 (approved)

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The Faculty Senate Executive Committee met at 2:00 PM on December 16, 1998 in Capen 567 to consider the following agenda:

- [1. Approval of the Minutes of November 18 and December 2, 1998](#)
- [2. Report of the Chair](#)
- [3. Report of the President/Provost](#)
- [4. Faculty Senate Student Life Committee/Faculty Involvement with Student Clubs and Organizations](#)
- [5. Faculty Senate Academic Freedom & Responsibility Committee report](#)
- [6. Old/new business](#)

### **Item 1: Resolution in Honor of Thomas E. Headrick**

The Chair read the following resolution which Professor Welch drafted:

The Faculty Senate Executive Committee expresses its congratulations to Thomas E. Headrick for his substantial contributions to the University's academic progress in his term as Provost.

In particular, FSEC takes note of his effective advocacy on behalf of the formation of the College of Arts and Sciences, his efforts to recruit new Deans for several units, his work on the mission planning statement, and most significantly, his academic plan. Despite pressures of time, Provost Headrick sought to hear a wide variety of voices. Despite continued budget pressures, Provost Headrick sought to enhance academic quality within constrained resources.

The FSEC appreciates the time he spent with the Senate as a whole and especially with its committees (including Executive, Academic Planning, and Budget Priorities) and looks forward to continued interaction with him as he returns to his position as Senior Counselor to the President.

The Resolution was moved (seconded) and passed unanimously. Later in the meeting the Resolution was read to Provost Headrick, and he was given a round of applause. The Provost responded that it was part of the Provost's job to listen and hear what faculty have to say and that he had appreciated the collegial relationship with FSEC.

### **Item 2: Approval of the Minutes of November 18 and December 2, 1998**

The Minutes of November 18 and December 2, 1998 were approved.

### **Item 3: Report of the Chair**

The Chair announced that he was at some risk of having to leave the meeting precipitously, having lost a temporary crown at lunch. It was suggested that Professor Baier could provide relief if the Chair experienced dental distress.

The Chair then reported that:

the Deans met with the Provost on Monday December 14; the Secretary attended the public portion of the meeting to observe for the Chair. The Deans and the Provost discussed the progress of Y2K measures, the status of the Technology Nodes, enrollment opportunities for graduate and professional schools among the College of Arts & Sciences students, international recruitment, the new budget and revenue management system and an update on the planning process.

He attended the December meeting of the UB Council, conducted by its newly appointed Chair, Jeremy Jacobs. The President announced Loyce Stewart's appointment as the Director of the Office of Equity, Diversity and Affirmative Action.

The President also announced that the SUNY Trustees and the Department of the Budget are talking about the SUNY budget before it is formally submitted to the Governor. Provisions include fully funding salary increases and inflationary increases, support for SMART-NY to increase graduate student and research funding, and an undergraduate engineering initiative. The President spoke about the success of using scholarships to attract high quality students to UB. Continued funding for the scholarships is a question. The President also told the Council about the Trustees' adoption of a General Education Curriculum for SUNY.

Vice Provost Fischer has provided for Faculty Senate's comment a document on the implementation of our Resolution on Mentoring Junior Faculty; an FSEC discussion of the document will be scheduled next year.

the Chair of PRB has prepared a document entitled *Evaluation of Professional Academic Work* for the Provost, who has asked for comments; the document has been referred to the Faculty Senate Committee on Faculty Tenure and Privileges; a discussion of the document could be scheduled for the January Faculty Senate meeting if a -up topic is needed.

- topic of tenure criteria too important to be treated as a filler for the meeting; need to have adequate preparation for the discussion (Professor Swartz)
- a focused general discussion of the Faculty Senate to explore PRB's proposal with no intent of action being taken would be useful; tenure criteria are a central responsibility of the Faculty Senate (Professor Welch)
- in executive session, the Deans' Meeting had a discussion of the PRB document; there were many suggested changes which will require revision of the document so there is plenty of time for the Faculty Senate to consider the document before it goes to the President (Senior Vice Provost Levy)
- need more information distributed to the Senators to insure an informed discussion of the topic; there was a history of PRB compiled some years ago that would be helpful as would a compilation of guidelines for PRB, Deans and Chairs in evaluating tenure and promotion cases should also be provided (Professor Schack)

- he attended the meeting of the Professional Staff Senate; there are internships available in various offices, including the Provost's Office, for PSS members; the PSS Quality of Life Committee reported on quality of work life best practices as exemplified by various institutions in the area; Dr. Cole added that the PSS was planning activities to make UB life a little better.
- re Faculty Senate Committees: EPPC met last week and discussed skills requirements and literacy in computing; a subcommittee will work on refining a skills requirement, a general education requirement, and a way to test out of these; the Affirmative Action Committee met and discussed educational issues and curriculum related to affirmative action, i.e. American Studies; they also reviewed the Budget Priorities Committee's report on salary inequities; the two committees will have a joint meeting early in the new year; the Faculty Senate Computer Services Committee will meet on December 17.
- the Elections Committee was ready to report on candidates for the office of Chair of the Faculty Senate for the 1999/2001 term. The Chair then turned the meeting over to the Secretary who reported that eight nominations were received, seven nominees declined candidacy and one nominee, Peter Nickerson, agreed to be a candidate. The Secretary asked for instructions:
  - a single candidate election reflects badly on the Faculty Senate; re-open the process and seek additional candidates (Professor Schack)
  - possible candidates had the responsibility of conforming to the process (Professor Adams-Volpe)
  - what was the reason for choosing the deadline date? (Professor Boot)
  - lead-in time for ballot preparation, distribution and voting is needed; the Chair elect needs time to prepare for taking office on July 1; the *Standing Orders* set October 1 as the date when the call for nominations should go out, but that is the only date established; the deadline could be extended to the end of January, but it would not be practical to delay any longer than that (Professor Kramer)

- common practice in other areas to extend deadlines when there are insufficient candidates; it is possible, however, that even if the deadline is extended no one will come forward (Professor Boot)

Professor Baumer moved (seconded) that for the January meeting of the Faculty Senate. FSEC send forward, with a recommendation to adopt, the following motion: "the Senate directs the Secretary to cast a ballot for the election of Professor Nickerson as Chair of the Faculty Senate with his service to begin July 1999". The Secretary asked for discussion of the motion:

- extraordinary circumstance that there is only one candidate, so extend the nomination period and hold elections later than usual (Professor Schack)
- mid-February is the earliest deadline we could set to give colleagues a reasonable chance to respond; the knowledge that Professor Nickerson was a nominee may have caused others who had no wish to oppose him from running; if faculty are unhappy with a single candidate election, it is a good reminder that faculty need to respond in a timely fashion to the election process (Professor Baumer)
- call for nominations went out in October and the deadline was December 10, which is adequate time for response (Dr. Coles)
- the proper process was followed, so just elect the Chair (Professor Sridhar)
- would have to give fair notice to all if nominations were re-opened which would make the process very late (Professor Swartz)
- we have procedures; follow them (Professor Adams-Volpe)
- to re-open nominations would send two unwanted messages: first that there was something problematic with the process, which there was not; second sends a message to the candidate who has been an effective Chair in his first term
- could there be write in candidates? (Professor Woodson)
- if there is only one candidate there will be no ballot process (Professor Kramer)

Professor Malone moved (seconded) to add the following whereas clause to the motion on the floor: "whereas the call for nominations went out in a timely fashion." The amendment passed.

The amended motion passed.

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

The President announced that Loyce Stewart accepted the position of Director of the Office of Equity, Diversity and Affirmative Action. He also announced that he will regularize Professor Mary Gresham as Vice President of Public Service and Urban

Affairs. The two appointments complement one another. Ms. Stewart is responsible for keeping UB in line with national law; Professor Gresham is responsible for dealing aggressively with community needs. There are also plans to expand EOC and UB's presence in downtown Buffalo.

The President shared a packet of material from Vince Aceto, President of the University Faculty Senate relating to the resolution on a proposed general education policy submitted to the SUNY Board of Trustees by the SUNY Chancellor which the Board subsequently adopted. The President believes it is appropriate to comment on both the substance and adoption process of the resolution.

The resolution establishes a thirty credit hour requirement. It is not clear whether the resolution specifies courses per se or is identifying knowledge areas that are to be covered.

In terms of process to the best of the President's knowledge no campus president received a copy of the final proposal nor did the University Faculty Senate. The final proposal was drafted and sent to the Board without soliciting comment on the final draft from the campuses.

The adoption of a general education requirement is a significant event in SUNY history. Although the resolution was within the power of the Board to adopt, prior consultation with

SUNY faculty on such a curricular matter was expected. The President invited comment from the Faculty Senate on the resolution before a January meeting of SUNY presidents.

The President himself sees the general education curriculum as unremarkable. UB's existing requirements are more expansive but are consistent with the SUNY curriculum. He is, however, concerned that the Board would adopt such a significant document without consultation with campus administrators or faculty.

The Chair invited FSEC comment on the issue:

- there were public meetings conducted over time on this issue (Professor )
- the problem is not with the thoughtfulness of the process, but rather that the last step of the process, consultation on the final draft, was not done (President Greiner)
- should FSEC take action to indicate our disapproval, perhaps a statement that we do not support the action of the Board of Trustees because of a lack of consultation with the faculty? (Professor Adams-Volpe)
- suggestions from the faculty on the substance of the general education curriculum requirement by February would be most helpful; will express concern over the lack of consultation in own voice; don't respond with a negative knee jerk reaction which makes the faculty look bad (President Greiner)
- UB can make a good case that our general education curriculum conforms to what the Board is recommending; extending the general education curriculum to all undergraduates has been on our agenda; the problem is that it is too demanding and time consuming for most of the professional programs, especially the language requirement; our plan was to exempt students in the professional programs from the language requirement, but the Board seems to be requiring three credit hours of language; the SUNY Provost is empowered to grant exemptions; he may be willing to help us (Vice Provost Goodman)

Professor Baumer offered the following motion (seconded) for FSEC to go on the record:

"We appreciate the extensive consultation in which the Trustees participated and which they directed towards the development of standards for the undergraduate academic program,

but we regret that they put this set of criteria before themselves for action without giving the faculty of the University opportunity to comment".

- the Board spent a lot of time on the general education curriculum, and there was plenty of opportunity for the faculty to participate in the discussion; if we only complain about the process, we will look like fools; you may not like the outcome, but that is a different problem (Professor Baumer)

Professor Wooldridge moved to substitute the word deplore for the word regret. The motion died for lack of a second. The Chair requested continued discussion:

- there were suggestions for various rewordings of the motion (Professor Schack, Professor Baumer, Professor Adams-Volpe)

The motion (seconded) was refined into the following form: FSEC appreciates the extensive consultation in which the Trustees participated and which they directed towards the development of standards for the undergraduate academic program, but we regret that the requirements adopted by the Board of Trustees at its December 1998 meeting were not made available for comment by the faculty in advance of that action. The motion passed.

There were questions from the floor about the substantive provisions of the requirement:

- the fourth principle of the Trustees' resolution says that institutions will make sufficient resources available to the General Education program to assure effective instruction and successful learning; where will those resources come from; the resolution says that the requirement will apply to freshmen beginning in the fall of 2000; it seems we need to get on with implementing it (Professor Malone)
- will refer the matter to the Senate (President Greiner)
- the Board of Trustees *Policies* states that the faculty establishes the requirements for graduation; is the resolution consonant with the *Policies*? (Professor Malone)

- if this is a modification of the *Policies*, there is an involved process that has to be gone through; we will look at these issues and SUNY will be responsive to the discussion (President Greiner)
- implementation of the requirement will not be onerous for UB since our general education curriculum is in compliance (Vice Provost Goodman)
- there has been lengthy discussion of this issue; what caused action to be taken now? (Professor Harwitz)
- must be careful to separate our views on process from our views on substance; the resolution that FSEC just passed speaks only of the process (Professor Wooldridge)
- UB does not have a specific requirement for American history or Western Civilization and we have just started talking about information literacy; requiring these will require a change in the current curriculum (Professor Adams-Volpe)
- believe American Pluralism fulfills the American history requirement and our World Civilization the Western Civilization requirement; our English requirement fulfills the basic communication, reasoning and information management requirement (Vice Provost Goodman)
- the phrase "develop a means for assuring that demonstrable learning in specified General Education subjects is taking place" brings the testing issue into the resolution (Professor Welch)
- the rush to have this curriculum in place may be explained by the SUNY Provost's development of a General Education assessment instrument (Vice Provost Goodman)
- treat the resolution as if it were still on the table and respond to it, pointing out problems that need to be resolved (President Greiner)
- assert what is our responsibility in meeting these requirements rather than struggling to change our curriculum to fit; refer the procedure question to the Educational Policies and Programs Committee for their immediate attention (Professor Welch)
- need to confer with the Chair of EPPC since the Committee is overloaded (Professor Nickerson)

- this issue should have priority; perhaps reconsider what other issues have been sent to EPPC (Professor Schack)
- for some schools it will be very difficult to add courses to a curriculum mandated by professional organizations (Professor Sridhar)
- the response to this issue needs to be coordinated among the SUNY campuses (Professor Boot)
- the four SUNY Centers have a conference call scheduled to talk about the issue; the full information packet from the Trustees meeting includes thanks to Vince Aceto who has demurred saying that he didn't see the final proposal; there is also mention of a letter supportive of the proposal from approximately one hundred SUNY faculty (including fifteen or so UB faculty); talked with one of the UB signers for ground about the letter, and he was not happy with how the letter was used (President Greiner)
- discussion with SUNY should be positive in tone, focusing on how we can use the Trustees' curriculum; would a computer language fulfill the language requirement? (Professor Wooldridge)
- several of the Trustees worked to moderate the content of the proposal rather than attempting to delay it (President Greiner)

The President reported on the budget resolution passed by the Trustees. It includes funding for all contractual increases and general inflationary increases. These two items add \$40M or 2.8% to SUNY's budget. However the Trustees declined to fund several initiatives (SMART-NY, an undergraduate engineering initiative, performance funding, mission funding), suggesting that a tuition increase would be needed to pursue the initiatives. Outside of SUNY's budget process there is a plan for the State to pick up the shortfall in the hospital income contribution this year; this will prevent SUNY from having a deficit of \$60-90 M in its current operating budget. There are ongoing negotiations about how to handle the operating losses generated by the three state operated hospitals. UB will attempt to get modest support for work necessary to get UB's practice plans into compliance and put together a management structure for the practice plans.

### **Item 5: Faculty Senate Student Life Committee/Faculty Involvement with Student Clubs and Organizations**

The Chair had planned a discussion of UB implications of giving Public Safety officers full police powers and also a discussion of faculty involvement with student clubs and organizations. However the Chair of the Student Life Committee was unable to attend FSEC and Vice President Dennis Black had commitments which caused him to leave the meeting before he could speak. The Chair will reschedule these discussions, perhaps at the January FSEC meeting.

The President volunteered that giving Public Safety officers full police powers would have very little impact on the lives of students. UB supported the legislation which increased the powers of Public Safety officers for two reasons. First, the officers will likely be eligible for increased income and benefits; that will help with our recruitment of highly qualified officers. Secondly when Public Safety officers only had the status of peace officers, when the officers went off campus on University business (even traveling between campuses) there were questions about whether the officers were on duty for purposes of insurance coverage. They will not exercise general jurisdiction off campus, although they may handle such things as serving warrants off campus on members of the UB community.

The Chair asked if Public Safety officers will now be duty bound to report any illegal activity they observe to Amherst or Buffalo police? The President was not sure of the answer and suggested that FSEC question John Grela, Director of Public Safety about the issue. He also noted that there is great sensitivity about how UB officers will exercise jurisdiction off campus and that has resulted in negotiations among various police agencies. Likewise there is sensitivity to other police agencies exercising jurisdiction on campus.

### **Item 6: Faculty Senate Academic Freedom & Responsibility Committee report**

The Chair recapped his plan for the report of the Academic Freedom & Responsibility Committee on consensual relations. Professor Boot will update FSEC on the Committee's

work at this meeting; the reworked report will be presented to FSEC at its January 20 meeting and then to the Faculty Senate on January 26.

Professor Swartz expressed surprise at the schedule. He felt no definite timetable had been agreed to. The Chair assured him that the schedule had in fact been discussed by FSEC.

Professor Boot reported that he did not consider time to be of the essence in presenting the Committee's report, but he did believe that sooner would be better than later. He noted that an incident of claimed malfeasance by a faculty member has taken the discussion out of the abstract. He also reported that he had had extended conversations with people at Yale on their experience with a no tolerance policy on consensual relations. Since their policy went into effect at the beginning of the 1998/1999 academic year, there have been no reported incidents of sexual relations between faculty and students. Professor Boot summarized several points that will guide the thinking of the Committee. First, the existence of a policy will warn what is unacceptable behavior and will focus discussion if such behavior occurs. Second, the notion of the policy will be that a faculty member who enters into a sexual relationship with a student where a professional power differential exists must realize that if a charge of sexual harassment is subsequently lodged, it will be difficult to prove immunity on grounds of mutual consent. Professor Boot would prefer a revised timetable under which the Committee would meet in early February with Professor Nickerson participating. He also invited Professor Swartz to join in the Committee's deliberations.

Professor Swartz responded that he appreciated the complexity of the issue. He understands that Professor Boot is not proposing anything resembling criminal law. However it would be helpful for the Committee to focus on whether it wants a proposal that has enforcement applications. If so, there are concerns of due process for the accused and of a responsible process for the individual bringing the complaint.

President Greiner entered the discussion, noting that as an agent of the State of New York, there are already laws and regulations governing the issue of sexual harassment in the University. The faculty can not create additional liability; furthermore, any sanctions would have to comply with the terms of the collective bargaining agreement. The President would

narrowly frame the issue as whether the faculty wishes to go on record advising itself and other faculty colleagues about the peril of consensual relations with students. He believes it would be useful for the faculty to do so.

The Chair agreed to schedule the report on consensual relations for later discussion. At the suggestion of Professor Schack, the Chair confirmed that Professor Swartz will serve on the Committee. The Chair will substitute a discussion of centers and institutes for the January FSEC and Faculty Senate meetings. There were comments from the floor:

- Professor Boot's suggested rewording of the policy goes a long way toward meeting original objections (Professor Schack)
- the policy should be drafted so that in worst case scenarios, the intent of the policy will not be distorted (Professor Wooldridge)
- focus only on the issue of consensual relationships; treat other issues in other documents (Professor Sridhar)

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

There was no new or old business.

The meeting adjourned at 4:15 PM.

Respectfully submitted,

Marilyn M. Kramer

Secretary of Faculty Senate

### **Present:**

**Chair:** Peter Nickerson

**Secretary:** Marilyn Kramer

**Dental Medicine:** Robert Baier

**Engineering & Applied Sciences:** Ramalingam Sridhar

**Graduate School of Education:** Lilliam Malave

**Health Related Professions:** Judith Tamburlin

**Information & Library Studies:** George D'Elia

**Law:** Louis Swartz

**Management:** John Boot

**Natural Sciences & Mathematics:** Melvyn Churchill, Samuel Schack

**Nursing:** Powhatan Wooldridge

**Pharmacy:** Nathan

**Social Sciences:** William Baumer, Mitchell Harwitz

**SUNY Senators:** Judith Adams-Volpe, John Fisher, Dennis Malone, Claude Welch

**University Libraries:** Dorothy Woodson

**Ex-Officio:** Robert Hoeing

**University Officers:** William Greiner, *President* Thomas Headrick, *Provost*

**Guests:**

Nicolas Goodman, Vice Provost

Dennis Black, Vice President

William Coles, Chair, Professional Staff Senate

Sue Wuetcher, *Reporter*

John Celock, *The Spectrum*

Suzanne Levy, Undergraduate Student Association

Christopher Connolly, Pre-Professional Special Interest Housing

**Absent:**

**Architecture & Planning:** Shahin Vassigh

**Arts & Letters:** Martha Hyde

**Medicine & Biomedical Sciences:** Boris Albini, Herbert Schuel, Cedric Smith

