



University at Buffalo
OFFICE OF SHARED GOVERNANCE
FACULTY SENATE

**Executive Committee Meeting
November 2, 2016**

CHAIR: Philip Glick PRESENT
SECRETARY: Cynthia Tysick PRESENT
PARLIAMENTARIAN: James Hassett PRESENT
ARCHITECTURE & PLANNING: Ernest Sternberg PRESENT
ARTS & SCIENCES: Sampson Blair PRESENT Michael Cowen PRESENT Kenneth Dauber PRESENT Stephen Dyson PRESENT Jean-Jacques Thomas ABSENT
DENTAL MEDICINE: Michael Hatton PRESENT
EDUCATIONAL OPPORTUNITY CENTER: Nancy Lane PRESENT
ENGINEERING & APPLIED SCIENCES: Dimitris Pados ABSENT Marina Tsianou PRESENT
GRADUATE SCHOOL OF EDUCATION: Lilliam Malave-Lopez PRESENT
LAW: Matt Steilen PRESENT
MANAGEMENT: Sudhir Suchak PRESENT
MEDICINE & BIOMEDICAL SCIENCES: Jessy Alexander PRESENT Peter Elkin ABSENT Gabriela Popescu PRESENT Charles Wiles PRESENT

NURSING:

Laura Anderson EXCUSED

PHARMACY:

Fred Doloresco EXCUSED

PUBLIC HEALTH AND HEALTH PROFESSIONS:

Jim Lenker PRESENT

SOCIAL WORK:

Charles Syms PRESENT

UNIVERSITY LIBRARIES:

Glendora Johnson-Cooper PRESENT

SUNY SENATORS:

Cemal Basaran PRESENT

Philip Glick POSTION AS CHAIR OF FACULTY SENATE

Heather Montague ABSENT

Ezra Zubrow PRESENT

PRESIDENT OF THE UNIVERSITY AT BUFFALO:

Satish Tripathi ABSENT

PROVOST OF THE UNIVERSITY AT BUFFALO:

Charles Zukoski, Provost PRESENT

PROFESSIONAL STAFF SENATE:

Domenic Licata PRESENT

COUNCIL OF ADVOCACY AND LEADERSHIP (COAL):

James Corra ABSENT

OTHERS IN ATTENDANCE:

EILEEN SHERMAN

SEAN SULLIVAN

CAROLINE LOJACONO

MARIBETH TAMSEN

Minutes of 10/12 approved & 10/26 approved with correction

1. Chair's Report

- Moment of silence for George Simpson from Ontology
- President Tripathi's letter regarding Freedom of Speech and Freedom of Expression discussed
 - 2 separate documents needed
 1. FS will rescind resolution on Diversity, Inclusion, Academic Freedom, and Freedom of Speech and Artistic Expression and amend it to remove the appendix "Freedom of Expression Statement for the University at Buffalo, SUNY".
 2. Academic Freedom and Responsibility Committee will take the appendix and craft a new resolution that they will then present to the FSEC
- President Tripathi did not promulgate the FS resolution on Shared Governance Day
- Modified duties after FMLA
 - Provost offered to craft a letter that the senators could take back to the voting faculty they represent
- UB students have asked the FS Chair about UB's divestment of fossil fuels. The Chair has found out that there is already a group on campus working on investing in clean energies. They will come to the next FSEC meeting to talk about their efforts.
- The Faculty Mentoring resolution has been sent up to the President and is under review.
- SUNY Provost Cartwright will be visiting December 9th
- Two Decanal reviews are underway-The Medical School has a committee but Architecture and Planning does not yet have a committee formed.

2. Provost's Report

- Presented a letter given to President Tripathi from the Chairs of the UB Shared Governance Award Committee (see attached)
- The Provost then read a prepared statement (see attached)
 - Cindi Tysick, FS Secretary addressed the members and stated that she did not support the letter given to the President as it was written and that she had expressed to the committee chairs her reservations *before* they gave him the letter and asked that her name not be put on the letter, yet it was there on page three.
 - Questions were raised regarding where the FS and Administration go from here.

3. Motion to postpone receiving the Faculty Senate Budget Report until 11/10/16 **approved.**

4. Matt Steilen (Law) opened the discussion on ways to avoid non promulgation of FS resolutions by the President. How do we create a climate of reconciliation when there is a problem with a resolution and it could be returned?

- Suggestions:
 - Committee who crafts resolutions should go through a checklist to show "due diligence" that all legal and contractual implications have been addressed.

- Administrative officers should be placed on every FS committee *ex officio without vote* to advise the committee members and provide some of the legal and contractual implications.
 - Create a process for handling resolutions that can't become UB policy-either through Standing Orders or communicating through the FS website.
 - A more detailed written statement from the President when a resolution cannot be promulgated would help the crafting committee take it back and decide whether or not it can be "retooled" to address the President's concerns.
 - There should be a budget and legal paragraph in all resolution rationale narratives.
- The Bylaws committee will work to amend some of the FS governance documents to include these suggestions and report back to FSEC.
5. Motion to postpone Freedom of Expression resolution until 11/9/16 **approved**
6. Motion to approve resolution on "UBF Transparency and Supporting Legislation" as read by Kenneth Dauber (see attached)
Discussion regarding the resolution took place.
- Point of Order:
 - Secretary pointed out that in order to accept this resolution from an individual without having it go to a FS committee first for vetting required a suspension of the Standing Orders (5.B "Exceptional Procedure") due to Chair's determination that expediency was required. Vote was taken to suspend orders **approved** 15 yes 4 no.
 - Motion **approved** 15 yes 4 no.

Meeting adjourned at 4:35 pm. Submitted by Cindi Tysick, Secretary of the Faculty Senate



To: President Satish Tripathi
 From: Philip L. Glick and Domenic J. Licata, Co-Chairs, UB's SUNY Shared Governance Award Application Committee
 Re: Open Letter Regarding Nomination Application for the SUNY Shared Governance Award (2016-2017)

Dear President Tripathi:

We regret to inform you that after careful consideration, in light of events at UB over the past several weeks with respect to the values of shared governance, this committee has decided to suspend its pursuit of the SUNY Shared Governance Award for 2016-2017.

Inspired by the championing of shared governance by Chancellor Nancy Zimpher and Board of Trustees Chair H. Carl McCall, and by the example set by the SUNY University Faculty Senate (UFS), the Chairs of the UB Faculty Senate (FS) and the Professional Staff Senate (PSS) have strived to inculcate the spirit and the process of shared governance into every aspect of University at Buffalo governance and culture.

Several noteworthy events emerging over the past few weeks have challenged the progress of achieving effective and meaningful shared governance. It is our position that true and complete engagement, including shared and proactive decision making, shared accountability, collaborative dialogue and open communication, could have alleviated and prevented situations of mistrust due to exclusion of members of the university community and the resulting perception of lack of transparency:

1. Exclusion of UB Council membership on this SUNY Shared Governance Award Application Committee,
2. UB Foundation (UBF) Chair Francis Letro declaring that UBF practices shared governance because its Board includes members of the university administration is a total misunderstanding of the definition of shared governance,
3. Incomplete communication with faculty, staff and students regarding the departure of Dennis Black, as evidenced by The Spectrum Editorial Staff's request (8/31/16) for an explanation and a front page story on this matter in The Buffalo News (10/23/16) and
4. As of yet lack of response to The Spectrum Editorial Staff's powerful and respectful editorial (10/23/16) questioning some of the basic tenets of shared governance (integrity, honesty, cooperation, transparency).

We believe UB has come a long way towards creating a collaborative governance structure where the administration effectively and in a timely manner engages faculty, staff and students on

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important campus issues and policies that impact the university. While we may disagree in substance and remain open to the possibilities that our positions may not prevail, we value the collegial dialog that allows for all constituents' voices to be represented. After attending (PLG) the AAUP Shared Governance Conference this month, UB has indeed positioned itself as a leader in shared governance in comparison to most universities and colleges in the US and perhaps only second to SUNY Fredonia in the SUNY system. We have a lot to be proud of!

In preparation for the Shared Governance Award, the committee has compiled a list of activities and cultural events that have passed our *shared governance test*, that is, items that involve two or more pillars of shared governance: administration, faculty, staff, students and councils/alumni associations:

1. Changed the name of the "UB Office of University Governance" to the "UB Office of University Shared Governance, Faculty Senate and Professional Staff Senate"
2. FS and PSS worked collaboratively with the Provost's Office first-ever transparent fiscal spending plan for the UB Office of University Shared Governance
3. FS, PSS, students and administration worked collaboratively on projects for both the 2015 and 2016 United Way Day of Caring (#TeamSharedGovernance)
4. FS passed a resolution to amend its Bylaws to add PSS and Student Association representatives to its Executive Committee
5. FS joined the PSS and Student Environmental network in the "Greening the Commons" resolution and campaign to remove expanded polystyrene foam from the UB Commons
6. FS and PSS resolved to designate the 1st Tuesday of March as Shared Governance Day
7. FS and PSS continuing collaboration with Teri Miller on the SUNY mandated Diversity & Inclusion Strategic Plan
8. FS and PSS passed resolutions on Academic Freedom and Freedom of speech
9. FS participation in four Decanal Searches (Public Health, Management, Dental, and CAS)
10. FS and PSS participation in two Decanal reviews (Schools of Architecture and Planning and JSMBS)
11. FS and administration collaboration on the reorganization of the Libraries (Administrative Unit) with the retention of all the rights and privileges of the faculty librarians
12. SUNY IP, copyrights and patent policy - UB Faculty Senate contributed to the discussion, along with UUP to carve out the IP and copyright issue (unchanged) and the SUNY Patent Policy has now been passed by SUNY Trustees
13. FS and PS worked with the Provost to acquire video conferencing upgrades for Center for Tomorrow to improve access to shared governance meetings

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14. Initiated discussion to update the UB Faculty and Staff Handbook (Task force to begin fall 2016, staffed and funded by the Provost)
15. Gen-Ed curriculum; a herculean effort by 4 of the 5 pillars of shared governance
16. Spearheaded a University Faculty Senate resolution (with Chancellor Zimpher's support) to change NYS Educational Law and allow faculty and staff representation on Councils
17. As a response to the FS and PSS Chairs' request to be added to the President's Cabinet, the chairs were invited by the President to attend twice-per-semester shared governance meetings with selected VPs, and to attend Senior Leadership retreats
18. UB Office of University Shared Governance launched the Shared Governance Continuing Education Series
19. FS and PSS ensured that all committees of each senate were open to both professional staff and faculty membership
20. The University Club, with agreement of the Provost, was renamed "The Faculty and Staff University Club"
21. Expanded the UB Shared Governance presence on Social Media (Twitter (@UBPSS and @UBFacultySenate, #SharedGovernance), Facebook and LinkedIn)
22. FS and PSS Chairs facilitate the UB Campus Governance Leaders Group, consisting of union leaders and other constituent representatives that share common interests to make UB a better place
23. Resolved the status of the EOC faculty

The UB Office of University Shared Governance plans for 2016-2017, to date, include:

1. Working with the President's Office to relaunch the UB Breathe Free Campaign to make UB truly Tobacco Free with enforcement and community buy-in
2. Charging the Faculty Senate's ad hoc committee (Budget Priorities Committee, Equity Diversity Committee and the Office of Institutional Analysis) to report on UB Faculty Salaries and gender differences
3. Participating in the upcoming regional meetings with the SUNY Provost
4. Receiving the report from Craig Abbey's Office of Institutional Analysis on the cost of offering tuition support for faculty, and professional staffs' children
5. Developing Policies and Procedures for retired and emeritus faculty
6. Via the FS Faculty engagement committee, conduct a faculty-wide survey on issues germane to making UB a better place for all UB stake holders
7. Continuing the Shared Governance Continuing Education Series, including "Safe Place" training and Social Media best practices

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8. Planning the second annual "UB Day of Shared Governance." Among others, our guest speaker (requested) will be Dr. Virginia Horvath, President of SUNY Fredonia
9. Continuing to champion the "Greening the Commons" campaign
10. Beginning campus-wide discussion about UB and closely affiliated entities divesting in all fossil fuel investments
11. Continuing to advocate for Shared Governance at UB for all five pillars: students, faculty, professional staff, administration and councils and alumni groups including shared governance education for new faculty, professional staff, administrators and members of the 5th pillar (councils, foundations and alumni groups)
12. Continuing the discussion of making UBF more transparent

The NEA, the AAUP and the Middle States Commission on Higher Education each affirm the critical role of shared collegial governance in which all constituencies are involved in carrying out the institutional mission, vision and goals of the institution. We sincerely hope that with the amazing progress we have made inculcating the values of Shared Governance into UB's DNA, that by this time next year, we will feel it is genuinely our turn to apply for the SUNY Shared Governance Award.

To once again quote Chancellor Nancy Zimpher from the 2015 SUNY Fall Plenary and Chairman of the SUNY Board of Trustees, H. Carl McCall at 2016 SUNY Winter Plenary, on the topic of Shared Governance, "We have got to get this right!"

Sincerely,

Philip L. Glick

Domenic J. Licata

Co-Chairs of UB's SUNY Shared Governance Award Application Committee

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Committee Members:

Sean Sullivan

Cynthia Tysick

James Hassett

David Love

Sarah Piraino

Joshua Wallace

Matt Deck

Joe Helfer

James Corra

Cc:

The Spectrum

UB News Source

Faculty Senate Listserv

Professional Staff Senate Listserv

Peter Knuepher, President of the SUNY Faculty Senate

Nina Tamrowski, President of Faculty council of Community Colleges

Bruce Leslie, Chair of the UFS Programs and Awards Committee

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Faculty Senate Executive Committee Meeting

November 2, 2016, 3:00-5:00 PM

- I want to talk with the entire Executive Committee regarding concerns that the president and I have with regard to how Shared Governance is actually working.
- During the past year, we have heard a great deal about Shared Governance. For Satish and I this experience has not been positive.
- We are interested in conducting Shared Governance; not in discussing Shared Governance
- Many of you have served on previous Executive Committees and have offered advice and guidance on countless matters including the Realizing UB2020 implementation process, the new Gen Ed Curriculum, the Communities of Excellence, the extensive Middle States Review, the new role of Vice Provost for Equity and Inclusion, the Modified Duties proposal . . . there are many other examples where through the consultative process offered through this body.
- This advice is valuable to the setting of strategy across UB.
- As a university, faculty must be involved at this level.
- Satish's and my frustration are driven by mischaracterization of our positions and individual agendas dominating over the valuable consultation and partnering that drives UB forward.
- This distracts all of us from important business.
- As an example: last week, President Tripathi, Laura Hubbard and I met with Chairs Glick and Licata to discuss our work together. At the end of the meeting, quite to our surprise, Phil and Dom presented us with this letter that I am distributing.
- They have since pulled back the letter and have indicated that they have not widely shared it.

- This is not shared governance. The adversarial tone of this letters stifles partnering and limits capacity to jointly govern.
 - I am interested in working with this group on issues of substance.
 - I am interested in understanding how we can have greater dialogue and mutual collaboration as the Senate considers its business and develops and reacts to ideas and directions.
 - Topics that I would like to work with the FSEC on are numerous and creating the structure for these discussions, gaining advice from the Senate and the FSEC is of growing significance as the framework of how we educate, who we educate and how we sustain our scholarship changes. Important topics include:
 - Whether we should admit undergraduates to major at the point of entry
 - How we will manage significant unfunded across the board salary increases while continuing to meet our mission
 - Why we have adjunct faculty, how we will think about and support lecturers and clinical teaching faculty, and the roles and responsibilities of these colleagues
 - These are serious issues facing UB and I need your help in addressing these challenges.
-

Resolution title: University at Buffalo Foundation, INC's (UBF) transparency should be maximized, and the UB Faculty Senate supports New York State Assembly Bill A07789E (Glick) and New York State Senate Bill S5797A (LaValle) making university foundations subject to FOIL (Freedom of information Law)

To: The Faculty Senate Executive Committee

From: Professor Kenneth M Dauber

Date Proposed: November 2, 2016

First Reading to the Faculty Senate:

Second Reading to the Faculty Senate:

Approved by the Faculty Senate:

University at Buffalo Foundation, INC's (UBF) transparency should be maximized, and the UB Faculty Senate supports New York State Assembly Bill A07789E (Glick) and New York State Senate Bill S5797A (LaValle) making university foundations subject to FOIL (Freedom of information Law)

Whereas the University at Buffalo Foundation, Inc. (UBF) was formed in 1962 pursuant to a law passed in Albany allowing the creation of university foundations as independent non-profit corporations (501(c)(3)) to manage the endowments of the various campuses, the purpose being to streamline financial management and to protect campus monies from clawbacks by Albany by making those monies the property of the corporations;

But whereas, under the laws of New York State, non-profit corporations are subject to less stringent reporting rules than the colleges and universities they serve and whose monies they manage, such that incomes and expenditures need not, in most cases, be itemized, as they must be by their associated institutions, but can be aggregated in broad categories;

And whereas, in particular, non-profits are not subject to the Freedom of Information Law (FOIL) of the State of New York, which governs the colleges and universities;

Whereas, moreover, UBF currently manages over \$1 billion dollars of University at Buffalo money, money derived from service fees from the use of UB facilities, tuition payments for continuing education courses provided by UB faculty and staff, rent from UB students living in housing on UB property, donations to UB, and others;

Whereas, for the year ending in June 2015, according to the audited document posted on its website, UBF had revenues of \$106 million and expenses of \$104 million;

Whereas, despite candid presentations in the academic year 2015-2016 by the UB Vice President for Finance and Administration about the university's finances, nevertheless how UBF's money is spent, unlike the money that comes directly from New York State, remains opaque;

Whereas, on December 4, 2013, the Faculty Senate, “in a spirit of collegiality, to promote the transparency the citizens of New York expect of its public universities, and in order to fulfill the Senate’s mandated budget oversight responsibility,” passed a resolution by a vote of 38-17 calling on the UB President to ask the UBF, of which the UB President is a trustee, to open its books to FOIL requests;

Whereas, in the spring of 2014, the President replied that he did not have the authority to release those records and would not promulgate the Senate’s request;

Whereas, during the fall 2016 semester, in the spirit of shared governance, the chair of the Faculty Senate asked the chair of the UBF Board of Trustees for ex-officio members of the UB Faculty Senate, the UB Professional Staff Senate, and the UB Student Assembly (COAL) for representation on the UBF Board of Trustees, and the chair of the UBF Board said no on the grounds that UBF has “sufficient transparency” as is;

And whereas, in the wake of several scandals at other campuses, two identical bills were introduced by the chairs of the education committees of the New York State Senate and Assembly, S.5797-A LaValle, et al. (<https://www.nysenate.gov/legislation/bills/2011/S5797/amendment/A>) and A.7789-E Glick, et al. (http://assembly.state.ny.us/leg/?default_fld=&bn=A07789&term=2011&Summary=Y&Actions=Y&Text=Y&Votes=Y), co-sponsored by a bi-partisan group of senators and assembly members, making university foundations subject to FOIL, and that the bills have been languishing:

Be it therefore resolved that we hold transparency to be a core value of the academic enterprise; that as UB faculty members and citizens of the State of New York we are concerned about the opaque reporting practices of the University at Buffalo Foundation and its associated entities in relation to their finances and operations; that we find them inconsistent with the values of a university and with the democratic right of taxpayers to know how institutes created to serve them are functioning. And accordingly, we, the Faculty Senate of the State University of New York at Buffalo, ask that the New York State legislature pass, with dispatch, Bills S.5797-A LaValle, et al. and A. 7789-E Glick, et al.