

**Faculty Senate Meeting
Draft Minutes
November 14, 2017
Center for Tomorrow
3.00-4.30pm**

Attendance: attached at end.

Meeting was called to order at 3.00pm By Prof. Phil Glick.

The meeting was recorded.

Prof Glick welcomed the gathering. Senators received their ballot papers as they signed in.

1. Agenda: The agenda for 11/14 FS meeting was approved at the 10/31/2017 FSEC meeting and was accepted unanimously.

2. Minutes: The recorder did not work and there had been no recording secretary for the 10/18 FS meeting. The minutes submitted were guided by the agenda and Dr Glick's notes. New policies and procedures are now in place. We will always have a human, either the FS secretary or a designated staff person, recording the minutes. They will be backed up for details and to assure correctness by at least one state of the art digital recording device. Minutes of 10/18 FS meeting was approved unanimously.

3. Chair's Report

- a. A moment of silence was maintained in remembrance of Adjunct instructor at the School of Law, James J. Allen who also was our Shared Governance Administrator, Lindsay Allen's father. As per the wishes of the family, the FS will be adopting Mr Allen's favorite bench outside the UB law school.
- b. Senator Laura Anderson is a member of the BPO chorus. The BPO and Chorus will be performing Handel's Messiah in the Basilica in Lackawanna on November 26, Sunday, and tickets are still available.
- c. Dr Phil then addressed the audience as to the grievance case that has taken much time and resources of the FS during the last 2 semesters and over the intervening summer. It may have even

diverted the attention of the FS away from other important UB FS matters including making UB a better academic institution and UB Stewardship.

- d. Since some members are new to the FS or FSEC this year, Dr Glick brought them up to speed by summarizing the journey to the precipice of publicly discussing the censure of a distinguished UB Dean and esteemed member of the WNY community.
- e. It is a matter of a young assistant professor's non-renewal. In article 32 of the UUP contract it clearly states that the pre-tenured or non-permanent faculty's rights with regard to non-renewal. The condition of employment rights to grieve these are limited by the contract. In a review of Article 32 done by UB HR and UUP labor relations representatives, all the contractual matters were followed. But the UUP sent the faculty member to the Faculty Senate. The faculty member's claim was that certain academic policies, outside our contracts "conditions of employment" were not followed.

The key points are:

1. In May of 2014 the faculty member received an offer letter where Chairperson Khan stated he would be evaluating her and provided her with copies of the Department's 1) Promotion and tenure standards and procedures and 2) a tenure track schedule.
2. In spring of 2016 a review and decision regarding renewal were due. The Tenure Track schedule calls for the candidate to meet with the mentoring committee by May 15th and provide a written report to the chair. By June 15th the chair meets with the candidate to review progress and provides a written report and decision to the candidate regarding renewal or non-renewal.
3. The candidate met with the chair and interim chair on June 15th and was told she would not be renewed. The mentoring committee report wasn't completed until June 23. The chair or interim chair made a recommendation to the dean, who made a decision without all the necessary information.
4. The Senate asks if all procedures were followed. If departments are going to have Policies and Procedures and Tenure Track schedules they need to be followed.

Professor Tauke has stated several times in the last few weeks that the Promotion and Tenure Track schedule was only a “typical” six year tenure track timetable. Last week at the FSEC she stated that she was speaking on behalf of the faculty of Architecture- the FSEC ad hoc committee misinterpreted their school’s ‘typical Schedule’ where mentoring reports are not part of the promotion/renewal process and neither is it practiced. She wondered why this nuclear evidence was used to create a negative vibe for their school and cause months of duress.

Dr Glick reminded the meaning of the word, “typical’ according to Webster’s dictionary, according to NYSUT’s labor relations representative where typical means always except in unusual circumstances and according to a lawyer it means for “always.”

The faculty member had been given the expectation that her mentoring committee report would be used to make a crucial decision, which was not available until 5 days after the decision was made. The grievance committee, based on the information they had, in which the Dean, chair, interim chair, mentoring chair and interim mentoring chair did not participate, came to a simple and practical conclusion: temporarily reappoint this faculty member, go through the process again and dot all the i’s and cross all the t’s and make another renewal decision.

UUP sent the faculty member to the FS. The FS studied very carefully whether we had standing in this matter and the recommendation of Associate Professor of Law, Matt Steilen in lengthy legal research report said we did (this report is in UB box). The FS parliamentarian studied the bylaws, charter and standing orders and determined we had standing in this matter. SO7 allows us to hear academic grievances by a faculty member against a department or a school. The FS has followed all the procedures outlined in SO7 including: jurisdiction, filing procedures, faculty member’s waiver of confidentiality, the complaint resolution process, informal mediation, composition, investigation and reporting of the complaint resolution committee, FSEC consideration of the report, and complaint disposition.

SO7.2.b.ii. states, “The Faculty Senate Executive Committee may also choose to censure the party or parties determined to have acted improperly.”

Originally there were discussion to consider a vote of no confidence which was rejected. Subsequently, there was discussion about including Provost Zukoski and Vice provost Grandfield in the censure resolution which was also rejected.

Since the spring semester the provost, the vice provost for faculty affairs and Dr Glick have spent much time trying to resolve this matter. After the FSEC ad hoc grievance committee's work was completed in May, the FS was informed that the faculty member was sick. She was separated from UB in August.

Pre-tenured ladder faculty and non-permanent faculty are concerned about retaliation if they speak up in discussions or raise a hand in FSEC votes. For this reason, all of FSEC votes on this matter have gone to secret ballots; a voting method not seen in FS over the last 25 years.

At the last meeting Professor Despina Stratigakos admonished the UB FS for airing UB's dirty laundry in public and suggested we should speak publicly about the censure resolution.

In response, Dr Glick quoted Professor Stephen Dyson, "Steve said, this is a matter which should be in the public domain and should be discussed by the public. "This is not IBM or Walmart, this is a public university which has ideals and traditions of justice and decency and fair play," "Should a situation arise in which a person's employment can be terminated and possibly—in this job market—their career terminated, there should be some process and documentation, some amount of due process." We weren't looking for dirty laundry. Not everything needs to be hidden. The more this is hidden the more likely injustice is done.

President's report:

The President said that he had just returned from Association of Public and Land-grant Universities (APLU) meeting in Washington DC where many colleagues said that UB was moving on an upward trajectory with a significant increase in ranking, applications, philanthropy and funding. He thanked the faculty for the good work that they were doing, including the Provost and the Deans. He expressed that he supported Dean Shibley and felt that all protocols and policies were followed. He then invited Dean Shibley to the podium.

Dean Shibley addressed the matter regarding censure resolution. He mentioned that he had been at the University for 35 years and had been the Dean since 2011. He had also served as a member of the FSEC for 5 years. He requested all his faculty to stand. He believed in appropriate roles for the FS in the enterprise of shared governance. This matter was regarding a term appointed faculty member. The unsubstantiated allegation is described as a procedural error by the department. It has accelerated to a censure by the FSEC and they did not participate because of the confidentiality and candor of the proceedings and in the best interest of employee relations. The Provost made clear that the administration will not participate in the proceedings. He said that the Department was astounded the extra-legal procedure shown by the FSEC demonstrates it cannot provide confidentiality and are disappointed that FSEC took this course of action. The Department puts mentoring first.

-A course of action that cannot contain all of the facts

A course of action that do not maintain confidentiality and privacy

A course of action that do not respect the process is bound by the SUNY board of trustees and the collective bargaining agreement

A course of action that was to demand reinstatement of the faculty for the benefits

He requested the body to carefully consider the precedent that would be set by the censure before voting.

The President thanked Dean Shibley and concluded his report.

Provost Zukowski: He said that he had participated in the discussions and made several statements to the FS and the FSEC, when appropriate. He has given the reasoning to the FSEC in October. He once again affirmed the processes and the decisions of Dean Shibley on this matter.

Parliamentarian report: The Parliamentarian made a powerpoint presentation (available on UB Box). No specific documentation was found in regards to the question whether the person raising an issue should be a member of the university. He spoke about an executive session which will become a method to get confidentiality. It can be conducted with or without a CEO - open environment, transparency, and confidentiality.

Prof Glick reminded everyone needed to be collegial, wait for the turn to speak, each speaker would receive 3 minutes. He also clarified that SO7

has the grieving member giving up confidentiality and therefore confidentiality was not violated in anyway.

Discussion regarding the censure resolution continued with Marina Tsianou, giving a report regarding the adhoc committee and how it undertook the process. It was done with all seriousness, in good faith, spent a lot of time carefully deliberating, evaluating the information they had. They never looked for gossip, but maintained confidentiality. They only focused on the School of Architecture not following policies and procedures and concluded that they were not. The adhoc committee never looked at why the faculty member was not given the renewal because that remains the decision of the department. The only focus was whether procedures and policies were followed. We maintained confidentiality but the fact that the Dean took a decision without waiting for the mentoring committee report and that the faculty was not given prior notice, it is not a confidential matter. The School of Architecture had a representative in the FSEC throughout last year but never made an attempt to address the issue until this resolution was put forward. Prof Beth Tauke who will be presenting the resolution to rescind the resolution has a conflict of interest as she was a part of the mentoring committee of the faculty being discussed and was part of the renewal process. Lastly, the FS did not take on this case as a matter to censure a colleague but as a matter of conscience, an instance of looking for the truth and maintaining transparency and accountability in the academic process.

Prof Glick opened the floor for discussion regarding this matter.

Jim Milles from Law School spoke against the resolution. Looking at procedure he felt that the FS standing orders is to provide rules regarding procedure of the organization. They do not grant the FS any authority beyond the organization. SO7 is an assertion of jurisdiction not a fact. SO are not binding on the university. The findings of the adhoc committee after deliberations are appropriate. However, it was a shameful overreaching to move from recommendations to a resolution of censure. The FS has no right to force anyone including Dean Shibley to submit to the FS jurisdiction or questioning. Dean Shibley was within his rights to follow the university policies and not submit to questioning. He also felt that the FS did not have sufficient information to censure. Resolution of censure may be one of the remedies suggested by the SO but he considers deeply unwise and abuse of the FS process.

Paul Zarembka– Grievance officer for academics, UUP North campus. It is clear from the presentations that a very important step was not taken at all.

1. The Dean did not receive the report of the Chair or the mentoring committee and therefore the department did not make any recommendation to the Dean. If there had been a recommendation there would be a case in the UUP because there is a process in the UUP that one could react to a recommendation before the supervisor acts on it. But there was nothing. So basically, the Dean took a decision without any input which is a terrible way to run an organization.
2. When the faculty approached the union, she was informed that nothing could be done under the contract but she had an option under the FS bylaws and could appeal to the Provost. She sent a 4-5 page report to the Provost. Three months later she received a response from the Provost that he had found no bias or irregularities.

Diane Elze, School of Social Work spoke against the resolution. She expressed her distress and impatience, and felt the FSEC had gone against its own rule, and at one meeting the majority took a decision to move forward with the resolution with one sided information and serious gaps in its knowledge, along with misrepresented communication from the School of Architecture to the FS. She felt that this had become a personal battle on the part of Chair Glick. No committee had drafted the resolution which is a violation of the SO. She requested that since it was a secret ballot her 'no' be entered into the minutes.

Ezra Zubrow, Professor of Anthropology, previous president of the FS and current President of the UUP. He conveyed that the UUP unanimously minus one absentee agrees with the UUP Medical Chapter and strongly supports the FS role in shared governance and strongly urges the Provost and President to heed the call of the FS for reinstatement and to avoid this storm and duress.

Omar Khan is the Chair of the Department of Architecture since 2011 and was involved in the matter from a distance as he was on sabbatical. Prof Glick reached out to him but was told that they would not discuss the renewal as a matter of policy which was reaffirmed by the Provost in his statement. He insisted that renewals are taken very seriously with annual reviews, mentoring committees are instructed to be constructive in their

criticisms and guide the faculty to meet with the high tenure standards which are informed to the faculty. The Department takes the mentoring committee report, student experiences etc to take a decision. Renewals are never easy and done with utmost consideration, privacy and proper consultation. This censure threatens the process and he requested that the resolution be voted no.

Rick Su, Professor from Law School expressed his concern that the FS may not have the information to determine whether the renewal underwent the process and was made in good faith. He also expressed concern as to the personal undertones this resolution has taken on not only with the censure resolution but that Dean Shibley is an honorable man and therefore we should not care about the underlying issue which is whether procedure and policies were followed. Right now from where we stand we cannot move to trial as no process has since been done that exists is legitimate, neutral operated by bodies that were fact finding to find out what is going on. The issue should not be about the individual, about renewal or reinstatement, but as to whether process and policy was followed. What is shocking is that there is no procedure in the university to assess through a body that everyone sees legitimate whether or not policies and procedures were followed. We should be concerned that if a violation was to occur there is no body to address the issue. As a lawyer one knows that any law not subject to judgement, and right that does not have a remedy is essentially no right or law at all. He suggested that FS collaborate with the university to develop a process to check into whether policies and procedures are followed.

Korydon Smith, Professor and Associate Dean of the School of Architecture and alum of UB twice over. He presented details regarding the growth of the school under this dean which is in the letter submitted (in the Box). He closed by asking that the resolution be withdrawn and remedial measures be taken to reaffirm the school's achievements.

Jim Hassett Professor of Surgery, said that he had been on the adhoc committee and no faculty from the department were willing to participate and talk to them so they were left with only one option.

Samina Raja, a member of the School of Architecture and a Professor of Planning mentioned that the people present we are all scholars and researchers but are making decisions based on limited evidence and the senators should ask themselves do we have evidence to vote for censure?

Do we have the facts to make the decision? If the answer is no then please vote with your conscience. She felt that it was not right that her colleague Despina's lucid explanation was discounted as emotional. She emphasized that having gone up through the ranks in the school, Dean Shibley followed the process to a fault.

Ernie Steinberg, the Chair of Urban and Regional Planning felt this was an atypical case but did not know the reason since he was not part of the confidential process. However, he was in contact with B. Tauke and was made aware that there was extensive communication regarding this case. He is very sure that there is a reason for the procedure to take the course it did but due to the confidentiality clause the information could not be released.

Jim Lenker read a letter/statement sent by Kim Griswold, Assoc. Prof in school of family medicine.

Prof Price from the School of Architecture said that he was the Associate Dean of the School of Architecture and we had to look at the Letter of the Law vs the Spirit. He suggested that the FS back away from the censure resolution, to move away from censuring a colleague who strictly follows the policies and rules. He alluded to the Ashanti proverb which states that 'He who cannot dance will say the drum is bad'.

Deborah Chung, Prof of Engineering pointed out that many of those who expressed their opinion against the censure had a conflict of interest and are flooded with comments from interested people and could contaminate a meaningful deliberation. She also pointed out that the Provost was very closely tied to the case and therefore his presence makes many worry as to speaking thereby making communication and deliberation difficult. She reminded us that what occurred is a catch 22 – no information is given based on confidentiality but no decision can be taken because one does not have all the facts, She ended her statement saying that the focus of our attention should be academic integrity which we should hold on to.

Susan Dow from the libraries is a sitting FSEC member. She mentioned that there were many against the resolution based on the one sidedness and absence of facts. But as time went on that is why there was a removal resolution.

Jim Lenker spoke strongly against the resolution and strongly in favor of rescinding the resolution. The candidate's dossier would show that the faculty had achieved the necessary progress, research, teaching and service, but we have not seen that or that the non-renewal was incorrect. He mentioned that the mentoring committee is advisory and should not be construed as a renewal recommendation or considered a tipping point. By not sharing the information, it did not mean guilt. So the matter has to be considered thoughtfully and carefully.

Prof Zubrow called the question and was passed by a majority.

Ballots were collected for the censure resolution:

Yay=15; Nay = 43; Abstain = 3. Resolution failed.

E Zubrow made motion to strike from the agenda, the second resolution, the resolution to rescind the censure resolution, motion was seconded and passed by a majority.

The charter school resolution which was passed by the FSEC was tabled.

Meeting was adjourned at 4:35 pm.

Submitted by Jessy Alexander, Secretary of the Faculty Senate,
December, 2017



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FACULTY SENATE OFFICERS

Philip Glick *PRESENT*

Jessy Alexander *PRESENT*

James Hassett *[Signature]*

SCHOOL OF ARCHITECTURE AND PLANNING 3/3

Sean Burkholder *present*

JiYoung Park *[Signature]*

Beth Tauke *[Signature]*

COLLEGE OF ARTS AND SCIENCES 14/31

Jason Benedict *[Signature]*

Sampson Blair

Michael Cowen

Colleen Culleton

James Currie *[Signature]*

Vesna Danilovic *[Signature]*

Kenneth Dauber

Hanna Grol-Prokopczyk *[Signature]*

Rachael Hinkle *excused - Alt. could not attend*

Andrea Markelz

Jacob Neiheisel *[Signature]*

Claire Schen *[Signature]*

Jessica Su *[Signature]*

Jean-Jacques Thomas *[Signature]*

SCHOOL OF DENTAL MEDICINE 4/4

Ilaf Al-Mawadi

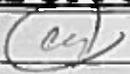
ABSENT - did try to get AN ALTERNATE

Michael Hatton *MAT*

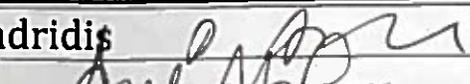
Raymond Miller

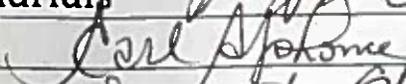
Benita Sobieraj *[Signature]*

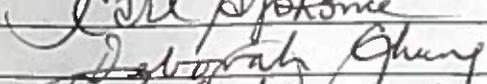
EDUCATIONAL OPPORTUNITY CENTER 1/1

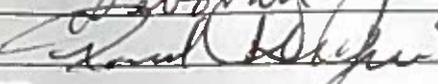
Chris Yuen 

SCHOOL OF ENGINEERING AND APPLIED SCIENCES 11/11

Paschalis Alexandridis 

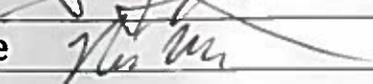
Carl Alphonse 

Deborah Chung 

Paul Desjardin 

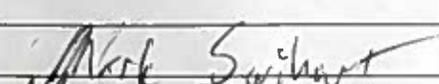
Bharat Jayaraman

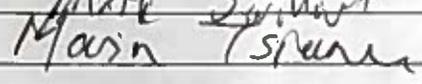
Steven Ko 

Nicholas Mastronarde 

Satish Mohan

Abani Patra

Mark Swihart 

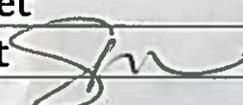
Marina Tsianou 

GRADUATE SCHOOL OF EDUCATION 4/5

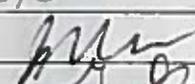
Samuel Abramovich

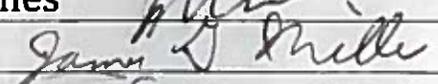
Vladimir Ageyev

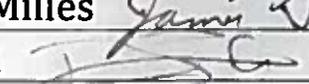
Valerie Nessel

Sarah Robert 

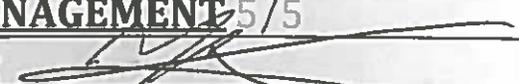
SCHOOL OF LAW 3/3

Jonathan Manes 

James Milles 

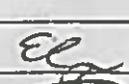
Rick Su 

SCHOOL OF MANAGEMENT 5/5

Jurriaan de Jong 

Alan Dick / DEBABRATA TALVIKAR 

Ki Yeong Lee

Elizabeth Mohr 

Ramin Vandaie 

SCHOOL OF MEDICINE AND BIOMEDICAL SCIENCES 24/25

Yogesh Bakhai

Piero Bianco

Peter Bradford

George Chen

Peter Elkin

Kim Griswold

Aijaz Gundroo

Mark Hicar

Tracey Ignatowski present - alternate

Vijay Iyer

Sashank Kaushik

Bree Kramer

Gareth Lema

Peter Martin

Robert Miletich

Jayasree Nair

Joy Parrish

Timothy Quinn

Melissa Rayhill

Christine Shaner Tooley Christine Shaner Tooley

Satpal Singh

Heather Territo

John Tomaszewski

Susan Udin

SCHOOL OF NURSING 2/2

Laura Anderson

Kristine Faust

SCHOOL OF PHARMACY 3/3

Kathy Boje

Fred Doloresco

Jun Qu

SCHOOL OF PUBLIC HEALTH & HEALTH PROFESSIONS 4/4

Matt Bonner

Gaspar Farkas

Jim Lenker

John Wilson

W. H. L. Jones
G. Farkas
James A. Lenker
John Wilson

SCHOOL OF SOCIAL WORK 2/2

Gretchen Ely

Diane Elze

Gretchen Ely
Diane Elze

UNIVERSITY LIBRARIES 3/3

Susan Dow

~~Molly Poremski~~

Marcia Zubrow

Susan Dow
Mary Zubrow

SUNY SENATOR 4/4

Cemal Basaran

Philip Glick PRESENT

Kathleen Kielar

Ezra Zubrow

Cemal Basaran
Kathleen M. Kielar
Ezra Zubrow

PRESIDENT OF THE UNIVERSITY AT BUFFALO:

Satish Tripathi PRESENT

PROVOST OF THE UNIVERSITY AT BUFFALO:

Charles Zukoski PRESENT

PROFESSIONAL STAFF SENATE:

Domenic Licata

Domenic Licata

COUNCIL OF ADVOCACY AND LEADERSHIP (COAL):

Mike Brown

83 Senators + 4 SUNY Senators + 2 Voting Officers = 89 members

46 needed for quorum

106 Senator Seats + 2 Officer Seats = 108 Seats in the Faculty Senate

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GUESTS - Please Sign In

Alternates - Please Sign In for Senator where they would sign

DESPINA STRATI GAKOS

PAUL L. PATTAGLIA

Ernest Sternberg

James Everett

Bob Shibley

Alfred Price

Kordyn Smith

Teresa Miller

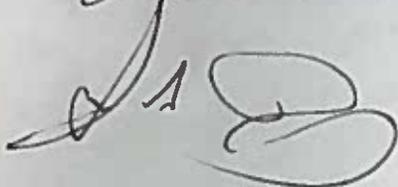
OMAR KHAN

~~Amir~~ CABO

JIM HOLSTEN

Sue Weidenman - Architecture

Elizabeth Walsh - Urban + Regional Planning



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Alternates - Please Sign In for Senator where they would sign

Lindsay Romano



~~Jessica NABA~~

Barb Carlson

Debra Eggert

Maryanne Schults

Subbiah Mantharam

Sarah Cowley

Holly Cook

Ashima Krishna

John DellaCorte

BRANDY MAW HONEY

Jay Tokasz

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GUESTS - Please Sign In

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CHAD LAVIN



Tom Melandri



Samir Raja

Kate & Kate

Rachel

Teaman

Martha

McClus)

Charles Davis

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Oiyang Park
Chris Ken

Richelle Allen-King, Geology
(Richelle Allen)

~~Jonathan Mannes~~

Erin Zubow misplaced ballots