FACULTY SENATE

Minutes of December 6, 2005

(unapproved)

The Faculty Senate (FS) met at 2:00 p.m. on Tuesday, December 6, 2005, at the Center for Tomorrow to consider the following **agenda**:

1. Approval of the minutes of November 1, 2005
2. Report of the Chair
3. Report of the President/Provost
4. 3rd reading: Academic Integrity & Grievance Policies & Procedures - W. Baumer
5. 1st reading: Faculty Code of Conduct - ad hoc Code drafting committee
6. Report on the SUNY Senate meeting at Saratoga Springs, NY - H. Durand
7. Old/New business
8. Adjournment

Item 1: Approval of the minutes of November 1, 2005

The minutes were approved as distributed.

Item 2: Report of the Chair

Chair Nickerson's report was distributed with the agenda. Topics included:

- Search committees are underway for deans of the School of Engineering & Applied Sciences and the School of Medicine & Biomedical Sciences; also for a vice president for advancement.
- Interim Chancellor Ryan will join us for a special meeting at 2:00 p.m., Wednesday, January 18th, at the Center for Tomorrow.

- The UB Council met on November 28th and discussed research proposals/dollars, Mission Review II, UB2020, extreme events: mitigation & responses, and naming guidelines.

Item 3: Report of the President/Provost

None

Item 4: 3rd reading: Academic Integrity & Grievance Policies & Procedures - W. Baumer

Professor Baumer, chair of the Grading Committee, began by clarifying that lawyers who represented students in academic integrity hearings would not be entitled to attorney-client privileges because those sessions are not legal proceedings. When the floor was opened for further discussion of the amended policies and procedures documents, Professor Campbell proposed another amendment, which he had distributed in writing before today's meeting. The amendment, which was seconded, stated:
At the beginning of each paragraph that begins with "Each principal shall have the right be present."

a. *insert the following: "The hearing(s) is to be conducted in a fair and expeditious manner, but is not subject to rules governing a legal proceeding." And*
b. *delete the sentence at the end of the paragraph: "In no such cases shall the advisor be an attorney, unless he or she is a member of the faculty not acting in his/her capacity as a member of the bar."*

Professor Campbell said the purpose of the amendment is to be as fair as possible to students who are charged with a breach of academic integrity. The inclusion of the first sentence makes it unnecessary to prohibit attorneys as advisors. The amendment makes the policy/procedures clearer and more consistent overall.

Professor Schack said he supports the amendment because it accomplishes the goal of keeping proceedings from getting bogged down in legal maneuverings. A student should be able to have anyone he/she chooses as an advisor in such cases.

Professor Milles said he also supports Professor Campbell's amendment. However, he proposed a friendly amendment (which was seconded) to delete the (a.) phrase "but is not subject to rules governing a legal proceeding." The phrase seems to be redundant because the following sentence addresses the same issue.

Professor Schack said this is a useful redundancy because it addresses the crux of the matter and is worth repeating.

The amendment to the amendment failed in a voice vote.

Professor Boot said he supports the amendment even though he thinks it's purely an academic matter. Advisors have limited authority, because it's really the Office of Judicial Affairs's Ombudsman who controls the proceedings.

Professor Baumer requested that a separate vote be taken on sections (a.) and (b.) of Professor Campbell's amendment. The appropriateness of his request was disputed, however, so Chair Nickerson ruled it acceptable to have separate votes. The Chair's ruling was then challenged and overruled by a voice vote.

A vote on Professor Campbell's original amendment then passed. A vote on the amendments also passed.

A vote on the overall amended "Academic Integrity Policy and Procedures" and "Academic Grievance Policy and Procedures" documents then passed.

Professor Baumer commented that the policies will go into effect when President Simpson approves them. Schools will then need to revise their committee structures, because the new policies move responsibility for conducting hearings from the Undergraduate

Education and Graduate School deans' level to the individual schools.

Item 5: 1st reading: Faculty Code of Conduct - ad hoc Code drafting committee

Professor Schack chaired the ad hoc committee that drafted the distributed Code in response to President Simpson's request for a document outlining reasonable expectation of professional behavior. He said one of their first tasks was to find out whether other schools had applicable documents, and they found that some very good models already existed. "Section 1: UB Principles of Community," for example, was adapted from statements currently being used at the University of California and a few other schools.

"Section 2: Ethical Principles" is based mainly on an American Association of University Professors' statement, and "Section 3: Applications of the Ethical Principles" is included to provide additional "guidance for behavior of UB Faculty in their professional roles" as scholars, teachers, and colleagues.

The committee aimed to construct a Code that would be pertinent to UB's faculty as a whole. They didn't strive for parallelism in the three sections, nor did they attempt listing specific attributes of proper job performance. They did include specific admonitions regarding sexual harassment and sexual relations with students, however, because those are such important issues in faculty conduct.

Questions and comments:

- The Code should also address the behavior of clinicians, because many health sciences faculty have roles working with patients and clients. (Brazeau)
- The committee had discussed that and decided that the Code's ethical principles were applicable to clinicians. Clinicians weren't specified in the document because their respective schools have professional guidelines. (Schack)

- The Code seems to be sufficiently applicable to clinicians. It's carefully thought out and the language is clear. There is a topic that is doesn't address, though. There should be a statement that faculty working outside the university should not let those activities interfere with their main duties of teaching, research, and service. (Fine)
- That issue is already covered by official university policies, so the committee opted not to include it in the Code. (Schack)
- Professional work done by faculty outside of their UB job is a serious issue that should be included in the "Applications of Ethical Principles" section. (Adams-Volpe)
- Issues shouldn't be omitted simply because they're covered by university regulations. Everything in the Code is covered in some sense by one regulation or another. (Baumer)
- Sections 2 and 3 might be clearer if they were combined. (Schroeder)
- Section 3 doesn't parallel Section 2. The committee felt that separating them made them both clearer. (Schack)
- Section 3 refers to disclosing funding sources that support scholarly activities, but it doesn't cover participation on advisory boards, which isn't a scholarly activity. Also, perhaps "harassment and sexual harassment" could be combined into "all forms of harassment." (Amsterdam)
- Sexual harassment is important enough to warrant being mentioned by itself. (Schack)
- What is meant by "pre-existing non-professional relationships" on page 6 in Section 3? (Dryden)
- It covers a wide range of relationships and aims to address any relationships with students that might be perceived as favoritism. Potential perceptions of favoritism should be reported to someone in authority who can advise how to compensate. (Schack)
- The document doesn't adequately define what is meant by "faculty." Does it pertain to anyone who teaches? Are teaching assistants considered to be faculty in the

context of this Code? They teach, but they're also students, so this creates an ambiguous situation because they're simultaneously playing both roles. (Wooldridge)

- The committee will meet again and reconsider parts of the Code in light of today's input. (Schack)

Item 6: Report on the SUNY Senate meeting at Saratoga Springs, NY - H. Durand

Professor Durand was unable to attend today's meeting, but his written report was distributed with the agenda.

Item 7: Old/New business

None

Item 8: Adjournment

The meeting was adjourned at 3:20 p.m.

Respectfully submitted,

Will Hepfer
Secretary of the Faculty Senate

ATTENDANCE (P = present; A = absent; E = excused)

Chair - P. Nickerson
Secretary - W. Hepfer
Parliamentarian - W. Baumer
Architecture & Planning - GS Danford (A)
Arts & Sciences - S. Bennett (P), R. Bobe (P), J. Buscaglia (A), J. Campbell (P), M. Churchill (P), L. Dryden (P), J. Faran (P), S. Gabriel (P), R. Giese (A), R. Hoeing (E), E. Juarros-Daussa (P), C. Lamb (P), M. Lo (P), A. Markelz (A), N. Matthews (P), J. Mendoza

(A), S. Rothenberg (A), SD Schack (P), N. Shiode (P), L. Simms (P), D. Street (P), K. Takeuchi (P), J-C Thill (P), G. Timler (P), C. Welch (P), R. Woodard (E), J. Yu (P)
Dental Medicine - P. Bradford (A), M. Donley (E), G. Ferry (P), E. Pantera (P), J. Zambon (P)
Education - M. Kibby (P), J. Lee (A), L. Malavé (P), T. Schroeder (P)
Engineering & Applied Sciences - P. Alexandridis (A), C. Alphonce (P), C. Basaran (P), G. Dargush (P), K. Lewis (P), D. Pados (P), A. Titus (P) , R. Wetherhold (P)
Informatics - J. Ellison (P)
Law - S. Ghosh (A), T. Miller (A), J. Milles (P)
Management - J. Boot (P), S. Gunn (P), W. Lin (P), M. Trivedi (P)
Medicine & Biomedical Sciences - D. Amsterdam (P), M. Dayton (A), W. Fiden (A), E. Fine (P), W. Flynn (P), L. Harris (E), J. Hassett (A), L. Hernan (A), P. Joshi (P), T. Langan (A), V. Li (A), A. Manyon (A), N. Miele (E), R. Noble (P), A. Posner (A), J. Sauret (A), J. Sharp (P), G. Snyder (A), J. Springate (P), G. Sufrin (P), F. Velazquez (P), A. Weinstock (P), B. Weinstock-Guttman (P)
Nursing - C. Curran (P), P. Wooldridge (P)
Pharmacy - G. Brazeau (P)
Public Health & Health Professions - K. Personius (A)
Social Work - B. Rittner (P)
SUNY Senators - W. Baumer (P), HW Coles (E), H. Durand (E), P. Nickerson (P)
University Libraries - J. Adams-Volpe (P), HA Booth (P), M. Kramer (P), D. Tao (E)

Guests - B. Burke (EDAAA), M. Cochrane (Reporter), L. Labinski (Professional Staff Senate), J. Ludwig (CAS), L. Meister (Undergrad. SA), S. Nolan-Weiss (EDAAA), K. Saunders (VPUE)