FACULTY SENATE

Minutes of November 1, 2005

(unapproved)

The Faculty Senate (FS) met at 2:45 p.m. (immediately following the meeting of the Voting Faculty) on Tuesday, November 1, 2005, at the Center for Tomorrow to consider the following **agenda**:

1. Approval of the minutes of October 11, 2005
2. Report of the Chair
3. Report of the President/Provost
4. 2nd reading: Academic Integrity & Grievance Policies & Procedures – W. Baumer
5. Old/New business
6. Adjournment

Item 1: Approval of the minutes of October 11, 2005

The minutes were approved as distributed.

Item 2: Report of the Chair

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

- The SUNY interlocutors met with UB representatives on October 17th to review our Mission Review II document. Presentations were made on all aspects of the UB2020 planning process. This will culminate in a negotiated memorandum of understanding (MOU) that will include benchmarks and numerical goals.

- The University Club has been meeting Wednesday afternoons in the Tiffin Room from 4:00 to 6:00. Faculty and staff are encouraged to stop by and socialize with colleagues.
- Interim Chancellor John Ryan will come to UB on January 18th. We will have a combined meeting of the Faculty and Professional Staff Senates with him then.
- The Faculty Senate Executive Committee (FSEC) heard a report from Vice Provost Bruce McCombe about new Graduate School admissions policies and procedures. Unless a department writes a special letter of justification, all students admitted to doctoral programs must have a QPA of at least 3.0.
- The FS Governance Committee met recently and discussed the process for reviewing deans. They'll review practices used at other SUNY institutions for faculty input into the review of senior administrators.
- The FS Committee on Libraries met with Associate Vice President for University Libraries Barbara von Wahlde. She confirmed that she'll be doing research and teaching in Turkey for the coming year, and that Steve Roberts will be the acting director of Libraries. The Committee has recommended that consultants be hired to help in the library planning process.

Item 3: Report of the President

None

Item 4: 2nd reading: Academic Integrity & Grievance Policies & Procedures – William H. Baumer

Professor Baumer, chair of the FS Grading Committee, explained that a page had been distributed with the agenda to clarify how students should be notified per the Academic Integrity Policy and Procedures documents. The text of the Undergraduate and Graduate policies has been changed to "the instructor shall notify the student suspected of academic dishonesty by e-mail to the student's UB IT address with receipt requested, by certified mail return receipt

requested, or by written notice delivered in person with a copy countersigned by the student and retained by the instructor within 10 academic days of discovery of the alleged incident."

Another page, "Academic Grievances – Summary Denial," was distributed at today's meeting. It proposed amendments to the second and third paragraphs of Formal Resolution, Departmental Level Review, Step 2 of the Undergraduate and Graduate policies. The amendments state, "if the Department Grievance Committee finds the grievance does not have reasonable supporting grounds, the Committee shall conclude the grievance is without merit… The Committee shall complete this initial review within 15 academic days of its receipt of the grievance. The cognizant department chair shall then submit a Statement of Decision to the principals" and the appropriate administrators, i.e., the cognizant dean and either the Vice Provost of Undergraduate Education or the Dean of the Graduate School.

These amendments passed.

Further discussion on the amended documents focused mainly on the stipulation that a student's advisor can't be a lawyer. Professor Schack suggested two possible amendments: one would restrict an advisor/attorney from acting in his/her capacity as a member of the bar; the other would stipulate that the advisor should always be a member of the UB community.

Following collaborative wording, a motion was made and seconded that all references to attorney advisors should be replaced with "If the advisor is an attorney at law, he or she shall not act in his/her capacity as a member of the bar."

Discussion included:

- Some advisors have not been allowed to speak at proceedings. (Xu)
- That's up to the committee in charge of the proceedings. They may want the student to speak for himself/herself, even if he/she is being instructed by an advisor on what to say. (Baumer)

- The path required to pursue more severe penalties is a bureaucratic burden that many faculty members will be hesitant to pursue. Also, there's no provision for a faculty member to find out about prior offenses. This might influence a decision regarding whether to pursue more severe penalties. (Alphonce)
- The policies don't preclude faculty members from contacting the appropriate administrator and asking about prior offenses after a violation has been reported. (Baumer)
- The phrase "not acting as a member of the bar" is unclear – what does it mean? Also, saying "this is not a legal proceeding" doesn't make it not a legal proceeding. There are still legal implications. (Milles)
- It's the parliamentary prerogative of the house to decide whether the language is clear enough. The current wording will stand. (Baumer)
- There are two issues: one is whether a student should be able to choose the advisor he/she wants to represent him/her; there should not be any restrictions on that. The second point is that any admonition regarding legal procedures should come from the persons in charge; they're the ones who should determine what is "in order" and "out of order." (Campbell)
- Can the Grievance Committee have a lawyer present if the student has one? (Bisantz)
- I'm uncomfortable with all the talk about lawyers. It seems advisable to get advice from SUNY counsel on several of the points that have been raised. This is an academic hearing, but the numerous references to lawyers are creating a de facto legal situation. (McCombe)
- An advisor doesn't necessarily have to be a lawyer to aggressively advise a student. It's the behavior, not the profession, that we should focus on. (Kramer)

The amendment was defeated by a voice vote.

Professor Schack then moved (with a second) that all advisor/attorney references should be replaced by "In no such case shall the advisor be an attorney at law." This motion also failed in a voice vote.

Professor Campbell then asked if a quorum was present, and there was not. Professor Baumer said the Faculty Senate could proceed to vote without a quorum if it's reported at the next meeting when a quorum is present. Members can then vote to confirm or overturn today's vote.

Professor Kramer pointed out that the language in the documents we're discussing also appears in numerous other university documents. We should take the phrase under advisement as a separate issue and have it dealt with apart from this document.

Professor Schack said we shouldn't rush to judgment with a flawed document. It's irresponsible to vote on it today when there's not a quorum present.

Professor Baumer pointed out that we're simply following Robert's Rules of Order, which provides specific directions for voting without a quorum and then ratifying (or not) at the next meeting when a quorum is present.

A vote was taken: *15 voted in favor, 10 were opposed*.

Professor Schack said the count should be reported when the matter is returned to the floor at the next meeting. Today's votes represent only a quarter of the total Senate membership.

Item 5: Old/New business

None

Item 6: Adjournment

The meeting was adjourned at 3:45 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 (P), J. Campbell (P), L. Dryden (P), J. Faran (P), S. Gabriel (P), R. Giese (A), R. Hoeing (E), E. Juarros-Daussa (A), C. Lamb (P), M. Lo (P), A. Markelz (A), N. Matthews (P), J. Mendoza (A), S. Rothenberg (P), SD Schack (P), N. Shiode (A), L. Simms (P), D. Street (P), K. Takeuchi (P), J-C Thill (A), G. Timler (P), C. Welch (P), R. Woodard (A), J. Yu (A)
Dental Medicine – P. Bradford (P), M. Donley (E), G. Ferry (P), E. Pantera (P), J. Zambon (P)
Education – M. Kibby (A), J. Lee (P), L. Malavé (A), T. Schroeder (A)
Engineering & Applied Sciences – P. Alexandridis (A), C. Alphonce (P), C. Basaran (A), A. Bisantz (P), G. Dargush (P), K. Lewis (P), D. Pados (P), R. Wetherhold (P)
Informatics – J. Ellison (A)
Law – S. Ghosh (A), T. Miller (A), J. Milles (P)
Management – J. Boot (P), S. Gunn (P), W. Lin (A), L. Sanders (A)
Medicine & Biomedical Sciences – D. Amsterdam (P), M. Dayton (E), W. Fiden (A), E. Fine (P), W. Flynn (A), L. Harris (A), J. Hassett (A), L. Hernan (A), P. Joshi (A), T. Langan (A), V. Li (A), A. Manyon (A), N. Miele (A), R. Noble (P), A. Posner (P), J. Sauret (A), J. Sharp (A), G. Snyder (A), J. Springate (P), G. Sufrin (A), F. Velazquez (A), A. Weinstock (A), B. Weinstock-Guttman (A)
Nursing – C. Curran (P), P. Wooldridge (P)
Pharmacy – G. Brazeau (P)
Public Health & Health Professions – K. Personius (A)
Social Work – B. Rittner (A)
SUNY Senators – W. Baumer (P), HW Coles (P), H. Durand (A), P. Nickerson (P)
University Libraries – J. Adams-Volpe (P), HA Booth (P), M. Kramer (P), D. Tao (P)

Guests – B. Burke (EDAAA), M. Cochrane (Reporter), CA Fabian (Univ. Libs.), L. Labinski (Professional Staff Senate), S. Nolan-Weiss (EDAAA), M. Ryan (VPUE), K. Saunders (VPUE), M. Wells (Univ. Libs.), J. Xu (Grad. SA)