

FACULTY SENATE

Minutes of April 1, 2003

(unapproved)

The Faculty Senate met at 2 p.m. on Tuesday, April 1, 2003 , at the Center for Tomorrow to consider the following agenda:

1. Approval of the minutes of March 4, 2003
2. Report of the Chair
3. Report of the President/Provost
4. 3 rd reading – Resolution for University Support of Open Software & Standards – John Ringland
5. 1 st reading – Course resignations – William Baumer
6. 1 st reading – Resolution on Decanal Selection & Appointment – Dennis Malone
7. 1 st reading – Resolution on Decanal Review – Dennis Malone
8. Update on the College of Arts & Sciences – Uday Sukhatme
9. Old/New business
10. Adjournment

Item 1: Approval of the minutes of March 4, 2003

The minutes were approved as distributed.

Item 2: Report of the Chair

Chair Cohen reported that the Presidential Search Committee has been appointed. Seventeen people have been appointed to the Committee by UB Council chair Jeremy Jacobs, including seven faculty members.

The Chair offered the floor to Professor Campbell, who announced that he had placed a petition in the lobby supporting U. S. military intervention in Iraq . The petition had been drawn up by several faculty members to counter the anti-war letter from numerous UB faculty that was in last week's *Reporter* .

Item 3: Report of the President/Provost

None

Item 4: 3 rd reading – Resolution for University Support of Open Software & Standards – John Ringland

Professor Ringland presented a revised version of the resolution that had been discussed at the March meeting. That resolution had been in the process of possibly being amended when it was postponed due to lack of a quorum. The new version does not have any judgmental references to Microsoft, and “all attributions of motive or attitude” have been removed.

It was moved (and seconded) that the following version be accepted as an amendment by total substitution:

RESOLUTION FOR UNIVERSITY SUPPORT OF OPEN SOFTWARE AND STANDARDS

1 WHEREAS , direct unmediated unfettered access to information is fundamental and essential to scholarly inquiry, academic dialog, research, the advancement of research methods, academic freedom, and freedom of speech; and

2 WHEREAS , complete control by a computer-user of the computer's operating system and hardware is essential to the use and adaptation of computers in research and to the preservation of privacy; and

3 WHEREAS , the free flow of information has for many years been hampered by incompatibilities between Microsoft software and non-Microsoft systems caused by Microsoft-specific modifications to open protocols (such as Kerberos[1]), document formats (such as HTML[2]), and programming languages (such as Java[3]); and

4 WHEREAS , there appears to be significant risk that future Microsoft operating systems will serve to curtail the rights of scholars and the public to Fair Use of copyrighted material, as is suggested by Microsoft's patent for a "Digital Rights Management Operating System" (US Patent #6330670, Dec. 2001)[4], and its development of Palladium[5] and Secure Audio Path[6], which are technologies that prevent direct access by computer users to data on their own computers; and

5a WHEREAS, the restrictions imposed by the license agreement of the web-page composition tool Microsoft Frontpage 2002, which states "You may not use the Software in connection with any site that disparages Microsoft, MSN, MSNBC, Expedia, or their products or services"[7], are an unacceptable restriction of freedom of expression; and

5b WHEREAS , the "security patch" Q320920 for Windows Media Player, which gives to Microsoft remote administration privileges on the user's computer and the right to "disable your ability to copy and/or play Secure Content and use other software on your computer"[8], involves a substantial surrender of control and privacy on the part of the computer-user; and

5c WHEREAS, the fact that Windows Media Player logs and reports to Microsoft every instance of access to a DVD by the user[9] is a troubling invasion of privacy; and

6 WHEREAS, a closed-source proprietary operating system such as Microsoft Windows cannot be modified by the user to accommodate specific research or personal needs [10] ; and

7 WHEREAS , excessive dependence of the University at Buffalo on a single supplier of proprietary operating systems and/or application software renders the University powerless to resist unreasonable price increases for software licenses and other unreasonable demands such as license changes forbidding benchmarking[11] or reverse-engineering for compatibility; and

8 WHEREAS , the use of closed proprietary document formats and information management systems to store the work of faculty, students, and staff limits the ways these works can be accessed and archived, and jeopardizes access itself in the long term; and

9 WHEREAS , open-source, or "free" software provides an alternative to proprietary operating systems and application software that is robust, reliable and trustworthy, and provides a means for the University community to retain complete control of its computer hardware and software, and to retain the rights of Fair Use of information, and preserve the means to adapt computer systems to specific research and personal needs; and

10 WHEREAS , significant savings can be achieved by the use of open-source software, which has (in almost all cases) **zero licensing costs** , and requires **no involuntary upgrades** such as are an integral part of the current UB Microsoft Campus Agreement; and

11 WHEREAS , for the reasons enumerated above, the exclusive or predominant use of proprietary operating systems and application software is detrimental to the core missions of the University at Buffalo; and

12 WHEREAS , open-source software provides an alternative through whose use the core missions of the University at Buffalo can be preserved, nurtured, and enhanced; now, therefore, be it

13 RESOLVED that the Faculty of the University at Buffalo call on the University to provide support for the use by interested students, faculty, and administrators of the **GNU/Linux operating system** ;
and be it further

14 RESOLVED that the Faculty of the University at Buffalo call on the University to provide support for the use by students, faculty, and administrators, of **OpenOffice** and/or other open-source productivity suites; and be it further

15 RESOLVED that the Faculty of the University at Buffalo call on the University to provide support for the use by students, faculty, and administrators, of **open-source alternatives to proprietary application software** wherever possible; and be it further

16 RESOLVED that the Faculty of the University at Buffalo call on the University to implement a policy of **promoting open document formats and communication protocols** wherever possible and, in the case of broadcast announcements and other documents intended for a general audience, **discouraging the use of secret and proprietary formats** (such as Microsoft Word format) in favor of open formats (such as plain text or HTML) that are universally accessible.

The substituted amendment was accepted without discussion, and then that Resolution passed by unanimous acclaim.

Item 5: 1 st reading – Course Resignations – William Baumer

Professor Baumer, chair of the Faculty Senate Grading Committee, presented a proposed policy change regarding course resignations [*additions in italics* ; deletions underlined]:

Students may resign from one or more of their courses at any time before the *midpoint of an academic term (the deadline for resignation may be extended for students in their first term of study at UB)* end of the eighth week of the semester . *Resignation from more than five courses during a student's study at UB requires prior consultation with an academic advisor.* Such courses will appear on the student's record with a grade of "R" (resignation), indicating that the student dropped the course in a timely manner with no academic penalty.

The current policy is open to abuse by students who resign all courses that they're not doing well in in order to avoid failing grades on their transcripts. This will prevent some of that by requiring a student to meet with an advisor before resigning a sixth (or more) time. The advisor doesn't have to give approval, but there does have to be evidence that a meeting took place to get further "R"s.

Professor Gregg asked why the specific "eighth week" was being replaced by the less specific "midpoint." Professor Baumer said he considered "midpoint" to be a clearer term because it could be applied to courses of any length. The current policy can't be applied literally to many summer sessions, which are less than eight weeks long.

Assistant Vice Provost Kaars said that the Records Office will still set their computers to adhere to the end-of-eighth-week deadline for fall and spring semesters, but summer sessions will be programmed for appropriate midpoint dates. This proposal is workable with the current system.

Professor Schack suggested that the proposal indicate that it's the Vice Provost's responsibility to establish a midpoint and to publish those dates in the academic calendar. There could be problems with the proposed policy since students will have to make "R" decisions sooner, because advisors might be unavailable for several days before a consultation can take place. IT will also need to program the system to block "R" requests after five; "R" requests are currently at a student's discretion.

Dr. Kaars said her Office is working with IT so the computer system will alert students about the remaining number of "R's" before consultation with an advisor is required. Other options are also available for special circumstances, e.g. "W" (administrative withdrawal) and "Resignation with Cause," which can be requested from the Provost.

Professor Segal asked if there's a correlation between GPAs and "R" abuses. Dr. Kaars said that information hadn't been collected, but she will try to compile it.

Dr. Kaars asked faculty to fill out online feed forms for first-semester students, because alerting students early when they're not doing well has been shown to be an effective academic motivator.

Item 6: 1 st reading – Resolution on Decanal Selection and Appointment – Dennis Malone

Professor Malone, chair of the Governance Committee, said that this and the next resolution grew out of Committee discussions after they were charged to address decanal review and appointment. Faculty need to feel that they have input into the process, and this has not always been the case. The resolutions should be regarded in light of the 1994 Governance Committee report, which made the following points:

- Decanal responsibilities should be made known to both the dean and faculty.
- Faculty comfort is desired, but not necessary.
- Faculty consultation doesn't guarantee agreement.

Committee deliberations lead to following:

Resolution on Decanal Selection and Appointment:

Resolved that , a clear definition of the process for selection and appointment of deans with evidence of meaningful consultation with faculty be made known to faculty. (Cf. the Faculty Senate Resolutions on Faculty Governance II, C. (*Resolution: Search Procedures for Senior Administrators*) See:

<http://wings.buffalo.edu/faculty/governance/fac-sen/new/documents/resolutions.html>

Professor Steiner said there are already guidelines addressing these issues, but they're not always followed.

Chair Cohen said we need something in writing that we can point to when proper procedure isn't followed. Other SUNY schools such as Stony Brook and Oswego take faculty governance very seriously and have carefully worded documents in place. We should consider broadening both proposed resolutions to apply to all senior administrators.

Professor Shucard agreed that the principles are applicable to senior administrators. He wanted to know what other procedural documents exist so we can amend them all.

Professor Segal reminded that we are an advisory body, and universities don't function as democracies. We can't actually appoint deans and other administrators, so it's important that we get these resolutions approved so we can refer to them when there are violations.

Professor Hopkins read a Senate resolution dated May 2nd, 1995, that advised the President and Provost that decanal units should develop procedures for appointing deans and that these procedures should provide for faculty consultation. The following year then-Provost Headrick advised deans to devise their own mechanisms for appointments and reappointments of chairs. Those procedures were all supposed to provide clear instructions regarding faculty consultation.

With regard to today's proposed resolutions, Professor Hopkins said that this one isn't clear when it says "evidence of meaningful consultation with faculty be made known to faculty." It should specify who is responsible for making it known to faculty.

Professor Campbell said the phrase “meaningful consultation” isn't very meaningful. It needs to specify what minimal faculty rights are in these cases.

Professor Schack pointed out that chairs have specified terms, but deans don't. Perhaps it's time to consider whether UB should have fixed terms for deans, as is the case at many other schools.

The Chair asked whether the group favored revising the resolutions first or advancing them as is for a second reading next month.

Professor Adams-Volpe suggested that both resolutions be sent to the Governance Committee so they can be expanded and made more specific about who is responsible for what. The Chair asked her to send him the recommendation in writing so it can be included when he contacts the Governance Committee.

Item 7: 1 st reading – Resolution on Decanal Review – Dennis Malone

The Governance Committee's Resolution on Decanal Review says:

Resolved that , the process outlined in *Procedures for the Review of Academic Deans* , adopted by the Faculty Senate February 1994, continue to be implemented. (Cf. <http://>

wings.buffalo.edu/faculty/governance/fac-sen/new/documents/resolutions.html)

This was discussed in tandem with Item 6.

Item 8: Update on the College of Arts & Sciences – Uday Sukhatme

Dr. Sukhatme has been dean of CAS since August 2000. He reported that CAS has had a 15% increase in undergraduate credit hours in the past four years; it now teaches 306,000 credit hours. Graduate credit hours have increased by 20% to 28,300.

There was no previous assessment culture for graduate programs. Since SUNY requires assessment of undergraduate teaching, CAS recently extended that to cover graduate and research programs, too. These will occur on 5- to 7-year cycles.

Many new instructors were hired this year, and numerous searches are underway. There are currently 412 full-time instructors in CAS. A new faculty orientation program and a promotion/tenure workshop aimed to improve faculty retention will become annual offerings.

Outreach programs include the "Cutting Edge" lecture series and student poetry contest. The response from high school students has been very favorable.

Professor Watrous asked what are the most serious problems faced by CAS, and what is the College doing about them. Dean Sukhatme said that the number of faculty in several departments was critically low, so we're hiring or searching for new full-time instructors. The quality of space, especially in the sciences, is also a big problem, but CAS needs help from beyond the College to address that issue. The third key problem is graduate student stipends, which CAS wants to improve; it's largely dependent on state funding.

Professor Nickerson asked about CAS fundraising efforts and future plans. Dean Sukhatme said fundraising is increasingly important because state support has or will be decreasing throughout the U.S. They'll need to seek more federal funding and other grant support. They'll also be increasing their development efforts to solicit contributions from individual donors.

Item 9: Old/New business

The Chair congratulated Professor Peter Nickerson, who will take over as chair of the Faculty Senate on July 1st .

Dr. Jeffery Skolnick, director of UB's Center for Excellence in Bioinformatics, and Dr. Joe Hildreth, President of the SUNY Faculty Senate, have been invited to attend and speak at our May Faculty Senate meeting.

Item 10: Adjournment

The meeting was adjourned at 3:35 p.m.

Respectfully submitted,

Will Hepfer

Secretary of the Faculty Senate

Present:

Chair: M. Cohen

Secretary: W. Hepfer

Parliamentarian: D. Malone

Architecture: H. Steiner

Arts & Sciences: W. Baumer, H. Bennett, C. Bloom, J. Campbell, M. Chen, K. Takeuchi, D. Eddins, T. Gregg, E. Hull , J. Ludwig, J. Mendoza, A. Monteiro, J. Ringland, R. Salvi, S. Schack , E. Segal, V. Watrous

Dental Medicine: L. Ortman

Education: H. Bromley

Engineering: J. Jensen, R. Mayne, R. Nagi, R. Sridhar, S. Thevanayagam

Informatics: F. Tutzauer

Law: L. Swartz

Management: J. Boot, S. Gunn , W. Lin

Medicine & Biomedical Sciences: J. Hassett, K. Mahran, F. Morin, D. Shucard, J. Yeh

Public Health & Health Professions: C. Golyski, S. Nochajski

SUNY Senators: J. Adams-Volpe, M. Kramer, P. Nickerson

University Libraries: S. Davis Bartl, J. Hopkins

Guests:

N. Kaars, Academic Affairs

D. Longenecker, *Reporter*

U. Sukhatme, CAS

Excused:

College of Arts & Sciences: E. Seeman

Dental Medicine: M. Donley

Education: J. Almasi

Pharmacy: G. Brazeau

University Libraries: CA Fabian

Absent:

Architecture: GS Danford

Arts & Sciences: S. Bruckenstein, A. Cadenhead, G. Finnegan, H. Luo, J. Mendoza, A. Monteiro, J. Pappas, A. Petrou, E. Scarlett, C. Smith, T. Thurston, M. Sultan, M. Woldenberg, R. Woodard

Dental Medicine: D. Garlapo, J. Zambon

Education: R. Stein

Engineering: S. Braynov, T. Mountziaris

Institutional/General: O. Mixon

Law: I. Marcus, R. Reis

Management: M. Trivedi

Medicine & Biomedical Sciences: A. Aquilina, A. Baer, J. Canty, R. Fenstermaker, W. Fiden, B. Flynn, J. Fudyma, C. Granger, C. Hershey, J. Izzo, T. Langan, J. Leddy, G. Logue, B. Murray, N. Nielsen, J. Novak, M. Paroski, R. Schifeling, F. Schimpfhauser, G. Snyder

Nursing: P. McCartney, E. Perese

Pharmacy: K. Boje

Public Health & Health Professions: G. Farkas

Social Work: S. Green, B. Rittner

SUNY Senators: H. Durand

University Libraries: J. Dickson