FACULTY SENATE

Minutes of April 9, 2002

(unapproved)

The Faculty Senate met at 2:00 PM on April 9, 2002 in the Center for Tomorrow to consider the following agenda:

1. Approval of the minutes of March 12, 2002
2. Report of the Chair
3. Report of the President/Provost
4. Report of the Faculty Senate Computer Services Committee, Professor Maureen Jameson, Chair; Presentation on open source computing on campus and the impact of the Digital Millennium Copyright Act of 1998 on academic freedom - Professor John Ringland
5. Report of Senior Vice Provost Bruce Holm
6. Faculty Senate Research and Creative Committee Resolution on OASIS - Professor John Ho, Chair
7. Old/new business

Item 1: Approval of the minutes of March 12, 2002

The minutes of March 12, 2002 were approved.

Item 2: Report of the Chair

The Chair reported that:

- Provost Capaldi has withdrawn as a candidate for the chancellorship of the University of Massachusetts; the Chair voiced his pleasure at that outcome

- Senate elections are underway in some units; he suggested that current Senators encourage their colleagues to participate
- the University Libraries is participating in a national online survey of user satisfaction in large research libraries and would appreciate faculty participation
- the FSEC nominated faculty representatives to two committees, a committee to look at the issue of release time for professional and classified staff (Professor Hopkins) and for three positions on the President's Search Procedures Review Panel (Professors Welch, B. Noble, Campbell, L. Robinson, Fourtner and Kramer)
- he obtained figures on minority faculty at UB (69 Professors, 115 Associate Professors, 151 Assistant Professors and 12 Instructors); he noted that the 2001/2002 incoming class was by comparison composed of 2,135 non-Hispanic whites, 300 Asian/Pacific Islanders, 230 Blacks, 139 Hispanics, 37 non-residents, and 14 Native Americans; he pointed out that Western New York is home to a sizable Native American population, but UB has not been particularly successful in recruiting significant number of Native American students or faculty
- the Chairs of all Faculty Senate committees are in the process of giving annual reports to the FSEC: the Budget Priorities Committee is studying whether the use of part-time faculty at UB has increased, and if so, what has been the impact, if any, on the quality of teaching; the Student Life Committee has examined, inter alia, substance and alcohol availability and use in the residence halls, food services, and Career Planning and Placement Services; the Grading Committee has had two resolutions adopted by the Faculty Senate (Class Absence Policy and Informal Penalties for Academic Dishonesty); it is revisiting the Policy on Reasonable Progress to the Baccalaureate degree and is working with the Vice Provost for Academic Affairs to unify grievance procedures for academic dishonesty for both undergraduate and graduate students

Item 3: Report of the President/Provost

There was no report of the President/Provost.

Item 4: Report of the Faculty Senate Computer Services

Committee; Open source computing

Professor Jameson, Chair of the Computer Services Committee, outlined topics discussed by the Committee:

- the design of the soon to be available faculty portal for MyUB
- the difficulty of viewing material on Blackboard for courses other than one's own; would be useful, for example, to be able to look at syllabi for courses in one's department; CIT has attempted to remedy the problem
- the involvement of faculty in IT decisions at the decanal level
- implementation of online course evaluations; the Committee is concerned that evaluation results from a trial run have been posted on the Student Association web site where they are world-readable; the Committee is also concerned that fewer students will make the effort to complete course evaluations
- open source computing and the use of Citrix to improve access to software

She hopes the Committee will also be able to look at central support for departmental web sites construction and maintenance.

- am concerned about course materials on Blackboard being available beyond the campus community (Professor Meacham)
- material is visible only for persons with a UB IT login
- is there any way to prevent a student from submitting a course evaluation online using another student's IT name and password? (Professor Bennett)
- no (Professor Jameson)
- collecting paper evaluations in person ensured that only bona fide members of the class submitted evaluations; electronic submission opens the door to fraudulent evaluations (Professor Mountziaris)
- a reader of the evaluations should look at the totality of the comments, not focus on extremes (Professor Jameson)
- student evaluations may be the only measure of part timers work, so part timers may feel threatened by such evaluations in ways full time faculty do not (Professor Dickson)

- CourseEval is a powerful tool; the Teaching and Learning Committee and the Computer Services Committee must continue to be involved in its implementation to ensure that it doesn't lose credibility (Professor Gentile)

The Chair then introduced Professor Ringland from the Department of Mathematics. After hearing Professor Ringland speak to the Computer Services Committee about restrictions on the fair use of digital data and open source computing, the Chair felt it important for the Senate to also hear Professor Ringland's presentation.

Professor Ringland began by making the following points:

- scholarship and research require free and unfettered access to information; such access is being undermined by new legislation, new hardware and software architectures, and restrictive licensing agreements
- commercially published digitized content is often scrambled or encrypted to control the manner in which the content is accessed with the view to charging for each occasion of access; the Digital Millennium Copyright Act (DMCA) makes it a criminal offense to circumvent technological use-control measures even for uses which do not infringe copyright; this provision is being enforced, cf. prosecution of Dmitri Sklyarov for writing software that circumvents the scrambling in Adobe's e-book format, lawsuits against people who posted links to "deCSS" which enables viewing of DVDs on computers running Linux
- a proposed bill, the Consumer Broadband and Digital Television Promotion Act (CBDTPA), would make illegal the manufacture of computers which do not incorporate government approved hardware control measures or the distribution of software programs that do not incorporate embedded control mechanisms
- licensing agreements have begun to incorporate language which infringe on First Amendment rights, e.g, the Microsoft Frontpage end-user license agreement prohibits use of the software "in connection with any site that disparages Microsoft...or promote [sic.] racism, hatred or pornography"

Professor Ringland then compared Microsoft to the open-source software GNU/Linux:

- open source software allows users to tailor applications and the operating system to research communication needs, e.g, Linux allows users to set latency, the maximum time from stimulus to response, which can be critical in certain applications like music, while Microsoft does not

- Linux is robust and offers a full range of programs, e.g., browsing, PDF viewing, text processing, spreadsheet applications, multi-media applications, image editors

- proprietary programs like Maple run on Linux

- Microsoft ties users into the "monogamy vortex" which pressures correspondents to use the same applications software and thereby the Windows operating system, the "data dungeon" to which only Microsoft has the key, and the "upgrade escalator"; Linux does not

Professor Ringland then recommended that the Faculty Senate adopt the following resolution:

"The faculty of the University at Buffalo strongly oppose the DMCA and the CBDTPA, both of which restrict academic and intellectual freedom, as well as measurably impede research progress and growth. Since these effects endanger the core missions of a research university, the faculty urge the President and Provost to oppose this law and bill publicly, and to lobby within the AAU and SUNY to encourage both to adopt policies opposing these laws, and any successor legislation which threatens academic freedom and research."

There were questions and comments from the floor:

- what are the financial implications of switching from Microsoft to Linux? (Professor Hopkins)

- advocate a measured transition; both operating systems work on the same hardware and computers can run with both Microsoft and Linux installed (Professor Ringland)

- as state employees may we lobby against a bill? (Professor Jameson)

- this is a federal bill, not a state bill (Professor Bromley)

- stating a position on a topic is not the same as lobbying (Senior Vice Provost Holm)

- have text and spreadsheets in early versions of software; would these be accessible under Linux? (Professor Baumer)

- Linux has good programs to read and write Microsoft documents, but you would need to investigate the availability of filters for other proprietary programs (Professor Ringland)

- open source software is generally considered to be of higher quality than proprietary software because is being developed and debugged by an enormous number of people worldwide; strongly support this resolution (Professor Bromley)

- will a Linux spreadsheet run on a computer using Excel? (Professor Wetherhold)

- Linux is able to rewrite from Linux into Excel so that the spreadsheet is readable in Excel (Professor Ringland)

- have fewer problems in converting Office to Linux than in communicating between pcs and Macs (Professor Gregg)

The Chair thanked Professor Ringland for his presentation. His proposed resolution will be sent to the Computer Services Committee.

Item 5: Faculty Senate Research and Creative Committee Resolution on OASIS

Professor Ho, Chair of the Research and Creative Committee, proposed (seconded) the following resolution for expedited handling, noting that the Committee believes it important that the faculty make clear their unhappiness with OASIS, lest silence be construed as satisfaction:

"Be it resolved that the Faculty Senate requests that the President and the Provost convey to the SUNY Research Foundation the frustration of the principal investigators at UB over the implementation and use of OASIS and the strong suggestion that all avenues be explored to fix the problems as expeditiously as possible, including in the absence of other acceptable alternatives, abandonment of OASIS altogether."

There were comments from the floor:

- at the Executive Committee's discussion of this resolution, President Greiner suggested inviting Chief Information Officer Innus to outline his timetable for improving OASIS; was this done? (Professor Sridhar)

- the Chief Information Officer could not attend on the first date suggested, but he will be scheduled later; President Greiner welcomes this resolution (Professor Cohen)

- OASIS proved not to be scalable to SUNY's needs (Senior Vice President Holm)

- have other SUNY Faculty Senate's passed such resolutions? (Professor Wetherhold)

- don't know (Professor Ho)

There being no objection to according expedited consideration of the resolution, there was a motion (seconded) to adopt the resolution. The resolution passed with one negative vote.

Item 6: Report of Senior Vice Provost Bruce Holm

The Chair introduced Senior Vice Provost Holm citing his distinguished research, teaching and service career. Senior Vice Provost Holm currently serves as UB's point person on biotechnology and high technology projects.

Senior Vice Provost Holm began by lauding UB's many strengths, acknowledging as an instance Professor Carl Dennis who was today awarded the 2002 Pulitzer Prize in poetry. Biotechnology is just one of UB's strengths but has received much attention because of its potential economic impact on the Western New York region.

UB's major bioinformatics initiative had its genesis in attempts to coordinate several smaller projects. Key initial players were Dr. Norma Nowak (bacterial artificial chromosome libraries), Professor George DeTitta (structural biology), Professor Herbert Hauptman and his associates (crystallography and proteomics), Professors Aidong Zhang and Russell Miller (data mining), Professor Steven Pruitt, Professor David Hangauer and Professor Holm himself. Together they developed the concept for a high through-put drug discovery center where 30/50 K compounds could be tested every three months for impact against every gene in a cell. Those compounds that produce an appropriate up or down regulation in the gene can then be targeted for quantification using gene chip technology, lessening the time and money required for drug development.

Added to the mix were the development of robotics to speed up the structural biology components and epidemiological expertise

(Professor Maurizio Trevisan). Buffalo also has pockets of expertise in clinical testing that can be built on. UB has successfully recruited an excellent bio-statistician who will bring with him a team of 6/7 scientists to re-invigorate statistics at UB.

Because of this capacity and interest New York promised to fund a Center for Excellence in Bioinformatics in Buffalo, but with the requirement that a 4:1 match in outside money be raised in 6 months. Substantial federal monies have also been promised. Matching money from the private side has been successfully raised by selling the unique, proprietary blend of people and abilities in Buffalo. Some additional money is coming from the University from leveraging overlapping unit strategic plans.

The presence at UB of the Center for Computational Research gives added capacity to the bioinformatics initiative, the Center currently has a cluster of 64 computers using Linux; 2 K additional ucs will be added, substantially jumping up UB's supercomputing capabilities.

A hallmark of the bioinformatics initiative has been the faculty input in creating the vision and setting directions.

There were questions from the floor:

- do you plan to publicize the shared experimental facilities; could be a powerful recruitment tool for other units (Professor Mountziaris)
- have made Deans aware of those facilities; will reach down to the faculty; there will be enough capacity to share (Senior Vice Provost Holm)
- is there a central source of information about the initiative? (unidentified speaker)
- in the process of building a web site (Senior Vice Provost Holm)
- a concern is how decanal units will be credited for the work of faculty the unit provides to centers and institutes(Professor Cohen)
- can be worked out; not all that much money at stake (Senior Vice Provost Holm)

There being no old/new business, the meeting adjourned at 4 PM.

Respectfully submitted,

Marilyn McMann Kramer

Present:
Chair: M. Cohen
Secretary: M. Kramer
Architecture: R. Shibley
Arts & Sciences: W. Baumer, H. Bennett, J. Bono, A. Cadenhead, J. Campbell, W. Chang, D. Eddins, T. Gregg, E. Kazmierczak, J. Meacham, J. Pappas, J. Reineck, E. Segal
Engineering: J. Mook, T. Mountziaris, R. Sridhar, R. Wetherhold
Graduate School of Education: J. Almasi, H. Bromley, R. Gentile
Health Related Professions: S. Bennett, G. Farkas, S. Nochajski
Law: L. Swartz
Management: S. Gunn, W. Lin, M. Trivedi
Medicine & Biomedical Sciences: A. El Solh, J. Hassett, M. Kulaylat, K. Mahran, B. Noble, R. Noble, S. Rudin, L. Wild
Nursing: D. Karczewski
Social Work: S. Green
SUNY Senators: J. Adams-Volpe, H. Durand
University Libraries: A. Booth, J. Dickson, W. Hepfer, J. Hopkins

Guests:
J. Ringland, Dept. of Mathematics
M. Jameson, Chair, Faculty Senate Computer Services Committee
J. Ho, Chair, Faculty Senate Research and Creative Activities Committee
P. McCartney
W. Coles, Chair, Professional Staff Senate
D. Longenecker, Reporter

Excused:
Arts & Sciences: C. Fourtner
Dental Medicine: G. Ferry
Medicine & Biomedical Sciences: P. Bradford
SUNY Senators: P. Nickerson

Absent:
Architecture: H. Steiner
Arts & Sciences: M. Churchill, H. Luo, A. Petrou, E. Scarlett, R. Vesley
Dental Medicine: B. Boyd, E. DeNardin, L. Ortman, J. Zambon
Educational Opportunity Center: O. Mixon
Engineering: D. Malone
Graduate School of Education: J. Ernest, L. Malave
Health Related Professions: P. Horvath
Informatics: J. Ellison
Management: J. Boot
Medicine & Biomedical Sciences: E. Egan, W. Flynn, P. Glick, C. Granger, B. Grant, S. Greenberg, J. Izzo, T. Langan, R. Lifeso, B. Miller, F. Schimpfhauser, D. Shucard, S. Spurgeon, A. Vlauditu
Nursing: E. Perese
SUNY Senators: J. Boot