FACULTY SENATE

Minutes of November 6, 2001

(unapproved)

The Faculty Senate met at 2:00 PM on November 6, 2001 in the Center for Tomorrow to consider the following agenda:

1. Approval of the minutes of October 9, 2001.
2. Report of the Chair
3. Report of the President/Provost
4. 1st reading – Charter amendments – Professor Judith Hopkins, Chair Faculty Senate Bylaws Committee
5. 2nd reading – Class Absence Policy (revised and recommended for adoption by the Faculty Senate Executive Committee) – Professor William Baumer, Chair, Faculty Senate Grading Committee
6. Challenges to Higher Education in the United States – Douglas Lederman, Managing Editor, Chronicle of Higher Education
7. Report of the SUNY Senate Meeting in Fredonia – Professor Peter Nickerson
8. Old/new business

## Item 1: Approval of the minutes of October 9, 2001

The minutes of October 9, 2001 were approved.

## Item 2: Report of the Chair

The Chair noted the recent death of Professor Lawrence Jacobs, a distinguished member of the faculty of the School of Medicine & Biomedical Sciences. He established the Jacobs Neurological Institute at Buffalo General Hospital and was responsible for

developing the use of beta interferon in the treatment of multiple sclerosis.

## Item 3: Report of the President/Provost

There was no report of the President/Provost.

## Item 4: 1st reading – Charter amendments

Professor Hopkins, Chair of the Faculty Senate Bylaws Committee, presented proposed amendments to Article IV and Article VI.1.C of the Charter of the Faculty Senate. The amendments to Article IV aim at resolving difficulties in the formula for apportioning Senators among the academic units and the Libraries. The amendment to Article VI.1.C increases the maximum number of Faculty Senate Executive Committee representatives to which a unit or the Libraries may be entitled. Professor Hopkins credited Professor Baumer with the drafting of the amendments.

The current Senate apportionment formula is intended to provide equitable representation of the Voting Faculty and to result in a Senate of 100 members. The current formula also imposes a 25% cap on the total number of seats any one unit may hold. When this provision was adopted, de facto it applied only to the School of Medicine & Biomedical Sciences, which has 40% of UB's Voting Faculty. Since the Senate deals most often with matters affecting undergraduates, the dominance of the School of Medicine & Biomedical Sciences was felt to be inappropriate.

The newly created College of Arts and Sciences poses a problem for the application of the current formula. If the cap is applied to the College, the Senate drops in size to about 80 Senators. Furthermore, the component Faculties of the College were assured that their merger into the College would not result in reduced representation. Also, the College is very involved with undergraduate education, so limiting its representation in the Senate seems inappropriate.

The proposed amendment to Article IV reads: "No electoral unit

whose Voting Faculty is greater than twenty-five percent (25%) of the total Voting Faculty of the University but which enrolls in its courses and programs less than twenty percent (20%) of the total full-time equivalent students of the University…shall have more than twenty-five (25) Senators?" At present the cap would limit only the School of Medicine & Biomedical Sciences. The College of Arts & Sciences while having many faculty also has many students and would not fall under the cap.

- how many Senators would the College get under the new formula? (Professor Cohen)
- 31 (Professor Hopkins)
- lack of substantive discussion of these amendments suggests that Senators do not understand them (Professor Swartz)

Professor Baumer moved (seconded) to further amend Article VI of the Charter by deleting Section E.3. which reads: "All other members elected to the Executive Committee shall serve for one (1) year and shall not serve more than two consecutive terms." Professor Baumer explained that the limit of two one-year terms for unit representatives reduces the institutional memory of the Executive Committee, gives the four SUNY Senators, who may serve two three year terms, disproportionate pride of place, and makes it more difficult for small units to find faculty willing to invest the time required by membership on the Executive Committee. Article IV, Section 6 of the Charter, which limits Senators to two two-year terms, would then also set the term limit for membership on the Executive Committee.

- appropriate to refer this proposal to the Bylaws Committee (Professor Faran)
- adding this amendment to the package today will allow the Senate to vote on the entire package at its next meeting (Professor Baumer)
- sense of the body is to allow Professor Baumer's proposal to go for a second reading at the December meeting of the Senate (Professor Cohen)

Discussion then reverted to the two amendments proposed by the Bylaws Committee:

- proposed Article VI.C.v. limits the College of Arts & Sciences to 5 representatives; historically the component Faculties of the College had six(Professor Faran)
- minutes of the Executive Committee for the past five years reflect only five representatives for the three Faculties (Professor Baumer)

## Item 5: Challenges to Higher Education in the United States

The Chair introduced Douglas Lederman, Managing Editor of the Chronicle of Higher Education. The Chronicle is the weekly, national newspaper of higher education and has a readership of about 500K. Mr. Lederman has roots in Buffalo, having been born here while his father was an M.D./Ph.D. candidate at UB.

Mr. Lederman offered an overview of the current state of higher education:

1. Hierarchy is out
    - this should be a period of growth and comfort in academe:
        - broad recognition of the importance of higher education, with politicians funneling large sums into scientific research and student aid
        - number of students, both traditional and post baccalaureate, has been growing and the lifetime earnings value of a college degree continues to increase
    - instead academe is experiencing an unsettled time:
        - rapid, technological change
        - exploding population growth among the least educated and most financially needy
        - pressure for accountability in higher education
        - questions about the legitimacy of tenure
        - challenges to the primacy of classroom instruction by distance learning
        - public mistrust in higher education's performance
    - institutional pecking order has changed:
        - for profit institutions like the University of Phoenix with its100K students and 100 instructional sites have begun taking continuing education away from non-profit and public institutions
        - high status privates like Columbia and Cornell have spun off for profit ventures

- community colleges have diversified their curriculum to appeal to students with advanced degrees and because of the Ph.D. glut have been able to upgrade their faculty
- research universities are seeing continuing education as a cash cow instead of a step child
- mid-level publics are being squeezed between the flag-ship publics and community colleges
- small, private colleges are desperately trying to stand out from the pack
- multi-state public institutions are blurring geographic boundaries

2. Competition and public scrutiny are in
    - with roles and geography blurring, no institution's market share is secure
    - difficult for the public to measure academic quality and determine who is providing it
    - scandals in the mid-1980's and inept institutional responses to them shook public trust, e.g. political correctness conflicts, indirect costs overcharges and poor accounting, and sports abuses
    - legislators are questioning whether academe has been a good steward of public money
    - research has raised ethical issues that make the public uncomfortable
3. Faculty life is changing
    - now possible to become rich as a faculty superstar, usually in technology
    - by contrast, institutions are increasingly using part timers who have little financial or job security
4. Northeast is out; South and West are in
    - historically the prestige institutions of the Northeast were the innovators in higher education
    - increasingly the privates and the public systems in North Carolina, Florida, Texas and California provide innovative leadership
    - barriers that once inhibited inclusion of various groups in the South and West are falling, e.g. Wake Forest now has more Catholic than Baptist students
5. Globally, the American university model has replaced the British and German models
    - private colleges are emerging
    - access to higher education is becoming more open
    - tuition is being charged and financial aid given
    - American institutions have spun off overseas instructional sites
6. Web based instruction is increasingly seen as a helpful part of, not the sole component of, effective teaching and learning
    - many distance learning based enterprises have gone under

- computer costs are higher than expected
- traditional education has been integrating distance learning

## Mr. Lederman asked for questions and comments.

- how well do faculty explain what they do to the public? (Professor Nickerson)
- public doesn't understand the rationale for tenure or for faculty teaching few classes; faculty shouldn't rely on institutional PR to explain (Mr. Lederman)
- legislators tend to see education as a product that can be measured; what are trends in assessment? (speaker unidentified)
- legislators' concerns are understandable given the competition for public resources, but efforts at assessment produce reports that just slip through one's fingers (Mr. Lederman)
- assessment at UB seems to be primarily program assessment, not assessment of the quality of research and graduate education; what is your view of the state of research universities? (Professor Selman)
- legislators see research as an economic engine, but doubt that is the motivation for many researchers; research institutions are subject to the same pressures as other educational institutions (Mr. Lederman)
- do public and private education have different roles? (Professor Cohen)
- boundaries between publics and privates have blurred; historically publics went to their legislatures and privates did fund raising, but now publics are also heavily involved in fund raising; faculty increasingly are paid more at prestigious privates than at prestigious publics; publics dominate in the South and the Midwest, but privates still dominate in the Northeast, including in New York where Governor Pataki holds the historic view that privates should be more prestigious than publics (Mr. Lederman)
- are we overproducing Ph.D.s ? (Professor Barbara Bono)
- a strength of American higher education is that there is no central oversight; groups like the Modern Language Association and the American Association of Universities

can encourage institutions to do the right thing, if they know what that is; a strong argument can be made for free market forces regulating the supply (Mr. Lederman)

- there is work for Ph.D.s to do, but not the economic support for the work (Professor Barbara Bono)
- what is the long term prognosis for the use of part time faculty? (Professor Bernice Noble)
- use of part time faculty will increase because it is cost effective; faculty unions face interesting problems if they represent both full and part time faculty since their interests are not always perceived as identical; important for full and part time faculty to align their interests; many part timers choose that status (Mr. Lederman)
- at present there is sympathy for part timers, but that may change if increased use of part timers begins to impact the hiring of full time faculty; would like to see a thorough, balanced report on the issue (Professor Bernice Noble)
- challenge your statement that tenure is not available outside higher education; in many fields after a short probation period, employees get permanent appointment; faculty, by contrast, have a long, difficult probation; fact files in the Chronicle are wonderful; consider providing rankings of institutions based on them (Professor Meacham)
- too complex to rank like the Princeton Review tries to do; the Chronicle publishes lists of various criteria which highlight different strengths of different institutions (Mr. Lederman)
- comment on the use of standardized tests in admissions (Dr. Durand)
- colleges embraced standardized tests as an alternative to trying to evaluate GPA's from many different schools and as a way to avoid bias against specific groups; now tests are seen as biased against other groups; standardized tests are unlikely to disappear, although individual tests may be replaced by others (Mr. Lederman)
- is there any national study of student attrition? are there educational assessment tools that correct for family income and education levels? (Professor Doyno)
- don't know; will try to find out (Mr. Lederman)

- can faculty governance have an impact on problems facing higher education? (Professor Dickson)
- in the last few years faculty governance has not been subjected to attacks as was the case in the early 90's (Mr. Lederman)
- at what level should graduate stipends be funded and by whom? (Professor Cohen)
- Chronicle recently surveyed AAU institutions and found wide variations in levels of graduate stipends; institutions should treat graduate students fairly, but that is a moral, not a legal, obligation (Mr. Lederman)
- have you seen any movement toward establishing area study programs to overcome U.S. lack of language and cultural sophistication that has become so apparent in recent weeks? (Professor Swartz)
- is now a recognition that the U.S. view of the world is too narrow; foundations the most likely source of funding for new programs (Mr. Lederman)

## Item 6: 2nd reading – Class Absence Policy

Professor Baumer, Chair of the Grading Committee, pointed out that the version of the Class Absence Policy distributed with the agenda has been substantially revised both in style and content to reflect discussion from the first reading of the Policy. He asked for questions and comments.

Professor Meacham moved (seconded) to amend the second sentence in the second paragraph of the Policy from "Instructors shall provide reasonable alternatives permitting students to make up required course activities from which they are justifiably absent" to "Instructors are encouraged to provide…".

- heart of the original proposal was that no academic penalty could be imposed for justifiably missing required course activities; the revised proposal obliges faculty to provide make up opportunities; in response to a real situation, I queried Professor Baumer about the acceptability of simply dropping the justifiably missed activity from final grade calculations and averaging the grades for the remaining activities, Professor Baumer wrote that a make up exam would be required to comply with the

proposed Class Absence Policy; my Department cannot sustain that workload given the many large classes we teach (Professor Meacham)

- the situation on which I was queried was one in which a student could elect not to take one of four exams and receive a final grade based on the average of the remaining three; if only one exam is justifiably missed there is no problem, but if two exams are justifiably missed, the final grade will be the average of three exams, the grade for one of which is zero; that is not acceptable under either version of the Class Absence Policy; a final grade based on the average of the two exams taken would be acceptable under either version of the Policy (Professor Baumer)
- the phrase "to make up required course activities" is causing confusion; Professor Meacham reads it to specifically require a make-up exam while I believe the phrase should be interpreted to require that a student be given the opportunity to make up for a required activity (Professor Malone)

The Chair asked if the Senate was willing to accept by general consent the insertion of "for" between "make up" and "required" in paragraph 3, line 3 of the revised Policy.

- do not object to the change and will withdraw my amendment if the minutes specify that an instructor may waive a justifiably missed activity and base the final grade on completed activities (Professor Meacham)
- the revised Policy is not intended to limit an instructor's options but only to hold a student harmless for a justifiable absence; after the first reading of the Policy, I surveyed the University Ombudsman, the Dean of Students, the Office of Equity, Diversity and Affirmative Action, and the Vice Provost for Academic Affairs and found that most cases arise when faculty change class times (Professor Adams-Volpe)
- waiving an activity is not making up for an activity; prefer some alternate wording (Professor Sridhar)

Professor Gentile moved (seconded) the following alternate wording "Instructors shall provide reasonable alternatives to students for required course activities from which they are justifiably absent."

- is a quorum present for this vote? (Professor Swartz)
- with only 32 Senators present, we lack a quorum (Professor Cohen)
- suggest that we vote on the sense of the body as to Professor Gentile's wording since we cannot vote to accept it (Professor Malone)

Professor Brown moved (seconded) to also insert the phrase "in a timely manner" between "absences" and "preferably at the beginning of the course" in paragraph 4, line 4. The sentence would then read "The student is responsible for notifying the instructor in writing with as much advance notice as possible of required absences, in a timely manner, preferably at the beginning of the course."

The sense of the body was to unanimously assent to Professor Brown's and Professor Gentile's amendments.

- is the Class Absence Policy intended to apply to the professional schools? in my opinion the Senate has no jurisdiction over grading matters in those schools (Professor Swartz)
- the Senate has never attempted to establish jurisdiction over the professional programs (Professor Malone)

Professor Faran moved (seconded) to strike the last sentence of the Policy. That sentence reads "Students shall not experience any adverse or prejudicial effects due to the exercise of the provisions of this policy."

- the policy on absence due to religious observance contains that statement; its inclusion in this Policy is intended to tie the two together (Professor Adams-Volpe)
- inclusion of the statement precludes me from offering a make-up exam since I cannot guarantee that the make-up exam will not be harder than the original exam; believe the previous sentence asking faculty and administration to exercise good faith addresses the issue of retribution (Professor Faran)

The sense of the body was not to accept Professor Faran's amendment.

- what are the parameters for a justifiable absence and who makes the determination? (Professor Mook)
- the Policy enumerates five types of justifiable absence: religious observance, illness documented by a physician, conflicts with University sanctioned activities, public emergencies and documented personal or family emergencies; the instructor determines whether circumstances met those categories (Professor Baumer)
- if the Policy rests on the instructor's judgment, why do we need any policy? (Professor Brown)
- some instructors have not been willing to offer reasonable alternatives to required activities missed because of justifiable absences (Professor Baumer)

Professor Malone, as Parliamentarian, described the consequences of a vote of the Senate in the absence of a quorum. The Senate can vote on the sense of the body as to the matter. At a subsequent meeting of the Senate, a quorum being present, the action of the earlier Senate can be ratified without a full discussion of the matter.

- motion to ratify this vote should be the first item on the December agenda (Professor Churchill)

The question being called, the Senate voted that the sense of the body was to adopt the Class Absence Policy as amended.

In the absence of a quorum, no new business being possible, the Senate adjourned at 4:00 PM.

Respectfully submitted,

Marilyn McMann Kramer
Secretary of the Faculty Senate

Present
**Chair:** M. Cohen
**Secretary:** M. Kramer
**Parliamentarian:** D. Malone
**Arts & Sciences:** W. Baumer, H. Bennett, B. Bono, J. Bono, J. Campbell, W. Chang, M. Churchill, J. Faran, T. Gregg, J. Meacham
**Dental Medicine:** B. Boyd, G. Ferry, L. Ortman

**Education:** J. Almasi, R. Gentile
**Engineering & Applied Sciences:** D. Malone, J. Mook, R. Sridhar
**Health Related Professions:** G. Farkas, S. Nochajski
**Law:** L. Swartz
**Management:** S. Gunn, W. Lin
**Medicine & Biomedical Sciences:** P. Bradford, J. Hassett, B. Miller, B. Noble, R. Noble, S. Rudin, S. Spurgeon, L. Wild
**Nursing:** J. Brown, T. Obst
**SUNY Senators:** J. Adams-Volpe, J. Boot, H. Durand, P. Nickerson
**University Libraries:** J. Dickson, W. Hepfer, J. Hopkins

## Guests

D. Lederman, Managing Editor, Chronicle of Higher Education
M. Rokitka, Physiology and Biophysics
G. Johnson-Cooper, University Libraries
D. Longenecker, Reporter
S. Watson, Buffalo News
V. Doyno, English
C. Chattoo, University Libraries
D. Waters, University Libraries
S. Paulson, The Spectrum
G. DeVinney, University Libraries
L. Stewart, Office of Equity, Diversity and Affirmative Action
B. Burke, Office of Equity, Diversity and Affirmative Action
S. Nolan Weiss, Office of Equity, Diversity and Affirmative Action
T. Burkman, Asian Studies
F. Mendel, Anatomical Sciences
W. Coles, Chair, Professional Staff Senate
N. Le, C.G.S.A.
A. Selman, Computer Science

## Excused

**Arts & Sciences:** C. Fourtner
**Engineering & Applied Sciences:** T. Mountziaris
**Informatics:** J. Ellison
**Medicine & Biomedical Sciences:** B. Grant, A. Vlauditu

## Absent

**Architecture:** R. Shibley, H. Steiner
**Arts & Sciences:** L. Bian, A. Cadenhead, J. Dugan, D. Eddins, J. Guitart, R. Hoeing, E. Kazmierczak, L. Kurdiel-Formato, H. Luo, A. Markelz, C. Mele, J. Pappas, A. Petrou, C. Stinger
**Dental Medicine:** E. DeNardin, J. Zambon
**Education:** J. Ernst, L. Malave, R. Stevenson
**Engineering & Applied Sciences:** W. Anderson, R. Wetherhold
**Health Related Professions:** P. Horvath
**Management:** J. Ogden, M. Trivedi
**Law:** I. Marcus, E. Meidinger
**Medicine & Biomedical Sciences:** E. Egan, W. Flynn, A. El Solh, P. Glick, C. Granger, S. Greenberg, T. Guttuso, J. Izzo, M. Kulaylat, T. Langan, R. Lee, R. Lifeso, C. Lundgren, K. Mahran, F. Schimpfhauser, D. Shucard
**Pharmacy:** A. Luzier
**Social Work:** B. Rittner, A. Safyer
**University Libraries:** A. Booth