

FACULTY SENATE

Minutes of February 4, 1998 - (approved)

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The Faculty Senate met at 2:00 PM on Wednesday, February 4, 1998 in Talbert Hall 107 to consider the following agenda:

1. [Approval of the minutes of December 10, 1997](#)
2. [Report of the Chair](#)
3. [Faculty Access to Student Data](#)
4. [Update on Enrollment](#)
5. [Resolution on the New Paltz Situation \(Second Reading\)](#)
6. [Resolutions on the Review of Proposals for the Future of the University and Reorganization of Academic Units](#)
7. [Code of Academic Ethics](#)

Item 1: Approval of the Minutes of December 10, 1997

The minutes of the Faculty Senate meeting of December 10, 1997 were approved.

Item 2: Report of the Chair

In addition to the written report of the Chair, circulated prior to the meeting, the Chair announced that he is appointing an *ad hoc* Nominating Committee to find someone to succeed Professor Hoeing as Secretary of the Faculty Senate. He also noted that the Senate meetings for 1998/99 would return to Tuesdays for convenience and in order to allow additional FSEC meetings.

Professor Nickerson was pleased to announce that Professor Straubinger has agreed to chair the Computer Services Committee, and Professor Tedlock the Educational Programs and Policies Committee.

Item 3: Faculty Access to Student Data

Circulated prior to the meeting was a draft *Policy on Access to Student Data in the UB Infosource*, according to which faculty, and, when necessary, professional and clerical staff, would be granted access to student data, in order to enable them *"to make well-informed and nimble decisions that respond flexibly to rapidly changing student-service needs"*.

To Professor Adams' question about what types of information are included, Vice-Provost Goodman replied that the ever-growing body of data is strictly student-related, largely statistical in nature, such as transcripts and grades, addresses, phone numbers --- in general, "individually identifiable information, which is a fundamental issue here because [...] there are both ethical and legal concerns about inappropriate use or release" of this information. He agreed with her concerns over the large numbers of people --- for example, other students --- who might have access to these data, noting that this is indeed the most controversial aspect of the policy. Nevertheless, there are many offices on campus in which students work and occasionally need this information; the burden of responsibility rests on the supervisors in charge.

Professor Lawler asked about FERPA. The Vice-Provost explained that the intent of this policy, also known as the Buckley amendment, is to penalize institutions for any release of identifiable student information (such as grades) without the consent of the student. Asked whether he should not also include a statement about why these data are to be used carefully, Professor Goodman replied that the intent is that the required training would take care of this matter.

Item 4: Update on Enrollment

The Vice-Provost then presented and discussed several sheets of recent enrollment data. For the second consecutive year, UB failed to meet its announced enrollment target. He explained that a full-time student brings in about \$4,000 at the time of enrollment, and roughly the same amount in tax subsidy in the succeeding year's budget, thus the latter amount is not instantaneous due to the lag. The current shortfall affects not only this year's

budget, but consequently next year's as well. He concluded that the main problem is one of retention rather than recruitment; whereas the number of new students increased the numbers for continuing and graduate students decreased enough to cause an overall shortfall. To combat this problem, his Office has employed an enrollment-management consulting firm, Noel Levitz, which, despite the costs in time and money, is "bringing us some valuable contributions".

Since this is the second year in a row in which UB failed to meet its enrollment targets, the Vice-Provost's office decided to lower the targets for next year (to this year's actual enrollments), but not the FTE target, since this would cost the University money; this remains plausible because a good part of the enrollment shortfall is due to a decline in the number of part-time and MFC students.

We have not yet succeeded in reversing the downward enrollment trend; UB currently enrolls the fewest number of first-year students among the four main SUNY campuses. In his judgment, the problem constitutes "an institutional crisis". He implored the senators to convey the gravity of the situation to their colleagues, and to take the matter seriously.

The Noel Levitz consultancy has had the greatest impact on how we are changing our recruitment strategies, which until recently have been "very passive"; its members have stressed the need to be more pro-active, progressive and modern in this respect. The ideas currently under consideration are based on contemporary approaches to marketing, such as mailing and "tele-counseling", the idea of which is to recruit students *before* they apply. The University purchases lists of prospects from various sources, and uses a program (purchased from the consulting firm) entitled "Forecast Plus" to determine the likelihood that a particular student or type of student will enroll, based on demographic characteristics. So far, the model appears to be successful. The consulting group stresses the need to supplement this with "continuous targeted contact" with the prospects; to this end, tele-counselors will soon be able to call up previously stored data about student prospects when they make follow-up calls. In addition, another Open House is planned for

this Spring (since the Fall event proved so successful), at which the emphasis will be on technology and the "beautiful facilities we have".

Although freshmen represent a fairly homogeneous group, transfer students are more heterogeneous and recruitment of them is more problematic. The only people who can speak to them effectively about the specific programs in which they are interested are those who are intimately familiar with those programs --- namely, the faculty. Thus we need to have faculty and staff be programmatically involved in the recruitment of transfer students.

Vice-Provost Goodman could not mention anything specific about the problems of graduate enrollments, since we lack any type of centralized information about them, nor any central process for managing graduate student applications.

Among the specific efforts to improve retention, the Vice-Provost mentioned the following:

- Block registration, by which a group of about 15 students will enroll for the same sections of several courses. The idea is for the students to get to know each other and thus help minimize feelings of isolation and general unhappiness, which cause several students to drop out.
- Expansion of "UB 101", a 1-credit course to be linked with the block registration effort.
- Employment of a diagnostic instrument that tests non-cognitive aspects of students' characteristics and makes predictions of possible trouble spots, in order to allow timely intervention. This is just one aspect of using more technology to communicate with the students; others include SOAR, "Student On-line Access to Records", a web-based avenue for students to find out their grades, and Web-Mail, a system by which we can communicate with students in a focussed, efficient manner.
- President Greiner opted not to characterize the problem as a crisis, but rather one in which there may well be opportunities. He suggested that the aggregate data presented by Professor Goodman need to be considered in a number of different contexts. When one "dis-aggregates" the data, certain trends emerge:

- The number of applications from high schools in Western New York has increased by almost 20% over the last five years, the yield from which is quite good. The problem lies in the decline in applications and yield from downstate New York, and in the somewhat less steep decline in central New York State. The advice and software from the consulting group has allowed us to formulate a more effective strategy of how to improve our image in these areas. One great disadvantage of UB is that, although it is the largest unit in the SUNY system, it is located farthest away from the center of the State's population; the technology we now have allows us to make much more effective and aggressive contact with student prospects. In addition, we are increasing our efforts to recruit in the out-of-state and international arenas --- not only does SUNY administration regard this as necessary, but the UB student population as well.
- The increase in cost has contributed significantly to the declining enrollments. Whereas in the past UB was the only SUNY center in a large metropolitan area which enjoyed a large draw on part-time students. With the increase in tuition and the intense competition from local institutions, attracting these students has become almost a "life-and-death" issue. As a result, we should use MFGC as an extension through which we truly extend our reach and offer unique programs, particularly terminal graduate and professional programs.
- Some schools and faculties --- for example, the Medical School and the School of Dentistry --- show no shortfalls whatsoever. The decrease in Law School enrollments resulted from a planned shift, with a concurrent increase in tuition, and represents no real loss. The enrollment decline in Engineering could well prove to be a cyclical phenomenon, since this has happened before.

After disentangling the data, then, we can more accurately define the nature of the enrollment problem, and identify the problem areas as well as potential solutions. In general, however, "We change the dynamic entirely if we do a better job of retaining our undergraduate students". President Greiner emphasized first, that we need to better match up our students with the programs we offer, and secondly, to engage the faculty more and earlier in

retention efforts. Soon, the new budgeting system --- Responsibility-Centered Management --- will make clear the connection between enrollments and retentions on the one hand, and budget allotments on the other.

Professor Fournier noted that, as we lower our T-Scores, we lower our standards of admissions, resulting in a poor selectivity. Although we do very well at the top end, and relatively well at the lower end of admissions, we do poorly in the middle; we do not effectively recruit students in the middle range with SAT scores between 1100 and 1200. "We pay a price for that", he continued, "in the classroom": The enormous range of students, for example in an upper-division course, often results in a lowering of educational standards, thus cheating our very best students. To solve this, we need to recruit more students in the upper-middle range.

He added that Noel Levitz does not seem to understand that we have a powerful tool, namely e-mail, to which nearly all junior- and senior-level high school students have access; we can more effectively communicate with these people through e-mail than via telephone conversations. Another problem is that we have so few alumni recruiting for us.

Vice-Provost Goodman acknowledged that the retention problem is in part a reflection of the recruitment issue Professor Fournier mentioned; his Office is in the process of improving middle-group recruitment. He pointed out that the T-score has in fact *not* been lowered; rather, the yield is much better for weaker students. This results in a tendency for the profile to drift downward.

Professor George commented that commuting may well be one of our most serious problems, and one, incidentally, which is relatively easy to fix.

Professor Doyno asked about the retention figures for students who enrolled in the Freshman Seminars. He also suggested we seriously consider the amount of money we spend on improving undergraduate education, especially since UB is more than \$2,000 under, per FTE, what is spent at the University of Missouri --- something he considered "just shameful". The Vice-Provost was not aware of any study of the Freshman Seminar program,

but noted that there are several programs (Honors, Athletics, EOP, for examples) with orientation seminars, small student-to-advisor ratios, and interventionist advisement strategies; all of these show much better retention than what generally holds for the undergraduate population. This seems to indicate that greater investment --- either in dollars or in faculty/staff time --- would significantly improve retention rates.

President Greiner added that we really do not know what we spend on either graduate or undergraduate education; this will improve with the imminent development of our information systems. He argued that, instead of talking about the investment in dollars, we should concentrate more on "*how we deploy ourselves*", since all the assets of the institution are already deployed --- mostly in the faculty. As a University center, we must offer a distinctively different *University* environment, different from the colleges. We must think much more creatively about how we utilize faculty time, and decide how each of us can make a maximal our contributions to that goal.

Item 5: Resolution on the New Paltz Situation (Second Reading)

In lieu of the original resolution, Professor Boot presented a new resolution commending the investigating committee on its report on the New Paltz issue, "*culminating in recommendations the [UB] Faculty is pleased to endorse.*

More specifically, the Faculty wants to underscore recommendation F, stating that when controversies arise about SUNY-campus events, it is essential to learn as much as possible about the facts before drawing conclusions, and to reflect how public statements, made without the benefit of careful factual scrutiny, have the potential to harm the institution."

The resolution added further that the UB Faculty would have preferred that recommendation (G) had concluded with a sentence affirmatively stating that Professor Bowen had, in the matter at hand, acted in the best traditions of academic freedom and its responsible exercise

The original resolution was amended by total substitution.

After a brief explanation of the revised resolution by Professor Boot, President Greiner commented that the New Paltz situation has been very costly, in several respects, to the SUNY system. He considered the report by the investigating committee superior in the sense that it addressed the issues "which arose at New Paltz from the beginning of the planning of the conference up to the time the conference actually [began]". In general, it seems that the manner in which the conference was handled at New Paltz "was well within the realm of entirely reasonable and appropriate behavior".

However, he and other campus presidents have no real sense of the appropriateness of anyone's behavior in the events transpiring during and after the conference. Although some of them have reservations about the way President Bowen handled himself, the main issue is to determine what constitutes appropriate behavior when a conference is being planned, what constitutes the president's role --- and to separate this from any events which may follow. The Chancellor's response, in President Greiner's opinion, was a reaction to the events following the conference. He does not think the statement establishes any process, or criteria, or guidelines, or policy with regard to how such a matter should be handled; rather, the report of the investigating committee is a much better guide.

Professor Baier noted that there had been considerable prior discussion, as well as agreed-upon prior censorship; this seems to indicate that "the error was made administratively up front". He did not feel comfortable "agreeing, *post facto*, because things went badly, that something should be protected". He pointed out also that sex toys had been on sale by a for-profit company, this in violation of SUNY-wide policy. He thus considered the process "a flawed process, in which we would be in error endorsing, *carte blanche*, the actions of our colleagues at New Paltz". Professor Boot reminded him that the resolution does not approve of these actions, but merely accepts the report and its conclusions.

Professor Swartz wondered whether the Faculty Senate should address the Chancellor's statement directly, since it seems to be in "direct contravention" to the resolution under consideration. Professor Boot replied that the resolution does not address the Chancellor's statement, but the report. The motion to endorse the resolution passed by voice vote.

Professor Adams asked the President whether he or any other campus presidents had offered any advice to President Bowen, considering he is rather new to the position. He replied that there may be a deficiency in the "degree to which there is mentoring and assistance to new presidents" in the SUNY system. He added that, had President Bowen asked for advice, "he would have gotten plenty". None of the presidents is in a position to criticize him, because they were not present during the events.

President Greiner added that he himself "is not in the business of giving prior approval", nor would he normally be involved in any discussions about the content of a conference. If something illegal occurs, then the president must step in; but on the other hand, he added, this "happens all the time --- and we don't intervene", partly because of the way our campus is designed. The unofficial policy is that "until someone makes a big issue out of it, we let it happen because we think it's an important part of vibrant [University] life".

When it comes to determining what impact events will have on a campus, he said that "the role of the campus president at that point is to preserve the institutional position so as to be able to defend the First Amendment and academic freedom rights of the faculty, even when they produce some really horrifically offensive results". But it is a mistake for the president to get involved personally.

Item 6: Resolutions on the Review of Proposals for the Future of the University and Reorganization of Academic Units

Professor Albini, chair of the Faculty Senate Governance Committee, presented a revised resolution on the Faculty Senate's obligation to review any proposals concerning the future reorganization of academic units in the University. The intent was to provide not only a structural process, but also some degree of flexibility in not requiring review of items which are "obviously acceptable and non-controversial". He pointed out that several Senators have indicated that such a process is desirable, and that it would enable the Senate to "present a representative view of the faculty" in such matters. It also provides for faculty interaction during the implementation of any change.

Professor Schack considered the resolution "a response to a non-problem", since the faculty has had no problems reviewing plans concerning the future reorganization of the University. The language of the resolution, he continued, subsumes "damn near everything", since the "future of the University" involves hirings, promotions, and numerous items which normally do not need review by the Senate or the Executive Committee. "What you have here is a resolution that does not say what it means; and that means that, sometime in the future, anybody who wants to will be able to use it to mean what they want". In the absence of any problem, he opposed a resolution that "invites mischief". Professor Malone also objected to the broad language of the proposal, and suggested making it more definite.

Professor Albini noted that the "fuzziness" of the language comes from the *Charter of the Faculty Senate* and in the *Bylaws of the Voting Faculty*, which, like a Constitution, usually serve as bases for any new proposals and resolutions.

By a close vote (18-17-2), the resolution was referred to the Committee for refining.

[Note: The vote totaled 37, 12 short of the required quorum; therefore the action on the resolution was rendered null.]

Item 7: Code of Academic Ethics (First Reading)

Professor Boot presented a proposed "Code of Academic Ethics", which states that *"a faculty member should not have an amorous or sexual relation, consensual or otherwise, with a student who is enrolled in his/her course, or whose performance is supervised or evaluated by that faculty member"*. The proposal would also prohibit a faculty member from being involved in decisions involving a student with whom he/she has had an amorous relationship, *"even outside the instructional context"*.

He considered it better to have such a statement to warn faculty to what is considered unprofessional behavior, than to have none at all. Although most cases never come forth, and although mechanisms exist which may be called upon to resolve them when they do, there should nevertheless be such a statement on ethical behavior.

Professor Schack observed that the language of the proposal is much too inclusive; if his wife were to enroll in a course for which he is the only teacher, the document would require either that they get a divorce or that he get fired. Nothing protects faculty from a case where there is a prior existing relationship; nor are there any alternatives to what is in the proposal. Were this Code to be accepted, the University would have to develop rules which specify how to deal with any complaints that may arise.

Professor Swartz opposed the resolution, first because he considered Professor Boot's rationale for the Code "specious". He did not see any need for explicit rules where implicit standards suffice; furthermore, the subtleties and complexities defy a small set of explicit rules. He advised caution in using other universities as role models, and found "dangerous ambiguities" in the language of the proposal. In criminal law, he continued, we almost invariably find, for sexual offenses, a selective enforcement of the rules; the code, although in writing, is "essentially a dead letter". Also, attempts to eradicate evils often give rise to others, such as blackmail and coercion; the proposal would invite a host of such abuses.

Professor George suggested we consult legal experts in this matter, and asked the President and the Provost to comment. Provost Headrick remarked briefly that it is difficult to have a rule without a procedure for enforcement, which adoption of the Code would inevitably require. Although we may implicitly accept this as a Code by which we operate, formal adoption would entail the development of a complex process for dealing with real and alleged offenses.

Professor Schroeder also spoke against the proposal, and asked Professor Boot whether it would be permissible if his wife, who is planning to enroll in one of his courses, would have her assignments and exams graded by someone else. Professor Boot responded that this would be "just common sense", at which point Professor Schack exclaimed, "*Yes, but that's not what you wrote!*"

In favor of the proposal was Professor Harwitz, who pointed out that the directives contained in the proposal were all "couched in the subjunctive"; therefore no hard rules were being established. Professor Meacham also supported the proposal, mainly to alert our

colleagues that situations have changed since the '60s and '70s, that the burden of proof has shifted, that faculty members will indeed be held much more responsible than they were in the past. Far from passing a law, we would simply be supporting a statement of principles in accepting the Code.

Professor Malone was bothered by the vagueness of the language, particularly the phrase "amorous relationship", and wanted to know who would judge the alleged offender, and by what process. Professor Wooldridge considered the language in the proposal too strong and far too inclusive, and would invite too many complications. The issue of marital status, Professor Schack argued, is not important; rather, we should rely on "common sense" ways of dealing with such problems.

The meeting was adjourned at 4:00 PM.

Respectfully submitted,

Robert G. Hoeing,

Secretary of the Faculty Senate

PRESENT:

University Officers: W. R. Greiner, T. Headrick, N. Goodman

Faculty Senate Officers: P. Nickerson, R. Hoeing

Architecture: M. Hadighi

Arts & Letters: V. Doyno, M. Frisch, J. Ludwig, J. Rickard

Dental Medicine: R. Baier, M. Easley

Educational Studies: L. Klenk, T. Schroeder, L. Yang

Engineering & Applied Sciences: D. Benenson, W. George, S. Mohan, M. Ryan, R. Sridhar

Health-Related Professions: S. Nochajski, J. Tamburlin

Information & Library Studies: G. D'Elia

Law: L. Swartz

Management: J. Boot, J. Newman, C. Pegels, R. Ramesh

Medicine & Biomedical Sciences: B. Albini, D. Amsterdam, S. Gallagher, R. Heffner, C. Leach, B. Noble, S. Rudin, F. Schimpfhauser, H. Schuel, A. Vladutiu

Natural Sciences & Mathematics: P. Calkin, M. Churchill, J. Faran, C. Fournier, M. Ram, K. Regan, J. Reinick, S. Schack

Nursing: M. Johnson, P. Wooldridge

Pharmacy: R. Madejski

Social Sciences: J. Charles-Luce, P. Hare, M. Harwitz, J. Lawler, P. Luce, J. Meacham, C. Sellers, B. Smith, P. Zarembka

SUNY Senators: J. Fisher, D. Malone, C. Welch

University Libraries: J. Adams, C. Densmore, W. Hepfer, M. Kramer, D. Woodson

Dean, Millard Fillmore College: G. Lopus

School of Education: E. Bromley

Professional Staff Senate: M. Stokes

EXCUSED:

Arts & Letters: L. Chisholm, M.-E Gutiérrez

Medicine & Biomedical Sciences: R. Batt, S. Rudin, A. Saltzman, M. Spaulding

Nursing: M. Marecki

Social Sciences: D. Banks, G. Beck

ABSENT:

Arts & Letters: A. Efron, N. Grant, J. Holston, M. Hyde, R. Mennen

Dental Medicine: A. Aguirre, G. Ferry, R. Hall

Educational Studies: B. Johnstone, L. Malave

Health-Related Professions: L. E. Gosselin

Medicine & Biomedical Sciences: M. Acara, M. Alashari, E. Fine, W. Flynn, S. Greenberg, C. Smith, J. Sulewski, A. Wakhlo, B. Willer

Natural Sciences & Mathematics: J. Berry, S. Bruckenstein

Pharmacy: N.

Social Sciences: H. Calkins

SUNY Senators: M. Jameson