

COUNCIL AND COMMITTEE SUMMARIES

Senate Executive Committee, October 5, 2009

As submitted to Dick Collier, Secretary, University Senate

UNIVERSITY SENATE CHAIR'S REPORT – R. Michael Range, Chair

Fall Faculty Meeting. The Chair met with Chief of Staff Vince Delio to discuss scheduling and details about the upcoming meeting. The meeting will be held on Thursday, October 15, 2009, at 3 pm, with refreshments and informal conversations beginning at 2:30 pm. The main agenda item is President Philip's Report to the Faculty. An announcement has been sent out, and a reminder, including the agenda, will be sent out closer to the meeting day.

Progress report about charter amendments. On August 27, 2009, President Philip wrote to then Senate Chair Delano that he was "not inclined to approve" the four charter amendments that the University Senate had approved last year. (The amendments and rationale are available at <http://www.albany.edu/senate/legislation.htm>, items 0809-08, 0809-09, 0809-13, and 0809-15) He also wrote that he would be asking governance to begin a review of UAlbany's Faculty Bylaws. The matter was referred to the new Senate Chair. Because of the broad implications and procedural issues, Chair Range called for a meeting of senate officers Collier, Delano, and Lifshin, together with four previous senate chairs (Dewar, Hoyt, MacDonald, and Messner) to assess the situation. The meeting took place on September 9. There was an understanding that based on the Policies of the BOT (Article X.5.b) and other SUNY documents, provisions in bylaws and charter that do not involve consultation with the president do not require the president's approval. The group also agreed that a better understanding of the president's concerns was needed. Chair Range met with President Philip on September 11 to share relevant documents and to begin the process of collaboratively finding a solution. President Philip is concerned about a possible infringement of the prerogatives vested in the Chief Administrative Officer by the Policies of the BOT. On Tuesday, 9/29, the senate leadership group (except for one senate officer) met with the President and with Provost Phillips for further discussions. The constructive and productive meeting resulted in the following agreements:

- **Amendment Regarding Eligibility to Chair Senate Councils and Committees, #08.** The President will approve this, although he does not agree with this amendment because it limits the freedom of a council/committee to choose its chair, and because of its perceived divisiveness. This amendment creates two classes of council members: ex officio versus members chosen by governance.
- **Amendment to Ensure Better Consultation, #13.** This amendment requires the President's approval. President Philip decided not to approve it. The senate leadership reassured President Philip that this amendment was not directed against him, and further agreed that the outcome of the Presidential Search late last Spring makes this amendment unnecessary.
- **Clarifying Amendment on Graduate Courses, #09.** There is broad agreement on the principles - already encoded in the charter - and on the intent of this amendment. However, it seems that the language may cause some confusion and could be clarified. Governance will work with Provost Phillips to find clearer language. This will be discussed at today's meeting under Old Business.
- **Amendment to Create IRCUAP, #15.** There is agreement that some form of "first level review" is needed for programs and courses that do not originate from schools or colleges. It is not clear how such a committee would be placed within the faculty governance structure. IRCUAP provides one model. The FYE Task Force Report, for example, suggests another model. The matter remains under review. In the meantime, programs and/or courses that would be subject to such first level review would be placed on hold.
- **Review of Bylaws.** The President will provide governance with specific instances of provisions in the current bylaws and charter that he views as inconsistent with the Policies of the Board of Trustees and with the principles of best practice of shared governance. Governance will promptly review and address these provisions.

Retention Committee. On September 30, 2009 Chair Range received an Outlook notification of this year's first meeting of the Retention Committee scheduled for October 27. Since there is no provision for senate officers to serve ex officio on this committee, and since Range has not been a member of this committee, it appears that a review of the membership of this committee – something which has not occurred since its initial creation in 2005 - is in order. Furthermore, there have been no reports by the Retention Committee to governance in several years, and it might be useful for governance to review the status, activities, and charge of this committee. The matter will be discussed under Old Business. Relevant documents have been mailed out with the agenda. The Chair has invited Vice Provost Wayne Locust, Chair of the Retention Committee, to join this discussion.

UFS (University Faculty Senator’s Report) – William Lanford & Daniel D. White, SUNY Senators

Nothing to report.

GSO (Graduate Student Organization) – Melanie Breganza, GSO President

Nothing to report.

SA (Student Association) – Josh Sussman, SA President

Nothing to report.

MSCHE Steering Committee Report – Reed Hoyt, University Senate Representative

Nothing to report because the MSCHE Steering Committee has not met.

CAA (Council on Academic Assessment) – Heidi Andrade, Chair

The Council on Academic Assessment has met its membership goals, created committees, and set general agendas.

CAFFECOR (Committee on Academic Freedom, Freedom of Expression, and Community Responsibility) – Susanna Fessler, Chair

The committee continues to collect data and materials to resolve the problem of conflicting freedom-of-speech policies on campus. It appears that Senate Bill 0304-25, which was passed by the Senate, was not reviewed at the Presidential level, and we propose that this happen this year. We will be meeting again on October 12. [The text and Senate minutes are appended.]

Senate Bill Number 0304-25

Introduced by the Council on Academic Freedom and Ethics

Date: April 28, 2004

CAMPUS POLICY ON FREEDOM OF EXPRESSION

IT IS HEREBY PROPOSED THAT THE FOLLOWING BE ADOPTED:

I. The University affirms its commitment to the principle that the widest possible scope for freedom of expression is the foundation of an institution dedicated to vigorous inquiry, the expression of diverse perspectives, and open, robust debate. The University seeks to foster an environment in which all University members and invited guests may express their views as widely and as persuasively as possible; at the same time, the University pledges to protect the right of all members of the campus community to express themselves, including those persons expressing controversial, unpopular, dissident, or minority opinions. The University believes that censorship is always suspect, that intimidation is always repugnant, and that attempts to discourage constitutionally protected expressions antithetical to the University’s educational missions (adapted from University Office of Research, Office for Sponsored Funds, University Policies, section entitled Freedom of Expression).

II. The University shall establish reasonable “time, place, and manner” regulations to maintain a safe environment that facilitates the educational mission of the University. However, expression may not be prohibited or limited for any reason related to the content of the expression, except as permitted in those narrow areas of expression devoid of federal or state constitutional protection (adapted from University Office of Research, Office for Sponsored Funds, University Policies, section entitled Freedom of Expression).

III. The University further affirms that the appropriate response to expressions that are perceived by some to be offensive is the expression of alternative viewpoints. Attempts to stop or impede the expression of certain viewpoints harms the entire community. The University also recognizes the importance of facilitating the timely organization of events that are designed to respond to, and provide alternative viewpoints on, controversial topics. This is fundamental to maintaining a vigorous ongoing dialogue, which supports open intellectual inquiry.

A. All University community members are encouraged to express their views in ways that support community cohesiveness, mutual appreciation and respect, and a high quality of civil inquiry and dialogue.

B. All speech shall be protected except that which is not constitutionally protected, including but not limited to obscene speech (e.g., expressions of purely prurient nature, with no socially redeeming value) or as specified in the State University of New York Board of Trustees “Rules and Regulations for the Maintenance of Public Order,” 8 N.Y.C.R.R. §535.3.

IV. Members of the University community may conduct or sponsor organized expressive activities in designated outdoor areas of the University in accordance with procedures approved by the Office of the President. Such procedures may include, among other things, a requirement that space for the conduct of expressive activities be scheduled in advance with the University. The University may impose constitutionally permissible time, place and manner restrictions on expressive activities. Time, place and manner restrictions on expressive activities are permissible provided they are unrelated to the content of the expressive activity, are narrowly tailored to serve the University’s educational mission and leave open ample alternative channels for communication. Decisions to grant or deny permission to conduct expressive activities shall be based upon adherence to applicable University procedures, local, state and federal law and the availability of space. In no event should the decision be based on the content or

viewpoint of the expressive activity or upon the anticipated reaction of others to the expression. When an expressive event or speech is disallowed or restricted, a written explanation describing the grounds for the denial or restriction shall be supplied to the event sponsor by the designated University administrator.

Only University groups which have official recognition may sponsor events and invite non-university members or groups to participate in expressive events on campus. Persons engaged in expressive activities and those in attendance at such events are expected to demonstrate civility, concern for the safety of persons and property, respect for University activities, respect for those who may disagree with their message or viewpoint and compliance with all applicable University policies and regulations and applicable local, state and federal laws.

A> All events, organized by University members and recognized University groups, other than formal academic units, shall be registered with an administrative office to be designated by the University President. This registration process shall require event organizers to provide information, including, but not limited to, the sponsor, location, time, title and a brief description of an event. A complete, electronic listing of all registered events shall be maintained and made available to the University community.

B. The University's established policies for the approval and posting of event advertisements on University property shall govern the approval and posting of event advertisements for expressive activities under this policy.

C. The use of props, banners, and other displays used in events may be limited in cases where public safety is at risk or where such paraphernalia includes expressions that are not constitutionally protected.

V. In addition to planned events, the University recognizes the need to support spontaneous expressions and free speech of members of the University community. Such expressions may be permitted by the University, without prior reservation, only in such area or areas as may be designated by the University and subject to regulations governing such activities as may be promulgated by the University. Such regulations may include, but shall not be limited to, a prohibition of amplified sound, prohibition of stationary displays, exhibits or structures and a limitation on the period of time during which such activities may be conducted.

A. To protect the educational mission, the University may prohibit electronic or other sound amplification equipment in connection with spontaneous expressions and free speech.

B. All community members shall respect the right of free speech and not attempt to interfere, heckle or otherwise prohibit the speech of others; instead, they may express alternative views during their turn to speak.

VI. Complaints and alleged violations of this policy should be referred to the Committee on Academic Freedom, Freedom of Expression and Community Responsibility (formerly known as the Council on Academic Freedom and Ethics). This Committee will serve as a hearing body available to those members of the University community who feel their freedom of expression has been unfairly denied or limited. The Council will review the circumstances and report its findings to the President for further review and action.

This policy is applicable to University at Albany students, faculty, staff and their invited guests who wish to engage in organized expressive activities on property owned, leased or under the control of the University. It does not apply to official University activities, e.g., commencement, faculty receptions, and other similar functions. Groups or individuals engaged in organized expressive activities as provided herein shall be responsible for the content of their expression. Permitting organized expressive activities under this policy does not constitute official University endorsement of the content of the expressive activities.

VII. That the bill be forwarded to the President for approval and implementation, including the development and promulgation of guidelines and procedures to effectuate its purposes.

RATIONALE

Robust, wide-open expressions of ideas in peaceful assembly and without restrictions on content are central to the educational mission of the University. The University has a legitimate right to regulate "time, place and manner" of expression, to maintain the educational mission and to provide a safe environment for all University members.

The proposed bill represents an effort to reaffirm the right of free speech at the University at Albany, to help educate community members and support a better understanding of the rights and responsibilities of freedom of expression. Current guidelines are detailed with respect to student groups; however, policies governing freedom of expression for all University members are not well specified. Also, existing policies focus on, and provide guidelines for, the conduct of organized events but give little or no reference to spontaneous free speech. Furthermore, much of the centrally located outdoor areas, especially of the uptown campus, are currently reserved for scheduled events (e.g. information tables, lunchtime amplified events).

The Council on Academic Freedom and Ethics was advised by faculty and staff with expertise in constitutional rights and legal practices related to freedom of expression and speech, especially related to college campuses. In addition, the Council reviewed available policies on freedom of expression for Florida State University, the University of Georgia, Oregon State University, University of Houston, Arizona State University, University of Vermont, University of Delaware, UC Berkeley, SUNY Brockport and SUNY Binghamton. A wide variety of freedom of expression issues were covered and these policies often appeared to reflect particular historical experiences of a university. For example, one university had a policy dealing specifically with the appropriate use of "symbolic structures." In addition, freedom of expression policies are in some instances addressed explicitly and in other cases integrated into broader general policy statements. It may be postulated that universities with more prominent policy affirmations of freedom of expression may experience more active participation in such activities.

The Senate minutes from May 3, 2004 read in part:

Bill Number 0304-25, Campus Policy on Freedom of Expression, introduced by CAFE:

Professor Armstrong introduced the bill and mentioned highlights of the bill, such as calling for an office to deal with constitutional rights on campus to be designated by the President, and allowing for a limited forum. A limited forum would "... support spontaneous expressions and free speech of members of the University community." The bill further states that "Such expressions may be permitted by the University, without prior reservation, only in such area or areas as may be designated by the University and subject to regulations governing such activities..." After a lengthy discussion about spontaneous expressions occurring during class sessions and the conflicts that may arise from such spontaneous expressions, the bill passed 18 to two, with seven abstentions.

CERS (Committee on Ethics in Research and Scholarship) – John Monfasani, Chair

GOV is in the process of creating the joint committee on scholarly misconduct as voted at the last meeting of the Senate in 2008-2009.

COR (Council on Research) – James Castracane, Chair

We've had just one meeting and are filling our subcommittees to start business

CPCA (Council on Promotions and Continuing Appointments) – Carlos Rodriguez, Chair

Nothing to report.

GAC (Graduate Academic Council) – Laurence Kranich, Chair

The GAC met on September 23, 2009. The Chair explained the functioning of the Council and its standing committees to the new members. The Council approved the provisional membership lists and chairs of the committees. There are still several vacancies, and the Council authorized the Chair to appoint additional volunteers as needed. The Council was briefed by the Dean of Graduate Studies on the status of the Graduate Student Support (GSS) review.

In addition, a draft of a revised proposal by the Departments of Biological Sciences and Computer Science for an Advanced Graduate Certificate in Professional Science Management was circulated and discussed. The final proposal will be reviewed by the Committee on Curriculum and Instruction and brought before the Council at its next meeting.

Other items were remanded to committees, including consideration of a graduate syllabus requirement, a study of the different types of graduate certificates, and the possible introduction of graduate DARS audits.

GOV (Governance Council) – Eric Lifshin, Chair

The Governance Council has established its meeting schedule for the fall 2009 semester. Meetings will be on Fridays at 4 pm in UNH 105 on the following dates: 10/2, 10/16/ 10/30, 11/20, and 12/11.

GOV has nominated two of its members for membership on the CERS Ad Hoc Committee mandated by the Senate at its May 2009 meeting. It also recommended that, in addition to University Counsel, CERS include Professor James Dias, newly appoint Iterim VPR, on the CERS Ad Hoc Committee. These recommendations are being forwarded to CERS Chair John Monfasani.

GOV also voted on replacements for the two members of the DSP/DTP Committee. Their names will be forwarded to the President, along with the council's recommendation that the names of the members of the committee along with nomination deadlines and regulations be posted on the University web pages, both in the interest of transparency and in the hope of attracting more nominations.

LISC (Council on Libraries, Information Systems, and Computing) – Gwen Moore, Chair

An organizational meeting was held on September 21. One carryover issue from last year is the IT privacy policy. Associate counsel have been invited to meet with LISC members to discuss legal issues relating to privacy but have not yet responded to the invitation. Christine Bouchard asked LISC members of the IT committee to review the ITS 2.0 draft that was sent via email to all faculty and staff for comment. Additional members of the Library committee are needed. Future LISC meetings this semester, all Mondays, 3-4 pm, are: 10/12, 11/9, 12/8.

UAC (Undergraduate Academic Council) – Joan Savitt, Chair

UAC is finishing work on the following bill and wishes to bring it to the Senate at the next meeting. This bill shows the intent of UAC but the wording may be subject to further editing. UAC also voted to add Linda Kryzkowski, a non-voting guest, to its regular email distribution list.

UAC BILL 09-10: 1 That the existing bulletin text be changed as indicated in boldface red, to become effective Fall, 2010.

CREDIT LOAD

A normal semester load is *15 credits*. The maximum number of credits for which a student registers in a semester is an individual matter. The maximum credit load for a student in a given semester is determined with the advice and consent of that student's academic advisor. *It is incumbent upon students to present a rationale to their academic adviser for registration for more than 15 credits.*

No undergraduate may register for more than 19 credits.

The Office of the Vice Provost for Undergraduate Education (LC 30) may authorize students to register for more than 19 credits. **Students studying abroad must apply for authorization no later than 4 weeks after the start of classes overseas. (Credits earned for pre-session courses which, when added to the regular semester's course load, bring the total semester's enrollment to over 19, do not need such authorization.)** Students must present compelling academic justification and have the approval of their academic adviser or major department for a request to exceed 19 credits to be considered.

Rationale:

Undergraduate students sometimes believe that they will be able to undertake a course load which advisers at UA may believe is overly ambitious, given their previous academic record. UAC wants students to be able to succeed in the full set of courses they enroll in each semester, whether at UA or abroad. Since students studying overseas often cannot know what their schedule will be until they have arrived overseas, this bill allows them additional time to consult with their adviser and to file a petition with the Office of the Vice Provost for Undergraduate Education.

Some study abroad programs include a credit-bearing pre-session. Since the pre-session coursework is completed prior to the start of the regular term, this bill allows students to register for up to 19 additional SUNY credits without requiring specific permission.

NOTE: It is the intention of the Office of Study Abroad and Exchanges at Albany to add the following to the implementation of this rule: in those cases where a student's application for a waiver is *not* approved, the student will be instructed to drop back to a maximum of 19 SUNY credits. If this change is made after the official drop date at the host university, with the result that the student receives a failing grade from the host university, this grade will be converted to a W on the student's official Transcript Supplement. That is, students will not be penalized for following rules set by UA which contradict the rules of the host university in this particular matter.

ULC (University Life Council) – Daniel R. Smith, Chair

The Council had one meeting on September 29th, and has a second meeting on October 6. The semester meeting schedule is: :

Tuesday, September 29	8:00AM – 9:30AM	Terrace Lounge
Tuesday, October 6	8:00AM – 9:30AM	CC 375
Wednesday, October 14	3:00PM- 4:30PM	CC 364
Monday, October 19	1:30PM -3:00PM	TBA
Wednesday, October 28	3:00PM- 4:30PM	CC 364
Tuesday, November 4	8:00AM – 9:30AM	Terrace Lounge
Wednesday, November 12	3:00PM- 4:30PM	TBA
Tuesday, November 17	8:00AM – 9:30AM	Terrace Lounge
Wednesday, December 2	3:00PM- 4:30PM	Terrace Lounge
Monday, December 7	1:30PM - 3:00PM	CC 364

The council is full, with the exception of the one spot for Classified Staff, and I have reached out in an attempt to fill that position

Discussion of H1N1 virus and University operations. Present by Dr. Peter Vellis, Director, University Health Center and Dr. Michael Christakis Asst VP for Student Success. Shared the 'work in progress' campus plan for H1N1 virus outbreak. Also shared two handouts (distribute at meeting): 1) H1N1 Fact Sheet for students faculty and staff and; 2) Pandemic Planning Index (work in progress, not finalized). Briefly, UA has been able to move forward quickly in its plans for dealing with an H1N1 outbreak due to planning that had already taken place in response to the avian flu threat in 2006.

ere is a website at the university which has H1N1 information on it for the entire community, as well as periodic e-mail-updates sent to the community. Dr. Vellis reported that his staff are closely monitoring every student that contacts them with

a complaint of influenza like illnesses (ILI), and have received test kits from NYSDOH to monitor disease prevalence at UA, and many colleges are the focus of DCD, state and county DOHs due to the prevalence of flu on college campuses.

UAlbany has ordered hand soap dispensers and soap for installation at many locations, and has Flu-kits, which have surgical mask, and other items to help students who contract an ILI.

Began discussion of implementation of Undergraduate Ombudsperson Bill. Three observations that affect implementation:

1. The amount of funding and support the office receives. Lightly funded and lightly supported would make it fail quickly.
2. Models of successful programs need to be considered.
3. Need recommendations for implementation, which ULC will begin to develop.

UPPC (University Planning and Policy Council) – John Delano, Chair

At its upcoming meeting on Thursday, October 8, when the proper role of governance in the University's budget process will be discussed, all members have been provided with two items to read (i.e., UPPC portion of Senate Charter; 1984 article in Journal of Higher Education by Fred Volkwein). The JHE article describes the importance of consultation among the University's many constituencies.