

**UNIVERSITY SENATE  
UNIVERSITY AT ALBANY  
STATE UNIVERSITY OF NEW YORK**

Introduced by: Governance Council

Date:

**Amendment RE: Charge of CAFFECOR**

IT IS HEREBY PROPOSED:

- That the amendment to the University *Senate Charter* below be adopted.
- That this amendment go into effect immediately upon adoption.

**I. Current Charter:**

VII.6 The Executive Committee may establish subcommittees.

VII.7 Standing Subcommittees of the Executive Committee

VII.7.1 Two standing committees which shall report to the Senate through the Executive Committee shall be appointed to be called upon as needed to author, review and implement policies governing the conduct of the University community, and as needed, for alleged cases of misconduct.

VII.7.3 Committee on Academic Freedom, Freedom of Expression and Community Responsibility

VII.7.3.1. Composition

VII.7.3.1.1. CAFFECOR shall consist of six Teaching Faculty, at least two of whom shall be Senators and at least three at the level of Full Professor, who shall serve two-year terms and up to four Professional Faculty.

VII.7.3.1.2. The members of CAFFECOR shall be nominated for Senate approval by the Committee on Council Nominations of the Governance Council.

VII.7.3.1.3. The chair of CAFFECOR shall be selected by CAFFECOR from the continuing members. This selection shall occur in the spring for a one-year term to

begin the following academic year. The chair shall serve on the Executive Committee of the Senate.

#### VII.7.3.2. Responsibilities.

VII.7.3.2.1. The Senate 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, robust debate, and the continuous search for a proper balance between freedom and community responsibility.

VII.7.3.2.2. CAFFECoR shall be responsible for establishing and interpreting policies and procedures concerning academic freedom and ethics which shall govern the conduct of the University community, and also for those matters for which it is given responsibility by negotiated employment conditions.

VII.7.3.2.3. CAFFECoR shall serve as a hearing body available to those members of the University Community who feel that their freedom of expression has been unfairly suppressed.

VII.7.3.2.4. CAFFECoR shall be responsible for establishing procedures for investigating and for oversight of investigation of charges brought against members of the Faculty as specified in the *Faculty Bylaws* Article I, Section 2.2.4, except as determined by CERS to be primarily matters of misconduct in scholarship and research, or as specified by other University regulations. Issues may be brought to the Chair of CAFFECoR, who shall then call a meeting as needed.

## **II. Overview of proposed revision**

It is proposed that the role of hearing body for faculty, staff, and students' grievance concerns be removed from the charge of this committee and that language of its charge with respect to policies governing the university community in matters of Academic Freedom, Freedom of Expression and Community Responsibility be modified to clarify and better reflect its role as an advisory, rather than a policy making body, and to codify successful past practices. Changes to 7.7.1, the description of the two standing subcommittees of the Senate Executive Committee, address CAFFECoR's inability to author and implement policy. This change coincidentally resolves a contradiction between 7.7.1 and what CERS is able to do within the language of its charge. The description suggests that CERS can implement policy, though CERS, like CAFFECoR is not a policy-making body as its specific charge states.

## **IIA. Summary of proposed changes**

To these ends, the following changes are required:

The removal of sections V11.7.3.2.3 and VII.7.3.2.4.

The addition of a directive statement for section VII.7.3.2.1, now subsumed under VII.7.2.

Clarification and expansion of VII.7.3.2.2, now subsumed under VII.7.3.2 as subsections VII.7.3.2.1 and VII.7.3.2.2.

Modification of language of section VII.7.1

## **III. Proposed Revision to Senate Charter**

In sum, it is hereby proposed that the revised section of the Senate Charter pertaining to CAFFECOR should read as follows:

VII.7.1 Two standing committees which shall report to the Senate through the Executive Committee shall be appointed to be called upon as needed to review and recommend policies governing the conduct of the University community, and as needed, for alleged cases of misconduct.

VII.7.3 Committee on Academic Freedom, Freedom of Expression, and Community Responsibility

VII.7.3.2. Responsibilities. The Senate 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, robust debate, and the continuous search for a proper balance between freedom and community responsibility. Therefore the Senate charges the Committee with the following:

VII.7.3.2.1 The Committee has the responsibility to consider issues impinging academic freedom, freedom of expression and community responsibility.

VII.7.3.2.2 The Committee shall recommend policies and review implementation of policy and procedures pertaining to matters of academic freedom, freedom of expression and community responsibility for both students and faculty.

## **IV. Rationale**

When the Amendment on the Dissolution of CAFFECOR (1314-01A) introduced on September 30, 2013 did not receive the requisite number of votes to pass at the subsequent meeting on October 21, 2013, the Governance Council took up the matter of revising the Charter to remove the Committee's role as a judicial body and to clarify its remaining function, that of sounding board on campus policies that deal with academic freedom, freedom of expression, and

community responsibility. In the revision process, we reviewed the history of CAFFECOR, formerly CAFE, and its activity over the past decade.

The original charge of CAFE [Senate Bill 197172-32] placed matters of academic freedom, freedom of expression, and community responsibility explicitly within its purview:

1.2 The Council shall consider problems and recommend policies concerning matters of academic freedom and responsibility.

1.3 The Council shall consider problems and recommend policies and standards of professional ethics particularly as they relate to the interaction between academic privilege and academic responsibility both within and without the university community.

1.4 The Council shall insure that procedures are available for student grievances concerning professional behavior deemed to be in derogation of professional responsibility and privilege.

Our review of the Senate minutes of the last 10 years shows that CAFE/CAFFECOR has taken up issues that range from the impact of the Patriot Act on campus as it pertains to regards to surveillance, international students, and constitutional rights, to the internal coherence of campus policies regarding freedom of speech. It has also served as a resource for facilitating forums and helping negotiate among constituencies where conflicting University policies have been identified. (See Appendix 4)

In short, the changes we propose clarify the Committee's function, reflect successful and useful past practices, and provide a workable framework for supporting that function.

### **Appendices**

1. Amendment on the Dissolution of CAFFECOR (1314-01A)
2. Minutes of the University Senate Meeting, September 30, 2013
3. Minutes of the University Senate Meeting, October 21, 2013
4. CAFFECOR Activity (past ten years)

**UNIVERSITY SENATE  
UNIVERSITY AT ALBANY  
STATE UNIVERSITY OF NEW YORK**

Introduced by: Governance Council  
Date: September 30, 2013

**Amendment RE: Dissolution of CAFFECoR**

IT IS HEREBY PROPOSED THAT THE FOLLOWING BE ADOPTED:

- That the proposed amendment to the University *Senate Charter below* be adopted.
- That this amendment go into effect for the Spring 2014 Senate.

**Current Charter:**

VII.6 The Executive Committee may establish subcommittees.

VII.7 Standing Subcommittees of the Executive Committee

VII.7.1 Two standing committees which shall report to the Senate through the Executive Committee shall be appointed to be called upon as needed to author, review and implement policies governing the conduct of the University community, and as needed, for alleged cases of misconduct.

VII.7.3 Committee on Academic Freedom, Freedom of Expression and Community Responsibility

VII.7.3.1. Composition

VII.7.3.1.1. CAFFECoR shall consist of six Teaching Faculty, at least two of whom shall be Senators and at least three at the level of Full Professor, who shall serve two-year terms and up to four Professional Faculty.

VII.7.3.1.2. The members of CAFFECoR shall be nominated for Senate approval by the Committee on Council Nominations of the Governance Council.

VII.7.3.1.3. The chair of CAFFECoR shall be selected by CAFFECoR from the continuing members. This selection shall occur in the spring for a one-year term to begin the following academic year. The chair shall serve on the Executive Committee of the Senate.

VII.7.3.2. Responsibilities.

VII.7.3.2.1. The Senate 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, robust debate, and the continuous search for a proper balance between freedom and community responsibility.

VII.7.3.2.2. CAFFECOR shall be responsible for establishing and interpreting policies and procedures concerning academic freedom and ethics which shall govern the conduct of the University community, and also for those matters for which it is given responsibility by negotiated employment conditions.

VII.7.3.2.3. CAFFECOR shall serve as a hearing body available to those members of the University Community who feel that their freedom of expression has been unfairly suppressed.

VII.7.3.2.4. CAFFECOR shall be responsible for establishing procedures for investigating and for oversight of investigation of charges brought against members of the Faculty as specified in the *Faculty Bylaws* Article I, Section 2.2.4, except as determined by CERS to be primarily matters of misconduct in scholarship and research, or as specified by other University regulations. Issues may be brought to the Chair of CAFFECOR, who shall then call a meeting as needed.

### **Proposed Revision:**

It is proposed that CAFFECOR be removed as a standing committee of the Senate Executive Committee and that Section VII.7.3 be removed from the Charter accordingly.

The following minor changes (in bold) are required to sections preceding Section VII.7.3.

VII.6 The Executive Committee **has one standing subcommittee and** may establish **other** subcommittees **as needed**.

VII.7 Standing Subcommittee of the Executive Committee

VII.7.1 **The Executive Committee's** standing **subcommittee**, which shall report to the Senate through the Executive Committee, shall be appointed **to discharge its responsibilities as specified in VII.7.2**.

### **Rationale:**

The rationale for the dissolution of CAFFECOR is provided in the attached report from CAFFECOR. The Executive Summary and Conclusion from that report are included here.

### EXECUTIVE SUMMARY

After much deliberation, the Committee on Academic Freedom, Freedom of Expression and Community Responsibility (CAFFECOR) would like to suggest its dissolution. As a committee, we have spent much time exploring the history of CAFE/CAFFECOR in efforts to better understand its 'charge'. In doing so, we have come to realize that faculty, staff, and students' grievance concerns can already be addressed and resolved elsewhere. This has not always been the case; when CAF/ was first established there was less in place on campus to deal with freedom of expression and community responsibility. However, over time our campus has developed procedures in a number of areas to address these issues. For example, the Community Rights and Responsibilities document, which comes from the Office of Student Success, fully addresses conduct on campus.

Additionally, as a body, we do not have any authority and are not recognized by General Counsel as a fiduciary part of the University at Albany. This means that the process of obtaining evidence and rendering decisions cannot fall under our purview. , nor can we render any binding decisions. After reviewing the current campus procedures in place, we realized that the need for a standing committee seems to have disappeared. We would like to note that, should the need arise, an Ad-Hoc Committee could be created to deal with specific situations.

## CONCLUSION

CAFFECOR's role as a judicial body is problematic and untenable. The remaining role—that of sounding board on campus policies which deal with freedom of expression—could still be fulfilled, but it seems that maintaining a standing committee for such a purpose is not necessary. We would recommend that the SEC instead appoint an ad hoc committee should the need arise. For example, the Community Rights and Responsibilities document is occasionally revised by the University Council, and should the Council choose to consult with the faculty through the Senate, then an ad hoc committee would be appropriate. One recommendation that follows from this suggestion is that members of such an ad hoc committee be given some sort of training on the topic of freedom of expression and university regulations and policies, perhaps in the same vein as the training received by CERS members.

## **2013-2014 University Senate**

**Monday, September 30, 2013  
2:45 pm, Campus Center Assembly Hall**

Christine Wagner, Chair

### **Minutes**

**Present:** Jeanette Altarriba, Bryant Barksdale, Deborah Bernnard, Marc Cohen, Sridar Chittur, Aiguo Dai, Anthony DeBlasi; Erzsebet Fazekas, Edward Fitzgerald, Richard Fogarty, Cynthia Fox, Elizabeth Gaffney, Lynn Gelzheiser, Jennifer Goodall, Yenisel Gulatee, Janell Hobson, Caitlin Janiszewski, Michael Jaromin, Michael Jerison, Lani Jones, Jane Kadish, Genevieve Kane, Ann Kearney, Igor Kuznetsov, Kajal Lahiri, Danielle Leonard, Andi Lyons, David Mamorella, Daniel Markisello, Cylas Martell-Crawford, David McCaffrey, David McDowall, Carla Meskill, Joe Messmer, John Monfasani, Melissa Murata, John Murphy, Saggi Nevo, Gregory Nowell, James Pasquill, Greta Petry, Susan Phillips, John Pipkin, Nathan Powers, Loretta Pyles, Helene Scheck, Lawrence Schell, John Schmidt, Kabel Nathan Stanwicks, Joette Stefl-Mabry, Caro-Beth Stewart, Christine Wagner, Kevin Williams, Oscar Williams, Ryan Witte, Mark Wolfe, Elga Wulfert, Yan Zheng, Yuchi Young, Alan Zemel, James Zetka

**Guests:** Jon, Bartow, Susanna Fessler, Chenaniah Henderson, Karin Reinhold, Kathie Winchester

The meeting convened at 2:50 pm.

Chair Wagner made welcoming remarks and thanked everyone for their service. She announced that for the future, meetings will start on time at 2:45 pm.

### **APPROVAL OF MINUTES**

A motion was made and seconded to approve the minutes of May 13, 2013. The motion was approved by a show of hands.

### **PROVOST'S REPORT – SUSAN PHILLIPS**

Provost Phillips delivered the following report on behalf of President Jones who was unable to attend.



The Provost referred to the weeklong inaugural celebration. She recapped the varied highlights of the week which included faculty posters in the Campus Center; a sold out performance by Carolee Carmello; and a conversation with the daughters of Desmond Tutu. The celebration was capped by the inauguration ceremony on Saturday. A video extending a personal greeting from Desmond Tutu to President Jones was played at the inauguration ceremony.

- The campus welcomed the class of 2017 with 2,571 incoming freshman who were accepted out of 21,500 applicants. The average high school grade is 90.1 and SAT scores showed an increase. The incoming class is very diverse with 41.9 percent of the population being students of color. The University has enrolled 13,145 undergraduates and 4,595 graduates for a total enrollment of 17,740 students for 2013-14. Enrollment for out of state and international students also increased. Provost Phillips reported the start of the new Living Learning Communities in several disciplines which includes Chemistry, Biology, East Asian Studies and History, as well as many others.
- The writing and critical inquiry program was launched this semester and 16 new faculty have been hired for the program. With the program in place, every first year students will have the opportunity to be in a small class, a first on campus. The faculty continues to grow with approximately 55 new full time faculty joining the ranks this year. Many were hired under the SUNY 2020 plan.
- There will be a follow up to the academic retreat that was held over the summer. Consideration will be given for programs in high need areas, career development perspective and undergraduate experiences.
- The new building for the School of Business opened in August and will be a hub of new business innovation.
- Recipients of the 2013 Citizen Laureate Awards have been named: Steve Emblar is the Academic Laureate and James Barba is the Community Laureate. They will be honored at the annual ceremony in October.
- Provost Phillips provided an update on construction around campus. The new football stadium opened with a home game. The game drew 11,000 attendees. The acquisition of the Schuyler High School is complete and will increase available space downtown by one-third. The building requires renovation but will be a major asset to the university. The water tower and fountain are scheduled for completion this fall. The new data center will open in March 2014. The Campus Center expansion is expected to be completed in 2015. The design phase of the new ETEC facility will begin soon.

The Open SUNY Initiative outlined by Chancellor Zimpher in her State of SUNY address is expected to go into effect in January of 2014. The initiative will complement our online teaching and learning initiative. Currently we have five graduate programs and 121 graduate courses being taught online, and 158 undergraduate courses being taught online. Open SUNY will create a SUNY-wide catalog of online courses and programs. SUNY is looking for feedback and input. Provost Phillips encouraged everyone to register their comments.

The provost reported updates concerning the separation of CNSE. An implementation team has been formed and should be convening soon. Also, and campus advisory committee is being

formed to assist President Jones on the process and issues concerning the separation. Updates will be made on the progress.

The Startup NY program enacted by Governor Cuomo in June is a tax free program for companies to start up on a SUNY Campus. Companies must create new jobs and tie into the university academic mission. Consideration will be given to companies that would fit best for UAlbany. The governor's office is still working on regulations for the program which is expected to begin in January.

Provost Phillips asked if anyone had questions. Senator Janiszewski asked when construction would begin on the Campus Center. The provost did not have a start date at this time.

Senator Jerison asked if information was available about what the budgets would like for the campus and CNSE and what detail had been approved with the pending separation. Provost Phillips responded that no details have been approved at this point. An MOU was signed by Chancellor Zimpher, President Jones and Sr. Vice President Kaloyeros that will sustain activities currently supporting CNSE through the transition year. CNSE is still part of the University at Albany as of this date and will not be separated until September 2014.

#### **UNIVERSITY SENATE CHAIR'S REPORT –CHRISTINE WAGNER, CHAIR**

President Jones, as part of the formal consultation process, met with the Senate Executive Committee on 6/13/13 and 7/17/13 to discuss the College of Nanoscale Science and Engineering's pursuit to become an independent, free-standing degree-granting structure within the SUNY System. In a memo (8/29/13) to Chair and Vice-Chair of the Senate, President Jones asked the University Senate to recommend fifteen (15) individuals to serve on a campus advisory committee that will assist the President, and UAlbany representatives on the SUNY Implementation Team, in considering issues associated with this transition. In accordance with Article II.5.5 of the Faculty Bylaws, the Senate Chair asked GOV to recommend individuals for the campus advisory committee. The recommended names were provided to President Jones on 9/13/13. The Senate Executive Committee recommended that GOV form a subcommittee to review internal Senate issues that may arise following the separation of CNSE.

UUP has raised the issue that the composition of CPCA, as defined by the Senate Charter, may be in conflict with Article 33.1.c of the UUP Contract. Consequently, the Senate Officers met with UUP local chapter president, Jim Collins, on 5/29/13 and again with Jim Collins and current local chapter president, Bret Benjamin, on 9/12/13. *Chair Wagner reported on the Senate's role concerning the CNSE separation. President Jones met with the Senate Executive Committee twice over the summer. At the president's request, GOV met and developed a roster of recommendations to serve on the Campus Advisory Committee. The names were forwarded to President Jones who is taking the recommendations under consideration. Chair Wagner said she expected to know soon the membership of CAC. Ryan Witte from the Student Association asked if students would be part of the committee. Chair Wagner responded that she sent a memo to President Jones recommending students be part of the committee or participate in an advisory capacity. Senator Jerison asked if any consideration was made concerning allocation between the two entities when the implementation team was formed. He also asked to what extent any agreements between UAlbany and CSNE will be taken into account during the separation and if the University would be provided information on how budgets are allocation. Chair Wagner deferred to the Provost for a response. Provost Phillips said those details will be charged to the implementation team and the CAC. Chair Wagner said she has asked President Jones to have a CAC spokesperson provide regular reports to the Senate. She expects updates will be provided in the president's and provost's reports to the Senate as well.*

## **Brief Welcome & Introduction: Christine Wagner**

Chair Wagner reviewed the Senate schedule for the year. She made introductions of the Senate officers, support staff and parliamentarian. The Chair recommended to Senators that they become familiar with the Senate website and its contents.

Chair Wagner provided an overview of the Senate's membership which includes *ex officios*, senators at-large, teaching and professional faculty from each school and college, and student senators. She reviewed the councils and standing committees that enable the Senate to carry out its function.

Legislation presented to the Senate is done in the form of bills, resolutions and amendments and these were briefly discussed. Senators were then presented with mock legislation to vote on which provided them a brief practice session for using the iClickers. A discussion ensued about rogue clickers being brought in the room and used. Senator Leonard said the use of iClickers can be monitored. She spoke in her role as former Senate Secretary and the use of iClickers was initiated during her term. Senator Leonard said the secretary has access to the voting data and can discern whether or not a rogue clicker has been used at a meeting. CAFFECOR Chair Fessler, who was the Senate Chair when the iClickers were initiated also addressed the issue. She said any member of a constituency has the right to inquire about how their senator voted. *Ex officios* do not have a constituency. If a rogue vote is attempted, it is eliminated from the vote total.

## **OTHER REPORTS**

### **UFS (University Faculty Senator's Report) –Danielle Leonard, J. Philippe Abraham & John Schmidt, SUNY Senators**

The SUNY Faculty Senators are looking forward to attending the Fall Plenary which will take place October 24-26 at SUNY Maritime. We are also pleased to announce that the University at Albany will host the 166<sup>th</sup> Winter Plenary January 23-25, 2014.

### **GSO (Graduate Student Association) – Caitlin Janiszewski, GSO President**

- We have a new name: Graduate Student Association
- We also have a new constitution, are working on new bylaws, as well as a strategic plan to address our most critical challenges.
- We are working on strategies to encourage committee and council attendance (committee coordinator and polling system).
- Improve our communication mechanisms (listserv and now a newsletter).
- Documenting our processes (developing programming and financial handbooks) to ensure efficiency and continuity from year to year.
- Working on a mission statement.
- Expanding to downtown campus.
- Developing a network of partnerships with offices and groups which already work to support graduate students (ITLAL, GSEU, UUP, International Studies, Graduate Studies, Career Services, Library Services, Financial Services).
- Working to represent graduate student interests the best we can throughout the separation of CNSE from UAlbany.
- Taking the lead in facilitating the President's forum promised to us by President Jones.

*Senator Janiszewski reported the GSA's lead senator resigned and Melissa Murata has been appointed to serve as acting lead senator. GSA is restructuring its process for developing handbooks and guidebooks.*

*The GSA has set a date for the president's forum for Monday, November 4 from 3:30-5:00. The president is scheduled to speak at 4:30 pm. GSA will work with the Student Association on the event.*

## **SA (Student Association) – Marc Cohen, Student Association Representative**

### 2013-2014 Student Association Executive Board

President:	Francis Agyemang
Vice President:	Nick Butler
Chief of Staff:	Lee Stanton
Programming:	Ajon Crump
Marketing:	Steven Valentine
Legislative Affairs:	Marc Cohen
Academic Affairs:	Derek Ellis
Community Engagement:	Rose Avellino
Student Group Affairs:	Katie Thomas
Multicultural Affairs:	Rachel Arnaud
Gender and Sexuality:	Emma Suarez
Dippikill Outreach:	Alexis Klein

### Programming:

- Block Party on September 22 was a success. Great student turnout. Performances went for well over an hour.
- Next event is the world Within Reach Speaker Series: Behind the Obama Campaign on September 28. For the first time, David Axelrod, David Plouffe and Jon Favreau will speak together in a public forum about the campaign and other issues. The panel will speak and then answer questions.

### Legislative Affairs:

- Voter Registration Drive was a success, more than 50 forms received. We tabled for Constitution Day during which we asked students questions about the Constitution and had information available for them.
- Met with Clifford Kim about this year's Legislative Agenda. Working on a number of issues including In State Tuition for Veterans Bill, TAP Increases, and Capital Investment continuation.

### Academic Affairs:

- "Things I wish I Knew As A Freshman" program. Working on a list of items for incoming freshman to help them better assimilate into the University community
- Working with academic departments on campus to assist students with academic concerns and complaints

### Student Group Affairs:

- 6 new student groups already, more to come
- Now temporary groups need faculty advisors, used to just be permanently recognized groups

### Multicultural Affairs:

- Working on bring a Farmers Market to campus which would bring native foods from different countries to campus

### Gender and Sexuality Concerns:

- Second Chance Prom
- Coming Out Week

### Dippikill Outreach:

- Creating a new advertising poster
- Trying to reach out to student groups that haven't previously been to Dippikill
- Working to help find groups easy and affordable transportation

*SA Representative Marc Cohen reported on the success of the Speaker's Series this past weekend. He said approximately 1,500 people attended the event. The SA has a new voter registration drive and forums will be held in each of the quads. Mr. Cohen reported there are eight new student groups this year.*

## **COUNCIL/COMMITTEE CHAIRS' REPORTS:**

**CAA (Council on Academic Assessment) – Deborah Bernnard, Chair**

The Council on Academic Assessment met on Fri. Sept. 20. Chairs of the Academic Program Review Committee and the General Education Assessment Committee were elected. Members of the Council chose the committee on which they will serve for the 2013-2014 academic year.

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

Nothing to report.

**CERS (Committee on Ethics in Research and Scholarship) – Carolyn MacDonald, Chair**

CERS is planning a training session.

**COR (Council on Research) – John Monfasani, Chair**

Nothing to report.

**CPCA (Council on Promotions and Continuing Appointments) – Sanjay Putrevu, Chair**

CPCA met on Sept. 6 and will meet again on Sept. 20.

**GAC (Graduate Academic Council) – Ronald Toseland, Chair**

The Graduate Academic Council had its first meeting and organized three committees.

**GOV (Governance Council) – Joette Stefl-Mabry, Chair**

GOV met on 09/09/13 to address:

1. the request of President Jones' to recommend 15 names for the CNSE Advisory Committee, and
2. the co-chair of the President's Advisory Committee on Campus Security's request to recommend two names of teaching faculty for the current open seat on that committee.

On September 13, 2013 the list of names for the CNSE Advisory Committee was sent to the Chair of the Senate who forwarded the names to the President's office.

We also met on 09/23/13:

1. formed the ad hoc committee to examine and make recommendations re: CNSE and Senate separation issues.
2. selected two names to send to the Campus Security Committee and
3. discussed the election for the new senator -at large.

**LISC (Council on Libraries, Information Systems, and Computing) – Elizabeth Gaffney, Chair**

The first LISC Meeting was scheduled for Monday, September 23, 2013, from 3:00 – 4:30 PM in AS 122. This will be a basic organizational meeting.

*Chair Gaffney reported that LISC is working on populating its subcommittees.*

**UAC (Undergraduate Academic Council) – Richard Fogarty, Chair**

Nothing to report.

**ULC (University Life Council) –Michael Jaromin, Chair**

The first meeting will be held on Monday, September 23rd. The ULC will also continue to work in conjunction with the Office of Diversity & Inclusion on the Inclusive Excellence initiative.

*Chair Jaromin reported that the President's Council on Diversity and the University Life Council are presenting a Dialogue in action series. The first event will be held on Monday, October 7 in the Campus Center Ballroom. He encouraged everyone to attend.*

**UPPC (University Planning and Policy Council) –Andi Lyons, Chair**

UPPC had its first meeting on Friday, September 20. At that time, Provost Phillips updated the Council on the opportunities and issues surrounding Governor Cuomo's Start-Up NY initiative. The Council plans to invite Registrar Chico-Hurst to its next meeting, to provide an update on the Academic Calendar beyond 2014-15 and on

the implementation of Chancellor Zimpher's seamless transfer system. The next meeting is scheduled for Friday, October 4, at 1pm.

*Chair Lyons reported that Registrar Chico Hurst's attendance has been confirmed for UPPC's October 25 meeting to discuss the academic calendar.*

## **NEW BUSINESS**

Chair Wagner reported that she had received an email from Professor Alain Diebold, chair of the CNSE governance body, informing her that all CNSE senators and council members were resigning from all Senate positions which would take effect immediately. Professor Diebold stated that CNSE is forming its own governance body and cited a conflict of interest in serving on the University Senate. The changes reported below include replacement of CNSE members.

### **Approval of Senator Replacements:**

Secretary Gulatee provided the details of the replacements of senators. A motion was made and seconded to approve the new Senate membership. The motion passed with the following voting results: Approved: 49; Opposed: 1; Abstained: 4

### **Election of Senators Selected by their Council as Council Chair:**

Chair Wagner referred to Section 8.3.3 of the Senate Charter which outlines the procedure for electing a council chair that is not a senator. The section states the following:

VIII.3.3. As stated in Article II Section 6.3 of the *Bylaws*, council chairs must be Senators. If a council is unable to elect a chair from among its Senators, it may nominate its chair-elect to be appointed for a one-year term as a Senator by the approval of the Senate.

This past spring, the following five non-senators were nominated and elected as chairs of councils:

Deborah Bernnard—CAA; John Monfasani—COR; Sanjay Putrevu—CPCA; Ronald Toseland—GAC; Elizabeth Gaffney—LISC. The five chairs require the Senate's approval for a one year term as a senator. A motion was made and seconded to approve them as senators. The motion passed with the following voting results: Approved: 52; Opposed: 1; Abstained: 3.

### **Approval of Changes in Council Memberships**

Secretary Gulatee reviewed the numerous changes that had occurred to council memberships since they were approved at the penultimate Senate meeting this past spring. The updated memberships include the graduate students as well. A motion was made and seconded to approve the membership. The motion was approved with the following voting results: Approved: 53; Opposed: 0; Abstained: 5.

### **Discussion of Charter Amendment 1314-01A (for vote on 10/21/13)**

Chair Wagner said the amendment was being introduced by the Governance Council which passed the amendment this past spring. In accordance with the Charter, the amendment is being circulated within the stated three week time frame before it can be voted on. The amendment is being presented today only for discussion and will be voted on in October. The accompanying report to the agenda was generated by CAFFECOR. CAFFECOR Chair Fessler spoke on the amendment and report and read the Executive Summary of the report:

After much deliberation, the Committee on Academic Freedom, Freedom of Expression and Community Responsibility (CAFFECOR) would like to suggest its dissolution. As a committee, we have spent much time exploring the history of CAFE/CAFFECOR in efforts to better understand its 'charge'. In doing so, we have come to realize that faculty, staff, and students' grievance concerns can already be addressed and resolved elsewhere. This has not always been the case; when CAFÉ was first established there was less in place on campus to deal with freedom of expression and community responsibility. However, over time our campus has developed procedures in a number of areas to address these issues. For example, the Community Rights and Responsibilities document, which comes from the Office of Student Success, fully addresses conduct on campus.

Additionally, as a body, we do not have any authority and are not recognized by General Counsel as a fiduciary part of the University at Albany. This means that the process of obtaining evidence and rendering decisions cannot fall under our purview, nor can we render any binding decisions. After reviewing the current campus procedures in place, we realized that the need for a standing committee seems to have disappeared. We would like to note that, should the need arise, an Ad-Hoc Committee could be created to deal with specific situations.

Senator Scheck asked for a clarification of the following section of the report:

“CAFFECOR is “responsible for establishing and interpreting policies and procedures concerning academic freedom and ethics” but this conflicts with the authority of the Board of Trustees’ Policies.”

Chair Fessler responded that the Board of Trustees (BOT) policy state that overall SUNY policy must be in accordance with New York State law. SUNY Central policy is the umbrella for SUNY campuses and local policy cannot go against NYS law. SUN regulations state that the responsible body is University Counsel.

Senator Fox said she was concerned about the necessity for abolishing the committee in light of events of the past six months such as MOOCs, Start-Up NY and Community Engagement initiatives. She felt it should be discussed in terms of academic freedom and as senators, and said we have lots of information giving reasons for maintaining the committee. Senator Fox continued, saying the original intent of the committee was not just to address grievances but all things that concern academic freedom. Chair Fessler said BOT policy has a clear statement on

freedom of speech in the classroom. A similar section appears in the UUP contract which trumps most policies. CAFFECOR felt that if someone felt freedom of speech was being restricted, it would be more a labor management issue addressed by UUP.

Senator Petry said a committee could still exist to discuss best practices. Chair Fessler responded that was why the clause about the ad hoc committee was added. Every three year University Counsel reviews best practices with Student Success. If in that cycle they feel the need to consult with the Senate they could form an ad hoc committee. Maintaining a permanent standing committee seems redundant.

Senator Scheck voiced concerns about going to an ad hoc committee with the changing community entering into private enterprise on campus and the changing relationship with CNSE. She said there would be room for discussion to address potential problems and best practices. Chair Fessler said those things would not fall under the charge of CAFFECOR.

UAC Chair Fogarty said it was his understanding that CAFFECOR does not have a demanding work load. Chair Fessler said confirmed his statement and said in the past five years the committee has had one case brought to them which was turned over to the University Counsel.

Senator Kane said based on the dialogue she believed that an ad hoc committee would be appropriate. Chair Fessler said CAFFECOR and CERS often have no duties during the course of a year and an ad hoc committee would be formed in response to a need. Parliamentarian Howard added that an ad hoc committee could be created every year but does not need to be case.

## **ADJOURNMENT**

The meeting adjourned at 3:55 pm.

Respectfully submitted by  
Gail Cameron, Recorder



## 2013-2014 University Senate

Monday, October 21, 2013

2:45 pm, Alumni House

Christine Wagner, Chair

### Minutes

**Present:** Jeanette Altarriba, Bryant Barksdale, Deborah Bernnard, Sridar Chittur, Leona Christie, Marc Cohen, Aiguo Dai, Anthony DeBlasi, Evgeny Dikarev, Richard Fogarty, Michael Ford, Cynthia Fox, Elizabeth Gaffney, Lyn Gelzheiser, Yenisel Gulatee, Janell Hobson, Caitlin Janiszewski, Michael Jaromin, Michael Jerison, Genevieve Kane, Ann Kearney, Kevin Knuth, Igor Kuznetsov, Kajal Lahiri, Danielle Leonard, Dan levy, Andi Lyons, David Mamorella, Daniel Markisello, Cylas Martell-Crawford, David McCaffrey, David McDowall, Joe Messmer, Antun Milas, John Monfasani, Saggi Nevo, Greta Petry, John Pipkin, Nathan Powers, Christine, Preble, Sanjay Putrevu, Eliot Rich, Helene Scheck, Lawrence Schell, John Schmidt, Emma Schwab, Kabel Nathan Stanwicks, Joette Stefl-Mabry, Caro-Beth Stewart, Christine Wagner, Oscar Williams, Mark Wolfe, Elga Wulfert, Alan Zemel, James Zetka

**Guests:** Jon Bartow, Susanna Fessler, Karin Reinhold, Kathie Winchester

The meeting convened at 2:48 pm.

### **APPROVAL OF MINUTES**

The minutes of September 30 were passed as written with the following voting results:  
Approved: 40; Opposed: 0 Abstained: 2

### **SENATE CHAIR'S REPORT – CHRISTINE WAGNER**

President Jones has officially formed the Campus Advisory Committee (CAC), following formal consultation with the Senate. As requested by President Jones, GOV provided a list of 15 recommended names for the committee. The CAC consists of 15 members, 8 of whom were recommended by the Senate. The CAC will advise the President as he works with the SUNY Implementation Team to develop the new relationship between UAlbany and CNSE. The President will convene the committee in October 2013.

UUP UAlbany Chapter President, Bret Benjamin has sent an official memo to Senate Chair Wagner stating that UUP has identified a conflict between the composition of CPCA, as defined by the Senate Charter, and Article 33.1.c of the UUP contract. President Benjamin requested that the Senate review the issue and take appropriate action. Senate Chair Wagner forwarded the memo to GOV Chair, Joette Stefl-Mabry and asked that GOV review the issue as soon as possible.

The Fall Faculty Meeting will be held on Tuesday, November 5<sup>th</sup>, with a back-up date of Thursday, November 7<sup>th</sup>.

*Chair Wagner reported that the SUNY Implementation Team has not yet met. The CAC has been officially formed and will convene after President Jones receives a report from the implementation team. The Senate will receive updates on the CAC activities from Senate Chair Wagner, a member of CAC, and the CAC Chair. Chair Wagner was asked if there are student members on CAC and she responded that there were. She was also asked if the membership has been made public. She responded that, to her knowledge, it had not. She reported that 51% of the membership is composed of recommendations forwarded to the president by the Governance Council.*

## **OTHER REPORTS**

### **UFS (University Faculty Senator's Report) –Danielle Leonard, J. Philippe Abraham & John Schmidt, SUNY Senators**

The SUNY Faculty Senators are looking forward to attending the Fall Plenary which will take place October 24-26 at SUNY Maritime. We are also pleased to announce that the University at Albany will host the 166<sup>th</sup> Winter Plenary January 23-25, 2014.

*Senator Leonard reported the SUNY Senators will attend the fall plenary later this week at SUNY Maritime College.*

### **GSO (Graduate Student Organization) – Caitlin Janiszewski, GSO President**

President's Forum: November 4th - from 4:10 to 5:30 in LC 25 (awaiting confirmation on reservation).

The President is going to receive a "worksheet" from the GSA and SA next week breaking down the top 4 issues we want addressed (2 grad, 2 undergrad). We will also be sending out an agenda for the program.

*Senator Janiszewski reported that a new lead senator has been elected. The GSA is finalizing a worksheet for the President's Forum which includes five topics for discussions. The document will be forwarded to the President's Office.*

### **SA (Student Association) – Marc Cohen, Student Association Representative**

Academic Affairs – Derek Ellis, Director

- Continuing with the "UA U Should Know Program"- things students should know about UAlbany that they might not already know.
- Looking ahead to the career fair in February, and working on ways to get SA more involved in the fair.

Legislative Affairs – Marc Cohen, Director

- Voter registration drive is coming to an end. We are going to be collecting forms from living areas over the next few days and send them out by October 11
- Beginning to discuss some preliminary plans for UAlbany Day

Community Engagement and Outreach – Rose Avellino, Director

- Connect to Community Week will be the 16<sup>th</sup>-23<sup>rd</sup> intended to enhance community service and engagement throughout the University Community
- "Student Association Day of Service" - Pine Hills Cleanup October 27<sup>th</sup> 12-3 PM

Gender and Sexuality Concerns – Emma Saurez, Director

- LGBTQ Friendly Fair on Friday, October 11 from 12-3 PM by the small fountain
- Coming Out Reception, October 24<sup>th</sup> at 7 PM in the CC Ballroom

*Senator Cohen reported that Lee Stanton is the new comptroller. Senator Cohen was elected as the new chief of staff and will step down from his role as legislative director. A new director will be selected in the coming weeks.*

## **COUNCIL/COMMITTEE CHAIRS' REPORTS:**

### **CAA (Council on Academic Assessment) – Deborah Bernnard, Chair**

Nothing to Report

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

Nothing to report

**CERS (Committee on Ethics in Research and Scholarship) – Carolyn MacDonald, Chair**

Nothing to report

**COR (Council on Research) – John Monfasani, Chair**

COR met on September 19 and organized itself for the coming year with the selection of chairs for its various subcommittees.

*Chair Monfasani reported the council is working on guidelines for FRAP and will complete a survey of the FRAP results. Chair Wagner asked if members were still being sought for COR's subcommittees. Chair Monfasani said yes. Chair Wagner asked senators to put a word out to their colleagues who may be looking for Senate service and to let them know they should contact Chair Monfasani.*

**CPCA (Council on Promotions and Continuing Appointments) – Sanjay Putrevu, Chair**

The CPCA met on October 4. The next meeting is scheduled for October 18.

*Chair Putrevu reported the council does not have any cases to review at this time.*

**GAC (Graduate Academic Council) – Ronald Toseland, Chair**

Nothing to report

*Jon Bartow, Vice Dean for Graduate Education, reported that GAC's Committee on Educational Policy and Procedure is in need of two members. Chair Wagner reminded everyone that serving on a subcommittee is an excellent way to serve on the Senate.*

**GOV (Governance Council) – Joette Stefl-Mabry, Chair**

GOV met on 10/07/2013.

GOV selected recommendations of Senate designees, at the request of Dr. Tine Reimers, in the Provost Office, to serve on the varied Excellent Award Selection Committees. Additionally, GOV approved the lists that had already been compiled and forward the list of Senate designees and the approved lists to Dr. Reimers.

GOV named and began to explore charges for the Ad Hoc Committee to examine the larger issues of Senate changes regarding the resignation of CNSE senators and Council Members. GOV determined the committee would be called the *Ad Hoc Committee on Senate Implications of the CNSE Transition*. Presently three members of GOV are on that Ad Hoc Committee and it was decided that a discussion to expand the membership of that committee, and its charges, would take place at the next GOV meeting on 10/21/2013.

**LISC (Council on Libraries, Information Systems, and Computing) – Elizabeth Gaffney, Chair**

Nothing to report

**UAC (Undergraduate Academic Council) – Richard Fogarty, Chair**

At its October 2<sup>nd</sup> meeting, the council approved revised learning objectives for the International Perspectives category of the General Education Program. In light of senate and campus discussions of the category, the General Education committee revised the learning objective, and then forwarded them to UAC for consideration. After further modification to improve clarity and concision, with an eye to making clearer to faculty and students the purpose and goals of courses in the category, the council adopted the revised learning objectives and has communicated them to the Office of Undergraduate Education for publication and implementation. At the same October 2 meeting, the council approved undergraduate student Patrick Cronin as a member of the General Education Advisory Board.

**ULC (University Life Council) –Michael Jaromin, Chair**

The University Life Council met on September 23, 2013. The Council confirmed that it would continue to support and co-sponsor with the President's Council on Diversity the Dialogue In Action series which will begin on October 7th at 10:00 am in the CC Ballroom featuring Dr. David Kung entitled "Social Justice in Mathematics and Other Fields". The Council is also seeking an update from the Tobacco Free task force and will share these as soon as we receive any information. The council will be exploring other University life issues and asking for updates from offices such as Conflict Resolution, Athletics, Residential Life, UAS/Dining and UPD. Other topics of interest were concerns over the isolation of the East campus and the transfer student experience. Our next meeting will be on October 28th.

*Chair Jaromin reported the next session of the Dialogue in Action series will be held on November 4 with Dr. Kristie Ford, Associate Professor of Sociology from Skidmore College as the guest speaker*

### **UPPC (University Planning and Policy Council) –Andi Lyons, Chair**

*Chair Lyons reported UPPC will meet on October 25. The Provost and University Registrar will provide updates at that time.*

## **UNFINISHED BUSINESS**

### **Charter Amendment 1314-01A—Dissolution of CAFFECOR:**

Chair Wagner said the timing requirements for circulation of the amendment have been fulfilled and the accompanying report to the amendment resides on the Senate website. The amendment was brought forth by CAFFECOR and was introduced by the Governance Council. Chair Wagner reminded Senate members of the rules of debate. Everyone who wished to speak would be provided an opportunity and the debate would be kept balanced by allowing people to speak alternately either for or against the amendment. She asked CAFFECOR Chair Fessler to lead the discussion.

Chair Fessler reminded everyone that the amendment is to eliminate CAFFECOR as a standing committee but with the opportunity to assemble an ad hoc committee in the future. The proposal does not suggest that concerns about academic freedom and freedom of speech are dismissed. She said the role of other entities on campus make the role of CAFFECOR untenable. A debate on the amendment followed.

Senator Petry spoke and said she respected the work that CAFFECOR members had done on the amendment and the report. She referred to the statewide UUP delegation which she attended and discussions took place about Open SUNY and seamless transfer. Senator Petry said campuses will be confronted with major issues in light of Open SUNY about control of the curriculum and quality of courses. She added that keeping CAFFECOR in place is a good idea to maintain best practices.

Senator Fox agreed with Senator Petry's position. She added that consideration be given to the original intent of the committee in order to be proactive about upcoming issues like Open SUNY for purposes of maintaining freedom about what is being taught. Senator Fox said that even though the Senate is not a policy making body, she did not believe we should cede the right to make recommendations about campus policy.

Senator Scheck also agreed with Senators Petry and Fox. She said we have a responsibility to one another for a mutual understanding among students, faculty and professionals as private enterprise and new entrepreneurs are invited on campus.

Senator Levy suggested that the Senate could better assess the need of CAFFECoR by having a better understanding of the functions of the other councils. He inquired as to whether some of the concerns being expressed could be addressed by other councils. Chair Wagner said she believed that some issues would fall under existing councils. While the Senate is advisory, we could make recommendations. As an example, she said UAC could look at issues related to Open SUNY and online courses, and could bring those concerns to the Senate. UAC Chair Fogarty agreed. UPPC Chair Lyons said her council would address issues with resource implications that might be related to Start-Up NY.

Senator Fogarty said that a number of the issues discussed would go before other committee, and while he shared the concerns previously articulated, there were two important points related to the justification of maintaining CAFFECoR: 1) CAFFECoR is not tenable or statutory; 2) the committee has no business to conduct. The committee has had one case in five years. He said people who serve on CAFFECoR felt they could serve on other councils and offer their services more productively. Senator Fogarty advocated for an ad hoc committee to address issues that are beyond academic freedom related to Open SUNY and seamless transfer. Senator Scheck said UAC's and UPPC's concerns are not about academic freedom and freedom of expression. She added that the power of the Senate is in the recommendation. Senator DeBlasi said if a standing committee is dedicated to current issues, we need to assure that the agenda is formed in a way to discuss those issues. An ad hoc committee could be formed with a very clear agenda to address an issue such as Open SUNY.

As a point of clarification, CAFFECoR Chair Fessler reiterated the charge of CAFFECoR and read from the Charter the following responsibilities of the committee:

VII.7.3.2.2. CAFFECoR shall be responsible for establishing and interpreting policies and procedures concerning academic freedom and ethics which shall govern the conduct of the University community, and also for those matters for which it is given responsibility by negotiated employment conditions.

Chair Fessler clarified that the body which establishes policy is the University Council.

VII.7.3.2.3. CAFFECoR shall serve as a hearing body available to those members of the University Community who feel that their freedom of expression has been unfairly suppressed.

VII.7.3.2.4. CAFFECoR shall be responsible for establishing procedures for investigating and for oversight of investigation of charges brought against members of the Faculty as specified in the *Faculty Bylaws* Article I, Section 2.2.4, except as determined by CERS to be primarily matters of misconduct in scholarship and research, or as specified by other University regulations. Issues may be brought to the Chair of CAFFECoR, who shall then call a meeting as needed.

Concerning the last two responsibilities related to issues of grievances, Chair Fessler clarified that procedures outlined in UUP's contract must be followed and CAFFECOR has no role.

Senator Fox appreciated Chair Fessler's clarification. She asked if the committee's charge could be redefined if the amendment to dissolve CAFFECOR did not pass. Chair Fessler said there would have to be a motion from a council or individual to define the committee's charge. Chair Fessler added that the spirit behind the current amendment is that it's not advantageous to keep something in place that is not functioning. As long as it's in place in the Charter, the Senate is bound to populating the committee even if it does not do anything. She added that committee members could be spending their time more productively. Senator Fox then asked if CAFFECOR were dissolved, could a motion be brought forth to form a new council. Chair Wagner responded that the Senate could vote to dissolve CAFFECOR and a motion could be made to form a new council, or if the amendment is voted down, the charge of CAFFECOR could be changed. Chair Fessler pointed out that since it was a Charter amendment, the rules are slightly different. Parliamentarian Howard indicated that changes in the charge need to be noted but an amendment would have to wait another month before conducting a vote. Senator Fox asked if a friendly amendment could be introduced to the amendment on the floor. Chair Wagner clarified that changing the charge of CAFFECOR would require a separate Charter amendment from the one on the floor. Parliamentarian Howard indicated that a vote could not be conducted until proper notice was given. Senator Fox proposed an amendment to the amendment on the floor that CAFFECOR return to deliberation and consider how the charge of the committee could be refocused on issues of academic freedom in the larger and more philosophical sense. Chair Wagner said the language in the current amendment could not be changed but the mission of the committee could be changed in a new resolution.

Senator Fogarty recommended that the Senate vote on the amendment on the floor. Further, he recommended that parties interested in either maintaining the current body or creating a new body do the required work instead of sending it back to CAFFECOR. Senator Kane suggested that any new committee or ad hoc committee incorporate academic freedom and freedom of expression into its charge. Chair Wagner reminded everyone that the amendment on the floor still required a vote. A motion could be made to have GOV address the issue of creating a new council but it could not be tied to the amendment on the floor. Debate on a new council and new charges for CAFFECOR continued briefly. Chair Fogarty called the question to put the amendment to a vote and the motion was seconded. A vote was conducted with the following results: Approved: 32; Opposed: 13; Abstained: 4  
The vote did not produce the required two-thirds approval of the Senators present as required by the Senate Charter. Therefore, CAFFECOR remains in place.

## **NEW BUSINESS**

### **Approval of New Senators:**

Secretary Gulatee reported that Professor Andrei Lapenas from Geography and Planning has been elected to serve as the new CAS at-large senator. A vote was conducted approving Senator Lapenas with the following results: Approved: 47; Opposed: 1; Abstained: 0

### **Approval of Changes in Council Memberships:**

Secretary Gulatee reported several changes to the Senate councils comprised mostly of both undergraduate and graduate student senators. Those changes appear in the document at the end of these minutes. Council changes were approved with the following voting results: Approved: 46; Opposed: 1; Abstained: 1.

### **ADJOURNMENT**

Chair Wagner requested a motion to adjourn. Before a motion was made, Senator Fox commented that she appreciated the discussion that took place concerning CAFFECOR. She added that the type of debate that took place is the purpose of the Senate. A motion to adjourn was made and seconded and the meeting adjourned at 3:55 pm.

Respectfully submitted by  
Gail Cameron, Recorder

**Changes to Senators and Senate Councils**  
Senate meeting 10-21-13

**Senators:**

- Professor Andrei Lapenas (CAS/Geography & Planning)- CAS At –Large Senator

**Council membership changes:**

CAA:

- Alam, Bushra – GS S – New Lead Senator replacing Melissa Muratta
- Ramnath, Shireen – UG S

COR:

- Demarco, Tina - GS

GOV:

- Stanwicks, Kabel

LISC:

- Schwab, Emma – UG S

UAC:

- Messmer, Joe – UG S
- Markisello, Daniel – UG S
- DeAngelo, Skyler - UG S

ULC:

- Lapenas, Andrei – Professor (CAS Geo & Pln.)
- Witte, Ryan – UG S
- Martell-Crawford, Cylas – UG S

UPPC:

- Augustin, Stephanie – UG S



## CAFFECoR Activity, FA 2003- SP 2013

### AY 2003/04

9/22/2003

Professor Armstrong spoke to Legal Counsel, John Reilly and Associate Vice President for Student Affairs, Carl Martin regarding guidelines/policies on freedom campus. This was in response to an email from Mr. Martin to Professor Pipkin during the summer, asking that guidelines/policies on freedom campus; the other issue involved the distribution of new sp a campus; the other issue involved guidelines for holding expressive events on campus. We agreed to convene CAFE to discuss these issues. C who is on (medical) leave, would like to be copied on materials and kept current on our discussions. CAFE will have its first meeting on October 2, 2003.

10/27/2003

CAFE is reviewing structures and approval processes for faculty groups in connection with **Resolution 030[4]-02R**.

11/3/2003 (continuation of 10/27/2003 meeting) minutes

### **Resolution 0304-02R, Resolution for Recognition of SUNY Albany Peace and Justice.**

Presented by Professors Seidman, Cable, Benjamin, and Wittner. The resolution was moved and seconded. Professor Seidman introduced the Resolution and explained that it was developed because SUNY Albany Peace and Justice wanted to seek official recognition by the University as a group. Discussion followed.

Student Senator Amid asked if the group tried to get Student Association recognition. Professor Seidman said they need formal recognition as a faculty-based group. Someone asked for examples of other faculty groups parallel to this group and Professor Seidman said he is not aware that there are other faculty groups on this Campus. Professor Armstrong agreed that there are not any to her knowledge, and added that there is no policy toward the approval of such a group to her knowledge. CAFE has this issue on their agenda, although they have not made much progress on it yet. Richard Collier suggested that since there is no mechanism to set this issue, that the Senate should institute one. Professor MacDonald made an amendment to provisionally accept it as a group and set precedence and develop rules, she asked CAFE to get back to the Senate on setting rules. Chair Pryse asked if those proposing the Resolution would accept Professor MacDonald's suggestion as a friendly amendment to grant provisional resolution, it would be provisional on CAFE developing rules on status. After some discussion, the amendment was withdrawn.

Professor Range asked if CAFE is the only place to consider this, what about ULC? Professor Armstrong responded that ULC had a full agenda when this first came forward, so the agreement was that CAFE would first look at it then send it to ULC for code review. It was noted that in the first paragraph, the word "conduct" should be "contact." Also, the third and fourth bullets regarding "event planning assistance" and "leadership development services ..." should be stricken. When asked about how the group proposes to pay for things, Professor Seidman said the group generates its own funds by donations. A motion was made to vote on the Resolution with the three amendments. The Resolution passed with 33 in favor and 5 abstentions.

12/1/2003

CAFE is meeting weekly, focusing on 1) where student newspapers may be displayed on Campus; 2) policy guidelines for freedom of expression on campus; and 3) the impact of the Patriot Act on Campus.

12/8/2003

**Special Meeting of Full-time Teaching and Library Faculty Senators  
Purpose is to elect Faculty Representative Senators to the Presidential Search Committee**

2/9/2004

CAFE has approved a bill designating distribution sites for newspapers on campus, and is forwarding it to ULC. CAFE is also working on a second bill regarding greater clarification of freedom of speech and freedom of expression on campus. Upcoming issues are: the impact of the Patriot Act on campus as regards to surveillance, international students, and constitutional rights.

3/1/2004

CAFE had its second meeting on the Patriot Act, which was specific to surveillance implications, there are two more meetings planned on issues with the Patriot Act. Also, an ad hoc committee of CAFE is working on a bill for freedom of expression on campus. Professor Armstrong was contacted by the Chair and Co-Chair of the Action Committee of the Student Senate regarding the return of the Genocide Awareness Project (GAP) to the campus, which is scheduled for March 22, 2004. There is considerable concern with undergraduates about this exhibit. She did meet with two student senators and tried to pass on to them some of the awareness that CAFE gained about freedom of speech; CAFE will attempt to conduct a forum on freedom of speech prior to the return of GAP on March 22nd.

4/19/2004

CAFE will submit bills on Freedom of Expression and the Newspaper Distribution Policy on Campus to the Executive Committee at its next meeting. The Council will continue to discuss the Patriot Act.

5/3/2004

CAFE discussed the draft resolution to Affirm and Uphold Civil Rights and Civil Liberties at the University at Albany that Professor Snyder brought to it. CAFE supports it; it will be presented under "New Business."

**Bill Number 0304-24, Campus Distribution Policy for Newspapers and Other News Periodicals, introduced by CAFE:** Professor Armstrong introduced the bill. The bill passed unanimously with no abstentions.

**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.

**0304-08R Resolution on the Patriot Act, introduced by Professor Snyder:** Professor Snyder indicated that CAFE reviewed the resolution and recommends it as a way to protect the University. The resolution was adapted from the New York City resolution. All were in favor of passing the resolution with one abstention.

## **AY 2004/05**

10/4/2004

**Committee on Academic Freedom, Freedom of Expression, and Community Responsibility (CAFFECOR), Professor Lawrence Snyder, Chair:** Professor Snyder reported that the first meeting of the Committee will take place tomorrow. The Committee will work with Associate Vice President for Academic Affairs, William Hedberg on the implementation of two bills passed at last year's Senate: Campus Distribution Policy for Newspapers and Other News Periodicals, and the Campus Policy on Freedom of Expression.

10/25/2004

**Committee on Academic Freedom, Freedom of Expression, and Community Responsibility (CAFFECOR), Professor Lawrence Snyder, Chair:** CAFFECOR has been discussing the bill passed last year on freedom of expression and interacting with a working group to produce recommendations on how that will be implemented. It is also drafting a new bill on policy for recognition for faculty and staff organizations.

11/15/2004

No report.

12/6/2004

No report.

2/7/2005

**Committee on Academic Freedom, Freedom of Expression, and Community Responsibility (CAFFECOR), Professor Lawrence Snyder, Chair:** CAFFECOR met Thursday, February 4th to work on a "Policy for Recognition of Faculty and Staff Organizations." Chair Lawrence Snyder reported that Senate Bill 0304-24, "Campus Distribution Policy for Newspapers and other News Periodicals" is about to emerge from the office of Dr. Hedberg. Senate Bill 0303-25 "Campus Policy on Freedom of Expression" is still being worked on there. Committee members were alerted that SUNY Trustee Candace de Russy is requesting that the SUNY Board of Trustees endorse the "Academic Bill of Rights."

3/14/2005

**Committee on Academic Freedom, Freedom of Expression, and Community Responsibility (CAFFECOR), Professor Lawrence Snyder, Chair:** CAFFECOR met Thursday, February 4th to work on a "Policy for Recognition of Faculty and Staff Organizations." Chair Lawrence Snyder reported that Senate Bill 0304-24, "Campus Distribution Policy for Newspapers and other News Periodicals" is about to emerge from the office of Dr. Hedberg. Senate Bill 0303-25 "Campus Policy on Freedom of Expression" is still being worked on there. Committee members were alerted that SUNY Trustee Candace de Russy is requesting that the SUNY Board of Trustees endorse the "Academic Bill of Rights."

4/11/2005

CAFFECOR is considering how the university responds to student grievances in matters not related to academic grades.

5/2/2005

No report given.

2005/06

9/12/2005

No report given

10/10/2005

**Committee on Academic Freedom, Freedom of Expression, and Community Responsibility (CAFFECOR), Lawrence Snyder, Chair**

CAFFECOR met on September 15th. We have begun an exploration of our procedures to deal with student grievances on matters other than grades. We will meet at 3:00 PM on Wednesday, October 19th in A&S 122. Dean Sue Faerman, Student Association President Mahaliel Bethea, GEO President Elizabeth Redkey and other student leaders will join CAFFECOR in discussing these matters.

11/21/2005

At the next meeting of the Executive Committee, CAFFECoR will recommend that an Undergraduate Ombuds-office be formed. The Committee will also be considering the "Academic Bill of Rights."

12/19/2005

L. Snyder reported that they are bringing a resolution today concerning "The Academic Bill of Rights."

Senate Resolution 0506-03R. Resolution to Endorse the SUNY-wide Faculty Senate Bill Opposing the "Academic Bill of Rights": CAFFECoR: L. Snyder introduced the resolution, explaining that the issue has been a concern for about a year. He distributed copies of a document written by David Horowitz, a proponent of the Academic Bill of Rights (ABOR). The stated justification for ABOR is to protect students from being subjected to ideological indoctrination in their courses. To gather information on student concerns here on the Albany campus, members of CAFFECoR met with students and Dean Faerman this fall. They asked about grievances but did not specifically ask about political indoctrination. The students did not raise the issue at all, suggesting that this does not appear to be a major concern to the students. However, CAFFECoR plans to look into creating an Ombudsoffice, similar to the newly created Graduate Ombudsoffice, to provide guidance to students who may have grievances. The specific resolution introduced by CAFFECoR calls for an endorsement of a resolution passed by the SUNY-wide Faculty Senate. The SUNY-wide Senate has gone on record opposing ABOR on the grounds that there are adequate protections for academic freedom in place, and that ABOR might actually lead to a greater politicization of higher education by allowing for interference with curricular decisions from outside of the academy. Questions were raised about the precise meaning of the proposed resolution. The bill was passed with an overwhelming majority by a show of hands.

2/13/2006

CAFFECoR has not met yet this semester. We will schedule a meeting soon.

3/20/2006

No report given.

4/24/2006

CAFFECoR met on March 30, with Bill Hedberg, Michael Jaromin, and Scott Birge, to discuss the drafting of an Administrative Addendum for University Senate Bill # 0304-25, "Campus Policy on Freedom of Expression." Michael Jaromin, Director of Student Activities, plans to draft such an addendum and have it ready for comments by CAFFECoR members by the end of Spring Break.

5/15/2006

CAFFECOR met on March 30, with Bill Hedberg, Michael Jaromin, and Scott Birge, to discuss the drafting of an Administrative Addendum for University Senate Bill # 0304-25, "Campus Policy on Freedom of Expression." Michael Jaromin, Director of Student Activities, plans to draft such an addendum and have it ready for comments by CAFFECOR members.

**AY 2006/07**

**9-25-06**

**Committee on Academic Freedom, Freedom of Expression, and Community Responsibility, (CAFFECOR): Lawrence Snyder, Chair.** CAFFECOR is organizing its first meeting. It will be reviewing the "Guidelines and Procedures for Campus Freedom of Expression, Protests, Demonstrations" submitted by Michael Jaromin, Director of Student Activities, University at Albany.

**The Governance Task Force on Academic Integrity and Tolerance:** Chair Dewar reported that she met with the Dean of Graduate Studies and the Dean of Undergraduate Studies, Marjorie Pryse and Sue Faerman respectively, and representatives from the Student Government. She asked for feedback from Senators; if they would like to see Senate involvement in this on this Task Force.

**10-23-06**

**CAFFECOR (Committee on Academic Freedom, Freedom of Expression, and Community Responsibility) -- Lawrence Snyder, Chair.** CAFFECOR met September 28 with John Murphy and Michael Jaromin, Director of Student Activities, to review the draft administrative guidelines for the Senate Bill 0304-25, "Campus Policy on Freedom of Expression".

**11-25-06**

CAFFECOR (Committee on Academic Freedom, Freedom of Expression, and Community Responsibility) -- Lawrence Snyder, Chair. Nothing to report.

**12-18-06**

**CAFFECOR (Committee on Academic Freedom, Freedom of Expression, and Community Responsibility): Lawrence Snyder, Chair.** The Chair of CAFFECOR met with Erika Snyder, a reporter for the Albany Student Press, ASP. She will be writing an article soon on academic freedom, political correctness, and the possible role of CAFFECOR for undergraduates.

**2-12-07**

**CAFFECoR (Committee on Academic Freedom, Freedom of Expression, and Community Responsibility), Lawrence Snyder, Chair: No report.**

**3-12-07**

**From the Senate Chair's Report, by Diane M. Dewar:**

- **Faculty Forum:** Chair Dewar announced the Faculty Forum will be held on Tuesday, March 27, 2007. The topic will be: *Developing an Honor Code at the University*, with a community-type framework. More information is available on the Senate website.
- **Honor Code Committee:** Chair Dewar asked for volunteers from the GAC and CAFFECoR to join the committee.

CAFFECoR did not submit a report.

**4-19-07**

No report given.

**5-14-2007**

**From the Senate Chair's Report, by Diane M. Dewar:**

- **Integrity Issue:** The issue of academic integrity will go to CAFFECoR for next year.

CAFFECoR did not submit a report.

**AY 2007/08**

9-24-2007

**Election of Senators:**

The following four individuals were nominated by the Senate Executive Committee as Senators, and will serve as Council Chairs:

CAFFECoR: Sanjay Goel, IT Management, School of Business

CERS: Zai Liang, Sociology  
LISC: Lawrence Raffalovich, Sociology  
UAC: Karin Reinhold-Larsson, Mathematics and Statistics

**10-22-07**

**CAFFECOR (Committee on Academic Freedom, Freedom of Expression, and Community Responsibility), Sanjay Goel, Chair.** The committee had an organizational meeting to plan the agenda for 2007-2008 activities. The committee reviewed the outstanding issues from the previous year that needed to be completed. Specifically the committee was interested in reviewing the Diversity Committee Report and the Honor Code being created at UAlbany and the "Freedom in the Classroom Report" issued by AAUP in 2007. There was also some sentiment that the issue of performance enhancing drugs in academics needs to be examined by the committee since misuse of drugs like Ritalin, Adderall, and Dexedrine was becoming rampant. There are both medical and ethical issues associated with the misuse of these drugs.

**11-26-07**

**CAFFECOR (Committee on Academic Freedom, Freedom of Expression, and Community Responsibility), Sanjay Goel, Chair.** There is no report.

**12-17-07**

**CAFFECOR (Committee on Academic Freedom, Freedom of Expression, and Community Responsibility) – Sanjay Goel, Chair.** In response to the Report of the Provosts' Task force on Academic Integrity, CAFFECOR passed a resolution recommending against the adoption of an "Honor Code" that will be introduced today.

**Resolution No. 0708-04: (CAFFECOR) Resolution on Academic Integrity:**

The Resolution was introduced by Professor Sherman. There was discussion and a friendly amendment was made for the Committee to seek results from comparison universities that have instituted an honor code. After more discussion, that amendment was withdrawn because it became unclear if the document was a resolution or a report. Another motion was made to send the document back to the Committee with a charge to review it based upon feedback from the Senate discussion, and for further clarification. Another motion was placed on the floor about including students in future discussions. Parliamentarian Gibson was called upon to organize the process; he cited the rules.

Discussion concluded with a motion to send the proposal back to the committee for review, include students in that review, and to bring back a report or recommendation to the Senate. That motion was approved with one opposition and five abstentions.

**2-11-08**



**CAFFECOR (Committee on Academic Freedom, Freedom of Expression, and Community Responsibility), Sanjay Goel, Chair.** Nothing to report; the committee is meeting February 22<sup>nd</sup>.

3-10-08

**CAFFECOR (Committee on Academic Freedom, Freedom of Expression, and Community Responsibility), Sanjay Goel, Chair.** The Council met on Friday, February 22, 2008 and discussed two issues: 1) past issue of resolution on academic integrity which was discussed on the senate floor on December 17, 2007 and sent back to CAFFECOR. The committee deliberated over the discussions in the senate and concluded that there is no impact of the honor code on academic freedom. Should an honor code be proposed for adoption CAFFECOR would be one of the groups that should be consulted. We will consider converting our resolution to a report to be submitted at a later date. The committee also started its deliberations on the issue of use of performance enhancing drugs in academics, such as, Adderall, Ritalin, and Provigal. The deliberations are continuing and are expected to result in an informative report.

4-14-08

**CAFFECOR (Committee on Academic Freedom, Freedom of Expression, and Community Responsibility) – Sanjay Goel, Chair.** CAFFECOR is currently in the process of investigating the impact of academic performance-enhancing drugs on academic freedom and community responsibility. On March 14, 2008, Dolores Cimini, Director of Middle Earth Counseling Center, gave a presentation to the group which highlighted usage patterns, demographics, and health effects of using drugs such as Adderall, Concerta, and Ritalin to give a better understanding of the issue. She also discussed what is currently being done at the University at Albany to assess and deal with students who seem to be abusing drugs and alcohol, in general - behavior which is found to have similar usage patterns. Sally D'Alessandro, Associate Director of Conflict Resolution and Civic Responsibility was also present to offer her perspective in terms of the legal restrictions and disciplinary actions pertaining to un-prescribed use of such drugs at the University. While CAFFECOR believes that enforcing legal use is not easy, it should not preclude the University from taking a position on the issue and alerting the University community to its existence. The Committee does plan to have future meetings with individuals from the University Police Department and/or the Disabled Student Services center to gain a better understanding of the situation before recommending future steps.

5-12-08

**CAFFECOR (Committee on Academic Freedom, Freedom of Expression, and Community Responsibility)-Sanjay Goel, Chair.** CAFFECOR is continuing the process of investigating the impact of academic performance-enhancing drugs on academic freedom

and community responsibility. At the last meeting on April 18, 2008, John McGuire, one of the two members of the K-9 Unit in UPD gave an informative presentation on “Narcotics and Law Enforcement,” which was tailored based on the presentation he normally gives to Residential Life to focus on stimulants (which most academic performance-enhancing drugs are). He covered how drugs are obtained around campus, what drugs are being used, and how student users are discovered and dealt with. In addition, he discussed the different drug schedules (classifications) based on addictive level, and the effects of illegal stimulants including amphetamines and methamphetamines compared to more legal stimulants, e.g. coffee. The committee meeting attendees proposed to begin write-up of a report calling for individual responsibility and providing access to what the associated risks are with use of these drugs, as well as discussing recommendations based on academic research.

**AY 2008/09**

**9-22-08**

**CAFFECOR (Committee on Academic Freedom, Freedom of Expression, and Community Responsibility) Malcolm Sherman, Chair:** The goal is to get a recorder.

**10-20-08**

**CAFFECOR (Committee on Academic Freedom, Freedom of Expression, and Community Responsibility) – Malcolm Sherman, Chair** CAFFECOR has met and discussed various issues it might wish to address.

**11-17-08**

**CAFFECOR (Committee on Academic Freedom, Freedom of Expression, and Community Responsibility) – Malcolm Sherman, Chair**

CAFFECOR is investigating campus policies on freedom of expression. Our concern was prompted by the unacceptable (“Red Light”) rating that FIRE, the Foundation for Individual Rights in Education, gave the campus in its national listing of colleges. FIRE’s rating rests only on our published standards; FIRE does not allege the rights of any specific individuals have been violated.

CAFFECOR’s first step is to bring together the various campus policies bearing on freedom of expression. These can be variously found in the Community Rights and Responsibilities pamphlet, in the Just Community statement, in rules established by the Office of Diversity & Affirmative Action, in the “Policy for Freedom of Expression” in the Undergraduate Bulletin, and in a CAFFECOR statement adopted by the Senate as “Campus Policy on Freedom of Expression,” Bill No. 0304-25.

At least some CAFFECOR members are concerned that while certain statements unequivocally endorse freedom of expression, other policies imply that First Amendment

rights can be subordinated to other values. For example, an Office of Diversity & Affirmative Action pamphlet prohibits “racism,” and adds that “individuals’ rights to free speech shall be \*considered\* [emphasis added] in cases involving verbal statements or other forms of expression.” Does the University have some measure of discretion in deciding whether to uphold First Amendment rights? In contrast Just Community principles commit the university to allowing the “free expression of ideas no matter how outrageous.” But Community Rights and Responsibilities prohibits “.using language that demonstrates hatred against other persons because of national origin, race, age, religion, gender, sexual orientation, disability, veteran status, color, creed or marital status.” Also prohibited are “sexually explicit derogatory statements which are offensive or which cause the recipient discomfort or humiliation . . . .”

Single instances of such behavior might well be social crimes, but “offensiveness” is not a constitutionally permitted criterion for punishing speech. The Office of Diversity and Affirmative Action includes as examples of sexual harassment “sexual jokes or innuendos and flirtations, e.g., repeated requests for dates.” But it recognizes elsewhere that the legal standard for harassment is behavior that is “severe, persistent and pervasive.” CAFFeCoR would appreciate input from members of the university community, particularly from anyone who has ever been threatened with sanctions for statements or actions they see as protected by the First Amendment. We might eventually propose a campus forum on freedom of expression on campus.

When a preliminary account of this investigation was reported at the November 3 Senate Executive Committee meeting it was recalled that, two years ago, then Vice President Anderson had discussed FIRE’s “red light” rating at an SEC meeting. Some discussion then ensued, but no records seem to have survived. Dozens of e-mails on this topic have been circulating among current exec committee members who heard Anderson’s account. Community Rights & Responsibilities can be found at

<http://www.albany.edu/judicial/docs/CRR2007-2010.pdf> . It was adopted by University Council, and is enforced by the Office of Conflict Resolution & Civic Responsibilities.. For the Just Community Principles see [http://www.albany.edu/undergraduate\\_bulletin/principles\\_of\\_just\\_community.html](http://www.albany.edu/undergraduate_bulletin/principles_of_just_community.html). For rules enforced by Diversity/Affirmative Action see [http://www.albany.edu/affirmative\\_action/racial\\_discrimination.html](http://www.albany.edu/affirmative_action/racial_discrimination.html). An August 2002 brochure on Racial Discrimination and Harassment is at [http://www.albany.edu/affirmative\\_action/racial\\_discrimination.html](http://www.albany.edu/affirmative_action/racial_discrimination.html). For the Undergraduate Bulletin’s “Policy for Freedom of Expression” see [http://www.albany.edu/undergraduate\\_bulletin/regulations.html](http://www.albany.edu/undergraduate_bulletin/regulations.html). The grad bulletin contains a similar statement. Also relevant is <http://www.albany.edu/research/FreedomofExpression.htm>. CAFFeCoR’s statement “Campus Policy on Freedom of Expression,” (unanimously adopted by the Senate) can be found at [http://www.albany.edu/senate/2003-2004\\_legislation.htm/](http://www.albany.edu/senate/2003-2004_legislation.htm/). FIRE’s web address is [www.thefire.org](http://www.thefire.org). For their evaluation of this campus see <http://www.thefire.org/index.php/schools/1120>

12-15-08

**CAFFECOR (Committee on Academic Freedom, Freedom of Expression, and Community Responsibility) – Malcolm Sherman, Chair**

CAFFECOR requested the SEC to support a Faculty Forum next semester on campus freedom of expression policies.

2-09-09

**CAFFECOR (Committee on Academic Freedom, Freedom of Expression, and Community Responsibility) – Malcolm Sherman, Chair**

CAFFeCor has not yet met this semester. I expect our next meeting will be devoted to planning a faculty forum on campus freedom of expression policies.

3-09-09

**CAFFECOR (Committee on Academic Freedom, Freedom of Expression, and Community Responsibility) – Malcolm Sherman, Chair**

The committee met February 25 to discuss further planning for the Faculty Forum on freedom of speech issues.

4-06-09

**CAFFECOR (Committee on Academic Freedom, Freedom of Expression, and Community Responsibility) – Malcolm Sherman, Chair**

CAFFECOR will be sponsoring a forum on campus freedom of expression policies on **Thursday evening, April 16 at 7PM** in the Campus Center Assembly Hall. Format and panel members have yet to be finalized.

5-04-09

**CAFFECOR (Committee on Academic Freedom, Freedom of Expression, and Community Responsibility) – Malcolm Sherman, Chair**

CAFFECOR met on Wednesday April 29 to discuss the impact of the forum on freedom of expression and to assess what next steps might be considered (by next year's CAFFECOR). We expect the issues we raised to be on the agenda of the University Council (which must approve any changes to Community Rights and Responsibilities). At the forum Susanna Fessler showed that our harassment standards were very similar to those which a federal appeals court overturned at Temple University. We have reason to believe our attorneys have been asked to look into this matter. *The Committee hopes to have a recorder next year.*

**AY 2009/10**

9-21-09

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

CAFFECOR had its organizational meeting on September 2. Susanna Fessler was elected chair for the '09—'10 year. Agenda items for the '09-'10 year were also discussed. There are, in essence, two holdover issues: the inconsistencies of campus policies on speech, and the "Red Light" rating given to our campus by the Foundation for Individual Rights in Education (FIRE). The Committee agreed that these "holdover" issues should remain on our agenda this year, and that involving university counsel and the President's office would be a good first step.

A third, new issue for CAFFECOR in '09-'10 was presented: it is unclear whether both students and faculty/staff operate under ONE campus policy on conduct or if there are two PARALLEL policies, perhaps with slight differences. In other words, we may have a double-standard in place. Further investigation should reveal whether this is an area of concern.

10-19-09

**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.

CAFFECOR met on Monday, October 12<sup>th</sup> to discuss the following issues: 1) A recent report in the ASP about students' freedom of speech being restricted in the residence halls, 2) Our efforts to unite the policies on campus between the offices of Affirmative Action, Student Success, and the Senate, and 3) the drafting of formal procedures should a university community member ask for CAFFECOR's assistance in a case of speech code. Nothing formal has been drafted apropos of these issues, but each has been delegated to committee members.

11-16-09

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

We continue to work on bringing policy into a cohesive whole. We've also been asked by Student Success to do an "in-service" for students/young professional staff in the Residence Halls on First Amendment issues, especially as they might pertain to the issues they face on a daily basis. This event will probably take place in the Spring 2010 semester.

CAFFECOR met on Monday, November 9th to discuss the revisions to the Community Rights and Responsibilities document. This document is revised every three years, and the current version "expires" in 2010. The Vice President for Student Success will work with CAFFECOR on these revisions. Our intent is to bring the document in line with current New York State law and practice.

12-14-09

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

CAFFECOR met on November 9<sup>th</sup> to discuss revision of the Community Rights and Responsibilities (CRR) document. At this point we have a compiled version of the CRR with member suggestions and await final member approval before it is forwarded to Student Success and Conflict Resolution for their review. Of note is that, in the course of inputting suggested changes, the chair of CAFFECOR has noted sections which are pertinent to ULC and LISC also. For example, if the CAFFECOR changes take effect, one part of the policy on computer usage (LISC's purview) would also have to be changed. The electronic version of the revised CRR draft has been circulated to SEC members, but the chair of CAFFECOR would like to emphasize that this draft has not yet been finalized by CAFFECOR.

Constructive criticism is welcome. CAFFECOR will meet one last time this semester on Monday, December 14th to finish reviewing changes to the CRR.

Chair Fessler reported that CAFFECOR met earlier today and finalized revisions to the Community Rights and Responsibilities document. The document will be forwarded to Student Success next week.

2-8-10

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

We continue to work on changes to the "Community Rights and Responsibilities" document. We are also waiting on whether Senate bill 0304-25, which was passed by the Senate but never signed by the president in 2004, then resuscitated by CAFFECOR this year,

will be signed by the president. Some CAFFECOR members will be conducting an "in service" session for Res Life staff in the dorms on Wednesday, February 10 on the subject of Freedom of Speech in the dorms.

3-8-10

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

Two members of CAFFECOR conducted an "in service" training session for the Res Life professional staff on Wednesday, February 10<sup>th</sup>. The topic was free speech in the residence halls: what defines it, how to handle borderline situations, and ways to engage the student body in meaningful dialogue that promotes both free speech and diversity. A follow-up session took place with the student staff.

4-12-10

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

CAFFECOR has submitted the following bill to today's Senate meeting recommending:  
**DELETION OF "PRINCIPLES FOR A JUST COMMUNITY" FROM UNIVERSITY DOCUMENTS**

IT IS HEREBY PROPOSED THAT THE FOLLOWING BE ADOPTED:

The "Principles for a Just Community" statement be removed from the *Community Rights and Responsibilities*

That the Bill be forwarded to the President for approval and implementation.

BACKGROUND:

The "Principles of a Just Community" statement was first approved by the Senate in 89-90. A revision was last made in 00-01. The initial rationale for the 89-90 bill was not explicitly included therein, but seems to have been an administrative response to off-campus incidents in the New York City area. The revisions in 00-01 were sponsored by ULC; the background section of that bill stated that "There have been requests for minor revisions to this document. In response to those requests, the University Life Council reviewed it and approved the proposed revisions."

The 89-90 bill proposed that the "Principles for a Just Community" be endorsed by the University Senate, and that these principles be included in all appropriate publications and otherwise disseminated throughout the University Community." Consequently, the PJC currently appears, among other places, at the front of the "Community Rights and Responsibilities" and the *Undergraduate Bulletin*.

In a recent review of the “Principles of a Just Community” as a part of a comprehensive review of the “Community Rights and Responsibilities,” CAFFECOR discovered a number of passages in the former which conflicted with the text in the latter. For example, the “Principles of a Just Community” states, “the University must allow the free expression of ideas, no matter how outrageous” whereas the CRR states, “The University at Albany strives to protect all members of the University at Albany community by prosecuting bias or hate crimes that occur within the campus jurisdiction” where “bias or hate crimes” are defined as “Engaging in behaviors or using language that demonstrate hatred or bias against other persons because of national origin, ethnicity, race, age, religion, gender, sexual orientation, disability, veteran status, color, creed, or marital status.”

Moreover, CAFFECOR found that on occasion the PJC seemed to contradict itself. For example, one passage states “...this academic community...must...be just. There is no definitive theory of justice.”

In sum, CAFFECOR was concerned that these passages would cause confusion among students and other members of the university community. After careful consideration, CAFFECOR decided that any attempted revisions of the “Principles of a Just Community” would only further complicate the document. And, because freedom of speech is already addressed elsewhere in the CRR, the best solution was to delete PJC from CRR.

**The members of CAFFECOR would like to stress that this action is not tantamount to eliminating the concept of justice, or the importance of justice, on this campus. Rather, this action is an attempt to clarify campus policy for the entire community.** The PJC will remain on other university documents, unless another Senate Council or Committee proposes otherwise.

### **Community Rights and Responsibilities:**

CAFFECOR Chair Fessler introduced the bill which is a straight forward proposal to remove the Principles of a Just Community (PJC) section from the Community Rights and Responsibilities (CRR) document. CAFFECOR is not proposing that PJC be removed from any other documents at this time.

There was a brief discussion concerning the aspirational principles of PJC. John Murphy, who worked with the Committee that formulated PJC, said those principles were viewed as essential ingredients of justice at that time. Chair Fessler responded that members of CAFFECOR were concerned with the lack of clarity of PJC as it pertains to CRR. There was no further discussion on the bill. A motion to approve the bill was made and seconded, and the bill was passed.

5-10-10



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

The Chair of CAFFECoR met with the Vice President for Student Success on Tuesday, May 4 to go over the final revisions to the “Community Rights and Responsibilities” document. All CAFFECoR suggestions and concerns have been addressed with one exception—the policy on internet usage is still under revision by the Chief Information Officer. To make the CRR more user friendly, however, Student Success plans to re-format the document with links to pertinent campus offices and policies. When that is done, the part of the CRR that addresses internet usage will link to ITS (instead of reiterating the ITS policy verbatim). The University Council will consider the new CRR draft at its next meeting.

**AY 2010/11**

9-27-10

**CAFFECoR (Committee on Academic Freedom, Freedom of Expression, and Community Responsibility) – Pradeep Haldar, Chair**

Nothing to Report

10-18-10

**CAFFECoR (Committee on Academic Freedom, Freedom of Expression, and Community Responsibility) – Pradeep Haldar, Chair**

The CAFFECoR Committee met and discussed agenda items to pursue for the next academic year. This included follow-up from last year on items such as the Community Rights and Responsibilities document, Affirmative Action Website, and Organizing a Residence Hall Workshop related to Freedom of Speech and Expression. We also discussed the survey request from SUNY University Faculty Senate and campus budget issues.

Also in the Minutes for that date, from Senate Chair Eric Lifshin’s Report:

“On Oct 12 Chair Lifshin met with Chairs Leonard of ULC and Haldar of CAFFEEoR, Vice-Provost Faerman, and Associate VP, Miriam Trementozi and Dean Robert Bangert-Drowns who co-chair the Committee on University-Community Engagement to discuss possible Senate involvement in community engagement activities. Such a relationship is consistent with achieving a Carnegie designation in community engagement, which is viewed as both

the right thing to do and beneficial to the status of UAlbany. It was agreed that Associate VP Trementozzi will give a 15 minute presentation to a future SEC meeting both to provide an overview of community engagement activities and to discuss how other university senates are approaching this opportunity.”

11-15-10

**CAFFECOR (Committee on Academic Freedom, Freedom of Expression, and Community Responsibility) – Pradeep Haldar, Chair**

Response to President’s request on budget cuts: This does not appear to be an activity directly related to the mission of CAFFECOR, however, if there are any affects on Academic Freedom of Freedom of Expression, the committee will be ready to take-up the case.

The committee has reviewed a request that indicated a student’s freedom of speech may have been violated. However, after careful review, the committee felt this was not the case and didn’t find it necessary to pursue. The committee is following up on the Community Rights & Responsibilities Document.

12-13-10

**CAFFECOR (Committee on Academic Freedom, Freedom of Expression, and Community Responsibility) – Pradeep Haldar, Chair**

Committee is considering introducing bill on CRR document.

Workshop on Freedom of Expression for students is being organized in Residence Hall during the middle of January.

Survey on ethics forwarded by provost was completed and submitted.

**UAC (Undergraduate Academic Council) – JoAnne Malatesta, Chair**

The UAC continues to meet each Wednesday. There has been continued discussion about the use and retention of the Violation of Academic Integrity Reports. The Council has agreed that it would be most productive to establish an ad hoc committee to review this policy and will be inviting the GAC to join this committee as it directly impacts both graduate and undergraduate students.

Chair Malatesta reported that UAC will be discussing issues related to the faculty integrity report and how the report is utilized. **GAC and CAFFECOR should be part of the discussion as well.**

2-14-11

**CAFFECOR (Committee on Academic Freedom, Freedom of Expression, and Community Responsibility) – Pradeep Haldar, Chair**

Next meeting is scheduled for last week in February.

**GAC (Graduate Academic Council) – Laurence Kranich, Chair**

GAC met on January 24 to continue its consideration of CAA program assessments. In addition, the Council was informed by the Dean of Graduate Studies that the graduate student support allocations for 2011-12 have been made. All programs have been adversely affected. The average budget cut across departments was 15%. **The Chair of GAC's Committee on Educational Policy and Procedure will serve on an ad hoc joint committee of UAC, GAC, CAFFECOR and Graduate Studies to review the violation of academic integrity policies.** Finally, the Council resumed its discussion of CAA assessments at its meeting on February 11.

3-14-11

No report.

4-11-11

No report.

5-9-11

No report.

**AY 2011/12**

9-26-11

**CAFFECOR (Committee on Academic Freedom, Freedom of Expression, and Community Responsibility) – Aran Mull, Chair**

CAFFE-CoR held its first meeting September 19<sup>th</sup>. Chair Mull reported the Committee received a complaint this week and will develop policy and procedure for moving a solution forward.

10-24-11

**CAFFECOR (Committee on Academic Freedom, Freedom of Expression, and Community Responsibility) – Aran Mull, Chair**

The committee held our first meeting on September 19<sup>th</sup>. The committee will be addressing development of committee policy and procedure for managing complaints received (none currently exists), re-introduction of a bill addressing the Principles of a Just Community language and continuing training with Residential Life staff on freedom of expression issues. A meeting schedule has been forwarded to Gail Cameron for publication to the Senate web site. On September 22<sup>nd</sup> CAFFE-CoR received a complaint. A committee is being formed to address the complaint.

11-21-11

**CAFFECOR (Committee on Academic Freedom, Freedom of Expression, and Community Responsibility) – Aran Mull, Chair**

CAFFECOR met on October 17<sup>th</sup> and will be forwarding a bill to remove the Principles for a Just Community language from remaining University documentation following a final determination regarding what publications still include that language. The committee is moving forward with the development of a policy and guidelines for managing complaints brought before the committee and has asked University Counsel to determine whether they may advise the committee regarding policy development.

12-12-11

**CAFFECOR (Committee on Academic Freedom, Freedom of Expression, and Community Responsibility) – Aran Mull, Chair**

The committee met last on November 14<sup>th</sup>. A bill to remove the “Principles for a Just Community” statement from all University documentation was completed and forwarded for the consideration of the SEC. The University Counsel has offered the opinion that they may not act in an advisory capacity and we are reviewing our options regarding the current complaint as well as enacting complaint management guidelines for the committee going forward.

2-6-12

**CAFFECOR (Committee on Academic Freedom, Freedom of Expression, and Community Responsibility) – Aran Mull, Chair**

Three training sessions were held with the Department of Residential Life staff addressing First Amendment and Academic Freedom issues in the residential hall environment.

**Senate Bill 1112-08: “Principles for a Just Community” Statement—Removal from University Documents (CAFFECOR)**

CAFFECOR Chair Mull discussed the bill and provided background information. In 2010 CAFFECOR proposed that Principles of Just Community (PJC) be removed from the Community Rights and Responsibilities (CRR). President Philip declined to sign the bill but asked that reconsideration be given to remove PJC be removed from all University documents. PJC was removed from CRR at the time. The bill being presented today addresses the concerns of the President. There was no further discussion. The bill was put to a vote and approved with the following results: Approved: 39; Opposed: 14; Abstained: 7.

3-5-12

**CAFFECOR (Committee on Academic Freedom, Freedom of Expression, and Community Responsibility) – Aran Mull, Chair**

CAFFE-CoR met Monday, February 13<sup>th</sup> to continue work on a draft complaint management process. Edits completed in the meeting have been compiled and forwarded to the committee membership

4-2-12

**CAFFECOR (Committee on Academic Freedom, Freedom of Expression, and Community Responsibility) – Aran Mull, Chair**

The committee met on March 12<sup>th</sup> to review the revised Responsible Use of Information Technology policy and continued work on the committee’s policy for managing complaints brought to the committee.

4-30-12

**CAFFECOR (Committee on Academic Freedom, Freedom of Expression, and Community Responsibility) – Aran Mull, Chair**

The committee met on March 12<sup>th</sup> to review the revised Responsible Use of Information Technology policy and continued work on the committee’s policy for managing complaints brought to the committee.

Chair Mull reported he was able to find a document from 1973 outlining procedure for CAFFECOR to handle a complaint. The document will be posted on CAFFECOR's web page.

**LISC (Council on Libraries, Information Systems, and Computing) – Nancy Newman, Chair**

LISC met on April 2 with Susanna Fessler to discuss the advisability of sending the revised "Responsible Use of IT" Policy to the Senate. It was agreed that such a policy falls under the purview of LISC and should be forwarded to the Senate as a Bill when the revisions are completed. The IT Committee will meet again about the Policy after receiving input from CAFFECOR and University Counsel. Mary Casserly reported that the Library is beginning to fill vacant positions and that the first stage of renovations (as part of the UA campus plan) is advancing.

5-14-12

No report.

**AY 2012/13**

9-24-12

**CAFFECOR (Committee on Academic Freedom, Freedom of Expression, and Community Responsibility) – Leslie Saint-Vil, Chair**

Susanna Fessler, a member of CAFFECOR, reported in Chair Saint-Vil's absence. The committee met once but did not have a quorum. The committee will be revisiting an issue from last year concerning guidelines on how CAFFECOR handles a complaint. The current language is over 25 years old.

10-22-12

**CAFFECOR (Committee on Academic Freedom, Freedom of Expression, and Community Responsibility) – Leslie Saint-Vil, Chair**

Yet again, CAFFECOR has nothing to report. I hope to have something to report in the near future.

Senator Fessler, a member of CAFFECOR, reported that the committee met last week. The committee is tracing its history to define its charge and role.

11-19-12

No report.

In discussion of the proposed Writing Program Proposal put forward by UAC, “Senator Griffith commended the initiative to improve undergraduate writing but had concerns about the hiring of 14-15 lecturers. In the context of academic freedom they would be considered contingent labor. Senator Griffith said the lecturers would be integrated with full time faculty without voting rights. He also had concerns about positions being non-tenure track. He recommended that CAFFeCoR give this consideration.”

12-17-12

No report.

2-11-13

No report.

3-11-13

**CAFFeCoR (Committee on Academic Freedom, Freedom of Expression, and Community Responsibility) – Leslie Saint-Vil, Chair**

We will be meeting on March 4th at 2:45.

Senator Fessler reported that the council met last week. The committee reviewed its description in the Charter and discussed its changes since the committee was established under the previous Bylaws. The committee will approach the SEC to discuss potential dissolution of the committee in the future.

4-08-13

**CAFFeCoR (Committee on Academic Freedom, Freedom of Expression, and Community Responsibility) – Leslie Saint-Vil, Chair**

Senator Fessler reported that at the request of the SEC, CAFFeCoR is in the process of circulating a proposal for its dissolution. Once completed, the proposal will be sent to the SEC.

4-29-13

## **GOV (Governance Council) – Christine Wagner, Chair**

GOV met on 4/1/13. GOV discussed procedures for conducting a vote on an amendment to the Faculty Bylaws regarding the process by which items are placed on the Senate agenda. This amendment was passed by GOV and approved by the SEC in the fall of 2012. An electronic vote of all voting faculty will be conducted via MyUAlbany in the coming weeks. GOV continued a discussion regarding Section XI: IRCUAP of the Senate Charter. UAC Chair, Rick Fogarty attended the GOV meeting to discuss procedures by which courses and programs come through UAC. A motion that Section XI: IRCUAP had been erroneously inserted into the Charter and should be removed was carried unanimously. This motion was presented to and supported by the SEC on 4/15/13. Elections for Senators-at-large, SUNY Senators and UAS Board members were conducted on MyUAlbany the week of 4/1-4/7. The Committee on Council Nominations has been formed and will meet on 4/24/13 to constitute the Senate Councils and Committees for next year. This will be presented to the Senate for approval on 4/29/13. GOV will meet again on 4/22/13.

Chair Wagner announced the upcoming dates of the vote for the Bylaws Amendment. The online election will be held May 1 through May 10. She reviewed the instructions for voting through MyUAlbany. At its last meeting, GOV discussed the dissolving of CAFFECOR and voted unanimously to dissolve the committee. Chair Wagner will present the motion to the SEC.

5-13-13

## **GOV (Governance Council) – Christine Wagner, Chair**

GOV met on 4/22/13. GOV discussed the report from CAFFECOR recommending the dissolution of CAFFECOR as a standing committee of the Senate Executive Committee. Senator Susanna Fessler attended GOV as a guest as a representative from CAFFECOR. Senator Fessler explained that all as a body, CAFFECOR has no authority and is not recognized by General Counsel. In addition, all faculty, staff and student grievances can now be addressed and resolved elsewhere. GOV passed a motion that a GOV ad hoc subcommittee be formed to draft a Senate Charter Amendment proposing the dissolution of CAFFECOR and that Section VII.7.3 be removed from the Charter. GOV, upon the request of the Senate Officers, reviewed the Bylaws Article II. Section 6 – Senate Councils and Committees and interpreted term limits on Councils to be 3 consecutive terms on a single Council. Following the third term on a Council, membership on another Council in the next year is permitted. A vote on the Faculty Bylaws Amendment 1213-01BA will take place on MyUAlbany from May 1-10. The Committee on Council Nominations will meet on 4/24/13. The Call for Nominations for Vice Chair of the Senate was distributed by email to all Voting Faculty on 4/4/13 with a deadline for nominations of 4/22/13. GOV will meet again on 5/6/13 for its final meeting of the academic year.

Chair Wagner reported GOV met on May 6 and considered a draft of a Charter amendment to dissolve CAFFECOR. The amendment will be presented to the SEC in the fall. Senate



councils have been meeting this week to elect chairs for the 2013-2014 year. The process is expected to be completed by the end of the week.

**Academic Freedom  
and Educational Responsibility**  
**A STATEMENT FROM THE BOARD OF DIRECTORS OF AACU**  
**1818 R Street, NW, Washington, DC 20009**

**www.aacu.org**

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**Association  
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Academic Freedom and Educational Responsibility was approved by the 2005 Board of Directors of

the Association of American Colleges and Universities:

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Preface

On behalf of the Association of American Colleges and Universities (AAC&U), we are pleased to

present Academic Freedom and Educational Responsibility. This statement, framed and approved by

AAC&U’s board of directors, is designed to provide the larger context missing from current public

debates about intellectual diversity in undergraduate education. It addresses many of the myths and

misrepresentations that have been perpetuated through the insistent external campaign to encourage

political oversight of teaching and learning practices on college and university campuses. In particular,

the statement clarifies the vital role of diverse perspectives in helping students develop their

own knowledge and intellectual capacities.

Self-appointed political critics of the academy have presented equal representation for conservative

and progressive points of views as the key to quality. But the college classroom is not a talk show.

Rather, it is a dedicated context in which students and teachers seriously engage difficult and contested questions with the goal of reaching beyond differing viewpoints to a critical evaluation of the relative claims of different positions. Central to the educational aims and spirit of academic freedom, diversity of perspectives is a means to an end in higher education, not an end in itself. Including diversity is a step in the larger quest for new understanding and insight. But an overemphasis on diversity of perspectives as an end in itself threatens to distort the larger responsibilities of intellectual work in the academy.

In publishing Academic Freedom and Educational Responsibility, we invite college and university leaders to use it actively to inform public and campus discussions about the academy's role in both exploring the contentious issues of our time and providing contexts for civil dialogue and constructive inquiry. This statement can be used to good effect in any number of contexts, including discussions— with trustees and regents, with faculty and departments, with administrators and staff, and especially with students—about the educational principles at stake in the academic freedom debate.

Robert A. Corrigan  
Chair of the Board of Directors  
Carol Geary Schneider  
President

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#### Acknowledgments

The Board of Directors of the Association of American Colleges and Universities extends its warm thanks to Dr. Jerry Gaff, senior scholar at AAC&U, for his work in bringing this statement from concept to completion. The board further thanks the many colleagues from member colleges and universities and from sister organizations who responded to earlier drafts.

In framing this statement, the board has drawn on concepts that were first articulated in the 1991 publication *The Challenge of Connecting Learning*, which was crafted by members of the

national advisory committee for an Association of American Colleges (now AAC&U) initiative on liberal learning and “study-in-depth.” Challenge was written by Jonathan Z. Smith, the Robert O. Anderson Distinguished Professor of the Humanities at the University of Chicago. The board thanks Professor Smith and the other members of the national advisory committee for their leadership and vision. AAC&U’s work on study-indepth was supported by generous grants from the Ford Foundation and the U. S. Fund for the Improvement of Postsecondary Education. The board also acknowledges AAC&U’s signal debt to William S. Perry Jr. of Harvard University, whose landmark work on the study of students’ intellectual and ethical development in the college years helped illuminate the importance of these issues for a generation of faculty members, student affairs leaders, and researchers on student learning. The board thanks Dr. Lee Knefelkamp, professor of psychology and education at Teachers College, Columbia University, and senior scholar at AAC&U, for her assistance in shaping this statement and for her leadership in making students’ intellectual and ethical development a core theme in AAC&U’s work on the aims and outcomes of student learning in college. Finally, the board thanks David Tritelli, AAC&U’s senior academic editor, and Darbi Bossman, AAC&U’s print production manager and graphic designer, for their expert assistance in bringing the statement to publication.

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Association of American Colleges and Universities  
Academic freedom and responsibility have long been topics for public concern and debate. Academic freedom to explore significant and controversial questions is an essential precondition to fulfill the academy’s mission of educating students and advancing knowledge. Academic responsibility requires

professors to submit their knowledge and claims to rigorous and public review by peers who are experts in the subject matter under consideration; to ground their arguments in the best available evidence; and to work together to foster the education of students. The Association of American Colleges and Universities (AAC&U), in concert with the American Association of University Professors, helped establish the principles of academic freedom early in the twentieth century, and recently AAC&U joined with other associations to reaffirm them.\*

Today, new challenges to academic freedom have arisen from both the right and the left. On the right, conservative activist David Horowitz, founder of Students for Academic Freedom, has fashioned an “academic bill of rights” that is being considered in several states ostensibly as a means of protecting “conservative” students from alleged indoctrination by the purportedly “liberal” views of faculty. This bill inappropriately invites political oversight of scholarly and educational work. On the left, anti-war protests by students have interrupted speeches by proponents of current national policies. Some protestors have sought to silence—rather than debate—positions with which they do not agree. These challenges prompt AAC&U to revisit the basic principles involved and to discuss the role of academic freedom.

There is, however, an additional dimension of academic freedom that was not well developed in the original principles, and that has to do with the responsibilities of faculty members for educational programs. Faculty are responsible for establishing goals for student learning, for designing and implementing programs of general education and specialized study that intentionally cultivate the intended learning, and for assessing students’ achievement. In these matters, faculty must work collaboratively with their colleagues in their departments, schools, and institutions as well as with relevant

administrators. Academic freedom is necessary not just so faculty members can conduct their individual research and teach their own courses, but so they can enable students—through whole college programs of study—to acquire the learning they need to contribute to society.

As faculty carry out this mission, it is inevitable that students will encounter ideas, books, and people that challenge their preconceived ideas and beliefs. The resulting tension between

\* The Association of American Colleges (now the Association of American Colleges and Universities) began work on this

issue in the early 1920s. Then, through a series of joint conferences begun in 1934, representatives of the American

Association of University Professors and of the Association of American Colleges established the principles set forth in

the 1940 Statement of Principles on Academic Freedom and Tenure. In 2005, the Association of American Colleges and

Universities, along with twenty-eight other higher education organizations, endorsed Academic Rights and Responsibilities,

the American Council on Education’s statement on intellectual diversity on college and university campuses.

Academic Freedom and Educational Responsibility

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Academic Freedom and Educational Responsibility

the faculty’s freedom to teach—individually and collectively—and the students’ freedom to form

independent judgments opens an additional dimension of academic freedom and educational

responsibility that deserves further discussion, both with the public and with students themselves.

The clash of competing ideas is an important catalyst, not only for the expansion of knowledge but

also in students’ development of independent critical judgment. Recognizing this dynamic, many wellintentioned

observers underline the importance of “teaching all sides of the debate” in college classrooms.

Teaching the debates is important but by no means sufficient. It is also essential that faculty

help students learn—through their college studies—to engage differences of opinion, evaluate evidence,



and form their own grounded judgments about the relative value of competing perspectives. This too is an essential part of higher education's role both in advancing knowledge and in sustaining a society that is free, diverse, and democratic.

Intellectual Diversity and the Indispensable Role of Liberal Education

In any education of quality, students encounter an abundance of intellectual diversity—new knowledge, different perspectives, competing ideas, and alternative claims of truth. This intellectual diversity is experienced by some students as exciting and challenging, while others are confused and overwhelmed by the complexity. Liberal education, the nation's signature educational tradition, helps students develop the skills of analysis and critical inquiry with particular emphasis on exploring and evaluating competing claims and different perspectives. With its emphasis on breadth of knowledge and sophisticated habits of mind, liberal education is the best and most powerful way to build students' capacities to form their own judgments about complex or controversial questions. AAC&U believes that all students need and deserve this kind of education, regardless of their academic major or intended career.

Liberal education involves more than the mind. It also involves developing students' personal qualities, including a strong sense of responsibility to self and others. Liberally educated students are curious about new intellectual questions, open to alternative ways of viewing a situation or problem, disciplined to follow intellectual methods to conclusions, capable of accepting criticism from others, tolerant of ambiguity, and respectful of others with different views. They understand and accept the imperative of academic honesty. Personal development is a very real part of intellectual development.

Beyond fostering intellectual and personal development, a liberal education also enables students to develop meaning and commitments in their lives. In college they can explore different ways to relate to others, imagine alternative futures, decide on their intended careers, and consider their larger life's work of contributing to the common good.

Building such intellectual and personal capacities is the right way to warn students of the inappropriateness

and dangers of indoctrination, help them see through the distortions of propaganda,

All competing ideas on a subject do not deserve to be included in a course or program, or to be regarded as equally valid just because they have been asserted.

3

and enable them to assess judiciously the persuasiveness of powerful emotional appeals.

Emphasizing

the quality of analysis helps students see why unwelcome views need to be heard rather than

silenced. By thoughtfully engaging diverse perspectives, liberal education leads to greater personal

freedom through greater competence. Ensuring that college students are liberally educated is essential

both to a deliberative democracy and to an economy dependent on innovation.

What Is Not Required in the Name of Intellectual Diversity?

There are several misconceptions about intellectual diversity and academic freedom, and we address

some of them here.

1 In an educational community, freedom of speech, or the narrower concept of academic freedom, does not mean the freedom to say anything that one wants. For example, freedom of speech does not mean that one can say something that causes physical danger to others. In a learning context, one must both respect those who disagree with oneself and also maintain an atmosphere of civility. Anything less creates a hostile environment that limits intellectual diversity and, therefore, the quality of learning.

2 Students do not have a right to remain free from encountering unwelcome or “inconvenient

questions,” in the words of Max Weber. Students who accept the literal truth of creation narratives do not have a right to avoid the study of the science of evolution in a biology course; anti-Semites do not have a right to a history course based on the premise that the Holocaust did not happen. Students protesting their institution’s sale of clothing

made in sweatshops do not have a right to interrupt the education of others. Students do have a right to hear and examine diverse opinions, but within the frameworks that knowledgeable scholars—themselves subject to rigorous standards of peer review—have determined to be reliable and accurate. That is, in considering what range of views should be introduced and considered, the academy is guided by the best knowledge available in the community of scholars.

3 All competing ideas on a subject do not deserve to be included in a course or program, or to be regarded as equally valid just because they have been asserted. For example, creationism, even in its modern guise as “intelligent design,” has no standing among experts in the life sciences because its claims cannot be tested by scientific methods. However, creationism and intelligent design might well be studied in a wide range of other disciplinary contexts such as the history of ideas or the sociology of religion.

4 While the diversity of topics introduced in a particular area of study should illustrate the existence of debate, it is not realistic to expect that undergraduate students will have the opportunity to study every dispute relevant to a course or program. The professional judgment of teachers determines the content of courses.

Association of American Colleges and Universities

Academic Freedom and Scholarly Community

A college or university is a dedicated social place where a variety of competing claims to truth can be explored and tested, free from political interference. The persons who drive the production of knowledge and the process of education are highly trained professors, and they, through an elaborate process of review by professional peers, take responsibility as a community for the quality of their scholarship, teaching, and student learning. Trustees, administrators, policy makers, and other stakeholders also have important roles to play, but the faculty and their students stand at the center of the enterprise.

The development of a body of knowledge involves scientists or other scholars in developing their best ideas and then subjecting them to empirical tests and/or searching scholarly criticism.

Knowledge is not simply a matter of making an assertion but of developing the evidence for that assertion in terms that gain acceptance among those with the necessary training and expertise to evaluate the scholarly analysis. In order to contribute to knowledge, scholars require the freedom to pursue their ideas wherever they lead, unconstrained by political, religious, or other dictums. And scholars need the informed criticism of peers who represent a broad spectrum of insight and experience in order to build a body of knowledge.

One of the great strengths of higher education in the United States is the integration of research and educational communities. Students benefit enormously when their learning is guided by thoughtful and knowledgeable scholars who come from diverse backgrounds and who are trained to high levels in a variety of disciplines.

A discipline consists of a specialized community that, through intense collective effort, has formulated reliable methods for determining whether any particular claim meets accepted criteria for truth. But assertions from any single disciplinary community as to “what is the case” are themselves necessarily partial and bounded, because other disciplinary communities can and do provide different perspectives on the same topics. Economists, for example, see poverty through one set of lenses, while political scientists and historians contribute different, and sometimes directly competing, perspectives on the same issue.

Any assertion from a particular individual or a specific intellectual community is necessarily simpler than the complexity it attempts to explain and describe. This is the central reason both scholars and students must work within a communal setting that involves multiple academic disciplines, and that fosters an ethos of communication, contestation, and civility. By creating such communities of inquiry, the academy ensures that no proposal stands without alternatives or arrogates to itself the

claim of possessing the sole truth. The advancement of knowledge requires that intellectual differences be engaged and explored even as individuals with different points of view are also respected.

#### Intellectual Diversity and the Development of Judgment

Although one often hears that faculty “impart knowledge” to students, the reality is that, in a good

liberal education, substantial time is devoted to teaching students how to acquire new knowledge for

themselves and how to evaluate evidence within different areas of knowledge. To do this well, professors

in the classroom also need academic freedom to explore their subjects—including contested questions and real-world implications—with their students.

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#### Academic Freedom and Educational Responsibility

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To help students think critically about a subject or problem, faculty members need to take seriously

what students already know or believe about that topic and engage that prior understanding so new

learning modifies the old—complicating, correcting, and expanding it. This process of cultivating a

liberal education is a journey that transforms the minds and hearts, and frequently the starting

assumptions, of those involved—both teachers and students. Because knowledge is always expanding,

the eventual destination is uncertain.

To develop their own critical judgment, students also need the freedom to express their ideas

publicly as well as repeated opportunities to explore a wide range of insights and perspectives.

The diversity of the educational community is an important resource to this process; research

shows that students are more likely to develop cognitive complexity when they frequently interact

with people, views, and experiences that are different from their own.

Expressing one’s ideas and entertaining divergent perspectives—about race, gender, religion, or cultural

values, for example—can be frightening for students. They require a safe environment in order

to feel free to express their own views. They need confidence that they will not be subjected to ridicule by either students or professors. They have a right to be graded on the intellectual merit of their arguments, uninfluenced by the personal views of professors. And, of course, they have a right to appeal if they are not able to reach a satisfactory resolution of differences with a professor.

Learning to form independent judgments further requires that students demonstrate openness to the challenges their ideas may elicit and the willingness to alter their original views in light of new knowledge, evidence, and perspectives. Just as a crustacean breaks its confining shell in order to grow, so students may have to jettison narrow concepts as they expand their knowledge and develop more advanced analytical capacities. As they acquire the capacities to encounter, grasp, and evaluate diverse points of view, they also gain more nuanced, sophisticated, and mature understandings of the world. Every college student deserves to experience the intellectual excitement that comes from the capacity to extend the known to the unknown and to discern previously unsuspected relationships. Students may, in the end, reaffirm the worldviews and commitments that they brought with them to college. But they should do so far more aware of the complexity of the issues at stake and far better able to ground their commitments in analysis, evidence, and careful consideration of alternatives.

#### Teaching Students to Form Their Own Judgments

Research shows that students tend to develop intellectual and ethical capacities through a series of predictable stages. Students frequently enter college with a “black and white” view of the world, see things as either good or bad, and expect their professors and textbooks to serve as definitive

authorities. Part of the job of becoming educated involves breaking out of this dualistic mindset.

Association of American Colleges and Universities

Students cannot be left with the notion that

there is no legitimate way—

beyond arbitrary choice—to determine the

relative value of competing claims.

Students' growing awareness of intellectual diversity frequently leads to a second cognitive stage

that may be described as naive relativism. Once students see that ideas and methods are contested,

and that their teachers may differ among themselves about interpretations of truth on certain questions,

students often decide that “any idea is as good as any other.” While this is a predictable phase

in their intellectual development, it is a phase that their teachers must recognize and challenge.

Students cannot be allowed to be content with the notion that there is no legitimate way—beyond

arbitrary choice—to determine the relative value of competing claims.

Thus it is vital that liberal education be organized to help students progress to a third, more

mature, mental framework in which they form judgments—even in the face of continuing disagreement—

about the relative merits of different views, based on careful evaluation of assumptions,

arguments, and evidence. One of the central purposes of majoring in a particular discipline

or academic field is to come to the understanding that different fields of endeavor provide

well-grounded intellectual criteria for making decisions about alternative claims. Using these criteria,

students can learn to discriminate by arguing the evidence, with the understanding that

arguments exist for the purpose of clarifying

ideas, evaluating claims, considering consequences,

and making choices.

In this process, it is important that students

be asked to assess competing points of view

and to address them in making their own arguments.

A good analysis does not simply ignore

competing perspectives; rather, it takes them

thoughtfully and carefully into account. Students need to learn, through the kind of extended

and direct experience afforded by study in depth as well as general education courses, to be able to state why a question or argument is significant and for whom; what the difference is between developing and justifying a position and merely asserting one; and how to develop and provide evidence for their own interpretations and judgments.

Accomplishing this kind of educational result cannot be taken for granted or left to students'

unaided musings. There must be curricular space, capable guides and models, and a supportive

institutional culture to encourage students as they learn to develop their own critical judgments.

Freedom to learn is indispensable for both students and professors as they examine and assess disparate points of view within and across disciplinary boundaries. In the best designed

college curricula and assessments, ample opportunity exists for students both to work on these

intellectual skills and to demonstrate to the community their level of achievement in analyzing

complex questions.

Further, this kind of intellectual journey often has the greatest impact on students when they

apply their knowledge and inquiry skills to issues and problems beyond the academy.

Students sometimes

envision education as being removed from the "real world," but direct involvement with communities

beyond the academy can illustrate the actual power and significance of their learning. In such community settings, students may encounter new forms of intellectual diversity, forms that

emerge from working with people whose histories, experiences, perspectives, and values may be

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Academic Freedom and Educational Responsibility

A good analysis does not simply

ignore competing perspectives;

rather, it takes them thoughtfully

and carefully into account.

7

decidedly different from their own—and also, perhaps, from that of the scholarly community.

Service learning, community-based learning, community action research, internships, study



abroad, and similar experiences all provide opportunities for authentic learning that engage students in using their critical skills to understand and to better the world. Those outside the academy readily see the enrichment value of providing students with hands-on experience in community or organizational settings. However, they must also recognize that realworld learning may involve students with issues and problems that have been highly politicized. Indeed, some of the same experiences that enhance the knowledge, skills, and motivation of students to become more engaged in civic betterment are precisely the ones that are politically contested.

As a result, faculty whose courses include community-based learning experiences often find that they must help students assess controversial topics that—at first glance—might be thought extraneous to the subject of the course. When such controversial topics emerge, faculty have to use their professional judgment in deciding whether to devote class time to them. If they do, they have a responsibility to ensure that students hear and assess diverse views on these topics.

The Ideal versus the Real

Academic freedom is sometimes confused with autonomy, thought and speech freed from all constraints. But academic freedom implies not just freedom from constraint but also freedom for faculty and students to work within a scholarly community to develop the intellectual and personal qualities required of citizens in a vibrant democracy and participants in a vigorous economy.

Academic freedom is protected by society so that faculty and students can use that freedom to promote the larger good.

This document articulates an ideal that is based on historic conceptions of academic freedom and extends those precepts to include responsibilities for the holistic education of students.

In reality, practice often falls short of these norms. Departments and sometimes whole institutions

do not always establish widely shared goals for student learning, programs may drift away from original intentions, and assessments may be inadequate. Some departments fail to ensure that their curricula include the full diversity of legitimate intellectual perspectives appropriate to their disciplines. And individual faculty members sometimes express their personal views to students in ways that intimidate them. There are institutional means for dealing with these matters, and in all of these areas, there is room for improvement. The key to improvement is clarity about the larger purpose of academic freedom and about the educational responsibilities it is designed to advance.

Association of American Colleges and Universities

About AAC&U

AAC&U is the leading national association concerned with the quality, vitality, and public standing of undergraduate liberal education. Its members are committed to extending the advantages of a liberal education to all students, regardless of academic specialization or intended career. Founded in 1915, AAC&U now comprises more than 1,000 accredited public and private colleges and universities of every type and size. AAC&U functions as a catalyst and facilitator, forging links among presidents, administrators, and faculty members who are engaged in institutional and curricular planning. Its mission is to reinforce the collective commitment to liberal education at both the national and local levels and to help individual institutions keep the quality of student learning at the core of their work as they evolve to meet new economic and social challenges.

Information about AAC&U membership, programs, and publications can be found at [www.aacu.org](http://www.aacu.org).

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