Resolution
December 6, 2004
Introduced by
Senators Robert Geer, Steven Messner, R. Michael Range, and James Wessman

Whereas the President of UAlbany asked the University Senate to review the proposed CNSE Bylaws and CNSE Senate Charter and to advise him by October 8, 2004, and

Whereas the Senate charged the Governance Council to carry out such a review and to report back to the Senate, and the Governance Council submitted its report to the Senate on October 4, 2004, and

Whereas the Senate unanimously approved the recommendation of the Governance Council to create a Working Group consisting of members of the Governance Council and of CNSE to address the issues identified in the report, and the President has in the meantime granted two extensions to allow the Working Group to diligently carry out its charge, and

Whereas the Working Group has completed and unanimously approved a Memorandum of Understanding concerning the subject of promotion and continuing appointment for CNSE, and

Whereas the Governance Council has unanimously endorsed the MOU presented by the Working Group, subject to certain changes in said document, and the MOU that is now presented to the Senate incorporates said changes, and

Whereas procedures during the Interim Period, as detailed in the MOU, are analogous and consistent with existing procedures for cases in which CPCA performs the second level academic review, and

Whereas procedures detailed in the MOU that become effective after the Interim Period are intended to apply to CNSE only, and are not intended to preempt the conclusions and recommendations of the Ad-hoc University-Wide Governance Committee concerning related procedures for other schools and colleges within the University, and

Whereas the MOU is respectful of Bylaws, Charter, and practices of the Faculty of the University of Albany and its Senate, and the MOU recognizes that any procedure it contains that is found to be inconsistent with the Faculty Bylaws and/or the Charter of the University Senate shall become effective only after appropriate amendments have been duly approved to remove such inconsistencies,
The Senate of the University at Albany hereby

Resolves to accept the MOU as the Senate’s advice to the President concerning the subject of promotion and continuing appointment for CNSE, and further

Resolves to transmit the MOU to the President of the University at Albany, and further

Resolves to charge the Governance Council to

i) Examine the Faculty Bylaws and the Senate Charter and solicit input from the University Faculty regarding the specific question of potential inconsistencies between the procedures for CNSE detailed in the MOU that are applicable after the interim period and said Bylaws and Charter, and

ii) Determine if there are inconsistencies between the procedures for CNSE detailed in the MOU that are applicable after the interim period and said Bylaws and Charter, and, in case such inconsistencies are identified,

iii) Formulate specific proposals for such amendment(s) as may be required to resolve such potential inconsistencies, and

iv) Submit such proposed amendment(s) of the Charter, if applicable, to the Senate for consideration and vote no later than at the March 14, 2005 Senate meeting, and

v) Submit such proposed amendment(s) of the Bylaws, if applicable, to the Voting Faculty of the University at Albany according to Article IV. Section 3 of the Faculty Bylaws, for a vote at the earliest opportunity but no later than the Fall 2005 Meeting of the Faculty.
Memorandum of Understanding
Promotion and Continuing Appointment Procedures for CNSE
December 8, 2004

The joint working group comprised of representatives of the College of Nanoscale Science and Engineering (CNSE) and representatives of the Governance Council of the University at Albany Senate submits the following Memorandum of Understanding (MOU) for consideration by the University at Albany Senate. The MOU has been drafted in response to Interim President Ryan’s request for “review and comment” from the Senate on proposed Bylaws and Charter for CNSE and a Senate resolution authorizing the formation of the joint working group to address issues pertaining to the articulation of governance structures for CNSE and other units of the University. The working group has chosen the important subject of promotion and continuing appointment to address first. The following framework is the product of extensive deliberations and has the unanimous support of all six members of the working group (identified below), which is continuing its work on governance matters.

In view of the complex and sensitive nature of promotion and continuing appointment matters, and given the detailed and precise agreements in the MOU, the following brief summary of the key provisions of the MOU will help to clarify its scope and implications.

I. Summary

I.1. For an interim period of at least 3 years the existing procedures for promotion and continuing appointment will be followed for CNSE cases, exactly as they apply to units such as the School of Criminal Justice, School of Social Welfare, and others for which CPC serves as the second level academic review.

I.2. The end of the interim period is reached when CNSE meets specific criteria that are detailed in section II.8. of the MOU, but not prior to the end of the 2006-2007 academic year.

I.3. Certification that CNSE has met the criteria is the responsibility of the President. Given the objective and precise nature of the criteria in section II.8., no other review or certification by governance or any other entity is required.

I.4. Upon certification that CNSE has met the criteria, CNSE will form its own second level academic review committee that will carry out the second level academic review for all CNSE cases.

I.5. After the second level academic review by CNSE, CNSE cases will be transmitted to CPC.
I.6. After certification that CNSE has met the appropriate criteria, the role of CPCA in CNSE cases will be one of monitoring adherence to procedures and auditing cases at random for a thorough review. Furthermore, a thorough review by CPCA will be required in specific situations detailed in section II.6. of the MOU.

I.7. The MOU does not imply any extensions of I.6 to any other school or college within the university, nor does it make any recommendations affecting other schools and colleges. The MOU encourages discussions of such matters by governance and the schools/colleges that might consider such changes.

I.8. If any of the details outlined in items I.1. through I.7. above is inconsistent with the Faculty Bylaws and/or the University Senate Charter, said item(s) will only become effective if appropriate amendments are duly approved by the Faculty or the Senate, as applicable, so as to establish consistency.

II. Memorandum of Understanding

II.1. CNSE will be responsible for the first level of academic review for promotion to the rank of Associate Professor and Professor and for continuing appointment.

a. Personnel cases will be initiated at the level of constellation/department according to the regulations of the particular constellation, and consistent with university-wide guidelines and the terms and conditions of the Agreement between New York State and United University Professions concerning appointment, promotions, and continuing appointment procedures.

b. For three academic years, beginning with 2004-2005, CNSE will involve faculty members from its other constellations in the first level academic review process so as to build up experience among CNSE faculty to thoroughly review cases throughout the full spectrum of CNSE research, education, and service activities.

c. The Head of the Constellation/Department will then carry out the first level administrative review, and transmit cases, including his or her own written recommendation, to the university-wide Council on Promotion and Continuing Appointment (CPCA) during an interim period of at least three academic years, beginning with academic year 2004-2005. The Head of the appropriate Constellation/Department shall ensure that the Constellation/Department’s recommendation as well as his or her recommendation and the format of the cases is in full compliance with the rules and regulations of Sections I and IV-B of the University at Albany Faculty Handbook.
II.2. During an interim period of at least three academic years, beginning with academic year 2004-2005, CPCA will be temporarily the designated second level academic reviewing body for CNSE and will carry out its responsibilities consistent with university-wide guidelines, just as CPCA carries out the second level academic review for faculty in several other units, such as Criminal Justice, Information Science, Rockefeller College, Social Welfare, and University Libraries. CPCA should consider adding criteria such as patents, inventions, consulting, etc., to the metrics to be used to measure scholarship. It is further recommended that a representative from CNSE serve on CPCA during this period for evaluating cases and revising guidelines so they include unique aspects of scholarship, teaching, and service in CNSE.

II.3. CPCA will transmit CNSE cases, including its written recommendation, to the Vice President of CNSE. The Vice President of CNSE will conduct the second level administrative review, and transmit cases, including his or her own written recommendation, to the President of the University at Albany-SUNY (UAlbany).

II.4. The process outlined in items II.1. through II.3. above for promotion and continuing appointment will be in effect until CNSE has matured and grown to a critical mass of faculty and constellations/departments, as outlined in more detail in section II.8. below. Once CNSE achieves this level of maturity and critical mass, CNSE will be responsible for the full second level academic review, but not prior to the end of the 2006-2007 academic year. The President shall be responsible for certifying that CNSE has met the criteria and standards detailed in section II.8., in consultation with the Chair of the University Senate, the Chair of CPCA, the Provost, and the Vice President of CNSE. After certification by the President, CNSE will form its own second level academic reviewing body consisting of faculty from across the various CNSE constellations.

II.5. Once established, the CNSE second level academic reviewing body shall perform a full second level academic review according to university-wide guidelines for promotion and continuing appointments by examining each case transmitted to it by the Head of the Constellation/Department. This CNSE full second level academic review process will be identical to the second level academic review conducted by CPCA prior to CNSE achieving the critical mass defined in section 8. The CNSE second level academic reviewing body will then transmit cases, along with its own written recommendation, to the CNSE Associate Vice President for Academic Affairs. The CNSE Associate Vice President for Academic Affairs will conduct his or her own administrative review and transmit cases, including his or her own written recommendation, to CPCA.

II.6. Once the CNSE second level academic reviewing body is established and functional, the role of CPCA in CNSE cases shall be transformed to monitoring
adherence to procedures and auditing cases at random for a thorough review, to ensure implementation of university-wide policies. Furthermore, a thorough CPCA review of CNSE cases and recommendation to the Vice President of CNSE will occur in cases that contain clear evidence of dissensus indicating that further review is required. The latter consists of a negative majority vote at either academic review level within CNSE, or a negative administrative recommendation by either the Head of the relevant CNSE constellation/department or by the CNSE Associate Vice President for Academic Affairs. A consistently negative recommendation or consistently positive recommendation at all four CNSE review levels does not constitute evidence to activate a thorough review and recommendation by CPCA. A thorough CPCA review and recommendation could also occur at the request of the President of the University, or of the Vice President of CNSE, or of the candidate, regardless of the nature of the recommendations of the four levels of CNSE review. A more precise and detailed definition of the role of CPCA will be determined as soon as practical in consultation between UAlbany Faculty Governance, CNSE, and all the schools/colleges that have their own second level academic review, i.e., CAS, School of Business, School of Education, and School of Public Health. This process may include amendments to the UAlbany Senate Charter and/or UAlbany Faculty Bylaws, as required.

II.7. It is important to establish specific standards and criteria for CNSE to be entitled to carry out its own second level academic review while ensuring academic excellence and scholarship. Such standards and criteria are required for the reasons outlined below.

a. CNSE needs to know the applicable criteria so as to be able to develop in such ways as to meet these criteria at some point in time.

b. Such criteria would set the expectations of a unified governance structure and thereby support such a unified structure.

II.8. CNSE will be entitled to carry out its full second level academic review if and only if all of the following criteria are met:

a. Consistent with current practices, CNSE must consist of a minimum of four independent departments/constellations with significantly different foci (e.g., nanoscience, nanobioscience, nanoengineering, and nanoeconomics).

b. At least three of these departments/constellations must include a minimum number of ten teaching faculty per department/constellation, i.e., teaching faculty members (herein and hereafter identified as consisting only of those members of the academic staff who have academic rank as defined in the UAlbany Faculty Bylaws), whose primary academic affiliation is
within this specific department/constellation (no adjunct faculty or visiting faculty are included for this purpose).

c. Forty percent of the teaching faculty within each department/constellation must be senior faculty members. For this purpose, senior faculty member are defined as associate or full professors who have undergone the promotion and/or continuing appointment process at UAlbany and/or associate or full professors who have spent a minimum of six years in a position of academic rank at an academic institution of higher learning.

d. A minimum number of two continuing appointment cases (with or without promotion as applicable) of teaching faculty within each department/constellation must have been approved by CPCA while CPCA carries out the second level academic review.

Date: December 8, 2004

Acknowledged and Agreed to By:

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