

**University at Albany, State University of New York
Governance Council**

Monday, December 8, 2008

Michael Range, Chair

Minutes

Present: Nan Carroll, Richard Collier, Jane Domaracki, Virginia Eubanks, Candace Merbler, John Monfasani, Michael Range, John Schmidt

The meeting convened at 3:31 pm.

MINUTES

The minutes of the November 24, 2008 were approved as written.

CHAIR'S REPORT BY MICHAEL RANGE

Budget Advisory Group: Recommendations for the BAG have been forwarded to SEC and SEC - with no objections - has forwarded nominees to Interim President Philip. At the last SEC meeting, the President deferred to Interim Provost Philip to lead the discussion regarding the budget. The Provost indicated that due to the lack of final budget figures, the situation for the BAG to move forward is in flux. Chair Range views it disappointing that GOV's work is on hold and believes the group could be doing preparatory work to address some of the budget issues. The Chair stated further that the group could be reviewing history of the budget and that it is not in the best interest of BAG to delay the conversation.

A discussion ensued about the issue. Candace Merbler indicated that at a "Town Hall Meeting" the Provost did announce the formation of the BAG but did not indicate when it would convene. GOV Members expressed concern about the need to prepare and not make quick, ill-informed decisions. It was suggested that the President and Provost be urged to convene the group as soon as possible. Intersession would be a good time to digest and review materials.

Request for mediation on Conflict of Interest:

At its meeting on December 1, SEC Chair John Delano said he believed that GOV has acted appropriately by recusing itself concerning the request made to GOV to invoke the mediation process. Chair Delano indicated that a suitable mediation body needed to be identified and a three member group was formed composed of John Delano, Past Senate Chair Reed Hoyt and former Senate Secretary Andi Lyons. This group will consider the matter and report back to the SEC and the party requesting mediation.

Proposed Charter Amendment on Graduate Courses:

At the December 1 SEC meeting, a motion was made to move the original amendment proposed by GAC to the Senate, but the motion was not approved. GOV's proposed substitute amendment was approved and will move to the Senate for its meeting of December 15.

SEC Meeting re: CNSE Proposal:

The meeting with Interim President Philip and Sr. Vice President Kaloyeros at the December 1 SEC meeting was cordial and informative. Those who asked questions received satisfactory answers. The minutes of the meeting are quite detailed and those minutes should be approved at the special session of the SEC on December 9. It is expected that a motion will be passed to move a resolution to the Senate floor on December 15 to bring closure to the matter.

Chair Range encouraged all GOV members to attend the next Senate meeting.

OLD BUSINESS:

Proposed Amendment re: Consultation:

Chair Range informed GOV members of the discussion that took place at the December 1 SEC meeting and the recommendations which resulted from that meeting as indicated on the revised amendment. The basic idea was to assume a gentler tone in the language addressing advisement of the President. GOV members discussed how the language could be changed and decided that it would be the duty of the Senate Chair to "inform" the President of the principles of consultation. GOV member Candace Merbler expressed concerns that the Chair's advisement would not include other University officers. The rationale among SEC was that the officers report to the President and he/she would know who interacts with other staff that would need to be advised.

Some SEC members felt that the bulleted items in the rationale were unnecessary and could cast the President in an unfavorable view. There was also a discussion that the bulleted items may not be in the best interests of the University with the Middle States Self Study in progress. But the general view was the amendment could be passed on its own merit without the bulleted items. A discussion took place among GOV members and they agreed that the bulleted items would not be part of the amendment, but should be included as a separate item when the amendment goes to the Senate, as well as part of the Senate minutes and posted to the Senate web site. A motion was made to remove the bulleted items but have them included as a summary and state the reason why they are separate, and to revise the language regarding informing the President. The motion was seconded and passed. Chair Range will take the revised amendment to the SEC when it meets on December 9th.

New for this year: IRCAP Amendment (Developed in Spring 2008):

Chair Range gave some background on the amendment. The IRCAP amendment was developed to address proposals, mostly for undergraduate programs and/or courses that did not originate within a school or college. The amendment recognizes that there is room for other courses not coming from schools. There was consensus that there should be a thorough review process for such proposals as well, comparable to a school/college review, before such proposals went to UAC. The amendment made it to the Senate floor late last spring. Opposition came from the Vice Provost for Undergraduate Studies and the Dean of Graduate Studies. The matter did not go to a vote at that time. GOV asked the interested parties for alternative suggestions.

There are questions that have come up since this amendment was introduced, one being that given the proposed amendment regarding graduate courses, this may no longer apply to graduate programs or courses, and may only address undergraduate programs and/or courses. Another question that needs to be addressed is to find an appropriate place in the Charter. Also, the pending report on the Freshman Year Experience may provide other input on this. GOV will continue the discussion at its first meeting next semester.

New Business:

Apparent Conflict of Interest of an Individual:

Chair Range provided background regarding Senate Bill 0708-23 and events thereafter from May, 2008 through November 11, 2008. He indicated that the Dean of Graduate Studies – a member and former Chair of the Women Studies Department - should have recused herself from the process. Now that the President has signed the bill and sent it on to SUNY Administration, there are concerns as to how System Administration may view this. Furthermore, given the appearance of a pattern in which the Dean of Graduate Studies has been involved in promoting this bill before the GAC, the Senate, Senate Chair Delano, and possibly Interim President Philip, and if such behavior is considered to be an unacceptable practice and a potential conflict of interests, what should GOV do about it? It was suggested that perhaps an amendment could be made to the charter prohibiting staff from the Office of the Dean of Graduate Studies from chairing GAC subcommittees. If there is an appearance of a conflict of interest, it was suggested that an outside body, such as an ethics committee, could address the issue. Chair Range expressed concern that SEC has not acted on the matter of a potential conflict of interest, and he urged GOV members to think of additional suggestions for possible actions. The discussion will resume when GOV meets next semester.

The meeting adjourned at 5:33 p.m.

Submitted by Gail Cameron, Recorder