

**2008-2009 University Senate Executive Committee
December 1, 2008
John Delano, Chair**

MINUTES

Present: Henryk Baran, Richard Collier, John Delano, Nicholas Farenkopf, Reed Hoyt, Laurence Kranich, William Lanford, Eric Lifshin, Carolyn MacDonald, George Philip, Susan Phillips, Lawrence Raffalovich, Michael Range, Joan Savitt, Lawrence Schell, Malcolm Sherman, Daniel Smith, Daniel Truchan

Guests: Alain Kaloyeros, Candace Merbler

The meeting convened at 3:32 pm.

PRESIDENT'S REPORT BY GEORGE PHILIP

Part 1: Board of Trustees Resolution

This portion of the President's Report was devoted to a conversation with Interim President George Philip and Senior Vice President/CEO Alain Kaloyeros dealing with the SUNY Board of Trustees Resolution (*Administrative, Programmatic, and Budgetary Autonomy of the College of Nanoscale Science and Engineering of the University at Albany*) that was passed unanimously by the SUNY Board of Trustees on Tuesday, November 18. (Attachment 1)

Senate Chair John Delano began the conversation by reading aloud the following brief excerpts bearing on the Board of Trustees Resolution #10R as a preamble to his question:

Excerpt from November 17th Memo by Interim President George Philip

“Further, all CNSE faculty are appointed by the President of the University at Albany, based on the recommendation of the head of the College.”

“The resolution should have no impact on the academic side of CNSE as an integral unit of the University at Albany. Nevertheless, it is important that we engage in fruitful and productive discussions concerning the resolution and its potential benefits to the campus – in accordance with governance procedures for consultation.”

Excerpt from ‘Background’ section of Board of Trustees Resolution #10R

“Within this modified CNSE autonomy model, all terms and conditions of the current agreements between the UAlbany University Senate and CNSE Faculty Council, as set forth in the provisions of the CNSE Faculty Council Bylaws and Charter and UAlbany University Senate Resolution 0405-01R, will remain in full force and effect, including all provisions governing CNSE faculty promotion and continuing appointment and academic curricula development. The CNSE faculty will continue to serve as UAlbany faculty, the CNSE student enrollment will continue to be part of the UAlbany overall enrollment plan, and CNSE's academic curricula will continue to be part of the UAlbany instructional portfolio and be developed and advanced through the current UAlbany administrative and faculty governance processes.”

Excerpted comments by SUNY Trustee Linda Sanford, Chair of the Committee on University Research Centers, during introduction of Resolution #10R at the Board of Trustees meeting on Tuesday, November 18th. (Minutes 84:45 – 86:40 on webcast)

“The Committee considered a resolution to increase the autonomy for the College of Nanoscale Science and Engineering (CNSE) as it relates to the business of nanotechnology. ... provides administrative and fiscal authority over CNSE’s operations ... This new paradigm will allow the CNSE to be more responsive in meeting and enhancing the business opportunities of that College. It represents a model, I believe, of how SUNY can expand its private and public relationships and partnership opportunities to bring in more-and-more new investments and new jobs. It is also important to note that the academic issues related to CNSE will continue to be handled through the umbrella of the campus, so we’re not recommending any change on the academic side. This will include faculty tenure, promotions, approval of new courses, and also approval of new programs.”

Chair Delano’s question was the following: Would I be correct in interpreting these three excerpts as meaning that the Board of Trustees resolution brings increased autonomy to the Senior Vice President and Chief Executive Officer of CNSE in the business and fiscal aspects of that College without affecting the existing academic arrangements between CNSE and UAlbany?

Senior Vice President/CEO Alain Kaloyeros responded, “Yes”. He read a portion of President Philip’s memo of November 17 to Chair Delano which states that “CNSE’s academic curricula will continue to be part of the UAlbany instructional portfolio”. He also read from the memo Interim President Philip’s statement that “Further, all CNSE faculty are appointed by the President of the University at Albany, based on the recommendation of the head of the College.”

Senior Vice President/CEO Alain Kaloyeros also read the following excerpt from the Board of Trustees Resolution “Whereas in view of its universally recognized regional, State-wide, national, and global research, education, and economic outreach initiatives, CNSE has recently developed and the UAlbany President has approved a restructuring of its management and administrative platforms,” and proceeded to emphasize the words “management” and “administrative.” He finally read the following additional excerpt from the Board of Trustees Resolution “the Board of Trustees hereby confirms the appointment of Professor Alain E. Kaloyeros as CNSE Senior Vice President (“SVP”) and Chief Executive Officer (“CEO”) and further assigns him, in addition to his current UAlbany-wide duties, obligations, privileges, and responsibilities, full administrative, academic, and fiscal authority over CNSE’s internal management and operations” and emphasized the word “internal.”

Senior Vice President Kaloyeros confirmed that the curriculum would go through a shared review process in which curricula are the responsibility of faculty and that the UAlbany President performs one layer of sign off. Dr. Kaloyeros distributed a document entitled ‘*Talking points and Q&A*’ (Attachment 2) concerning the Board of Trustees Resolution.

UUP President Candace Merbler, who is also a member of the Governance Council, had been invited by Chair Delano to attend the SEC meeting and asked the following question: With the provisions of your new dual reporting nature, including reporting directly to the Chancellor on the business side of CNSE, what assurances do we have that the provisions of the UUP Agreement – specifically Articles 30, 31, and 33 will not be abrogated? Dr. Kaloyeros responded that the BOT Resolution states no protections or processes agreed to through collective bargaining will be abridged or otherwise affected and CNSE faculty will continue to have the same appellate rights to the Chancellor.

CERS Chair Carolyn MacDonald inquired about what the implications would be for budget. Dr. Kaloyeros replied that the new model is for CNSE to receive its share of the state and Research Foundation funding directly from SUNY and the Research Foundation and in turn pays the University for any obligations and cost, instead of the current model where the University receives the CNSE allocation from SUNY and the

Research Foundation then pays CNSE. CNSE would continue to share the same proportion of its allocation of the BAP formula research match with the University, in accordance with the agreement with the University President developed since 2004. However, separating it into a direct payment to CNSE would benefit the University as it would mitigate possible effects of caps in the formula. He indicated that any potential disagreements about the cost expended by the University in supporting CNSE operations or potential conflicts in proposed budgets would be mediated by SUNY. The resolution would provide CNSE the opportunity to reach out and do business without being constricted by internal issues and allow CNSE to control its finances with the University. Under the new model, the University would also be held whole financially and would not be fiscally exposed due to delays in receipt of allocations from SUNY or the Research Foundation.

Senate Vice-Chair Michael Range stated that he had no problems with granting full autonomy under SUNY to the business / economic development side of CNSE. Such autonomy would, in essence, be nothing new, since it would reestablish the equivalent of the independence that was enjoyed years ago by Albany NanoTech, Inc. Dr. Kaloyeros clarified that ANT was a not-for-profit corporation, while under the current structure the CNSE business side is subject to SUNY and other NYS regulations. Dr. Range then raised a question relating to curriculum, and faculty tenure and promotion under the new administrative structure. He cited his letter of November 29, 2008 to the SEC, specifically Item IV “Where do we go from here?” Vice-Chair Range asked that it be clarified that the final authority of the UAlbany President as it applies to faculty in Interim President Philip’s 11/17 memo, would extend to tenure and promotion as well. Dr. Kaloyeros responded that the process for faculty appointment, tenure, and promotion would continue as it is today. The UAlbany President would continue to have the final campus sign off on faculty appointments, tenure, and promotion, based on a recommendation from the CNSE Senior Vice President, and then forward the cases to the Chancellor. Vice-Chair Range asked that it be clarified that academic curricula in CNSE will be referred to the UAlbany President. Dr. Kaloyeros responded that the development and review of CNSE curricula will continue to be part of the UAlbany instructional portfolio and be developed and advanced through the current UAlbany administrative and faculty governance processes, with the President having the final campus sign off prior to submission to SUNY. Vice-Chair Range thanked Dr. Kaloyeros for these clarifications. He further stated that, for his part, the concerns shared by him and other colleagues regarding these matters were hereby addressed, and that he supported the intent of the BOT Resolution, as clarified in the various additional statements that are referenced.

PRESIDENT’S REPORT BY GEORGE PHILIP

Part 2: Other issues

Interim President Philip announced there will be a series of town hall meetings addressing issues on the budget. All faculty and staff are encouraged to attend. He is unsure how the negotiated salary increases will be financed. The Legislative session with the University was not productive. The situation will be problematic if SUNY is subjected to Legislative cuts. He stated that the budget cuts could result in a smaller freshman class and fewer courses being offered. It may also take longer for students to get through their programs. He discussed the energy reduction period from December 20 through January 4. State agencies are under a mandate to save money and an executive order to reduce our carbon footprint. Interim President Philip has asked Candace Merbler to attend the town hall meetings to address advocacy efforts.

The President was asked if there will be an increase in TAP with a tuition increase. He replied that the eligibility requirements for TAP are outdated and should be changed. He further stated that the Governor’s proposal would need to increase TAP payments. In response to a question about fee increases, he stated that he was strongly opposed to an increase as it represents a form of regressive tax, but he cannot guarantee they will not be raised. The University expects a record number of applications for the fall with many coming from applicants who would normally apply to private schools and will be looking for less expensive schools.

PROVOST'S REPORT BY SUSAN PHILLIPS

Interim Provost Phillip reported that a draft report of the Going Forward Conference has been posted for review. A group has been created to address action items.

Other items in her report included the following:

- First Year Experience: A report has not yet been received from the task group.
- Former UAlbany President Vincent O'Leary has lent his name to the professor emeritus program which will recognize faculty who have made substantial career contributions.
- Budget Advisory Group: There is no known timeline although the group will likely begin to meet after the holidays. Activities are contingent on the budget process.

MINUTES of November 3rd SEC meeting

The Minutes of the SEC meeting on November 3, 2008 were reviewed. A few minor grammatical changes were suggested and those changes will be made. COR Chair Lawrence Schell asked that COR's report reflect that the last report was made to the full Senate and that future Minutes should indicate the same. The Minutes were approved pending these revisions.

CHAIR'S REPORT BY JOHN DELANO

On November 10th, the Senate Chair met with Interim President George Philip and University Counsel John Reilly concerning revisions to the University's Misconduct Policy. CERS has become increasingly impatient with the pace of this important task. The Senate Chair plans to meet with the University Counsel, John Reilly, and the CERS Chair, Prof. Carolyn MacDonald to better understand how to expedite this important matter. It is generally understood that since the Misconduct Policy needs to be written as a legally defensible document, it is required that the revisions to the Misconduct Policy be written in close consultation with CERS and the University Counsel. Without approval of the document by the University Counsel, the Interim President will view the document as being unacceptable. (Addendum by JWD: The Senate Chair should have reported this to the CERS Chair prior to this SEC meeting.)

The Senate Chair attended the November 18th meeting of the SUNY Board of Trustees (BOT) to observe in the proceedings, including its consideration of Resolution #10R (*Administrative, Programmatic, and Budgetary Autonomy of the College of Nanoscale Science and Engineering of the University at Albany*), and to provide input (if requested). Since this resolution did not change any of the existing academic relationships between the University at Albany and the College of Nanoscale Science and Engineering (CNSE), as indicated by (a) multiple meetings and communications between the Senate Chair and constituencies, (b) the appended paragraph of Resolution #10R, and (c) a November 17th memo by Interim President George Philip, the Senate Chair decided to (d) not call a special meeting of the Senate Executive Committee late in the week of November 10th in advance of the November 18th meeting of the SUNY Board of Trustees, and (e) not be in favor of this matter being added to the agenda of the University Senate at its regularly scheduled meeting on November 17th. In his November 16th e-mail to SEC members, Senate Vice-Chair Michael Range asked for support to place a motion on the Senate agenda for the November 17th meeting that would ask the SUNY Board of Trustees to postpone voting on the CNSE resolution until after the December 15 UAlbany Senate meeting. Vice-Chair Range's request was defeated by a vote of 2 in favor, 6 opposed, and 10 not voting, in which a 2/3 majority was needed according to Article II, Section 7.7.2 of the Faculty Bylaws. On November 17th, Interim President George Philip sent a memo via e-mail to Chair Delano indicating that he and Senior Vice President Alain Kaloyeros had accepted invitations by the Senate Chair to meet with the SEC to discuss BOT Resolution #10R at its next scheduled meeting on December 1st.

SUNY SENATORS' REPORT BY BILL LANFORD AND MICHAEL RANGE

Michael Range reported that at the November 18th meeting of the SUNY Board of Trustees, it was announced that Interim Chancellor John Clark will step down at the end of the calendar year. This should put pressure on the chancellor search committee to complete the search as soon as possible.

COUNCIL/COMMITTEE CHAIRS' REPORTS

CAA (Council on Academic Assessment) – Henryk Baran, Chair

The Council on Academic Assessment met on November 19th, 2008, and continued its work from the November 5 meeting – reviewing the language that defines its tasks and relationships with various constituencies. A number of editorial changes in documents on CAA itself were discussed and agreed on; subsequently, we began work on revising some of the language dealing specifically with the Program Review Committee. It was agreed that the chair will recommend to the SEC and the full Senate a review by the Undergraduate Academic Council and the Graduate Academic Council of charter language that deals with their roles in the assessment process. The Council also briefly discussed the question of the status of ex officio members, especially the Director of Program Review and Assessment; it was agreed that changes to the charter will be proposed.

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

CAFFECOR members are interested in the Senate's holding a Faculty Forum next semester on campus freedom of expression policies. *The Committee has not come to an agreement on the process of the forum and would like to have it added as an agenda item for the next SEC meeting.*

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

CERS met late Tuesday, November 25 and voted to move the proposed policy changes forward to the Senate for the December 15 meeting, while continuing to solicit input from members of the adhoc committee from last spring.

COR (Council on Research) – Lawrence Schell, Chair

The Council on Research met on November 12 in LSRB 1143. The VP-R gave her report that included mention of the successes of NIH day, the NEA day, UAlbany Day, as well as a description of the budget issues facing the Division of Research. Reports from committees were heard including reports of the number of applications to FRAP A, the SUNY Benevolent Association, and for conference and journal support. One application for establishment of a research center was tabled pending receipt of additional required information. At the request of the CoR, the Director of Libraries, Frank D'Andraia visited, and provided information regarding the impact of the current budget difficulties on library resources related to research particularly journal subscription and access. The next meeting is scheduled for December 10, 2008.

CPCA (Council on Promotions and Continuing Appointments) – Eric Lifshin, Chair

The Council is meeting regularly and considering 2 cases per meeting.

GAC (Graduate Academic Council) – Laurence Kranich, Chair

GAC met on November 24. The Council approved a proposal by the Schools of Public Health, Social Welfare and Education for a Certificate of Graduate Studies in Health Disparities, subject to minor revisions. In addition, the Council acted upon an academic grievance before the Committee on Admissions and Academic Standing. It also approved a recommendation by the Committee on Educational Policy and Procedures against establishing an equivalence scale between undergraduate and graduate credits. Finally, the Council approved two program changes: (1) a proposal by the School of Business to realign the MS

Accounting Programs, and (2) a proposal by the School of Social Welfare to revise the Master of Social Welfare - Direct Practice Concentration. The last two items are changes to existing programs.

GOV (Governance Council) – R. Michael Range, Chair

Since the last Senate meeting GOV met on November 24, 2008. The status of GOV's recommendations for the BAG was briefly reviewed. Senate Chair Delano, who was present at the meeting, stated that so far he had heard no objections from anyone on the SEC, and that the recommendation would be transmitted to Interim President Philip after Tuesday, 11/25/08 afternoon unless major objections would be raised until then.

The Council reviewed the proposed clarifying amendment on graduate courses in light of the input received from Dean Pryse at its last meeting, and concluded that no changes would be needed. It was agreed to transmit the amendment to the SEC, subject to further input at the SEC from GAC, as reported by GAC chair Kranich. GOV is scheduled to meet on 12/8/08 and could address any changes suggested by the SEC.

GOV took up the other proposed amendment regarding consultation that could not be discussed at the last meeting because of lack of time. After some further discussion it was moved to transmit the amendment to the SEC for possible introduction to the senate at its Dec. 15, 2008 meeting.

LISC (Council on Libraries, Information Systems, and Computing) – Lawrence Raffalovich, Chair

At the 11/21 meeting we discussed the impact of recent and anticipated budget cuts to ITS and University Libraries. Both report increased use with decreased resources. Faculty are encouraged to develop and deliver courses on-line as ITS loses support capacity. University Libraries faces increased prices for recurring subscriptions for journals and on-line databases, but will receive no funds to address inflation. University Libraries' ARL ranking has dropped to 111/113. Contingency plans for ITS and University Libraries include reductions in service to the university community.

LISC expects passage of the Charter amendment regarding eligibility to chair Council committees. The Library Committee is currently active with the DOL as chair, but we anticipate no problems with the transition in the Fall. The CIO and LISC chair are working together to form the ITUPC.

CIO Chris Haile is exploring alternative mechanisms for students to acquire software licenses directly through ITS (currently, these are available for purchase only through an academic department budget).

In the spring, ITLAL will offer training for faculty to help manage student use of laptops, PDAs, cell phones, etc. to surf, text, email, etc. during class.

Items to be discussed at future meetings include access to on-line course materials for students with vision problems; and a recently released report by the Digital Youth Project on the use of digital technology by young people, with implications for teaching and learning.

LISC meets again on 12/19.

UAC (Undergraduate Academic Council) – Joan Savitt, Chair

UAC expects to have a new major approved for the December Senate meeting but we will not have voted it out until after SEC meets. *The Committee would like have the proposal regarding the Chemistry Major—Accredited Forensics Emphasis added to the next agenda for the upcoming Senate meeting.*

We MIGHT have another bill for the 2nd Bachelor's Degree but that hasn't been voted yet either.

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

ULC will meet on December 3 and 5 to begin finalizing recommendations for modification to the smoking policy.

We will also discuss and may make recommendations to the UAS Board about the advisability of serving wine or beer during lunch.

UPC (University Planning and Policy Council) – Reed Hoyt, Chair

Nothing to report

NEW BUSINESS

Request for mediation on *Conflict of Interest* (referred to SEC by GOV):

GOV Chair Range gave some background on the issue which was first presented by Senate Chair Delano. At issue was a request from two Senators to invoke the mediation process. The matter was referred to GOV and involved questions relating to a potential conflict of interest resulting in the proposed amendment at the last Senate meeting regarding eligibility to chair committees. GOV concluded that it would not propose restricting department chairs from chairing committees but moved forward the current proposal. GOV discussed that they would need to recuse themselves in the matter as an interested party and suggested that the senators involved could propose an amendment to the SEC. Chair Delano believes GOV has acted properly and the issue to be resolved is identifying a suitable mediation body. This group would submit a report for SEC to discuss and interview interested parties. All members of GOV should be excluded. A motion was made to form a three person group (Reed Hoyt, Andi Lyons, and John Delano) who will be part of the mediation. The motion was seconded and passed.

Charter Amendment 0809-03: *Amendment on consultation* (GOV):

GOV Chair Michael Range discussed the amendment that proposes adding to the Senate Charter that the Chair of the Senate will inform the Administration regarding the process of consultation. GOV Chair Range reviewed the rationale and instances where consultation was not optimal according to the Charter and Bylaws. GOV proposes that it is the duty of the Senate Chair to inform and alert various interims of the process. There was a discussion relating the bulleted items in the rationale. Some SEC Members thought that the amendment itself was sufficient and the bulleted items could be deleted with some additional supporting rationale. SEC members agreed that when the new president arrives, s/he will need to understand how the Senate conducts itself. The language should clearly define the expectations of the Senate Chair and the language should be as matter of fact as possible. Some rewording of the language was recommended. Chair Range will return the proposal to GOV with the suggested revisions.

Discussion of proposed Charter amendments on graduate courses (GAC; GOV):

GAC Chair Laurence Kranich opened the discussion by stating that four overlapping and contradictory items have been proposed to the Senate or its Councils: the proposed amendments by GAC and GOV, the IRPAC amendment, and an internal Certificate in College Teaching. He suggested taking everything off the table, sorting and re-evaluating the proposals, and advancing a coherent plan which establishes appropriate policies. There are concerns about courses originating in ITLAL and Graduate Studies and whether or not they should be issuing graduate credits. Also discussed was the issue of zero credit courses and whether it is necessary that they be housed in a school or college. Chair Kranich suggested that graduate level UNI courses be permitted but required to carry zero credit. He did not believe there was a problem with having ITLAL sponsor a zero credit course and that it created unnecessary work to search for a school to support these courses. However, others felt that any graduate course which appears on the transcript, even for zero credit, should be house in a school or college. GOV Chair Range said the GOV amendment does not preclude zero credit courses. A motion to move the GAC amendment to the Senate was not approved. A motion to move the GOV amendment to the Senate was made, seconded and approved.

Revisions to *Misconduct Policy* (CERS)

Due to time limitations this item was not discussed. CERS Chair MacDonald asked that members submit e-mail comments on the current draft of the revised Misconduct Policy. It was also agreed

that COR would receive a copy of the current version. Senate Chair Delano sincerely apologized to CERS Chair MacDonald for having not informed her of the discussion that he had had with President Philip and University Counsel John Reilly on the matter of revisions to the Misconduct Policy (as mentioned in the Senate Chair's report)

Certificate of Graduate Studies in Health Disparities (GAC; UPC):

GAC Chair Laurence Kranich introduced this joint proposal by the Schools of Public Health, Education and Social Welfare for a four-course certificate program using existing resources. The basic structure consists of one mandatory course offered by the School of Public Health followed by three courses from the other subject areas indicated on the proposal. The major objection to the original proposal was that it did not address the economics of health disparities. A compromise was reached in which this topic will be addressed in one portion of the mandatory course and a professor from Economics will be invited to lecture on the subject. The proposal will advance to the Senate.

Chemistry Major—Accredited Forensic Emphasis (UAC)

The proposal was introduced by UAC Chair Joan Savitt. A motion to move the proposal to the Senate, pending UAC approval, was seconded and approved.

The meeting was adjourned at 6:12 pm.

Respectfully submitted by
Gail Cameron, Recorder