

Ad hoc Ad Hoc University-Wide Governance Committee
September 24, 2004
Minutes

Present: J. Acker, R. Bangert-Drowns, J. Bartow, B. Carlson, P. Eppard,
M. Fogelman,
R. Geer, T. Hoff, J. Pipkin, L. Schell, G. Singh, J. Wyckoff

Discussion on a motion regarding Committee timetable and release of report:

Discussion ensued about the Committee's timetable for the completion and release of its draft report. This discussion was conducted in anticipation of the University Senate meeting scheduled for Oct. 4 and in light of Senate Chair MacDonald's indication that she had hoped to distribute the committee's draft report prior to that meeting. Professor MacDonald had further indicated that the proposed Bylaws of the College of Nanoscale Science and Engineering (CNSE) had been transmitted to Interim President Ryan, and that President Ryan had invited Senate comment on the bylaws. The president also was reported as expressing a desire to take action on the bylaws by Oct. 8. Professor MacDonald had encouraged the committee to work as quickly as it can and indicated that she would welcome a partial report if the Committee is not able to produce a final draft report. Committee members expressed concern that the committee had been asked to review the CNSE Bylaws, which they did not understand to be a part of the Committee's charge. Concerns were expressed about the committee's submitting a partial report, in that an incomplete report risked being misunderstood and not accurately reflecting the committee's consideration of the issues it has been discussing over the past several months. Additional concerns were expressed that the committee not be perceived as becoming embroiled in the review of CNSE's bylaws, and that it is important that the committee's work be perceived as being independent of specific controversies and addressing broad governance issues pertinent to the entire University community. Committee members agreed that a draft report cannot be concluded and submitted in time to meet the Senate Chair's request.

There was discussion about whether the committee's initial report might be completed by November 1. One Committee member suggested that a November 1 submission date might be feasible for a draft report, yet emphasized that consultation with faculty is an important part of the process of developing a final report. The committee has assumed from the outset that a draft report will be shared with faculty, staff, the administration, and students for review and comment. Another Committee member suggested that the committee's voting on a specific motion would be the best way of communicating with the Senate. The Committee members present agreed to begin discussing the Research Subcommittee report and table the discussion on the draft motion until later in the meeting, when other committee members were expected to be present and at which time the committee would be in a better position to estimate how much time might be needed to complete a draft report.

Discussion on Research issues:

Professor Wyckoff reviewed the five areas that the Research Subcommittee considered: (1) compliance and conduct, (2) indirect cost return, (3) research awards (funding), (4) centers and institutes, and (5) excellence awards. He reported that, in short, the Subcommittee believes that the status quo should be preserved with respect to faculty governance in these areas of research. The subcommittee is recommending no changes in current procedures although it encourages consideration of stronger policies surrounding potential conflicts of interest in research endeavors.

In considering faculty governance issues pertaining to research centers and institutes, the Subcommittee examined policies at several universities including SUNY Binghamton and the University of South Carolina. At both of those institutions, there appears to be no university-level faculty input regarding centers and institutes. Instead, decisions are made by the President, following input from the VP for Research and the units involved. A majority of the Subcommittee concluded that benefits are associated with the model used at

UAlbany and that there are advantages to keeping university-level faculty oversight of centers and institutes in an advisory role to the VP for Research.

The Council on Research presently reviews applications for the creation of centers and institutes and requests additional information when needed.

A formal policy is in effect, which requires Council on Research review of proposals for centers and institutes. The Council performs an oversight and review function and is advisory to the Senate and the VP for Research.

It was suggested that centers and institutes acquire an important University resource in having the University's name attached to them, and that the University has an interest in ensuring that University at Albany name is associated only with appropriate initiatives. Another committee member expressed the view that the role of the faculty in considering centers and institutes is important, but

raised questions about the level at which that faculty role should be performed—at the School or College, or at the University level. It was suggested that greater expertise is likely to be found at the School/College level. Other members suggested that the Council on Research has an important

role to play in considering University resources. It was suggested that the review of centers and institutes by the Council on Research may interject additional delay and cause other units to feel scrutinized. However, it also

was pointed out that provisional centers can be created without undue delay, and that the Council on Research can later be consulted to apply for non-provisional

status. Applications for the creation of centers are available on-line, so all parties have advance knowledge about what will be expected in the review process. Another committee member drew an analogy to the tenure and promotion

process. It was pointed out that, as with tenure and promotion, there is apt to

be greater expertise regarding centers and institutes at the School/College

level. However, because centers and institutes may involve a competition for

scarce university resources, there is good reason to have University-wide consideration including faculty review. It also was pointed out that the faculty within a School or College might have divided views about the advisability of creating centers and institutes. In such cases, the VP for

Research will be aided by University-wide input. It also was pointed out that centers may bridge or span Schools and Colleges. Another member pointed out that centers and institutes sometimes have external affiliations, and that very significant dangers could be presented by such partnerships. University-wide review could be an important safeguard against such worst-case scenarios. A hypothetical example was offered of a pharmaceutical company engaging in partnership with a School or College to create a center that proved to be a drain on resources or have other negative consequences. Although the probability of problems may be low, the magnitude of problems could be huge, suggesting that University-wide review is appropriate.

Discussion then turned to FRAP A and FRAP B awards. FRAP A awards are made at the University level, and FRAP B awards are distributed at the School or College level. Approximately \$100,000 has been made available annually to support the FRAP A awards, while approximately \$70,000 has been distributed to Schools and Colleges so that they can make FRAP B awards. It was pointed out that if FRAP A funds were distributed to local units instead of managed centrally, and if the distribution were on a prorated basis, smaller units would not receive large sums of money. It also was pointed out that maintaining central distribution of FRAP A funds would enhance the potential for interdisciplinary research to be supported. In addition, FRAP A awards can be used to support the best proposals, which may not be distributed evenly among units. On balance, allowing some awards to be distributed by the University and others to be distributed by local units appeared to be sensible.

Discussion then turned to compliance issues. The subcommittee recommended that research compliance remain at the University level, and encouraged stronger campus-wide policies regarding conflict of interest matters. The Subcommittee examined oversight of conflict of interest in research at the University of Michigan and Penn State. Each of those institutions has considerably more rigorous faculty review of conflict of interest issues than exists at UAlbany.

One committee member asked if the Subcommittee had examined New York State requirements regarding conflicts of interest in research. A member of the Subcommittee explained that the NYS requirements had been reviewed. It was noted that UAlbany's present Conflict of Interest Committee is very small; it is composed of the Vice President for Research and only one or two faculty members.

Other institutions have councils comprised of faculty representatives from throughout the university that specifically consider conflict of interest issues. Those councils have considerable authority. For example, at Penn State the conflict-of-interest committee can recommend a faculty member's dismissal for violating policies against conflicts of interest. The Subcommittee recommends that the committee report should reflect that conflict of interest policies should be strengthened at UAlbany and possibly involve creation of a separate, free-standing faculty committee. It also was pointed out that the New York State Ethics Commission oversees subsidized consultative arrangements, and that NYS regulations thus would apply to faculty who consult with industry.

Following additional discussion, the Committee voted on several motions pertaining to research issues, as follows:

1. The University should retain campus-wide governance in matters of research compliance and conduct. The University Senate is urged to give increased consideration to issues involving conflict of interest in research including mechanisms for reviewing potential conflicts of interest. (This motion passed by vote of 12-0-0.)

2. University Senate Charter section SX.5.3. should be reaffirmed with inclusion of the following (bolded) provision: "The Council as a whole shall regularly review research activities and the allocation of research funds, including Indirect Cost Return, within the University. It shall consider the relationship between teaching and research. The Council shall oversee policy on University research, including that described in the University policy on Organized Research Units. It shall make policy recommendations to the Senate." (This motion passed 11 yes-0 no-1 abstention.)

3. With respect to matters including the allocation of research awards, benevolence association grants, and conference and journal support, University Senate Charter section SX.5.6. should be reaffirmed in its entirety. (SX.5.6. provides: "The Council shall conduct or participate in the review of applications to internal campus research support mechanisms. It may do so by the creation of ad hoc committees that include expertise from faculty who are not members of the Council.") (This motion passed 11-0-0.)

4. The role for the Council on Research, through its Committee on Centers, Institutes and Specialized Research Laboratories, as codified in University Senate Charter section S.X.5.8. should be reaffirmed and endorsed. (SX.5.8. provides: SX.5.8. The Committee on Centers, Institutes and Specialized Research Laboratories SX.5.8.1. The committee shall include a minimum of four Council members. SX.5.8.2. The committee shall be responsible for guiding Council actions as charged by the University Policy on Organized Research Units. SX.5.8.3. The chair of the committee shall be designated by the Council. (This motion passed 10 yes-0 no-1 abstention.)

5. The present University-wide structure regarding procedures relevant to excellence in research awards should be retained as provided in University Senate Charter section SX.5.7. (SX.5.7. provides: "The Council shall conduct or participate in the processes by which campus or SUNY excellence in research award nominations are made. It shall determine the appropriate review process for each award category and may create ad hoc and expert review committees that include faculty who are not members of the Council.") (This motion passed 10-0-0.)

Continued discussion on Committee timetable and release of report:

Discussion resumed regarding a timetable for completion of the Committee's draft report. It was agreed that the tenure and promotion report is progressing well and that there is a great deal of consensus on research issues. It was

estimated that an additional two to three weeks may be required to discuss graduate curriculum and academic standing. The next Senate meeting is scheduled for October 25th and it was suggested that the draft report might feasibly be concluded by then. However, it was pointed out that the draft report must be distributed to faculty and other constituencies, and to the administration, for review and comment. Discussion ensued about mechanisms for distributing the draft report. The consensus appeared to be that once the draft report is released, it should be considered a public document and distributed as widely and efficiently as possible. Accordingly, it appeared advantageous to enlist the assistance of the Senate website for distributing the draft report, at the same time the report is released for discussion with committee members' constituencies. It was suggested that an announcement be made at the October 25th Senate meeting that a draft report will be available on the Senate web site not later than November 1st, which would allow for review of the report and later discussion at the November 15th Senate meeting. It was emphasized that the report will be a draft report, and that the committee anticipates and expects that the draft report will serve as the basis for discussion and comment prior to the preparation of a final report.

A motion was made to communicate to the Senate regarding the Committee's timetable and release of its report. The motion was seconded. Nine members were present for vote on the motion, which passed seven to two. The motion is as follows:

The Ad Hoc Committee on Faculty Governance requests an extension of its work beyond October 1, so that we may conclude our business in as diligent and complete a manner as possible, pursuant to our stated charge. We ask for an extension to, at the latest, November 1, for submission of our draft of the final report to the University Senate. We consider our work to be independent of current Senate review of CNSE bylaws and charter, for several reasons. First, our charge implies separateness from existing events involving CNSE and

the larger University. Second, our charge is focused on future states for the entire University, and all schools and colleges comprising it, as opposed to a single school or college. Third, we feel it is more advantageous to present for public consumption a draft of the report in its entirety. Finally, we are concerned that the draft of the final Ad Hoc Committee report, and the deliberations reflected therein, be viewed as objectively as possible by the entire faculty body of the University. This will allow it to serve as a springboard for subsequent debate and dialogue around future models of faculty governance within the University.

We recognize that the Senate is interested in guidance and feedback. Yet, the seriousness and completeness with which Ad Hoc Committee members have engaged governance issues within each of the areas of research, curriculum, and promotion/tenure over these past few months preclude finishing this work in a rushed or incomplete manner. Therefore, the Committee asks the Senate for consideration in this regard.

Submitted by:

Ad Hoc University-Wide Governance Committee*

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(*Note: 9 members were present for vote on motion, which passed 7-2)