

## 2011-2012 University Senate

Monday, December 12, 2011

2:45 pm, Alumni House

Susanna Fessler, Chair

### Minutes

**Present:** Philippe Abraham, Greg Albert, Bradley Armour-Garb, Giray Askoy, Hassaram Bakhru, Robert Bangert-Drowns, Bryant Barksdale, Joseph Bassell, Lee Bickmore, , Pedro Caban, Raysa Capellan, James Castracane, Vishnu Chaturvedi, Thomas Devlin, Peter Duchessi, Diana Dumesnil, Carmen Duncan, Susanna Fessler, Cynthia Fox, Jennifer Greiman, Timothy Groves, Yenisel Gulatee, Jean Guyon, Janell Hobson, Michael Jaromin, Richard Johnson, Jane Kadish, Donald Keenan, Daniel Keyser, Alice Krause, Vincent LaBella, Kajal Lahiri, Danielle Leonard, David Lewis, Eric Lifshin, Andi Lyons, JoAnne Malatesta, Adrian Masters, Candace Merbler, Carla Meskill, Joe Messmer, Robert Miller, Nancy Newman, Heidi Nicholls, Elizabeth Moran, Patrick Nold, Gregory Nowell, Susan Phillips, Lawrence Raffalovich, Bruce Saddler, Donna Scanlon, John Schmidt, Charles Scholes, Leonard Slade, Jr., Joette Stefl-Mabry, Tim Stephen, Daniel White, Kevin Williams, David Wills, Alissa Worden

**Guests:** Jon Bartow, Bret Benjamin, Joshua Bolin, Eloise Briere, Jean-Francois Briere, Angelica Clarke, Ron Friedman, Annis Golden, Jill Hanifan, Kir Kuiken, Carolyn MacDonald, John Pipkin, Joan Savitt, Helene Scheck, Juliet Shen, Bruce Szelest, Simon Tangney, Barry Trachtenberg, Kathie Winchester

The meeting convened at 2:51 pm.

### APPROVAL OF MINUTES

The minutes of November 21 were approved with the following voting results: Approved: 39; Opposed: 1  
Abstained: 6. Senator Wills informed the Chair that he has not received Senate notices and requested that his name be added to the distribution list for such notices and Senate materials.

Senator Wills moved to make a point of privilege for changing the agenda in respect of Article II of the Bylaws, Section 3.4.3 to “contain all items submitted by any Council or any Senator at least 10 days before the meeting” and in respect of the Charter Section VII.5 in reference to the Senate Executive Committee which “may not prevent [proposals and agenda items which the SEC has reviewed] from appearing on the Senate Agenda.” Chair Fessler responded that as the chair, she did not believe the Bylaws had been violated but she could be overruled by a two-thirds majority if the matter were put to a vote. Senator Wills said he was not changing the agenda but asked to have his item added retroactively to the agenda. Joshua Bolin, Parliamentarian, said that it was a stale agenda item. Senator Wills asked the Senate body to respect its own laws and asked the Chair to apologize for not accepting his agenda item. He asked that his agenda item be added without requiring the two-thirds majority vote.

Chair Fessler presented a two part motion: The Senate could overrule the Chair and rule the agenda as improper. The first part of the motion was put to a vote with the following results: Approved 23; Opposed: 21; Abstained: 5. Chair Fessler stated the second part of the motion was to add Senator Wills’ item to the agenda. This also required a two-thirds majority to pass. She asked Senator Wills to provide a clear statement of the item for the record. He

said the item concerned deactivation of programs. The Chair consulted with the parliamentarian and she informed Senator Wills that without an actionable motion, the next course would be to move to turn the Senate body into a committee of the whole.

Senator Newman asked if there was a difference between an action item and an item a senator would present from the floor. She indicated the Bylaws were not sufficiently clear on the matter. The Parliamentarian said that the Senate is a deliberative body and thus any item must be deliberative. However, he reiterated that the Senate could become a committee of the whole in which a non-deliberative discussion could take place if 2/3 of the members were in favor of doing so.

Senator Merbler addressed the Chair and said she felt that Senator Wills had the right to add his issue to the agenda since he had contacted the Chair about what he wished to present. Senator Merbler continued, adding that the Senate should allow a point of personal privilege for Senator Wills to speak about his concerns and wished the chair would rule differently. Chair Fessler said Senator Wills could make a motion to add an item from the floor and would not need her approval but he would need a two-thirds vote. Senator Merbler moved to add Senator Wills' item to the agenda. Chair Fessler asked for the content of the item for the record and Senator Merbler deferred to Senator Wills. Chair Fessler said Senator Wills needed to make the motion and she asked Senator Wills what the content of his item was. Senator Wills responded that it concerned the Senate response to the resolutions of last year in view of a lack of response from the administration. Chair Fessler asked if the item would require a vote and if so to restate the motion to indicate the deliberative nature of the item for the record. She continued that if the issue was not deliberative, then a motion to change the body to a committee of the whole would be appropriate. Senator Wills pointed out that the Senate Chair was aware of the content of his concerns, and Chair Fessler responded that that was so, but that Senator Wills had explicitly asked her not to divulge that information. There being no further comments from the floor, Chair Fessler advised moving to change the body to a committee of the whole. Senator Wills said that would not solve the issue that Senator Merbler raised. The Parliamentarian reminded the Senate that at this point a motion was needed either for a committee of the whole or a deliberative process both which required a two-thirds vote. Senator Merbler withdrew her previous motion to add Senator Wills' concerns to the agenda and motioned for a committee of the whole to allow Senator Wills to make his statement. Chair Fessler opened the polls and the Senate voted with the following results: Approved: 35; Opposed 18; Abstained: 0. The motion did not receive the required two-thirds vote.

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

Provost Phillips' report was interrupted by Professor Trachtenberg of the History Department who asked if she would cede the microphone to allow Senator Wills to make his statement. The Provost responded that she was not able to do so although she appreciated the request and delivered the following report.

- Provost Phillips extended thanks to everyone who participated in Winter Commencement. Over 1,100 graduates received degrees. US Senator Charles Schumer was in attendance to deliver an address and journalist and author Elizabeth Kolbert received an honorary degree.
- The Provost provided an update on NYSUNY 2020. UAlbany needs to present its initiative to the Governor's Office. None of the university centers have had their proposals approved but it is expected that Buffalo and Stony Brook will have theirs approved in the next week.
- The SUNY Board of Trustees approved a five year tuition plan including the tuition that was proposed in the SUNY 2020 legislation. The tuition for doctoral students will have only one increase for a total of 6%.
- SUNY has initiated a deficit reduction leave program for Management Confidential employees requiring nine days of unpaid leave.

- Carl Hayden has resigned his position as chairman of the SUNY Board of Trustees. Carl McCall has taken over as the chairman.
- Governor Cuomo announced the awards through the Regional Economic Development Council initiative. The top four strategic plan winners were from Western New York, Central New York, North Country and Long Island Regions. The Capital Region received \$62 million for its initiatives.
- Provost Phillips referred to the Campus Highlights handouts for November and December and congratulated everyone on their accomplishments.

The energy savings initiative will begin next week and end on January 12. The program is expected to save the campus about \$500 million.

### **UNIVERSITY SENATE CHAIR'S REPORT – SUSANNA FESSLER, CHAIR**

The initial stages of a Presidential Search are underway to replace President Philip, who has announced his retirement. Per UFS guidelines, the Senate Chair has been in contact with the University Council about the process. The Senate Chair has asked the University Council for a general timeline of the search in anticipation of needing to provide 6 teaching faculty members to the search committee, per SUNY Board of Trustees' "Presidential Search, Guidelines for Conducting" ([http://www.suny.edu/sunypp/documents.cfm?doc\\_id=573](http://www.suny.edu/sunypp/documents.cfm?doc_id=573)). As with recent past presidential searches, the SEC will solicit nominations for the search committee from the voting faculty. The next steps are described in the BOT guidelines: "Taking care to assure that faculty representation on the search committee speaks for a broad spectrum of faculty opinion, the faculty shall elect its representatives to the search committee by secret ballot at an open session of the faculty governance group, at which a quorum of the teaching faculty are present." Whether this vote will happen at our 2/6/12 meeting or at a special session depends on the University Council's timeline. The responsibility for making sure that the ballot is representative of the broad spectrum of faculty lies with the SEC, which will compose the ballot from all nominations.

The composition of a presidential search committee is delineated by the BOT as follows: "Unless otherwise agreed upon in advance by the chancellor and the council chair, the search committee shall consist of four members of the council (including the chair), six members of the full-time teaching faculty of the campus, one student, one alumni representative, one campus-related foundation representative, one academic dean, and one professional or support staff member." The Senate Chair is currently in discussions with the University Council about the process whereby the one Professional or support staff member will be chosen. In the last presidential search, that member was elected by the University Senate, not the University Council.

The University Council will be setting up a webpage with Presidential Search updates in the near future.

*Chair Fessler provided an update on the presidential search. The University Council, the body in charge of conducting the search, met last Friday. The Council has made progress and has developed a timeline. The Senate Executive Committee will be working to compile nominations and develop a ballot of faculty members to serve on the search committee. Chair Fessler has provided the SEC with a proposed outline of the procedures and asked for their feedback by December 19. Shortly after that a call will go out to the UA community for nominees. The election will be conducted at the next Senate meeting of February 6, followed by a tally of the ballots. The Chair will hold a special meeting of the SEC on February 8 at which the faculty members of the committee will be identified for forwarding to the Council. It is expected that the Council will move quickly with the search after that.*

*In light of a recent vote, Chair Fessler has asked to the Governance Council to reconcile how agenda items are handled since there appears to be a contradiction between the Bylaws, which do not mention the Senate Executive Committee's role and the Charter, which mandates that the Senate Executive Committee must review proposals and agenda items, and must refer a proposal to an appropriate Council or place it on the Senate agenda..*

*SA Representative Bryant Barksdale asked if students serve on the presidential search committee. Chair Fessler replied that one student will serve on the committee, and she provided a breakdown of the members of the committee as delineated in the Board of Trustees Guidelines. In past searches, the Senate has forwarded the name of a professional faculty member. She is waiting for the University Council's response on whether the Senate will be asked to do that again in the upcoming search. Professor Eloise Briere asked how the number of six faculty members for the search committee is obtained. Chair Fessler responded that it comes from the Board of Trustees Guidelines.*

### **OTHER REPORTS**

## **UFS (UNIVERSITY FACULTY SENATOR'S REPORT) – DANIEL D. WHITE, J. PHILIPPE ABRAHAM & SHADI SHAHEDIPOUR-SANDVIK, SUNY SENATORS**

The SUNY Senators have proposed a resolution to endorse the two resolutions regarding shared services that the University Faculty Senate passed at the October Plenary. The SEC has moved the resolution to the senate for consideration.

## **GSO (GRADUATE STUDENT ORGANIZATION) – HEIDI NICHOLLS, GSO REPRESENTATIVE**

The GSO held their final assembly meeting of the semester and the issue of the constitution and bylaws is an increasing concern. Currently there is a call to make a committee to specifically address the wording agreement between our two governing documents. Sarah Taylor, our current MCAA chair made an announcement at the last Assembly Meeting that she will be stepping down at the completion of this semester. We confirmed our Judicial Board with Genevieve Moore, Steve SIn, and Elizabeth Redkey, each representing a different Campus. We are currently discussing options to meet the concerns of graduate students who do not primarily work on the Uptown campus, such as voucher submissions and event sign ups. In addition we are looking to get the ball rolling on establishing a downtown campus GSO office in addition to our uptown and east campus offices.

*GSO President Nicholls reported that a committee will be working over the break to develop a series of proposals to address issues with the Bylaws and Constitution.*

## **SA (STUDENT ASSOCIATION) – BRYANT BARKSDALE, STUDENT ASSOCIATION PRESIDENT DESIGNEE**

On November 12<sup>th</sup> the Student Association held the annual FallFest concert featuring LMFAO and The Far East Movement. There were around 3,300 students in attendance making this event the highest attended concert in recent years.

We are looking to keep our community involvement going by hosting a midnight mission in December. We are working with local businesses to get donations to give out. We will have student volunteers on hand to give out what has been donated to the homeless to help lessen the burden and hardships that the winter may cause them. The date and location are still being worked out.

A local ninth grader whose brother is a junior here at the university, has requested help in getting gifts for local children living in southern Albany. We are reaching out to our student groups to try and have them sponsor some of the children on the list and we are organizing a dinner event where the gifts will be given to children by Santa.

*Mr. Barksdale reported that the Midnight Mission has been moved back to January in order to obtain additional donations for the needy. A venue is also being sought. The SA has had a number of resignations including the vice president, director of multicultural affairs and the director of gender and sexuality concerns. A special election will be held for the vice president. The constitutional convention committee held its second meeting last week. SA has raised \$950 which will go to gifts for local children.*

## **COUNCIL/COMMITTEE REPORTS**

### **CAA (Council on Academic Assessment) – Adrian Masters, Chair**

The CAA has completed its program review report on Women's Studies.

The PRC and the GEAC are progressing with reports on reviews conducted in the 2010-11 academic year.

I am working with the PRC from last year to produce reports on reviews conducted in the 2009-10 academic year.

*Chair Masters reported that the council met today and completed three more program review report, one for LACS and two for Educational Psychology.*

### **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.

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

CERS is awaiting response from the University Council's office for a meeting to discuss continuing issues with the policy.

*Chair MacDonald reported that a meeting is scheduled for later this week to discuss the policy.*

### **COR (Council on Research) – James Castracane, Chair**

The Council on Research met on November 30<sup>th</sup> and considered multiple agenda items:

Associate VPR Bob Webster and Associate VPF&B Kevin Wilcox discussed the recent DHHS audit and outlined new guidelines for administrative expenses on grants and contracts and exception policies on direct charging to federal projects for non-personnel expenses pursuant to OMB A-21.

Assistant VPR Theresa Walker presented university guidelines for faculty start-up companies. This included the Federal, State SUNY, RF and UAlbany layers of laws and policies to manage, reduce or eliminate conflicts of interest.

The FRAP-A sub-committee received the 15 applications (down from ~40 two years ago) for review. The Excellence in Research and Creative Activities is reviewing the 8 nominations it received. In addition, the Conference/Journal Review and Benevolent Award Review sub-committees are processing their applications.

### **CPCA (Council on Promotions and Continuing Appointments) – Christine Wagner, Chair**

CPCA has completed the review of twelve cases to date. Review of three additional cases will occur at the meeting on December 12<sup>th</sup>. Provost Phillips will attend the December 12<sup>th</sup> meeting of CPCA to hear from members about issues that arise in the process of case evaluation.

### **GAC (Graduate Academic Council) – Tim Groves, Chair**

GAC met on November 16.

The Committee on Curriculum and Instruction has reviewed three proposals as follows: (1) Biomedical Sciences Ph.D. credit reduction (from present 66 credits to 60 credits), (2) Masters in Public Health EHS Concentration changes, (3) Special Education and Literacy II track changes. CC&I recommended GAC support for all three proposals. GAC discussed and voted to approve all three proposals. Since these only involved changes to a small number of course offerings, and no major program changes, Senate approval will not be needed. Senate members can obtain any or all of these three reports from Chair Tim Groves on request. A fourth proposal for a Nonprofit Management Certificate remains in discussion.

The Committee on Admissions and Academic Standing has resolved and communicated findings for all four pending appeals cases. CAAS currently has no pending appeals cases but it come before GAC on Friday of this week.

Graduate Dean Kevin Williams solicited input from the graduate schools and departments on topics needing attention by the Dean's office. Chair Tim Groves agreed to work with Dean Williams to prepare the GAC discussion as appropriate.

GAC presently has no bills pending Senate approval.

### **GOV (Governance Council) – Andi Lyons, Chair**

The Governance Council met on Tuesday, December 6, to continue development of a charter amendment, which the Governance Council intends to introduce at the SEC meeting on January 23. The charter amendment developed out of consideration of how best to address the Senate's 2010 charge to advance a process for systematic assessment of administrators and administrative units. The Senate's charge followed the Middle States Review, which pointed to a need for a more systematic Administrative review. It quickly became clear to GOV that the magnitude of this task, combined with the need to develop an institutional memory as the process is refined and implemented on a 5-year rotation, meant that the work would best be organized and accomplished by a separate Council of the University Senate. The GOV Council plans to vote on final wording of the proposed charter amendment by December 20.

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

Most of LISC's November 21 meeting was devoted to a presentation by Chris Moore of IT Client Support Service regarding the new version of Blackboard. The percentage of faculty already using Bb9, which was launched last summer, is very high. Bb8 will no longer be available as of Spring 2012. However, an archive of courses that had used Bb8 will be accessible for at least two years for administrative and other purposes. As requested by the SEC, Steve Worona's Ppt "Privacy Policies" (which was presented at UFS) has been distributed in anticipation of future discussion regarding revision of UAlbany's "Responsible Use of IT" Policy. The Library Committee reported that it had reviewed the results of the survey completed last spring. A summary will be presented by Dean Casserly at LISC's next meeting, Dec. 12.

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

UAC approved changes to the University Wide Internship requirements and will draft a bill to bring to the Senate. Additionally, UAC approved changes to the requirements for cross-counting courses between double majors and minors. We are drafting a bill which reflects these changes and should be presenting to SEC soon. The General Education Committee continues to meet and is expected to present a proposal to UAC in the very near future.

*Chair Malatesta reported that UAC will meet on Thursday of this week. The General Education Committee has submitted proposed revisions for general education curriculum. The council hopes to conclude its review of the proposal at that time and move something forward to the Senate soon.*

### **ULC (University Life Council) – Yenisel Gulatee, Chair**

ULC met on November 15<sup>th</sup>. We continued our discussion on the Smoking Policy. Ms. Christine Bouchard met with the Student Senate to inform them about our discussions on the Smoking Policy. We decided to start organizing open forums for students, staff and faculty in order to openly and thoughtfully discuss smoking on campus and a tobacco free policy. We're planning on hosting the forums on November 29<sup>th</sup> and 30<sup>th</sup>

On November 29<sup>th</sup> and 30<sup>th</sup> the Forums on a Tobacco-Free campus were held. Students, faculty and staff were invited to attend. The forum was a platform where the university community could voice opinions and concerns about smoking on campus. The forum was facilitated

by Michael Seserman from the American Cancer Society and Dr. Peter Vellis, Director of Student Health Services. Also Philip Nasca and Mary Applegate from the School of Public Health and Brian Freidenberg from the Counseling Center contributed their expertise.

### **UPPC (University Planning and Policy Council) – Eric Lifshin, Chair**

UPPC met Friday Dec 2. GOV has approved the council's request to be considered as a 'committee of the whole'. An electronic vote taken between meetings re: Biology Revision of Lab Courses (CAS Proposal 11-078) has been approved and sent to the Senate. Tony Alfieri and Sarah Freidel, architects with Perkins + Will, attended the meeting to provide an update on the Facilities Master Plan. The guiding principle of the process is that the FMP will guide campus development in alignment with our Strategic Plan and UAlbany Impact. The plan deliverable is a matrix of near, intermediate and long term strategies between 2013-2023, accompanied by a recommendation to the State University Construction Fund on how much capital and operational funding UAlbany needs and where to spend it. Projected program growth through this period calls for very aggressive renovation and construction programs. Mr. Alfieri and Ms. Freidel went through a number of planning scenarios to show how UA can achieve our goals. Proposed plans include the following possibilities: a renovation plan running three concurrent renovation projects in order to completely renovate the academic podium by 2043, and an aggressive development plan on the Downtown campus that will decompress the Uptown Campus and revitalize Downtown as a destination for our changing student demographic. After discussion, questions and answers, Chair Lifshin thanked Mr. Alfieri and Ms. Freidel for their very informative presentation. A discussion of a campus impact statement to accompany bills was tabled until January.

### **OLD BUSINESS**

#### **Charter Amendment 1112-02A re: Appointment of a Parliamentarian (GOV):**

The amendment was introduced at the November meeting. Chair Fessler stated the purpose of the amendment is to align the language of the Charter with that of the Bylaws. There was no further discussion and the amendment was put to a vote with the following results: Approved: 44; Opposed: 6; Abstained: 6

### **NEW BUSINESS**

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

Secretary Leonard informed the Senate there were no significant changes to report but she will be working over the next month to fill vacancies on councils. She said she expects there will be changes to report at the meeting in February.

#### **UFS Resolutions on Shared Services:**

SUNY Senator White introduced the resolution which addresses shared services which some campuses are already experiencing. This has been an ongoing discussion with the University Faculty Senate and felt it was important to present a statement. Senator White said the UAlbany Senators who are part of the UFS also felt they should present a statement since the goal of shared services is to improve academic programs and they wished to be a part of that. Chair Fessler clarified that the resolution bundled the two UFS resolutions. There was no further discussion and the resolution was put to a vote with the following results: Approved: 46; Opposed: 4; Abstained 5

### **ADJOURNMENT**

The meeting adjourned at 3:44 pm.

Respectfully submitted by  
Gail Cameron, Recorder