

**University at Albany
State University of New York**

**2003-04 University Senate
Minutes of December 1, 2003**

PRESENT: D. Armstrong, D. Bernard, E. Brière, S. Chaiken, H. Charalambous, N. Claiborne, R. Collier, F. Cornet, D. Dewar, S. Faerman, R. Farrell, S. Friedman, R. Geer, F. Hauser, K. Hitchcock, R. Hoyt, S. (Irving) Turner, M. Jerison, S.B. Kim, J. Koehler, A. Konev, W. Lanford, C. Lawson, R. Lawson, P. Leonard, S. Lubensky, A. Lyons, C. MacDonald, S. Maloney, G. Marschke, T. Maxwell, D. McCaffrey, H. Meyer, G. Moore, C. Pearce, J. Pipkin, M. Pryse (Chair), R. M. Range, L. Redkey, J. Rudolph, J. Savitt, H. Scheck, L. Schell, D. Shub, L. Snyder, G. Spitze, T. Turner, L. Videka, D. Wagner, J. Wick-Pelletier, E. Wulfert

GUESTS: Michael Carpenter, Greg Denbeaux, Kathleen Dunn, Michael Fancher, John Hartley, William Hedberg, Alain Kaloyeros, Vincent LaBelle, Ernest Levine, Eric Lifshin, Sheila Mahan, Robert McFarland, Serge Oktyabrsky, Timothy Stoner, John Wolff, Bai Xu; several reporters from local newspapers and television were also in attendance.

Approval of Minutes: The minutes of October 27, 2003 and November 3, 2003 were approved as amended.

President's Report: Presented by President Karen Hitchcock.

Enrollment: The current plan is to remain at 2,100 new freshmen for the coming year, as it was for this past year. The budget situation for the state and the University show no likelihood for growth. The quality of students continues to increase; the MOU spoke to 36 percent and that goal was achieved for this year. The University's goal for next year is for 38%, a modest increase.

Faculty Recruitment: The faculty recruitment plan is to hire approximately 30 to 35 new faculty. Last year there was a net increase of faculty coming in, but a small net decrease in total numbers due to the surprising numbers of retirements. The number of 35 new hires should net a slight increase in faculty this year.

Chair's Reminder:

Chair Pryse reminded the attendees that only Senators could vote on resolutions being presented. She clarified with Senator Gibson concerning how resolutions that have not come before the Executive Committee can be introduced, i.e., they need to be added to the agenda by a two-thirds vote of Senate members.

The Chair deferred her customary report to later in the meeting out of respect for several SNN faculty who had attended the meeting in order to participate in discussion of the anticipated Collier resolution, which had been leaked to the press by person or persons unknown. The SNN faculty wished to leave the Senate meeting early in order to attend a conference for which they were already late.

University Faculty Senate Report: There is no report today.

Council Reports:

CPCA: Glenna Spitze, Chair. No report.

EPC: Edelgard Wulfert, Chair. Professor Wulfert reported that EPC invited Dean Peter Bloniarz to its last meeting to speak about proposed developments in the School of Information Science and Policy. Dean Bloniarz reported about a proposal to form a campus-wide Information Technology Commons that will support discipline-based research and educational programs in information-related studies, ranging from information literacy to doctoral education. An IT Commons would share faculty, courses, research and resources and support programs in the sciences, social sciences, humanities, and the professional schools. It would have interdisciplinary and discipline-based IT-related concentrations across the campus. While part of the discussion at EPC revolved around the Department of Computer Science issue, as discussed earlier by the Provost, Professor Wulfert stated that the idea of an IT Commons also received extensive discussion. In general, the idea of an IT Commons seemed to be well received by the Council. Professor Wulfert stated that a variety of models exist but that the model of an IT Commons is followed by other universities too, and that it seems to be a very good idea.

GAC: Hara Charalambous, Chair. A response to GAC had been received from Dean Butler of the University Libraries regarding the Electronic Thesis and Dissertations Resolution. The Libraries are supportive of the GAC's policy intention and will be forming a committee to examine and determine details for proposed policy and procedural changes. Mary Casserly, Associate Dean of the Libraries and GAC member will be forming the working committee. GAC has discussed the Career Development Center Issue; the discontinuance of service is regretful, but understandable. GAC approved amendments to the new course proposals of SNN.

UAC: Joan Savitt, Chair. The policy for restriction of entry into the Economics major was passed. UAC has two new bills to present today under New Business.

RES: Lynn Videka, Chair. The Research Council has established an Institutional Review Board Policy Committee, chaired by David Wagner, and they will meet for the first time on December 11, 2003. The Council is in the initial stages of beginning a review of new research centers' performance. RES received two briefings from the CAS Dean Wick-Pelletier and CIO Haile on the status of the Life Sciences Building.

LISC: David Wagner, Chair. No report.

CAFE: Donna Armstrong, Chair. CAFE is meeting weekly, focusing on 1) where student newspapers may be displayed on Campus; 2) policy guidelines for freedom of expression on campus; and 3) the impact of the Patriot Act on Campus.

ULC: Gwendolyn Moore, Chair. ULC has a new committee looking at Pedestrian Safety issues on campus, particularly safety from the Quads to the Podium. ULC is going to propose new stop signs, speed bumps and other mechanisms to slow traffic. Other ULC issues can be seen on the Senate website.

CERS: Bruce Dudek, Chair. Absent; no report.

Bylaws: Carolyn MacDonald, Chair. Professor MacDonald reminded the group of the Faculty Meeting scheduled for Monday, December 8th and asked them to encourage their colleagues' attendance.

Resolution on the Inquiry addressed to the SUNY Research Foundation, introduced by Senator Collier (attached).

There was a motion to move the resolution to the floor, it was seconded, and the resolution moved to the floor with majority vote.

Then there was a motion to amend by substitution, a resolution introduced by Faculty Senators Heinz Meyer and Robert Geer. The Meyer and Geer resolution directly addressed the resolution introduced by Senator Collier and invited the author to withdraw that resolution. The motion was seconded, and the resolution moved to the floor with majority vote.

The second vote opened both resolutions for discussion.

Discussion:

Professor Wulfert, Chair of EPC, spoke on behalf of EPC. It seems that the School of NanoSciences and NanoEngineering (SNN) was formed properly and due process was held, the School was reviewed by EPC and the curriculum was passed by GAC. Based on these two facts, Professor Wulfert does not see what EPC should discuss or review, based upon newspaper articles and unsubstantiated ideas. If there is a question of structural changes in SNN, she feels EPC should deal with it. However, this resolution should be based on something more than newspaper articles and/or faculty statements. She hopes that either Senator Collier would redraw the resolution or that this body would vote it down.

Professor Geer spoke on behalf of the SNN. He agrees with Professor Wulfert with respect to the actions called for in the resolution. He is troubled by the nature of the rhetoric in the resolution and the fact that it made its way to the press. The resolution seems to speak to issues with respect to research centers on this campus. Professor Geer feels any inquires into such research centers should be pursued in the processes and protocols that have been put into place,

not by drafting hostile Senate resolutions. In that this has gone out to the press already, it has put faculty in the SNN at risk, i.e., they are working very hard to put out a curriculum. He does not think this type of a request is something that the Senate should put on the floor. It is irregular. With respect to accusations made, many are baseless. Professor Geer said people could request information from the Vice President of Research if they have questions; that is the process, and that did not happen here. There is no actual connection between the content of the clippings supplied and the academics of SNN.

Professor MacDonald proposed a substitute motion in order to move away from rhetoric on both sides. Two separate issues have been brought up and they should be referred to the appropriate councils. She suggested the question of whether safety and research oversight of state and corporate research is adequately provided for by existing University at Albany should mechanisms be referred to the Council on Research. The question of the creation of a SUNY-wide NanoScience entity and its impact on the School of NanoSciences and NanoEngineering and the University at Albany should be referred to the Council on Educational Policy.

The substitute motion was offered as a friendly amendment, it was moved and seconded, and discussion ensued.

Professor Armstrong asked that a specific timeline for a response be added to the substitute motion. Senator Collier said he would withdraw his resolution if the substitute motion passed. Professor Range spoke in favor of the substitute motion as proposed by Professor MacDonald. He said it is true that there are a lot of reports in the press about SNN here at UAlbany. He said the questions raised by Senator Collier are very appropriate; the complexity of the resolution may have led people to believe that it is an attack on SNN. The resolution is not meant to be either in support of or in opposition to SNN; rather, the questions are: 1) how does a University go about making decisions, 2) who controls SNN, and 3) are the appropriate bodies involved in making decisions.

There was a call for the question to vote on the substitute motion; it was seconded. Robert Gibson, the Parliamentarian, explained that voting “no” means that the two resolutions are back on the floor, and voting “yes” would mean move to the substitute motion. The substitute motion reads as follows:

1. That the question of whether safety and research oversight of state and corporate research is adequately provided for by existing University at Albany mechanisms be referred to the Council on Research.
2. That the question of the creation of a SUNY-wide NanoScience entity and its impact on the School of NanoSciences and NanoEngineering and the University at Albany be referred to the Council on Educational Policy.

That both councils report back to the Senate in a timely manner.

The substitute motion passed, 38 approved, 3 opposed, 2 abstained. The substitute motion’s passage removed the original resolutions from the agenda for any further consideration.

New Agenda Item:

Professor Range moved to put another resolution on the floor; it was seconded. There was not a two-thirds vote to put the resolution on the floor, the motion did not pass, and it was not put on the agenda.

Chair's Report:

- Chair Pryse announced that Professor Karl Rethemeyer of the Department of Public Administration and Policy has been replaced by election with Gerald Marschke. Professor Marschke will be taking Professor Rethemeyer's place on the Council on Research as well.
- Concerning Senate Resolutions No. 0304-01R (regarding President Hitchcock) and No. 0304-03R (University Council) that were previously passed in recent weeks:

0304-01R: The Senate has not received a response to this resolution. Chair Pryse noted there is a Board of Trustees' meeting tomorrow; she has asked for a place on the agenda, has not yet been told whether or not she has that place. She would like to discuss this resolution at the Trustees' meeting if she is granted time. She asked if anyone had any thoughts about whether this Resolution should be read to the Board of Trustees, and all were in favor.

0304-03R: The University Council Resolution presented by Professor Range. As a result, the Senate has been asked to oversee the election of six faculty members to the Presidential Search Committee.

A motion was made to extend the meeting for 15 minutes; it was seconded. A majority was in favor and the meeting was extended beyond 5:00 p.m.

Old Business:

Chair Pryse reminded the group that there would be a meeting of the Senate immediately following Monday's Faculty Meeting. There will be one item on the agenda, the vote for faculty representatives to the Presidential Search Committee. All Senators are invited to attend the meeting; a quorum of 20 teaching faculty Senators will be needed for the vote.

New Business:

Senate Bill No. 0304-08 - Formal Elimination of the General Education Honors Program, presented by UAC. The bill was introduced and discussed. A motion was made to pass the bill and it was seconded. The bill passed with majority approval, and two oppositions.

Senate Bill No. 0304-09 – Revision of the Criteria for Dean's List and Dean's Commendation for Part-Time Students, presented by UAC. The bill was introduced and

discussed. A motion was made to pass the bill and it was seconded. The bill passed unanimously.

Call for Nominations to the Presidential Search Committee:

Chair Pryse explained that the Executive Committee members agreed that a ballot would be produced for next Monday's (December 8, 2003) post-Faculty meeting of the Senate. If there are more than 12 nominated, there will be more than one balloting to narrow the number down to 12. All teaching faculty Senators will vote until the final six names are chosen.

There was a motion to create a procedure to ratify the guidelines for nomination proposed by the teaching faculty members of the Executive Committee and to develop the ballot for the December 8 meeting. The motion was seconded.

Discussion centered on how to ensure diversity in the election. It was suggested to include the nominees' departmental or school affiliation and rank on the ballot. Several Senators agreed that they were not willing to establish a quota of representation from the professional schools on the ballot, preferring to nominate and elect the candidates deemed most capable of representing the entire campus. There was a question as to whether or not Deans are considered teaching faculty, as there is to be one Dean representative on the committee also, chosen separately from this process. The Chair indicated that she would look into the teaching faculty status of Deans. Senator Pipkin suggested that there should be no more than one member of any department in CAS or of any professional school elected to the committee. The Chair noted that the teaching faculty members of the Executive Committee recommended that all nominees be tenured. Upon request, Chair Pryse read the nominations received so far and asked whether there were any additional nominations forthcoming from the floor. She reminded the Senate that, in the interests of time and getting the word out to everyone concerned, all members of the teaching faculty had been invited to submit nominations prior to today's Senate meeting, and that they had been notified both via e-mail and campus mail concerning the procedures for submitting nominations.

Graduate Students inquired of the number of Graduate Students on the Committee; they were referred to Sorrell Chesin.

The motion to proceed with the guidelines as recommended by the teaching faculty members of the Executive Committee and the balloting as discussed passed with unanimous approval.

The meeting was adjourned at 5:30 p.m.

Respectfully Submitted,

Jayne VanDenburgh, Recorder

RESOLUTION

Introduced by SUNY Faculty Senator Richard L. Collier
December 1, 2003

Whereas research into nanotechnology, while offering the promise of numerous boons to humanity, thereby also poses unprecedented perils whereby careless error, misapplication, mismanagement, or hostile external agency (e.g., industrial saboteur, terrorist) could, as has been expansively explained by concerned scientists and ethicists as well as science fiction writers, significantly harm or even destroy not just the research installation itself and the surrounding environs but, potentially, all humankind;

Whereas a research center at a university is directly accountable to a host of campus, state and federal regulations and guidelines, and the center's director or dean thus directly answerable to the President and Provost and Vice President for Research should allegations of wrong-doing, waste, carelessness, safety violations, lapses in research integrity, etc., be alleged;

Whereas for a research center at a university the public welfare is additionally safeguarded by the regular interaction of each academic unit and its members with others in the University community, within faculty governance structures, normal decanal chains of command, and the collegial review of other scientists, social scientists, humanists and other stake-holders in the campus who can take a broader view of the possible impacts and implications of the research;

Whereas even more safeguards for the public are provided by the faculty governance review of individual researchers through the processes of promotion and continuing appointment at a university and the external peer review of the quality of the programs, research and students through the processes of program assessment;

Whereas the above-mentioned safeguards depend heavily upon the credibility, wisdom, judgment and integrity of a carefully and appropriately chosen director of the research center;

Whereas when the "dual-use" approach of the Department of Defense, DARPA, Sematech, the Air Force and similar entities results in sponsorship of scientific research of a potential military and commercial use on campus it is particularly important that all recognized steps in the suitable and appropriate approval of the research center and the on-going oversight of the administration and conduct of such center be scrupulously observed, with public confidence that these continue to be observed;

Whereas at the University, which is a marketplace for a free exchange of ideas and the open and unbiased pursuit of new knowledge, there is no place for either the existence or the appearance of secret deals or fuzzy relationships either with governmental agencies and individual politicians or with private corporations and individual entrepreneurs;

(RESOLUTION p. 2)

Whereas the attached collection of recent new stories from several publications (boldface added) suggest that nanotechnology research is being unilaterally removed from this University's scrutiny, and perhaps from the scrutiny of all SUNY campuses, with no input or consultation of either local or SUNY-wide faculty governance;

Whereas the attached new stories contain quotes from the dean of the school which can be interpreted as intemperate, boastful, and at times threatening to others, including unnamed University officials; and

Whereas in the November 10, 2003, *Business Review* story the dean apparently and repeatedly alleges in albeit vague fashion to "the truth of who did what to create nano," adding "there are a lot of people who do not want this information to be revealed."

Therefore, be it resolved that the University Senate of the University at Albany requests

1. that its Educational Policies Council immediately examine the current organizational status of the school and attempt to determine if the decision was made, and if so by which mechanisms, to move it or portions of it from the control of this campus to an external body;
2. that, given the allegations made by the dean of the school, the Educational Policies Council consider whether there is a need to reexamine the materials supplied them when they originally considered the creation of the school;
3. that the Graduate Academic Council take into consideration the larger picture suggested by the attached news stories and consider whether it needs to reexamine their approval of the curriculum structure and courses of the school;
4. that this resolution be sent to the leadership of the New York State Senate and Assembly, to New York's United States Senators, to the New York State Comptroller, to the New York State Attorney General, and to the President of the University Faculty Senate for their consideration relating to the public welfare and peace of mind, the wise expenditure of public funds, safeguarding appropriate development of applications that may be critical to the U.S. economy and defense, and protecting the integrity and reputation of this University and other SUNY institutions; and,
5. that this resolution be sent to local and state news media and to the *Chronicle of Higher Education*.