

UNIVERSITY SENATE  
ATTENDANCE

Meeting of: November 6, 1989

John S. Levato	C. Carr
Ron Basco	Donald Buss
Wm Lanford	Robert H. Gibson
Burtin Wahlen	Garv Krohn
MICHAEL SATTINGER	Lone Messum
Melissa McClary	<b>Ed Reilly</b>
Rae W. Wallace	Bruce Marsh
Megony Stevens	Deborah Brighton
Keith Kitchiff	Kelly Bates
Robert W. GREENE	Denny Neudob
Richard Farnum	Hal Sventel
Malcolm Sherman	TIM LAUCE
Inger D. Steen	A. T. L. MACARIO
Opresie Senafre	Victor J. DeJantes
Andrew A. Naffer	Jeffrey Fisher
Lamin Butz Coe	W. K. Buloff
John Mackinnon	Mitchell D. Livingston
H. Girardelle	Robert M. Brown
Susan Kanner	Paulette McCormick
Robert J. McCaf	Meredith Butler
Judith Hedson	Ril Khoad
Steve Atkinson	Wm. Mills
Trina Melt	Jeanne Gullaborn
Don Brannon	Ann Book Kim
Rona Perky	Pave Faulhaber
James W. Lessman	Nancy Halverson
	Thad W. Mier
	Craig Butler

UNIVERSITY SENATE  
ATTENDANCE

Meeting of: November 6, 1989

John H. Feltner  
Geraldine Walker  
Christian Keaton  
W F Hammond  
Harry L Hamilton  
RAY STROSS  
Don Reeb  
Graeme Newman

UNIVERSITY SENATE  
Monday, November 6, 1989  
3:30 p.m. -- Campus Center Assembly Hall

Administration 259  
Albany, New York  
12222

AGENDA

1. Approval of Minutes: University Senate, October 2, 1989
2. President's Report
3. SUNY-wide Senate Report
4. Chair's Report
5. Council Reports
  - a. Council on Academic Freedom and Ethics - H. Hamilton
  - b. Council on Educational Policy - B. Marsh
  - c. Graduate Academic Council - K. Ratcliff
  - d. Council on Libraries, Computing and Information Systems - V. Aceto
  - e. Council on Promotion and Continuing Appointment - J. Fetterley
  - f. Council on Research - E. Reilly
  - g. Student Affairs Council - S. Rhoads
  - h. Undergraduate Academic Council - J. Levato
  - i. University Community Council - S. Jones
6. Old Business
7. New Business
  - a. Appointments to Councils
  - b. Committee on Student Conduct Activities, 1988-89
  - c. Bill 8990-03: University Policy on Misconduct in Research
8. Adjournment

UNIVERSITY SENATE  
November 6, 1989

Administration 259  
Albany, New York  
12222

PRESENT: V. Aceto, S. Atkinson, K. Bates, D. Biggs, R. Bosco, L. Brannon, D. Brighton, C. Butler, M. Butler, C. Carr, L. Cohen, V. DeSantis, G. DeSole, R. Farrell, P. Faulhaber, J. Fetterley, R. Garvin, H. Ghiradella, R. Gibson, W. Gibson, R. Greene, H. Gueutal, J. Gullahorn, H. Hamilton, W. Hammond, A. Hoffer, J. Hudson, W. Ilchman, S. Kavner, C. Kersten, S. Kim, M. Krohn, T. Lance, W. Lanford, J. Levato, M. Livingston, J. Luks, J. Mackiewicz, A. Macario, B. Marsh, M. McClary, P. McCormick, D. Meliti, H. Mendelsohn, S. Messman, T. Mirer, G. Newman, D. Parker, K. Ratcliff, D. Reeb, E. Reilly, S. Rhoads, M. Sattinger, M. Sherman, I. Steen, G. Stevens, R. Stross, L. Tornatore, M. Wahlen, G. Walker, P. Wallace, J. Wessman.

The meeting was called to order by Chair Bosco at 3:40 p.m.

1. Approval of Minutes

The EPC report was amended to read: "Senator Marsh had nothing to add to the written report." R. Gibson moved the October 2, 1989, minutes be approved as amended, seconded and carried.

2. President's Report

Vice President Ilchman, reporting on behalf of President O'Leary, stated that the overall SUNY budget was reduced by two percent. The University at Albany has not received information regarding what its share of the reduction will be yet. The University at Albany believes it can manage the expenditure reduction, said Vice President Ilchman.

3. SUNY-wide Senate Report

The report of the SUNY-wide Senate meeting held in Utica/Rome was distributed. Senators Aceto and Wallace had nothing to add to the written report.

4. Chair's Report

Chair Bosco reported President O'Leary had approved Senate Bill 8990-01, College-based Commencement Exercises for Undergraduates, and Senate Bill 8990-02, MS Program in Information Science, which were passed at the October 2 Senate meeting.

Reports from the task force to review policy and procedure with respect to the disposition of academic integrity and the task force to review the process of Senate reorganization ought to be available at the December 4 meeting.

UAC is moving along on the diversity requirement. They are receiving course proposals for their review.

5. Council Reports

Chair Bosco stated the Council reports are provided to the Senate as information and/or policy decisions. The Chair calls for a single vote to accept all Council reports. Senators have the opportunity to ask questions on any of the reports.

a. Council on Academic Freedom and Ethics: Senator Hamilton reported that a statement on academic integrity went out to all faculty at the beginning of the academic year. A major heading in this statement is cheating on examinations with a subheading on collaboration before an examination. "Collaboration," in this instance, means planning improper signals in advance. The Council recommends the subheading "collaboration" be eliminated. Senator Hamilton reported the Council is continuing to deal with the issue of integrity and is following the implementation of the poster policy.

b. Council on Educational Policy: Senator Marsh distributed a written report. The Council consulted with students concerning Commencement. The recommendation of the Council is to try an abbreviated senior class assembly on a trial basis in addition to the College-based baccalaureate ceremony where degrees would be awarded. Faculty would not attend the senior class assembly. The Council will also be considering the question of Division I athletics after a Presidential Commission finishes its work.

The President has not responded to the revised Commencement recommendation. The students will be working on the procedures for the senior class assembly. Senator Hammond pointed out that the problem of a rain plan still exists for the senior class assembly.

c. Graduate Academic Council: Senator Ratcliff had nothing to report.

d. Council on Libraries, Computing and Information Systems: Senator Aceto distributed a written report. At its October 30 meeting, the Council formed a new subcommittee on instructional technology. The Council heard reports on the construction of the new library and the new computer allocation process, reported Senator Aceto. The Council will be looking at the computer allocation process at the end of the year.

e. Council on Promotion and Continuing Appointment: Senator Fetterley had nothing to report.

f. Council on Research: Senator Reilly reported the Council met on October 16 to refine the language in Senate Bill 8990-03.

g. Student Affairs Council: Senator Rhoads reported the Council met on November 3. Topics discussed at this meeting included Albany Coalition for a Just Community and Alcoholic Beverage Control Law Amendments. The structure of the subcommittees have been set, said Senator Rhoads. The next meeting of the Council will be on November 16.

h. Undergraduate Academic Council: Senator Levato distributed a Statement of Interpretation for the Human Diversity Requirement. This statement was worked out in the Curriculum Committee and passed by UAC. Its purpose is to help the deans

implement the human diversity requirement, said Senator Levato. The human diversity requirement will be part of the General Education program. Senator Levato reported that four courses have been received and approved by UAC. The courses are now with the Dean for Undergraduate Studies. Senator Levato stated 12-15 human diversity courses will be needed for Fall 1990.

The Curriculum Committee is working on a procedure for next year's Curriculum Committee to deal with the human diversity courses. The other committees are working on various issues. There will be a review of the General Education program, said Senator Levato.

Chair Bosco made an editorial footnote: the administration has responded that the human diversity requirement is part of the General Education requirement. Should anything happen to General Education, the Senate would need to draft new legislation separating the diversity requirement from the fate of the General Education requirement.

i. University Community Council: Senator Jones has a class at this time and is unable to attend. There was no one from the Council to report on its activities.

Senator Rhoads moved to accept the Council reports as presented, it was seconded and carried.

6. Old Business

There was no Old Business.

7. New Business

a. Appointments to Councils: A point of clarification, Shirley Jones was appointed as a Presidential Senator and then elected Chair of the University Community Council. Senator Rhoads moved to approve the Council appointments, it was seconded and carried.

b. Committee on Student Conduct Activities, 1988-89: The revised report is printed in the Senate packet.

c. Bill 8990-03: University Policy on Misconduct in Research. This Bill comes to the Senate moved and seconded by the Executive Committee. Senator Reilly introduced the Bill. The Council on Research is concerned that those who are not close to the sciences will confuse error with fraud. A policy needs to be in order by January 1, 1990, or the Institute of Health and the National Science Foundation will not look kindly on our proposals. This Bill will address that need. The Council will present an implementation procedure to Senate by the end of the academic year.

There was discussion on III. E. (page II-11) as to the phrase "if necessary" in the first sentence. The discussion centered on whether to remove the phrase or change it. By a friendly amendment the phrase was changed and the sentence shall now read: "When an allegation of misconduct is not confirmed, the University will, if requested by an affected individual, undertake diligent efforts to restore the reputation of such persons." Bill 8990-03 with the friendly amendment was voted on and carried.

Senator Luks moved to amend the Senate agenda to include a Resolution for a Ban on Polystyrene Products on Campus. The motion was seconded and carried with one opposition vote.

Senator Sherman moved to send the Resolution to UCC for further discussion; it was seconded and carried.

The meeting adjourned at 4:40 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Gloria DeSole" with a flourish underneath.

Gloria DeSole  
Secretary

FACULTY SENATORS

Delete

Replace With

Business

Donald Bourque (1988-91)  
No Council assignment  
Will return to Senate for 1990-91

Hal Gueutal (1989-90)  
No Council assignment

GSPA

Helen Desfosses (1988-91)  
No Council assignment

Humanities and Fine Arts

Bonnie Steinbock (1987-90)  
Assigned to CAFE

Dona Parker (1989-90)  
Assigned to UCC

Libraries

Karina Ricker (1988-91)  
Assigned to UCC

Michael Knee (1989-91)  
Assigned to UCC

PRESIDENTIAL APPOINTMENT

Shirley Jones, School of Social Welfare, Chair, University Community Council

FACULTY MEMBERS

Barbara McCaskill  
Assigned to UAC

Sandra Fisher  
Proposed for UAC

Lillian Williams  
Assigned to LISC

STUDENT SENATORS

Delete

Replace With

Brian Voronkov  
Assigned to EPC

Andrea Hoffer  
Proposed for EPC

John Barbuto  
Assigned to UAC

Andrew McCoy

Andrew McCoy

Swati Bharteey  
Proposed for UAC  
Not a student Senator

Steve Jacobsen  
Assigned to UAC

Marsha O'Brien  
Proposed for UAC  
Not a student Senator

ADDITIONS TO COUNCILS

Service Staff to UCC:

Sandra Bradshaw, Plant-Building Maintenance  
Charles Knox, Campus Bussing Service  
Grace Pell, Affirmative Action



UNIVERSITY AT  
ALBANY  
STATE UNIVERSITY OF NEW YORK

II-7

Office of the Vice President  
Judicial Affairs  
518 442-5501

MEMORANDUM

TO: Ronald A. Bosco  
Chair, University Senate

FROM: John M. Murphy  
Director of Judicial Affairs *John*

DATE: October 20, 1989

SUBJECT: Committee on Student Conduct Activities, 1988-89

Division of Student Affairs  
Administration 129  
Albany, New York  
12222

In response to your request dated September 22, 1989, Dr. Livingston has asked that I provide a detailed summary on the activities of the Committee on Student Conduct, 1988-89. In preparing this information, I have reviewed with care each of the twenty seven cases associated with the Student Conduct Committee during the past year. This information is up to date as of the writing of this memo and should supersede Ms. Corbin's data dated June 30, 1989.

REPORT OF THE COMMITTEE ON STUDENT CONDUCT

(as of October 15, 1989)

<u>Type of Infraction</u>	<u># of Cases</u>	<u>Not Respons.</u>	<u>Cases Pending*</u>	<u>Suspended</u>	<u>Dis. Prob.</u>	<u>Penalty</u>	<u>Result/Status*</u>
Cheating	14	2	1	8	3		1 student left school
Plagiarism	1	--	1	--	--		1 student withdrew from school
Altered Answer Sheet	1	--	1	--	--		1 student withdrew from school
Subtotal	16	2	3	8	3		
Forgery	4	--	--	--	1		3 warnings and service
Unauthorized Use	1	--	--	--	1		-----
Library Abuse	6	1	--	--	--		5 warnings and service
Subtotal	11	1	--	--	2		8 warnings
TOTAL	27	3	3	8	5		8 warnings

11/7/89

Changes made on  
page II - 11

III. E.

Refer to Legislation  
book for correct  
wording.

UNIVERSITY SENATE  
UNIVERSITY AT ALBANY, STATE UNIVERSITY OF NEW YORK

INTRODUCED BY: UNIVERSITY COUNCIL ON RESEARCH

DATE: OCTOBER 16, 1989

The University Council on Research proposes that:

- I. The attached policy on misconduct in research be approved.
- II. This policy be forwarded to the President for his approval.

PURPOSE: To establish a policy to address instances of alleged misconduct in research, pursuant to federal regulations.

BACKGROUND:

Although instances of misconduct in research are rare, such occurrences erode the public trust in the university community's commitment to conduct research and communicate results using the highest standards and ethical practices. In response to concerns about misconduct, the Public Health Service of the Department of Health and Human Services, as well as the National Science Foundation, has issued regulations requiring institutional recipients of grants to develop a process for reviewing, investigating, and reporting allegations of misconduct in research. Institutions are to provide assurance of adoption of such policy no later than January 1, 1990.

In compliance with federal regulations and in keeping with the University at Albany's commitment to integrity in the pursuit of truth, the University Council on Research has developed the attached policy. The Council also will develop implementation procedures.

UNIVERSITY POLICY ON MISCONDUCT IN RESEARCH

I. Principles and Policy

Maintenance of high ethical standards in research is a central and critical responsibility of the University. According to the Faculty Statement of Ethics of the University at Albany<sup>1</sup>, the primary responsibility of faculty to their subject is to "seek and state the truth as they see it"; "accept the obligation to exercise critical self-discipline and judgment in using, extending, and transmitting knowledge; and "foster honest academic conduct."

These principles of ethical conduct for faculty are applicable to all members of the University community. It is in the best interest of the public and of all those who are conducting or supporting research within the University for the University to promote integrity, to prevent misconduct in research, and to act effectively and responsibly to resolve situations of suspected or alleged misconduct. While the primary responsibility for avoiding research misconduct rests with the researchers themselves, the University is responsible both for promoting academic practices that prevent misconduct and for developing policies and procedures for dealing with allegations or other evidence of misconduct in research.

Therefore, in keeping with its commitment to integrity in the pursuit of truth and in compliance with federal regulations, the University at Albany will immediately review allegations or other evidence of misconduct in research; thoroughly investigate such instances if the initial inquiry concludes investigation is warranted; take appropriate action following the investigation, including imposition of sanctions if allegations of misconduct are substantiated; and fulfill reporting and other federal requirements in the case of sponsored research.

II. Definitions

The following definitions are embodied in regulations issued by the National Science Foundation<sup>2</sup> and the Public Health Service of the Department of Health and Human Services.<sup>3</sup>

"Misconduct" means (1) "fabrication, falsification, plagiarism, or other practices that seriously deviate from those that are commonly accepted within the [academic] community for proposing, conducting or reporting research. It does not include honest error or honest differences in interpretations or judgments of data."<sup>4</sup>; (2) "material failure to comply with Federal requirements for protection of researchers, human subjects, or the public or for ensuring the welfare of laboratory animals; or (3) failure to meet other material legal requirements governing research."<sup>5</sup>

"'Inquiry' means information gathering and initial fact-finding to determine whether an allegation or apparent instance of misconduct warrants an investigation."<sup>6</sup>

"'Investigation' means the formal examination and evaluation of all relevant facts to determine if misconduct has occurred."<sup>7</sup>

III. Guidelines for Inquiry and Investigation of Allegations of Misconduct

In accord with its principles and in compliance with federal regulations, the University will adhere to the following general guidelines with respect to alleged misconduct in research.

- A. An allegation or other evidence of possible misconduct in research, from whatever source, will receive immediate attention. All allegations should be directed to the Vice President for Research.
- B. The University will protect, to the maximum extent possible, the privacy, position, and reputation of those who in good faith report apparent misconduct in research.
- C. The University will afford the affected individual(s) confidential treatment to the maximum extent possible, a prompt inquiry into the allegations, a thorough investigation if one is deemed necessary, and will assure the rights of the accused person(s) to respond to the allegations both during the course of and at the conclusion of any inquiry and investigation.
- D. The University will take precautions against real or apparent conflicts of interest on the part of those involved in any inquiry and investigation resulting from an allegation of misconduct in research.
- E. When an allegation of misconduct is not confirmed, the University will, if necessary, undertake diligent efforts to restore the reputation of the person(s) under investigation. The University may also examine the propriety of the initial allegation and take further action if appropriate.
- F. The University will comply with all state and federal regulations regarding maintenance and access to records and documentation resulting from inquiries and investigations into alleged misconduct.
- G. The University will notify appropriate external officials, including -- where applicable -- the Office of Scientific Integrity (OSI) in the Office of the Director of the National Institutes Health (NIH), if it ascertains at any stage of an inquiry or investigation that any of the following conditions exist:
  - "(1) There is an immediate health hazard involved;
  - (2) There is an immediate need to protect Federal funds or equipment;
  - (3) There is an immediate need to protect the interests of the person(s) making the allegations or of the individual(s) who is the subject of the allegations as well as his/her co-investigators and associates, if any;
  - (4) It is probable that the alleged incident is going to be reported publicly;

(5) There is a reasonable indication of possible criminal violation. In that instance, the institution must inform OSI [or other external officials, as appropriate] within 24 hours of obtaining that information. OSI will immediately notify the Office of the Inspector General."<sup>8</sup>

IV. Inquiry Requirements

- A. The University, through the Vice President for Research, will promptly inquire into an allegation or other evidence of possible misconduct in order to determine whether an investigation is warranted. As stipulated in Federal regulations, the inquiry must be completed within 60 calendar days of its initiation unless circumstances clearly warrant a longer period. If the inquiry takes longer than 60 days to complete, the record of the inquiry shall include documentation of the reasons for exceeding the 60-day period.
- B. The Vice President for Research will supervise the inquiry. The process will involve securing appropriate expertise from within and, where necessary, outside the University to evaluate the evidence pertaining to the merits of the allegation.
- C. The Vice President for Research will prepare a written report of the inquiry. This report must indicate what evidence was reviewed; summarize statements and interviews from relevant individuals; present judgments by appropriate faculty and, possibly, external experts; and present the conclusions of the inquiry. A copy of the report of inquiry will be given to the individual(s) against whom the allegation was made, and any responses to that report by an accused person will be made part of the record.
- D. At the completion of an inquiry, the Vice President for Research will make a recommendation to the President of the University as to whether an investigation is warranted and will delineate the basis for this decision to the President and to those directly involved.
- E. The University will maintain, for at least three years, sufficiently detailed documentation to permit an assessment of the reasons for determining whether or not an investigation is warranted.

V. Investigation Requirements

- A. If the inquiry concludes with a determination that an investigation is warranted, the President will initiate an investigation through the Vice President for Research within 30 days of the completion of the inquiry.

- B. When an investigation involves a sponsored program through the Research Foundation, the Vice President for Research will notify and consult the Research Foundation. The University also will notify relevant federal or other external granting agencies, including, where applicable, the Office of Scientific Integrity at NIH, in accordance with applicable regulatory requirements.
- C. The University will take interim administrative actions, as appropriate, to protect any federal or state funds and ensure that the purposes of the external funding are carried out.
- D. The Vice President for Research will supervise the investigation. The process will involve securing necessary and appropriate expertise from within and, possibly, outside of the University to carry out a thorough and authoritative evaluation of the relevant evidence. In accord with federal regulations, the process will include, but not necessarily be limited to, examination of pertinent research data and written materials, interviews with all individuals involved either in making the allegation or against whom the allegation is made, and statements from or interviews with other individuals who might have information regarding the allegation.
- E. The University will prepare and maintain the documentation to substantiate the investigation's findings. This documentation will be made available to individuals authorized by state or federal regulations, including, as applicable, the Director of the Office of Scientific Integrity at NIH.
- F. An investigation should ordinarily be completed within 120 days of its initiation. This includes conducting the investigation, preparing the report of findings, making that report available for comment by the subject(s) of the investigation, and (for sponsored research) submitting the report to appropriate federal officials.

VI. Institutional Actions

The Vice President for Research will submit to the President the report of the investigation, including any written commentary by the individual(s) under investigation. In the case of sponsored research, the President will notify the Research Foundation and sponsoring agency of the findings and outcome of the investigation.

If an allegation of misconduct in research is substantiated, the President will institute appropriate disciplinary proceedings. Disciplinary proceedings must be consistent with established University, Board of Trustees, and Research Foundation policies, and with the applicable collective bargaining agreement. Disciplinary sanctions may include termination or alteration of the employment or academic status of the person(s) against whom allegations of misconduct in research have been substantiated.



- 1 Faculty Statement of Ethics. Adopted by the Senate of the University at Albany on May 5, 1986.
- 2 U.S. National Science Foundation. Misconduct in Science and Engineering Research. Federal Register, v. 52, no. 126, July 1, 1987, pp. 24466-24470.
- 3 U.S. Public Health Service, Department of Health and Human Services. Responsibilities of Awardee and Applicant Institutions for Dealing With and Reporting Possible Misconduct in Science. Federal Register, v. 54, no. 151, August 8, 1989, pp. 32446-32451.
- 4 Federal Register, p. 32449.
- 5 Federal Register, p. 24468.
- 6 Federal Register, p. 32449.
- 7 Ibid.
- 8 Federal Register, p. 32451.

(643R)

CLASSIFICATION OF MOTIONS ACCORDING TO PRECEDENCE

	<u>Second Needed</u>	<u>Amend- able</u>	<u>Debat- able</u>	<u>Required Vote</u>	<u>Interrupt Speaker</u>
<u>PRIVILEGED MOTIONS</u> (In order of precedence)					
Fix time of next meeting	yes	yes	no <sup>3</sup>	1/2	no
Adjourn	yes	no	no	1/2	no
Recess	yes	yes	no <sup>3</sup>	1/2	no
Question of privilege	no	no	no	ch. <sup>2</sup>	yes
<u>SUBSIDIARY MOTIONS</u> (In order of precedence)					
Lay on the table	yes	no	no	1/2	no
Previous question	yes	no	no	2/3	no
Limit debate	yes	yes	no	2/3	no
Postpone to a certain time	yes	yes	yes	1/2	no
Refer to a committee	yes	yes	yes	1/2	no
Committee of the whole	yes	yes	yes	1/2	no
Amend	yes	yes	1	1/2	no
Postpone indefinitely	yes	no	yes	1/2	no
<u>MAIN MOTIONS</u> (No order of precedence)					
Main motion for general business	yes	yes	yes	1/2	no
Take from the table	yes	no	no	1/2	no
Reconsider	yes	no	1	1/2	yes
Rescind	yes	yes	yes	2/3	no
Make special order of business	yes	yes	yes	2/3	no
<u>INCIDENTAL MOTIONS</u> (No order of precedence)					
Question of order	no	no	no	ch. <sup>2</sup>	yes
Appeal from decision of chair	yes	no	1	1/2	yes
Suspend rules	yes	no	no	2/3	no
Object to consideration	no	no	no	2/3	yes
Parliamentary inquiry	no	no	no	ch.	yes
Request for information	no	no	no	ch.	yes
Withdraw a motion	no	no	no	1/2	no

1. Debatable only when the motion to which it is applied was debatable.
2. Requires only chair's decision; majority vote if appealed from chair.
3. Original motion not debatable; amendment debatable.

NOTE: 1/2 means one more than half of those voting (simple majority); 2/3 means two-thirds of those voting.

CLASSIFICATION OF SPECIAL MOTIONS ACCORDING TO PURPOSE

	<u>Second Needed</u>	<u>Amend-able</u>	<u>Debat-able</u>	<u>Required Vote</u>	<u>Interrupt Speaker</u>
<u>TO SUPPRESS DEBATE OR HASTEN ACTION</u>					
1. Previous question	yes	no	no	2/3	no
2. Suspend rules	yes	no	no	2/3	no
3. Limit debate	yes	yes	no	2/3	no
4. Take from the table	yes	no	no	1/2	no
5. Make special order of business	yes	yes	yes	2/3	no
<u>TO DELAY ACTION</u>					
6. Postpone to a certain time	yes	yes	yes	1/2	no
7. Lay on the table	yes	no	no	1/2	no
8. Refer to committee	yes	yes	yes	1/2	no
<u>TO PREVENT ACTION</u>					
9. Object to consideration	no	no	no	2/3	yes
10. Withdraw a motion	no	no	no	1/2	no
11. Postpone indefinitely	yes	no	yes	1/2	no
<u>TO CONSIDER MORE CAREFULLY</u>					
12. Committee of the whole	yes	yes	yes	1/2	no
<u>TO CHANGE A DECISION</u>					
13. Reconsider	yes	no	1	1/2	yes
14. Rescind	yes	yes	yes	2/3	no
<u>TO MAINTAIN RULES AND ORDER</u>					
15. Question of privilege	no	no	no	ch. <sup>2</sup>	yes
16. Question of order	no	no	no	ch. <sup>2</sup>	yes
17. Appeal from decision of chair	yes	no	1	1/2	yes
18. Parliamentary inquiry	no	no	no	ch.	yes
19. Request for information	no	no	no	ch.	yes
<u>TO CLOSE A MEETING</u>					
20. Adjourn	yes	no	no <sub>3</sub>	1/2	no
21. Fix time of next meeting	yes	yes	no <sub>3</sub>	1/2	no
22. Recess	yes	yes	no <sub>3</sub>	1/2	no

1. Debatable only when the motion to which it is applied was debatable.
2. Requires only chair's decision; majority vote if appealed from chair.
3. Original motion not debatable; amendment debatable.

NOTE: 1/2 means one more than half of those voting (simple majority); 2/3 means two-thirds of those voting.

REPORT OF SUNY FACULTY SENATE MEETING  
SUNY INSTITUTE OF TECHNOLOGY UTICA/ROME  
October 27, 28 1989

I.Chancellor's Address

The general state of the University is good. Funded research activity has increased 18-20% over last year. The University has a strong "steady-state" budget and has developed a strong political constituency in the legislature and across the state.

Student enrollment is at an all-time high with a 10,000 increase over last year. Most of the increases are at the community college level. The University is currently 9,000 students above the budget target. This over-enrollment is not good educational policy.

The staff of SUNY Central is meeting with state commissioners to determine the needs of state agencies that can be addressed by SUNY faculty.

In response to a Division of the Budget concern of program proliferation in SUNY, SUNY Central staff will be examining selective educational programs offered by more than one campus.

The need to develop effective programs to recruit and train professors for anticipated SUNY vacancies in the future was discussed.

The Chancellor noted the increasing intolerance and lack of civility on SUNY campuses. He cited the need for non-violent behavior and use of mediation in resolving racial and ethnic problems.

Concern was expressed over the academic and intellectual life of the academy - particularly the lack of attention to foreign language and non-western cultures studies. The need for greater attention to knowledge skills required for survival in the next century and the learning ambience outside the classroom was also identified.

In the question period, the Chancellor made the following comments:

There will be a serious budget shortfall the year after next when certain special funds will no longer be available to meet SUNY's budget needs. The Chancellor stressed this will be a problem for the legislature and the governor to resolve, not SUNY Central.

The Parking Fee policy will go into effect January 1, 1990. In all probability, students and staff not covered by a union contract will begin paying a parking fee at that time. Negotiations are continuing with other staff covered by union contracts.

The University is considering a Health Fee using the third party payment option of health plans of parents of students. The Office of Management and Budget is conducting a study of this option on five SUNY campuses.

There is a plan to provide subsidized faculty housing on university land at the University at Stony Brook. The housing will be constructed by a private firm and sold to faculty.

The number of women faculty in SUNY for the period 1975-85 has increased from 22.7% to 24.8%. Minority faculty for the same period has increased from 7.2% to 9.3%. The Chancellor withheld one million dollars from the current budget for employment of new minority faculty. This action resulted in 34 positions being filled with minority persons. The Chancellor is planning to repeat this recruitment activity next year. He also stressed the need for individual campuses to actively recruit minorities.

## II. Panel Discussion by Recipients of Student Life Programs Awards

Abstracts of these programs have been sent to the Vice President for Student Affairs for possible adoption by our campus.

## II. Senate Resolutions

The Senate passed a resolution urging the Chancellor and the Board of Trustees to support the approval of options permitted by the Securities and Exchange Commission. These include the transfer of amounts accumulated under RA Certificates to funding vehicles not affiliated with CREF or TIAA and for lump-sum distributions upon retirement or termination of employment.

## III. Committee Reports

### Graduate/Research Committee

The Committee is collecting information on professional ethics policies on campuses. A questionnaire on animal welfare policies is also being sent to campuses. The Committee will be studying the state of graduate student life and the anticipated need for new faculty in the years ahead.

### Undergraduate Committee

The Committee will be studying the articulation policies for transfer of students and the campus programs on assessment.

### Governance Committee

The Committee will be sending a questionnaire to campus governance officers to determine the involvement of faculty in the preparation and implementation of assessment programs. The use of part-time faculty will also be examined this year.

### Operations Committee

The Committee will be distributing a questionnaire to governance leaders to investigate the involvement of faculty in the budget process. A white paper on the policies and characteristics of fees will be prepared for distribution to SUNY campuses.

Vincent J. Aceto, Paul Wallace

## COUNCIL ON EDUCATIONAL POLICY

### Report to the University Senate October 1989

#### Discussion of Commencement Plan

At its October 2, 1989, meeting the University Senate passed Bill 8889-01, as amended, which read:

- I. That the procedures for conducting Commencement exercises be revised from the current central ceremony to College-based Commencements for undergraduates and a Graduate Commencement, as detailed in the attached rationale, beginning with the May 1990 ceremony.
- II. That the Council on Educational Policy consult with the 1989-90 Student Association President and Senior Class president and three other students to try to accommodate the students' request for an abbreviated central ceremony.
- III. That this bill be forwarded to the President for approval and implementation.

In compliance with Section II of the bill, the Council on Educational Policy invited students to its October 13, 1989, meeting. Present, in addition to the student members of the Council, were Andy DiPalma, president of Student Association; Holly Bornstein, president of the Senior Class; Nichole Michelson, vice president of the senior class; D. Mitola, Steve Rhoads, S. Rootenberg

The point of departure for the discussion was the students' proposal to the Senate that a central ceremony be added at the close of the day. That proposal had been modified slightly after consultation with Commencement organizers, to reflect the constraints of the day, specifically the need for an earlier start to the Graduate Ceremony than students had proposed. The modified plan provides a one-hour time slot for a central ceremony by starting the college-based undergraduate degree ceremonies 30 minutes earlier and the Graduate Ceremony 30 minutes later than in the tentative schedule in the rationale for Bill 8889-01. Discussion then focused on the relative merits of the abbreviated central ceremony proposed by the students. Several faculty members of the Council expressed reservations about student decorum at Commencement, and students expressed willingness to work with Commencement organizers to ensure proper decorum. The Council then discussed various questions regarding the proposal.

In the absence of a clear consensus, a motion was made to endorse the plan on a trial basis for the 1990 Commencement with the understanding that students would assume the responsibility and initiative to work with Commencement officials in developing a plan for decorum and other issues related to the central ceremony; and to recommend the plan to the President. The motion carried 14 in favor, 3 opposed.

**Commission on Intercollegiate Athletics**

Professor William Holstein, a member of the Council on Educational Policy, is chair of the Commission on Intercollegiate Athletics. He reported that the President appointed the ad hoc group to consider the question of whether the Albany campus should move its athletic programs to Division I competition. Since its inception SUNY has been restricted to Division III athletics by its policy that no grants in aid can be awarded for athletics. Several years ago, the SUNY Trustees organized a Task Force to study this option for SUNY and last year approved a new policy that would allow SUNY campuses to proceed toward Division I. The University of Buffalo has already begun that process, which requires two years of competition at Division II. The President has asked the Commission to consider the situation at Albany.

Mr. Holstein reported that the Commission will probably complete its work by the end of the semester. The President has indicated he will bring the matter to the Council on Educational Policy when the Commission finishes its work.

Respectfully submitted,



Bruce Marsh  
Chair, Council on Educational Policy

UNIVERSITY AT ALBANY  
STATE UNIVERSITY OF NEW YORK

University Senate

Council on Libraries, Computing, and Information Systems

Minutes

October 16, 1989

Present: V. Aceto, P. Bloniarz, M. Butler, A. Farmer, L. Goldin, W. Ilchman, T. Lance, K. Lowery, P. Panzl, R. Pruzek, B. Schoonmaker, P. Seagle

The Council was called to order at 3:05 pm.

The Chair briefly reviewed the Senate's relationship to library and computing services and the rationale for the formation of the current Council. The Chair also stated that, in order for the Council to be effective, it needs to be used as a consultative body at the initiation rather than the conclusion of policy formulation. One positive example of this new approach is the distribution of Shaping the Information Technology Environment 1989-94, by F. Lees at this initial meeting of the Council.

The Chair also informed the Council of the following two recommendations for improving the effectiveness of the Council: 1) That LISC be involved in the establishment of policy in the same way as the other Senate Councils, 2) That the two sub-committees be made regular, standing committees of the Council and Senate. The Council agreed that the two committees will draft new policy statements as bills for formal adoption by the Senate and to require the two advisory committees to prepare reports of their meetings for the Council.

M. Butler reported on the first phase of a research project funded by the U. S. Office of Education to study the impact of electronic transfer of journal articles on faculty teaching and research. Mid-use journals jointly owned by the four University Center Libraries will be sequestered with document delivery provided by the University at Buffalo.

The Chair, at the request of F. Lees, asked that the Council create a new Advisory Committee on Instructional Technology. W. Ilchman discussed the reasons for this new committee citing the creation of an Interactive Media Center in the Library which contains recent acquisitions of Apple microcomputers and related peripherals, videocassette players, video disc players and other hardware along with selected software. The plan is to provide opportunities for students to utilize these new instructional materials and for faculty to develop new curricular materials for classroom use and independent study by students. The new committee would develop general policies for use of instructional technology. Several Council members suggested the proposed committee would create an artificial separation of instructional technology from libraries and computing. They stated the present two committees could accommodate this new responsibility. After lengthy discussion, the Council agreed to defer a decision on the formation of this new committee until the next meeting on October 30

The Chair, at the request of F. Lees, distributed copies of the draft Shaping the Information Technology Environment 1989-94 to Council members for review and comment. Since the final report must be delivered to the President on November 2, the Council agreed to send comments to F. Lees by electronic mail by October 25 and to meet informally with him for lunch on Thursday, October 26 to discuss reactions and suggestions.

R Pruzek reminded the Council that an interim review of the Experimental Policy on Allocation of Main-Frame Computing Resources must be completed by the end of October. The Council requested P. Panzl to prepare a summary of relevant statistical data suggested by Council members.



The Council briefly reviewed proposed agenda items for the two advisory committees. These included: Computing Advisory Committee (Review of Experimental Policy on Allocation of Main-Frame Computing Resources, University support for microcomputers, Replacement for University Micros, Microcomputer purchase options, Microcomputer software demonstration center, Integrated campus-wide information systems planning, Cable proposal for dormitories); Library Acquisitions Advisory Committee (Review of current acquisitions policies, Enhancements of current online system, Review of microcomputer facility in library, Development of policies for CD-ROM databases, Review of current photocopy prices, Study of Dewey Library facilities, Evaluation of library automation).

T. Lance agreed to serve as recorder for the Council.

The meeting adjourned at 4:45 pm.

V. Aceto  
Recorder

## THE COUNCIL ON LIBRARIES, COMPUTING AND INFORMATION SYSTEMS MINUTES

The Council was called to order at 3:05 p.m. on Monday, October 30, 1989.

The minutes were reviewed. Not all members had received either minutes or the agenda. We may begin to forward these by Bitnet, and Greg Rickes was asked to expedite the process of getting people addresses. The minutes were accepted.

Bob Donovan reported on the Library Task Force. He was contacted by the President who told him that the University had retained the firm of Durell Stone Associates. Meredith Butler added that they have visited the campus, together with special consultant David Kaser, Distinguished Professor of Library and Information Science at Indiana University. They concluded that we needed a new, much larger library of 400,000 square feet (the current library occupies 181,000 square feet). The current library would then be used for other purposes. The architectural firm argued that we must consider the University's space problems as a whole. There were some questions about funding, since this represents enormous increases in cost. This new library was linked to the new UAS building, which would make a perfect conduit to the new building. Meredith also noted that we learned from the field house a great deal about difficulties of construction contiguous to existing buildings, and this motivated thinking about a new facility. Bob Donovan pointed out that this proposal far exceeded the charge of the Library Task Force. However, Frank Lees noted that several things changed since the Task Force finished its work, including consideration of a new library large enough to free up other much needed space. Vince said that he would invite the president to meet with CLCIS.

Meredith Butler reported on her meeting with the library directors from the other University Centers. They discussed how the libraries could begin to work cooperatively, and agreed that as a group of four they would have more influence. This may be the first time they have chosen to make such a group effort. They will be drafting a statement of goals. Frank felt that this is a remarkable development for the library systems.

Vince turned to committee memberships, asking first for ideas about a subcommittee on instructional technology. Peter Bloniarz asked how this committee would function. Vince said it would act like the other two subcommittees. Peter still feels that this advisory role could be served by the Computing Subcommittee. Vince noted that the Library Subcommittee might be just as appropriate for this role, although both Meredith and Bob Pruzek disagreed. Pete Seagle suggested that we assign this job not by on philosophical grounds, but by consideration of specific tasks to be performed. Frank Lees suggested that this is an area where we ought to engage members of the faculty at large with expertise in instructional technology. We voted, and decided to add a third subcommittee on instructional technology.

Vince (anticipating our vote) passed out sheets with slots for names of members of the three committees. We went around the table, and assigned some names, and Frank reviewed some other people not on the Council who are being considered. The final committee list will be worked out by Frank and Vince.

Frank passed out a revised draft of the SITE report, base in part on suggestions made at the luncheon meeting last week. He ran through a brief overview of the document. It begins with a "blue-sky" overview followed by detailed analyses. In appendices, some recent data is collected. This needs to go to the President on November 1.

Greg Rickes reported on the new allocation process. We have moved through about a third of a year, and although some department are using resources faster than expected, there seem to be adequate reserve funds available. Some general numbers:

IBM - Vice President for Academic Affairs has	\$350,000
on the VAX he has	\$150,000

Frank has additional funds. Greg supplied the attached chart.

Meredith suggested some possible changes for the upcoming agenda, and Vince welcomed any further suggestions.

Finally, Frank distributed a report on data access and security. It is an attempt to formalize principles regarding ownership of and access to data. This draft has also been shared with the ASD committee (which contains representatives who are managing most of the major data pools). Frank again welcomed any comments on this document.

Greg Rickes announced (and distributed brochures about) the new software seminar series.

The meeting adjourned at 4:10 p.m.

## ALBANY COALITION FOR A JUST COMMUNITY

### Rationale

Recent tragedies in Bensonhurst and elsewhere remind us that ours is an imperfect society, one in which every person is not yet free to define the life that he or she will live. Although the most disruptive events often result from the actions of a few unenlightened individuals, nevertheless, they can tear apart the bonds of a whole community. But what power do we have against overwhelming injustice? Do we permit the ugly deeds of a few to define us all? What do we do in our University?

We have rules to deal with anyone who violates the rights of any student or staff person, and we are committed to their full and fair enforcement. But while rule enforcement is important, we must do more to create the kind of community we want. That depends upon the voluntary efforts of many people.

Though it may not seem so, we are the agents of change in our society. Just as some can destroy, so the result of us can build. Think of Rosa Parks in Birmingham who refused to move to the back of the bus and started the Civil Rights movement. Or Lech Walesa, who led Solidarity in Poland. We were all captured by the power of the unknown man who stood in front of a column of tanks in Tiananmen Square. They remind us of the old saying that the ripple from a single pebble changes the whole ocean. I recently asked the University community to start that ripple on this campus now -- a ripple that can broaden and move into the world.

Let us together declare the University at Albany a Just Community and dedicate ourselves to meet the challenge of that ideal. Justice is a complicated term, but at its moral center must be this simple principle: full respect for every individual in our diverse community. This is the common ground from which we must all start.

As we define ourselves as a Just Community, we address racial and ethnic issues. We also address the principle of how men and women should treat each other, how persons of various religious beliefs should behave toward one another, how University faculty and staff must regard students and vice versa. When we define ourselves as a Just Community, we are asserting some powerful values, including honesty, fairness, and a deep sense of responsibility for others.

## Charge

1. Develop and promote the principles of a just community for the University at Albany.
2. Advise the President regarding strategies to implement the principles of a just community.
3. Create and implement programs and activities that promote the principles of a just community.
4. Develop and disseminate educational materials regarding
5. Serve as a forum for a continuing campus dialogue regarding a just community.
6. Respond to current issues that violate the principles of a just community in university life.

## Coalition Structure

Chairperson - Mitchel Livingston

Sub-Committee Chairpersons

1. Executive Committee
2. Programming Committee - Gloria DeSole
3. Education and Information Committee - Pat Panzl
4. Committee on Principles - Mark Berger
5. Multicultural Concerns Committee - Geneva Walker-Johnson

## Committee Structure

### Programming Committee

1. Guest lecture speaker series
2. Relevant popular entertainment
3. Panel discussion groups
4. Just community essay contest
5. Selection of the Just Community Citizen of the Year Award (faculty, staff, student)
6. Volunteerism/service program
7. Debates regarding just community campus
8. Workshops

### Multicultural Concerns Committee

1. Serve as a forum to discuss issues of multiculturalism
2. Define the implications for effective living on a multicultural campus
3. Rumor control
4. Advise the President/Vice Presidents on strategic responses to multicultural conflict situations
5. Assess and evaluate the campus climate regarding its response to diversity
6. Serve as a communication link with other campus minority support systems
7. Advise the President and Vice President on matters of campus planning as they relate to multiculturalism

### Education and Information Committee

1. Campus fora/town meetings to encourage discussion and application of the principles of justice both inside and outside of the classroom
2. Development of a public relations strategy for a just community
3. Just community information in campus publications
4. Just community brochure
5. Sharing articles regarding just community
6. Assessment and evaluation of just community principles in practice

### Committee on Principles

1. Review of literature on the conceptualizations of justice
2. Develop principles of justice appropriate to the University community
3. Develop strategies for operationalizing principles of justice in University life.

### Coalition Membership:

#### Faculty:

1. Harry Hamilton - CAFE
2. Warren Roberts - History
3. Mark Berger - Education
4. Phillip Cooper - Political Science
5. Tim Flanagan - Criminal Justice
6. Susan Sherman - Social Welfare
7. Lakshmi Mohan - Business
8. Judith Baskin - Judaic Studies
9. Leonard Slade - African/Afro-American Studies
10. Marty Edelman - Political Science
11. Sue Phillips - Counseling Psychology
12. Pat Panzl - Computing Center
13. Sung Bok Kim - Undergraduate Studies

#### Staff:

1. Carson Carr - Academic Support Services
2. Carl Martin - Student Services
3. Jim Williams - University Police
4. Carol Needleman - Chapel House
5. Dan Wulff - Dean
6. James Doellefeld - Campus Life
7. Dick Farrell - Graduate Admissions
8. Bettie Thompson - Personnel Services
9. Duke Ellis - Counseling Center
10. Bert Nepaulsingh - Academic Affairs
11. John Murphy - Judicial Affairs (Council resource person)
12. Geneva Walker-Johnson - Residential Life

Students:

1. Nadya Lawson - Student Association
  2. Marianne Merritt
  3. Jacob Walthour - ASUBA
  4. Annie Kay Nelson - Pan Caribbean
  5. Brooks DeBow - Interfraternity Council
  6. Rob Springer - JSC
  7. Steve Gellerstein - JSC
  8. Yi Wang - International/Asian
  9. Kelly Bates
  10. Amy Gutmann - RZA
  11. Peter Pedro - Purple & Gold
  12. Beronica Gomez
  13. Erika Irish
  14. William Malpica - Fuerza Latina
  15. Dwight King
  16. Maureen Williams - Pan Hellenic
-



*Set up  
meet*

## Memorandum to Presidents

Date: September 21, 1989

From: Offices of Vice Chancellor for Student Affairs  
and Special Programs and University Counsel and  
Vice Chancellor for Legal Affairs

Subject: Alcoholic Beverage Control Law Amendments

Vol. 89 No. 17

To: Presidents, State-operated Campuses  
Presidents, Community Colleges

**RECEIVED**

OCT 3 1989

OFFICE OF THE  
PRESIDENT

Recent amendments to the Alcoholic Beverage Control Law (Chapters 225, 586 and 592 of the Laws of 1989, copies attached) may have a significant impact on campus alcohol policies as applied to persons under the age of 21. Campus publications will need to be revised to incorporate appropriate policy changes in order to inform parents, students and student organizations of the more stringent statutory restrictions.

The amendments to sections 65-b and 65-c of the Alcoholic Beverage Control Law provide:

- Effective January 1, 1990, persons under the age of 21 are prohibited from possessing any alcoholic beverage with intent to consume the beverage. Exceptions are provided for consumption in an instructional setting and in cases where the alcoholic beverage is provided by a parent or guardian.

Violators are subject to a fine of up to \$50 per offense, but are not subject to arrest. Alcoholic beverages involved in alleged violations of this law may be seized by authorized law enforcement officials, including campus public safety officers. Disposal and destruction of the seized alcoholic beverages are also authorized but cannot be carried out until three days after the initial appearance date, unless otherwise ordered by a court.

- Effective November 1, 1989, persons under the age of 21 who present falsified or fraudulently altered proofs of age for the purpose of purchasing or attempting to purchase alcoholic beverages are



guilty of a violation, punishable by a fine of up to \$100.00 and a community service requirement of up to thirty (30) hours. Previously, violations of this section were punishable only by the imposition of a one-year probationary period and a fine.

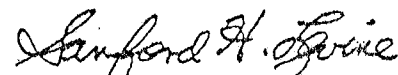
- Effective October 19, 1989, a person under the age of 21 who presents an altered New York State driver's license for the purpose of illegally purchasing an alcoholic beverage may be subject to a suspension of that driver's license for up to ninety (90) days and may also be required to apply to the Department of Motor Vehicles for a restricted use driver's license following the suspension.

As you are aware, prior law did not prohibit activities involving possession or consumption of alcoholic beverages by under-age individuals. Rather, the law primarily regulated the purchase and distribution of alcoholic beverages to persons under the age of 21. Campus alcohol policies which have not in the past prohibited possession of open containers of alcoholic beverages or consumption of alcoholic beverages by persons under the age of 21 will need to be reviewed to consider whether amendments might be appropriate.

Enforcement efforts must also be reviewed to assure consistency with the amendments. Procedures for the seizure and disposal of alcoholic beverages by public safety officers in cases involving an alleged violation of Alcoholic Beverage Control Law, §65-c must comply with the three-day time limitation.

If you have any questions, the Office of the Associate Vice Chancellor for Student Services (518-443-5139) or the Office of University Counsel (518-443-5400) should be contacted.

  
Frank G. Pogue

  
Sanford H. Levine

Attachments

cc: Chief Student Affairs Administrators

Copies for information only sent to:

Deans, Statutory Colleges  
President Coll  
Provost Nesheim

LAWS OF 1989

Chapter 225

S. 3108-A

Approved June 26, 1989, effective Nov. 1, 1989

AN ACT to amend the alcoholic beverage control law, in relation to a violation involving purchasing alcoholic beverages through fraudulent means by a person under twenty-one years of age

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

§ 1. Subdivision 1 of section 65-b of the alcoholic beverage control law, as amended by chapter 274 of the laws of 1985, is amended to read as follows:

1. ~~Any~~ No person under the age of twenty-one years who ~~presents or offers shall present or offer~~ to any licensee under the alcoholic beverage control law this chapter, or to the agent or employee of such licensee, any written evidence of age which is false, fraudulent or not actually his own, for the purpose of purchasing or attempting to purchase any alcoholic beverage, ~~may be arrested or summoned and be examined by a magistrate having jurisdiction on a charge of illegally purchasing or attempting to illegally purchase an alcoholic beverage. If a determination is made sustaining such charge the court or magistrate shall release such person on probation for a period of not exceeding one year, and may in addition impose a fine not exceeding one hundred dollars. A person violating the provisions of this subdivision is guilty of a violation punishable by a fine of not more than one hundred dollars and/or an appropriate amount of community service not to exceed thirty hours.~~

§ 2. Subdivision 2 of section 65-b of the alcoholic beverage control law, as added by chapter 1031 of the laws of 1965, is amended to read as follows:

2. No such determination shall operate as a disqualification of any such person subsequently to hold public office, public employment, or as a forfeiture of any right or privilege or to receive any license granted by public authority; and no such person shall be denominated a criminal by reason of such determination, ~~nor shall such determination be deemed a conviction.~~

§ 3. Subdivisions 1 and 2 of section 65-c of the alcoholic beverage control law, as added by chapter 838 of the laws of 1981, are amended to read as follows:

1. The authority shall prepare, have printed and distribute across the state to all persons with a license to sell ~~liquor~~ alcoholic beverages for consumption on the premises or a license to sell ~~liquor~~ alcoholic beverages for consumption off the premises a sign or poster with conspicuous lettering that states the provisions of subdivision two of section ~~sixty-five~~ of this article following:

"No person shall sell or give away any alcoholic beverages to:

1. any person under the age of twenty-one years; or
2. any visibly intoxicated person.

IT IS A VIOLATION PUNISHABLE UNDER LAW FOR ANY PERSON UNDER THE AGE OF TWENTY-ONE TO PRESENT ANY WRITTEN EVIDENCE OF AGE WHICH IS FALSE, FRAUDULENT OR NOT ACTUALLY HIS OWN FOR THE PURPOSE OF ATTEMPTING TO PURCHASE ANY ALCOHOLIC BEVERAGE".

Such sign or poster shall be captioned with the word "warning" in at least two inch lettering.

2. All persons with a license to sell ~~liquor~~ alcoholic beverages for consumption on the premises or a license to sell ~~liquor~~ alcoholic beverages for consumption off the premises shall display, in an upright position and in a conspicuous place, where it can be easily read by the clientele of the establishment, the sign or poster upon receiving it from the authority.

§ 4. This act shall take effect on the first day of November next succeeding the date on which it shall have become a law.

LAWS OF 1989

Chapter 586

S. 935-B

Approved July 21, 1989, effective as provided in section 2

AN ACT to amend the alcoholic beverage control law, in relation to additional penalties for the purchase of alcoholic beverages by persons under the age of twenty-one through fraudulent means

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

§ 1. Section 65-b of the alcoholic beverage control law is amended by adding a new subdivision 3 to read as follows:

3. In addition to the penalties otherwise provided in subdivision one of this section, if a determination is made sustaining a charge of illegally purchasing or attempting to illegally purchase an alcoholic beverage, the court may suspend such person's license to drive a motor vehicle for ninety days if it is found that it was a New York state driver's license which was the written evidence of age used for the purpose of such illegal purchase or attempt to illegally purchase. Such person may thereafter apply for and be issued a restricted use license in accordance with the provisions of section five hundred thirty of the vehicle and traffic law.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law.

LAWS OF 1989

Chapter 592

S. 2126-C, A. 3188-C

*Memorandum relating to this chapter, see Legislative Memoranda, post*

Approved July 21, 1989, effective Jan. 1, 1990

Message of necessity, pursuant to Art. III, sec. 14, of Const.

AN ACT to amend the alcoholic beverage control law, in relation to possession of alcoholic beverages with intent to consume by persons under twenty-one years of age

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

§ 1. Section 65-c of the alcoholic beverage control law is renumbered section 65-d and a new section 65-c is added to read as follows:

§ 65-c. Unlawful possession of an alcoholic beverage with the intent to consume by persons under the age of twenty-one years

1. Except as hereinafter provided, no person under the age of twenty-one years shall possess any alcoholic beverage, as defined in this chapter, with the intent to consume such beverage.

2. A person under the age of twenty-one years may possess any alcoholic beverage with intent to consume if the alcoholic beverage is given:

(a) to a person who is a student in a curriculum licensed or registered by the state education department and the student is required to taste or imbibe alcoholic beverages in courses which are a part of the required curriculum, provided such alcoholic beverages are used only for instructional purposes during class conducted pursuant to such curriculum; or

(b) to the person under twenty-one years of age by that person's parent or guardian.

3. Any person who unlawfully possesses an alcoholic beverage with intent to consume may be summoned before and examined by a court having jurisdiction of that charge; provided, however, that nothing contained herein shall authorize, or be construed to authorize, a peace officer as defined in subdivision thirty-three of section 1.20 of the criminal procedure law or a police officer as defined in subdivision thirty-four of section 1.20 of such law to arrest a person who unlawfully possesses an alcoholic beverage with intent to consume. If a determination is made sustaining such charge the court may impose a fine not exceeding fifty dollars.

4. No such determination shall operate as a disqualification of any such person subsequently to hold public office, public employment, or as a forfeiture of any right or privilege or to receive any license granted by public authority; and no such person shall be denominated a criminal by reason of such determination, nor shall such determination be deemed a conviction.

5. Whenever a peace officer as defined in subdivision thirty-three of section 1.20 of the criminal procedure law or police officer as defined in subdivision thirty-four of section 1.20 of the criminal procedure law shall observe a person under twenty-one years of age openly in possession of an alcoholic beverage as defined in this chapter, with the intent to consume such beverage in violation of this section, said officer may seize the beverage, and shall deliver it to the custody of his or her department.

6. Any alcoholic beverage seized in violation of this section is hereby declared a nuisance. The official to whom the beverage has been delivered shall, no earlier than three days following the return date for initial appearance on the summons, dispose of or destroy the alcoholic beverage seized or cause it to be disposed of or destroyed. Any person claiming ownership of an alcoholic beverage seized under this section may, on the initial return date of the summons or earlier on five days notice to the official or department in possession of the beverage, apply to the court for an order preventing the destruction or disposal of the alcoholic beverage seized and ordering the return of that beverage. The court may order the beverage returned if it is determined that return of the beverage would be in the interest of justice or that the beverage was improperly seized.

§ 2. This act shall take effect on the first day of January next succeeding the date on which it shall have become a law.

## UNDERGRADUATE ACADEMIC COUNCIL

### Statement of Interpretation

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For purposes of implementing the Human Diversity Requirement, it is the intent of the Curriculum Committee of the Undergraduate Academic Council to use the following interpretation of section III. of the bill approved by the University Senate:

III. Courses shall be considered for designation as "Human Diversity Requirement" courses by the Curriculum Committee, subject to UAC approval, under the following criteria:

1) They should relate directly to contemporary United States experiences of students or contain components that compare, on a fairly regular basis, aspects of other cultures to those experiences.

2) They should compare and relate aspects of racial and/or ethnic diversity, including gender-related concerns, to the topic of the course. In this context, the terms "racial" and "ethnic" may include groups self- and/or societally-defined on such bases as nationality, religion, etc.

3) They should provide substantial knowledge of diversity as expressed through sociopolitical, ideological, or aesthetic aspects of human endeavor. This criterion is intentionally defined broadly to accommodate a variety of approaches. It is not a requirement or expectation that the content will focus upon controversy or those aspects that result in conflict with other persons, groups, or cultures; see, however, the next criterion.

4) They should provide sufficient knowledge to permit the student to make informed choices and intelligent responses in situations that call for sensitivity to human diversity. For this purpose, the content should therefore include sufficient material relating to conflicts in cultural values and/or posing issues likely to engage the student in considering the need for sensitivity when encountering comparable situations.

INTRODUCED BY: Jeffrey Luks

DATE: November 6, 1989

WHEREAS: The manufacturing of polystyrene produces hazardous solid waste, air emissions and waste water and;

WHEREAS: Polystyrene is made from petroleum resins which are a valuable, limited resource and;

WHEREAS: Polystyrene is not biodegradable and, when dumped, takes up valuable space in overflowing landfills and;

WHEREAS: Polystyrene, when incinerated, release toxins into the air that contribute to lower level atmospheric pollution and may be a precursor of dioxin and;

WHEREAS: Reusable products that do not contribute to the waste stream are available to replace all polystyrene products now being used by the University Auxiliary Service and;

WHEREAS: Recycled and recyclable paper and cardboard products that are less harmful to the environment are also available to replace polystyrene products;

BE IT HEREBY RESOLVED THAT: University Senate call upon the University Auxiliary Service to immediately and permanently cease the purchase of all polystyrene products and;

BE IT FURTHER RESOLVED THAT: University Senate call upon University Auxiliary Service to replace all polystyrene products with reusable or recycled and recyclable paper products.

BE IT FINALLY RESOLVED THAT: Copies of this resolution be sent to E. Norbert Zahm, University Council, UAS Board of Directors and the Albany Student Press.