

## University Faculty Senate Executive Committee Meeting

### Fall 2019 Plenary

October 10, 2019; 12:00 PM - 5:00 PM

Albany, New York

**Executive Committee Members (voting) present:** Gwen Kay (*President; State University College at Oswego*), Keith Landa (*Vice President/Secretary; State University College at Purchase*), Patrick Doyle (*University Centers Sector Representative; Binghamton University*), Fred Hildebrand (*SUNY Liaison; SUNY System Administration*), Carlie Phipps (*Specialized and Statutory Colleges Representative; SUNY Polytechnic Institute*), Bruce Simon (*University Colleges Sector Representative; State University College at Fredonia*), Barat Wolfe (*Colleges of Technology/Agriculture Sector Representative; College of Technology at Canton*)

**Executive Committee Members (voting) absent:** Alexander Schwartzman (*Health Sciences Sector Representative; SUNY Downstate Health Sciences University*)

**Executive Committee Members (non-voting) present:** Lisa Glidden (*CGL Convener; State University College at Oswego*), Peter Knuepfer (*Immediate Past President; Binghamton University*)

**Executive Committee Members (non-voting) absent:** none

**Committee Chairs present:** Joseph Marren (*Communications; Buffalo State College*), Cephas Archie (*Equity, Inclusion, and Diversity; State University College at Brockport*), Andrew Fitz-Gibbon (*Ethics State University College at Cortland*), Sandra Rezac (*Governance; SUNY State University College at Plattsburgh*), Martin Kaczocha (*Graduate and Research; Stony Brook University*), Lori Hoepner (*Operations; SUNY Downstate Health Sciences University*), Amitra Wall (*Programs and Awards; Buffalo State College*), Amy Rosen-Brand (*Student Life ; Buffalo State College*), Wendy Gordon (*Undergraduate Academic Programs and Policies ; State University College at Plattsburgh*)

**Committee Chairs absent:** none

**Invited Guests present:** Jim Campbell (*SUNY Liaison; SUNY System Administration*), Henry Flax (*Parliamentarian; SUNY Downstate Health Sciences University*)

## Approval of Minutes

Minutes from the 2019 Summer Planning Meeting Executive Committee session and the 2019 Fall Planning Meeting Executive Committee session were approved.

## Review of Resolutions for the Fall 2019 Plenary

### EID: Campus EID Committees

Executive Committee members discussed resolution language requesting that campus EID committees themselves be diverse and inclusive, how the resolution applied for campuses that already might have EID committees not affiliated with the local Senate, and to whom the resolution is directed.

## EID: Welcoming Campus Environments

Two main issues were discussed: whether the Whereas clause referring to SUNY as a microcosm of the broader world was necessary or might lead to extraneous discussions that might bog down the discussion; and whether or not there needed to be some clarification as to what format the annual affirmation of values would take on campuses.

## OP & GR: Elsevier Negotiations

Chair Hoepner indicated that the Resolved clauses on the resolution had been edited to identify more clearly to whom the requested actions are directed, but otherwise the resolution was little changed from the previous review.

## Downstate Resolution on Research Misconduct

President Kay indicated that the Executive Committee action over the summer in support of the Downstate resolution on research misconduct was helpful to local campus stakeholders, and she reviewed the subsequent resolution of the matter and related court case.

## EC: Research Misconduct

This goal of this resolution is to address the issues surrounding research misconduct processes that occurred at Downstate, in a more general framework for consideration by all campuses across the System.

## President's Report

### Plenary Planning

President Kay commented that the Chancellor has reaffirmed that she is committed to attending UFS Plenaries, either in person or remotely, that she finds the Q&A sessions with the sectors useful, and that the current format of being asked the sector questions on the floor during the Plenary is fine.

The Committee discussed options for providing sectors additional time for sharing of sector concerns, which has been constrained in recent Plenaries with the loss of the Friday morning time slot for sector meetings.

### Bylaws Voting Procedures

With the introduction of the proposed revisions to the Bylaws and Standing Rules at the Fall 2019 Plenary, any amendments to the proposed revisions will have to be discussed and acted on at the Winter 2020 Plenary. Committee members discussed how to encourage or require submission of amendments in advance of the Winter Plenary, and how to handle the situation

should contradictory amendments be submitted, or if there are multiple amendments that are similar but not exactly the same. Members of the Senate will be encouraged to email proposed resolutions to Chair Rezac, President Kay, and/or VP/Secretary Landa by December 1st.

## Presidential Searches

President Kay provided background on Board of Trustees policy concerning requirements for open Presidential searches, an issue likely to affect a number of the eight state-operated campuses which are conducting searches this year. Although BOT policy requires open searches where the names and information of finalists are released before they visit campus, if the Chancellor and Board of Trustees approve, a representational search may be carried out. In a representational search, members of the search committee are taken to represent their constituencies, and the identities of the finalists do not need to be released to the broader campus and public campus visits are not required. The Stony Brook search is likely to be conducted as a representational search.

Committee members discussed the proposed rationales for and against using representational instead of open searches, and how information about finalist candidates could be limited to campus community members while maintaining an open search. FCCC has developed a resolution supporting the use of open searches, and the Executive Committee discussed endorsing that resolution as a floor action during the Plenary.

## SUNY Online

President Kay and committee members discussed some of the issues surrounding the Fall 2019 roll out of the SUNY Online pilot, including the up-front costs associated with the program; the suggestion that initial enrollment number of unique students are low and that enrollments from existing campus online programs may be being used to fill available seats; and that the time and effort devoted to SUNY Online in the Provost's office may be delaying other initiatives. FCCC has passed a second resolution responding to the Chancellor's response to their first resolution on SUNY Online. Committee members agreed to get feedback on whether or not there was interest in ratifying this FCCC resolution as a floor action during the Plenary.

## Elsevier Negotiations

The Executive Committee held a web conference with Rich Schneider, from the University of California's Elsevier negotiations team, and Mark McBride, from SUNY Office of Library and Information Services (OLIS). McBride provided a background on SUNY's negotiations with Elsevier, including dissatisfaction with the 2015 contract and recent efforts to look for alternatives to dealing directly with the publisher on access to the contracted content. Schneider discussed the failed negotiations that University of California had with Elsevier, focusing on the escalating costs for access to the content, as well as the costs to get UC Open Access materials published. Some of the lessons learned in the University of California case include: Elsevier has a history of bad faith negotiations; it is critical to maintain and document a

robust outreach to governance during the negotiations and planning; faculty have a range of motivations that need to be considered during the negotiations, involving scholarship, teaching, publishing; cost-cutting can't be seen as the sole rationale for walking away from a contract, such action must be coupled with renewed reinvestment in research and publishing; and it is critical to have a clear strategy to promote alternative access, through reprint-on-demand services, peer-to-peer reprint sharing, and other mechanisms. In the end there has been little push-back from faculty in response to the firm stance taken by the UC negotiating team, and discussions continue to go on with Elsevier about ways and conditions for renewing their contract. SUNY OLIS hopes to work with governance organizations to reach out to faculty and other stakeholders during the negotiations, and appreciates the Elsevier resolution under consideration at this Plenary.

## CGLs at Meetings

President Kay raised the issue of whether or not CGLs should be able to send an alternate in their place when they cannot attend a Plenary. UFS has for the past decade and a half paid the expenses of CGLs to attend the Plenaries, as they are important stakeholders for implementing UFS actions on the campuses, and increasing their awareness of System issues can help facilitate better governance on campuses. While some campuses have a direct line of succession for CGLs that would make it useful for those leaders to attend when the CGL cannot, in most cases an alternate CGL would not have the same ability to effect campus actions in response to UFS resolutions, nor would their attendance at a Plenary have the same beneficial impact on campus governance. Campuses are welcome to send alternative CGLs to a UFS Plenary, but it would need to be at their expense.

## New Business

- Executive Committee members discussed developing a resolution to recognize and congratulate Dr. M. Stanley Whittingham, distinguished professor of chemistry and materials science at Binghamton University, for being awarded this year's Nobel Prize in Chemistry. Past President Kneupfer agreed to work with other members of the Senate from Binghamton to develop the text of the resolution.

Respectfully submitted,

Keith Landa

14 January 2020