

• COLLEGE SENATE MEETING •

SMS-SENATE MEETING SUMMARY-draft

December 11, 2015 Butler 210, 2:00 p.m.

1. **CALL TO ORDER:** *meeting commenced at 2:00 p.m.*

2. **ADOPTION OF THE AGENDA**

- The Senate meeting agenda was moved and seconded. It was then approved.

3. **PRESENTATION OF THE SENATE MINUTES**

- Minutes of 11/13/15 were presented. There were no corrections. The Minutes were accepted.

4. **REMARKS OF THE PRESIDENT** –*full remarks will appear in the full Senate minutes.*

President Conway-Turner updated the Senate on:

- **Information Services Systems-** the official new name of ISAS is Resources for Information, Technology and Education or *R.I.T.E.*
- **“Roar in Four”** –formal four year graduation guarantee-part of the Improvement Performance Plan. There will be a variety of things the students must do to stay on track for the four year guarantee. Goes into effect in Fall 2016.
- **SUNY Excels/Performance Improvement Plan-** SUNY-wide all campuses must complete this. Buffalo State has been asked to adjust some of our original projected targets for 2020 in order to obtain approval of our performance improvement plan. The areas where the targets have been increased or decreased from our original submission are:
 - 6-year Baccalaureate Graduation Rate: from 48% to 50%;
 - Undergraduate Certificates Awarded: from 0 to 50;
 - Graduate Certificates Awarded: from 60 to 75;
 - Student Default Rate: from 7% to 6%;
 - Funds Raised: from \$4 million to \$6 million.
- **College Council-** final meeting was this week for the semester. We invited **Professor Bill White** who conceived the installation of the ‘*Black Cross Project*’ to come and talk about this project, showcasing it to the Council. He has received favorable response from campuses across the country. They want to know how they can do something similar on their campus.
- **Title IX-** reporting is on schedule, and continuing to comply with 2013 SUNY/OCR Title IX voluntary resolution agreement. Campus wide effort providing information on sexual assault prevention initiatives.
- **Constituent Questions-** answers provided under CQ section. (See the full Senate minutes for questions and answers.)

Involuntary Leave Policy (ILP) Update-Vice President Payne (the complete report will be in the full Senate Minutes.)

- In Fall of 2014 Student Health Advisory Committee (SHAC) under the leadership of Dr. Carol DeNysschen* took up issue of college's ILP.
- In April 2015 Dr. DeNysschen provided VP Payne with recommendation that Buffalo State adopted an ILP. It was forwarded to the President's cabinet.
- During summer and early fall 2015 we received a great deal of advice from legal counsel regarding developments in case law responding to suits brought against colleges and universities nationwide who were enforcing/implementing these ILP.
- Recently SUNY legal counsel presented on this matter at a meeting of the SUNY Chief Student Affairs Officers.
 - A relevant recent case with *Quinnipiac University*; settled allegations that they violated the American's with Disabilities Act (ADA)-student was placed on mandatory medical leave after a diagnosis of depression:
 - *This case stands for the principles that colleges must treat abled and disabled students similarly where a direct threat is found to exist.*
 - *Specifically by requiring an ILP, Quinnipiac failed to consider its ILP to permit the complaintive to complete her classes online, or in person, while she received treatment.*
 - *Most cases that involve ILP include students with mental disabilities. Part of a protected class under the ADA.*
 - *When students are found with mental health disabilities, issue of discrimination arises when we treat these student differently than other students.*
 - *SUNY referred to Georgetown University (GU); court found GU violated ILP due process, do not wait for a due process hearing as we do with our judicial cases; courts are having a problem with lack of due process in implementing an ILP.*
 - *Policy with GU failed to adequately describe what represents a fair/reasonable assessment of mental health conditions.*
 - *Always a part of ILP that there has been an assessment of direct threat (DT). Courts have tended not to recognize DT to self, as being non-discriminatory under the ADA. With GU case, was assessment done in a fair way? Court found GU failed to set a reasonable and prompt timeline for readmission to the college, once the DT was found to no longer exist. Court was suspicious of a suspension for a period of time, when in fact the suspension for that period of time didn't take into account that a particular mental health condition might be treatable over a variable period of time (may not need a year/month/semester). Policy at GU was too rigid in that, suspensions were for either a semester or a year.*

*Dr. Carol DeNysschen is an Associate Professor with the Dietetics and Nutrition Department

- We are reviewing SHAC's recommendation in light of this revised guidance from SUNY's legal counsel; we will submit a revised proposal to the president's cabinet in early spring 2016.
- Student conduct that represents a DT, will continue to be handled under our Code of Student Conduct. In cases where, after assessment by competent medical/counseling staff, by UPD or by external agency, or by Crisis Services, we determine that a DT exist; we may order an involuntary transport to local medical facility for further assessment, and if appropriate, treatment. If determined on campus that a DT exists, the student immediately is subjected to interim suspension to insure that the student does not return to campus until an assessment is made to determine the DT no longer exists and until a full due process hearing is conducted on the merits of the case involving a DT. In the past, we have required that students not be allowed to return to campus until they present a psychiatric evaluation that makes clear they no longer pose a DT. That process will continue while we work out the policy on involuntary leave.
- There was some discussion.

Provost Perreault-Addressed questions raised on class scheduling. (Complete remarks in the full Senate minutes)

- There was some discussion.

5. **REMARKS OF THE CHAIR**

- **Senator Amy McMillan:**
 - Welcomed new **Senator Jessie Lombardo**-(will complete term of Christine Frezza).
 - Wished the Senate a safe and Happy Holidays.

6. **COMMITTEE REPORTS**-full details in the complete Senate Minutes

- **Academic Plan Committee (APC)**-Jason Grinnell, Chair
 - **Senator Grinnell** Gave a brief update on the Strategic Planning Process.
 - There were two open forums; on November 24th in the Student Union and on December 11th in the Assembly Hall in the Union. The results of those open fora will be posted on the Strategic Plan website.
 - The College Planning Council will meet on December 15th, and I will report on that at the February Senate meeting.
 - **Senator Stewart** brought up a diversity question relating to, the lack of minority faculty, and the role of the Strategic Plan that may address this. **Senator Grinnell** stated that although this has been addressed within the SP, there is no current data available. The President and Provost both added their remarks on this, and how it is being discussed. **Senator Grinnell** will bring **Senator Stewart's** concerns to the CPC.
 - **Senator Bewlay** also added her concerns regarding diversity within the faculty area. **Senate Chair McMillan** will invite Chief Diversity Officer, **Dr. Clinton-Jones** to partake in our forthcoming discussions.
- **Instruction & Research (I&R)**- Scott Goodman, Chair

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- **Senator Goodman** presented a resolution for vote on **DOPS policy for Student Identification**, and the language changes being put forth in this resolution. There was one question from **Senator Reid**, and no further discussion from the Senate. **Senator McMillan** then asked for the Senate's favor of on the motion. All in favor. The motion was passed, now this will be forwarded to the President in via a formal memo.
 - There was no discussion.
- **Senator Goodman** then explained that the second resolution: **DOPS policy for Interdisciplinary Units**. This motion is being re-reviewed by the committee and will come back to the Senate possible in February for discussion.
- **Standards for Student Committee (S4S)- Heather Maldonado, Chair**
 - *Advisement update and survey information.*

7. UNFINISHED BUSINESS

- **UFS Report from the 171st Fall 2015 Plenary held at SUNY Buffalo State on October 22-24th.**
- **UFS REPORT:** <http://collegesenate.buffalostate.edu/university-faculty-senate>

8. NEW BUSINESS-(Full reports will appear in the full Senate minutes)

- **Academic Freedom-PowerPoint-** given by **Senator McMillan** the Senate has been charged with:
 - **Senate's Charge:**
 - Read materials Senate Chair will send out in January
 - Discuss these issues with your constituents
 - Record comments, concerns, ideas you collect
 - Send them to Senate Chair McMillan
 - Watch for this agenda item in the spring semester and bring your feedback and ideas to that discussion
- **Applied Learning-PowerPoint** report given by Career Development Director, Stephanie Zuckerman-Aviles.
 - SUNY will develop a plan for the 2016/17 academic year.
 - All departments must provide data by January 25th 2016.
 - There was some brief discussion.

9. CONSTITUENT QUESTIONS-CQ's

- **See President's CQ's and responses in the full Senate minutes.**
- **CQ:** Why the COMPASS Admissions Program appears to be listed under University College in the Enrollment Report?
A: *There was a spacing issue in the original report that made it appear that COMPASS reported to University College. The report has been corrected online to show the correct placement of the program.*

- **CQ:** Why the Honors Program was reported with University College?
A: *The program currently resides in University College so that is a logical and correct place for reporting.*
- **CQ:** If there was data regarding students affected by the 35 mile rule for housing, specifically are those students who cannot live on campus still coming to Buffalo State or choosing to go to other schools?
A: *I eliminated the 35 mile radius rule when I arrived at Buffalo State so there is no need to collect data.*

10. Adjournment- The meeting adjourned at 3:40p.m.

Next Senate Meeting: Friday, February 12th 2016 @ 3 pm, in Butler 210.