

MINUTES
OF MEETINGS

UNIVERSITY FACULTY
AND
FACULTY COUNCIL OF REPRESENTATIVES

September 12, 1979 - May 21, 1980

September 10, 1980 - May 20, 1981

1979-80

Kenneth Greisen, Dean of Faculty
Joseph B. Bugliari, Secretary of the Faculty
Russell D. Martin, Speaker

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4892C
September 12, 1979
110 Ives Hall

The meeting was called to order at 4:30 p.m. by last year's Speaker, Russell D. Martin, with 71 members of the FCR present. In addition, President Frank H.T. Rhodes and Provost W. Keith Kennedy and a large number of other Faculty members were also in attendance. A reporter from the *Cornell Daily Sun* was also noted.

The Speaker announced several corrections which will be incorporated in the May 9, 1979 minutes of the FCR. Namely, page 8, paragraph three should be attributed to Associate Professor Walter Pintner, History, rather than Professor Somkin; and paragraph six should be attributed to Professor Fred Somkin, as well as noting his departmental affiliation.

Dean of Faculty, Kenneth Greisen, was then called upon for his report.

1. REPORT FROM THE DEAN

The Dean first asked for nominations for the position of Speaker of the FCR and the University Faculty. Professor Mary Morrison, Nutritional Sciences, nominated Professor Russell D. Martin, Communication Arts, to serve a second term. The Dean called for any further nominations and after a notable silence, Professor Norman Kretzmann, Susan Linn Sage Professor of Philosophy, moved that nominations be closed. The Dean then declared Professor Martin elected and he assumed his thankless role once more with a prayer for a peaceful year.

The Dean then read the following results from last spring's elections:

EXECUTIVE COMMITTEE - 1 non-tenured seat

David A. Caughey, Mechanical and Aerospace Engineering

EXECUTIVE COMMITTEE - 4 seats

Richard D. Aplin, Agricultural Economics
Norman Kretzmann, Susan Linn Sage Professor of Philosophy
Jason Seley, Art
Robert J. VonBerg, Chemical Engineering

ACADEMIC FREEDOM AND RESPONSIBILTY COMMITTEE - 2 seats

Jeffrey Frey, Electrical Engineering
Larry I. Palmer, Law

ACADEMIC PROGRAMS AND POLICIES COMMITTEE - 2 seats

J. Thomas Reid, Liberty Hyde Bailey Professor of
Animal Science
Barbara B. Rosecrance, English

BUDGET COMMITTEE - 2 seats

Barclay G. Jones, City and Regional Planning, Director,
Program in Urban and Regional Studies
William D. Pardee, Plant Breeding and Biometry and Agronomy

FREEDOM OF TEACHING AND LEARNING COMMITTEE - 1 seat

Joseph D. Novak, Science Education and Biological Science
Education

PHYSICAL EDUCATION COMMITTEE - 2 seats

George L. Good, Floriculture and Ornamental Horticulture
Ruth Schwartz, Nutritional Sciences

PROFESSIONAL AND ECONOMIC STATUS OF THE FACULTY COMMITTEE - 1 seat

Robert R. Zall, Food Science

RESEARCH POLICIES COMMITTEE - 2 seats

Ronald J. Kuhr, Entomology; Assoc. Dir., Research; Assoc.
Dir., Ithaca Experiment Station
Kenneth E. Torrance, Mechanical and Aerospace Engineering

The Dean reminded the Faculty of the upcoming meeting of
the University Faculty on Wednesday, September 19, 1979 at which

the main topic will be a discussion by President Rhodes of his views on undergraduate education.

Finally, the Dean stressed the importance of the discussion on confidentiality to take place later in the meeting and requested the body to approach it with deliberation and an opportunity for all to express their positions. He also noted that a true sense of the Faculty on this issue could not be expressed if the vote were close. Only a clear consensus could constitute a statement of the Faculty's policy.

The Speaker suggested that the question on the agenda of establishing an *ad hoc* committee on WHCU would be postponed till the next meeting and that we immediately move to a brief opportunity to pose questions to the President and Provost. Hearing no objections, it was so ordered.

2. QUESTIONS DIRECTED TO THE PRESIDENT AND PROVOST

Professor Geoffrey V. Chester, Physics, asked for any comments on the fund raising campaign. The President responded that it is hard going but that he was still optimistic. He stated that the raising of slightly less than 80 million dollars more toward the goal for the campus campaign of 230 million dollars was "achievable with great difficulty". He pointed to the problems of inflation, the stock market, and political uncertainty as having a possible effect and that particularly large gifts over one million dollars had been lagging. He suggested that the potential number of million dollars plus givers may have diminished. He requested that if any Faculty members had any good contacts, their names be passed on to him. Finally, the

President stated that the Medical College-New York Hospital campaigning to raise 260 million dollars was extremely disappointing despite two recent major gifts - one of them of five million dollars. He was still hopeful, but that its success was much more questionable.

As to the allocation of the funds, the President noted that fewer gifts were unrestricted than anticipated and many very tightly restricted.

The Speaker then asked if there were additional questions but none were forthcoming. The Secretary feels that except for the pressing item of confidentiality on the agenda, more questions might, in fact, have been raised.

The Speaker called on Professor Kretzmann, Chairman of the *ad hoc* Committee on Confidentiality, to introduce the Committee report.

3. REPORT ON CONFIDENTIALITY OF LETTERS (Appendix A, attached)

Professor Kretzmann indicated that he had little to add to the Committee report which had been distributed to the entire Faculty prior to the meeting. He did, however, observe that the *ad hoc* committee was composed of individuals who had been on both sides of the issue and that the FCR Executive Committee had unanimously supported it. He also noted that while none of the Committee ended by feeling it was the best available policy in the circumstances - all felt they could stand behind it as a positive recommendation that would constitute improvement over the present policies. He then moved adoption of the resolutions contained in the Committee report.

The Speaker asked for unanimous consent that this meeting be open just to discussion - no voting, amendments, etc. with the Committee directed to adjust, if necessary, its resolutions to comport with the sense of the meeting. Hearing no objection, this procedure was held to be adopted.

The Speaker called on Assistant Professor Michael E. Gold, I&LR and Dean Jerome M. Ziegler, Human Ecology, members of the *ad hoc* Committee, to address the meeting. Professor Gold stated that he believes the present selection process tends to exclude women and blacks in favor of white males and thus will be subject to considerable scrutiny by state and federal agencies examining discriminatory practices. He suggested that while some portions of the process will always have to be subjective and secretive, adoption of the present proposal will be viewed as a positive step to make the process more open and less subject to charges of possible discriminatory practices.

Dean Ziegler professed support for the Committee's proposal. He felt that it was fair and just that candidates know the substance of appraisals of their performance and have an opportunity to respond, that it would help in the litigious world we live in, and reciting a recent, personal example, that it will make those rendering appraisals more careful and precise and thus produce better appraisals.

The Speaker then opened the meeting for comments from those present and a truly spirited debate ensued.

Dean Roger C. Cramton, Law, stated that while he felt that there should be clear and extensive communication with candidates

concerning their progress toward tenure and promotion, he strongly favored the preservation of confidentiality. He believed that the suggested process will not work in that human nature will impede frank evaluations if the writer knows the candidates will have access and that anonymity cannot be kept. The use of the telephone to follow up those letters and find out what the ambiguities mean and get candid expressions of view over the phone will really be out of the question. He also suggested it will lead to even more litigation since when all these letters and full files get before Human Rights Commissions, etc., there will be the inevitable tendency to substitute judgement and not merely to say it was a fair and decent process. Finally, he discussed an implicit intimation in the report that the present appointment process was discriminatory and rejected the same as far as the Law School was concerned.

Professor Michael C. Latham, Nutritional Sciences, opined that he was very pleased with the report and strongly supports its recommendations. He hoped that the legal counsel and administration will not pursue all possible legal action in cases that are before it and will try and look for means to settle out of court. His only suggestion was that access should also be afforded to unsuccessful outside candidates. He felt it would not be overburdensome and that the same access should be afforded to people seeking appointment as well as to people being reviewed for promotion.

Professor Michael E. Fisher, Horace White Professor of Chemistry, Physics, and Mathematics, stated that while he agrees

there have not been enough Faculty appointments of females and minorities, he, nevertheless, feels the present process is fair. He has disagreed with his colleagues on hiring and promotion decisions but, during his thirteen years as a member of the Faculty, he has found no prejudice. He then brought forth a letter requesting an evaluation which referred to a California statute which mandates disclosure of reference letters with only the author's name and affiliation deleted and noted with approval the University of California's position that it was fighting the same as unconstitutional. He eventually declined to write the requested appraisal because confidentiality could not be guaranteed. The identity of those rendering appraisals could, he felt, be readily identified in small fields. He concluded the University should fight to preserve confidentiality.

Associate Professor Richard N. Boyd, Philosophy, stated that his reading of the report raised no suggestions that appointment or promotion decisions had been tainted by prejudice in the past. He strongly favored the Committee proposal. He felt it would be appalling to come out of this discussion with a resolution which was carte blanche for the administration to use every available appeals procedure to avoid the enforcement of civil rights legislation and have the administration be able to say, see, the Faculty told us to do it.

Associate Professor Mary F. Katzenstein, Government, asked if a University Faculty or college Faculty referendum on the issue were possible. Professor Alex Rosenberg, Mathematics, pointed out the rescission powers of the University Faculty over FCR decisions outlined in *OPUF* as being available.

Professor Karen Brazell, Asian Studies, felt that the quality of letters would not diminish and that the same character of responses now received as comments on articles for refereed journals would eventuate. She pointed out that fewer books are published than people promoted to tenure so that the process seems to work in eliminating a great many of the books. When Professor Brazell looked at this process, comparing it with the tenure process, she had much more faith that indeed a process as outlined by the Committee report might work.

Vice President for Research, W. Donald Cooke, commented that the administration's policy was not to stonewall investigative agencies and then pointed out that from his viewpoint, the procedures used over the past years are essentially identical to the Committee proposal on the handling of existing letters now before the Faculty. Vice President Cooke said it was not his intention to speak for or against the proposal, feeling it would be inappropriate. But having been closely associated with the review process for some 15 years, he said he does have some special knowledge and would like to speak. He did meet with the Committee in their first meeting, and did see the first draft. Most of the problems he sees are administrative problems - not substantive. They can be solved. There is a trivial substantive problem. The report talks about initial appointment, reappointment to the Cornell Faculty. At Cornell the Cornell Faculty is an undefined phrase. We have no such thing. We have a University Faculty. Does the term include the Medical School? He thinks not. Does it include visitors? That's something the Committee can work on. A little more difficult, but not substantive, is

D. on page 7. The policy, after September 30, says we will provide anonymous copies with the permission of the candidate but that an outside agency making such a request without the permission of the candidate, will be refused, without appropriate legal instrument. That will put us in a much harsher position than we are now. When an agency comes to us about an individual complaint, they may not only request material on that complaint, but also on all promotions over say the last two years. Some of those people have been promoted, some haven't, some left Cornell. What happens if we approach an individual who wasn't promoted and has left Cornell, and say, would you mind having your letter released - Vice President Cooke said he's not so sure they would agree. On page 8, E., it's the same problem - the knowledge and permission of candidate. He thinks the Committee is referring to the complainant and not other people who would possibly be reluctant to have their material released to these agencies to become part of a file in some case. Another problem is paragraph F., "...will continue to be inaccessible to the candidate...unless..." we get permission from the writer. When we make something accessible to the Human Rights Commission, it's then accessible to the candidate.

He then added that he had an additional problem with the new appointment portion of the proposal in that typically the only letters solicited are from two or three names suggested by the applicant. Thus, he or she would already know the names of the authors.

Professor Kretzmann stated as principal draftsman of the Committee report, no implicit or explicit assumption that present decisions were prejudiced was intended.

Professor Peter Stein, Physics, claimed mixed feelings in that the suggested proposal would have a positive effect, since in some quarters the Cornell procedures were perceived as unfair. He felt the question we should focus on is a very narrow one of will in fact we get better decisions about tenure appointments under this procedure than we will under the old procedure. It would, in his opinion, affect the quality of letters. He believed that comments on articles for refereed journals and letters on promotion decisions were not truly analogous in that the authors of the former are not as easily identified. If one believes that Cornell has not been acting properly with regard to affirmative action, what one is saying is that the decisions have not been made honestly and fairly inside the college faculties or inside the departments and that we need a procedure for changing it. Finally he stated the idea of a person being denied tenure and receiving no explanation for that action sounds wrong and unjust, and suggested that, perhaps, as an alternative, an arrangement could be established whereby the Ombudsman, working with the department chairmen, would create a precis to be available to candidates to explain tenure results.

Professor E. Scott Maynes, Consumer Economics and Housing, wondered if there were experiences at other institutions, perhaps, in California, where the statute previously mentioned by Professor Fisher exists, that could be tapped.

Professor Robert E. Hughes, Chemistry, expressed support for the present system and suggested that the real issue is to

create a fair, equitable system of appointment and review and then convince outside agencies that we have done so. He would also favor the providing of an accurate unbiased summary.

Professor Anthony W. Knapp, Mathematics, expressed concern that the proposal was the first step in the establishment of an objective system of review with all the problems faced by a public school system.

Assistant Professor Donna M. Zahorik, Psychology, said that she favors the proposal feeling it can avoid distortion of the letterwriter's views.

Professor Stephen Lichtenbaum, Mathematics, queried whether it was possible to establish a waiver system similar to that for student recommendations.

Professor Walter R. Lynn, Civil and Environmental Engineering, disagreed that the suggestion would, in fact, lessen lawsuits. He also questioned what exactly the role of the Faculty was in determining policy of this kind.

The meeting adjourned at 6:00 p.m., exactly when it was supposed to.

Respectfully submitted,

Joseph B. Bugliari, Secretary

August 1979

To: The Faculty Council of Representatives

From: The *Ad Hoc* Committee on the Confidentiality of Letters
Kraig Adler, Joseph B. Bugliari, Michael E. Gold, Donald C. Graham,
Norman Kretzmann (Chairman), Sally McConnell-Ginet, Jerome M. Ziegler

A REPORT AND A RESOLUTION REGARDING WRITTEN APPRAISALS
OF CANDIDATES FOR APPOINTMENT, REAPPOINTMENT, OR PROMOTION
TO POSITIONS ON THE FACULTY OF CORNELL UNIVERSITY

Background

At the FCR meeting of April 11, 1979, the Faculty Committee on Academic Freedom and Responsibility presented a resolution calling on the Administration "to pursue all possible legal means to preserve the integrity and confidentiality of the letters of evaluation solicited in regard to possible appointments of individuals to Cornell faculty positions, or in regard to promotions of faculty within the Cornell ranks". After considerable discussion revealed that the Committee had not taken into account some important implications of its resolution, and that there was a great deal of interest on the part of the faculty in the issues associated with it, the FCR voted overwhelmingly to send the resolution back to the Committee.

The Committee met within a few days. At that meeting it was decided that since the Committee on Academic Freedom and Responsibility serves as an appeals board in cases of faculty grievances that have not been settled through department or college grievance procedures, and since the issues raised in the FCR discussion of the resolution bore directly on questions of substance and of procedure in such cases, the Committee ought not to be further involved in formulating resolutions regarding policy addressing those issues. Accordingly, the Committee asked the Dean of the Faculty to appoint an *ad hoc* committee to consider the issues raised by the discussion of the original resolution and to put forward a new resolution if such an action seemed advisable. Dean Greisen then appointed the *Ad Hoc* Committee that is bringing this resolution to the FCR after having discussed the issues during the summer.

The Scope of the *Ad Hoc* Committee's Considerations and Resolution

The *Ad Hoc* Committee construed its charge as a request to examine Cornell's policies and practices regarding written appraisals of all kinds employed in decisions regarding faculty appointments, reappointments, and promotions. Under 'written appraisals' we include:

- letters written by chairpersons or deans soliciting appraisals or transmitting recommendations,
(over)

- letters solicited from a candidate's professional peers outside Cornell,
 - summaries of telephone conversations in which appraisals of a candidate were supplied,
 - letters written by the candidate's colleagues at Cornell,
 - letters written by post-doctoral fellows or undergraduate students,
 - undergraduate teaching evaluations,
- and, in the case of promotion decisions,
- the report of any *ad hoc* committee on the candidate's promotion, and
 - the report of any standing committee on promotions.

The decisions we are concerned with are

- initial appointments (typically of candidates from outside Cornell),
- reappointments not involving permanent tenure (typically at the end of the first three years of an Assistant Professorship),
- reappointments involving permanent tenure (typically associated with promotion to an Associate Professorship), and
- promotions to higher tenured ranks (typically full Professorships).

The principal issue before us is the extent to which the written appraisals employed in those decisions should be made accessible to

- outside agencies (such as the courts or governmental departments and commissions), or to
- the candidate.

Although access to written appraisals on the part of outside agencies is the issue that led to the original resolution and to the formation of the *Ad Hoc* Committee, we think it is clear that the primary issue is that of the candidate's access to the written appraisals. Indeed, the question of outside agencies' access acquires most of its importance from the fact that it seems to make accessibility of the documents to the candidate much more likely. We have accordingly focused our attention on the issue of the accessibility of written appraisals to the candidate although we do, of course, address the issue of outside agencies' access.

The *Ad Hoc* Committee is aware that the written appraisals do not all have the same status in the decisions under consideration, that the use made of them differs in different types of decisions, and that present policies and practices regarding their accessibility to the candidate differ from one college or department to another. It is our impression that anonymous undergraduate teaching evaluations are fully accessible to the candidate throughout the University, that letters of all three types are typically not accessible at all to the candidate, and that there are no uniform University-wide practices regarding the candidate's access to *ad hoc* committee reports. We also realize, of course, that the types of decisions are not equally important and that the tenure decision is naturally of most concern

to the candidate and to the rest of the faculty. But we believe that a uniform policy regarding the candidate's access to all types of written appraisals in all types of decisions is both desirable and feasible, and our resolution proposes such a policy.

Options

The policies considered seriously by the *Ad Hoc* Committee can be presented as three options regarding the accessibility of written appraisals:

- (1) Inaccessibility
(Strict confidentiality regarding letters, the present policy),
- (2) Limited accessibility
(Accessibility of all written appraisals to the candidate on the condition that the copies to which the candidate is given access have been made anonymous),
- (3) Full accessibility
(Accessibility of all written appraisals to the candidate, including the identity of the writers of the appraisals).

The adoption of either (2) or (3) (or any other new policy) should, of course, affect only such appraisals as were written after the new policy had been adopted and the writer of the appraisal had been informed of the new policy. Appraisals written on the assumption that strict confidentiality is Cornell's policy regarding such documents should continue to be inaccessible to the candidate unless the writer's express permission to make the appraisal accessible (anonymously or not) has been sought and given, and we have incorporated this condition in paragraphs (E) and (F) of our resolution.

Recommendation

After considering policies (1), (2), and (3), the *Ad Hoc* Committee unanimously decided to recommend that (2) be adopted by the faculty as Cornell's uniform policy, a policy of limited accessibility under which the candidate would be given access to anonymous copies of all written appraisals used in making any decision regarding the candidate's appointment to the faculty or change of status within the faculty. Before presenting this recommendation in the form of a resolution, we will informally discuss our reasons for recommending this new policy; stating our reasons in a series of 'whereas'-clauses would make the necessarily lengthy resolution less clear than it is.

Rationale

Because strict confidentiality is the University's present policy regarding letters of appraisal, we are more concerned to explain our deviating from it than

to explain our balking at recommending a new policy of full accessibility. Briefly stated, our reasons for rejecting option (3) are that under such a policy we would inevitably receive less valuable written appraisals that would, almost as inevitably, be supplemented by conversations in which more forthright appraisals would be sought. Both the devaluation of the written appraisals and the increased reliance on off-the-record appraisals strike us as good reasons for rejecting full accessibility as a policy regarding written appraisals.

As for the policy of strict confidentiality, it has not only the weight of tradition on its side but also the appearance of being one of the props of faculty autonomy. Traditionally the Cornell faculty, like the faculties of most universities, has been solely responsible, effectively answerable to no one, for its decisions regarding appointments to the faculty and promotions within it. But the times are changing, perhaps not entirely for the worse -- a situation that calls for the re-examination of even weighty traditions. There are new legal obligations to respect the rights of individuals in their dealings with institutions, obligations that have been made legally binding probably at least in part because of a new climate of public opinion about the importance and fragility of individuals' rights and the need for more institutional accountability. The new laws have given rise to litigation in which universities, including our own, are pitted against individual scholars who strongly suspect that their academic merits have been unfairly evaluated and who often must go to court even in order to obtain access to the documents they feel they must be given the chance to rebut. The trend is surely towards more such litigation if the policy of strict confidentiality is strictly adhered to, and the tendency of such litigation seems very likely to be the erosion of faculty control over personnel decisions that are quite rightly considered vital to the faculty and properly made only by permanent members of the faculty.

Directives and controls that threaten the autonomy of the faculty in personnel decisions need not come only from outside the University. It is, after all, the central administration of the University, and not the decision-making departments or colleges, that has to bear the brunt of investigation or litigation that may result from personnel decisions. If outside agencies acting on behalf of aggrieved colleagues or former colleagues continue to put the administration to trouble and expense, it would not be surprising to find the administration and the Board of Trustees trying to take a new, inappropriately active role in determining policies and practices relating to our personnel decisions.

We are not under the illusion that our recommended policy of limited accessibility would put an end to candidates' grievances and consequent investigation and litigation. We do believe, however, that the adoption of our resolution and the promulgation of the new policy regarding written appraisals would greatly reduce the number and severity of such cases. In abolishing the policy of total inaccessibility of letters of appraisal we would of course make it unnecessary for a disappointed candidate to appeal to an outside agency in order to gain access to those documents; but, perhaps equally important, we would in this way be abolishing or at least vastly diminishing the suspicion and resentment that that policy naturally arouses in disappointed candidates. An atmosphere of secrecy and confrontation is even more destructive of a community of scholars than of other communities; if our resolution is adopted we will have taken a very important step towards dispelling the most threatening clouds of such an atmosphere at Cornell.

We view our new policy not only as a means of mitigating the painful circumstances of disappointed candidates but also as a way of enhancing the academic value of written appraisals. In the first place, letters written in the knowledge that their contents will be accessible to the candidate are likely to be even more thorough, judicious, and well-documented appraisals than such letters tend to be when written under the cloak of strict confidentiality. In the second place, the policy we are recommending would require the decision-making members of a department to give the candidate access to the written appraisals before the decision is made, inviting the candidate's responses to the appraisals. Such a procedure would enhance the objectivity of peer evaluations as well as dramatically reduce the chances that a disappointed candidate who had been given such an opportunity could reasonably claim to have been unfairly judged. In the third place, successful as well as unsuccessful candidates may well benefit from the specific criticisms and general evaluations of their work to be found in the letters that are kept from them under our present policy.

Questions and Answers

In the course of arriving at our resolution we raised several questions that we think are likely to occur to other faculty members considering this new policy.

How would the new policy affect Cornell's dealings with outside agencies seeking access to written appraisals? Since outside agencies always or almost always make such requests at the instigation of disappointed candidates, there would be no need for requests for access to the contents of written appraisals; the candidate would already have access to them and could supply the agency with the anonymous appraisals. In case the agency required the identity of the writers of the

appraisals, under the new policy the administration would seek to get the permission of the writers to reveal their names, explaining that if the original documents were subpoenaed or required under the threat of a withdrawal of government funding, their names would have to be revealed even without their permission. In general, however, the new policy would be likely to reduce the number of such requests from outside agencies. (See paragraphs (D) and (E) of our resolution.)

How would letter-writers be informed of the new policy? Because of the novelty and importance of such a policy, it seems it would be essential that every request for a written appraisal, particularly those addressed to people outside Cornell, include a standard statement of policy. We have therefore included such a standard statement in paragraph (B) of our resolution.

Wouldn't letters of appraisal written under the new policy be less frank than those written under the policy of strict confidentiality? We think not. The analogy between referees' reports and letters written under the proposed new policy seems quite close and there is no reason to think that such reports suffer from a lack of frankness. They are, indeed, less chatty and personal than letters, even letters of appraisal, but the loss of those charms may be more than offset by the increased care with which letters would be likely to be written under the new policy.

Could anonymity really be preserved under the proposed new policy? Letters written by a candidate's Cornell colleagues would probably be the hardest cases for the preservation of anonymity, but a good part of the professional assessment and criticism such letters should contain is what the candidate probably has been, or at least ideally should have been, hearing from his or her colleagues in face-to-face discussions before the time of the decision. The anonymity of writers at other institutions would be as well preserved as anonymity is preserved in anonymous referees' reports -- not perfectly, but generally satisfactorily.

Appraisals written by post-doctoral fellows or graduate students who have worked closely with the candidate provide valuable evidence in personnel decisions, but post-doctoral fellows and students are especially vulnerable to the animosity of faculty members, and the anonymity of their written appraisals would often be particularly hard to guarantee; how would the new policy take their special circumstances into account? We take this delicate situation very seriously and propose a mechanism for dealing with it in paragraph (C) of our resolution.

How would the new policy apply in the case of initial appointments, when there might well be 400 or more disappointed candidates? It seems reasonable to take the policy of limited accessibility to apply only to candidates who are members of the Cornell faculty or who become members of the faculty as a result of their candidacy. In the case of an initial appointment, we would therefore propose to offer that limited access only to the successful candidate. Requests for such access by

unsuccessful candidates, particularly those who were still under serious consideration at the time of the final decision, could be handled on an *ad hoc* basis.

Resolution

BE IT RESOLVED THAT:

It is the policy of the faculty of Cornell University that

(A) The contents of every written appraisal¹ solicited after September 30, 1979, for use in a decision regarding a candidate's appointment to the faculty or change of status within the faculty² will be made accessible in an anonymous copy to the successful candidate in the case of an initial appointment to the faculty and to the candidate (successful or unsuccessful) in the case of a reappointment or promotion. In the case of a reappointment or promotion the candidate will be given access to anonymous copies of the written appraisals before the decision is made and given an opportunity to comment on the appraisals.

- and that

(B) Every request for a written appraisal addressed to a person outside the University will contain a copy of a form requesting confidential information and stating the University's policy regarding the accessibility of written appraisals. (A copy of the prescribed form is attached to the resolution and should be considered as an integral part of this paragraph (B) of the resolution.)

- and that

(C) Other than anonymous undergraduate teaching evaluations, the only written appraisal by students or post-doctoral fellows available to the decision-making faculty or to the candidate will be a written digest of their oral testimony offered in response to a general invitation and collected by two graduate students appointed from among students who have not been closely associated with the candidate. Their written digest should mask the identity of the fellows or students (graduate or undergraduate) who offered oral appraisals and must be approved by each of those appraisers before being presented to the Chair.

- and that

(D) An outside agency requesting access to appraisals used in making a particular personnel decision and written under this new policy will be provided with anonymous copies of those appraisals at once if the request is made with the knowledge and permission of the candidate (or candidates) regarding whom the decision was made. An outside agency making such a request without the permission of the candidate will be refused access to the appraisals in any form without an appropriate legal instrument. If an outside agency acting with the knowledge and permission of the candidate requests unaltered, identified copies of the appraisals,

the University administration shall seek to obtain the permission of the writers before releasing such copies, explaining to the writers that if the original documents are subpoenaed their names will have to be revealed even without their permission.

- and that

(E) An outside agency requesting access to appraisals used in making a particular personnel decision and written under the policy of strict confidentiality that has been in force at Cornell until September 30, 1979, will be shown but not provided with anonymous copies of those appraisals at once if the request is made with the knowledge and permission of the candidate (or candidates) regarding whom the decision was made. If an outside agency requests anonymous copies of such appraisals with the knowledge and permission of the candidate, the University administration shall seek to obtain the permission of the writers before releasing the anonymous copies. (Other sorts of requests by an outside agency for appraisals written under the policy of strict confidentiality are to be treated as stipulated in paragraph (D) above.)

- and that

(F) Appraisals written under the policy of strict confidentiality that has been in force at Cornell until September 30, 1979, will continue to be inaccessible to the candidate regarding whom they were written unless the University administration has sought and received the permission of the writers to make the appraisals accessible to the candidate, anonymously or not.

¹As used in this resolution, 'written appraisal' refers to all these types of documents employed in personnel decision: letters written by chairpersons or deans soliciting appraisals or transmitting recommendations, letters solicited from a candidate's professional peers outside Cornell, summaries of telephone conversations in which appraisal of a candidate were supplied, letters written by the candidate's colleagues at Cornell, digests of appraisals by post-doctoral fellows or students (especially graduate students see paragraph (C)), undergraduate teaching evaluations, the report of any *ad hoc* committee on the candidate's promotion, and the report of any standing committee on promotion.

²The types of personnel decisions at issue in this resolution are initial appointments to the Cornell faculty, reappointments not involving permanent tenure, reappointments (and promotions) involving permanent tenure, and promotions to higher tenured ranks.

CORNELL UNIVERSITY

It is the policy of the faculty of Cornell University that the contents of every written appraisal solicited after September 30, 1979, will be made accessible in an anonymous copy to the candidate appraised in connection with an appointment, reappointment, or promotion to a position on the faculty. We guarantee the removal of your institution's letterhead and your signature from any copy of your appraisal to which the candidate is given access. We would appreciate your writing your appraisal in the impersonal style characteristic of anonymous referees' reports written for publishers or research funding agencies.

CONFIDENTIAL INFORMATION

The information requested on this form does not constitute part of the appraisal you have been asked to write. This form will be separated from your appraisal and kept confidential when the candidate is given access to the contents of the otherwise anonymous appraisal.

Name of appraiser: _____

Title or position: _____

Department: _____

Institution: _____

How long have you known the candidate? _____

In what capacity have you known the candidate? _____

What portion of the candidate's work are you familiar with? _____

Signature of appraiser: _____

Date: _____

September 19, 1979

110 Ives Hall

The Speaker, Russell D. Martin, called the meeting to order at 4:30 p.m., with approximately 125 Faculty members and also some additional visitors in attendance.

Professor Isadore Blumen, I&LR, moved that Item 3 on the agenda - the unfinished business of resolution #5 amending the *Organization and Procedures of the University Faculty* be taken up after the President's address. By the required two-thirds vote this motion passed and Dean of the Faculty, Kenneth Greisen, was recognized for his remarks.

1. THE DEAN'S REMARKS

The Dean announced that there was a very good possibility that a Special Meeting of the University Faculty would be called approximately a month from now to discuss the investment and proxy policies of the University. He noted that there has been a special request by a member of the Review and Procedures Committee that this be done, on the basis of an interest by a large number of Faculty persons in the question. No date has as yet been set and, of course, notice will be sent to all Faculty in the usual fashion.

Dean Greisen next spoke about the distribution of minutes of the University Faculty meetings. By long-standing tradition, rather than by legislation, draft minutes have been distributed by campus mail to all Faculty, including the Faculty in Geneva, the local Emeritus professors, professors on leave, etc. - a total mailing list of about 1800. He noted that some Faculty have commented on receiving too much paper

and that since the *Chronicle* will publish the minutes of Faculty meetings, there would also be a redundancy. Accordingly he proposed that the draft minutes be published in the *Chronicle*, and not be generally distributed, with copies always available upon request from the Office of the Dean of the Faculty.

Whenever the *Chronicle* process is not available, distribution by campus mail will be resorted to again. Dean Greisen said he didn't believe any legislation was necessary, merely an announcement that this method of distribution will be tried. He welcomed any comments on this and as time goes on, he will welcome further comments and will try and be responsive to the desires of the Faculty as well as informing them of any changes. Hearing no comments, the Dean said that concluded his remarks.

The Chair next recognized President Frank H.T. Rhodes to recognize Faculty members having received Distinguished Teaching Awards during the past year and afterwards to present his address on Directions for the Future in Undergraduate Education at Cornell.

2.

DISTINGUISHED TEACHING AWARDS

The President stated: "Mr. Speaker, Ladies and Gentlemen. One of the happy aspects of this first fall meeting is the presentation of Distinguished Teacher Awards to Faculty members in various Schools and Colleges at Cornell. The presentations are not made in this meeting but recognition is given in this meeting, and we have a number of awards. Not all those who are recipients of the awards are able to be present at the meeting today, but I want to read the names of all them in order that

we can recognize them." The President then read the following list of award recipients:

Agriculture and Life Sciences: Professor of Biochemistry, Molecular and Cell Biology, Joseph M. Calvo; Chancellor's Award for Excellence in Teaching - by the State University of New York.

Agriculture and Life Sciences: Professor of Natural Resources, Dwight A. Webster*; Professor of Merit Award - by the State College of Agriculture and Life Sciences, Cornell, given by Ho-Nun-De Kah (Agricultural Honor Society).

Arts and Sciences: The Frederic J. Whiton Professor of Classics, Gordon M. Kirkwood; The Clark Award.

Arts and Sciences: Professor of History, Dominick C. LaCapra; The Clark Award.

Arts and Sciences: Professor of American History and Chairman of the Department, Richard Polenberg*; The Clark Award.

Engineering: Assistant Professor of Civil and Environmental Engineering, Anthony R. Ingraffea*; Excellence in Teaching Award - by Cornell Society of Engineers and Engineering Tau Beta Pi.

Engineering: Professor of Civil and Environmental Engineering, William McGuire*; "Professor of the Year Award" - by Chi Epsilon.

Human Ecology: Associate Professor of Human Service Studies, Donald J. Barr; Distinguished Teaching Award - by the College's Alumni Association and Omicron Nu Honor Society.

Industrial and Labor Relations: Assistant Professor in School of I&LR, Roger R. Keeran*; Undergraduate Student Government Award for Excellence in Teaching.

Veterinary Medicine: Assistant Professor of Clinical Sciences, William E. Hornbuckle; Norden Distinguished Teacher Award.

*Not able to be present.

3. PRESIDENT'S REMARKS ON THE DIRECTIONS FOR THE FUTURE IN UNDERGRADUATE EDUCATION AT CORNELL

(The President's remarks are essentially the same as those that appeared in the September 20, 1979 issues of the *Chronicle* - a complete copy is available upon request from the Office of the Dean of the Faculty.) Appendix A

The Speaker, at the conclusion of the President's remarks, thanked him and asked if there were any questions.

4. QUESTIONS OF THE PRESIDENT

Professor Michael E. Fisher, Horace White Professor of Chemistry, Physics and Mathematics, wondered if the President had given consideration for a mechanism by which students might legitimately complain about their courses and might be encouraged to complain. Professor Fisher stated that his experience has been that there are sometimes misunderstandings, and even gross abuses by Faculty, and students are sometimes shy and afraid to take the problem to the Faculty member in charge, then to the department chairman and then to the dean, if the Faculty member is insensitive.

President Rhodes said Professor Fisher raised a very important point. "The avenues you've described seem to me to be

the best ones. The first concern should certainly be voiced with the individual Faculty member. I suppose the only other link that I'd add to the chain that might be helpful is that I think the Faculty advisor could be a friend of the student, who's independent in some cases of the particular dispute that may be involved. But I do think the chairman has a role to play and I'm afraid in some cases, the dean may have to be involved. I hope that's a very rare event. The chairman could normally handle this. Students are our consumers and I know that's a harsh word in a typical collegiate sense, but they ought to be encouraged to be open with Faculty members if they're concerned about the quality of their program."

Professor Fisher felt the need of some leadership from above if the consumers are going to be urged to request their rights when they feel they're not getting them.

President Rhodes said the sort of thing that can be a major problem for a student, may not even be recognized by a Faculty member. "I was over at one of the U halls, U hall four, a few days ago, and a group of about six freshmen women came up and said, 'you know the biggest single problem we have is the lack of time to take a shower at the end of our Phys Ed course and we've been to the instructor and she will simply not make the time available - she says we've got to change our course schedule if we want time for a shower'. Now that seems to me to be a case where there should be some action, and so I made a couple of phone calls."

Professor Blumen asked whether we could take this opportunity in light of the point raised by Professor Fisher, to reemphasize the importance of the role of the Dean of the Faculty in the educational process. He is supposed to be the principal educational officer - the principal officer of the University Faculty. Professor Blumen doesn't think we have encouraged him to spend as much time as he should on academic problems, on dealing directly with students, and on adjudicating problems that seem to be beyond the ordinary channels. We have a substitute - the Ombudsman's Office - for what is properly, on some occasions, an academic process. Professor Blumen hoped that we could move more towards strengthening the Office of the Dean of the Faculty.

Professor Jay Orear, Physics, said the President seemed to be taking for granted, that Faculty should do the student advising. At the time he came to Cornell over 20 years ago, Professor Orear said he was an underclass Faculty advisor in the College of Arts and Sciences. It was decided at that time that it was so unsuccessful a system, that they switched over to a system of professional hired advisors. It's not clear to Professor Orear whether that system is superior to a system of Faculty advisors - perhaps the best system is one which makes use of both ingredients and in addition fellow student advisors - upperclass students who are knowledgeable in the college - to advise the students. He asked President Rhodes if he was insisting that there be Faculty advisors and if so, is this the best system?

President Rhodes said that his expectation is that Faculty advising will continue. "I believe it's important to accept the fact that in the diversity we have in Cornell, there are bound to be differences between different Schools and Colleges. If you look at the advising program, it's different in detail from Agriculture and Life Sciences to Arts and Sciences. I don't know if one is necessarily better than another. I met for the first time this year, the situation where students are now advising in Agriculture and Life Sciences, talked to one of the advisors the other day, in what seems a very interesting and promising program. But I do want to say, in answer to the second point, that it seems to me there is a major need for Faculty advising in addition to any other kind of professional counselling or advising service we have. I hope the Faculty will accept that as a responsibility. I can never insist on it and wouldn't. I don't think anything I say will be binding on individual Faculty members. But it does seem to me there is a distinction made between the mechanics of somebody's program, the particular courses that are required to meet the requirements of Freshman English, let's say, or Introductory Physics, that kind of advice in which professional counselors can be very skilled and very important, and the kind of closer intellectual advising, which I tend to think of as a major component of Faculty advising. I'd be sorry if there were no formal opportunity for a student to talk in depth with a Faculty member about his interest changing from an area in this field to an area in that one, and to get a sympathetic hearing and some advice about others to whom to talk.

That seems to me to go hand-in-hand with teaching, so I'm arguing not for either or, but for both, with the Faculty advising an essential component."

Professor George H. Hildebrand, Maxwell M. Upson Professor of Economics and Industrial Relations, said he wished to endorse that because the point made by Professor Orear should be distinguished. There are a lot of technical problems where a staff advising function can be handled by people who are not necessarily Faculty advisors. A professor can be helpful when a student has some career objective that he wants advice on, or he wants to choose a major, or he wants to know what about his subject vs. another for purposes of his larger interest. That can't be done as well at the staff level, so there really should be a two-layer system. Professor Hildebrand said he happens to be in two colleges and both have that system and he strongly endorses the idea.

Assistant Professor Robert L. Harris, Africana Studies and Research Center, assumed that the President's remarks regarding the peaking of the pool of 18 year olds this year, applied primarily to White 18 year olds, and that the peak for Black and Hispanic 18 year olds would not occur until well into the 21st Century. He wondered if Cornell planned to intensify its recruitment efforts to bring in Black and Hispanic undergraduate students.

President Rhodes replied Professor Harris was right in his assumption. "What I referred to was the total size of the pool - the total applicant pool - and that is thought to have

peaked this year, and will go down steadily from now on. It's also true that the mix in the pool will change and I accept your projection. The answer is yes, we have already this year seen something of the effectiveness of increasing recruiting efforts for Hispanic students and the Provost has worked very closely with the group in that particular direction. We shall have to be concerned, both because that's part of our chosen mission and because of the change in student mix, in recognizing that in the coming years. It will become more important."

Professor Vinay Ambegaokar, Physics, to begin with, quoted Gibbon: "The power of instruction is seldom of much efficacy except in those happy dispositions in which it is almost superfluous". He has discovered that one has the most productive times teaching when one's students have bent towards the discipline one is trying to teach them. He is afraid Cornell will shine forth as a beacon in higher education only so far as we get good students. We must therefore try to get good students. There is also a certain tyranny in higher education in America and something has to be done to convince the graduating high school student that we have more to offer than they might infer from the advising staff at the high school. Professor Ambegaokar wondered if in the difficult years to come, we shouldn't try to present ourselves to prospective students as an institution with special opportunities for people with different special interests, such as in the past when the six-year Ph.D. program was offered.

President Rhodes said he accepted what Professor Ambegaokar said. "I suppose at one stage Gibbon was a young and unruly school boy and had to have his interests caught by someone and ignited, but, yes, we shall need to present and we do need to present Cornell as having a distinctive program. The difficult thing to agree on about any university of the kind of Cornell, including our sister institutions in the Ivy League and others, is what is distinctive about us. There are distinctive things about Cornell and not the least is the range of undergraduate programs that we have to offer in the several colleges. I'm quite convinced in the end two things are going to be decisive in talented students seeking out universities in the next ten years. The first is the quality of campus life - the whole range of cultural and social, athletic, recreational, residential activities. The other is the quality of the academic program. I believe that in the end that as important as all these rather technical changes are, it's the substance and quality of a program which is going to be crucial. I believe we've a flying start there, but we do need to look at the way we present this to high school students. We're looking for a new Dean of Admissions and Financial Aid at the moment and we're very conscious of the need to have a person who can present Cornell to Alumni, to prospective students, to parents in that attractive way."

Professor Fisher said he would strongly endorse the point Professor Ambegaokar made, with regard to the six-year Ph.D. program. In spite of its failings, that program did bring to Cornell some really outstanding students thereby helping the

morale of the Faculty who taught them, the morale of the students around them. Essentially it could be run at no cost. We don't project an image to the very bright student that we care about the fact that they are very bright and very devoted and have the ability to go through Cornell in three years.

The President was then asked about the future of general education as part of the undergraduate program.

President Rhodes said that "general education has just about disappeared from the educational landscape. I must confess that I take the rather simple view that you can change the curriculum as much as you wish, but in the end, it's the individual Faculty member who's going to be the most effective influence on teaching. I don't pretend to understand whether the program we have in the Hotel School or the present one in Arts and Sciences, is the best of all possible ones. Maybe revisions are needed. I am persuaded that you can do much with what we already have and make it better. Harvard is now going to the core curriculum. There's obviously some strength in that. We offer the average undergraduate student an incredible choice of a couple of thousand, 2500 courses and say, 'choose'. Cornell's typical Arts and Sciences program is still quite structured. It never went to the kind of free-wheeling, self-expression, and self-celebration that some universities do. And I tend to think that's a strength."

There being no further questions, the Chair thanked the President. An appeal was made to the body to remain so that a quorum would be maintained and resolution #5 could be dispensed

with before 1985. The request fell on deaf ears. Dean Greisen was called upon next to present the resolution.

5. AMENDMENT TO *Organization and Procedures of the University Faculty (OPUF)*

The Dean stated that what was involved was not a terribly momentous matter but he found it extremely frustrating to have inherited an item of business that needs to be disposed of by the Faculty and to seek to present it to the Faculty over and over again only to have something or other thwart even the possibility of discussion. He thanked those who stayed and hoped something could be done with this amendment so that it would not have to be announced at every succeeding Faculty meeting and not get treated.

The Dean opined that the first of the three parts to the amendment namely the proposed paragraph IV-A-5, "The power to establish both standing and *ad hoc* committees as needed and to provide a procedure for staffing such committees" was, in fact, redundant in that Section VII-A states as clearly as it can be stated that the University Faculty has the power to establish other standing and *ad hoc* committees. Accordingly, he proposed withdrawal of this portion of the amendment. Following a quorum count, there being no objections, part one was withdrawn.

Dean Greisen said the second and third parts of the previously proposed amendment were to express authorization for the two parent committees - one of the University Faculty and the other of the FCR - to form committees as needed. Since the instruction was to present these in *seriatim*, Dean Greisen read only the first, having two parts:

VII-A-4. There shall be such other standing [and ad hoc] committees of the University Faculty as may be created by the Faculty[.] and ad hoc committees as may be created by the Faculty or the Review and Procedures Committee. The Review and Procedures Committee must designate the procedures for establishing the membership of any ad hoc committee it creates.

(additions underlined, deletions in brackets)

To be consistent with that insertion, there's another section of *OPUF* where a phrase must be added, namely Section VII-C-2 which states: (addition underlined)

VII-C-2. Except as otherwise provided in the legislation or resolution creating the same, or except as reappointed by the University Faculty or the Review and Procedures Committee, each *ad hoc* committee shall automatically expire at the end of the academic year.

Dean Greisen pointed out that the Review and Procedures Committee would not be empowered to create standing committees, but would only be empowered to create *ad hoc* committees. The Faculty would continue to be empowered to create either standing or *ad hoc* committees.

The Chair noted that the resolution was now open for debate and amendment, saying the same would be done with the remaining part, then any further amendments and finally a vote on the entire package.

Professor Blumen stated that what was being proposed was part of an attempt to return Faculty governance to a "town meeting" form. He also felt it would make the Review and Procedures Committee an alternative to the FCR Executive Committee, especially if it could establish *ad hoc* committees. He felt that the power to set up committees constitutes the power to run the University Faculty.

Professor Robert M. Cotts, Physics, disagreed stating that the principal function of the Review and Procedures Committee is to act as liaison between the University Faculty of 1500 members and the FCR, which is well protected against inroads by the existing legislation. The Committee's nine members need help from an occasional *ad hoc* committee. He saw no power grab.

Dean Greisen then read the last portion of the amendment, which extended to the Executive Committee of the FCR the power of the FCR to establish standing and *ad hoc* committees and subcommittees, as follows: (addition underlined)

X-B-3. Such other standing and *ad hoc* committees and subcommittees, elective or appointive, as may be established by the Council of Representatives[.] or its Executive Committee.

Professor Blumen objected to the Executive Committee having the power to create standing committees. He felt that the FCR alone should have the power to establish standing committees. He favored the Executive Committee having the power to set up only *ad hoc* committees which cannot properly

duplicate the work of the standing committees. After some discussion between Professor Blumen and Professor Fisher, it was agreed that the resolution should be amended to read as follows: (addition underlined)

X-B-3. Such other standing and *ad hoc* committees and subcommittees, elective or appointive, as may be established by the Council of Representatives. The Executive Committee may also establish *ad hoc* committees and subcommittees.

The amendment carried unanimously and the entire resolution was then voted on and carried (below), ending this as an item of business except for the necessity of its passage in a subsequent referendum of the entire Faculty before taking effect.

WHEREAS, there appear to be certain ambiguities in the authorization of committees, and it is desirable to clarify these issues,

BE IT RESOLVED, That the University Faculty adopt amendments to achieve this purpose as shown at the following locations in the amendments document:

VII-A-4. *There shall be such other standing committees of the University Faculty as may be created by the Faculty and ad hoc committees as may be created by the Faculty or the Review and Procedures Committee. The Review and Procedures Committee must designate the procedures for establishing the membership of any ad hoc committee it creates.*

VII-C-2. *Except as otherwise provided in the legislation or resolution creating the same, or except as reappointed by the University Faculty or the Review and Procedures Committee, each ad hoc committee shall automatically expire at the end of the academic year.*

X-B-3. *Such other standing and ad hoc committees and subcommittees, elective or appointive, as may be established by the Council of Representatives. The Executive Committee may also establish ad hoc committees and subcommittees.*

The meeting was adjourned at 6:00 p.m.

Respectfully submitted,

Joseph B. Bugliari, Secretary

The place of undergraduate education at Cornell was outlined by President Rhodes in a presentation to the University Faculty yesterday.

Following is the substance of Rhodes' remarks to the faculty:

Cornell is one of the nation's leading universities. It is not a college. Nor is it a research institute. This means that it is committed to a three-fold mission of teaching, research, and public service.

Undergraduate instruction represents a significant portion of that total mission. Although not the only goal of the University, undergraduate education, derives both breadth and depth from the other missions of the University and is, to some extent, complementary to them. This suggests, as several Cornell studies have concluded over the years, that the task of the faculty is to strike a balance amongst the several goals if the full benefit to the institution is to be realized.

There is, however, a sense in which undergraduate education is basic to everything else that a university does. It is basic first because, seen from a purely professional and scholarly perspective, it represents the educational foundation on which each new generation of scholars and professional practitioners is established. In this sense, the health of all scholarly, artistic, and professional activity—from history to veterinary medicine, from drama to law—is dependent on the quality of undergraduate education. The second reason for the importance of undergraduate education is more comprehensive: it has a major influence upon the life and the character of

the nation. The values, assumptions, standards, viewpoints, commitments, and tastes that characterize our national life are probably shaped as much by four years of college life as by any other single influence. Whitehead did not exaggerate when he claimed that the task of the university is the creation of the future, so far as rational discourse and civilized modes of appreciation can affect the issue. Although there are no objective criteria for either defining the content or determining the quality of undergraduate instruction, most would agree that it involves four essential components.

—A curriculum, both within the college and the University at large, which provides breadth, quality, flexibility, and intellectual integrity.

—Some individual transaction with faculty members who will take a personal interest in the student. These contacts will not normally be limited to the lecture room, but will occur in a variety of settings.

—A supportive, diversified, and demanding style of campus life, including residential, cultural, athletic, social, and other opportunities which are appropriate to the goals of the institution.

—Opportunities for close friendships with other students of differing backgrounds who will themselves be transforming and enriching influences in the lives of the individual.

Regarded from these viewpoints, Cornell's undergraduate program is a distinguished and successful one. A recent survey, for example, conducted by the Dean of Students' Office shows that a large majority

of Cornell students who have recently completed their studies, shared this view of the breadth, quality and effectiveness of their undergraduate programs. 84 percent expressed a high level of general satisfaction with the academic challenge, and 78 percent with the quality of instruction. 84 percent said that they would recommend Cornell to qualified high school students. In contrast, however, only 42 percent expressed satisfaction with faculty advising. There are also, of course, individual students who may be deeply disappointed with their Cornell experience, as Mr. Paul Landaw's recent article in the Cornell Daily Sun demonstrates.

Cornell's undergraduate programs are remarkable in the range of both liberal arts and professional opportunities they have to offer, so that agriculture, architecture, engineering, hotel administration, industrial and labor relations, and other professional programs exist side by side with those in the humanities, sciences, and social sciences. Though there are clearly dangers involved in 'premature' professionalization—and they are not confined to the professional colleges—in most cases, one type of program provides balance and support to the other. We need to ensure, however, that our program requirements and organizational schemes continue to allow flexibility of student choice and the emergence of new fields and disciplines.

It is especially interesting to compare the present situation with that which existed in 1965 at the time of the Kahn-Bowers report on the quality of undergraduate instruction. While all the recommendations made by that committee have not been implemented, many are now common practice. They include:

—Course evaluations - then almost unknown - are now essentially universal, being required in most units. There may be room for further improvement in the instruments used in this evaluation.

—In 1965 teaching ability was not even mentioned in one-half of a sample of 100 tenure recommendations. It is now a consideration in all tenure recommendations and course evaluations by students are almost always included in the documentation.

—More flexible grading was recommended, including experiment with S/U options. S/U options are now commonplace, though they are less used than, say, five or six years ago.

—It was agreed that course work loads should be decreased. Significant reductions have taken place in the freshman load.

—The committee urged that students should be represented on committees concerned with extracurricular activities. This recommendation has been carried out to a far greater extent than the committee ever envisaged.

—The committee suggested a course in writing skills. We now have a comprehensive writing program.

—The committee recommended the provision of common room facilities

to encourage faculty/student interaction. Several now exist, such as the Temple of Zeus (Goldwin Smith), the Green Dragon (Sibley), and the Alfalfa Room (Agriculture and Life Sciences).

—Faculty were urged to post office hours. This is now common practice.

—Easier transfer among colleges was recommended. The Division of Unclassified Students is now active and charges for transfer from statutory to endowed colleges have been discontinued.

Most of these improvements are rather technical and, important though each is, they indicate nothing of the quality of the curriculum itself, and the standards on which it is based. These are, however, the foundation on which everything else is established. The high professional standards of the faculty, reflected in the continual refinement and revision of the curriculum, and in the high expectations of individual performance, are fundamental to the quality of our undergraduate program.

In spite of these improvements and of the excellence of many of our undergraduate programs, few would conclude that there is no room for improvement. The following suggestions, developed after extensive discussions with deans, executive officers, faculty and students, represent not a new pattern

of undergraduate instruction, but a modest and realistic program to improve the effectiveness of existing offerings. None of the proposals involves any programmatic or organizational changes in the curriculum. The responsibility for such changes is vested directly with the faculties of the several schools and colleges. This does not imply that the present curriculum is perfect, but rather that much can be done within the framework of the present curriculum to improve the spirit and the substance of undergraduate education.

The following proposals are directed to that end:

1. Academic Advising. Academic advising is a duty which is expected, and should be evaluated amongst members of the University faculty. Without it, the educational experience rapidly degenerates into "scholars lecturing," as opposed to an encounter with creative and transforming individual faculty

members. Department chairpersons, deans, and directors will be asked to report on student advising schemes and their effectiveness in their annual reports to the Provost. High quality academic advising is an essential complement to high quality courses.

2. The Role of the Department Chairperson. Although undergraduate education is everyone's responsibility, and can be improved only by the increased effectiveness of individual faculty members, departmental chairpersons have a particular responsibility and opportunity to establish a program of effective advising and teaching. Committed departmental leadership will be needed to encourage improvement. In some parts of the University, the conditions of appointment and the length of service of individual chairpersons are less than satisfactory. Much could be gained by encouraging more effective leadership and administration at the level of department chairpersons. This is not to imply the desirability of returning to a system of departmental headships, but to recognize that short periods of service, the appointment of less experienced individuals, and the present constraints of the position may all contribute to a lack of educational direction and scholarly focus at the department level. I am, therefore, asking the Provost to review with the appropriate deans and faculty advisory committees the remuneration, periods of appointment, and conditions of service, including leave and discretionary funds, for departmental chairpersons.

3. Residential Life. Undergraduate education is not restricted to the classroom. It is based as much on contacts and friendships with fellow students as it is upon similar encounters with the faculty. It prospers best in an open situation in which the quality and style of living arrangements complements the formal activities of the lecture room and laboratory. I am, therefore, asking the Vice President for Campus Affairs to develop a pilot program for providing accommodation for a limited number of faculty fellows in certain dormitories and housing units.

4. Teaching Facilities and Resources. Teaching facilities in some parts of the campus are shabby, and inadequate. Some teaching equipment is obsolescent. We have begun a major renovation program, and we shall devote a high priority to the renovation of teaching facilities and supplementation of teaching resources. I am also asking the Vice President for Campus Affairs to provide an inventory of teaching space and facilities for large lecture courses.

5. Support Staff. I am asking the Provost to review the adequacy and relative priority of support staff and services in the various teaching units.

6. Class Size. Because class size may be a factor in student choice of particular courses, I am asking the Provost's Office to cooperate with the deans of the colleges in reviewing class size at various levels and within various areas. There is in this no assumption either that smaller classes are necessarily more effective than those that are larger or that small enrollment courses are undesirable.

7. The Role of Teaching Assistants. The Provost will work with the deans to develop a program for the training of teaching assistants, and will aid and support deans and chairpersons in encouraging the continual supervision and evaluation of such individuals. I am also asking the Provost and the deans to review the apportionment of teaching assistants to courses.

8. Faculty Support. The Provost will explore with the deans and appropriate faculty committees the need to support faculty in the development of new areas of professional interest and to provide opportunities for new faculty members to receive support and guidance in teaching and advising.

9. Support from Central Offices. The facilities and services of all central administrative offices are available to support faculty members of the colleges in their teaching and advising responsibilities. The quality and effectiveness of these offices are important. I was told recently, for

example, that freshman advising in one college was hampered by the late publication of the course catalog. I am asking the Provost to arrange for presentations and itemizations of facilities and services that can be provided by such central services as that of the Dean of Students Office to be made to the appropriate college faculty and administrative groups.

10. Support for Innovative Teaching. I am asking the Provost to review with the deans what can be done to support faculty members in developing new and improved course presentations.

There are two qualifications that must be made in connection with these proposals. First, no educational program, no system of advising, no availability of distinguished and committed faculty can guarantee a satisfying undergraduate educational experience for each of our students. This can come only as the result of the efforts and initiatives of individual students who take advantage of the facilities and opportunities that the University has to offer. At least some of the responsibility for whatever distance there now is between faculty and students must be assumed by the students themselves. Only if they take some initiative in seeking faculty contacts can there be any satisfactory resolution of the problem of achieving closer faculty-student contacts. The essence of a good education is personal contact with individuals who so challenge one's assumptions, convictions, and conclusions, that they have a transforming and enriching influence which is lifelong in its effect. Such discourse must clearly involve two partners.

Second, none of the proposals made here is new. Some of them can be found within the conclusions and recommendations of earlier reports. They involve not new schemes of study or changed curricula, but rather a renewed recognition that effective undergraduate instruction depends on the effectiveness of the individual faculty member. This means that no college or university-wide solutions can replace the need for each of us to make a renewed commitment to the improvement of teaching and advising. Such teaching and advising will demand as much creativity and commitment as we devote to our other responsibilities. This does not necessarily imply the need for added duties, but it may require reduction in some marginal efforts and it will require greater effectiveness in others.

Unless this individual responsibility is recognized, any scheme or proposal is likely to involve hollow exhortation. Every great university recognizes the need for improved undergraduate instruction, but it is rarely given the priority that it deserves. That priority is justified not only by the legitimate expectations of undergraduates to an appropriate share of the time and commitment of faculty members, but also by the need to give the widest cultural and educational opportunities to tomorrow's scholars, artists, research workers, professionals, and citizens.

October 10, 1979

110 Ives Hall

The Speaker, Russell D. Martin, called the meeting to order at 4:35 p.m. 63 members and numerous visitors were in attendance. He asked for any additions or corrections to the minutes of the September 12 meeting. Hearing none, they were declared approved as distributed.

The Chair called on the Dean of the Faculty, Kenneth Greisen.

1. REMARKS BY THE DEAN

Dean Greisen said that Personnel Services is this week sending out notices and explanations regarding adjustments in the benefits program which will affect all Faculty members and various other employees. These adjustments involved group life insurance and life insurance for retirees and also the long-term disability program. The Faculty Committee on the Professional and Economic Status of the Faculty intends to examine the matter closely and has asked the Dean to announce that they would particularly welcome reactions, opinions, questions and recommendations from Faculty members. The new chairperson of that Committee is Professor John Nation, Electrical Engineering, and communications can be sent directly to him or to the Office of the Dean of Faculty for forwarding to the Committee. The Committee would particularly welcome communications received before Tuesday, October 23, when they will meet with Gary Posner and Claire Nagel of Personnel Services on this subject. They also feel it is possible this topic may be on the agenda for discussion at the next meeting of the FCR.

The Dean announced that there will be a special meeting of the University Faculty on October 17 at the same time and same place. This meeting is being called by the Review and Procedures Committee of the University Faculty to discuss the proxy investment policies of the University, especially in relation to companies doing business in South Africa, and probably to recommend establishing an *ad hoc* committee on this subject to report to the Faculty.

Dean Greisen said that recently some awkwardness, due to massive conflicts between different courses scheduling prelims on the same evenings, was occurring. He reminded the body that Faculty legislation adopted by the FCR in 1973 makes only Tuesday and Thursday evenings during the hours from 7:30 to 10:30 available for evening prelims - Monday and Wednesday evenings being reserved for scheduled classes. Furthermore, the legislation says that not only must these legal evenings be used but Faculty must register their intention to give a prelim with the person in the University Registrar's Office who controls scheduling and room assignments. He requested Faculty to indicate their intentions to schedule evening exams both to Minnie Cutter in the Registrar's Office and Fran Apgar, who makes University reservations and room assignments for evening activities.

2. QUESTIONS ADDRESSED TO THE PRESIDENT AND/OR
 PROVOST

Professor Michael E. Fisher, Horace White Professor of Chemistry, Physics and Mathematics, asked if either the President or Provost would care to add anything to the *Sun* article

indicating problems with the computer operation. The President replied: "Professor Fisher has phrased that very carefully, whether we would care to add anything. I guess the answer to that is no. I would be glad to just say a word about it and there'll be a fuller explanation of it at the end of the Trustees meeting, so I don't think I should anticipate that meeting. The story was essentially correct to the extent that the total overrun was a million four hundred thousand dollars and that's a horrifying state of affairs. As a result of that, we had a very full inquiry carried out by both internal and external committees, including the Trustee Audit Committee. And the external findings coincided with our own. In brief, there's enough blame on both sides for us to be very embarrassed by the operation of the system. The report to the Trustees will show a total of about nine areas of deficiencies, spread partly between the Medical College and our own computer activities here in Ithaca. We have changed the management here in Ithaca. There have been massive changes in the management in the Medical College. In fact, one of the problems there was that their computer staff virtually disappeared during the course of the transition, and we hope now to have a system which will prevent recurrences of that kind later on. But we're very unhappy about the events that led to that and about the total outcome. Part of that cost, of course, is the loss of shared, paid outside work, which would have been run on the computer. It's the first example we've had of a major problem of that magnitude and it's a very sobering one."

Associate Professor Lars B. Wahlbin, Mathematics, asked if it were true that Faculty salaries would be a top priority in

the preparation of next year's budget. The President responded that he was "glad to confirm the rumor that that will be the top priority for next year's financial planning." The two factors that concerned him were how to generate the funds which he said is "a perennial problem", and at least as big a problem this year, how to interpret the federal regulations now published concerning the level of increases, especially those of non-union members who did not receive more than a 7% adjustment a year ago. He also noted that some sort of sheltering of income plans such as are now enjoyed by non-academics were being looked at. He concluded that it was too early to be more definite, but assured the FCR that Faculty salaries were indeed the top priority.

3. MOTION ON DISTRIBUTION OF MINUTES

Professor Mary Morrison, Nutritional Sciences, and Chairperson of the FCR Executive Committee, moved the following:

For each meeting of the FCR which is followed within two weeks by publication of an issue of the Chronicle containing the draft minutes of the FCR meeting, such publication will be regarded as fulfilling the requirement of distribution to the Faculty.

After it was suggested by Professor Fisher that new Faculty be specifically notified about the FCR's existence and function and about the minutes being published in the *Chronicle*, and after it was noted in reply to an inquiry by Professor Sander L. Gilman, German Literature, that the *Chronicle* staff had agreed to the proposal to publish the minutes, the motion passed unanimously. The Secretary noted that FCR members would still receive personally a copy of the minutes.

4. CONFIDENTIALITY OF LETTERS OF RECOMMENDATION

Professor Norman Kretzmann, Susan Linn Sage Professor of Philosophy, moved the following motion as a substitute for the one introduced by the *ad hoc* Committee on Confidentiality at the last meeting.

BE IT RESOLVED, THAT when a department is in the process of deciding whether or not to recommend the reappointment or promotion of a member of the faculty of the department, and when in the judgment of the department either the department's decision is not clearly going to be affirmative or the department's recommendation is not clearly going to be accepted, the chairman of the department is required to notify the candidate of that fact and to provide the candidate with a written summary of the facts and opinions on which the decision will be based. The summary is to be written in such a way as to mask the identity of the holders of the opinions summarized. Before the summary is given to the candidate, it is to be read and approved by each member of the department who will be voting on the recommendation. The summary must be given to the candidate long enough before the department makes its decision so that the candidate has a reasonable opportunity to make any response he or she may choose to make. The summary and the candidate's response will become part of the candidate's file.

He explained that he was introducing the motion as an individual and not on behalf of the Committee and with the hope that it would preserve the spirit of the original resolution while meeting some of the criticisms voiced at the last meeting.

The motion was duly seconded, and after some discussion, it was then agreed by a majority of the body that at this meeting there would again only be discussion - no amendments, voting, etc. At the next meeting in November, the original motion and the substitute motion in perfected form, would both be brought forward for a final vote. Discussion of the original motion and the substitute then began.

Associate Professor Donald C. Graham, Food Science, and member of the *ad hoc* committee, wished to speak in favor of the original motion that was placed before this body last month. He gave the following reasons: (1) the potential fairness that the motion would provide, and (2) the openness it would invite. He felt that the individual candidate has the right to know the contents of the evaluation to challenge incorrect information and that it would also be useful in helping the individual correct faults or practices that have led to a negative review. He also stated: "A university is founded on two main qualities, academic excellence and integrity. To say that we as a Faculty, with great integrity, cannot honestly evaluate one of our peers for promotion except in secrecy is to deny the high quality of that integrity, and subjects us to the criticism of being moral weaklings."

Professor Alex Rosenberg, Mathematics, noted that the tenured Faculty in Mathematics had discussed the original motion and

felt it would be "very much more difficult" to evaluate candidates for promotion under the proposed system. He stated: "We could not get outside opinions that would enable us to make sensible decisions. In our field, at least, we are really not sufficiently expert amongst ourselves to be able to evaluate all the candidates, internal or external, at length. We depend extremely heavily on experts on the outside. We feel, as Professor Fisher expressed at the last meeting, that many of the outside experts, if they knew their letters, even with the signatures deleted, were to be shown to candidates, would either refuse to write completely or if they would write, they would not give us the real honest opinions that we seek." He therefore felt the whole department favored something in the nature of the substitute motion.

Professor Peter Stein, Physics, supported the substitute motion. He stated: "I spoke very strongly against the original motion at the last meeting, and I would now like to support the substitute motion not merely as a compromise, but as a motion that I feel should stand by itself and should make the promotion procedures in the University better than they are at the moment." While he understood the arguments in favor of the original motion, he felt that such a policy would seriously inhibit frankness on the part of letter writers especially in making comparisons with other individuals. On the other hand, the substitute motion he believed would provide even more information to the candidate in that he or she would receive a digest of what the department felt the letters contained in the way of information which is more important than their actual verbatim content as far as the tenure

proceeding is concerned. He, too, would hope a letter writer would have the moral stamina to stand behind his or her letter, but then stated: "I must remind you that a tenure promotion is not an exercise to build up the moral stamina of the people who are in the department." He concluded that he did not feel that the full disclosure required by the criminal justice system was necessary for a just tenure review process and that while there were also faults with the substitute motion we should support it and not succumb to the argument that the changes proposed by the original motion were inevitable.

Professor S. Cushing Strout, Ernest I. White Professor of American Studies and Humane Letters, stated that he agreed with Professor Stein's analysis and that the substitute proposal "could be a motion I could accept if it solved this particular problem, which I don't see that it does." He noted that in his department no person is allowed to vote who has not heard the discussion and that from the discussion raised at the meeting one could not be really sure how any person would ultimately vote. He queried then if the Chairman were to summarize the initial discussion and then bring the candidate's response back to the department, was the resulting consideration and discussion also to be made available to the candidate and his response again to be brought to the Department?

Professor Kretzmann replied that the Committee envisioned no second round summary unless new letters or other evidence comes to the Faculty's attention.

Professor Joseph B. Bugliari, Agricultural Economics/B&PA and Secretary of the Faculty, stated his continued belief in the

original motion because with all its noted disadvantages to the review process, it is essentially fairer to the individual. He also stated that he believed that in the long run, the best we can hope for is some sort of limited access such as that provided for in the original motion.

Associate Professor Billie Jean Isbell, Anthropology, noted that a survey of the Department of Anthropology found unanimous support of the original motion, with some modifications. She stated that there was no real basis to assume that if we adopt the original motion, lawsuits will increase or there will be a reluctance to write letters. She felt the original resolution "will make the evaluation procedure a much more serious affair."

Assistant Professor William E. Cross, Africana Studies and Research Center, stated that at a recent Center meeting, its members could not see where either motion dealt with the central issue of discrimination. He also pointed out that to evaluate whether there has been discrimination one must not only evaluate one's own case but make comparisons with others similarly situated. In evaluating the motions before the FCR, he felt "both the first proposition and substitute just create problems more than resolve them for reasons that have already been stated." However, he suggested that both motions would be further discussed by Center members with no "hard decision" having yet been made.

Professor Fisher asked that the issue be viewed from the candidate's viewpoint. He rejected the motion that "we're all men and women of steel and it's good for us to hear the true

facts." He stated that the candidates he was familiar with "were horrified to find the Faculty discussing the openness of letters and would certainly never want to know what was in their letters." He would, however, generally favor the rebuttal opportunity inherent in the substitute motion but even then we must still recognize there is a risk of harm to the candidates and injury to their future development.

Professor Vernon M. Briggs, I&LR, stated that in Texas where he had come from "we had a general ruling four years ago that all letters are available to candidates after a period, and that you must advise all persons in writing them that their letters can very easily become available to anyone who goes through the process of asking for them. The result, I can say unequivocally, is that a lot of people refused to write letters who used to write for people - they would not offer such letters. When they did offer them, the letters we did get were clearly shorter and abbreviated generalities, almost useless. And so the faculty was almost back to deciding on their own merits - losing this outside expertise." While stating that this may be "the wave of the future", he felt "it works against the tenure review process and as a result you will have people thinking they will help people out but really hinder them." He concluded that he did not like either proposal; the substitute proposal being "totally unworkable" for the I&LR School.

Professor Gilman noted a particular problem where letters are solicited from people abroad. He stated "I think that among the international community of scholars, and many of us rely

heavily, or even exclusively on international letters, the idea of revealing the letters in advance is going to be the kiss of death." However, he felt that "the idea of a summary, if the summary is put forth in a discreet manner so as to cover the identity of the letter writer, might in point of fact be a way of explaining to people abroad that their views will be put forward to the candidate, but their identity might not be."

Professor Ephim Fogel, English, stated he agreed entirely with Professor Briggs. He stated: "At least in the department I'm in it would be folly to prejudge the vote of a large and varied department. I gave that up a long time ago. I think both proposals are really unworkable." He further opined that "if we make the letters open, then there will be other channels of decision making and the process will be without end. What we will be introducing into the whole matter is an adversarial proceeding as in a court room. I submit this is not the way you make the basic decisions the University has to make if it is to maintain distinction." He concluded that the ultimate question is "quality of mind" and "you just don't talk to these people and say that I don't think you're good enough up here where it counts. It is not the sort of thing on which you will get candor."

Professor Robert D. Miller, Agronomy, stated that in the College of Agriculture and Life Sciences he understood the established practice to be that "a department chairman is expected to review from time to time, with other members of the department, the feelings that are developing with respect to those who will be coming up either for promotion to tenure or for other promotions. And as a consequence of that conversation with the

department, the department chairman should then have a conversation with the individual, so that there would be at least some sense of communication between the candidate and the department chairman and the department as to how things are shaping up." Such forewarning is much more crucial than what is proposed in the present legislation. He asked, "what happens, for example, if a person does not get any forewarning, does not have a chance to prepare a rebuttal because everybody thought he was clearly going to be promoted and then wasn't. Now he has a valid cause for complaint."

Assistant Professor Richard D. Alba, Sociology, stated that as a non-tenured Faculty member he would "like to address some of the concerns that Professor Fisher and others have raised about how non-tenured Faculty members would feel about the kind of knowledge that they would gain from this process. I strongly support the substitute motion and I for one would want to know very much what the reasons were for any particular decision with regard to my tenure that was made by the members of my department. I don't think I would need to see the exact words in which matters had been phrased but I would want to know the basic grounds."

Associate Professor Nicholas L. Sturgeon, Philosophy, said that although he was not sure whether or not he favored the original motion, he felt that it deserved strong consideration "on the grounds of justice." He stated "we are talking about firing people from their jobs on the basis of information provided about them and the question is whether this should be

done without their having access to the information in some form. If you're denied a loan on the basis of your credit rating, you have now a legal right to see what the bank saw and in fact make entries in the record, which have to remain on the record." He felt "most academics care very much about the evaluation of their work. This seems to me to be a case for making the information available if the candidate wants to see it. Candidates who don't want to see it, don't have to read the letters." He also recognized the other side "that the excellence of Faculty is an important goal for the University to pursue", and was not sure which of the two proposals to support.

Professor John W. DeWire, Physics, said "several people pointed out the awkward situation with regard to the substitute motion, having to do with the fact that one is obligated to decide how the department is going to vote at a future time, and then on that basis to inform the candidate. I find even more awkward the second part of the motion which says 'or the department's recommendation is not clearly going to be accepted.' I don't see how the department can ever be sure that even a unanimous recommendation of promotion will be accepted. And under that circumstance, I would think it would be an awkward situation that the chairman would have to write to the candidate saying 'I believe that the department is going to unanimously recommend your promotion for the following reasons' and then tell him all sorts of wonderful things that have been said about him, but thereafter conclude, 'however, I suspect that the central administration could look on this in another way.' I think we should try to avoid that situation."

Professor William D. Pardee, Plant Breeding and Biometry and Agronomy said "only in a University could conversation like this go on." The painstaking detail we go through to try to evaluate candidates would never take place in industry.

Professor Stein explained that the awkwardness of the phrasing of the substitute motion was to cover the situation where a very distinguished non-tenured Faculty member is being offered tenure elsewhere and the department wants to move quickly in order to induce him to stay without revealing any negative information which might disturb him or her. He felt "perhaps, there's a better way to do it. But we should not write something in the motion that makes a department tell somebody all the negative things people have to say about him or her. That is absolutely not necessary."

Professor Ian R. Macneil, Frank B. Ingersoll Professor of Law, asked Professor Kretzmann if he would explain what happens "if any one or more members of the department who will be voting on the recommendation do not agree with the substance of the written summary?"

Professor Kretzmann replied "it seems to me that the rational thing in that case would be for the dissenting member to write a minority report."

Professor John F. Burton, Jr., I&LR, said that he sensed "the spirit" of the substitute motion but had some problem with the particulars. He would recommend that the summary be automatic in all cases, unless the candidate waives it. He also felt there is too much detail as to who is to do the summarizing. He would

prefer "having a general statement saying that some place in the review process there has to be a written summary given to the candidate that he has a chance to reply to in writing where it makes a difference in the outcome, and leave it at this fairly general level and allow individual schools to adapt it to their own needs."

Professor Rosenberg stated that he visited the University of California in the spring of 1979. As Professor Fisher pointed out last time, in California every request for information is now accompanied by a statement saying that the law in the State of California requires disclosure. The University is fighting it since the result is exactly as was described at the University of Texas, a tremendous amount of difficulty collecting letters. He would, however, support the substitute motion if it were made flexible to cover the odd situations that occur.

Before adjourning at 6 p.m., the Chair reminded the body that it was still looking for a Parliamentarian. "If anyone is interested in this high paying position, we'd appreciate knowing about it."

Respectfully submitted,

Joseph B. Bugliari, Secretary

October 17, 1979

110 Ives Hall

The Speaker, Russell D. Martin, called the special meeting to order at 4:40 p.m., with roughly 55 Faculty and others in attendance. He indicated that despite the lack of a quorum, it was still proper to put the following resolution handed out at the meeting on the floor for discussion.

Whereas the report of The *Ad Hoc* Committee on South Africa chaired by Trustee Nelson Schaenen and adopted by the Board of Trustees in January 1979 recommends that: "The University's major efforts should be directed toward urging those American corporations whose securities are held in its endowment funds to take actions to improve the working, living, and educational opportunities for blacks in South Africa";

and whereas the University has not yet convincingly fulfilled its responsibilities as outlined in that report;

and whereas the Faculty role in such matters has been attenuated by the abolition of the Investment Proxy Advisory Subcommittee of the Board of Trustees:

The University Faculty hereby establishes an *Ad Hoc* Faculty Committee to be appointed by the Dean to review in the light of the Schaenen Committee recommendations the actions in South Africa of those American corporations whose securities are held in the Cornell portfolio and to report back to the Faculty at the earliest possible date on the extent of compliance with its recommendations.

Geoffrey Chester, Richard Rosecrance

Professor Richard Rosecrance, Walter S. Carpenter, Jr. Professor of International and Comparative Politics, the mover of the motion, stated that he had personally become interested in the issue last spring when the University Board of Trustees decided not to support the student initiative reflected in the Cornell Corporate Responsibility Project's resolution and designed to get Mobil Oil Corporation to adhere to the code of behavior proposed and adopted by the European Economic Community for the operation of European corporations in South Africa. He noted that "many institutions voted in favor of it, including Harvard, Stanford and Minnesota. In fact, I've just been told the Ford Foundation voted for it, although the Rockefeller Foundation voted against it, which cancels out very nicely." He found the Trustee actions particularly surprising in view of the language of the Schaenen committee report adopted by the Board of Trustees last January to the effect that "The University's major efforts should be directed toward urging those American corporations whose securities are held in its endowment funds to take actions to improve the working, living, and educational opportunities for blacks in South Africa." He felt that the CCRP resolution "would have appeared to be directly within the mandate of the policy adopted by the Board of Trustees in January." After noting his reason for bringing this resolution to the Faculty rather than the FCR, he expressed his feeling that a greater Faculty voice was needed than the one Faculty member presently on the current committee. He noted "at other universities and in the past here at Cornell, there was a larger representation

of Faculty. I found out recently the Faculty role in such decisions is considerably larger than it is at Cornell - at Columbia, Harvard, Haverford, Johns Hopkins, M.I.T., Princeton and Stanford. Institutions, true, not quite at our level, but nonetheless worth taking into account in terms of the precedents and procedures that they follow." He concluded that these institutions have accorded a "more significant advisory role to the Faculty, and all we're talking about here is an advisory role because obviously in the final analysis it's the Board of Trustees that must make the decision. In other institutions, it's not only true that there is a larger Faculty representation, there is also I might note in passing, a larger student representation." While noting that he had mistakenly let himself be quoted by the *Cornell Daily Sun* today as saying, "that it (the present Proxy Advisory Committee) was dominated by members of the Board of Trustees", he felt the present committee could only meet infrequently and thus could conduct only a cursory review of corporate actions in South Africa. He stated: "It has held two meetings this autumn and reviewed quickly the 20 companies which operate in South Africa in which Cornell holds stock and it has at least on the basis of my own understanding, which could be corrected by others, given 16 of those companies a clean bill of health. This conclusion, however, I think could not have been based on any really substantial investigation and probably was merely based on an exchange of one letter - that is, we wrote them one letter, they wrote us one letter and then we decided what would happen." He said that other universities had done

more, particularly Yale. He concluded that despite all he had said he did not really want to criticize the present Committee but "to assist it, to support it, to get it to perform even better than it has done up to now."

Professor Donald F. Holcomb, Physics, stated that as a member of the original Schaenen committee, which proposed what eventually turned out to be the present Proxy Advisory Committee, he strongly supported replacement of the previous Proxy Advisory Committee because it had drifted into an adversarial attitude and thereby lost effective communication with the Investment Committee. He noted that he also was impressed with the Stanford Committee mentioned by Professor Rosecrance stating "it seemed to me it had done both a rather thorough investigative job in several cases concerning corporations and it also managed to put forward the results of that investigation in such ways that it made sense and was listened to by the people on the Investment Committee". He, however, also felt somewhat disappointed with the present Proxy Committee because it is so widely dispersed geographically "that it seems to me, just in watching from the side lines, to be having problems with its effectiveness not because of a lack of interest or commitment or bias of any of the members, but simply because of the way it has been set up." He urged that if some sort of Faculty group is established, its main goal should be to get better information effectively to the Investment Committee of the Board, which he concluded is "the name of the game."

William G. Herbster, Senior Vice-President, stated that the Proxy Advisory Committee since its formation in April had

held two meetings in the spring and two meetings this fall and will meet again in November for a total of five meetings since its formation. He also noted that contrary to Professor Rosecrance's implications, the Committee had quite a bit of information to work with in its deliberations. First, the A.D. Little and Company gathers information on the compliance with the Sullivan Principles of Signatory Companies. Secondly, there are materials published by the Investor Responsibility Research Center in Washington regarding individual company performance. He went on to say that since most information is based on company reports, it is very difficult to make judgements as to whether or not companies are doing the job in South Africa that one would hope and particularly whether their actions are having positive or negative effect on their employees and the state of well-being of blacks in South Africa. Therefore, the Committee is seeking better ways of assessing the performance of such companies. He noted for example, an advertisement in the *Cornell Daily Sun* asking for views from the community regarding performance of individual companies, the effect collectively of the American corporate presence in South Africa on the well-being of blacks, as well as views or other thoughts on Proxy issues in companies in which Cornell has holdings. He concluded: "While I don't think any of us on the committee would claim that we are doing a perfect job or that we have the best tools to work with, I think we all would say that we are working as hard as anyone reasonably would be expected to work. We have met relatively frequently, have put in our time, and are trying to use as much information as we can to assess these situations."

Professor Michael C. Latham, Nutritional Sciences, felt that while he could "support the kinds of actions Professor Rosecrance is considering", the Faculty should first state "very clearly that it opposes all investment in the stock of companies doing business in South Africa." He said "it seems to me the kind of action we are taking or might be seen to be taking, rather looks like, perhaps trying to improve the sanitation in concentration camps in Nazi Germany." He rejected the arguments that divestment will be opposed by black leaders and that U.S. companies by acting responsibly can set a good example for the rest of South Africa. He stated: "So I would really like to see this Faculty do what they did apparently 10 years ago in 1968, pass a resolution as a preamble recommending total divestment and no other investment." He concluded that he, nevertheless, recognized the Board of Trustees would not agree to such a proposition.

Professor Michael Fisher, Horace White Professor of Chemistry, Physics and Mathematics, stated that while he was "sympathetic with a lot of what Professor Latham said", as someone who had been personally involved both in South Africa and Franco, Spain, he was not quite sure what the correct posture was. While a "small step", he would endorse the present motion. He regretted the demise of the former advisory committee stating "I personally was pleased that there was a committee with strong Faculty and responsible Faculty representation that could be pointed out as disagreeing with the policy otherwise conducted by the Trustees and others representing the University." He opined that there

were situations where "I surely want to be adversarial." Moreover, he felt that the Faculty's representation "has been severely truncated" and, is therefore, insufficient. He stated "I'm happy to say that I think that the Faculty is the most important member of the University community - in fact the Faculty constitutes the University." He concluded that while he agreed "with Don Holcomb entirely that what this committee should inevitably do is to help the other committee get the evidence, I hope and trust that it will report in public, make clear what it finds out, make clear what its recommendations are, and not be afraid to say that its recommendations don't seem to be listened to by the Investment Committee."

Assistant Professor Robert L. Harris, Africana Studies and Research Center, said that while he supported the motion to establish such an *ad hoc* committee by the Faculty for many of the reasons previously given, "I'm not inclined particularly to see this committee restricted to the Schaenen committee recommendations. I think this should be a committee of the Faculty, looking at the University's investments and setting and establishing its own criteria on which those investments should be evaluated."

Professor Jay Orear, Physics, queried if the motion envisioned that the committee on the basis of its study would also make recommendations on voting posture to the Trustees.

Professor Rosecrance stated he wished to make a couple of points in response. First, he clearly envisioned divestment as an end result if compliance could not be secured. Secondly, he

recommended all read the Schaenen committee report. "Every major issue about South Africa is considered in the Schaenen committee report. It considers the issue of selective divestment; it considers the issue of general divestment; it considers the pros and cons of each of those policies; does not unilaterally come down on one side or the other. It says, however, that the University's major effort should be directed toward urging the American corporations to take actions to improve the working, living, and educational opportunities for blacks in South Africa. And that's surely what we all want. That is really what we wish to see happen in South Africa, so that there's nothing about the Schaenen committee recommendation that in any way would limit us. And it's particularly useful to use the Schaenen committee formulation because the Board of Trustees have already adopted it. Therefore, how can they disagree with us?" As to stockholder initiatives he stated "if stockholder initiative is proposed in regard to one of the stocks that we hold which does business in South Africa, and the company has shown defiance in complying, besides selling the stock, we should clearly consider the possibility of voting for such an issue."

Associate Professor J. Congress Mbata, Africana Studies and Research Center, stated: "I would like to say that I'm inclined to agree with Professor Latham that in spite of what I can see of the usefulness of this proposal, some statement as a preamble should come before it, reaffirming the position of this Faculty vis-a-vis South Africa. I think also that many of us have gotten carried away by the Sullivan guidelines. The most they

can achieve is some cosmetic treatment of the situation. The Sullivan guidelines will not address themselves to the question of the reliability of company reports that emanate from South Africa, having in mind the censorship of those specific reports in terms of South African legislation. It doesn't address itself to that. And this is one of the reasons I would support the appointment of an *ad hoc* committee because I think that is one of the first questions it should address." He concluded: "my own feeling would be to urge complete divestment."

Professor Geoffrey V. Chester, Physics, and Associate Dean of the College of Arts and Sciences, stated he supported the motion and had lent his name to it because he had become "concerned about the current advisory committee for two very different reasons. One is it seemed to me that its actions are very difficult to ascertain. They seem to be a very quiet committee. And that raised in my mind, an old issue that always plagued the investment advisory committee, namely, what rules of confidentiality does it employ." Secondly, he expressed concern about the present committee's composition. He recognized an attempt to make it broad-based but felt that "Faculty members should indeed be appointed by the Faculty." He asked that Dean Kenneth Greisen comment on the committee's confidentiality rules and the method of appointment of the Committee.

The Dean replied that the President, after consulting with him, decided that the person who represented the Faculty would be either the Dean or one of the members of the FCR Executive Committee with the choice to be made with the participation of the Executive Committee, and that the Executive Committee was

content with his assuming that role. He pointed out that with Faculty elections taking place only once a year, too much delay in the selection of a Faculty representative would have occurred if an elected representative had been decided upon. Moreover, he suggested that we tread a delicate line in trying to communicate effectively with the Trustees in an atmosphere of mutual understanding instead of combativeness, while not being afraid to advance any arguments counter to those the Trustees might be assumed to want to hear.

A back and forth discussion between the Dean, Senior Vice-President Herbster and Student Trustee, Sky Flansburgh, revealed that the student representative and the employee representative on the present committee had been selected by the Campus Council, that the alumni representative had been chosen by the head of the Alumni Association, that the Senior Vice-President "was a rather obvious choice" and that the Trustee representative and community representative were chosen by the Board of Trustees.

As to the issue of confidentiality, the Dean said: "The element of confidentiality is in dispute in the committee right now. We argued rather vociferously about this the last time we met. There's not so much a question of whether to keep the recommendations under wraps - it's agreed that the recommendations should be made available to the community - and something about the reasons - at least a summary of the reasons that led to those recommendations, but the timing is still in dispute. The question is whether to publish the tentative agreements reached in committee right after the committee meeting, before communicating with the

Trustees and before the Trustees have digested it and reached some sort of conclusion as to their actions, or whether to release them only later."

Senior Vice-President Herbster added "I think we are all struggling with how we can be responsible to and communicate with the community without at the same time, pre-ordaining a decision for the investment committee. The rationale and the vote for each of its recommendations has been revealed. This year at its two meetings we published minutes of meetings as well as specific recommendations that were going to the Board."

The Dean then stated: "This committee is quite aware of the unreliability of the methods of evaluating performance of the companies that are now available. It's quite sensitive to the weakness of the information - the fact that it could be open to all kinds of challenges." He indicated that more reliable information is being sought and that here a Faculty committee might help because of the sources of information available to the Faculty. He therefore urged that if the Faculty committee that is proposed is formed, that it adopt a role *vis-a-vis* the existing Proxy Advisory Committee of communicating openly with it and attempting to be helpful and not creating an adversarial position where they conflict with each other instead of assisting each other. He concluded: "I hope this Faculty committee gets formed but I hope that it uses direct communication - more than newspaper headlines - and takes its responsibility of seeking information seriously, rather than its responsibility for drumming up community enthusiasm."

The Dean, obviously aware that a quorum of 75 members of the Faculty was in serious doubt, then noted that the referendum on the amendment to *OPUF* which would permit the Review and Procedures Committee to establish *ad hoc* committees was clearly passing and that, therefore, if a quorum were not available he would like a straw vote to be taken to guide the Review and Procedures Committee.

Associate Professor William W. Goldsmith, City and Regional Planning, stated that it was important to distinguish between a lack of bias on the part of committee members and a lack of advocacy on behalf of its positions. He also felt that the committee should follow some sort of preamble or general motion that indicates the Faculty's position. He further opined "It's impossible for me to imagine that one committee can adequately deal with issues regarding South Africa, its constitutions and its laws, and at the same time, worry about responsibly investing Cornell's money to make the highest profit. And I think those two things should be divided clearly. And then those who are responsible for investing our resources so as to make a profit should do so within guidelines that are given to them. Otherwise, it's not clear to me what the Trustees are holding in trust."

Associate Professor Norman T. Uphoff, Government, offered the following amendments which he felt expressed the concern raised by some of the previous speakers. He would insert the following at the beginning: "Whereas, the Cornell Faculty has already in 1968 expressed its disapproval of University support

of the South African regime through financial investments in that country" and then add to the first sentence of the motion itself "The University Faculty hereby reaffirms its 1968 resolution and establishes, etc., etc." Despite obvious parliamentary difficulties due to a lack of a quorum, these amendments were accepted by the movers as agreeable to them and were thus deemed included as part of the original motion.

Professor Benjamin Nichols, Electrical Engineering, stated: "I would like to emphasize the point that the Dean made about the actions of this committee not being made in the headlines, but to the Trustees' committee. What I'm hoping for, and what I assume the committee would do if formed, is to do what it says in the motion - to report back to the Faculty. That would certainly be a public document, however the newspapers choose to use it, but I think that's a vehicle for communication which this motion establishes."

A quorum still not being present, a straw vote was then conducted with 61 yea votes and no nay votes being recorded.

The meeting adjourned at 5:35 p.m.

Respectfully submitted,

Joseph B. Bugliari, Secretary

November 14, 1979

110 Ives Hall

The Speaker, Russell D. Martin, called the meeting to order at 4:30 p.m. 77 members and a number of visitors were in attendance. He asked for any additions or corrections to the minutes of the meeting of October 10. Hearing none, they stood approved as distributed. The Chair called on Provost W. Keith Kennedy for an announcement concerning the calendar.

1. ANNOUNCEMENT CONCERNING THE CALENDAR

The Provost announced that the 1980-81 calendar has been set following the recommendations of the Calendar Committee with the exception of a modification in the timing of the spring vacation, an adjustment in some years of the date of Commencement from Saturday to Sunday and a slight change in the interspersing of the study period and examinations. He requested, however, that the FCR consider, as soon as possible, the possibility of continuing the Monday, Tuesday two-day break in mid-October and only a normal three-day break at Thanksgiving. The Provost stated: "This year the experience with the two-day break in mid-October was extremely beneficial from the standpoint of the students, especially the Freshmen, according to the dorm counsellors and other people working with these students. They felt that there was a remarkable degree of easing of tension among underclassmen, especially problems in the dorms, and that such a break was actually of a greater benefit than most of us had anticipated." He indicated his personal support for such an arrangement, but noted "I'm well aware that this will mean 4-5 broken weeks of

classes - when labs cannot start in sequence - and this is a great inconvenience to Faculty members that have heavy laboratory schedules. I'm partially sensitive to that because of personal experience in the past. Nevertheless, I think that the benefit of that October break versus a week long break that comes late in the semester, namely at Thanksgiving time, justifies that extra effort on the part of the Faculty." He concluded that he had asked the scheduling office to withhold scheduling major events on the weekend of October 11-12 and Monday and Tuesday, October 13 and 14, and that he hoped for an early reaction from the FCR.

Professor Sander L. Gilman, German Literature, asked if there had been "any consideration of having the holiday overlap with one of the Jewish holidays in the fall semester which fall at approximately the same time and during which a lot of Jewish students wish to have released time."

The Provost replied that to be at all workable the break must fall on a Monday and Tuesday to comport with time off at Thanksgiving. He also stated that ideally he would like to move the break to a time later in October but that already scheduled events precluded this.

Associate Professor David A. Usher, Chemistry, asked if the Provost were aware of a student petition requesting reinstatement of the break.

The Provost responded that such a petition had not been presented but that his own advisees had expressed interest in continuation of the break.

Professor Edgar Raffensperger, Entomology, asked if there would be opportunity to discuss the matter later at more length. The Speaker replied that this was correct.

2. REPORT OF THE DEAN

The Dean of Faculty, Kenneth Greisen, reported that the calendar matter would be promptly referred to an appropriate Faculty committee so that when it comes back to FCR it will be with a recommendation from such a committee to facilitate the debate.

The Dean announced that the amendment to the *Organization and Procedures of the University Faculty* to authorize the Executive Committee of this body and the Review and Procedures Committee of the University Faculty to establish *ad hoc* committees had passed with 482 votes in favor and 26 against.

He also announced that the December 12 meeting of the FCR would be devoted to a discussion of the University's affirmative action policy. At that meeting, President Rhodes has indicated a desire to speak to the Faculty about the administration's views and that there was also available a report from the Faculty Committee on Minority Education. He asked all to attend.

The Speaker announced that Professor P.C.T. deBoer, Mechanical and Aerospace Engineering, had agreed to act as Parliamentarian now that "the bicycling season is coming to a fast halt", and because "the salary appealed to him." His colleagues applauded his willingness and courage, but some wag suggested a sanity test.

3. CONTINUED DISCUSSION OF CONFIDENTIALITY OF LETTERS

The Speaker first explained where the issue stood from a parliamentary standpoint. He noted that on the floor was the original *ad hoc* committee motion and a substitute motion submitted by Professor Norman Kretzmann, Susan Linn Sage Professor of Philosophy. Moreover, since the last meeting there had been received another substitute motion from Professor Alan Gunn, Law. Before proceeding to debate he requested unanimous consent that half the remaining time be spent on discussion of which of these three proposals should be the final motion to come before the body and the remaining time devoted to discussing that final motion, and also unanimous consent to accept the minor revisions in the original motion and Professor Kretzmann's substitute fashioned by the *ad hoc* committee. No dissent was heard.

Associate Professor Peter J. Bruns, Botany, Genetics and Development, asked if there was not, in fact, a fourth potential resolution by Assistant Professor William E. Cross, Africana Studies and Research Center. Professor Cross explained that his proposal was a modification of Professor Kretzmann's substitute to limit the requirement to certain reappointments and not all of them, and the Speaker accepted this as a potential second substitute.

After additional parliamentary discussion, the Speaker called on Professor Gunn who moved the following substitute for Professor Kretzmann's substitute motion:

RESOLVED: Each department has a continuing responsibility to keep its tenure-track faculty members who are not yet

tenured full professors informed of departmental views of their progress. If at any stage of a reappointment or promotion procedure it becomes apparent that an issue, of which the candidate is inadequately aware, relating to qualification has arisen, the candidate shall be advised of the nature of the issue and provided with an opportunity to respond orally or in writing before any final adverse decision or recommendation is made.

Each department or school may establish such policies as it deems appropriate concerning the confidentiality of recommendations concerning appointments, reappointments, and promotions in rank or to tenure; provided that, if the policy is to make written or oral appraisals available to candidates, those supplying information are advised of the policy before the information is supplied.

This motion was seconded and the Speaker announced that the procedure was now to return to debate on the original motion:

Proposition I (A revision of the original resolution,
introduced 9/12/79)

BE IT RESOLVED THAT: The contents of every written appraisal¹ solicited after January 1, 1980, for use in a decision regarding the reappointment or promotion of a member of the faculty of Cornell University (in Ithaca) will be made accessible to the candidate in an anonymous copy. Every request for such a written appraisal will contain a copy of a form requesting confidential information and stating the faculty's policy regarding

the accessibility of written appraisals. The candidate will be given an opportunity to comment on the appraisals before the decision is made. The candidate's response will become part of the file of material on which the decision is based.

¹As used in this resolution, 'written appraisal' refers to all these types of documents employed in decisions regarding the reappointment or promotion of members of the Cornell faculty in Ithaca: letters written by chairpersons or deans soliciting appraisals or transmitting recommendations, letters solicited from a candidate's professional colleagues outside Cornell, summaries of telephone conversations in which appraisals of a candidate were supplied, letters written by the candidate's colleagues at Cornell, appraisals by post-doctoral fellows or students (especially graduate students), undergraduate teaching evaluations, the report of any ad hoc committee on the candidate's promotion, and the report of any standing advisory committee on promotions.

Professor Simpson Linke, Electrical Engineering, stated that he was opposed to the original motion and felt that after hearing of the unhappy experiences previously recounted in California and Texas which have state laws in this area, we should not prejudge what the New York Legislature might enact. He concluded "it would be better to take the information and knowledge that we have gained from this debate and encourage our legislators in

Albany to provide us with legislation based on proper discussion and information taken from this body and from other colleges in the State."

There being no further debate, the Speaker announced that Professor Kretzmann's substitute motion was now on the floor for debate.

Proposition II (A revision of the substitute motion,
introduced 10/10/79)

BE IT RESOLVED THAT: When a department or school of Cornell University (in Ithaca) is in the process of deciding what recommendation to make regarding the reappointment or promotion of a member of the faculty, the chairperson of that department or school will notify the candidate of that fact and provide the candidate with a detailed written summary of the facts and opinions on which the decision will be based. The summary is to be written in such a way as to mask the identity of the holders of the opinions summarized and the authors of the letters paraphrased. Before the summary is given to the candidate, it is to be made available to each member of the department or school who will be voting on the recommendation. The summary must be given to the candidate long enough before the department, school, or committee makes its decision so that the candidate has a reasonable opportunity to make any response he or she may choose to make. The candidate's response will be made available to each member who will be voting on the recommendation, and the summary

and response will become part of the file of material on which the decision is based.

Professor Alex Rosenberg, Mathematics, asked Professor Kretzmann if his proposition would apply where a department is considering putting forth a person for early promotion. He felt that if the department decided not to proceed but was, nevertheless, required to comply with the terms of the proposition it would be very detrimental to the candidate. He assumed that the motion applied only to situations where consideration had to be given.

Professor Kretzmann replied that Professor Rosenberg's interpretation was correct. He stated his proposal was limited to cases in which the department or school is in the process of deciding what recommendation to make, they're down to the issue and no longer simply considering whether early promotion is warranted in a particular case.

The Dean noted that while the motion talks in terms of the Faculty in Ithaca, the Faculty in Geneva was also meant to be included. The only excluded units were meant to be the Medical School and the Graduate School of Medical Sciences. This was treated as a friendly modification.

Professor Michael C. Latham, Nutritional Sciences, felt that "this substitute motion doesn't go as far as the original motion, and doesn't achieve the objectives that the committee working over the summer tried to incorporate in their original proposition." He also asked for clarification as to who votes on the report to be given to the candidate and what if they don't all agree.

Professor Kretzmann replied "The revised version takes into account just that sort of objection and now reads: 'Before the summary is given to the candidate, it is to be made available to each member of the department or school who will be voting on the recommendation.'"

Associate Professor Francis C. Moon, Theoretical and Applied Mechanics, expressed his support for Professor Kretzmann's proposal stating "As one who's been recently on both sides of the tenure fence, I can sympathize with arguments on either side. On the one hand, there is the need to treat each candidate with fairness and justice, and there is a need for the candidate to have an opportunity to rebut various criticisms before a crucial decision may be made. On the other hand, the needs of the candidate cannot be confused with the needs of the University or the department to make an objective decision which will effect the staffing of that department and the University for many years to come. And I think that this proposition serves both needs. The original proposition, which asks for the original letter minus the letterhead and the signature, would serve to filter out negative comments, especially where one was asking close colleagues of a candidate or the candidate's advisor for opinions. I think that we would have seen a kind of blandness in the letters of recommendation and it would have the effect that less emphasis would be put on letters of recommendation and more burden would be put on personal opinion. And the reason for going to letters outside the University is to place less importance on personal opinions within the department of the University and more on that of the candidate's colleagues and contemporaries in the field."

Professor James E. West, Mathematics, stated that he would "categorically refuse to write letters of evaluation where requests are accompanied by forms or information such as in the original proposition. I'm in a relatively small field. It is much more important for me to maintain the confidentiality of any adverse comments which I might make." He added that he had just been to Texas Tech and its Mathematics department had received directions from the Dean of the college that, although they could solicit outside letters, the department was not to see them while making its decisions concerning granting of tenure or promotion. They were simply to be appended to the dossier. While he did not see this happening at Cornell, he felt it "sort of indicates the unsettling affects on evaluation caused by such strong disclosure."

Professor Ian R. Macneil, Frank B. Ingersoll Professor of Law, registered his opposition to the substitute motion stating "I think it will have a highly divisive effect on departments. It will certainly have a highly divisive effect on my own department - the Law School - which is the only one I feel free to talk about. The problem as I see it is that this summary, at the stage that it is proposed in this proposition, will necessarily have to be very adversarial except in those cases where you have a candidate who is so clearly going to make it that nobody sees anything negative to mention about that candidate. In all the years that I've been here at Cornell I've yet to see such a person. And I say that having seen many candidates who are now well-known, renowned, national scholars, exceptionally successful, law teachers. They all had problems, I've no doubt that I have

problems. This proposition requires the revealing of these problems in detail before a decision is made to appoint or reappoint or give tenure. It has a number of effects. One is that it is necessary to recognize that this is a contractual document. It is something that may sooner or later get into litigation. It may sooner or later get into at least litigation-like processes within the University. This process will force people who have serious reservations about a candidate, to state the case in the summary as strongly as possible. And we will do this in the two-thirds, three-quarters, whatever percentage of cases it is, that will lead to an affirmative result, leaving a nasty sore and an unnecessary one. The same thing can be accomplished without divisiveness, I believe, by a more informal process of communication by following the Gunn resolution."

Professor Kretzmann felt an adversarial atmosphere is not necessary. He opined: "It is certainly possible for rational people to accept criticism with understanding and to admit that in this respect or that they haven't done as well as they ought to. Moreover, any divisiveness in the atmosphere is surely greatly exacerbated by a situation in which a colleague doesn't know by what considerations he or she is being graded. There is something unpleasant about adversarial relationships that the lawyers are in a better position than I am to comment on. But surely, it is less unpleasant to exchange views before the decision has been taken than to be confronted with a fait accompli and have had no opportunity whatever to address the issues. The adversarial relationship need be no more than an intelligent and

rational exchange - it needn't always be acrimonious. It seems to me that cases in which a candidate has been decided upon negatively, with no opportunity whatever to rebut negative evidence against him or her, are much more likely to be the source of acrimonious feelings within a department or the University."

Professor Robert H. Whittaker, Charles A. Alexander Professor of Biological Sciences, asked if both of these resolutions were not at fault in requiring exposure of the information to the candidates on whom favorable recommendations are being made. He said he sees no point in this.

Professor Macneil stated he agreed with Professor Kretzmann about the candidate having an opportunity to respond but felt it could best be handled through an informal process. He noted that this had worked well in the Law School.

Associate Professor Aaron N. Moen, Natural Resources, felt that in many fields it was impossible to provide a summary in a way so as to mask the identity of those providing information.

In response to a question by Professor John F. Burton, I&LR, about the meaning of the sentence "before the summary is given to the candidate, it is to be made available to each member of the department or school who will be voting on the recommendation." Professor Kretzmann replied "that sentence is in the proposition so that the entire burden of preparing a fair document should not be laid on the chairman of the department alone. In a case in which members of a department are divided on the merits of the candidate it is particularly important that the supporters as

well as the detractors of that candidate should have an opportunity to look at the document before it's presented to make sure that both sides are presented clearly."

Associate Professor Billie Jean Isbell, Anthropology, felt the proposition was an acceptable compromise since there was no chance of the original proposition being supported. She stated "there's a great deal of concern about revealing opinions on candidates for promotion or tenure and preserving anonymity. However, what I don't see discussed at all is a concern for the criteria upon which decisions are made. And we may have to come to a position where we support a resolution such as Proposition II in order to secure the calm in which we as a University Faculty can establish a process by which we examine our criteria used for promotion and tenure. After the last FCR meeting, a colleague approached me and said what you're really concerned about is that there may be prejudicial criteria discussed and used in promotion and tenure decisions. And I said, yes I am. Now I'm afraid that perhaps many people are not aware that they are, in fact, utilizing prejudicial criteria. I remember a case where a woman was being considered for tenure, and private discussion centered around the fact that she had a child and was not married. Her colleagues were concerned as to whether in fact she could be academically and professionally productive under those circumstances. I say that is an example of prejudicial criteria. That is a good case for sex discrimination. It is not at all proper for the Faculty to decide how male or female colleagues arrange their private lives. Instead criteria

have to be based on scholarly productivity and teaching. What I'm concerned about is that while the decision-making process assures the degree of necessary anonymity, we begin processes that lead to self-examination of the criteria that departments use for deciding promotion and tenure."

Assistant Professor Phyllis E. Moen, Human Development and Family Studies, said that "when letters are considered by Faculty, they're not all considered equally. Some are valued more and others are discounted. I wondered if when a person is writing this summary, they are supposed to weight those according to the credence and value placed on them by the Faculty."

Assistant Professor Donald H. Beermann, Animal Science, wished to state his opposition to the resolution for three reasons. "I believe that anonymity could not really be preserved, and I don't believe that it serves young Faculty in that the delay involved in the use of this kind of activity does not serve those who are awaiting decisions for tenure to be made. I believe that that extension of time is a disservice in and of itself. Moreover, I don't believe that department chairmen are any better able to interpret letters of evaluation than any of the rest of the Faculty. Letters having confidentiality are most meaningful in the original, and our department chairman for one feels that he would not be willing to interpret those letters and pass on a synopsis to Faculty. He feels that the Faculty should make the decision based on their personal knowledge and ability to view the letters submitted, and he would not be willing to operate otherwise."

Professor Gunn next spoke to his resolution. He stated "this resolution, if adopted, would accomplish everything that the proponents of Proposition II have argued for. That is, it will assure that they will not make decisions about people in secret without letting them know why an adverse decision is made. At the same time, it is meant to avoid unpleasant side effects, such as shaken confidence of people who ultimately do get appointed as Professor Macneil suggested. This is not meant to be a detailed set of procedures. Rather it allows each unit to achieve these ends by whatever procedure best suits each specific area."

Professor Peter Stein, Physics, stated "any lawyer I ever talked to always told me about the supreme advantage of having a well defined procedure where one person knows what his rights are, another person knows what his obligations are, and then the arena is well laid out. I understand that this motion is trying to accomplish the same thing that number two is, but it seems to me that, the phrase '...an issue, of which the candidate is inadequately aware' is too ill defined. How in the world does a department know when a candidate is adequately or inadequately aware of some negative information? Suppose that a negative decision is made on the candidate and he claims he was not made aware. It seems to me that a procedure like that really invites litigation constantly. I think a clean procedure whereby, as in Proposition II, the issues on which the decision will be made are given to the candidate and then his or her response is invited, is a much cleaner way of doing it. Then if any litigation

arises in the future, it's all there. The negative statements were made, they were responded to or not responded to, and that's that. The question then doesn't arise as to whether a candidate's response to some negative aspect of their career was available."

Professor Kretzmann stated that, in his opinion, Professor Gunn's substitute resolution does not accomplish the same results as his proposal in that it does not involve the candidate in the actual decision procedure. He concluded "Professor Gunn's substitute resolution leaves the candidate out of the decision procedure in just as absolute a way as the candidate is now excluded from that procedure. Presently, there are moments during one's career leading up to the decision process when a candidate may be informed of some evidence weighing against his or her case, but when it comes time for the decision to be taken the candidate is excluded. That seems to me to be the crucial difference between the substitute motion and Professor Gunn's substitute motion."

Professor Macneil gave a brief reply to Professor Stein. "Of course lawyers told Professor Stein that, that's how we make our living. You should take such advice with the same skepticism that we take the advice of very highly paid surgeons that an operation is necessary. Some people look at that very carefully indeed. But Professor Stein raised a perfectly good point - the question here is whether we are planning these relationships to be viable, healthy, working relationships or we're planning them with an eye to litigation and trouble. I would prefer the plan for the viable, living, healthy relationships and occasionally

lose some litigation as a result. Putting on a lawyer's hat, I think we'd be better off with this informal procedure than with any conceivable procedure that can be devised and particularly with Proposition II. We create a lot of lawyer problems with this."

Associate Professor Lars B. Wahlbin, Mathematics, thought than any kind of fixed procedure that we try to lay down will affect different departments quite differently. Therefore, I speak in support of Professor Gunn's motion as the only viable one - the only one which can be adjusted so as not to destroy procedures in some departments.

Professor Burton said "I think Professor Gunn's proposal would establish a strange procedure because the only time that a candidate would have the right to reply would be when he's not adequately aware of the fact that there's an issue that's been raised. Presumably all you need to do then is to tell the candidate thoroughly that there's been an issue raised about his credibility or his capability, and then he wouldn't have the right to respond. It seems to me that's a very peculiar condition under which a person has the right to respond."

Professor Gilman asked Professor Gunn if under his proposal "the policy decision from unit to unit can be made on an *ad hoc* basis for each case?" Professor Gunn replied that each unit ought to have a regular procedure. Professor Gilman said that wasn't "spelled out at all in what you've said and it could also mean that one sort of develops a policy for each individual case."

The Speaker then called for a vote to substitute the Gunn amendment for Proposition II and such substitution was obviously defeated.

The Speaker asked Professor Cross if he wished to offer an amendment to Proposition II. Professor Cross said that they were now essentially the same and thus felt no need for an amendment.

Professor Whittaker suggested as an amendment to Proposition II that the first sentence read "When a department or school of Cornell University makes an adverse recommendation on the reappointment or promotion of a member of the faculty..." then "the summary must be given to the candidate in sufficient time for the candidate to question the basis of the decision and to appeal the decision if he chooses, to the department or school or to the University committee that is to act on the decision." The last part of Proposition II would then be deleted.

Professor Geoffrey V. Chester, Physics, spoke against this motion. "It seems to me that this is in fact then putting the candidate in a much more severe adversarial position and certainly at the latest possible stage. At least Proposition II puts the candidate into the position of learning about the views of the department at an earlier stage than the amendment does."

Professor Kretzmann said it seemed to him "that the amendment destroys Proposition II taking the candidate right back out of the decision process and leaving him or her simply to be informed of a negative decision, at which point the candidate has the right to appeal. The candidate has that right now. It changes absolutely nothing except perhaps insisting that the department chairman informs the candidate that the negative decision has been taken."

Professor Rosenberg said it seemed to him that the people who are speaking against the amendment are forgetting the points raised earlier that successful candidates have warts also.

"The largest number of candidates are surely successful. If the summary is then to go to all candidates, it will, I think, in the long run, have a serious effect on morale. It will make everybody who comes up for tenure or comes up for promotion from Associate to full Professor aware that certain opinions are held about him or her which are not exactly opinions that the candidate would like to hear. And I would therefore urge the adoption of the amendment."

Associate Professor Nicholas L. Sturgeon, Philosophy, said that he found it "a remarkable suggestion that we're all of us so tender in our egos that to find out that there is somewhere in our profession somebody who has a low opinion of some part of our work is going to constitute such a crushing blow that we can't thereafter have a decent relationship with our colleagues in our departments. After all if the department then goes on to make an affirmative recommendation, that tells you what your department thinks of your work on the whole and how it weighs the information with which it was provided. If we're in such bad shape that we can't face the fact that there may be and likely are people who have different views of our work, then I think we're in much sorrier shape than I'd every supposed."

Professor Moen agreed and further suggested that "that doesn't seem to be the issue here with regard to Proposition II. Some of us are against Proposition II for reasons other than that."

We are simply against it because it requires the chairman and others involved to mask identities and things like that, and that's a totally different question, and I think it's an impossibility."

The amendment was defeated by voice vote and discussion returned to Proposition II.

Professor Latham said "when the *ad hoc* committee was set up, its proposal involved not only reappointment and promotion, but appointment. It seems that now we've got a motion that is not addressing the question of appointment. There are people who are concerned about our procedures of appointment and what goes on in appointment. I just wondered how deliberate that was, whether there's further consideration being given to confidentiality and letters of information concerning people who are applying for appointment in the first place."

Professor Kretzmann replied that it was "a quite deliberate choice to exclude the question of appointment from the final versions of both the original proposition and Proposition II for two reasons. In the first place the amount of work connected with providing such information to disappointed candidates in initial appointment procedure, where there are frequently an abundance of candidates to be considered, seemed just unreal. There is apparently a great deal of trouble we didn't anticipate when we first brought the resolution. More importantly we thought that if we had obligations to any group of people as members of the Faculty at Cornell, it ought to be to our colleagues - people who are already members of this Faculty. And so we decided that

it was altogether in our province to make decisions about how we treat one another, members of this Faculty, and that it was possible on good grounds to exclude from these special considerations people who are not now, and perhaps never would be, members of our Faculty."

Professor Arthur L. Bloom, Geological Sciences, asked if Proposition II were approved, whether a copy would be sent to persons from whom letters are requested. Professor Kretzmann replied that that is not a part of the resolution since it does not seem to affect in any way the attitude with which external letter writers would address their letters to department chairmen at Cornell.

Professor Gilman said "when one solicits a letter from outside the University, one normally states in that letter that the letter will be held as confidential. Do you understand the summary as not a violation of the literal meaning of confidentiality?"

An unidentified individual asked "as a matter of information if the proposition is defeated, does this return the matter to its present state throughout the University and in effect inform the committee that was appointed to study the matter that its recommendation is not acceptable to this body?"

The Speaker asked Professor Kretzmann if that was a fair assessment but received no recorded reply.

Professor Linke commented: "In the School of Electrical Engineering, our policy when we request letters from outside is to make it clear in our statements to the recipient that the

letters will be read by members of the department who are going to vote on the issue and not by the candidate. And we've had no trouble with that configuration."

Dean Greisen said he had received a letter from Professor Seymour Smidt, B&PA, indicating that he would accept the substitute motion if something such as the following were added: "Persons from whom recommendations are solicited shall be notified that the University will attempt to maintain the confidentiality of the appraisals it receives, but cannot legally prevent their disclosure in certain circumstances."

The Dean indicated that he did not feel that Professor Smidt's suggestion correctly reflects the change in confidentiality contained in Proposition II but that we should carefully review the requests we have been making and make sure that the letter requests we make in the future give due regard to whatever conclusions we reach today.

Professor Gunn stated that he wished "to point out that if this Proposition is defeated, there is nothing to prevent any department that thinks these are good procedures from adopting them. Therefore the real issue is whether to force these procedures on units that do not want them."

Professor Wahlbin said he agreed with Professor Gunn and that he wished to point out that in connection with Title IX investigations, each individual department chairman is now being asked to identify the specific criteria the department is using for tenure decisions.

Professor Gilman felt the formulation of some sort of a set language in soliciting letters is rather imperative because

if one is going to solicit these letters under uniform policy, then also a University-wide language which reflects that policy should be adopted.

Professor Kretzmann said it seemed the wording "your letter will be read by the members of the college who are making the decision and will not be read by the candidate," was appropriate.

Professor George Gibian, Goldwin Smith Professor of Russian Literature, asked the members of the FCR to keep in mind the small departments and the small units. "Maybe it isn't true for large fields but in the small fields like ours, I think this proposal asks the chair to do an impossible task or an extremely difficult task in avoiding trouble with the law."

Professor Stein didn't "think any language in the motion requires the chairman to clear the summary with the people who wrote the letters. The idea is that the summary would be shown to members who would be voting, not the authors of the letters." He also saw nothing in the motion requiring a uniform letter to be used in soliciting letters. He pointed out "For years we have - in my department - solicited letters and xeroxed them and passed them around to all members of the department. Nothing about that was ever said to the person from whom the letter was solicited, and certainly in every place in this University, letters go to *ad hoc* committees - they go to deans, they go to the Arts College Appointments Committee and so on. There's no uniform policy on that. It seems to me that the standards in the academic profession are that letters of recommendation are generally passed around to people who will be deciding on the appointment and not to people who will be decided upon. This resolution does not

change that and, therefore, there has to be no new policy adopted about what is written to people from whom letters are solicited."

Associate Professor Richard N. Boyd, Philosophy, said that he recognized "that there would be some real difficulties in some departments in carrying out the proposal if it is adopted. I think it's important to remember that all this started with a resolution on confidentiality which became controversial in light of a lawsuit pending against Cornell alleging sexual discrimination. And I think that we as a Faculty have to address the possibility that racial and sexual discrimination can occur here. It does not require that anyone consciously intends to discriminate on the grounds of race or sex. There's nobody who doubts that you can have people influenced by biases in their culture even when they don't intend to be. And it seems to me this is a minimal procedure for eliminating some of the things which are alleged. In particular, it's alleged, and I think we should make sure even if this hasn't happened that it never does, that unsuccessful candidates find themselves in the position of having the approximate strength of the letters on their behalf grossly misrepresented. Or that considerations which were wholly irrelevant to merit somehow played a role but the candidate was not put in a position to know that. Now it seems to me that we may want officially to adopt the view that we don't know that any of those things happen. But it seems to me we ought officially to have the view that they might happen. It seems to me that it's a perfectly responsible thing for us to adopt this procedure as a kind of safeguard against that sort of discrimination which we all abhor."

Professor Macneil noted that Professor Boyd was the first speaker in three sessions who has explained why this body is better to make an assessment of whatever the policy should be than the individual departments and colleges. Nevertheless, he still favored decentralization since "with respect to sex discrimination or other kinds of unlawful discrimination, there are available forums in which the issues can be resolved and in which a lot of the things that we're worrying about would disappear out of the window like confidentiality."

Professor Moon asked when Proposition II, if adopted, would be effective. He stated that this was critical since "the University is in the middle of a promotion cycle now and there are deadlines- some cases may have already been decided, some cases are still to be decided. If it goes into effect immediately, then in those cases which will be decided upon during this week the candidates will have the opportunity to see the material, but in those cases that were decided last week the candidates will not have the same opportunity."

Professor Moen said "whether or not there's sex discrimination, whether or not there's racial discrimination, whether or not there's a uniform letter for the University, whether or not there are a lot of other things, Proposition II mandates an impossibility. The summary is to be written in such a way as to mask the identity of the holders of the opinions summarized. That is essentially impossible to mandate."

Assistant Professor Michael E. Gold, I&LR, indicated that he wished to speak to four issues which have come up. "The first

is the effective date of the proposition. Proposition I was contemplated as going into effect on January 1, 1980. I'm sure the committee would also intend Proposition II to take effect on that date. Second, with regard to the issue of divisiveness. If the Law School system works as well as it's described to us, then the candidate is aware of all the criticisms before this letter would be presented to him. The letter then would add nothing and would not increase divisiveness, except in the case of criticism from the outside about which the candidate would remain unaware even under the Law School system. But Proposition II would also make the candidate aware of criticism from the outside and give him a chance to respond. He might not, thereafter like that person whom he doesn't know outside, but that should have no effect on his relationships at Cornell. On the other hand, if the Law School system does not work, then the candidate does not know the criticisms which were brought from the inside and I think he should know them. Third, with regard to masking the identities: the resolution says quite clearly the summary is to be written in such a way as to mask the identity of the holders of opinions. The committee was not unaware that there would be difficult situations. By choosing this language the committee clearly indicated which interest was greater. The summary is to be written so as to mask the identity - that is the prime consideration in writing the summary. That interest is greater than revealing information which would disclose the identity of the source to the candidate. Therefore some summaries may be more detailed than others. But the identity of the authors of

the opinions will be preserved if the language of the resolution is observed. Finally, with regard to the issue of centralization, Professor Macneil suggested there are other forums which are more appropriate for handling sex discrimination. I think I disagree with that as strongly as I can disagree with any statement I've heard today. It should be done here. We should not give our responsibility to the courts. We'll do a better job than they will.

Professor Cross said "it is the opinion of the Faculty of the Africana Center that this proposition and any of the propositions discussed, will not deal with the issue of discrimination, particularly in schools at Cornell where a group of people in effect make a judgement that seems to allow for some sort of discrimination. It is not going to be a blatant sort, and will only be shown if some sort of comparison is made with another case. I, therefore, really don't feel that people should vote for or against this proposition or any of the propositions, thinking that somehow they will either make it easier to deal with issues of discrimination or harder."

Professor Usher felt that not to tell the letter writer that a disguised summary of his remarks may be given to the candidate is a half-truth and possibly dishonest. "I'd like to ask Professor Kretzmann whether the reason for not telling them this is because you're a little bit afraid that they might change the tone of their letters of recommendation?" Professor Kretzmann replied "no".

A vote was then called for and Proposition II was passed by a vote of 41 to 33, as follows:

BE IT RESOLVED THAT when a department or school of Cornell University (except for those in the Medical College and the Graduate School of Medical Sciences) is in the process of deciding what recommendation to make regarding the reappointment or promotion of a member of the faculty, the chairperson of that department or school will notify the candidate of that fact and provide the candidate with a detailed written summary of the facts and opinions on which the decision will be based. The summary is to be written in such a way as to mask the identity of the holders of the opinions summarized and the authors of the letters paraphrased. Before the summary is given to the candidate, it is to be made available to each member of the department or school who will be voting on the recommendation. The summary must be given to the candidate long enough before the department, school, or committee makes its decision so that the candidate has a reasonable opportunity to make any response he or she may choose to make. The candidate's response will be made available to each member who will be voting on the recommendation, and the summary and response will become part of the file of material on which the decision is based.

The meeting adjourned at 5:59 p.m.

Respectfully submitted,

Joseph B. Bugliari, Secretary

December 12, 1979

110 Ives Hall

The Speaker, Russell D. Martin, called the meeting to order at 4:38 p.m. 60 members and numerous visitors were in attendance. He said it was a pleasure to welcome our Secretary Emeritus, Professor Paul Hartman, for tonight's meeting. (The Secretary wishes to express his most sincere thanks to Professor Hartman for his willingness to act as Secretary at the meeting during his absence.) There being no additions or corrections to the minutes of the November 14 meeting, they were accepted as distributed. The Chair called on the Dean of the Faculty, Kenneth Greisen, for his report.

1.

REPORT OF THE DEAN

The Dean announced that for the first time under the present system of Faculty governance, we have an occasion where the University Faculty is going to attempt to nullify a resolution passed by the FCR. At the very end of the twenty day period prescribed in OPUF he reported having received a petition containing sufficient signatures to request a vote of the entire University Faculty to nullify the resolution on confidentiality passed at the last FCR meeting. Since December and January are not the best months to call a meeting for such purposes, he had decided that the issue should be brought to the regular February 20th meeting of the University Faculty. He further noted that regardless of the outcome of that vote it would also be possible and, perhaps, even appropriate in view of the low quorum requirement for University Faculty meetings, to hold a referendum of the entire

Faculty on the issue. Such a referendum would, however, require a petition signed by 103 Faculty members, the number of authorized members of the FCR.

The Dean also reported that the Review and Procedures Committee, following the special meeting of the University Faculty called to establish an *ad hoc* committee on South African investment policy (those 61 present had voted unanimously in favor of establishing such a committee but the resolution failed for lack of a quorum being present), had decided not to establish such an *ad hoc* committee as an *ad hoc* committee of the Review and Procedures Committee and instead refer the establishment to the FCR. This issue will, therefore, most likely be brought forward at the February FCR meeting.

There being no questions for the Dean, the Chair requested consent of the body for a few moments to grant speaking privileges to Professor John Burton, I&LR, member of the Professional and Economic Status of the Faculty Committee. It was so granted.

2.

REPORT ON NEW UNIVERSITY BENEFIT PLAN

Professor Burton said he was presenting a statement* by the Committee on the Professional and Economic Status of the Faculty concerning the new benefit plans for Cornell University employees. The new group life insurance plan and new long-term disability plan for Cornell University Faculty and staff will become effective on January 1, 1980. A statement on the plans by Professor John Nation, Electrical Engineering, who is Chairman of the Committee on the Professional and Economic Status of the Faculty, appeared in the December 6, 1979 issue of the *Chronicle*. He felt, however, that several points from Professor Nation's statement are worth

* see Appendix B

emphasizing again. One, the deadline for Faculty and staff to return enrollment cards for life insurance and long-term disability insurance is January 1, 1980. Even though the long-term disability plan is mandatory, the extent of protection - but not the cost - will be reduced for those who fail to meet the January deadline for returning the enrollment card. Two, for those members of the Faculty and staff who submit the enrollment card by January 1, the deadline to elect supplemental life insurance without medical examination has been extended until February 1, 1980. The supplemental insurance amounts are 1 1/2 or 3 times the annual base salary. Three, the statement in the *Chronicle* contains cost comparisons between the supplemental insurance under the new Cornell plan and five-year renewable term insurance available from TIAA to Faculty members who can meet the TIAA medical standards. The cost comparisons indicate that the Cornell supplemental insurance is a particularly attractive buy for Faculty members 45 years or older. Four, Faculty members should also be aware that the life insurance provided at no cost to retirees is only provided to those Faculty and staff members who have elected supplemental life insurance prior to retirement. Five, other aspects of the new Cornell group life insurance plan discussed in the *Chronicle* statement are the extent of inflation protection provided, the necessity for an election of additional supplemental insurance to be accompanied by a health statement and if requested by the insurance carrier, and a physical examination, if the election is made after February 1, 1980.

The Speaker asked if there were any questions for Professor Burton.

Associate Professor Aaron N. Moen, Natural Resources, said the timing of the returning of cards, seems critical. How do we know if our card has been received if we returned it?

Professor Burton replied that it was his understanding the people whose enrollment cards have not been received yet would be receiving a registered letter advising them of the critical nature of the January 1 date. Faculty members who have not received that letter and who still have some anxiety, he suggested should call Personnel.

The Chair next called on the Dean of the Faculty for a resolution on behalf of the FCR Executive Committee.

3. CALENDAR RESOLUTION CONCERNING FALL BREAK 1980

The Dean reminded the body that at its last meeting Provost Kennedy asked the Faculty to consider changing the Fall 1980 calendar to reinstate the fall break in October and shorten the Thanksgiving vacation to its traditional length. In response to that request the Executive Committee put on the agenda the following resolution which was distributed with the call to the meeting:

RESOLVED, that the FCR approves the proposal recommended by the Campus Council and endorsed by the Provost, to replace the week-long Thanksgiving vacation in 1980 by a two-day break on Monday and Tuesday, October 13 and 14, and a Thanksgiving vacation starting at 1:10 p.m. on the Wednesday before Thanksgiving and continuing through the following Sunday as in 1979.

The Speaker announced that this resolution amounts to an amendment of a previously adopted resolution which with previous notice requires only a majority vote. He further pointed out that in the announcement of the meeting, discussion on this matter would be limited to 30 minutes. He then called on Professor Edgar M. Raffensperger, Entomology, and co-chairman of the Calendar Committee to start the discussion.

Professor Raffensperger stated that since the Calendar Committee passed out of existence when it presented its report and the report was accepted by this body and the Campus Council last May, "I feel a little bit like the mythological phoenix rising from the ashes. My consternation stems from the fact that I know the rest of the myth. The next step is that you get burned again." He then recounted the Calendar Committee's deliberations on the issue here involved including therein the following points. The October fall break instituted this year was arrived at as a first unanticipated task in response to the call for an opportunity to relieve tensions previously observed during the Fall term. Since the Mental Health Clinic Director felt that the weather was an important factor in increasing stress during the fall term, mid-October was chosen for the break since that was perceived as the time the weather normally begins to change. However, when it came to setting the calendar for the future since it was felt that there was a perceived "slippage" around short breaks, that the weather usually gets worse after mid-October, "despite the Calendar Committee's successful efforts this year to schedule September weather through the end of classes"

and that many students who had to travel a considerable distance could not afford to go home for two short breaks, the Committee decided that the better choice was a longer break at Thanksgiving. He further noted that the Committee considered that with two short breaks there was an additional difficulty for laboratory classes. He then pointed out that while the date of Thanksgiving is immutable, by scheduling the full week off, including Thanksgiving, that that holiday does not really begin at Thanksgiving, it rather begins at the end of the last class of a student in the previous week with the result that it is not quite as late in the semester as it would appear. He also noted that since we must have Thanksgiving off, the only choice for a full week off had to involve Thanksgiving if we were to preserve a 13 1/2 week term between Labor Day and Christmas. Finally, he pointed out that a "modest survey" conducted among students at the time of the Committee's deliberations revealed a general feeling among those surveyed in favor of the longer break at Thanksgiving rather than two shorter break periods.

He then continued: "Now we have, however, some added information because we have had a two break semester. I'm sure that if you ask any student or for that matter any Faculty member if he or she enjoyed the holiday, the answer had to be yes indeed, it was nice to get away. I have also talked with some dorm counsellors. They felt that was a valuable holiday - that it helped to relieve tensions in the dorm and I'm sure students and Faculty felt the same way. However, I went a bit beyond that point and I also took advantage of a course that I'm

teaching - a course this term in which there are approximately 100 students - 98 to be exact. I asked the students in the class how many of them left the campus on both of the holidays, and I got a unanimous vote. Everybody did. I think there was one who did not - a foreign student who decided to stay on, but essentially everyone left. The next question was how many of you did any significant studying during either of those holidays. And about a third of the students raised their hands. That intrigued me. I didn't expect to find it. I expected it to be a relief period. But then I asked another question. I said how many of you then were assigned projects because you had a holiday - projects that were intended to take more time than a normal weekend would, and that were expected to be done during a holiday. And the same third raised their hands. I respectfully suggest that any recommendation that a committee makes to relieve tensions by declaring a holiday that it is then nullified by Faculty assignments of projects to take up all of that time off, is a losing process. I was dismayed to hear that. In a sense, it has nothing to do with the present debate, but it was a rather astounding discovery and I thought I'd pass it on to you. Well, I went on and asked the ultimate question. Now this I remind you was during the last week after both of the holidays. And the question I asked - given a choice and now that you've seen a semester with two breaks, would you rather have that system again or would you rather have a system in which you have a full week off, actually a nine-day break, involving Thanksgiving? The split in the class was precisely down the middle - 50% each

way. Now this was after a perception of a broader base than we would have come at if we would have made a survey at the end of the first break - that is the early fall break. Also, I have since that time asked a number of my own student advisees privately how they felt about it. Generally they fell on both sides - a couple of them did suggest however - again to my surprise - that the fall break had actually disrupted what they were doing, that they had lost a weekend to study, that they came back farther behind than they were before and that they weren't too sure whether they liked that."

He concluded that based on all the information he now had, "I come down on the side of giving the committee's recommendation a try before we go back and change things to a previous order."

Associate Professor Daniel L. Solomon, Plant Breeding and Biometry, stated that he favored the proposed change because we would retain an additional class period for classes meeting on Monday, Wednesday, Friday morning and thus maintain the current 41 class periods we now have.

Professor Simpson Linke, Electrical Engineering, asked Professor Raffensperger as to his estimate as to whether his class constituted a cross section of University student discipline.

Professor Raffensperger replied that they were mostly from his own college. "Of the essentially 100, eight were from the College of Arts and Sciences, one from the College of Engineering and the rest from Agriculture and Life Sciences. There were five Freshmen, 19 Sophomores, 25 Juniors, 44 Seniors and five Graduate Students."

Dean Greisen noted that the first week of classes will not be a split week in 1980. The classes that would ordinarily be held on Monday, Tuesday, Wednesday, Thursday and Friday will be held instead Tuesday, Wednesday, Thursday, Friday and Saturday. Only for those courses that normally schedule classes on Saturday will there be a displacement from a continuous week.

Acting Dean of Students, Ruth Darling, spoke affirmatively for the proposed change, "simply on the basis of the students and not on the basis of academic problems which this causes some." She stated: "We found that the benefits of this mid-October break seem to apply mostly to Freshmen. They're the ones who felt that the tension was unbearable and for them this break was of real value. The Student Life and Activities Committee of the Campus Council approved unanimously this change if it could be made. They felt that many positive things came out of it in relation to the actions of students and particularly Freshmen when they returned from their mid-October break."

A vote was then called for and the resolution was carried, but not without some notable dissent.

4. ADDRESS BY PRESIDENT RHODES ON THE AFFIRMATIVE
ACTION POLICY OF THE UNIVERSITY

(The text of the President's remarks are printed elsewhere in this issue of the *Chronicle* (January 17, 1980) and are thus not reproduced again here.) *see Appendix A*

Following the President's remarks the President indicated his willingness to reply to comments or inquiries.

Professor Sydney S. Shoemaker, Susan Linn Sage Professor of Philosophy, inquired about a suggestion from the AAUP, in a

connection with a now pending grievance, that a committee including at least two members from outside Cornell be established to review the situation.

At the request of the President, Professor W. Donald Cooke, Vice President for Research, responded that some time ago such a suggestion had been received from the AAUP, but at that time the AAUP was unaware of the existence of the Committee on Academic Freedom and Responsibility. He also noted that the case was presently before that Committee.

The President commented that use of a review committee with members from outside Cornell was not likely to become part of the Cornell process.

Associate Professor V. Rada Dyson-Hudson, Anthropology, pointed out that by the time all the procedures involved have been followed, this individual will almost certainly have lost her research grant and suffered really irreversible professional damage.

Associate Professor Billie Jean Isbell, Anthropology, asked whether the Administration had thought thru the possibility of utilizing joint appointments or part-time full status appointments. She noted: "There is a lot of discussion about the environment of Ithaca not drawing individuals from minority groups and especially women, who find themselves often attached to other professionals. Has the Administration thought thru the possible policy of joint appointments or part-time full status?"

The President replied: "The answer is yes to the general question, have we attempted to do that. I think within the last

couple of years we've had two joint appointments where both husband and wife have been appointed to Cornell positions. And they've been very successful from, I hope, the viewpoint of the individuals, but certainly from the University's point of view. And we welcome that. We are also very much open to the possibility of part-time appointments. What I don't know is the extent to which we're using that or find that a useful method of recruitment."

Provost W. Keith Kennedy said: "We certainly would entertain such a proposal on the part of department chairmen or deans or others. To the best of my knowledge a situation of this type has not been presented to us for consideration. There was a case in which we were attempting to attract a woman to a position. The husband wanted to be associated with the University and it eventually developed that both of them obtained appointments. In such cases we have contacted deans, department chairpersons, others - we've also contacted institutions near Cornell - Ithaca College and others - pursuing job opportunities. I also think that we have to recognize at least at the junior level that a single salary is not that attractive in this day and age, and so while you read about shared appointments, I'm not sure that there are large numbers out there who are willing to take one appointment and split it in a professional way. President Rhodes indicated that it does allow you in rare cases to give professorial appointments that then allow them in turn to get outside research support. I was involved in getting a joint appointment on a single salary in a medical school at another university. In fact they both had full time salaries in the end through outside

support. But that's not as easy in this context as it is in there."

Mr. Cooke said: "We do have part-time appointments - in fact Faculty legislation exists, and it certainly is allowed by University procedures. We do have some people who have part-time appointments here, part-time appointments in other institutions, and I think we actually have 31 Faculty couples - husband and wife both on the Faculty."

There being no further questions for the President, the Chair next called on Professor Ulric Neisser, Psychology, and Chairman of the Minority Education Committee and Assistant Professor John L. Ford, Human Service Studies, a member of that Committee, for a report.

5. REPORT AND RESOLUTION FROM THE MINORITY
EDUCATION COMMITTEE

Professor Neisser noted that all had received with the call to this meeting, a resolution on affirmative action that was drafted by the Minority Education Committee, as well as the Report of the Committee's work last year under John Ford's chairmanship, on which that resolution is based.

He indicated that he would like to make a few brief comments and highlight some of the issues to which the resolution is addressed. He then stated: "I was very glad to hear President Rhodes' speech and his expressed commitment to the goals of affirmative action. I think that commitment is an essential part of what we must do if we're to move forward in this area and his report of progress in the number of hirings of new minority Faculty was very gratifying. Certainly, there have

been many calls for vigorous leadership in this area in recent times - not only our own committee report which you have but also about a half year before in a report to the Affirmative Action Advisory Board, I think under the chairmanship of Professor Goldsmith, which also called for vigorous leadership at the administrative level in affirmative action. There has evidently been a strong response to these calls, and indeed we need a strong response because the University has such a long history of failure in the matter of affirmative action. However, based on data that Vice President Cooke supplied and that others supplied a year ago, there are many administrative units in the University where there are virtually no more women Faculty members than there were five years ago, and also virtually no more minority Faculty members than there were then. In fact, sometimes there are no minority Faculty members in units, including very large units. Accordingly our Committee determined last year to investigate this situation by talking to the deans or their representatives in all of the colleges that have undergraduate components, and we did that. We didn't expect to find nor did we find any evidence of personal racism or prejudice, and we saw nothing like that. We didn't expect to find and we didn't find any lack of machinery - administrative machinery - concerned with affirmative action. There already has been for some time in place in the various colleges, complicated administrative machineries for affirmative action which are being carried out - executed I'm sure faithfully by people whose primary responsibility lies in that area. And still we make virtually no progress.

And it thus seemed to the Committee that the real problem is one to which the Faculty must address itself - one which cannot be solved simply by creating more administrative machinery or solely by commitment on the part of administrative leaders. When we talked to the deans about these questions we almost always came back to what they saw as structural obstacles to affirmative action that seemed to them entirely insuperable. They would say with all the good will in the world - there simply are no candidates, no minority candidates for these jobs. There just are none. And then we would have a considerable discussion about how extensive the search had been and if we could do more searching and spend more time. I believed the deans that there had been no minority candidates available for many of the positions that had been defined, and often no women candidates either. The insight to which we came was that that is not entirely a structural obstacle, not entirely an insuperable obstacle. Rather it really is a value judgement. The reason that there are no minority candidates often is because the positions are designed and defined as they are. If the positions were defined differently - if we were seeking different kinds of people or a different range of people - then there might be candidates - both minority and women candidates - available or more of them. Why do we define the slots as we do? It's because our disciplines are at a certain position. We need certain courses taught or we need to keep up with new developments. There are many reasons of this kind and often the Faculty of a given department or a given unit will deliberate together for a long time over recruitment needs. Of course in doing so we pursue goals. We exercise values.

We decide what's important. It's very important that we cover this course. It's very important that we keep up with these new developments. To my knowledge, affirmative action, that is the concept of having a diverse Faculty - a Faculty in which minorities and women are adequately represented - rarely enter into these discussions. Rather, we first make our academic decisions and then we search without prejudice to find candidates who fit those slots. We don't have to do it entirely that way even if we have to do it mostly that way. That is, there are many cases, perhaps the majority of cases, where there are very compelling academic reasons or professional reasons why we must define our search in a certain way. But I have now been at Cornell long enough to know that there is often more flexibility in these situations than appears on the surface or that we are willing to admit. Often there is even disputes among Faculty or among Faculty and administrators as to what direction this search should take. And we are now suggesting that in making decisions that we give the question of diversifying our Faculty towards minority and women some finite non-zero priority. That it not be something that we do after we finish defining the position, but that we initially consider if we define the position in a certain way, we may be able to diversify our Faculty and that's also worth doing. Those are the kinds of considerations which we propose the Faculty should inject into their hiring considerations. That is why we suggest, in point two of our resolution, that 'whenever job descriptions for Faculty appointments are drawn so narrowly that the pool of qualified applicants includes no minority representatives, some consideration should be given to

broadening those descriptions, so that the University's need for a more diverse Faculty can be weighed together with the particular academic and professional considerations that are relevant to the appointment.' Our resolution contains other elements as well. I have addressed myself to this one because I think it is the one that will be the most controversial in that it calls for a change in our policy. We also suggest 'the several graduate fields...increase their efforts to recruit and train minority students, especially in those areas where minorities are not well represented' on the Faculty. If the pools are too small, let us expand them. We also suggest something that to a considerable extent is already being done according to what was reported here today, that the University must not hesitate to create adjunct or visiting positions, and interdisciplinary appointments and the like to make it more easily possible for minority scholars to come here. We also suggest that 'when several well-qualified candidates are available for the same position (no unqualified or poorly qualified person should ever be considered...) it is legitimate to consider the goal of achieving a more diverse Faculty as relevant to the choice among...' such candidates. But the main point, at least for me, is the one which President Rhodes in a way stressed also, though he did not commit himself to this means of expediting it, when he said that the University must be as committed to diversity as to academic quality. I'm not sure that I would altogether go along with that statement. Academic quality must still, perhaps, be our highest goal; but we could put the attainment of diversity

somewhere in the priority system above point zero and we would do so if we would pass this resolution. The Faculty would finally commit itself to giving affirmative action a very positive place in its deliberations. I hope that you will do so."

Professor Ford indicated that he too was very thankful that President Rhodes has re-affirmed his strong commitment to affirmative action at Cornell University. He stated: "I hope that that commitment will rub off on the entire Cornell community. We developed this resolution with three points basically in mind. We as a Committee felt that we still have a very serious problem on this campus with regard to the lack of progress with affirmative action. We also felt that this is a problem that should not be trivialized by saying that it's unimportant, it doesn't affect us, nor should it be made super-magnified to the point of people saying nothing can be done about it, there are no candidates for these positions, and so forth. The possibilities for solving our problems with affirmative action are within our grasp and I think that is the spirit in which we approached constructing these resolutions. I think that they offer some specific examples of what deans and department chairmen, search committees and Faculty alike might strongly consider in trying to make some progress in affirmative action. I would remind you that the resolution contains no binding quotas, nor any strict requirements. I think that the resolution can be thought of as an expression of good faith to make some progress in affirmative action at Cornell."

The Dean then introduced the following resolution from the Minority Education Committee for consideration by the FCR:

WHEREAS, the University has made discouragingly little progress in its efforts to increase the representation of blacks and other minorities on its faculty; and

WHEREAS, the reasons for this lack of progress, documented in the June 1979 report of the Minority Education Committee, include

- (a) the relatively small pool of qualified minority candidates in certain fields and the narrowly drawn criteria often used to define open faculty positions,
- (b) competition with other universities and with private industry for a small number of qualified minority candidates, and
- (c) the fact that affirmative action often receives lower priority than other educational goals even when a genuine positive commitment to its objectives is present;

BE IT RESOLVED THAT

- (1) the several graduate fields are urged to increase their efforts to recruit and train minority students, especially in those areas where minorities are not well represented;
- (2) whenever job descriptions for faculty appointments are drawn so narrowly that the pool of qualified applicants includes no minority representatives, some consideration should be given to broadening those descriptions, so that the University's need for a more diverse faculty can be weighed together with the particular academic and professional considerations that are relevant to the appointment;

(3) when several well-qualified candidates are available for the same position (no unqualified or poorly qualified person should ever be considered for appointment) it is legitimate to consider the goal of achieving a more diverse faculty as relevant to the choice among them;

(4) the University must not hesitate to create adjunct or visiting positions, interdisciplinary appointments, part-time positions, and similar openings when they are appropriate to attract minority scholars to the community;

(5) the entire faculty, as well as the President, the Provost, the Deans and their affirmative action officers, must sustain their commitment to establishing a more diverse faculty, and use such means as are at their disposal to ensure that this goal is not set aside when more traditional criteria for appointments are under consideration.

The Speaker then called for debate on the resolution. Associate Professor Nicholas L. Sturgeon, Philosophy, noting that the resolution did not include women but spoke only concerning "blacks and other minorities", proposed an amendment that would in effect include women in the scope of the coverage of the resolution.

The amendment was seconded, and the floor opened for debate and discussion.

Professor Neisser said both he and Professor Ford would not oppose this amendment. He noted: "The reason that the resolution was drawn as it was was because it was drawn by the Minority Education Committee and its charge very carefully and

explicitly limits its deliberations to issues of minority education programs, minority faculty and staff hiring and the like, and makes no mention of anything having to do with women. And therefore, we felt it was inappropriate for our committee to phrase the resolution as it would now be phrased, but we have no objection whatever to this amendment."

Professor Vernon M. Briggs, I&LR, wished to talk against the amendment. He stated: "I think the President has shown us, as all of us know, that in fact we're not talking about equals. It is much easier to recruit women to the faculty than it is to recruit minorities. It does not mean women on the faculty are not being discriminated against; it does not mean it's easy. The desperate need of University faculties is to change the racial composition. We're going to have to address the question of minorities head-on. As long as we're able to use the alternative of a woman in place of a black, Hispanic, Asian American, native American, I think you're going to find the same figures. We'll make progress, gradual and slow perhaps, but we'll make progress employing women. We will not do it with minorities. I think that we've got to address this question specifically on minorities. I think this is a crucial need. I would also suggest that in terms of opening up the pool of graduate students, this is not unrelated to the pool of faculty. Minority faculty carry a burden of extensive personal counselling that no majority faculty member, man or woman, carries. I know of no experiences comparable to what minority faculty have to carry in terms of personal counselling, housing, personal relationships

on campus, even dormitory problems. And so if you're going to increase the pool of graduate students the only real way to do that is to increase the number of minority faculty on this campus. At Texas we as an economics department faculty simply made a gentlemen's agreement that the next two positions of hire in our department were going to be women or minority. Whatever field it took - labor economics, international trade, theory, whatever. The next two faculty we hired were minority - both men. Actually the next three positions turned out to be minority - Ph.D's from MIT and Michigan State. Immediately we were able to increase the pool of graduate students within a year. Not because the rest of us could do anything, even though we wanted to do something, but because when a minority faculty member went out to do recruiting at minority schools, they were able to do things the rest of us didn't do in terms of outreach. Personally, I feel that the issue of minorities should be addressed head-on and the strength of this report is really in the fact that it addresses exclusively minorities - male or female minorities. And I feel that if we do what sounds nice - minorities and women - we will dilute that attention. It is easier to get more professional women on this campus. Some of them are married to other professional men. This report properly recognizes the issue of minorities as a special group within the general rules of affirmative action."

Associate Professor Richard N. Boyd, Philosophy, wished to speak in favor of the amendment. He stated that while "it is for many people much less frightening to hire a woman than it is

to hire a minority, we're not going to meet hiring of women or minorities head-on in this faculty unless we do it in a united way. We're going to have to take all these issues seriously together. A very bad beginning would be made if we drew any distinction. I think we do have to worry that there are some areas in which there might be a temptation to hire women and never hire minorities. And I think we should get out of that way of thinking. That will not be facilitated by defeating this amendment. The defeat of this amendment would unintentionally breed disunity among people who need to be united if affirmative action is to be successful."

Associate Professor Donald C. Graham, Food Science, a former member of the Committee, noted that the Committee did not consider women because the Committee was not so charged. He stated: "In 1976, I believe, the FCR created this committee through several resolutions that were passed - all dealing with minority education at Cornell. And while I'm sure this body recognized that women too were under-represented and still are in many areas of the University, the problem with minorities is much more crucial, much greater than that for women. It was then, it still is today. Since the factors that we uncovered on which this resolution is based relate solely to minorities, to put women in at this point certainly would dilute the impact that the resolution, if finally passed, would have on minority education. And for that reason, I would strongly urge that you not consider adding the amendment to the resolution."

Professor Sturgeon replied: "It was not my intention in proposing this amendment to dilute the resolution as applied to

minorities in any way. Nor do I think that the effect of this would be to dilute the amendment. There are two considerations here which seem to me crucial. I'm prepared to believe that the problem of minorities is indeed more severe than the problem of women, but there are serious problems in both areas. It is a matter of common knowledge that there are large units in the University which have no women, as well as large units that have no minorities. The problem may be less severe, but there are serious problems. It seems administratively silly to divide up the problems when they are similar. It is also bad tactics to try to set one group against another, so that blacks and women have to compete with one another. That would dilute affirmative action. And that seems to be a very serious mistake. Under my proposed amendment those people involved in the administration of affirmative action will be charged with looking both at the appointment of and recruitment of blacks and women, and again, it seems frankly somewhat odd to tell them only to worry about the problem of minorities."

Assistant Professor Michael E. Gold, I&LR, stated: "When Title VII of the Civil Rights Act was before Congress in 1964, that is the compromise that eventually became Title VII, it originally included no provision on sex. It addressed only race, religion and national origin. Congressman Smith of Virginia proposed an amendment that added sex to the bill. Many people have suggested that he did it to sabotage the bill. I think he did it so that a black woman would have a case, while white women would not have a case. My point is that many women in Congress

opposed adding sex to the bill. Among them, Congressman Griffith of Michigan. She thought that it was important enough to limit discrimination against minorities - that that should be the sole protected group. Well, she lost. I think that our experience since 1964 has been that we have achieved a degree of improvement for both minorities and women."

Professor Briggs indicated a slight disagreement with Professor Gold. He stated: "It is true that when the bill was before Congress that Judge Smith knew exactly what he was doing - he wanted to try and defeat the bill. I might also indicate that the Department of Labor testified against the bill, but I won't debate that point here. I'm simply saying that I think we've come to a point where we're going to have to make a decision on the effectiveness of increasing the number of minorities. And I might also add the results of Title VII have shown that the majority of cases before the Equal Opportunity Commissioner involve sex discrimination - not race discrimination. And so in many ways Title VII has become more of a program for assistance of women, which is all right. I'm simply saying in terms of accomplishing objectives, if we want to increase the pool of minority faculty members and graduate students, I think we've got to address the issue of minorities separately. Not because one is against women and not because one wants to play one off against the other. There have been far more women added during the last two years than minorities."

Professor Raffensperger then called the question. The Speaker said if there were no objections the body would proceed

to vote on the amendment. On a voice vote, the amendment passed, with some nays recorded.

The resolution now before the body as amended is as follows:

WHEREAS, the University has made discouragingly little progress in its efforts to increase the representation of blacks, other minorities and women on its faculty; and

WHEREAS, the reasons for this lack of progress, documented in part in the June 1979 report of the Minority Education Committee, include

- (a) the relatively small pool of qualified women and minority candidates in certain fields and the narrowly drawn criteria often used to define open faculty positions,
- (b) competition with other universities and with private industry for a small number of qualified women and minority candidates, and
- (c) the fact that affirmative action often receives lower priority than other educational goals even when a genuine positive commitment to its objectives is present;

BE IT RESOLVED THAT

- (1) the several graduate fields are urged to increase their efforts to recruit and train women and minority students, especially in those areas where women or minorities are not well represented;
- (2) whenever job descriptions for faculty appointments are drawn so narrowly that the pool of qualified applicants includes no

women or minority representatives, some consideration should be given to broadening those descriptions, so that the University's need for a more diverse faculty can be weighed together with the particular academic and professional considerations that are relevant to the appointment;

(3) when several well-qualified candidates are available for the same position (no unqualified or poorly qualified person should ever be considered for appointment) it is legitimate to consider the goal of achieving a more diverse faculty as relevant to the choice among them;

(4) the University must not hesitate to create adjunct or visiting positions, interdisciplinary appointments, part-time positions, and similar openings when they are appropriate to attract women and minority scholars to the community;

(5) the entire faculty, as well as the President, the Provost, the Deans and their affirmative action officers, must sustain their commitment to establishing a more diverse faculty, and use such means as are at their disposal to ensure that this goal is not set aside when more traditional criteria for appointments are under consideration.

The Speaker announced that since the 6:00 p.m. adjournment time had been reached, this matter would be brought up as unfinished business at the February meeting.

Respectfully submitted,

Joseph B. Bugliari, Secretary

Affirmative Action at Cornell

Rhodes Outlines Program to Community

President Frank Rhodes called for improving the effectiveness of affirmative action at Cornell in presentations before the faculty and the senior staff in December. Through this memorandum he shares that message with the Cornell community because every member of the faculty and staff is responsible for affirmative action.

In it he says Cornell must add to its excellence through increased racial and sexual diversity among the faculty and staff. He also calls for developing an atmosphere at Cornell that will enhance an effective affirmative action program.

The text of his message follows:

I. General Statement on Overall Priority of Affirmative Action

A commitment to affirmative action remains one of the highest priorities for Cornell University. To strengthen and build that commitment will call for unusual energy, foresight, and creativeness, especially during the budget adjustment process of the next few years.

Cornell's distinction has been established on the quality and diversity of its faculty. This involves seeking and finding the best candidate for every position. That fundamental commitment cannot be fulfilled unless we are equally committed to the recruitment, training and promotion of persons in all positions (both academic and non-academic), without regard to race, color, religion, sex, age, national origin, or handicap, except where sex is a bona fide occupational qualification.

Affirmative action requires us to make special efforts to ensure that underutilized groups are adequately represented among candidates being considered for all new and continuing appointments at the University. It also means creating a climate where training is available which will enable Cornell staff members to prepare themselves for increased responsibilities.

Affirmative action is everyone's business. It cannot be implemented only by administrative officers, deans, and directors. It must involve the active cooperation and support of all members of the Cornell community, and must be a component of all search processes. But procedures themselves cannot guarantee the success of our affirmative action program. This will depend upon the active commitment and cooperation of everyone in the Cornell community. It is especially important that members of search committees for faculty and senior

appointments should seek out and encourage talented women and minorities to apply for these positions. And all of us are responsible for providing these individuals with a supportive and open community in which to pursue their professional careers.

This is not to suggest that there has been widespread neglect of affirmative action. On the contrary, significant progress has been made in many areas. As an example, of the 73 new faculty appointed at the beginning of the 1979 fall semester, 19 (26%) are women and 9 (12.3%) are minorities, of which 7 are black and 2 are Asian American. These percentages represent a great improvement over the past few years. Of the 135 new faculty appointed last year, for example, 23 (17%) were women and 5 (4%) were minorities. But much more still needs to be done.

II. Recent Steps Towards Progress in Affirmative Action

In order to improve the effectiveness of the affirmative action program at Cornell, the following steps have been taken to strengthen the present administrative organization, moving the University more firmly and swiftly toward its affirmative action goals:

A. Continuity in Leadership of the Office of Equal Opportunity.

Dr. Alison Casarett, the University's Equal Opportunity Officer, will be devoting a large share of her time during the next few months to working with the new leadership in the Admissions and Financial Aid Offices. I have, therefore, asked Provost W. Keith Kennedy to assume responsibility during this period, for all matters relating to equal opportunity and affirmative action — both academic and non-academic. Mr. Michael Montgomery, the Executive Director of the Office, will report directly to him.

B. Strengthening the Office of Equal Opportunity. The Office of Equal Opportunity has been strengthened in several ways. A Staff Assistant has been added. The vacant positions of Equal Opportunity Specialist and Equal Opportunity Specialist for the Handicapped and Veteran Affairs have been filled. With the addition of these positions, the staff of the Office will consist of:

Executive Director, Michael Montgomery; Equal Opportunity Specialist, Judith Stewart; Staff Assistant, Sibyl Martin; Staff Assistant for the Status of Women, Ann

Roscoe; Equal Opportunity Specialist of the Handicapped and Veteran Affairs, Kathleen Donovan; Senior Administrative Secretary, Helen Dixon; Executive Secretary, Betty Topping.

With this expanded staff, the Office will have greater ability to monitor progress in affirmative action and to gather and analyze accurate and timely information. The Office will also be able to give more effective help to colleges, schools and departments as they move to

strengthen their affirmative action efforts.

C. Clarification of Criteria for Tenure Promotions. Working through the deans, the administration has requested that colleges, schools and departments clarify their requirements and expectations for tenure promotions — an area of particular concern for women and minorities. It is intended that these clarified requirements and expectations be communicated to young faculty not simply at the time of their appointment but also as needed during periodic visits that department chairpersons will be encouraged to hold with them to discuss their performance.

D. Special Programs for Under-represented Groups Especially Women and Minorities. Two programs have been set up to bring experienced women and minority members to the campus, either for a semester or two as visiting professors or as tenured faculty to fill open untenured line positions. It is anticipated that these programs will have an impact far beyond their modest scope, not least in demonstrating the important part that the presence of such faculty members can play in maintaining and enriching the quality of academic life.

E. Revised Grievance Procedures. The University Counsel's Office, in consultation with the Office of Personnel Services and the Office of Equal Opportunity, has revised our current non-academic employee grievance procedures to incorporate affirmative action problems. These revised procedures will be reviewed by various campus committees with the aim of having the procedures finalized by the end of 1979. Once approved, the final version of the procedures will be on file in the University Ombudsman's Office, where it may be consulted by all members of the University community.

F. Work Force Analysis and Revised Affirmative Action Plan. Our work force analysis and revised affirmative action plan are almost complete. They will need and receive continual improvement, but they are far better than anything we have had so far.

G. Increasing Accountability of

Colleges, Schools, and Non-Academic Departments. Efforts have begun, and will continue, to hold individual colleges, schools, and non-academic departments increasingly accountable for their affirmative action efforts. This means that the affirmative action unit representatives (which each college, school, and non-academic unit has appointed) will have an increasingly important and influential role to play as they carry out such responsibilities as reviewing search plans and appointments for affirmative action compliance. In view of their increased responsibilities, I am asking the Provost to review the status and appointment of all unit representatives.

III. Improving Affirmative Action Procedures

I am requesting that the following steps be taken to strengthen existing procedures and add certain other procedures I believe necessary to improve the effectiveness of affirmative action as a component of all recruitment, appointment, and promotion activities at Cornell. These proposed procedures have benefitted from discussion with various groups, including the deans, executive staff, and advisory committees.

A. Academic and Non-Academic Appointments:

1. Review of Affirmative Action Progress. In order that all deans, directors, and department heads give high priority to affirmative action, I am asking Provost Kennedy and Senior Vice President Herbster to ensure that affirmative action reviews are incorporated into the annual reviews of each unit. The Provost and Senior Vice President will incorporate affirmative action reviews into budget conferences, and will specify that implementation of affirmative action will be a standard expectation in job descriptions and evaluations. They will encourage the adoption of the same procedures in annual budget conferences between deans, directors, and department heads.

2. Monitoring by Affirmative Action Unit Representatives.

The affirmative action unit representatives will ensure, before an offer of appointment is made, that

good faith affirmative action efforts have been followed in developing and reviewing the final list of candidates.

B. Academic Appointments

1. Representation on Search Committees. I am encouraging deans, directors, and chairpersons to include women and minority persons in search committees whenever their professional skills and experience would assist the college, division or department in selecting the most qualified candidate from a pool which includes as many qualified women and minorities as possible. In cases where no women or minorities exist in a unit, or where their numbers are so small that such an arrangement would overburden them, consideration should be given to seeking the advice of outside experts.

2. More Effective Recruitment Program for Women and Minority Candidates. I am asking department chairpersons, with assistance and encouragement from the deans, to develop a more aggressive recruitment program for locating strong women and minority candidates for academic positions. Such a program should include the identification of potential candidates while they are still in graduate school.

3. Criteria for Judging Candidates. Criteria used in judging the best qualified candidate should be clearly spelled out by the dean and the search committee at the beginning of the search and should include consideration of potential. Some women and minorities may have limited experience in academic appointments but have demonstrated great potential.

4. Flexibility in Hiring Policy for Cornell Ph.D.s. The practice of discouraging the hiring of Cornell Ph.D.s should be made more flexible when a particularly strong minority or female candidate is already here. In such cases, serious consideration should be given to them as candidates for positions available at Cornell.

5. Academic Appointment Manual. The Provost will inform all members of the faculty, particularly new faculty, of the existence of the Cornell Academic Appointment Manual and of its availability for reference in departmental offices and the reserve desks of University Libraries.

6. Strengthening Affirmative Action in Off-Campus Extension Recruitment and Programs. The College Deans and the Directors of Extension will ensure that affirmative action is given added emphasis in recruitment and programs.

7. More Effective Recruitment of Women and Minority Graduate Students. The Dean of the Graduate School at Cornell will ensure that the recruitment of women and minority graduate students is given prominence as a means of increasing their future availability for faculty positions.

C. Non-Academic Appointments

1. Specific Strategies for Recruitment, Retention, and Training. I have asked Senior Vice President Herbster to develop, in consultation with the Office of Personnel Services and the Office of Equal Opportunity, specific strategies for recruitment, retention, and training of non-academic minorities and women.

2. Internal Mobility. Senior Vice President Herbster has also been asked to develop specific strategies for increasing the internal mobility of non-academic women and minorities working at Cornell and to coordinate these with strategies for recruitment, retention, and training.

IV. Periodic Progress Reports

Periodic progress reports on the effectiveness of our affirmative action efforts will be made by the Provost to the Cornell community.

V. Conclusion

These initiatives will not replace the need for good faith and persistent efforts on the part of all those involved in search, evaluation, appointment and promotion procedures. They will, however, provide clear reminders of our continuing obligation in this vital area. Our larger goal is not merely to meet federal guidelines, to comply with federal requirements and to achieve institutional goals, important as all those objectives are. It is rather to make Cornell an example of a diverse, challenging, and supportive University community, dedicated to the highest scholarly standards, sensitive to the unique importance of racial and sexual diversity, faithful to its historical role, and devoted to the public good.

Cornell, TIAA Insurance Compared

Faculty Committee Does Review

The Committee on the Economic and Professional Status of the Faculty has reported it has reviewed the new group life insurance program in light of the recent life insurance mailing by TIAA to faculty members' homes.

"Cornell's new life plan is a considerable improvement over the previous program offered to faculty," according to John Nation, chairperson of the committee. "Certain faculty may, however, want to consider buying additional life insurance. Because of differing family circumstances, each person will want to make an independent decision regarding the level of life insurance coverage needed," Nation said.

In order to help faculty and staff evaluate the recent TIAA mailing, the following observations were made by the committee:

1. Rates vary substantially from company to company, but price

trends are similar with age. A comparison of Cornell's and TIAA's current rates is given below:

2. Cornell's life insurance program insures that all faculty will have coverage of at least one half times their salary at no cost to the faculty member. Faculty may purchase

PRICE COMPARISON — CORNELL PLAN / TIAA

The following comparison assumes \$50,000 of coverage; TIAA's policy is 5-year renewable term and as-

Cornell Plan	
Age	Male & Female
Under 35	\$ 2.40
35 to 50	4.18
Over 50	6.00

supplemental coverage without medical examination if enrollment takes place prior to Jan. 1, 1980. TIAA life insurance is also available to all regular faculty, but requires a medical examination at the time of purchase.

3. Premiums for Cornell's plan are

sumes a 1978 dividend rate. Net premiums shown are per \$1,000 of face value per year.

TIAA		
Age	Male	Female
25	\$ 1.78	\$ N/A
30	1.97	1.78
35	2.45	1.97
40	3.49	2.45
45	5.19	3.49
50	8.17	5.19
55	13.47	8.17
60	17.24	11.19

by payroll deduction. The first year's premium is required by TIAA at the time of purchase.

4. Coverage for inflation is provided under Cornell's plan to the extent that salary increases with inflation. TIAA offers a cost-of-living rider which, if elected, maintains the purchasing power of the TIAA coverage.

5. At the time of enrollment, faculty may purchase supplemental coverage under the Cornell plan of one and one-half or three times annual base salary. Coverage may be reduced or eliminated at any time, and increased at any time, normally simply by providing a health statement. TIAA may require, depending upon the policy and amount of increase, a physical examination.

6. Faculty and staff are reminded that enrollment in either the 1.5 or 3 times salary Cornell Supplemental Life Insurance Plan is necessary for eligibility for post-retirement cov-

erage.

"In comparing life insurance plans, careful attention should be given to coverage details, long-term costs and methods of premium payments to be sure the programs are essentially the same," according to Gary J. Posner, director of University Personnel Services. "We encourage all employees to review their family life insurance needs periodically and do careful comparison shopping before purchasing additional coverage. In the event of ill health, difficulty may be encountered in switching life insurance carriers," Posner said.

In response to a request from the committee, University Personnel Services has arranged to permit enrolled faculty and staff who wish to purchase supplemental coverage or increase it to 3 times salary to do so until Feb. 1, 1980, without medical examination.

February 13, 1980

110 Ives Hall

The Acting Speaker for this meeting, Professor Peter Stein, Physics, called the meeting to order at 4:35 p.m. 57 members and numerous visitors were in attendance.

The Acting Speaker indicated that the Provost, W. Keith Kennedy, was present and willing to answer any questions that might be posed by those in attendance. There being no questions, the Speaker called on the Dean of the Faculty, Kenneth Greisen, for his report.

The Dean stated that he had no formal report to present but wished to announce the pending agenda for the February 20th meeting of the University Faculty. He also requested that if the issue of the *ad hoc* committee on South African investments comes before the meeting and if in fact such an *ad hoc* committee is created, he would need nominations for persons to serve on it.

1. DISCUSSION ON AMENDED RESOLUTION ON AFFIRMATIVE ACTION

The following resolution on affirmative action, as amended at the last meeting, was brought back for continued discussion:

WHEREAS, the University has made discouragingly little progress in its efforts to increase the representation of blacks, other minorities and women on its faculty; and

WHEREAS, the reasons for this lack of progress, documented in part in the June 1979 report of the Minority Education Committee, include

- (a) the relatively small pool of qualified women and minority candidates in certain fields and the

narrowly drawn criteria often used to define open faculty positions,

(b) competition with other universities and with private industry for a small number of qualified women and minority candidates, and

(c) the fact that affirmative action often receives lower priority than other educational goals even when a genuine positive commitment to its objectives is present;

BE IT RESOLVED THAT

(1) the several graduate fields are urged to increase their efforts to recruit and train women and minority students, especially in those areas where women or minorities are not well represented;

(2) whenever job descriptions for faculty appointments are drawn so narrowly that the pool of qualified applicants includes no women or minority representatives, some consideration should be given to broadening those descriptions, so that the University's need for a more diverse faculty can be weighed together with the particular academic and professional considerations that are relevant to the appointment;

(3) when several well-qualified candidates are available for the same position (no unqualified or poorly qualified person should ever be considered for appointment) it is legitimate to consider the goal of achieving a more diverse faculty as relevant to the choice among them;

(4) the University must not hesitate to create adjunct or visiting positions, interdisciplinary appointments, part-time positions,

and similar openings when they are appropriate to attract women and minority scholars to the community;

(5) the entire faculty, as well as the President, the Provost, the Deans and their affirmative action officers, must sustain their commitment to establishing a more diverse faculty, and use such means as are at their disposal to ensure that this goal is not set aside when more traditional criteria for appointments are under consideration.

Professor Richard L. Liboff, Electrical Engineering, expressed his concern about the fourth paragraph of the resolution. He stated: "I think that if this language goes through unamended, it will weaken the University. It's patronizing. The other parts of the resolution are strong and directly stated and would gain much approval and I think would do the University no end of good. I know that it will be impossible to have my wish to remove it completely so I would humbly ask that some member of the Council at least change the phrase 'not hesitate' to 'seek' so it would read: 'the University must seek to create adjunct or visiting positions...'"

Associate Professor Lars B. Wahlbin, Mathematics, said he also wished to speak against paragraph number four, for the sole reason that it seems to create second-class positions. He accordingly moved to delete paragraph four which motion was seconded.

Associate Professor Nicholas L. Sturgeon, Philosophy, stated his opposition to the deletion of paragraph four. "I'm sure the intent was far from patronizing and was not to create second-class positions here." Rather he understood the argument

to be that since "industry and other employers can pay more money, it is impossible to attract to full-time academic positions people who would be valuable to have in the University community.

Therefore, we ought to be flexible about creating positions which could attract such people into the University community in order to get their valuable services." He felt that perhaps the wording of this paragraph lends itself to the interpretation that it's encouraging us to hire minorities or women in part-time positions when they would be available for full time positions, but that some minor change in the wording would correct that.

Professor Ulric Neisser, Psychology, and Chairman of the Minority Education Committee, said that certainly was the correct interpretation. "One of the things that one hears over and over again in many areas is that it's simply impossible for the University to attract minority candidates in certain fields because there are so few well-qualified and industry pays them large sums and thus they do not come to academic life at all, or perhaps, go to other institutions which pay more. The Committee thus felt that we simply have to be more flexible than we have been in making arrangements to bring such people to Cornell. The last thing in our minds was to patronize in any way people of this kind, rather what we had in mind was to create these openings when they were necessary. Of course it's better when they become appropriate but appropriate is a confusing term."

Assistant Professor Michael E. Gold, I&LR, indicated that such an appointment had been utilized in his college "to attract

a young minority candidate who was very bright and engaging but hadn't yet shown nor had the opportunity, perhaps, to develop a research record on which we could appoint him to a regular appointment. With authorization and special funding from Day Hall we gave him a one year offer during which we expect to ask him to teach no more than one course and will encourage him to get working on a research project. Perhaps there could be a second year of that appointment - that's not clear. But with this special kind of program, we may help a young person to get into the academic ranks of a better school which he couldn't do on his own because of the pressure of teaching."

Professor Wahlbin said he felt the goal of affirmative action was "rather to bring minorities and women right into the Faculty body, and that must be the goal".

Professor John W. DeWire, Physics, asked Professor Neisser if the record revealed that we have not been diligent in regard to making such appointments. "What are we dealing with? Have we been reluctant to do this sort of thing in the past? And why is it that you made this assessment?"

Professor Neisser replied that he did not think that there's a record of willful refusal to make appointments of this kind but rather that there was a lack of imagination and of ideas for unusual appointments. "Among the people with whom we talked, there was a defeatist attitude in many parts of the University about affirmative action - the notion that we can't find the people, we can't bring them here and so on - and we thought that in many cases it might be possible to make more progress if one

took somewhat unusual steps. It is clear that what we are proposing here in this resolution is that we look for new solutions, new kinds of appointments, new kinds of relationships to Cornell in order to bring such people here in the first place to achieve a more diverse Faculty."

There being no further discussion on the motion, a vote was held and the motion to delete paragraph four was defeated.

Assistant Professor Larry P. Walker, Agricultural Engineering, moved that the addition of "women" to the resolution passed at the last meeting be rescinded. He stated: "We've got to deal specifically with the problem of minorities in terms of their cultural difference, and problems in terms of their educational experience. Until we deal with that, I don't think we can really handle the problem of minorities and their participation here at Cornell."

Professor Wahlbin said he would like to know if "affirmative action" has a very well-defined meaning as far as federal bureaucracy has set its goals.

Provost Kennedy replied: "Affirmative action is directed towards a number of target groups. The resolution speaks to two - women and minorities - but there are also the handicapped and Viet Nam veterans among other target groups that the resolution doesn't cover. I think the committee was concerned only about minorities and thus tried to put the thrust of the resolution there. At the last meeting others felt that since we're also a long ways from accomplishing what we want for women we should also include them. Both points of view I think are quite appropriate. There are special problems for minorities and there's

some merit to targeting a resolution for that specific group, but we certainly haven't accomplished our goals as far as women are concerned, so there's a good argument for adding them."

Professor Neisser said that just last week the Minority Education Committee had discussed this question and also the question of the definition of minorities at considerable length. He continued: "Even when one considers only minorities, and puts the question of women to one side for a moment, there is of course some dispute about the definition of minorities. The Graduate School uses one definition and COSEP uses a different one. The definition used by the Graduate School which we find quite appealing in our Committee is that minorities are to be those groups which are systematically under-represented across the board in higher education and the professions. Under-represented, that is, with respect to their proportion in the American population. That definition picks out four groups particularly: Blacks, Native Americans, Mexican Americans and Puerto Ricans. It is clear that Asian Americans and perhaps other groups are also often under-represented but not so universally in all fields of higher education and the professions. The same can be said of women who are also under-represented but not so universally - not in all areas of higher education and the professions. After some discussion of these various definitions, our Committee became convinced - I'm reading now from the minutes of our committee meeting - that our affirmative action resolution does not require a formal definition. It seems to us that faculty diversity can be considered along with other goals in ways that

will necessarily vary from one administrative unit to another. That is, what the Faculty is being asked to do is to go on record as saying that when you're making hiring decisions, when you're defining slots, when you're doing recruiting, you should also take into consideration the goal of increasing faculty diversity. It seems to us that the nature of that consideration will vary a little from unit to unit. There will be units in which certain groups are well represented already and the force of our recommendation would be to target those that are not well represented. There are many others where women are systematically under-represented and part of this consideration should extend to them. I think it would be unfortunate if there were a divisive battle as to whether or not to include women along with minorities just as it would be unfortunate if there were a subsequent battle to decide which minorities were targeted. Both of those would be unfortunate because the force of our motion is that the faculty should have affirmative action goals strongly in mind to make that part of their thinking. Of course, the targets which I think that most are concerned about would be the four minorities which are most grossly under-represented. But we wouldn't want to be in a position of not encouraging the faculty to think of the need for including women as well in certain circumstances. And thus it's best, perhaps, if we don't try to draw this line too finely in that respect. For myself, I would suggest that you not rescind the amendment and indeed not try to draw lines as finely as the motion would suggest."

Professor Walker responded that a line between women and minorities would be drawn anyway. He continued: "The group that

has the most political clout and speaks the loudest will be served. And that's my concern when you start including women in a passage like this. Women have been very vocal in the last two or three years, and the question is, does the minority community have to become more vocal in order to get a better response."

Professor Sturgeon said he thought it would be a bad mistake to exclude women from this consideration. "I think that it would be most unfortunate in its effects on affirmative action to set one under-represented group against another. I think that what Professor Walker says about clout is important, but I think a united group has more clout than two divided groups who see themselves as fighting against one another. Anyone who favors greater diversity in the University and more representation of groups that have been systematically under-represented because of societal pressures that go way back ought to be in favor of as broad a program as can be reasonably managed. Now this one can be managed since the primary responsibility would lie with affirmative action officers who are by law required to consider both minorities and women at the same time in any case."

Professor Gold pointed out that since Black, Hispanic and Native American people are of the female sex as well as the male sex, the only practical effects of this motion would be to exclude the class of white women from the groups at which we would point our affirmative action.

The Acting Speaker called for a vote on whether to strike women from the resolution. The Parliamentarian indicated that a two-thirds vote was needed to carry the motion. It was defeated

overwhelmingly. The Acting Speaker stated the meeting was back to the main motion and opened the floor for discussion.

Professor Simpson Linke, Electrical Engineering, said in accordance with the concern raised by Professor Liboff and others, he would like to move that item four of the resolution be amended to read as follows:

- (4) the University must seek to create adjunct or visiting positions, interdisciplinary appointments, part-time positions, and similar openings when conventional appointment procedures have failed to attract women and minority scholars to the community;

The amendment was seconded and Professor Linke continued: "The concerns that have been raised are principally those of misinterpretation as the paragraph stands at the present time. The discussion heard so far indicates that those misrepresentations are unfounded, but I believe that the proposed language might clarify the issue for those people."

Professor Arthur Bloom, Geological Sciences, said he wondered, for clarification, what the amendment implies. "Does it imply that we would have to actively advertise the position and having failed to attract women or minority candidates, then be forced to devise a new method to do so?"

Professor Linke said: "I would think those are the procedures that would follow anyway. The amendment says 'The University must seek to create' - there is no implication that one would be forced to do so, but in the spirit of the entire resolution only to try to improve recruiting in this area."

Associate Professor Robert T. Masson, Economics, said in the last few years his department had lost several candidates because of the spouse problem. "Last year we lost a female due to the fact that her husband could not get a job at Cornell in a non-teaching role because there were no openings at his particular professional level at Cornell at that time. It seems to me this resolution would cover that type of problem and possibly bring in extra people in a way that would be perfectly consistent with everything I see in the resolution."

Professor Bloom said he would still have to vote against this amendment as authored because "it suggests that if we advertise for a position in a department by conventional methods and fail to attract a minority or woman candidate, the appointment of the field's chosen candidate would then be blocked and instead a special position would have to be created."

Professor Norman Kretzmann, Susan Linn Sage Professor of Philosophy, suggested that the negative attention the amendment was receiving was because of the wording "when conventional appointment procedures have failed" and wondered if Professor Linke would accept instead as a friendly amendment "when they are necessary to attract".

Professor Linke said: "I have no quarrel with 'necessary' and I thought that Professor Neisser's suggestion was a good one to change it from 'appropriate'. I thought that I was clearing the air. It is the intent of my amendment that when we are advertising for appropriate people to fill a position - a position we hope will attract women and minority scholars - if we have

failed to attract such women and minority scholars to the position, then we will have to make a choice of the candidates we did attract."

Professor William A. Wimsatt, Botany, Genetics and Development, said that with his reading, the motion as amended still says what Professor Bloom fears it said. "It says that the University must seek to create adjunct or visiting positions, interdisciplinary appointments, etc., when conventional appointment procedures fail to attract minorities or women. To me that rules out all those valid applicants who don't fall into the minority or female categories. That's the way I read it."

The Acting Speaker stated as a clarification: "My understanding is that Professor Bloom said in his remarks several speakers ago that it was his understanding of number four as amended by Professor Linke that the force of the amendment would be that when a search did not attract a minority candidate to a particular appointment then that appointment would be blocked and other procedures would have to be brought to bear to attract a minority candidate. The Chair did not read that in the motion. Professor Linke has also stated that he did not intend that to be part of his motion. Is that correct?"

Professor Linke replied that was indeed correct but there was obviously still some confusion. He then restated his motion, after the acceptance of Professor Kretzmann's "friendly amendment", to read as follows:

- (4) the University must seek to create adjunct or
visiting positions, interdisciplinary appointments,

part-time positions, and similar openings when they are necessary to attract women and minority scholars to the community.

Professor Edgar M. Raffensperger, Entomology, stated: "I am fearful that these motions will destroy some of the original purpose of the statement and I agree with Professor Wimsatt in his concern for that matter. It seemed to me in the first reading that the original paragraph was intended to create an opportunity for various people in the University to create positions when an attractive young minority person happened to be available even though his or her abilities did not fit into the present situation as it existed. And now we are rewording this thing so that it will apply only in the case that a normal procedure is unsuccessful in hiring minority or women. It seems to me there are two entirely different cases, and by altering the resolution, we would lose the opportunity created by the original statement."

Dean Greisen wished to speak against the amendment, particularly because of its friendly modification. "I believe that when one introduces the word 'necessary', those people who read things literally will insist on the proof of necessity. That is, the novel positions should be sought only if no other means could possibly work. I think that defeats the whole thing. I prefer the original wording."

Professor Sturgeon stated: "As originally worded the resolution invited another reading, namely, that women and minorities should be hired on soft money for part-time or non-

tenure track positions. I fear there's already pressure for this in any case because there's pressure for creating such positions for budgetary reasons when positions are being filled." He, therefore, concluded that the proposed new paragraph four, while not perfect, was better than the original one.

A vote was then called for and Professor Linke's motion was defeated 33 to 19.

Professor Madison J. Wright, Agronomy, stated that he wished to move the following simpler wording for paragraph four:

- (4) the University must exercise flexibility and ingenuity in its appointments in order to attract women and minority scholars to the community.

The motion was seconded.

Professor Wright said he felt that maybe it's the mechanics and the compulsion that is causing the split in the body as it considers a worthy objective. He felt that the simpler wording might clarify the intent without dictating procedures.

A vote was then held and Professor Wright's motion was passed.

Vice President for Research, W. Donald Cooke, said he originally had had no problem with the whole document because he thought he understood that "minority" meant the four legally protected groups. He continued: "Now I'm not sure of that. And it seems to me that it's being defined somehow as an under-represented group. Now that gives me problems and I think it gives the document legal problems. Let me pose a situation.

Catholics are under-represented in the University by substantial amounts. Do they, therefore, come under the definition of minority? If that is true to attain diversity, we have real problems with number three because it says '...it is legitimate to consider the goal of achieving a more diverse faculty...' and if one were to substitute Catholic there, then it becomes legally discriminatory on a religious ground. So I'm concerned since the discussion has arisen - as to what is meant by the document we're passing. If it's the four legally protected groups I think what we're primarily aiming at - I have no problems. If that's not the case, then I think there are all kinds of problems with the document."

Professor John F. Burton, I&LR, felt that on such a critical issue there was need for much clarification and "this resolution as it stands is nowhere near adequate to deal with this problem." He expressed the following concerns: "One issue is the nature of the protected class. I have a slightly different opinion than Professor Cooke does about who is a protected class because certainly under some federal legislation handicapped persons are protected, and it's not clear to me at all why we have excluded handicapped persons and other protected classes from the scope of this resolution. Also, it is not clear what precisely is contemplated by this proposal in the way of affirmative action. What is the relationship between the traditional criteria for appointment which are referred to - and I assume by traditional criteria for appointment we're talking about training or publications or education, and other factors

that are relevant for diversity. Do we mean that these factors and diversity factors come into play only in the search process so that we make a special effort to seek out women and minority groups but when we come to the promotion process we are even-handed among all candidates, and the traditional criteria are the only ones considered? I presume we go beyond that but it's not entirely clear. As this motion reads, it sounds as if it's the initial appointment process only that is to be considered, particularly in view of the language in paragraph three. I think we need to avoid the possibility that we're going to be appointing people on a set of criteria that includes diversity - race and sex - but not be prepared to stick by the same criteria when we come to promotions. If we are going to have a different set of standards, I think we are engaging in a form of entrapment. Another thing that concerns me about this document is that I do not understand the relationships between what we're being asked to do as a University and what our legal obligations already are. Does this contemplate that we're going to be doing something beyond what is already required by law to do? If so, what is it and what's the rationale for it? It may very well be that there is a rationale, but it certainly isn't spelled out here and I must say I find myself quite confused as to whether faculty are expected to be doing more under this resolution than we already are obligated to do. Accordingly, I think this issue is so important that it would be a terrible mistake to enact this particular resolution as it stands or as we can amend it under the press of this particular body. I don't want to impugn

the quality of my colleagues to make amendments on the floor but I think realistically it's very difficult with a group this large to make the kind of clarification and amendments that need to be made. And I would hope that this group would send this resolution to a drafting committee that would take upon itself the obligations of spelling out precisely what the University is expected to do in some of these areas and provide us a rationale for the decisions that it reaches. Otherwise, I'm afraid we're simply passing a resolution with good intentions, and in general I would support much of what is behind this resolution, but without really understanding exactly what we're asking the University to do."

After some discussion with the Chair, Professor Burton moved that the resolution be sent to a special committee to be appointed by the Dean to address the issues he had raised. The motion was seconded and opened for debate.

Professor Sturgeon said he was very surprised by the worries Professor Burton laid out. "We do have different standards for promotion and tenure than we do for initial appointment, and we don't think we're guilty of entrapment. We try to attract to Cornell people who we hope will be able to make a lasting contribution to the scholarly community and to Cornell. I'm not sure exactly what counts as traditional criteria, but notice the following - on almost anybody's list traditional criteria include effectiveness in teaching and in advising. There is in fact a lengthy and well argued report that accompanied the original version of this motion when it came from the Minority

Affairs Committee, in which it is pointed out the dire need for minority faculty members in order to attract minority students to the University. I don't see that we need a new report unless there are some specific defects in the old one, which I found in general very thorough and very convincing. I don't see that we're engaging in any sort of entrapment in trying to attract a diverse group and maintaining our traditional standards, as well as we know how to define them, for promotion. Nothing is said here specifically about that so I assume that's what we're doing. But it is also worth noting that among traditional standards are considerations about teaching and advising and the like which are important to the service of the University and always have been but have not been taken as seriously into account as they should have been."

Professor Neisser said he found himself not quite believing what he heard Professor Burton say. "I can only assume he has not read the motion or perhaps its last part. The motion makes none of the assumptions which worry him and recommends no procedure that is subject to the restrictions or the dangers of which he speaks. The specific things recommended in the motion apart from the flexibility in appointments which we've already discussed this afternoon, are threefold: first, we recommend that the several graduate fields increase their efforts in recruiting and training minority students. I'm sure that's not objectionable. Point two says that we might give some consideration to broadening job descriptions so that the University's need for a diverse faculty can be weighed together with other particular

considerations. I fail to see either how broadening job descriptions amounts to entrapment or how it is relevant to promotion to tenure or how it is a lowering of standards. Point three states explicitly that no unqualified or poorly qualified person should ever be considered for appointment. Therefore there is clearly no possibility of entrapment if this resolution is followed. On the contrary, we would suppose that only well-qualified people would be appointed. Here we consider what might be done if several well-qualified candidates are available for the same position. None of the things that are recommended in this resolution in any way seem to fall in the stricture suggested by Professor Burton, and I really do not see the slightest reason - at least he has given no reason - why it should be recommended to another committee."

Professor John E. Hopcroft, Computer Science, said: "There is still this question as to what 'minority' means. This is still to be clarified."

Professor Neisser said: "The Committee's definite feeling is that it is not necessary or desirable to define minority for the purposes proposed here because this resolution is only recommendatory and simply suggests that consideration be given to certain kinds of diversity. It's not a legally binding resolution. It does not for example set aside categories when financial aid shall be given. Instead it essentially calls on us to exercise our good will in more flexible and imaginative ways than we have done before. It is not necessary to define minority in order to make this resolution work."

Professor Burton replied: "As the old saying goes, the road to Hell is paved with good intentions. I think I despair of a motion that has as its fall-back position that what we're really after is good will. And we don't need to be concerned with making it too precise. That does us a disservice in the long run. I think we need to be quite precise about what we're doing in this area and I don't believe this document faces up to some issues that I think have to be dealt with. As to the possibility of entrapment, I presume we're being asked to do something more than take account of the fact that if you have a Black candidate - he could potentially be a better counselor to Black students. I presume that the traditional criteria already take account of that, as you note. I'm presuming that what is meant by affirmative action is that after all the possible variations of traditional criteria are taken count of and we interpret them as broadly as we can, there is something extra that we will do for a minority candidate. All other things being equal, we will choose the minority candidate. If that is not what we mean by affirmative action, then I would like to know exactly what it is that we mean? Now presuming that's what it means then I want to ask if we are also prepared to say when it comes to the promotional decisions, and we have two candidates for promotion perhaps one inside and one outside, who are equal on quality lines, that we are prepared to favor the minority candidate? If we're not at the tenure decision level, then I think we are subject to the charge of entrapment because we would have appointed someone initially because of minority status but we would not be prepared to promote using the same criteria. I

don't believe that this kind of an issue can be left to good intention. I think it has to be spelled out."

Professor DeWire stated he wished to support the motion to refer to a committee on slightly different grounds. "My trouble centers around the use of this term 'qualified'. I'm afraid I have sat in many more meetings that have been concerned with appointments than I care to admit and I don't believe I've ever heard this term used in any of them. I don't quite know what it means. In particular I'm worried about this phrase in parenthesis that says we should never consider anyone who is either unqualified or poorly qualified. I would rather that we emphasize the fact that we are looking for excellence here. Certainly the inclusion of minorities and women in our quest for excellence is something that we should be doing and should be doing with all the vigor we can muster, but I am not familiar with taking the four or five hundred Ph.D.'s a year that come out of physics graduate schools in the country and saying there's a certain line here above which there's a well-qualified group and that's the group we should be able to appoint. I think we agonize a great deal more than that over finding the kind of candidates that we need. This wording makes it very hard for me to understand how we're going to act under this recommendation."

Professor Wright was curious to know how the people who would have to administer this feel about what we're doing? "We've heard from Dr. Cooke and we have with us the Dean and Provost who are faculty members and if they end up with the responsibility to live with the resolution in its present form or somewhat

modified, I wonder what kind of problems if any they perceive we are putting in their laps. I think we're trying to deal with something we feel is correct and overdue, but perhaps we're doing it in a way that is creating problems as has been suggested by the last couple of speakers."

Dean Greisen said: "There were a couple of points he may have heard wrong or perhaps misinterpreted in Professor Burton's concerns. One was the implication that after appointing various people on the tenure track we're going to come to a later point where these people are put in competition with each other for a single tenured slot and we would again have to consider affirmative action principles in making a choice among them for that slot. That's not my understanding of how Cornell works. If someone is appointed on a tenure track here as an assistant professor, he does not need to beat out the other assistant professors in his department to be promoted to tenure. That may be the system in some schools where there is a fixed table of organization or a fixed number who have tenure positions that can't be exceeded, but that is not the way Cornell operates. So I don't think that that's a concern. It also sounded to me as though it was believed that in order to make progress in affirmative action we would have to make the initial appointments on lower standards in order to get minorities and women and then that we would again have to have lower standards at the promotion to tenure level in order not to be unfair. That was not at all the concept of the committee. It felt that there should be flexibility in type of appointments and sincerity in the search

by saying that when you're looking at excellent candidates, it's all right to take into account the diversity in race and sex on the faculty in making the choice among them." He also felt there was no basis for concern that religious minorities might be put forward as under-represented groups and expressed his opposition to sending the resolution to committee stating: "I don't think a new committee would be able to do better than the present one."

Professor Gold objected to the resolution in its present form, simply because it had no teeth. "It's an expression of good will and intent, but there's no mechanism to even suggest, let alone guarantee, that it might work. Referring to a committee and charging the committee to consider also whether some enforcement mechanism ought to be built into it would be desirable."

Professor Burton said he would accept that as part of the agenda for the committee that the resolution would be referred to if his motion passed.

A vote was then called for on the motion and it clearly lost.

Professor DeWire moved an amendment to strike out the phrase in parenthesis in the third item of the resolution, stating: "I don't really understand why it's there and I'm trying to support the remarks that Dean Greisen just made as to what the intent of this resolution is. I just do not want the resolution to be interpreted as meaning that those not included in the categories in parenthesis become automatically people we are interested in hiring here."

The motion was seconded.

Professor Sturgeon said he didn't think it would be disastrous to pass this amendment but he was puzzled by the view that it is necessary. "The sentence outside the parenthesis says that what we're talking about is the case in which several well-qualified candidates are available for the same position. It stands on its own without the material in parenthesis, but it is also true that there is a prevailing view, often used by opponents of affirmative action, that affirmative action requires the appointment of poorly qualified or unqualified people to positions."

Associate Professor John Sherry, Hotel Administration, said he thought it was a terrible slap to a candidate to make a presumption that he is not really being judged on merit but rather being judged solely by reasons of race or sex. "That's exactly what we're doing here by that parenthetical ritualist remark. I think it's totally unnecessary. We're well beyond that point and I would thus suggest that there is a very obvious reason for striking that parenthetical phraseology."

The Acting Speaker called for a vote on Professor DeWire's motion to strike the parenthetical note in paragraph three of the resolution. The motion clearly carried.

Professor Burton asked that the sponsors of the motion explain what paragraph three means. "Let me pose a question, so that we have something on the record here. Supposing we have two candidates who are qualified, but on traditional criteria, one, a non-minority candidate, is considered to be marginally more qualified than the other, a minority candidate. Am I to understand this paragraph as saying that it is appropriate to appoint the minority candidate?"

Professor Neisser replied: "What the motion actually says, if you'll read it, is that under such circumstances it is legitimate to consider the goal of achieving a more diverse faculty as relevant to the choice between them. That's exactly what it says."

Professor Burton asked what that meant.

Professor Neisser replied that it is legitimate to consider that goal when making that choice.

Professor Burton said: "There seems to be two reasonable interpretations of this paragraph. One is that when you have two candidates who are equally qualified under traditional criteria, that under those circumstances a criterion that could be considered to break the tie is minority status, or status as a woman. Another interpretation of section three is that when you have two candidates who are not equally qualified on traditional criteria, or the less qualified is the woman or minority member, that diversity may be taken into account and that the person who is less qualified under traditional criteria can be appointed. My interpretation of what is meant by paragraph three is the first example."

Professor Masson said: "Frequently we're making decisions about the diversity of faculty when we have equally well-qualified people or almost equally well qualified people. In some cases we have two people, neither a minority nor a woman, for a single position where one person has a slightly stronger background, but the other person is a better complement to our existing faculty."

Professor Sturgeon said: "It seems a natural but unfortunate thing to talk as if we have very finely calibrated tools for

making these decisions and good quantitative measures every time we come to review candidates. Everyone knows how far from the truth that is. The situation one actually faces is weighing a stronger publication record against somebody with a better promise as a teacher against somebody else whose field would broaden the coverage of the department or unit. What this resolution clearly asks people to do is to include diversity as a factor in arriving at that intuitive judgment along with coverage of academic areas, publication record and ability in teaching."

Dean Greisen said: "Professor Burton's question has a very clear answer and it ought to be stated as part of this debate and placed into the record. If, in fact, as many people have urged in the past, the considerations of race and sex only come to play when candidates are exactly equal that means they have infinitesimal weight. This amounts to zero weight. That is not what the committee recommended. The committee recommended they have finite weight. In that case they can overcome a slight differential that would give them the appointment."

Professor Roger Battistella, B&PA, said: "I do not know to what extent the fear of reverse discrimination is affecting this deliberation, but to the extent that it is involved, I personally would feel that the courts offer sufficient safeguards in matters like that, although I am aware of how cumbersome and costly such determinations can be. For that reason, I don't particularly have any deep-seated fears about either the intent or the consequences of the resolution."

At this point it was noted that the scheduled six o'clock adjournment time had been passed. Since there was clearly not a sentiment on the part of two-thirds of the body to continue beyond such time, the meeting stood adjourned with debate on the resolution as amended (below) to continue at the next meeting.

WHEREAS, the University has made discouragingly little progress in its efforts to increase the representation of blacks, other minorities and women on its faculty; and

WHEREAS, the reasons for this lack of progress, documented in part in the June 1979 report of the Minority Education Committee, include

- (a) the relatively small pool of qualified women and minority candidates in certain fields and the narrowly drawn criteria often used to define open faculty positions,
- (b) competition with other universities and with private industry for a small number of qualified women and minority candidates, and
- (c) the fact that affirmative action often receives lower priority than other educational goals even when a genuine positive commitment to its objectives is present;

BE IT RESOLVED THAT

(1) the several graduate fields are urged to increase their efforts to recruit and train women and minority students, especially in those areas where women or minorities are not well represented;

(2) whenever job descriptions for faculty appointments are drawn so narrowly that the pool of qualified applicants includes no women or minority representatives, some consideration should be given to broadening those descriptions, so that the University's need for a more diverse faculty can be weighed together with the particular academic and professional considerations that are relevant to the appointment;

(3) when several well-qualified candidates are available for the same position it is legitimate to consider the goal of achieving a more diverse faculty as relevant to the choice among them;

(4) the University must exercise flexibility and ingenuity in its appointments in order to attract women and minority scholars to the community;

(5) the entire faculty, as well as the President, the Provost, the Deans and their affirmative action officers, must sustain their commitment to establishing a more diverse faculty, and use such means as are at their disposal to ensure that this goal is not set aside when more traditional criteria for appointments are under consideration.

Respectfully submitted,

Joseph B. Bugliari, Secretary

February 20, 1980

110 Ives Hall

The Speaker, Professor Russell D. Martin, called the meeting to order at 4:35 p.m. Over 170 members of the Faculty and numerous guests were in attendance.

Following approval of the minutes of the meetings of September 19 and October 17, 1979, the Speaker requested and received unanimous consent to add to the agenda, as the last item, a resolution on smoking made available at the meeting.

The Speaker then called on President Frank H.T. Rhodes who announced, with regret, the death of the following members of the Faculty:

Cyril L. Comar, Emeritus Professor, Physical Biology,

June 11, 1979

Robert Charles Cetas, Emeritus Professor, Plant Pathology,

June 14, 1979

Helen H. Giffit, Emeritus Professor, Human Nutrition and

Food, June 19, 1979

Charlotte M. Young, Emeritus Professor, Medical Nutrition,

July 2, 1979

E. Elizabeth Hester, Professor of Nutrition, July 3, 1979

Eric Vail Howell, Professor Emeritus, Engineering Mechanics
and Materials, August 5, 1978

Roland W. Leiby, Retired Professor, Entomology, July 12, 1977

P. Philip Levine, Emeritus Professor, Avian Diseases,
September 27, 1979

J. Thomas Reid, Liberty Hyde Bailey Professor of Animal
Science, November 18, 1979

Harold R. Smart, Emeritus Professor of Philosophy,

November 22, 1979

James J. Gibson, Emeritus Professor of Psychology,

December 12, 1979

Alexis L. Romanoff, Emeritus Professor of Chemical

Embryology, January 24, 1980

Henry B. Wightman, Emeritus Professor of Clinical Medicine,

February 4, 1980

The body then observed a moment of silence in memory of and tribute to its deceased colleagues.

The Dean of the Faculty, Kenneth Greisen, announced that a referendum on the amendment to OPUF to give explicit authorization to the FCR Executive Committee and the Review and Procedures Committee to establish *ad hoc* committees had passed by a vote of 482 "yes" to 26 "no".

1. DISCUSSION OF THE UNIVERSITY BUDGET FOR 1980-81

President Rhodes began: "Mr. Chairman, the Provost and I are glad to share with you the planning for the budget as it takes place. Mr. Kennedy and I presented this talk the other day at a meeting on the campus and I said then that I felt a little like Lord Parmiston when he was asked by an inquirer to explain the origins of the Schleswig-Holstein question which had led to the Prussian-Austrian war. He reflected for a moment and said: 'There are only three people who ever understood that question - one is Prince Albert and he is dead; one is the Danish Minister of State and he has gone mad; and I myself am the third, and I have forgotten.' And you may feel, as we talk

about the budget tonight, that between us we represent the two latter categories, but I ask you to defer your decision as to which fits.

"We want to talk to you not about a completed budget, but about a budget still in preparation. In doing that I want to talk a little about the general background to it, and the Provost will then talk about the specific recommendations in the budget. Let me say, however, that there are two or three preliminary qualifications that we have to make in presenting it to you. The first is that we are still using very provisional figures and that the final budget will not be approved until the May meeting of the Board of Trustees. Inflation continues at a rate which leaves most of us defenseless. Second, we are not sure of the level of appropriations from the State. Let me give you just one example of that. We had supposed that Bundy Aid, that is aid to independent institutions based on the number of individuals graduating with Baccalaureate, Masters and Doctoral degrees, would come in at a level more than 50% higher than what is now recommended. And so that leaves us short about \$450,000 in the time between the preparation of these recommendations and the present unless there is an increase from the Governor's recommendation. That's equivalent to about a one percent tuition increase. And so we may have to change these figures between now and May when the Trustees act on them. The second thing I have to say is that we've reached the conclusion, because of the high rate of inflation, that this is simply too early in the year to come out with firm figures of this kind. Accordingly next year

and in subsequent years, we will be coming to you later in the year - probably after the March meeting of the Board of Trustees, to discuss overall strategy. And finally I wish to pay tribute to various members of the Faculty who've served on budget advisory committees of one kind and another and who've worked at great length on the development of these figures. And both Keith and I want to pay particular tribute to Dr. Jim Spencer for the work that he has done."

The room was then darkened and the President continued, assisted by a slide presentation: "I want to talk a little bit initially about the context of the budget. First, I remind you that this is in fact the first budget of the eighties and I must, therefore, say a little as we think about the development of the budget about the context in which Cornell and other universities will be operating in the eighties. Let me talk first of all about the categories here labeled 'regulation', 'financial support' and 'public confidence'. Without going into any details, it's clear that Federal and State and local regulations will continue to be a fact of life during the eighties, but the extent of that regulation is something that does require emphasis. An article in the December 18 edition of *Business Week* said for example that the University of California system, in recognition of new Federal auditing procedures of research contracts, had increased the number of auditors it employs from 18 to 53, as I remember the figure. That increase was in one move and gives an indication of the immense financial impact of legislation upon our operations. We don't have anything like that number at

Cornell, I hasten to add, but it's an illustration of the difficulties in which we operate. The Medical College in New York City was issued 2,519 fire code violations during the past four years. And that too, gives an indication not of the fact that this is needless supervision, but of the difficulty in simply keeping up. The second thing I want to point out is the question of the degree of public confidence which higher education enjoys as we face the beginning of the 1980's. A recent Harris survey, conducted by ABC News and the Harris Organization, shows that the level of public confidence in higher education is now over 30%. The only thing that was higher, oddly enough, was public confidence in television news, which came out at 35%. And that tells us something about surveys, I suppose. This is in marked contrast to the situation we faced in the beginning of the seventies when public confidence was at an all time low.

"Having said that, I want next to say something about enrollment and financial support. In enrollment we face the certainty of a major decline in the college-age population. In the period of 110 years or so, from 1870 to the present, enrollment in higher education increased far more rapidly than did population growth in general - at a 5% rate in fact as opposed to a 1.6% rate for overall population increase. But if you look at the outlook for the coming years - the next 15 years as this slide from a recent copy of *The Chronicle of Higher Education* shows - New York State in particular is going to face formidable problems. The darker colors represent degrees of downturn and loss in the college-age population and New York State has the

distinction of coming out near the top - down 42% from present enrollment. If you look at the distribution of students over the last 25 years, you'll find a remarkable change. In 1950, a much smaller student population of two and a quarter million was distributed roughly evenly between public and private universities. If you look at the bigger numbers today - 11 million roughly - you'll notice an abrupt change in that ratio. Three-quarters or more are now enrolled in public universities and less than a quarter in private universities. There's also a correlation between size and enrollment which has shown a remarkable change in the last 25 years. This is what I meant on the slide by dinosaurs because if you look in 1955, campuses having an enrollment of more than 10,000 accounted for only a quarter of the total student enrollment. The same size campuses in 1977 - 22 years later - accounted for 50% of the total enrollment. So they have gained ground relatively, but the smaller institutions, especially those below 500, have lost ground in the same period. The same is true if you look at the pattern of closings, openings, and mergers in the same period. The pattern of extinction is one that's sobering for any member of an independent university. Of the 107 closings during this period of eight years, 92 were private institutions. And of the 111 openings of new institutions, 80 were public and only 31 private. That trend will certainly continue and the budget that we are presenting today in outline is based upon those presumptions.

"The second thing I want to say something about is sources of support - the various categories from which we derive revenue

that is the basis of the budget. This is a slide which covers a period of 11 years, and you'll notice that the two sources based on tuition have between them remained more or less constant though there has been a slight increase from 46 to 51 and from 11.5 to 14.3. If you look at the last few years, however, there's been a general stability in those numbers for tuition. You'll notice that that's also true of most of the other categories. Public funds, for example, have gone down a little but have been generally steady. Indirect cost recoveries have been essentially stable in percent of total income, although the amount has gone up very markedly. But the thing that has gone down dramatically is the percentage of our total income represented by private gifts. That too is something that we're seeking to improve.

"The other thing I said that we had to regard as a serious factor and a context to the eighties is the particular blend of characteristics that characterize New York State. I know that we're not a State University but we still draw 48% of our total student enrollment from residents of the State of New York. This is a most depressing sign. If you look at the period between '63 and '77 and then look at the following categories as a percentage of the national total, you will note the population has gone down from 9.3 to 8.3 percent of the national total in the State, that personal income shows a severe decline, from 11.5 to 8.9 and that employment has also gone down from 11 to 7.9. The two things that have gone up markedly are taxes, per capita taxes per thousand dollars of personal income have gone up, as a percentage of the national average, from 113 to 138 percent. And property

taxes on the same basis - from 109 to 138. And at the same time, personal income has gone down from 123 to 104. This means that the regionalized recruiting programs, which we have funded in this year's budget and we will continue to fund at a higher level in next year's budget, and improvement in fund raising capacity are going to be very important as we look at the overall budget for the eighties.

"There are also a set of internal constraints that face us as we prepare the budget for the eighties. Some of these concern factors over which we have some measure of control. The question of leadership and morale on the campus, for example, is going to be severely tested during the eighties, and we have an early indication of that in the intensive unionization effort which is now being carried forward for some of our non-academic employees. The integrity of the campuses will surely be tested, and if you saw the 60 Minutes program or have read the latest Carnegie Report, you'll know the prominence that that is now assuming - admittedly in athletic matters in some cases, but it will become more of a problem. The three internal factors, however, which this budget seeks to recognize, are ones over which we have less control. And the first of these is financial - the rising pace of inflation, the increasing cost of utilities and the problematic decline in the real value of faculty salaries. We are not alone in experiencing financial problems in keeping up with the cost of living. If you look at faculty salaries nationwide, until '74 they kept slightly above the Consumer Price Index, but since then the gap between the Consumer Price Index

and the general level of faculty salaries has begun to open up and continues to widen. Cornell comes somewhere in the middle between that national level and the Consumer Price Index, but that's little consolation as we struggle with those rising prices. So faculty salaries, in fact all salaries, are a priority item in this year's budget.

"The other concern that we have is not just the decline in the pool of college-age students but the increasing problems of inadequately prepared students, nationwide. And though at Cornell we're fortunate in being far above the national averages, and in fact defying the national trend which is a downturn in SAT scores, this national picture is a sobering one. I'm told that in fact it's not legitimate for me to express the decline as a percentage change because zero is 200 and not true zero, but whether that's accurate or not, these declines in both math and verbal scores are matters of some seriousness.

"The other thing which is going to be with us and on which we have to work together during the eighties is the question of faculty tenure. Ten years ago, 50% of the faculty were tenured in four-year institutions. By now 75% of the faculty in those institutions are tenured. And that's about the ratio we have at Cornell. I don't regard that as a threat to the future, but it does mean that we don't have the degree of flexibility in bringing in younger scholars or in developing new fields. And that's especially true because of the fact that we've now ceased to expand the system of higher education. The new additions to the faculty ranks, which in the peak years averaged 20,000

additional positions every year, are now likely to be zero or something below zero for the rest of the century. That's going to pose severe problems in almost every discipline and professional school on the campus.

"Well, in the light of that, we are attaining the ten goals that we reviewed with you a year or so ago, and I won't talk about those in detail because I hope they'll be familiar by now. And within those broad goals, we have a number of specific objectives for this year's budget - there are four of them. The first three concern means of maintaining the quality and integrity of the institution. The first is improving our competitive position in overall compensation for both faculty and staff. The second is providing limited funds for improvements in undergraduate education and support services and facilities and equipment. And those of you who live in Rockefeller and some other buildings, will know that we have embarked on that. And we're also seeking to maintain the real value of invested funds, because unless we do that we shall have to increase tuition or reduce the level of increase in salaries. And we want to do all that within a balanced budget for this year and within balanced budgets for the years that follow. To do that, we've made a number of assumptions in our planning for the budget which are summarized on this slide and the one that follows. I won't go over these in detail except to comment on just two of them. One is that we're probably far too conservative - far too low that is - in the general level of inflation that we have assumed for '80 through '83. We put these figures together in December and that was the best advice that

was available then. Since then they look almost ridiculously optimistic. We are committed to increasing tuition at a level slightly above inflation and that's reflected there - one and a half percent and one percent reflected in successive years - but the base figures on which that is established are probably wrong. The other thing I want to point out is that we are committed to increasing financial aid in such a way that it's linked to increases in tuition and we're assuming stability in sources from both State and Federal funds. We've also made certain assumptions on the level of return on investment in gifts and support of operations and those are ambitious targets we've set, and also in discontinuing what is really running the institution in the red. At the same time, putting aside a million five in the coming year for improvements in academic programs, in support services and in facilities.

"That still leaves certain issues that we have to address. One is the one that I mentioned a moment ago, which is that we still don't know whether these figures are going to be ones that we can live with by the time that May comes around. Another is the wage and price guidelines because the salary increase that we are proposing may or may not be acceptable under the present framework of the guidelines. We're working with Dr. Kahn's office in Washington on that particular problem, and that's not the greatest of the difficulties we face. Thank you."

The President at this point turned the meeting over to Provost W. Keith Kennedy to continue the presentation.

The Provost began: "As the President mentioned, we do have a balanced budget for this year, '79-'80, and the budget that

we will review today very briefly for '80-'81 is also balanced. On the income side, the tuition increases which have been announced, although we emphasize that they're still tentative, are 11 1/2 percent for most of the endowed and the statutory units, with slightly lower tuition rises in B&PA and in the Veterinary College and slightly higher tuition increases in the Law School - 12 1/4 percent. How do these tuition increases compare with the Consumer Price Index and the per capita disposable income? If you'll notice over the periods shown here, from 74-75 through 79-80, they have run somewhat similarly. Actually, the tuition increase in both the endowed and statutory units averaged slightly less than the two increases as far as per capita disposable income and Consumer Price Index are concerned. So we're not going at a more rapid pace, but we're not falling very much behind - I can assure you of that. How do our tuition charges compare to the median family income in the United States? When we take tuition, room and board and compare them over a period of ten years, you will note that we've run at approximately 40% of the median family income in the United States, with a slightly lower rate the last couple of years. Another item is how do we compare with our peer institutions? In terms of tuition, we're next to the lowest. Among the schools listed, when we combine tuition plus room and board, we are at the bottom. It was our intent this year to move up the ladder, so to speak, more nearly to the mid-point. It appears to us that we will not make it this year, but while we learn slowly, we hope to do better next year. The reason is that several schools have announced their

increases and none of those - our peer institutions - have been as low as we are at 11 1/2 percent. Not all of them have been published. Stanford announced theirs early at 12.3. We should have taken that signal and moved at that time. Several others have come in in the high elevens or low twelves.

"The second point I want to make is on housing and dining increases. We expect them to average at about a 13% increase on our housing contracts and up to a 10% increase in our dining contracts.

"Another area of income is the tuition retainage which is what we charge the statutory college students, the hotel students, those that are operating on their own sources of funds. We expect that to be increased at about 10-12%. I must emphasize that it is a very detailed accounting procedure. It takes a lot of time. Our goal is to not charge these schools one nickel less than what we're entitled to receive from them and not to charge them one nickel more. And that takes a lot of fine tuning - a lot of discussion with the deans.

"Item four - the special fee charged to CCTS students at Cornell. Currently it's \$1,075. We're going to increase it to \$1200 next year. It's also used to compute the amount of tuition students will pay when they're staying off campus.

"The fifth one - increase in self-help. This is a concern to students, and we are recommending or have planned in our budget, an increase of \$150 per student for those with family incomes above \$10,000. We're also asking that the summer earnings be increased by \$50 so that the total increase in the form of family

help, including summer earnings, will be \$200. The increase in the minimum wage will come close to covering that cost, so it should not be an undue burden on our students to have that self-help increased by the \$200. How do we compare with self-help in the other schools? We were at the bottom of the ladder a year ago. We decided that wasn't a good place to be. We made an attempt to move to the mid-point and we were very successful in doing that - coming out exactly on the line with the mean of the ten institutions with whom we compare ourselves and median of the range. We think the increase of \$200 will keep us roughly in the mid-point as far as other schools are concerned, but of course, we don't know. If we find that we've increased it too much, we'll modify it next year; if on the other hand we've not increased it enough, we'll also modify it next year.

"The sixth item here is the increase in the number of students. In '78 we announced that we would increase our student body gradually over the next several years by 150-200 students. We moved more rapidly than anticipated. We had exceptionally high acceptances of our offers of admission last year in several schools - quite a bit higher than previous history would indicate, and we ended up this past year actually with an increase of closer to 250 students. It is our goal to meet the magic figure of 16,675 students which will mean about 75 less students next fall if we come in at that figure than what we had this year. And that is the level of enrollment that we are planning for the foreseeable future.

"Item seven - increases in overhead from enterprises. Those that are student-related we are increasing by 8-10% and those

that are non-student related, from the 8 1/2% level to 10 1/2% level this year.

"Increase in compensation for faculty and staff. The President's already alluded to our concerns in this area. We are planning on an increase of 9-10% - probably crowding very closely to 10% - in terms of discretionary adjustments as far as our salary and fringe benefits are concerned. That will leave us from three-quarters to one and three-quarters for special needs, with an overall increase as far as the total pool - I have to emphasize that, not the individual but as far as the total salary pool is concerned - of 10 3/4%. There are some real problems here as far as disparities are concerned, especially among the non-exempt staff, between the endowed and the statutory colleges. The minimum starting point in the statutory colleges for non-exempt employees is above the mid-point for the non-exempt in the endowed. That is a serious problem. In terms of the exempt staff, we are essentially equal between the units - they're about the same. And the faculty salaries have been published and you can argue back and forth and up and down on those, because there're ninths, there're twelfths, there're different fringe benefits and again we consider them overall being reasonably close. But among the non-exempt, there's a big disparity. We're also losing ground. We were the favorite employer in terms of salaries for the non-exempt, but in recent years, we've been slightly behind some of the business organizations in the area. But the biggest difference is between the statutory and endowed non-exempt employees.

"Now turning to the faculty side you can just glance down either the endowed or the statutory, whichever one you're most

interested in, and you'll notice that in both cases, the salaries in terms of current dollars have gone up steadily as we would expect, but when you convert to constant dollars, they've declined in nearly every case. Another way of looking at it is compared to peer institutions. Again, two years ago compared with this current year, in nearly every case we've moved down rather than up. In most of the cases we've slipped as far as competitive institutions are concerned. A matter of deep concern for us.

"Another item is the increase in graduate assistant stipends which will go up \$300 for the academic year. Couple that with the increase that a student receives for the additional years of experience and their salary adjustment will be in line with that of the Faculty.

"Just a couple of comments about the budget for the statutory colleges. There was a request of 4.6 million for the increase in the budget of the statutory colleges to the State. The Governor's executive budget included a 3.6 million dollar increase, which sounds in relation to the 4.6 as being rather favorable in that you rarely obtain all that you ask for. But in the 3.6 the Governor added \$700,000 above our estimated cost for utilities. Now that would be fine if that additional \$700,000 could be used for other purposes. Maybe we'll need it next year for utilities, but our best estimate is that we do not need it, and it cannot be transferred to other areas. Thus in terms of the dollars it was not a reduction of one million, but a reduction of \$1.7 million as far as our requested budget was concerned. There's been no relief as far as our position ceilings

are concerned. There's a very high salary-saving requirement on the part of the statutory colleges so it's going to be an exceedingly rough year for them. Coupled with that is there's going to be a deferred payment of the salary increases for the statutory colleges. The State has learned long ago to follow the advice of the T.V. ads - 'Fly now and pay later'. They make the salary adjustment as of April 1 or July 1 - April 1 for the staff, July 1 for the faculty - but the first increment in terms of an increase is six months later and then it's only a quarter of the increment. It's a whole year before one really obtains all of the increase that was granted as of April 1 or July 1. That's the good news!"

The Speaker thanked the President and the Provost and opened the floor to questions.

Professor Jay Orear, Physics, stated that he wished to add as a qualifying comment: "I consulted the Faculty Committee on the Professional and Economic Status of the Faculty and found that the typical endowed full professor has gotten pay raises over the last nine years of 55%. But the average disposable income for all wage earners in the United States has gone up during this period by 150%. Thus, by comparison with the rest of the country we would need not a 9% pay raise but a 63% increase in order to get us back to where we were in January 1971."

2. NULLIFICATION OF FCR RESOLUTION ON CONFIDENTIALITY

Dean Greisen said: "In view of the receipt of petitions in the Dean's office from members of the University Faculty objecting to the action of the FCR in passing a resolution relating

to confidentiality of recommendations, we have on the agenda at this meeting a resolution to nullify that action of the FCR." He then read the resolution:

RESOLVED, that the action of the Faculty Council of Representatives on November 14, 1979, approving a resolution which would require chairpersons to provide candidates for promotion with detailed summaries of the relevant materials in their files and to invite responses from the candidates in advance of the departmental decisions, is hereby nullified.

The Speaker said the resolution was now on the floor and asked that as much as possible, discussion alternate between pro and con.

Professor Norman Kretzmann, Susan Linn Sage Professor of Philosophy, stated that he wished to put the *ad hoc* committee's resolution in a light different from that portrayed both in the letters in favor of it and those opposed to it in the mailing accompanying the call to this meeting. "The letters in favor of it spoke of it primarily in terms of a safeguard against possibility of bias. And at least one of the writers on the opposition side pointed out that it seemed unlikely that we were confronted with an evil dire enough to call for a remedy as drastic as the one that's being proposed. I think that some other members of the committee share my views that it is neither a safeguard against danger nor a remedy for wrong, although it may have some aspect of each of those devices in it. I think

we see it primarily as an improvement in a situation which has a degree of irrationality in it that ought not to be tolerated in an institution like ours. It seems to me that when an adult human being is being judged in a way that truly will affect at least a career and very likely an entire life, and that decision is to be based on criticism of the candidate, then that candidate ought to be able to respond to the criticism on which the decision is to be based before the decision has actually been taken. Without such a device built into our operation, it seems to me that we are behaving in a term called the eternalistic way, one that we've grown used to and one that didn't have such dire effects when there were jobs enough to go around, but one which seems to me to call for a change in our procedures now.

Dean Cramton in his letter of opposition to the *ad hoc* committee's resolution made a point that I think is impressive with its appeal in that there is something in the nature of this proposal that cuts against the autonomy of the departments, schools and other decision-making bodies at the University. I'm sure that Dean Cramton, like most heads of departments or schools, has in his possession a great fat looseleaf folder sometimes known as the 'Cooke Book' - the *Appointment Procedures Manual for Cornell University* - which gets thicker all the time with mailings from the administration. The 'Cooke Book' imposes on all of us criteria, policies, procedures for the making of decisions.

There are many reasons why there should be that kind of controlled decision making in the procedures for appointment and promotions. One of them, which I think is not brought out in the correspondence

which came with the mailing for this meeting, is the fact that it is after all the University that must bear the brunt of complaints about decisions that have gone awry one way or another in the view of the candidate and not the department or school. As a consequence it seems to me that the central administration is well within its rights to suggest uniform procedures and policies in the making of these decisions. But it also seems to me that we ought not to abrogate our role in the formulating of such policies by leaving it to Day Hall to make the decisions for us."

Professor Michael Fisher, Horace White Professor of Chemistry, Physics and Mathematics, asked: "It is my understanding that we're not at liberty to amend this motion of the FCR in any way. The only thing we can do is nullify it, although it is in order presumably to express ways in which we might like to see it altered."

The Chair replied that that was correct.

Professor Robert J. Young, Animal Science, spoke against the FCR resolution. "I don't think it is in the best interest of the person involved in terms of providing the protection nor do I see it as administratively possible and feasible in a reasonable time period and without an adversary role between the department chairman, his faculty and the incumbent. First, to accomplish the task laid down in the resolution would require the procedure of soliciting the material by the candidate for promotion at least 15-16 months ahead of time. We're presently working 12 months ahead of the deadline. And once it's assembled

the chairman has then to create the summary. And I defy any one person to create a summary of five or six letters that is then going to be shown to the rest of the faculty with the original letters so that they'll all agree to the same meaning. Each one of us will do it differently, particularly if we are required to mask the identity of the writers because they are people who are in the same professional field and the way they speak and the way they write are going to be known in many cases. It's going to take a lengthy process before it's ready to go to the candidate, an intolerable length of time in the preparation of this step. Also, the faculty now has to review the letters without seeing the full documentation of the candidate, and that's where the candidate is placed at a disadvantage. Normally, when the faculty see the letters of outside reviewers, they also have in front of them a complete documentation put together by the candidate, added to by the chairman, but representing his total program. Now here's where the chairman has a responsibility to advise the candidate if he sees in those letters a statement which is adverse and unexpected. I say unexpected because now we have a policy that each year we're doing an annual review with each of the assistant professors. At those times any adverse action or concern should be brought to the attention of the candidate. Now I've had cases where I've had unexpected incidents pointed out in the letters coming in. How do I handle this? I simply go and talk to the candidate about the concern without really revealing the source, but giving the candidate an opportunity then to write a rebuttal on that concern, regardless of what it is. At the

same time, as chairman, I feel I have a responsibility to place a statement in the folder that I have talked to the candidate about this concern - and what decision we reached mutually as to how it would be resolved in the future. This is a manageable administrative procedure. Then when the faculty sees the total file, they have the documentation on the performance of the individual, the chairman's views of what he's seen of the letters, the candidate's views of any unexpected things that have appeared and the letters themselves. Another point of concern is the assumption that the decision on promotion is made by the tenured faculty on the sole basis of letters of outside review. That is only a small part. You all know this. You know that that decision is based on your personal knowledge or the knowledge of your colleagues or your internal review committee's recommendation and that the letters are taken in context with this total knowledge. So that to go through this whole exercise on the review letters when actually the decision is going to be made on other issues later in the whole process doesn't justify the tremendous administrative debacle that will occur in trying to carry this forward. I would say one other thing. It was just mentioned here about the 'Cooke Book'. I've been chairman for 14 years. When I started there were general guidelines that you just kind of knew about - to run the University, to run a department. These guidelines - some of them were in writing and some weren't and you consulted with the dean of your college and other chairmen and we got the job done. Today we have five policy books. In my office there are five policy books: the 'Cooke Book' being the

biggest one, supplemented by the ones for the college, the departments and on and on - on every kind of issue. We're now adding a dimension which I claim is the straw that's going to break the camel's back. And if this faculty think they're going to find chairmen for their departments, they better think carefully of what they're asking an individual in that office to do. Because after 14 years, I'm just about ready to hang up my hat."

Professor David B. Lyons, Philosophy and Law, said he hadn't really thought of addressing this group, but the previous speaker led him to believe he should share his own experiences. "I speak as a member of the Law School faculty as well as Chairman of the Philosophy Department, rather an unusual and sometimes uncomfortable combination of roles. I'm particularly interested since in my role as Chairman of the Philosophy Department I am responsible for administering the promotion and reappointment of candidates. I found it incredible to have suggested that the guidelines that were laid down by the FCR last November were as unmanageable and unwieldy as was suggested. I will admit I haven't had too much experience with this - I've only been a chairman for a year and a half. During that time I've only had to manage one promotion. It was a tenure promotion; it was a complicated one; it took a great deal of time. On the basis of that experience I've planned ahead for this year and taking the FCR's resolution of November seriously, discussed with my colleagues, a reasonable timetable for two promotions that are coming up next year. One a possible promotion to tenure, the other a possible reappointment. I drew up some tentative schedules

and reviewed them in detail and it seemed that on the basis of our experience over the past few years - over many years in fact - that without any difficulty, we could manage in somewhat less than a year and a half. I would be happy to share our experience with anyone who would like to see our timetable. My timetable for the more elaborate review which is designed to yield a recommendation to the Dean of the Arts College by the middle of January or sooner, begins next month with preliminary conversations to discuss outside referees. But it is not until May that there will be any material sent out to referees or letters soliciting their assistance. And only then because we anticipate that some referees in Great Britain, which has a somewhat different academic calendar than ours, will be called upon for their assistance. In the other case which involves a reappointment review, we don't have to get started until the fall. This is based upon a considerable experience of a collected kind and after discussing these guidelines with the colleagues who are involved and who saw no difficulty in accomplishing this. I'll say that I am relying upon the good sense and help of my colleagues and my ability to summarize their ideas accurately within a short period of time, and without petty disagreements from them. I think that that's a reasonable thing to expect from one's colleagues, especially after one has worked with them for a number of years. There will undoubtedly be more time taken up. I can see the timetable for this year is going to be longer than it was for last. There will be more steps to take. I will have to do more homework. I will have to spend a weekend summarizing my colleagues' ideas or criticisms of the candidates. At the very least, there

will probably be a number of conferences with individuals to make sure I've got it right. I think the inconvenience is worth it. We're talking here about the question of whether a candidate for reappointment or promotion has a right to a certain kind of review or certain information. If we think there is such a right, then that means that we are committed to accepting some modest inconvenience. I want to emphasize finally that it is a relatively modest inconvenience."

Professor Albert George, Mechanical and Aerospace Engineering, said it really comes down to a question of whether there should be a detailed written summary. "Other directors and chairmen I've talked to in Engineering pretty much uniformly feel that the intent of the resolution is good. It's a question of whether you want to make a detailed written summary which would then be available later for court cases or whatever. Or whether you want to just help the fellow out, tell him what's happening, perhaps in a written outline, but not certainly a detailed written summary that will take at least a weekend to write as the previous speaker said. And I think what's called for here is not nullifying this resolution so that it will never be heard from again but getting something that's a little more manageable for the departments and the department chairmen to work with."

Professor Peter Stein, Physics, wished to make a few comments and also reply to Professor Young. "In the first place, I think it is important to stress that people who originally wrote this recommendation had in mind that there is an interest beyond the interests of the non-tenured faculty members to be

considered - that is the interest of the University. I think that what was in the mind of people who wrote this recommendation was to try to write something which would better the deliberations that lead to tenure appointments. There have been allegations in various parts of the University that certain informal networks exist whereby appointments are made or rejected on criteria which do not see the light of day. I myself in all the appointment meetings I've participated in have never seen that, but it still seems to me that it is not unreasonable that there be some sort of accountability brought to bear whereby the reasons for which people are rejected or promoted are written down on a piece of paper to see the light of day. It seems to me that that's reasonable for a decision which is so important. The second point I would make is to respond to Professor Young and others I have heard, who it seems to me completely misread the document that the FCR has passed. Nowhere in the document does it say that a department chairman must sit down with each letter like a student and then trace it accurately line by line, leaving out the identity of the author. That was not the intent of the people who wrote it. It says very simply that what should be furnished to the candidate is a summary of the reasons on which the decision is to be based. Now if three letters say all the same thing there is certainly no need for the department chairman to sit down and trace each one. The general statement of the reasons for the arguments that have been given - both in favor of the candidate and against the candidate - would completely satisfy the conditions that have been written down by the FCR document. In appointments that I have

been through in the Physics Department I find it hard to believe that more than one or two pages would be necessary to completely satisfy the conditions in this document. I don't think that that is particularly arduous. It seems to me on the other hand in a case which is very difficult and complicated, it probably would serve the interests of the University well if it was necessary to sit down and write a detailed list of the reasons pro and con. Also, I don't see from Professor Young's timetable, why it really must take that long. According to what is required by this document an increase of roughly three or four weeks in the process is all that is necessary. The opinions are summarized at some point before the faculty decides. The summary is then given to the faculty member and he or she responds. That's all that's necessary. Why an increase of six months is required by this, I have no idea."

Professor Robert S. Summers, William G. McRoberts Research Professor in Administration of the Law, said he was very puzzled. "It seems to me to be a very important issue and I've tried to inform myself as best as I could. A couple of days ago I sat down with one of the major proponents of the legislation and learned a good deal. I was much moved by the analysis. I'm also much moved by what I perceive to be the goals of those people who proposed this - the goals of Norman Kretzmann and others. I discerned among those goals at least two that I don't think anyone in this room dissents from. One is that we should strive as best we can for greater equality of opportunity in this society. The other is that we should seek for progressive reduction of

arbitrariness in human relations. Where I have difficulty is with the relationship between the means here selected and those goals. I don't see the kind of fine tuning that seems to me called for if, in fact, any further legislation is indeed called for. My first problem really is that I don't see how the procedures proposed can be counted on to smoke out unjustified discrimination. Maybe I could just offer a couple of reflections. One has to do with the limited efficacy of law in general. Discriminatory attitudes are notoriously difficult to smoke out by any procedural process. Furthermore, before we judge existing procedures inadequate and call for legislation, we should decide to what extent the design of those procedures is really relevantly deficient. Then secondly we should bear in mind that even if existing procedures are very well designed indeed, there are just inherent limits to which any procedures can be counted on to smoke out unjustified discrimination. Indeed, I think it very interesting to inquire into some of the allegations about cases that are presently moving through the pipelines - and cases that are now in court - and consider the extent to which those cases reflect not an inadequacy of the formal procedures but instead given some of the allegations, outrageous failure to follow existing procedures. Furthermore, I have two additional worries if this legislation is allowed to stand. I worry that in some cases, at least, the implementation of the legislation will water down the process for applying our existing standards to the facts of particular cases. Indeed it may be much more difficult to find those facts in some cases. I also think implementation of the legislation will cause some candidates incredible grief. In some cases those summaries are

going to be very harsh and severe, and simply the knowledge that these summaries are shared widely among one's peers will cause a good deal of grief. So with a lot of reluctance I've come to the view that I really must vote for nullification. However, in closing I would say two things. We should bear in mind that the goals we're talking about here are very important indeed, and I doubt if there are very many, if any, in this room who oppose those. Also, I think we're very much indebted to Professor Kretzmann and to those others who have supported the position he has taken for sensitizing us to a number of problems - problems which I think given this sensitivity are more likely to get worked out in the way in which existing procedures are actually manned, womaned or personed."

Professor Phil Schoggen, Human Development and Family Studies, said: "You've heard from one person who has served as a chairman for 14 years. I fall about two years short of that, but in that time I have participated in the review of quite a large number of junior faculty. I have presided over the involuntary discharge of about six - all without protest. And I think that was the case chiefly because we followed procedures which are similar to those recommended in the FCR statement. The chief difference was that the summary prepared for the candidate was not given to him or her until after the faculty had taken their action. I would see very little change in my own work if this FCR resolution were adopted. It would simply move my calendar up slightly and I would have to do the same homework in summarizing the opinions expressed and the facts stated in the letters from the outside writers that I do anyway under the present

set-up. I think it is a very small price to pay for a very great additional benefit to the candidate. I would like to see it stand."

Professor Fisher said that he, like Professor Summers, has been very reluctant to come to a decision on this motion. "Happily I've not been chairman as long as that. But in my co-chairmanship I certainly went through the uneasy task of involuntary disassociation. I'm also at the stage that some of you have been through and some of you are approaching, of having one's own children come up to this sort of position. One of the thoughts that weighs very strongly with me is the one Professor Summers mentioned, that there is an enormous difference in having an explanation of why you have been rejected, post-facto, rather than a pre-facto explanation of why you are going to be rejected to which you are asked to respond. The emotional stress that puts one under is tremendous. Your friends are bound to advise you to show it to them, and I think that that is going to be very damaging to many individuals. The individuals I've seen let go from Cornell have been of a high standard and I think it was painful enough for them to hear the explanation afterwards. I certainly think every chairman has the responsibility to give a clear and complete explanation in matters of this sort, but it should also be clear at present that that is certainly not the last word. In one of the cases I was involved with, there were appeals and very reasonable ones from the undergraduate students concerning the individual, but it was at a different stage of the procedure. Moreover, in the case of an individual where things are going forward smoothly, but there are still some unkind

things on the record, the chairman in the past could normally let them slip by and say look the good news is you're accepted, and at some later stage bring forward the problem issues. It's a very different situation under the legislation adopted. Just looking at it from that point of view, I find myself very unhappy with the situation. The other thing that moves me is that some chairmen at least are going to take these words - detailed written summary of the facts and opinions - to mean what they appear to say. I must admit to be honest with you that I would follow the Peter Stein rule, that is not to take them to mean what they say, but to pick out what in my assessment were the major items and what I thought the facts were. But that unfortunately is not what it says here. So I reluctantly will find myself voting to nullify this legislation. I don't think this should be the end of legislation on this matter from the FCR. I fully agree with Professor Kretzmann that it's the faculty's responsibility to make these decisions."

Professor Neil H. Hertz, English, said he didn't understand Professor Fisher's or Professor Summers' remarks. "I think the feelings of candidates are important but I also think it's important that the arguments be presented to them and that they be in a position to respond. That, it seems to me, is what we're talking about. Professor Fisher seems to think that it's better or somehow less painful to hear arguments that you're not in a position to respond to than it is to hear arguments that you are in a position to respond to. That's bizarre. The attempt is being made to allow people to understand a certain number of things that have been said about them and be in a position to reply to

them before a vote is taken and before they have to employ a lawyer to do so. That seems perfectly reasonable."

Associate Professor Daniel A. Baugh, History, asked Professor Kretzmann whether under the procedures of the FCR, full documentation would also be circulated to the entire voting faculty as well as to the dean. Professor Kretzmann replied "certainly". Professor Baugh continued: "I am also disturbed as Professor Fisher is with that line in the statement which says the detailed facts and opinions on which the decision will be based because it seems to me very difficult to present a summary which is both accurate and also not a pre-judging of the case. I do not know what kind of difficulties will occur should it appear to either members who are voting on a decision or to the dean's *ad hoc* committee that the summary has been misrepresented. These are things that should be given a great deal of thought."

Professor Kretzmann said: "The resolution does call for a review of the chairman's summary by each voting member of the department. It's unlikely that a summary that misrepresents the documentation would get through that kind of a screen before it goes to the candidate and then on to the dean."

Associate Professor Richard N. Boyd, Philosophy, wished to say three things. "In the first place, I cannot figure out the objection that the voting members of the faculty, who will presumably have to read the documents, should also have to reading a summary of them. I'd also like to talk about the question of pain to the candidates that could be real in some of these cases. There are two separate considerations which suggest that the consideration of pain should be outweighed. There are two ways

in which our procedures could go wrong that I think we have to worry about. One of them is that there could actually be an instance of deplorable prejudice. The other is we could in making a decision on tenure be misinformed by an outside referee or by a letter in the candidate's file in a way the candidate could correct so that our decision would be more rational. Either of these possibilities represents a serious enough threat not only to the candidate's interest but also to the interest of objectivity involving the people we appoint to tenure that even if there should be a slightly greater level of anxiety produced by this safeguard, it's worth it from the candidate's point of view and from ours."

Professor Richard Rosecrance, Walter S. Carpenter Jr. Professor of International and Comparative Politics, wished to make two quick points. "As I understand our current procedures, the chairman does provide after the fact, a summary of the facts and opinions on which action is based, so that in a sense it's only a question of making that summary available at an earlier time - not not making it available at all. It does seem to me that if one reads the text, and here I find myself more on the Stein side than I do on the Fisher side, the resolution simply says: '...the department will notify the candidate of that fact and provide the candidate with a detailed written summary of the facts and opinions on which the decision will be based.' That doesn't say every letter, line by line. It simply says that you would do before the fact what we're already doing after the fact, and why not give the candidate the advantage of knowing that and making whatever response he or she wishes."

Professor Isadore Blumen, I&LR, moved the previous question. It was seconded and debate was closed.

The vote was counted as 79 in favor of nullification and 88 opposed. The resolution calling for nullification was thus ruled defeated.

The Dean announced: "You all have seen that this is a very close vote. There is another procedure available to the faculty but it requires faculty initiative. If petitions are received from a number of faculty equal to the membership of the FCR which is 103, this action today can be followed by a faculty referendum, which will not result in the members participating in debate and hearing all the arguments presented today, but will result in a larger number participating in the vote. Such a referendum is not required. If we do not have petitions demanding such a referendum within 20 days, it will not be held and the action of this body today will reaffirm the FCR action and leave the resolution in force."

Dean Cramton said: "It seemed to me that someone who voted in a negative position ought to move to reconsider because of the closeness of the vote. If the FCR resolution is nullified, those departments which support the resolution can still go ahead and use these procedures just by their own vote. The problem is this narrow vote now mandates the procedure for those colleges and units who do not desire to follow it."

Professor Blumen moved adjournment and it was seconded and carried at 6:05 p.m.

Respectfully submitted,

Joseph B. Bugliari, Secretary

March 12, 1980

110 Ives Hall

The Speaker, Professor Russell D. Martin, called the meeting to order at 4:35 p.m. A quorum was not present at the start of the meeting (eventually 53 members were in attendance) and so the Speaker announced that approval of the minutes would be called for at a later time. The Chair called on Dean of the Faculty, Kenneth Greisen, for his remarks.

1. REMARKS BY THE DEAN

The Dean said occasionally he receives information about the availability of housing and has received such about a flat in Kensington. This is available from mid-October 1980 through mid-April 1981. If anyone wishes more details, he asked that they call his office.

Secondly, Dean Greisen said enough signatures were received so that the confidentiality resolution would be put to a referendum, and that faculty members will be receiving it shortly.

Petitions with enough signatures were also received to restore that special meeting of the University Faculty which had been announced and then withdrawn. It is to be held on Thursday, March 27 at 4:30 p.m. in 120 Ives Hall. The two items on the agenda will be: (1) Faculty salaries and the imminent increase in parking fees; and (2) smoking in University buildings.

2. REMARKS BY THE PRESIDENT

The President gave a brief update on the situation in the strike by 36 members of the International Union of Operating Engineers, which has since been settled, and then offered to respond to questions.

Associate Professor John E.H. Sherry, Hotel Administration, requested that the President clarify the University's general policy on the admission of faculty children to Cornell in light of the recent publicity about Professor Blakey's leaving.

The President replied: "It is a tough problem and I have had correspondence with Professor Blakey. I've talked to him and I appreciate and understand his concerns. I share his disappointment that his children weren't admitted. It's a problem of course in which all of us share. There's an old parliamentary custom that you must declare a personal interest if you have one. I declare mine. I have two college-age children who will be looking for admission at some stage. What we've got is a situation where we don't have a single Cornell policy simply because we have admissions carried out by the faculty in the different schools and colleges that admit at the undergraduate level, and that's a privilege that's very closely guarded and properly so. What we do want to do is to review with you, our colleagues, the particular situation when we have faculty and other closely affiliated offspring who are qualified and yet there seems no immediate intention to offer them admission. This has been raised as a concern with the deans at their last meeting and we'll have conversations, but I cannot today give you any policy direction on it. We're acutely concerned with the financial outlook, and we know that's a very important part of what Cornell has to offer by way of benefits."

3. AFFIRMATIVE ACTION RESOLUTION

There being no further questions for the President, the

meeting was opened for discussion of the Affirmative Action Resolution as amended at the February 13 FCR meeting.

Professor John F. Burton, Jr., I&LR, commented: "I'm concerned with the lack of precision and the rationale that's given in this resolution, and particularly with the third paragraph which states 'when several well-qualified candidates are available for the same position it is legitimate to consider the goal of achieving a more diverse faculty as relevant to the choice among them'. One problem I have is that the protected class is not defined in this resolution. At our last meeting, this point was talked about by Professor Neisser who said that the Committee's definite feeling was that it is not necessary or desirable to define minority for the purposes proposed here because the resolution is only recommendatory and simply suggests that consideration be given to certain kinds of persons. It essentially calls on us to exercise good will in more flexible and imaginative ways than we have done before. I think that is a not very convincing argument for a number of reasons. Initially, this policy has to be applied on a case by case basis and I think we need more than good will to decide whether a particular applicant is within the scope of the resolution. Moreover, I think we still have not an adequate answer to the question of why other classes of protected individuals under federal or state law are not covered by this resolution. And I have in mind for example, handicapped individuals who are subject to most affirmative action resolutions. The second general problem I have with this resolution is that it's not clear as to the relationship between what the resolution requests and what the University is already

obligated to do. Are we being asked to do something that goes beyond our current legal obligations? If so, it would be useful to know exactly what that is. And finally, most serious for me is what I term the entrapment issue, which is an issue I raised at the last meeting. As I read paragraph three of this resolution, it deals almost entirely with the appointment process. It requires affirmative action and in a discussion we had at the last meeting, it was made clear that what the resolution contemplates is that under some circumstances a somewhat less than equal candidate of minority or female status would be appointed in preference to a somewhat better qualified majority candidate. I'm concerned about the application of this process which constitutes a form of reverse discrimination, partly because I think it raises a different standard for appointments and for promotion decisions. Now again Professor Neisser commented at the last meeting that point three states explicitly that no unqualified or poorly qualified person should ever be considered for appointment, therefore there is no possibility of entrapment if this resolution is followed. The problem I have with that argument is that this resolution does not stand as the only expression of University policy on the issue of affirmative action. If you go to the Appointment Manual of the University, there are some rather explicit statements about the criteria to be considered when tenure decisions are made. To quote section 2.3 from the 'Cooke Book': 'Since a tenure appointment is not a right, and since it could result in a collegial relationship within the department for a period of decades, the department

faculty has considerable latitude in reasons for making a negative recommendation. However, such factors as race, color, creed, religion, national or ethnic origin, sex, age or handicap must not be a basis for such decisions.' And in section 2.11 dealing with the role *ad hoc* committee, I'll read several sentences. 'In accordance with University policy, no consideration or discussion can be given to sex, marital status, race, ethnic background, religion, or age. The committee should focus on the excellence of the candidate's scholarship, teaching, and service and the potential for future contributions to the department. To eliminate any confusion about the basis for its decision, the committee should concern itself only with the qualifications of the candidate, not with other factors such as department staffing patterns, tenure ratios, or the future of a particular discipline.' Now the problem I have is that on one hand we have a resolution which requires affirmative action and reverse discrimination. On the other hand, in a separate document we have a rather explicit statement that I would say makes affirmative action or reverse discrimination illegal or inconsistent with University policy. And I think that what we're doing as a result is setting up a form of entrapment for those faculty members who are brought in under one set of standards for the appointment process and then considered for promotion to tenure on a different set of standards. I think we're in a sense holding out a snare or a delusion for minorities and women. Now I think this problem is a serious one that should be dealt with, and we should have a consistent policy with what we're doing on appointments as well

as promotions. I think the ideal way to have this dealt with would have been to refer this resolution to a committee, but that motion was defeated at the last meeting. As a result I think the only way I can effectively deal with this motion is to vote against it and I urge other people to join me in that simply because I think this is a seriously defective resolution."

Professor Norman Kretzmann, Susan Linn Sage Professor of Philosophy, wondered whether the discrepancy between the resolution and the 'Cooke Book' that's just been pointed out, would not be resolved if this resolution were passed. "Wouldn't there be an amendment to the University Manual on Appointments and Procedures?"

Vice President W. Donald Cooke responded: "I think the first thing that's in there is essentially a mandate from the regulations - the one about no discrimination on the basis of sex, race, etc. - I think that's mandated, and we have no option in that."

Professor Sherry responded: "The answer is that for acts of past discrimination, affirmative action is an appropriate method. It does not violate Title VII or the executive order or any other legislation on the books. I state this because that's been fairly well received and well established law since the Philadelphia plan litigation was appealed to the Supreme Court. The Supreme Court felt there wasn't a fundamental question of violation of federal law or the constitution that would require them even to hear the case. Now, I realize, of course, one might say [policies regarding] construction work are quite different from educational policies. Quite naturally they are. One could

also suggest that racial discrimination is viewed generally more seriously than sexual discrimination - historically and otherwise. I concede that. But I think the general tenor of the court's decision would apply in that we're in a situation where we must be color and sex conscious in dealing with past discrimination. It can't be avoided. Thus, I think it does us no harm and it isn't window dressing to establish general criteria which take into consideration past discriminatory conduct which has been established here."

At this point the Speaker announced that a quorum of the body was now present and requested approval of the December 12, 1979 minutes as amended and the minutes of February 13. There being no further additions or corrections, the minutes stood approved. (See page 5077C for amendment to December 12 minutes.)

Professor Kretzmann said: "In view of Vice President Cooke's answer to my question, it seems to me that the entrapment issue that was raised by our colleague from I&LR is a real issue and one that could result in votes against this motion solely on a technicality and thus might give the wrong impression in the outcome. I think that in view of the fact that the relevant portion of the University Manual on Appointments and Promotions is mandated and is not going to be altered as a consequence of any resolution passed by this body, it does become important for the committee to reconsider this resolution and bring it back to us in a form that will take account of any possible discrepancy between what is mandated and what would become our policy as a result of this resolution. So I would like to move again that the resolution be returned to committee for a specific consideration of this discrepancy."

The motion to return to committee was seconded and Vice President Cooke then responded: "I am not a lawyer unfortunately. I cannot really comment. I'm afraid it's a legal opinion and I think it might be well to have the committee look at this particular technical point rather than trying to make a legal judgment on the floor of the faculty."

Dean Greisen stated: "The objection that has been raised is so fundamental and far-reaching that if accepted, it would kill affirmative action. It seems to me also that it's been widely accepted throughout the University, that if we have an all white male faculty, we will have a deficient faculty. It will be an inferior faculty. That to improve the quality of the faculty, which we certainly have the right to try to do, we should incorporate diversity. That means diversity of the sexes and races, places of origin and so on. That seems to run in some sense contrary to the existence of some phrases in the law about being color-blind, sex-blind, etc., but I don't know how one is to achieve diversity without being able to recognize such distinctions. It is so universally accepted that this is a desirable aim for us to go to, and we have to be able to look at a person and tell if he's male or she's female, or what race they are in order to pursue this objective. I hate to go back to square one and start over. I don't think our committee is capable of bringing a legal verdict on this. It's true we can seek legal advice, but I would hope that we were past that point years ago. And so I would argue against sending it back to the committee and would argue in favor of approving this affirmative action resolution."

On a vote call to recommit, it was defeated.

The Speaker next called for a vote on the affirmative action resolution as amended. The resolution (below) clearly passed.

Whereas, the University has made discouragingly little progress in its efforts to increase the representation of blacks, other minorities and women on its faculty; and

WHEREAS, the reasons for this lack of progress, documented in part in the June 1979 report of the Minority Education Committee, include

- (a) the relatively small pool of qualified women and minority candidates in certain fields and the narrowly drawn criteria often used to define open faculty positions,*
- (b) competition with other universities and with private industry for a small number of qualified women and minority candidates, and*
- (c) the fact that affirmative action often receives lower priority than other educational goals even when a genuine positive commitment to its objectives is present;*

BE IT RESOLVED THAT

- (1) the several graduate fields are urged to increase their efforts to recruit and train women and minority students, especially in those areas where women or minorities are not well represented;*
- (2) whenever job descriptions for faculty appointments are drawn so narrowly that the pool of qualified applicants includes no women or minority representatives, some consideration should be given to broadening those descriptions, so that the University's need for a more diverse faculty can be weighed together with the particular academic and professional considerations that are relevant to the appointment;*

(3) when several well-qualified candidates are available for the same position it is legitimate to consider the goal of achieving a more diverse faculty as relevant to the choice among them;

(4) the University must exercise flexibility and ingenuity in its appointments in order to attract women and minority scholars to the community;

(5) the entire faculty, as well as the President, the Provost, the Deans and their affirmative action officers, must sustain their commitment to establishing a more diverse faculty, and use such means as are at their disposal to ensure that this goal is not set aside when more traditional criteria for appointments are under consideration.

The Chair then called on Dean Greisen for a resolution to create an *ad hoc* committee on Cornell investments in American companies operating in South Africa.

4. RESOLUTION ON SOUTH AFRICAN INVESTMENTS

The Dean said this resolution was mailed to all members of the Faculty as well as considered in a special meeting of the University Faculty, where a quorum was not achieved so that no official action occurred. A straw vote was taken at that meeting which was 61-0 in favor of the resolution. Thereafter it was within the province of the FCR to consider establishing the *ad hoc* committee. He read the resolution:

Whereas the report of the Ad Hoc Committee on South Africa chaired by Trustee Nelson Schaenen, as adopted by the Board of Trustees in January 1979 recommends that:

"The University's major efforts should be directed toward urging those American corporations whose securities are held in its endowment funds to take actions to improve

the working, living, and educational opportunities for blacks in South Africa";

and whereas the University has not yet convincingly fulfilled its responsibilities as outlined in that report;

and whereas the Faculty role in the University's present Investment Proxy Advisory Committee is too limited and not directly responsive to the Faculty;

The Faculty Council of Representatives hereby establishes an Ad Hoc Faculty Committee on South African Investments to be comprised of eight members appointed by the Dean after consultation with the FCR Executive Committee. This Ad Hoc committee is asked to review the manner in which the University has followed the Schaenen committee recommendation and the actions in South Africa of those American corporations which operate in that country and whose securities are held in the Cornell portfolio. The Ad Hoc committee is instructed to report back to the FCR on these matters at the earliest opportunity but not later than May, 1981.

The Speaker indicated that since this resolution came from a committee it did not require a second, and opened the floor for debate.

Professor Richard Rosecrance, Walter S. Carpenter, Jr. Professor of International and Comparative Politics, strongly supported adoption of the resolution on the basis that more faculty involvement such as existed at other comparable institutions was necessary. He concluded: "A faculty committee which was able to inquire into the practices of companies operating in South Africa in some more depth and detail would not only be helping both our own faculty and faculties at other universities

but could also very considerably strengthen the work of the current committee. Therefore I would certainly support the resolution."

The Dean indicated that while he took no side on the issue he should point out that the present Proxy Advisory Committee has been "expanded from seven to eight members and its membership is now so defined that two of those eight will be faculty, two will be students, two will be employees and two will be alumni. Now I believe that that composition is not an unusual one when compared to the corresponding committees at some other universities. With regard to the faculty membership, I apologize for being the representative of the faculty on the committee so far. A new member will be chosen shortly this spring and there will be a rotation system - appointments of a new person each year for a period of two years. One year from now when it's time to appoint a second one, we will have two regular faculty members on the committee and not a dean like myself."

There being no further discussion, a vote was taken on the resolution and it carried unanimously.

The Chair next called on Professor Mary Morrison, Nutritional Sciences and Chairman of the Executive Committee, for a resolution on the NA symbol.

5. RESOLUTION ON THE USE OF THE NA SYMBOL

Professor Morrison moved the following resolution on behalf of the FCR Committee on Academic Records and Instruction, which has to do with the use of the NA as an end-of-term symbol:

RESOLVED, That beginning with the fall term of 1980, the symbol NA will no longer be acceptable as an end-of-term report of student achievement in a course in lieu of a grade.

The Chair recognized Associate Dean Lynne S. Abel, Arts and Sciences, and Chairman of the Academic Records and Instruction Committee, for background material on the resolution.

Dean Abel explained: "The reason the ARI has presented their resolution to the Executive Committee and then to you is that the system of keeping track of students' schedules has changed a bit in the last year and the NA has therefore become unnecessary. The way we do it now is as follows: the students register for courses as usual. At about mid-term they receive a copy in the mail of the confirmation of their schedule. Listed are all the courses that they are taking and whatever mid-term grades have been submitted. At that time if the student has not shown up in the class or showed up for the first week or two and never since, an NA would be an appropriate grade. The grade would show as a red flag that the student is registered in something but is not attending or keeping up with the work and the student should at that point take care to drop it. At the end of the term, if the course has not been taken care of in some proper way, the ARI Committee feels that the appropriate grade is an F. In no case is the grade NA appropriate for someone who just disappears after mid-term. A student who disappears after confirming his or her schedule should not get an NA anyway. That's an inappropriate grade - it's too late, it should be an F. The way it is now, an NA being possible as both a mid-term and an end-of-term grade, makes it possible for students to drop courses unilaterally and avoid both the advising system and the petitions committees of the various colleges. So that for example if along about week five they decide this course is not for them, without

consulting an advisor, without going through the proper forms to drop the course that the college requires, the student can just stop. The professor then may submit an NA, although he shouldn't and that's really an improper kind of procedure."

Professor John F. Booker, Mechanical and Aerospace Engineering, said: "I am the Associate Director, dealing unfortunately with NA's among other things. This resolution was news to me, although I don't think it's earth shaking. I have some negative feelings about it. I agree with Dean Abel that the NA is certainly a notation - not a grade. I don't think it's a report of student achievement either. I think faculty members should be concerned about that. What we need if we don't have the NA, is essentially an administrative F. If we do not, with the kind of independent souls I deal with, I think that we're going to have a blank grade problem from independent faculty members who are simply not going to report F's for somebody they don't know. I think until the new system is working better than it is so far, I would suggest that probably the best thing that could happen is that the Committee take the recommendation back and consider alternatives more seriously."

Professor Joseph B. Bugliari, Agricultural Economics and B&PA, and Chairman of the Academic Standards Committee of the Business School, stated: "I'd like to support this motion. I think that a student who gets an F will come in and figure out whether it's an administrative F or a real F. And if he gets an F and it should be an administrative one, then there are ways, as I understand it, to get the course completely taken off the student's record card which is where it ought to be if in fact it

really is an administrative F. I agree completely with Lynne that what the NA does is permit students to drop - I wouldn't say unilaterally, I'd say just completely on their own. And if a sympathetic member of the faculty who instead of giving them an F doesn't know what to do, and gives them an NA, then it's there forever as an NA and they don't have to make it up, they don't have to do anything. I think the students ought to take the responsibility to come up and either get it off the record completely or in fact take their F and have it count academically."

There being no further discussion, the Speaker called for a vote on the resolution. It carried with but one nay.

As no further business was at hand, the Chair entertained a motion to adjourn. Adjourned: 5:35 p.m.

Respectfully submitted

Joseph B. Bugliari, Secretary

Amendment to December 12 minutes: On page 4973C, the first line of the second paragraph from the bottom was amended by Professor Usher from "...may be given to the candidate is tantamount to fraud and dishonest" to "...may be given to the candidate is a half-truth and possibly dishonest." And the last line of the same paragraph was changed from "Again there was no recorded response" to "Professor Kretzmann replied 'no'."

March 27, 1980

120 Ives Hall

The Acting Speaker, Peter Stein, called the special meeting to order at 4:30 p.m. Approximately 60 faculty members were present - not enough for the quorum of 75 required to conduct business. He indicated that those present could discuss the matters that were before the group or could adjourn. A suggestion was made from the floor to discuss. The Speaker first called on Dean of the Faculty, Kenneth Greisen, for some comments.

1. COMMENTS BY DEAN GREISEN

Dean Greisen thanked Professor Stein and Professor William T. Keeton, for their willingness to act as Speaker and Secretary, respectively. He indicated that Bill Wendt, Director of Transportation Services, was present and available in case information about the parking and transportation system was needed. Dean Greisen expressed regret that more faculty were not present since in order to call this special meeting, a number equal to the quorum was needed on a petition. Apparently people were willing to sign a petition to call a special meeting, but not willing to come to the meeting after it was called.

The Speaker next called on Professor Jay Orear, Physics, to discuss informally a resolution that he would have presented to the faculty had there been a quorum.

2. DISCUSSION OF RESOLUTION ON FACULTY SALARIES AND
PARKING FEES

Professor Orear said his intent was to present a report for the Review and Procedures Committee on the resolution (below)

that he was to present at the regular Faculty meeting of February 20, but was unable to do at that time because of adjournment.

WHEREAS, Cornell University over the last few years has been giving its faculty pay decreases in terms of constant dollars after taxes, and, WHEREAS, a salary increase of about 15% is needed to cover 1979 inflation, and an additional salary increase of about \$75 would be needed to cover a \$36 increase in parking fees,

BE IT RESOLVED, that the Faculty of Cornell University asks President Rhodes not to increase parking fees for faculty.

The resolution was approved by the Review and Procedures Committee in its present form, with only one dissenting vote. Professor Orear began to reconstruct some of the thinking of the Committee on this issue. "We rather quickly got into the question of why bother about an effective \$70 pay decrease, when the effects of inflation for this year alone to the average faculty member will amount to another yearly pay decrease of over \$1000 - in constant dollars. The phrase came out: 'Well, it's the tip of the iceberg.' We recognized that this issue of raising the parking fees - at least some of us said - involves a serious matter of principle, and we recognized that it's a question of symbolism. And there were comments about the importance of symbolism in the affairs of man, and parenthetically, at lunch today, there was at the table with me an art professor who told me that 'symbolism is more real than reality.' Symbolism here is a perception that the administration is hitting us twice. The

first hit is somewhat understandable, and that's the \$1000 pay decrease. But the second hit is not so easily understandable and in our opinion could easily be avoided. It is like adding insult to injury. It might appear to some as the administration's not really being on our side. Now on the other hand, one could argue what difference does it make if we the faculty pay an extra \$40,000 to the University in parking fees, because we hope any new income at this stage would go into the salary pool and come right back to us as a \$40,000 increase in salary. If that is all there was to it, I don't think we'd be so worried, but there's a big catch. And that is that in the path from the hand that taketh away to the hand that giveth back, there are two middlemen - the United States and the New York State Bureaus of Internal Revenue. They would get an extra \$20,000 out of it, and so it comes back in the other hand as \$20,000 less. This would be an unnecessary net loss to the faculty as a whole. Since the University can legally tax-shelter our parking, why not take advantage of it? Actually, the University does tax-shelter and completely subsidize parking for some employees, namely Emeritus professors and the Research Park professors. So I ask - why not do it for all the other professors as well? That was not actually a consideration of the committee. We did not address ourselves to abolishing the present parking fee, although the faculty has spoken on that issue before and voted overwhelmingly not to have any parking fee for the faculty - nine years ago.

"Another consideration of our committee was whether or not partial subsidization of on-campus parking might unduly

benefit some minority. Certainly those of the faculty or anyone else who choose the free AB parking are fully subsidized, but that didn't seem to bother us. Then we had two other sources of information. One is from figures supplied by the Bureau of Transportation on how many U stickers, O stickers, E stickers, etc., have been purchased by faculty; roughly, about 1000 active faculty members have some kind of sticker that allows them to park on campus when they please. The other source of information was an informal polling and interviewing that I did with six different department chairmen or ex-chairmen: this gave the same conclusion that something like 80-90% of the active faculty - the ones not on leave and so on - do have one way or another of parking on campus, and feel it is necessary for them to make use of that privilege at least some of the time. So the time-saving option of on-campus parking is for the most of the faculty - over 80% at least - a necessity in order to maintain the professional standards of their work. So I conclude from this and from the department chairmen that I have interviewed, that the raising of prices of U stickers by \$36 will not work as a rationing mechanism, but the rationing mechanism is one of the key arguments given by administrators here for doing this to us. Those 80 or 90% of the faculty will still need to park on campus in order to maintain their present levels of productivity. The main effect of raising parking prices will be to create dissatisfaction among the faculty with their University and its administration. Much of all this is psychological and symbolic, but I fear it could lead to a feeling in some quarters that the only way to stop this sort of thing is by a faculty union. Since 65% of the U stickers

are purchased by non-faculty, rationing can easily be achieved by reducing the size of that group or, as the Transportation Committee has also proposed, building some extra on-campus parking on Alumni Field.

"I have one final sort of warning and this is more my own personal editorializing now. It is claimed that this will be a one-shot increase and that it makes up for the last nine years of no increase. But to me, facts speak louder than words. Both the E sticker and the O sticker prices were increased by very large amounts last year and they are proposed to increase again this year by again very large amounts. Specifically, the O sticker increase over the two-year period will be a 167% increase. My colleagues on the upper campus will be forced to pay $2 \frac{2}{3}$ times what they were paying just a year or so ago. Now I have talked to some of the administrators and I've gotten a feeling for how they think. And the feeling is that Cornell should ultimately charge the same for parking as downtown Ithaca charges. We should be competitive. Then a simple calculation shows that today the U sticker price should be \$220 and I fear that if we allow the price of U stickers to go up even \$1.00 this year, a new precedent will have been created. The foot will be in the door and then they can keep increasing the price year after year until they do become competitive with downtown Ithaca. This is our last chance to hold the line. On June 10, 1970, the faculty voted 70% against the charging of any kind of parking fee for faculty. And let me parenthetically say that that motion was presented by L. Pearce Williams and was strongly supported by

Jay Orear, and anything that's strongly supported by L. Pearce Williams and Jay Orear simultaneously has to be right. Then last month a survey mailed to the entire faculty, to which 200 responded, resulted in an 87% vote against raising parking fees for the faculty. At the meeting of the appropriate Campus Council Committee on Transportation, came the final vote and the faculty representative - there was only one at that meeting - voted against this new fee schedule and the whole thing just barely squeaked through by one vote. So I urge you here to keep up the tradition of opposing the parking fees with the hope that our new administration will listen to us. After all, the faculty is the University, and Cornell's world reputation rests on the productivity and achievements of its faculty."

Professor Norman Potter, Food Science, asked what change in the new program there is in terms of eligibility and salary requirements versus the desire to pay.

Bill Wendt said that under the new plan, faculty and upper-level staff will have the first opportunity for any parking permit that they desire. Following that processing priority, all other staff members will then be processed. That in effect would open up areas for other members of the staff and not be based on rank or salary.

Professor Arthur L. Berkey, Education, said there is another significant difference. In the past one had to be CP05 or above in order to be eligible for U stickers, but under the new system, CP04 and below are now eligible to car-pool and get a U permit. The ranking for processing will be first, the people

who have special requests approved by the Special Requests Appeals Board - for persons with a disability or handicap. Second, there will be a group who are the car-pools. People CPO4 or below, if they're willing to car-pool in groups of three, are eligible to buy a U sticker although they previously were not eligible. Then the third group would be the CPO5 and above - the people currently eligible to buy U permits. Finally, if open U spaces remain, these will be available for anyone to buy. If there are enough people in the CPO4 and below who are car-pooling, this may take up spaces so that some of the people who are currently buying U spaces - CPO5 and above - may not be able to get a U permit. Professor Berkey urged those faculty who needed a U permit for their actual job or who needed to drive on campus during the day, to put in a special request to make sure that they do get a U permit or they may not get one under the new system. On the other hand, if the fee increase to \$144 from \$108 pushes enough faculty not to pay that price, and if that number is larger than the number of people who buy under the pool, then there will be no problem.

A question was raised from the floor as to whether Cornell has made any provision for the additional people who might park in A and B?

Mr. Wendt responded that the program includes construction of approximately 300 parking places in the area just east of Lynah Rink.

Another speaker indicated there seemed to be two substantive issues that weren't addressed very well. The first

is the issue of productivity. He felt that the increase in fees will result in some faculty members electing not to purchase the U permits or O or E permits and electing to park in the A or B lots, thereby creating a problem. But the bigger problem may involve the decrease in productivity of those faculty members owing to the additional amount of time required to get to their offices. The second issue is how the University goes about financing various activities that support faculty productivity. The Department of Transportation and Parking establishes fees to finance their system. And there are many other activities which are financed in the University by fees. How far can we go?

Professor Richard L. Liboff, Applied Physics and Electrical Engineering, asked if a straw vote could be taken.

The Speaker replied that there is a sharp line between a quorum and no quorum, and he would not be happy to conduct a straw vote of those present since it would be a meaningless thing.

Dean Greisen suggested the second item on the agenda also be discussed in the same way, before losing the patience of those in attendance.

The Speaker said that perhaps after running out of speakers on the first issue, we could turn to the second one.

Professor David D. Clark, Nuclear Science and Engineering and Applied and Engineering Physics, said he would vote against this resolution if he were allowed to vote, on the basis that the faculty was singled out for preferential treatment in terms of not having to pay more for parking. He wondered why this resolution did not say no increase in parking fees for other people as well.

Professor P.C.T. deBoer, Mechanical and Aerospace Engineering, said that when the idea of parking fees was first introduced, some fundamental concepts were presented. One was that in principle the campus should be a pedestrian one - cars should not be there. The second one was that the green on the campus should be preserved. As a result of that, the pattern has been that whenever a new building has been built, that building has been put in a parking lot, thereby taking away spaces on the one hand, while creating a need for more spaces. The extension of parking facilities, including parking lots on the periphery as well as booths with people in them, should be paid by those using them. Have these concepts been changed now?

President Frank H.T. Rhodes suggested that the body may wish to have Mr. Wendt speak about the general concept behind this whole system. It is part of a comprehensive transportation plan for the campus that has been reviewed by the Transportation Committee and approved by it and also by the Campus Council.

Mr. Wendt began: "There has been a package approved of \$500,000 to be spent in improving the transportation system this year. That includes implementing new bus routes, expanding parking facilities and improving inner sections where there are problems in creating bus shelters and turn-arounds. The increase in parking fees will generate about \$110,000 from faculty and staff and the rest of the money up to the \$200,000 estimate of increased revenue will be coming from student and transit riders. The program as presented does stick with the original concepts as previously outlined. We are not increasing parking in the

central campus area. The increase in parking is in the area of Schoellkopf Drive-Lynah Rink, which is accessible from Judd Falls Road and the Schoellkopf Drive area. So we're not increasing the impact of the automobile on the inner campus; however, that will provide over 300 more convenient parking spaces within walking distance to most of the central campus facilities. We're hoping that that increased parking will provide an option for some faculty who now buy U permits to seek a lesser priced permit and park in the area of Kite Hill.

"The expansion of the bus route is prompted by several concerns. One is to make the bus system more efficient and to carry as many people as we can to emphasize that they should keep their cars off the campus. We're expanding that in the area of the Engineering College. It should then make it possible for people in the Engineering and Law Schools to take the bus from peripheral lots to their place of work. It's very difficult for people in those schools now because the bus stops on East Avenue are a quarter of a mile away from their place of work. The new service will also impact students by running the bus down to Sheldon Court. We hope to be able to pick up students in the morning after full buses from peripheral parking areas have gone on to central campus and dropped off staff and faculty at their place of work. They will then proceed to Collegetown and pick up a large number of students that are walking to campus from Collegetown. We would be continuing the existing AB service. There would be a new bus route from the B lot to the West Campus area. We feel that the plan does provide some improvements in the transit system.

This will not only take care of the daytime peak hour of commuters, but also alleviate some of the evening and weekend traffic and parking problems that we have on campus when a major athletic event is taking place or when conferences are on this campus. That is another major concern, namely how we treat visitors and where we can park them in relation to facilities such as the ILR Conference Center or the Statler.

"The total transportation program now costs around \$880,000. From that \$880,000, \$560,000 is returned to the University in all sorts of fees; \$390,000 of that \$560,000 comes from parking fees. The University's present subvention of the parking and transportation program is around \$320,000. That annual subvention is not decreased by increasing the fees because another \$500,000 is being spent for these improvements in the system. The increase in fees, however, will amortize those increases within a five year period and provide the additional subsidy needed to continue operating the transit system. With the increase in the price of gasoline, as we all know, the cost of the transit system has risen very rapidly over the past few years. That \$320,000 subvention has grown by about \$120,000 over the past four years."

Dean Greisen asked if there was any plan for additional parking in connection with the new biology building.

Mr. Wendt replied affirmatively - that there is a parking lot planned. Because of construction taking place on that field, parking facilities will not be available until construction is completed.

Professor Berkey said it was mentioned that this plan was adopted by the Transportation Committee of the Campus Council.

That committee consists of nine members, but at the time of the vote there were five people present, and the plan was adopted by a vote of 3 to 2. There are two questions here. Is the new changed system desirable? Professor Berkey thinks it is. Should it be financed with increased parking fees? Professor Berkey doesn't think so for many reasons. In 1970, it was stated that parking permit fees would not be used to fund the bus system. It seems that this money should be used for parking lot improvements. He is not against the package per se but against the method of financing it from increased fees.

Professor Orear said that most people like the new physical plan, but prefer that it be financed by further University subsidy, which has to come out of the salary pool. But instead, it is proposed that it be financed out of after-taxes salary, thereby making employees lose by a factor of two. "If you finance it by increased University subsidy, less money will be going to the IRS and more money into the pockets of Cornell faculty and employees." Staff members tend to have more reliable working hours than faculty, and that is why just faculty are included in this resolution. By being able to park on campus, they would gain approximately three hours per week in productivity time. Professor Orear said one of the reasons he came to Cornell over Berkeley was that he could park right in front of his lab, and yet in 1970 this fringe benefit was taken away over overwhelming objections from the faculty.

Professor John Nation, Electrical Engineering, said the issue is how far you can extend the University's picking up fringe

benefits rather than giving a salary increase - citing the recent pick-up of health insurance. He also said the University has worked very closely with the Committee on the Professional and Economic Status of the Faculty, of which he is the chairman, on discussion of just such issues.

Provost W. Keith Kennedy said the University's desire is to pay fringe benefits to the fullest extent possible, and to move to fringe benefits those items that every member has to pay. "We are not moving to picking up fringe benefits that are discriminating in a sense. If someone bought a house near the campus in order to walk, why should they subsidize my parking ticket because I want a house three miles from the campus and I drive rather than walk? To the extent that we subsidize the parking from University funds, we're doing it largely at the expense of endowed colleges because there is not a mechanism whereby we can tax or withhold or give a lower salary increase or siphon off from the salary adjustment made by the State of New York to go into helping defray the parking tickets."

Professor E. Scott Maynes, Consumer Economics and Housing, and member of the Committee on the Professional and Economic Status of the Faculty, said they considered this matter. One element should be brought out - namely that those holding U stickers who come on campus late can hunt around for a parking place that isn't there. As he understands the new plan, there will be a number of reserve spaces, so that there will be a greater probability of attaining a parking place.

Mr. Wendt replied that was correct. Anyone who wants a permit will have to request it at the time specified since there will be a limit on the number sold.

Professor Orear wished to respond to Provost Kennedy's comments. The number of persons who live within walking distance and actually do walk to campus, is small.

President Rhodes said: "I don't know any place which is characterized by the administration paying more attention to the views of the faculty and the guidance of the faculty in developing proposals than we do at Cornell. But in order to do that, we need your help and we need your guidance. My problem is, which group of faculty do we listen to? I was a little surprised when Professor Orear told us this motion was coming from the Review and Procedures Committee, because the budget development this year has involved the work of four different faculty committees: the FCR Budget Committee, the review by the Campus Council Priorities Committee, the Professional and Economic Status Committee, and the Transportation Committee. And therefore it's difficult for us to know what the view of the faculty is when we're then told that the Review and Procedures Committee takes out one item of the budget and we then come to a faculty meeting lacking a quorum with extensive discussion. So we need your help and we seek it, but it has to be help which is thoughtful, comprehensive and consistent, and I look forward to counting on that in the future."

The Speaker said the next item on the agenda was an item from Professors Liboff and Harriott on smoking on the campus.

3. DISCUSSION OF RESOLUTION ON SMOKING ON THE CAMPUS

Professor Liboff thought that anyone who came here on such a beautiful day must have been terribly in favor of this no smoking resolution, and if kept here any longer, would be

dismayed and turn against it. He then moved to adjourn, indicating that he would wait for a regular meeting when it would count.

The motion moved and seconded, the body so adjourned at 5:45 p.m.

William T. Keeton

Acting Secretary

April 9, 1980

110 Ives Hall

The Speaker, Professor Russell D. Martin, called the meeting to order at 4:35 p.m. 58 members and several visitors were present. The minutes of the March 12 meeting were approved as distributed.

The Chair called on Provost W. Keith Kennedy for his remarks.

1. REMARKS BY THE PROVOST ON THE SABBATIC LEAVE POLICY

The Provost said that he had been asked by President Rhodes to discuss a proposal that is being taken to the Board of Trustees in relation to the obligations surrounding sabbatical leaves. "The vast majority of the faculty follow the existing guidelines in that if during a sabbatic leave they decide not to return to the University they arrange to reimburse the University or to have their future employer reimburse the University. However, we do have an occasional faculty member who wishes to flaunt this and upon the advice of our University Counsel we are asking the Trustees to reaffirm what has been a long established policy. It appears in the *Faculty Handbook* of 1972 and in the *Appointments Notebook*. I'll read the short paragraph from the *Faculty Handbook*: 'It is expected that those granted sabbatical leave will return to duty at the University for at least one year. Those who do not return in order to accept employment elsewhere are expected to remit to the University any salary paid to them by the University while on leave or to arrange for the new employer to reimburse the University for such salary.' We feel very forcefully that

this should be followed and I want to let you know that it is our plan to ask the Trustees to reaffirm this policy. There is no change; it's just as presently written."

The Chair thanked the Provost and next called on Kenneth Greisen, Dean of Faculty, for his remarks.

2. REMARKS BY DEAN GREISEN

The Dean stated that he wished to report the results of the referendum on the confidentiality matter. "We have set a few firsts in going through this whole process in exercising all the protective clauses in OPUF - our procedures for conduct of faculty business. In the case of the resolution on confidentiality, this Council finally after devoting four meetings to debate on it, passed the resolution but by a very close margin. It was by 41-33. Then a challenge was raised and there was a University Faculty meeting seeking to overturn it and it was upheld by a vote of 88-79. Then there were enough petitions filed that the resolution was submitted to referendum and there was a larger participation of the faculty in that vote than in anything, I believe, the faculty has ever done before. There were 989 votes cast - 11 votes short of 1000. When you consider the number of faculty who aren't available to vote out of the 1500 total, that is a very large participation. The vote came out almost even - the difference between the yeas and nays was 47 votes out of this approximate 1000 total. But the votes to nullify the action won. There were 518 votes in favor of nullification and 471 votes to uphold the action that had been taken beforehand. I would like to say that if the difference had been a small difference in the other direction, of course, the procedures would have been put into

effect. Now that the vote has come out this way, they will not, but I think the difference, which would have turned on a very small number of votes, is not as big as might appear from such a statement. I do not believe that this faculty in its promotion procedures will go back to where they were before these discussions began. I do believe that there will be more attention paid to the rights of the candidate as a result of our having had all this careful consideration, all these debates. Many of us, and certainly I myself, among them, have altered our concepts in this area. We have a different understanding of the whole matter now than we had in the beginning. And so I think whether or not we passed a rule enacting some particular process is by no means as important as having had the debate in which so many faculty took a very serious part. And, of course, those departments, who are convinced that the proposals in the resolution were correct, are free to proceed to apply them. They don't need to withhold doing that just because the resolution was not passed. Those departments that thought it was better not to go that far in opening up the letters of recommendation, don't have to. I'm sure, however, that they will confide a bit more than they would have in the past to the candidate about the reasons for his promotion or non-promotion. I, for one, have been very impressed by the faculty's treatment of that whole matter from beginning to ending. I don't know that it counts much, but I'd like to congratulate the faculty on its consideration of this issue."

Professor Thor N. Rhodin, Applied and Engineering Physics, asked what the next step was in regard to the confidentiality matter.

The Dean replied: "Our procedures (OPUF) require that the same matter or one substantially equivalent to it, not be brought up again before this body until at least a year has passed. So we rest on the matter, at least legislatively, for a minimum time of a year."

The Chair again called on the Dean for a presentation of the slate of nominations for membership on faculty committees.

3. APPROVAL OF SLATE OF CANDIDATES

On behalf of the Chairman of the Nominations and Elections Committee, Professor Wolfgang Fuchs, Mathematics, who was unable to be present at this meeting, the Dean presented the slate as distributed to members of the FCR.

The Speaker opened the floor for additional nominations, with the provision that the person being nominated had been approached and agreed to serve.

The Dean added that there will be another slate prepared by the same committee for FCR seats on various committees, since most FCR committees are required to have at least two members from the FCR on them. The slate being presented at this time will be put to a vote by the whole University Faculty. At the May meeting the slate of nominees for FCR vacancies on committees will be presented, with an election by members of the FCR to follow.

Professor Crosby A. Houston, Aerospace Studies, proposed Associate Professor John A. Muckstadt, Operations Research and Industrial Engineering, for the University-ROTC Relationships Committee.

Dean Greisen asked if Professor Muckstadt had been consulted as to willingness to run. Professor Houston replied that he had not talked to him recently. (Subsequent to this meeting, Professor Muckstadt was contacted and declined since he would be on sabbatic leave for the 1980-81 academic year.)

There being no further nominations from the floor, the Dean moved that the slate be approved. The Speaker indicated that the motion did not need a second since it came from a committee. On a vote call, the slate was approved as follows:

FACULTY TRUSTEE - 1 vacancy, 5-year term

William E. Cross, Jr., Assistant Professor, Africana Studies
and Research Center

William T. Keeton, Liberty Hyde Bailey Professor of Biology

Walter R. Lynn, Professor of Environmental Engineering

Marion E. Minot, Professor of Human Service Studies

Martie W. Young, Professor, History of Art, Curator, Asian Art,
H.F. Johnson Museum

Irving Younger, Samuel S. Leibowitz Professor of Trial Techniques, Law

AT-LARGE MEMBER, FCR - 3 vacancies, 3-year term

Richard A. Baer, Jr., Associate Professor, Natural Resources

Richard N. Boyd, Associate Professor, Philosophy

W. Jean McLean, Professor and Acting Chairman, Design and
Environmental Analysis

Murad S. Taqqu, Assistant Professor, Operations Research and
Industrial Engineering

James S. Thorp, Professor, Electrical Engineering

REVIEW AND PROCEDURES COMMITTEE - 3 vacancies, 3-year term

Jane L. Hammond, Professor of Law and Law Librarian

Warren T. Johnson, Professor of Entomology

Barclay G. Jones, Professor, City and Regional Planning; Director,
Urban and Regional Studies

William H. Kaven, Associate Professor, Hotel Administration

Mary E. Purchase, Professor, Design and Environmental Analysis

NOMINATIONS AND ELECTIONS COMMITTEE - 3 vacancies, 3-year term

Alice J. Davey, Associate Professor, Consumer Economics and
Housing

H. Peter Kahn, Professor of Fine Arts, History of Art

Russell D. Martin, Professor of Communication Arts

Byron W. Saunders, Emeritus Professor, Operations Research and
Industrial Engineering

MEMBERSHIP OF THE UNIVERSITY FACULTY - 1 vacancy, 3-year term

Eric A. Blackall, Jacob Gould Schurman Professor of German
Literature

Leland E. Carmichael, John M. Olin Professor of Virology,
Veterinary Medicine

ACADEMIC FREEDOM AND RESPONSIBILITY COMMITTEE - 1 tenured vacancy,
3-year term

Elizabeth D. Earle, Associate Professor, Plant Breeding and Biometry

Bertha A. Lewis, Associate Professor, Design and Environmental
Analysis; Associate Dean, Research and Graduate Studies;
Asst. Dir. CU Agri. Exper. Station

ACADEMIC FREEDOM AND RESPONSIBILITY COMMITTEE - 1 non-tenured
vacancy, 3-year term

Herbert Finch, Assistant University Librarian

Ellis R. Loew, Assistant Professor, Physiology, Agriculture;
Physical Biology, Veterinary

ACADEMIC PROGRAMS AND POLICIES COMMITTEE - 2 vacancies, 3-year term

Stuart M. Blumin, Associate Professor of History

Richard P. Korf, Professor of Plant Pathology

Albert Silverman, Professor of Physics

Bernard F. Stanton, Professor of Agricultural Economics

BUDGET COMMITTEE - 1 non-tenured vacancy, 3-year term

Liam Ebrill, Assistant Professor of Economics

Loren W. Tauer, Assistant Professor of Agricultural Economics

FREEDOM OF TEACHING AND LEARNING COMMITTEE - 2 vacancies, 3-year term

John J. Clark, Jr., Associate Professor, Hotel Administration

Cushing Strout, Ernest I. White Professor of American Studies
and Humane Letters, Chairman, American Studies

Nicholas L. Sturgeon, Associate Professor of Philosophy

FREEDOM OF TEACHING AND LEARNING COMMITTEE - 1 non-tenured vacancy,
3-year term

Michael Basseches, Assistant Professor, Human Development and
Family Studies

Ramona K.Z. Heck, Assistant Professor, Consumer Economics
and Housing

MINORITY EDUCATION COMMITTEE - 2 vacancies, 3-year term

Josephine A.V. Allen, Assistant Professor, Human Service Studies

Donald C. Graham, Associate Professor, Food Science; Assistant
Director, Instruction

Benjamin Nichols, Professor of Electrical Engineering

Richard J. McNeil, Associate Professor of Natural Resources

PHYSICAL EDUCATION COMMITTEE - 2 vacancies, 3-year term

Klaus W. Beyenbach, Assistant Professor of Physiology, Agriculture;
Assistant Professor, Physical Biology, Veterinary

Douglas J. Lathwell, Professor of Agronomy

Peter L. Marks, Professor of Biology, Ecology and Systematics

Robert P. Merrill, Herbert Fisk Johnson Professor of Industrial
Chemistry, Chemical Engineering

PROFESSIONAL AND ECONOMIC STATUS OF THE FACULTY COMMITTEE -

1 vacancy, 3-year term

Robert L. Aronson, Professor, Industrial and Labor Relations

Robert W. Kirk, Professor of Clinical Sciences, Veterinary

Phil Schoggen, Professor and Chairman, Human Development and
Family Studies

PROFESSIONAL AND ECONOMIC STATUS OF THE FACULTY COMMITTEE -

1 non-tenured vacancy, 3-year term

Florence Berger, Assistant Professor, Hotel Administration

Michael S. Johnson, Assistant Professor, Consumer Economics
and Housing

RESEARCH POLICIES COMMITTEE - 3 vacancies, 3-year term

Andre Bensadoun, Professor of Nutritional Biochemistry, Nutritional
Sciences

Donald P. Hayes, Professor and Chairman, Sociology

Louis E. Martin, University Librarian

Douglas D. McGregor, Professor, Veterinary Microbiology; Director,
J.A. Baker Institute for Animal Health

Yervant Terzian, Professor and Chairman, Astronomy

George J. Wolga, Professor of Electrical Engineering

UNIVERSITY-ROTC RELATIONSHIPS COMMITTEE - 2 vacancies, 3-year term

Robert S. Dickey, Professor of Plant Pathology

Carl C. Lowe, Professor of Plant Breeding and Biometry

Maurice J. Tauber, Professor of Entomology

COUNCIL ON PHYSICAL EDUCATION AND ATHLETICS - 1 vacancy, 3-year term

Carol L. Anderson, Associate Professor, Human Development and

Family Studies; Associate Director, Cooperative Extension

James H. Gillespie, Professor and Chairman, Veterinary Microbiology

Joel H. Silbey, Professor of History

CAMPUS COUNCIL - 5 vacancies, 2-year terms, beginning June 1, 1980

Benedict R.O. Anderson, Professor of Government

A. Wade Boykin, Associate Professor of Psychology

Frederick A. Buttell, Assistant Professor of Rural Sociology

Henry H. Hagedorn, Associate Professor of Entomology

Arthur A. Muka, Professor of Entomology

Warren Philipson, Assistant Professor of Civil and Environmental
Engineering

Bruce W. Turnbull, Associate Professor of Operations Research
and Industrial Engineering

The Chair called on Assistant Professor Edward M. Murray,
Music, a member of the Committee on Academic Programs and
Policies, for a resolution on evening prelims.

4. RESOLUTION ON EVENING PRELIMS

Professor Murray presented the following resolution:

RESOLVED, That effective in the Fall term 1980, the
University Faculty legislation regarding daily
class schedules be amended as follows (deletions

bracketed, additions underlined, and sections with no change omitted).

5. Evening preliminary examinations which are to be given outside of normal class hours may be scheduled on Tuesday and Thursday evenings only, [and] either for the time period 6:30 - 8:20 p.m. or the period 8:40 - 10:30 p.m. [a] All such examinations shall be scheduled with the Examination and Room Coordinator in the Registrar's Office [.], and beginning in 1981-82, the dates and times shall be listed in the Cornell University Announcements Description of Courses as well as in the Course and Room Roster.
6. [No] Any exception[s] to the above regulations [schedules including the provision for free time on Monday, Tuesday, Wednesday and Thursday between 4:25 p.m. and 7:30 p.m., on Friday after 4:25 p.m., on Saturday after 12:05 p.m., and on Sunday] shall [be allowed save by] require permission of the Dean of the College or Director of the School offering the course. [concerned; such exceptions that are approved shall be regularly scheduled and included in written college announcements.] All such exceptions shall include provision of special arrangements for the students for whom conflicts are generated by the granted exception.

Professor Murray mentioned that the original generating force for this resolution was the large number of conflicts that

students encountered and also the fact that with so many prelims being scheduled on Tuesdays and Thursdays apparently some instructors felt they had to schedule prelims on Mondays and Wednesdays causing a number of difficulties including a conflict frequently with extracurricular activities which meet in the evening.

The Chair called on the Chairman of the Academic Programs and Policies Committee, Professor Carl Ginet, Philosophy, to speak to this resolution.

Professor Ginet said that there were two changes in the status quo that the Committee recommended. One is that evening prelims - times and dates - be listed in the Description of Courses and also in the Course and Room Roster, so that students would be able to avoid conflicts when they register. The other change is to have two periods on the permitted evenings - Tuesdays and Thursdays - in order to reduce conflicts in scheduling and also to reduce the pressure that seems to be on faculty to schedule evening prelims at prohibited times.

Associate Professor Peter J. Bruns, Botany, Genetics and Development, said he assumed that in listing the times and dates in the Course and Room Roster, one has to plan very well in advance. He asked if anyone knew what the closing dates for such announcements were.

Professor Ginet said that is one reason the Committee recommended that that be done in 1980-81 in order to allow plenty of lead time.

Dean Greisen said he thought the date was approximately February. The Committee did consider that in some cases it would

be impossible to have such early notice, especially when a new course is being started or a new person is assigned to a course. Dean Greisen continued: "There is a way out in the legislation. I don't like to encourage people to think they can use it for every little trouble that comes up, but whenever there is a rule there has to be provision for exception to the rule. And there is. The Deans of the colleges involved can grant exceptions to the requirements when it seems necessary and suitable to do so. In cases of impossibility, I suppose they would be handled that way. But the legislation was meant to require early planning in the normal circumstances so that when students preregister for the courses they could have a pretty good idea of the possibility of overlapping commitments or conflicting commitments and take those into account."

Professor Richard D. Aplin, Agricultural Economics, said he is concerned with establishing two hours for evening prelims. "First each period proposed is unreasonable. The one that starts at 6:30 would be a problem for those people who have commitments that run well beyond 6:30. And while I realize that students' days don't begin until 10 or 11 o'clock in the morning, I still think to start a prelim at 8:40 at night that might run until 10:30 - even if I were younger - might be a burden. I think that rather than giving us more latitude this will, instead, tend to lead to exams bunching up even more. I do favor two things. I favor the fact that it should be in the Course Announcements - that's a very reasonable thing to do. The other thing I would hope is that whoever does the scheduling in the Registrar's

Office for rooms would take more leadership in keeping track of who's registering for exams and contacting the professors involved in advance of the catalog copy to avoid some of the problems."

Professor Joseph B. Bugliari, Agricultural Economics and B&PA, wished to echo the sentiments of his colleague from Agricultural Economics. "How did we arbitrarily decide that all exams are to be no longer than an hour and 50 minutes? I have in my courses a range of students all the way from juniors to graduate students. When I give an exam I try to construct it so that it can be completed in an hour and 50 minutes, but I always give the students three hours so that the slower students will not feel too much of a time constraint."

Dean Greisen said that he made the exam time one hour and 50 minutes. "It seems to me when I came to Cornell almost all the exams were given in normal class periods - which were 50 minutes long. We have gradually expanded the length of exams. I heard one complaint this afternoon that was transmitted from the Dean of Students Office about a student who thought it was getting a little bit ridiculous - they were having to report for an exam at midnight. That's not made up. That was for a make-up of a make-up. I sympathize entirely with Professor Bugliari. We used to have so many complaints in our physics exams about not having time to work out the problems - the students used to complain that it was a race against time rather than a test of their abilities. This is one of the reasons we like to give exams in the evenings. We still plan them for 50 minutes, of course, but not three hours. It makes us feel much

better not to be pushing the students to work very fast. On the other hand, it seems to me that two hours or an hour and 50 minutes was a reasonable compromise and to make the exam periods three hours long would really make it impossible to have two exams in one evening. I do have to ask the faculty if they feel that the inconvenience of this proposed legislation is too great - the inconvenience, that is, of making exams short enough to be done in an hour and 50 minutes and the inconvenience of either beginning a little early or ending a little late - that they consider the alternative. At the moment we have a lawless situation. We have about as many exams being given in hours that the faculty legislation says are not permitted for exams as are being given in hours that are permitted. We can't go on that way. It is demoralizing both to the students and to the faculty to have members just ignoring their own legislation. The reason they're ignoring it is that they see no other way out at present. They call up to reserve a room for the exam and are informed that somebody else has the rooms reserved and there are no rooms available for them to give exams on Tuesday and Thursday nights. So they end up giving them on nights when they can get rooms. They feel that our legislation is so restrictive that they cannot do their job without violating the legislation. One possible proposal is that we just do away with our legislation - let exams be given at all times. A large number of faculty have surprised me by the strength of their feeling that we have gone too far in imposing commitments of academic activities in the evenings on students as well as during the day, and this is to some extent ruining other parts of their experience at the

University. They should be able to participate in useful organizations and these organizations ought to be able to hold rehearsals without having the woodwind section missing all the time. When there is a rehearsal for a play, if one or two members of the cast aren't there, it ruins the rehearsal for everybody else. For students not to be able to participate in student government - in musical or dramatical activities and a lot of other things in the evening is a shame. On the other hand, faculty members in charge of big courses with large numbers of students feel that the needs for giving prelims in the evening are tremendous. They cannot give them in the daytime during a regular 50 minute period. For one thing, the room that they meet in for lectures cannot be used alone and other rooms are all occupied. So they can't spread the students farther apart in their seating during the day. Also the mechanics of distributing the papers and collecting them absorbs a large fraction of the 50 minutes. They can't give meaningful tests where there's a little thought - something other than pure memory and quick writing down answers. The students would complain that their exam is a race rather than a test of their ability. There are really important reasons for giving tests in the evening. There are also important reasons for limiting them. One tremendously positive thing happened this year. After the crunch in the fall where some large courses conflicted, Kraig Adler took the lead and got together with Dan Sisler and some other people in charge of big courses in Agr. Economics and Math and Chemistry and Physics and Biology, etc., and planned for next year their prelim programs so as to arrange them so that they will not cause massive conflicts.

The only trouble is that such courses use up all the available nights, and this was only about ten departments. What we proposed was a way of not assigning any more evenings but making available twice as many room assignments in the same two evenings with a bit of inconvenience. It's true that some students will have to take two prelim exams in a row and that's undesirable. They do now too. Because what has been the favorite way of solving the big conflict problem when they've occurred, is to offer the students who have a conflict in the exam scheduled for 7:30 the possibility of coming at 5:30 - taking the exam just before the other one. Hundreds of students do that. That situation will not be changed particularly by this proposal. It was not a good solution - it doesn't solve the whole problem, but it's the only thing that we could see to at least ameliorate the problem - it gave us a little more room to schedule what had to go on in the evening without spreading it out over the whole week."

Professor Daniel L. Solomon, Plant Breeding and Biometry, said he had two questions for the framers of the proposed legislation. "First, is there to be no distinction made between graduate courses and undergraduate courses? Second is, would it be viewed as outside the spirit of the legislation if in those presumably few courses for which an hour and 50 minutes seems too short, if those courses could schedule both sessions on a given Tuesday or Thursday evening?"

Dean Greisen said it was his understanding that these detailed regulations applied to undergraduate courses only. "On the other hand, if someone wants to make sure of that, they could

propose a friendly amendment to that effect. As to the second question, I'm afraid that practically everybody would want to do that, so that we'd have to have somebody who had the authority to say 'no' if it got out of hand. To have the possibility of special appeals, special requests for two times, I don't think it is unreasonable. Anybody can ask for anything. We certainly hope that that group of science and math and other departments will continue to meet among themselves and without any laws passed limiting what they do, will try to smooth out the offerings in those huge courses so as not only to avoid direct conflicts but even having the exams on the same evening. I also hope that we will have set up some sort of monitoring, somebody not only to schedule in the Registrar's Office, write down what people have asked to schedule for exams and prelims, but to say 'no' to people who want to schedule a second exam that's in conflict with the first and maybe handle special requests for a double-length period when such is necessary."

Professor Aaron N. Moen, Natural Resources, said: "Having had several students in my office today preregistering, some of them were demoralized because they find a conflict between courses they want to take at the same time. I would suggest that if they also must face scheduling problems that deal with one night a week during the term, they'll be further demoralized but I don't think there's any way that the system can be devised to see that this does not happen. You can't coordinate the evening test schedule with the daytime course schedule because of multiple sections. As a result professors will end up setting far in advance an arbitrary time and date for a test, and the students

will then have a second and third conflict to deal with and it won't work."

Professor Bugliari asked if he understood it correctly that most of the problems occur with the freshman and sophomore level courses?

Dean Greisen said the particular courses that came to attention were in the earlier years - the big introductory courses in Agr. Economics, in Biology and in Chemistry and in Calculus. "That is true. These involve the most numerous students and these are the courses that are so large that they actually did attempt to be centrally scheduled. However, further investigation by the committee found that there were huge numbers of other courses, including junior and senior courses scheduling exams in the evening. Those didn't involve so many students each, but the lack of availability of times when the students could attend without having something else scheduled that night or availability of rooms was leading to the scheduling of those exams on Mondays and Wednesdays just as badly as in the elementary courses."

Professor Ginet wished to reply to the issue of demoralizing students. "I don't think having the evening prelims listed in the Course and Room Roster and so on will increase the number of conflicts and so it's just a matter of when the students find out about it and get demoralized. It's better for them to know earlier than later."

Professor Moen asked, as an advisor, how he should advise them to deal with this. "They see a conflict. They need both courses, but have the one test conflict. Should I tell them to go ahead and deal with the conflict the following year?"

Professor Ginnet suggested they should be advised to see if make-ups could be arranged.

Professor Bugliari raised the point of setting the exams "in bronze" and then having a concert or some other event scheduled for that same evening, saying it would be impossible to reschedule.

Professor Edgar M. Raffensperger, Entomology, wished to speak in favor of the motion, saying: "It is better to schedule against that which is known than what is not."

Professor Ginnet said even what is set in bronze can be changed. It does happen when a class has to be changed. You do not run into that kind of problem so often that this would be cumbersome.

Professor Bruns said that a better reply is that we hope the people who are scheduling other events for the University will also read our legislation and not tend to put things on the same Tuesday or Thursday nights.

Professor John W. DeWire, Physics, said after listening to these arguments, he's almost prepared to support a motion to abolish evening prelims. "I said almost, so I'm not ready to propose it. However, while I think this is an academic matter, it's also a question that has a very big impact on the lives of the students. Have we ascertained student reactions?"

Professor Ginnet said: "Beyond the survey of students we took to find out how many evening prelims they are having currently, all I can give you is my own impression from the sample of students in courses where I've given evening prelims which is that they favor evening prelims because of the reduction of the time pressure."

Dean Greisen said: "The question that was raised - have you consulted students as to whether they would like to see a division of the evenings into two parts - and the answer is no. This did not seem to those of us on the committees that considered this to be a question of lifestyle or preference or convenience. It seemed to us a case of necessity when professors in charge of the courses giving the evening prelims insisted that they had to do that. It was perfectly clear that there are not enough rooms available in the University in the time slots for all courses in the University to give evening prelims if we have available only two nights a week and only one period in each of those nights. So it didn't seem that we should ask someone, 'would you like it if we make available more nights.' We thought it wasn't a question of liking it. I don't think the faculty members will like it either to have to get there at 6:30 to give tests, or to stay as late as 10:30. I suppose most would be against it until we consider the alternatives. One should not ask would you like to have the nights divided into two parts. One would say would you prefer to have the nights divided into two parts or to have prelims four nights a week instead of two. Then there are all the people who find it necessary to schedule lab sections and recitation sections and other various meetings on Mondays and Wednesdays - so we'd have to include that in. The alternative ought to be a different solution and not just say well let's all of us do less work or something like that, which I think students would prefer."

Professor Murray said it might be added that as far as what students are required to do educationally in the evening,

this resolution only touches the question of preliminary examinations, but doesn't mention such things as review sessions - of which there are many.

Professor John F. Burton, I&LR, moved the previous question, which was seconded and carried.

The Speaker called for a vote on the resolution on evening prelims. It carried as originally proposed with but few nays. (see below - new material in Italics)

RESOLVED, That effective in the Fall term 1980, the University faculty legislation regarding daily class schedules be amended as follows:

5. Evening preliminary examinations which are to be given outside of normal class hours may be scheduled on Tuesday and Thursday evenings only, *either for the time period 6:30 - 8:20 p.m. or the period 8:40 - 10:30 p.m.* All such examinations shall be scheduled with the Examination and Room Coordinator in the Registrar's Office, *and beginning in 1981-82, the dates and times shall be listed in the Cornell University Announcements Description of Courses as well as in the Course and Room Roster.*
6. Any exception to the above regulations shall require permission of the Dean of the College or Director of the School offering the course. *All such exceptions shall include provision of special arrangements for the students for whom conflicts are generated by the granted exception.*

There being no further business, the meeting was
adjourned at 5:24 p.m.

Respectfully submitted,
Joseph B. Bugliari, Secretary

May 21, 1980

110 Ives Hall

The Speaker, Professor Russell D. Martin, called the meeting to order at 4:30 p.m., with 80 members of the Faculty and a few visitors also in attendance. He asked for corrections to the February 20, 1980 minutes, and hearing none, declared them approved. The Chair then called on Provost W. Keith Kennedy.

Provost Kennedy said it was his unpleasant task to announce the death of the following faculty members, after which the body stood for a moment of silence:

Joseph P. Porter, Professor Emeritus, Ornamental

Horticulture, March 1, 1980

Howard S. Tyler, Professor Emeritus, Personnel Administration,

May 20, 1980

The Speaker next called on the Dean of the Faculty, Kenneth Greisen, for his report.

1. REPORT OF THE DEAN

Dean Greisen announced the results of the recent Faculty election to committee posts.

FACULTY TRUSTEE - one seat

William T. Keeton, Liberty Hyde Bailey Professor of Biology

AT-LARGE MEMBER, FCR - three seats

Richard A. Baer, Jr., Natural Resources

Richard N. Boyd, Philosophy

James S. Thorp, Electrical Engineering

MEMBERSHIP OF THE UNIVERSITY FACULTY COMMITTEE - one seat

Leland E. Carmichael, John M. Olin Professor of Virology

REVIEW AND PROCEDURES COMMITTEE - three seats

Jane L. Hammond, Law

Warren T. Johnson, Entomology

Mary E. Purchase, Design and Environmental Analysis

NOMINATIONS AND ELECTIONS COMMITTEE - three seats

H. Peter Kahn, History of Art

Russell D. Martin, Communication Arts

Byron W. Saunders, Operations Research and Industrial
Engineering, Emeritus

ACADEMIC FREEDOM AND RESPONSIBILITY COMMITTEE - one seat

Elizabeth D. Earle, Plant Breeding and Biometry

ACADEMIC FREEDOM AND RESPONSIBILITY COMMITTEE - one non-tenured seat

Ellis R. Loew, Physiology, Agriculture; Physical Biology,
Veterinary

ACADEMIC PROGRAMS AND POLICIES COMMITTEE - two seats

Albert Silverman, Physics/LNS

Bernard F. Stanton, Agricultural Economics

BUDGET COMMITTEE - one non-tenured seat

Loren W. Tauer, Agricultural Economics

FREEDOM OF TEACHING AND LEARNING COMMITTEE - two seats

Cushing Strout, Ernest I. White Professor of American
Studies and Humane Letters

Nicholas L. Sturgeon, Philosophy

FREEDOM OF TEACHING AND LEARNING COMMITTEE - one non-tenured seat

Ramona K.Z. Heck, Consumer Economics and Housing

MINORITY EDUCATION COMMITTEE - two seats

Donald C. Graham, Food Science

Benjamin Nichols, Electrical Engineering

PHYSICAL EDUCATION COMMITTEE - two seats

Douglas J. Lathwell, Agronomy

Robert P. Merrill, Herbert Fisk Johnson Professor of
Industrial Chemistry

PROFESSIONAL AND ECONOMIC STATUS OF THE FACULTY COMMITTEE - one seat

Robert L. Aronson, Industrial and Labor Relations

PROFESSIONAL AND ECONOMIC STATUS OF THE FACULTY COMMITTEE -

one non-tenured seat

Florence Berger, Hotel Administration

RESEARCH POLICIES COMMITTEE - three seats

Andre Bensadoun, Nutritional Sciences

Donald P. Hayes, Sociology

Yervant Terzian, Astronomy

UNIVERSITY-ROTC RELATIONSHIPS COMMITTEE - two seats

Robert S. Dickey, Plant Pathology

Carl C. Lowe, Plant Breeding and Biometry

COUNCIL ON PHYSICAL EDUCATION AND ATHLETICS - one seat

Carol L. Anderson, Human Development and Family Studies

CAMPUS COUNCIL - five seats

Benedict R.O. Anderson, Government

A. Wade Boykin, Psychology

Henry H. Hagedorn, Entomology

Arthur A. Muka, Entomology

Bruce W. Turnbull, Operations Research and Industrial
Engineering

He also indicated that the second part of the election process - electing FCR members to committees - would soon take place (see Appendix A).

The Dean reminded the Faculty that the Review and Procedures Committee had authorized him to assemble an *ad hoc* committee to study the issue of the regulation of smoking, prepare materials and propose appropriate legislation on the subject. Since this item is not solely the concern of the Faculty, an attempt will be made to appoint a joint *ad hoc* committee involving the Campus Council as well. Dean Greisen said he would welcome nominations for this *ad hoc* committee.

Dean Greisen said litigation with regard to promotion cases has been a concern to three committees of the Faculty. One is the Committee on Academic Freedom and Responsibility which has had the difficult task of considering appeals in approximately four different cases. As they considered these appeals, unresolved general questions surfaced that they wish they had answers to and should be considered. The Committee on the Professional and Economic Status of the Faculty is also concerned about all matters affecting promotion and tenure. And finally, the Executive Committee of the FCR has also registered concern. The Executive Committee felt that the subject is so large that it is difficult for the existing committees to tackle in the midst of other assignments and therefore have authorized that a special *ad hoc* committee to study the promotion and appeals processes be set up. Again, the Dean welcomed nominations. He also indicated that the Arts College will separately engage in a similar enterprise and hoped the two committees could interact when applicable to the University Faculty.

The Dean next announced the membership of another *ad hoc* committee - the *ad hoc* Committee on South African Investments:

David Blandford, Agricultural Economics

William E. Cross, Jr., Africana Studies and Research Center

Paul R. Eberts, Rural Sociology

Jerome E. Hass, Business and Public Administration

Fred W. McLafferty, Chemistry

Richard Rosecrance, Walter S. Carpenter, Jr. Professor of
International and Comparative Politics

Norman T. Uphoff, Center for International Studies and
Government

Elaine F. Walker, Human Development and Family Studies

He invited anyone wishing to communicate to members of this committee to do so. Professor Rosecrance was also chosen to be the new faculty member of the Investment Proxy Advisory Committee - which advises the Investment Committee of the Board of Trustees on proxy matters. Having one person on both committees, it was felt would encourage the sharing of helpful information between the two committees.

Dean Greisen said the subject has been brought up during this year that retired members of the Faculty constitute a tremendous untapped resource. It was thought appropriate to encourage the establishment of some committee consisting in large part of recently retired faculty, as well as faculty not yet retired, to study ways of making better use of the resource represented by the skills, interest and experience of retired faculty members who choose to reside in this area. That has been authorized by the FCR Executive Committee and Dean Greisen expressed a desire to receive nominations.

Finally Dean Greisen thanked the faculty for another year of very strong participation in committee work and deliberation involving a number of rather serious issues. He gave very special thanks to the Secretary, Professor Joseph B. Bugliari, for his voluminous and careful notes in the *Chronicle*. The Dean also expressed gratitude to the Speaker, Professor Russell D. Martin and wished everyone an enjoyable summer.

The Chair next called on Professor John Burton, Industrial and Labor Relations, and member of the Committee on the Professional and Economic Status of the Faculty, for a report.

2. PROPOSED CHANGES IN PHASED RETIREMENT

Professor Burton began: "There is an impending change in the mandatory retirement age at Cornell. By 1982 the retirement age will be 70. Between now and 1982, retirement beyond the age of 65 can be arranged if agreed to by the faculty member and by his dean. Now as we're moving towards a later retirement age, this development seemed to make a phased retirement program more attractive - both to individuals and to Cornell University. In January, Gary Posner, Director of Personnel, wrote to the Committee on the Professional and Economic Status of the Faculty proposing some changes in the University policy on phased retirement. In his letter he noted that one of the difficulties in the existing system is that our benefit programs are proportionately reduced based on a cut in salary and less than full time status of individual faculty members. If you go on half-time, many of your fringe benefits are currently cut in half, as an example. This obviously provides something of a disincentive to retirement. Gary Posner

proposed in his letter, several changes in the fringe benefit plan that would encourage phased retirement. The Committee on the Professional and Economic Status of the Faculty reviewed these proposed changes and in general thought they were very good. We did have some suggestions of our own on additional changes or modifications. And at a meeting between the Committee and Gary Posner and Claire Nagel on March 14, we made several suggested changes. Almost all of these were accepted and incorporated into the document that has been distributed at today's meeting" (see Appendix B).

Professor Burton then proceeded to review the proposed plan. "Eligibility is described on the first page. As you see, this phased retirement plan will be available to all full-time, tenured endowed faculty members, over age 60 and under age 70 who have at least ten years of service. The benefits are described in three categories. The 'a' category pertains to those who are half-time or more and relates to life insurance, voluntary accidental death and dismemberment and the retirement plan. Those employees who have elected half-time or greater will be treated for the purposes of these three benefits as if he were still full time. Thus, the University's contributions to his TIAA/CREF retirement equity would be based upon not his half-time salary but his salary as it would be if he were working full time. Category 'b' involves those who are appointed less than one-half time. Here the benefits are reduced from what one would receive as a full-time faculty member, but the reduction is less than proportionate to the reduction in work. I think the simplest way

to illustrate this would be to say if you were to continue teaching on a quarter time basis, for the purpose of these three fringe benefits, group life, accidental death and dismemberment and retirement plan, you would be treated as if you were teaching half-time in terms of the contribution rate. Thus for less than half-time, you get in effect double the fringe benefits you would get if they were reduced proportionately. Finally in category 'c' are certain benefits that are not affected by the proportion of time that you are teaching. The tuition scholarship program for example, is continued as if one were a full time faculty member even if one goes down to half or quarter time. Health insurance is continued as if one were full time. There is no reduction regardless of the extent of your reduction in teaching. Long term disability on the other hand, is treated strictly on a proportionate basis. This is the one case where if you go down to half-time salary, your long term disability insurance is reduced to 50% of what you would have received as a full time faculty member. Three examples are included that may help clarify these proposals.

"There are some limitations to this program that I want next to highlight. First is that the plan is restricted to faculty members in the endowed part of the University. Secondly, there is a limitation in terms of the procedure used to qualify for the phased retirement as you will see under eligibility and procedure. The proposal contemplates that faculty members can apply and then an agreement in effect has to be worked out between the faculty member and the department chairman and/or the dean's office. The Committee on the Professional and Economic Status of

the Faculty at its March meeting felt that the phased retirement should be something close to a right of a faculty member, although we could recognize some circumstances where there need to be some limitations. This particular draft does not go that far and that is one point where the Committee might have some disagreement with the current draft of this plan. The status of this plan as I understand it is that it is intended for review by the Trustees of the University. Originally it was scheduled to be reviewed at the May meeting. I now understand it's going to be reviewed at the July meeting." (See Appendix C as adopted)

The Chair opened the floor to questions for either Professor Burton or the Provost.

Associate Professor Lars B. Wahlbin, Mathematics, asked whether retirement benefits could be drawn while on half-time retirement.

The response was that no one seemed to know for sure. Dean Greisen said that this whole discussion contemplated that during that period, one would still be paying into TIAA/CREF - not drawing out. He believed at the time one starts to draw out, the paying in ceases.

Vice President W. Donald Cooke said he didn't believe one could draw on retirement while being paid at the same time.

Provost Kennedy said: "There is the supplemental retirement plan that some faculty have utilized. That is available to be drawn upon at any time. So if you have taken advantage of that, you could draw on that part of your retirement. But as was already stated, the purpose or objective here is to keep the retirement benefits growing by a larger contribution to the retirement plan."

Professor Burton said he would have to do some checking. He noted as far as social security is concerned, presumably one could not be eligible until income fell below the maximum allowed - in effect one took full retirement.

Professor Yih-Hsing Pao, Theoretical and Applied Mechanics, asked whether salaries would be fixed at time of retirement, why eligibility began at age 60 as opposed to 55, and why ten years of service were required as opposed to another number.

Professor Burton replied that it was his understanding that the salary would continue to be adjusted annually - that being a matter of negotiation between the faculty member and department chairman and/or dean. "That is one of the advantages of this plan in terms of TIAA contributions compared to the earlier version that had been talked about by the University, where the TIAA contribution was going to be on your last full time salary. Here the TIAA contribution would continue to increase during your phased retirement period as your salary increases."

Professor Burton said in response to the second parts of the question, the age and time specified were arbitrarily chosen but seemed to be reasonable.

Professor Pao said under the State plan, early retirement is at age 55 while requiring a longer period of service - ten years being rather a short time.

Professor Burton said that was something that the Committee did not examine. Even within the statutory units, there appears to be quite a variation depending upon when one

came into the statutory retirement plan. So it's virtually impossible to have consistency between statutory and endowed units given the fact that there are at least three different versions of the statutory plan.

Provost Kennedy said the possibility of considering age 55 rather than 60 was discussed at a meeting of the Deans' Council. "It was our conclusion that we should start according to the recommendations of the Committee initially at age 60, but we are going to continue to consider the matter. When I say that, I don't want to give you any implied commitment that we're going to change to 55, but it will receive further consideration. I should add that while you can retire at age 55 under the State retirement system, it doesn't provide some of the benefits that this plan provides. It isn't just a matter of being a program that is five years better towards retirement. I would also like to comment for those members of the statutory colleges that we will be looking at the possibility of attempting to apply the advantages of this plan to them also. Again, no commitment, just a matter of what we would like to do."

Professor Joan R. Egner, Education and Associate Dean, College of Agriculture and Life Sciences, asked if one makes a commitment at age 60 to any phased retirement plan, does one retain tenure through age 70, and is the decision irreversible?

Provost Kennedy replied: "The answer is that if you enter into an agreement to half-time, for example, you then have half-time tenure to the retirement age. It is not reversible unless in some way it is renegotiated for good reasons. Let me comment further about whether or not this is a right or a privilege

because Professor Burton alluded to it. In discussing it with the deans the other day, we viewed it as being a right, but there is one important caveat to that in that the individual and the department chairman and/or dean must agree upon the terms or what the expectations are. For example, and I know there's no such person on our faculty, but let's at least assume that at institution X there is an individual who has had originally a teaching and research commitment and for a number of years really has not been involved in any research work and is not carrying any heavier teaching load than the other active faculty members who are actively engaged in teaching and research. If that individual suddenly wants to go on a half-time basis and reduce his teaching to half of what he has been doing, when he's really been receiving full salary for half-time work, there can be a point of conflict. And I think the University cannot just say automatically anyone that wants to can shift from full time to half-time on his or her own conditions. If you want to shift to half-time and the two parties are reasonable, I'd view it as a right. But I want to emphasize that you have to negotiate the conditions of what is half-time and not just because you're on half-time assume that you can reduce that to quarter time and get half-time salary."

There being no further questions, the Chair called on the Director of Cornell United Religious Work, W. Jack Lewis, for an announcement.

The Reverend Lewis invited all to attend the May 25 Sage Chapel program honoring graduating seniors, students receiving advanced degrees and retiring faculty and staff. He also

announced that next year the Baccalaureate Service would be reinstated at 10:00 a.m. in Bailey Hall on the same day as Commencement.

The Chair next called on Provost Kennedy to conduct the program to recognize retiring faculty members.

3. RECOGNITION OF RETIREES

The Provost stated: "It is a pleasure and a privilege to recognize the faculty members who have served Cornell for so many years."

The Provost called first on Associate Dean Joan R. Egner, College of Agriculture and Life Sciences.

Dean Egner began: "Dean Call and I want to recognize the eight faculty members from the College who are retiring or who have retired in 1979-80. When we sat down to talk about this we found it difficult to condense their careers to some brief remarks that might capture both the tone as well as the quality of these faculty members. I am nevertheless going to try and do that briefly and I will ask each of these people who are here today, to please stand while I make a brief comment about each.

"First is Professor Carl W. Boothroyd from the Department of Plant Pathology. Professor Boothroyd will be retiring June 30, 1980. He joined the Faculty in 1949. As we looked at his record, we noted his marvelous commitment to excellence in teaching. He has long taught the introductory course in Plant Pathology and consequently he's associated with many hundreds of students in his years. In the area of research, he's an authority on corn diseases. And in 1979, as a matter of fact, he discovered a new

corn disease which has affected crops in several states. I should note that he will continue to be actively involved in the department and in his discipline. However, we do expect that he will continue his excellence in and his ardent interest in fishing, and we hope that he will be able to maybe adjust his effort distribution to give a little bit more time to that.

"Professor Warren F. Brannon, from the Department of Animal Science, retired on September 5, 1979 - having joined the faculty in 1956. His areas of specialization are 4-H, livestock and meat science and adult extension dealing with the sheep industry. Professor Brannon developed the regional wool marketing cooperatives in New York State and these cooperatives now handle about 60% of New York State wool. By introducing artificial insemination of sheep to the farmer, by improving feed mixing, he has helped return more gross dollars to the growers. Professor Brannon has also worked with 4-H clubs in developing projects in beef and sheep and swine. He is currently raising beef cattle on his farm in Tompkins County and is also working with his son in a meat processing and retailing business.

"Professor Benjamin E. Clark, Department of Seed and Vegetable Sciences, Geneva, who will retire June 30, 1980, joined the faculty in 1948. He has been head of the Department of Seed Investigations; he has been assistant director of the Agricultural Experiment Station at Geneva; and his note said that he has returned after he finished these administrative responsibilities to his first love, research in the seed labs and in the field. He's had an illustrious career as a seed scientist. His extensive

investigations on the development of supplemental cold tests to determine the ability of seeds to germinate under unfavorable field conditions have been a significant contribution to seedsmen, growers and processors, enabling them to better predict field performance.

"A fourth person is Professor Loy V. Crowder, from the Department of Plant Breeding and Biometry. He retired December 26, 1979, having joined the faculty in 1963. Professor Crowder has been an international agricultural leader in the development of training programs of foreign and United States students in international agriculture and plant breeding. He has provided liaison with plant breeders in international research centers around the world and to continue that further, he is now associated with the Rockefeller Foundation based in Indonesia.

"Professor Otis F. Curtis from the Department of Pomology and Viticulture, Geneva, is going to be retiring June 30, 1980, having joined the faculty in 1946. His research has been on the problems of weed control in fruit planting. He has special expertise in relating findings to extension personnel and growers. He annually authored the herbicide section of Cornell's tree fruit production recommendations for commercial growers. We noted that Professor Curtis has a long time Cornell family connection. His father, Otis F. Curtis, Senior, was an eminent professor of Plant Physiology at Cornell and Professor Curtis' son was an all-American soccer player at Cornell. For several years Professor Curtis and his wife have worked with disadvantaged Indian families in Arizona and North Carolina and it's my understanding that they're going to be continuing their volunteer work in that area.

"Professor Edward W. Foss, Department of Agricultural Engineering, is going to be retiring June 30, 1980. He joined the faculty in 1949. Professor Foss' specialization is agricultural engineering technology, related to structures, construction, mechanization and rural safety. He's been active in three areas: teaching, research and extension. And he's distinguished himself as a person who's done an outstanding job in presenting information to youth and to adults through cooperative extension publications. In my conversation with him I noted that he said it's very likely he's going to be working with his son in Florida in a business of his son's called Access International. It deals with overseas operations of mechanical equipment. So it looks as though he might be doing some extensive traveling.

"Professor Chester H. Freeman from the Department of Communication Arts is going to be retiring June 30, 1980, having joined the faculty in 1945. He has been awarded the Agriculture and Life Science Professor of Merit Award by the Senior Class. He's been Parliamentarian for the Faculty Council of Representatives for several terms, and in the late 60's he was Parliamentarian for the Constituent Assembly. He's been chairman of the Department of Communication Arts from 1975 to the present. His special area has been teaching and research in oral and visual communication, particularly photography.

"The last name on my list is Professor Milton L. Scott, from the Department of Poultry Science. Milt retired November 28, 1979, with one of the most gala retirement parties I've ever

attended. He joined the faculty in 1945. He is the Jacob Gould Schurman Professor Emeritus. His primary interest is in the field of nutrition and he is recognized as the world's foremost authority in poultry nutrition. He has worked with the poultry industry in the United States and worldwide. He has been chairman of the Department of Poultry Science; he has received awards for his outstanding contributions to poultry nutrition research on seven different occasions; and I understand as recently as last week in Lubbock, Texas, picked up another major award for his research. He continues to do worldwide consulting in poultry nutrition; and I understand he still finds time for tennis and golf. And one of the things that I could comment on about Professor Scott is his rebellious nature concerning bureaucracy in administration. He has conferred with me many times about that. I noted that he is now independent of the bureaucracy and so I call him a free agent.

"The Dean, the Directors of the College and the Faculty of the College, asked me to thank each of you for all you've given to us and for all that you will continue to give us as we, in our college, enter the challenges of the eighties as we so neatly call them."

Provost Kennedy thanked Dr. Egner and next called on Dean Alain Seznec, College of Arts and Sciences.

Dean Seznec stated: "This is my first occasion as Dean to have the honor to talk a little bit about some of my senior retiring colleagues. It's a mixed feeling, obviously, for all of us, but primarily one of gratitude to them all from the rest

of us. There are three members retiring from the College - one of whom is a joint appointee and therefore will also be talked about later.

"The first name on the list is that of Robert Elias, the Goldwin Smith Professor of English Literature and American Studies, who's been at Cornell since 1968 as a professor of American Studies and has been not only the chairman of the American Studies Committee, but one of its long time inspirations. He's widely known and respected in the field of American literature for his work in late 19th and early 20th century writers and their cultural context and his study of Theodore Dreiser. He has been an extraordinarily successful teacher at every level, from freshman writing all the way to the most complex seminars for graduate students. And certainly few people have done so much to bring the notion of American literature to the fore as he has during his career.

"The second professor to be honored is our joint appointment Professor George H. Hildebrand. Professor Hildebrand is the Maxwell M. Upson Professor of Economics and Industrial and Labor Relations. I see one of his colleagues here who will presumably present the Labor Relations side, but I did want to say something about him so far as our College is concerned. Professor Hildebrand has been at Cornell since 1960 for a 20-year career and he has, as just said, shared his work, his talents, his energy between two colleges bringing distinction to both of them. While he had the dubious honor of having an M.A. from Harvard, he did have the good taste to get a Ph.D. from Cornell. Professor Hildebrand exemplifies the spirit of Cornell in many

ways. In particular, the mixture of the practical and the theoretical, of the applied and theoretical, not only in his writings but also of course in his career. I will not give you too many details because I'm sure my colleague will want to do that. But just as an example, he served as Deputy Under-Secretary of Labor while at the same time he has taught of course highly sophisticated courses at Cornell. His specialty is so broad and so large that it would be difficult to describe in just this brief presentation, but of course he's primarily known, at least for people like myself - a layman - for his work on employment and on collective bargaining. It has been a great honor for us to have him in the college. We will continue to count on his advice in the future in the Department of Economics and in the College as a whole.

"The last member of the College who is retiring is Professor Robert M. Palmer, the Given Foundation Professor of Music. He was educated at the Eastman School of Music and studied early in his career with two of America's most distinguished composers - Roy Harris and Aaron Copland. And he has followed in their tradition by becoming not only a composer himself of great distinction but training new generations of American composers. Professor Palmer has been at Cornell since 1943. He, too, I think exemplifies the particular aspect of the strength and quality of the Music Department which manages to combine the notion of creativity with that of theoretical knowledge and he has taught both composition and music theory with great distinction. He's been a visiting composer at so many institutions that I have the impression of one of the great world travelers before us and of

course has had a great many works commissioned - which is a testimony to his talent and the range of it. His most recent commissioned work so far as I know - but with Professor Palmer there may be one this week - was in 1979, his third sonata for piano. The range of his compositions is extraordinary and it has indeed been so broad that both instrumentalists and vocalists have been involved in it. I will cite just a few of the major works: three piano sonatas, a quartet for piano and strings, two symphonies, a piano concerto, and an oratorio. I leave aside the hundreds of smaller pieces. American music as well as Cornell is enriched by his presence and we are glad to say that he will continue to be here and to work with our students. Thank you."

Associate Dean Betty Lewis, representing the College of Human Ecology, was called upon to recognize the faculty members who are retiring from that College.

Dean Lewis stated: "The two faculty who are retiring from the College of Human Ecology have contributed essentially all of their professional lives to Cornell University. Sara E. Blackwell came to Cornell in 1948 as an assistant professor in the Department of Home Economics Education and in the next two years managed to complete her Ph.D. Degree from the University of Minnesota. She rose rapidly through the faculty ranks becoming full professor in 1957-58 and also chairman of the Department of Home Economics Education which she continued to hold until 1970. She's recognized nationally for her efforts in research in graduate education and curriculum development in home economics education. This was recognized by the University of Minnesota when they granted her the outstanding

achievement award in 1973. On the local scene, however, she's famous because she was the chairman of a self-study committee which looked at the future of the then College of Home Economics. The leadership which she gave to that committee and the insight and foresightedness led to a report which has served as the basis for the College of Human Ecology as it has been evolving through the seventies. Not only did that report serve on the local scene in that capacity, but it has been a model for many other schools and units of home economics across the country.

"Rose E. Steidl preceeded Sally Blackwell by one year, coming to Cornell in 1947 for the purpose of graduate education. And having completed all her degrees in the Department of Household Economics and Management, she joined the faculty ranks in 1957. She persevered in the college and through various reorganizations, ending up full professor in the Department of Design and Environmental Analysis and serving as chairman of that department from 1975 until she retired from that position last year. She is particularly noted for her research, and she has an international reputation in the relationships between workers, workplace and the nature of work particularly as it relates to the family and to the home. She has put much of her research effort into a nationally recognized book which is entitled, *Work in the Home*, which she co-authored with Esther Bratton. The College is indebted to these two faculty and I'm pleased to be able to recognize their contributions.

The Provost said he would next call upon Associate Dean John F. McManus from the College of Engineering, but before

doing so, asked him to stand for a moment. "John also is retiring this year and it seems a little bit out of character or not quite appropriate for him to be introducing the other retirees without being recognized. John, as I understand it, and I didn't know this early enough to do my homework ahead of time, you first joined Cornell with an assignment in Buffalo during World War II and then came to the Ithaca campus shortly thereafter. And so that adds up to some 33 or more years here plus several at Buffalo - let's call it 35 plus. I became acquainted with John in the early seventies when I was working with Paul McKeegan on trying to turn around the University budget - I might say unsuccessfully at that time - and became very well acquainted with John because every time there was a discussion with Engineering, John was sitting on the other side of the table and he is a formidable adversary - I can say that. He has money squirreled away where even the Dean doesn't know where it is. But in his defense, he served the College of Engineering exceedingly well, and I'm sure that through serving Engineering he's also served the University. Now, you may introduce the others, John."

Dean McManus began: "Keith, you should have kept right on going with the others. We have two of our retirees here this afternoon and I'd just like to point out first that both are from the School of Operations Research and Industrial Engineering; both are Cornellians and come from a line of Cornellians; and both have served the College for many, many years.

"The first I'd like to introduce is Professor Martin W. Sampson, Jr., who came to Cornell as a student in the late

thirties, has been a member of the Faculty in various capacities since 1941, and has served the University in several capacities. Many of you know Marty in a role other than that as an Engineering professor. Early in his teaching career he became interested in the possibilities of extending teaching services in other directions, and from that interest he became involved in the administration of our Division of Basic Studies which is the unit that shepherds all of the freshmen and sophomores in Engineering through those horrendous first two years. And he became also involved in the Division of Unclassified Students which performs such a great service for students who are seeking to change directions at Cornell. Subsequently, he became the Director and then Dean of the Summer Session and Extramural Division at Cornell and served in that capacity for some ten years. So he's had a long career, both as a teacher and as an administrator, and as an innovator in extending education in areas outside the normal classroom. Marty, congratulations and thank you.

"Our next retiree is Professor Andrew Schultz, Jr., and I don't know whether I even need to introduce him. I'm sure he's known to all of you, again in various capacities. Andy is the Spencer T. Olin Professor of Engineering. He came here as a student in 1932, so he has spent a good part of 50 years at Cornell, and in that period, again, he has given a great variety of service. He went through the academic ladder and subsequently either ascended to or descended, whichever way you want to look at it, to department head and then served for quite a few years as Dean of the College of Engineering. Andy has been active on many

Cornell committees - University committees as well as college committees. He's been active in outside work. He has a wide industrial acquaintanceship, alumni acquaintanceship and has been active in consulting affairs. I think many of you know him as being someone who - don't get restless Andy - when I asked him what I should say about him today, he said 'nothing'. I think you know him perhaps as an iconoclast and somebody who thinks otherwise, which is what a Cornell professor's supposed to do. Andy, thank you very much. It's been great to be a friend and to have known you all of these years."

The Provost asked Dean McManus if it was all right to indicate that "Andy is known as the big A", and he so agreed.

The School of Industrial and Labor Relations was next to recognize their retiree and the Provost indicated that Professor Ronald G. Ehrenberg, Chairman, Labor Economics, would represent the Dean's office.

"It's a distinct honor for me to reintroduce my colleague both in the Economics Department and in the School of Industrial and Labor Relations, George H. Hildebrand, Maxwell M. Upson Professor of Economics and Industrial Relations. George's professional career was and continues to be outstanding and any brief summary of it could not even begin to do him justice. To touch on only a few sidelights, George is the author of over five major books and 30 major articles. I say over because the only copy of his vita which I could get hold of only went back to 1961 which is some 20 years after the start of his professional career. Secondly, George was a distinguished professor not only at Cornell but at UCLA and MIT. Thirdly, he was president of the

Industrial Resource Association which is probably the highest honor which can be given to a scholar in the field of industrial relations. Fourth, as Dean Seznec has already indicated, he was Deputy Under-Secretary of Labor; he has been a Guggenheim, Ford Foundation and Fulbright Fellow, and finally he is a nationally noted arbitrator and mediator. Now rather than detailing George's illustrious career, Dean Doherty asked me if I could tell you about a few of George's personal characteristics which Bob and I feel made him such an outstanding colleague. First, George never cheated the University. He performed extraordinary service in a number of areas. For example, during the last five years, not only did he serve on the Presidential Search Committee, but he also was the founder and director of the Cornell Center for the Study of the American Political Economy - all at the same time that he was carrying a full teaching load. And I think this points out that he always gave Cornell a 125%. He always placed his extensive external activities which are considerable behind his responsibilities to Cornell. Next, George is an outstanding teacher who although he is a man of strong personal convictions, never talked down to students and never attempted to stifle alternative viewpoints. George is also a man of utmost personal integrity and he is a man to whom one could confide professional or personal problems without fear that the whole world would shortly know about them. I think this characteristic of discretion is probably one of the characteristics which made him such an outstanding mediator and arbitrator. Fourth, George welcomed having a diverse faculty and he was instrumental in recruiting younger people with alternative

methodological perspectives to his own - such as myself - to the School of Industrial and Labor Relations. And related to this, during his last few years at Cornell, he made no attempt to dictate the direction of the School that he would shortly leave. Rather preferring, and he told us this explicitly, to entrust the School's future to the younger generation of scholars that he had been instrumental in recruiting. And I think these brief remarks should convey to you how much we both in Industrial and Labor Relations and in Economics, feel a sense of loss in George's retirement. To sum it up, and I should say his retirement from Cornell because this will certainly not be a professional retirement, Cornell is far better off for his having been here and he is in truth irreplaceable. And if I could just take an analogy from George's favorite sport, if like baseball teams Cornell retired its professors' number, his T-shirt would certainly be hanging from the rafters."

The Provost said: "George, I believe your ability in collective bargaining is revealed here when you can be honored twice in the same day. Is that part of the job?"

For a final presentation, the Provost called on Professor James A. Gillespie, Chairman of the Veterinary Microbiology Department.

Professor Gillespie began: "When Dean Melby asked me to speak on his behalf before this Faculty for my good friend and colleague, Clyde I. Boyer, Jr., I was naturally very delighted, because how often does one get to talk about a close friend and a respected colleague before his University colleagues on the

occasion of his or her retirement. Clyde and I were schoolmates and also business partners at an institution - a veterinary college south of Ithaca - it's called the University of Pennsylvania. I think perhaps you might have heard about it. So as a consequence of having known Clyde in the veterinary college and as a business partner, we've known each other for about 44 years. He always was an eager beaver, so upon his graduation from veterinary college in 1940, he was called into service in the U.S. Army, as an officer. Many of us to this day really are very jealous of Clyde because of course he wanted to go off to the battle front, but as it turned out, he was assigned to the Carribean. So he really fought a tough war as you might suspect. But this was very good in terms of his career because he was introduced to marine biology and also aquatic medicine, which as I will point out later, is one of his major achievements within the School. Fortunately, he did not encounter Jaws while he was there. He's an avid scuba diver. He's one of these people who apparently know no fear so he didn't mind being in those waters where there were sharks. He is now a retired reserve officer and as a matter of fact he was my commanding officer. While in Ithaca in the research and development unit, he achieved the rank of colonel. After he graduated, the University of Pennsylvania recognized a good thing so they asked him to come back as an assistant professor in clinical pathology, and he stayed at that institution for four years. Then a buddy of his enticed him away to the University of Georgia for two years, where he served as an associate professor of veterinary microbiology. In 1952 his Pennsylvania friends at

Cornell got together and I think we might have had a little influence on Clyde's coming back to Cornell. In any event we were very pleased that he decided to cast his lot with Cornell in the Department of Pathology and Microbiology. He has been here for the last 28 years. With Clyde's excellent background in microbiology and pathology, he was uniquely trained to be a prime mover in the development of two major areas that are now very important in our College. One I already alluded to is aquatic medicine. He gave the first course on infectious diseases of fish in the College and this led to the aqua vet program which we now have. As a matter of fact, one of our departments changed its name from the Department of Avian Diseases to Avian Diseases and Aquatic Medicine. Clyde provided some of the early stimulus to this program. Perhaps his major contribution is in the area of laboratorial medicine and this is not only a contribution to the College but also to the University. To the best of my knowledge, this is the only large and meaningful laboratorial medicine program in a U.S. veterinary college and probably any veterinary college in the world. Clyde has contributed in many other ways to the College and the University. He has an excellent research record, and he is also very competent as a teacher. He has very widespread interests outside of his professional career that probably will play a very significant role in his second career. He's an avid outdoor person. He likes to fish. He likes to ski although once he broke his leg and was incapacitated for about six months. He enjoys hiking and of course I mentioned earlier he enjoys scuba diving. But more important

perhaps is his interest as an amateur archeologist. So as he and his wife have already purchased a home in Arizona so that they can spend half their time in Arizona and half in Ithaca; he's going to become involved in a program at the University of Arizona as an amateur archeologist. Clearly, since they are going to retain a residence in Ithaca, we hope to see a lot of them around the College and the University. One point to me is very clear, the College and the University and also the city have benefited immeasurably through the last 28 years of the service - not only of Clyde but of his wife. And we wish them well in their new careers."

Provost Kennedy said: "Two other retiring faculty members who are not able to attend are Charles D. Gates, Professor of Civil and Environmental Engineering, and Dr. Paul Darsie, Professor of Clinical Medicine." He then turned the floor back to the Speaker.

There being no further business, the meeting adjourned at 5:45 p.m.

Respectfully submitted,

Joseph B. Bugliari, Secretary

RESULTS OF THE FCR ELECTION, Spring 1980

EXECUTIVE COMMITTEE - one non-tenured seat

Donald F. Smith, Clinical Sciences

EXECUTIVE COMMITTEE - 4 seats

Wesley W. Gunkel, Agricultural Engineering

George A. Hay, Law and Economics

Billie Jean Isbell, Anthropology

John P. Windmuller, Industrial and Labor Relations

ACADEMIC FREEDOM AND RESPONSIBILITY COMMITTEE - 1 seat

Donald J. Barr, Human Service Studies

ACADEMIC PROGRAMS AND POLICIES COMMITTEE - 1 seat

Edgar L. Gasteiger, Physical Biology

BUDGET COMMITTEE - 2 seats

Thomas M. Lodahl, Business and Public Administration

Nancy C. Saltford, Design and Environmental Analysis/

Consumer Economics and Housing

MINORITY EDUCATION COMMITTEE - 2 seats

Vernon M. Briggs, Jr., Personnel and Human Resources

Management, ILR

Helen L. Wardeberg, Education; Associate Director, Instruction

PROFESSIONAL AND ECONOMIC STATUS OF THE FACULTY COMMITTEE - 1 seat

Errol L. Grinols, Economics

ITEM FOR BOARD OF TRUSTEES

The Provost recommends approval of the Phased Retirement Program described below and the amendments to the Retirement Plan for Faculty and Exempt Employees and to the Cornell Children's Tuition Scholarship Plan in Schedule attached to this agenda. The Program and Plan amendments are to be effective July 1, 1980.

Phased Retirement Program for Tenured Endowed Faculty

- Purpose:** To provide an orderly transition to retirement through the availability of part-time service.
- Eligibility:** All full-time tenured Endowed faculty over age 60 and under age 70 who have ten years of service are eligible to apply for the Phased Retirement Program.
- Procedure:** Individual discussion should occur between the faculty member, department chairman and/or the Dean's Office to develop an agreed-upon set of duties and appointment dates. Appointments must be at least one-half time for one term each academic year, and should normally not exceed one-half time for the full academic year.
- Benefits:** During phased retirement the benefits plans will be modified as follows:
- a) For those appointed for one-half time or more, benefits under the Group Life Insurance, Voluntary Accidental Death and Dismemberment, and the Retirement Plan (TIAA/CREF) will be based on the full-time equivalent salary.

- b) For those appointed for less than one-half time the benefits will be based on actual salary as follows:

Group Life Insurance

Basic: 1 times salary

Supplemental: 3 or 6 times salary

Voluntary Accidental Death and Dismemberment

To 10 times salary

Retirement Plan

20% of salary

- c) The following benefits apply regardless of percentage of full-time:

Cornell Children's Tuition Scholarship

As if full-time

Long Term Disability Insurance

Based on actual salary

Health Insurance

As if full-time

Explanation: The Phased Retirement Program has been designed to encourage tenured Endowed faculty age 60 or over to work part-time allowing a greater influx of junior faculty.

Below is a chart showing the benefit levels for a tenured faculty member whose full-time equivalent salary equals \$40,000.

	Percentage of Full-Time Worked		
	<u>If Full-Time</u>	<u>In Phased Retirement</u>	
		<u>50%</u>	<u>25%</u>
Salary	\$40,000	\$20,000	\$10,000
Group Life Insurance			
Basic	20,000	20,000	10,000
Supplemental	60,000 or 120,000	60,000 or 120,000	30,000 or 60,000
VADD	to \$200,000	to \$200,000	to \$100,000
TIAA/CREF (University Contribution)	\$4,000	\$4,000	\$2,000
LTD based on	\$40,000	\$20,000	\$10,000
CCTS and Health Ins.		same as full-time	same as full-time

PHASED RETIREMENT PROGRAM FOR TENURED ENDOWED FACULTY AT ITHACA

- Purpose:** To provide an orderly transition to retirement through the availability of part-time service.
- Eligibility:** All full-time tenured Endowed faculty between the ages of 60 and 70 who have ten years of service are eligible to apply for the Phased Retirement Program. The Program is available at the option of the faculty member, subject to two conditions: (1) The set of duties and the appointment dates for the phased retirement must be reasonable in terms of the teaching, research and other needs of the University. (2) Appointments must be at least one-half time for one term each academic year, and should normally not exceed one-half time for the full academic year.
- Procedure:** Individual discussion should occur between the faculty member, department chairman and/or a member of the Dean's Office to develop an agreed-upon set of duties and appointment dates. Any disagreements shall be resolved with the assistance of the Provost.
- Benefits:** During phased retirement the benefits plans will be modified as follows:
- a. For those appointed for one-half time or more, benefits under the Group Life Insurance, Voluntary Accidental Death and Dismemberment,

and the Retirement Plan (TIAA/CREF) will be based on the full-time equivalent salary.

- b. For those appointed for less than one-half time the benefits will be based on actual salary as follows:

Group Life Insurance

Basic: 1 times salary

Supplemental: 3 or 6 times salary

Voluntary Accidental Death and Dismemberment

To 10 times salary

Retirement Plan

20 percent of salary

- c. The following benefits apply regardless of percentage of full-time:

Cornell Children's Tuition Scholarship

As if full-time

Long-Term Disability Insurance

Based on actual salary

Health Insurance

As if full-time

Adopted by the Executive Committee of the Board of Trustees,
July 8, 1980.

September 10, 1980

110 Ives Hall

The incumbent Speaker, Russell D. Martin, called the meeting to order at 4:35 p.m., with 61 members and several guests in attendance. He called on the Dean of the Faculty, Kenneth Greisen, to preside over the first item of business - election of Speaker.

1. ELECTION OF SPEAKER FOR 1980-81

Dean Greisen called for nominations for Speaker. Professor Robert Von Berg, Chemical Engineering, and Chairman of the FCR Executive Committee, nominated last year's Speaker - Russell D. Martin, saying he did an admirable job. There being no further nominations, a vote was taken and Professor Martin was unanimously re-elected. The Speaker said that he noticed that there still appeared to be the same fierce competition for the job and thanked the body.

2. REMARKS ON THE CALENDAR

The Provost, W. Keith Kennedy, was called on by the Speaker for a few remarks on the calendar. The Provost stated: "Currently, if you listen to all of the criticisms that come in, no one's happy with the present calendar. I'm sure it's not quite that bad, but I have to admit that some days I think it is. The primary objections to the current calendar are centered around several points. One is not holding classes on Labor Day, which was certainly given a great deal of thought. But probably the objection is not so much on not holding them on Labor Day as it

is on how we tried to make Monday be Tuesday and so forth. It seems to me that that's a rather minor problem which even the Provost might tinker with and resolve. A second one is the interspersing of the study week and the exams. You will recall that it was agreed that we would evaluate that after the fall semester. There are, however, two items that pose problems at the present time. The first is that by lengthening the intersession by one week, we now eliminate the possibility of senior week if we hold Commencement at the date that it was scheduled. Many seniors and even some of the juniors thinking about being seniors are very critical of not having a senior week. They also, when I point out the problem, say that the intersession is too long. I'm well aware that the *ad hoc* committee spent a full year looking at the calendar. It was made up of students, of faculty, of staff people and after a great deal of thought, it was implemented. I have no idea whether or not the rather vocal and significant criticisms that are coming forward really represent very many members of the community. Obviously, those that are delighted with the calendar are keeping quiet, or at least they have as far as I'm concerned. Anyway, I do think that I've received enough objections that I would like to have the FCR authorize either the Dean or the Executive Committee to appoint a small committee to review with me the current calendar and to ascertain whether or not it really is as good as we thought it was when we voted it into existence. I think we should take time to see whether or not there seems to be some real significance to the criticisms. And

if so, then I would propose to come back to the FCR and the Campus Council by the latter part of October either to reaffirm the calendar or to make some suggestions for further modifications."

The Secretary, Professor Joseph B. Bugliari, Agricultural Economics and B&PA, asked the Provost if he were suggesting the possibility of a calendar change for the current academic year. The Provost replied: "I have taken the position that the calendar for this year is fixed, but only stupid people refuse ever to change their minds. There are some real problems in trying to shorten the intersession by one week in order to have senior week at this time and I think there would be many objections to deferring Commencement for a week at this late date. So I'm still operating on the basis that this year is probably fixed, but that's one of the questions I'd like to raise with that committee."

The Speaker next called on Professor Von Berg for a report from the Committee on Nominations and Elections.

3. APPROVAL OF SLATE OF CANDIDATES

Professor Von Berg read the slate:

FACULTY TRUSTEE - 1 seat, 5-year term

William E. Cross, Assistant Professor, Africana Studies and
Research Center

Walter R. Lynn, Professor of Civil and Environmental Engineering
Director, Program on Science, Technology and Society

Marion E. Minot, Professor of Human Service Studies

Martie W. Young, Professor, History of Art, Curator, Asian Art,
H.F. Johnson Museum

AT-LARGE MEMBER, FCR - 1 seat, 3-year term

W. Jean McLean, Professor, Design and Environmental Analysis
Murad S. Taqqu, Associate Professor, Operations Research and
Industrial Engineering

The Speaker called for additional nominations from the floor, with the understanding that the person or persons must have given their prior approval. There being none, the slate was seconded and approved as presented.

The Chair called on William Gurowitz, Vice President for Campus Affairs, to introduce the next item of business - the proposed Charter on Campus Governance.

4. DISCUSSION OF PROPOSED CHARTER ON CAMPUS GOVERNANCE

Vice President Gurowitz began: "Historically, the Campus Council, when it was formed about four years ago, had as part of its charter that there be a review in its third year of operation to evaluate its effectiveness and recommend changes. Last year the President formed a committee composed of faculty, students and employees to conduct this review. This committee, chaired by Professor Donald Holcomb, reported to the President last April recommending a new form of governance called the University Assembly. Since last April the President and many of his colleagues have taken the Holcomb Committee report, and combined it with the best features of the current Council Charter to come forward with a proposal for a charter for this new University Assembly. This was printed along with the letter from the President in last Thursday's (September 4) *Chronicle*. In coming up with this the President also consulted with the Executive

Committee of the FCR, and Dean Greisen had a strong hand in reviewing some of the drafts of the charter. In terms of the election, there are three basic choices that the community is asked to express its preference on. One is the continuation of the Campus Council using the existing amendment procedure to remedy some of the deficiencies which the Holcomb Committee identified. Another possible choice is to vote for the University Assembly with the charter proposed. And a related but third choice is a University Assembly with associated student or employee assemblies or both.

"One of the main reasons that the Holcomb Committee and the President both felt that the Assembly would be more effective than the present Campus Council is that there would be a more centralized chain of responsibility. Right now the Campus Council committees have policy authority over some of the departments and division of campus life. The committees can pass policy with little or no review by the Campus Council - the central body. In the new proposal, the committees could propose policy but the central body - the University Assembly - would have authority to approve or disapprove or modify the policy. Other important changes are the formation of a University Budget Policy Committee, a Committee on Minority and Third World Affairs, and the instituting of regular meetings of the President and some of his staff with the officers of the University Assembly and possible sub-assemblies. So the choices are three: first, the continuation of the Campus Council with modification through their present amendment procedure; the second choice is the University Assembly

by itself; and the third choice is a University Assembly with a student and/or employee assembly associated with it. And the community will be asked to express in a two-part referendum its preference for these options. The referendum itself will be by mail ballot. The ballots will be mailed out at the end of the month. The results will be known about mid-October. If there are questions I will try to answer them, Mr. Speaker."

The Speaker opened the floor for questions, adding that time for such questions would be limited as another item of business was yet at hand. Further opportunity for discussion would be afforded at the University Faculty meeting on September 17.

Professor Geoffrey V. Chester, Physics and Associate Dean of the College of Arts and Sciences, asked Vice President Gurowitz if he would be willing to summarize what he thought were the major differences between the present Campus Council and the proposed Assembly in structure or in designated authority.

Vice President Gurowitz replied: "In terms of structure, the membership is slightly larger in the proposed University Assembly - a total of 21 as opposed to 17. What has been termed 'Faculty-student parity' is abandoned in the proposed University Assembly. In the past with both the University Senate and the Campus Council the number of faculty serving on the body and the number of students have always been equal. Here the proposal is to have nine students and seven faculty members along with five employees. In terms of delegation of power, in my eyes, they are approximately the same. The power delegated now is policy jurisdiction over some of the departments in the Division of

Campus Life and that will continue. The difference is that the control will no longer be just in the committees' hands but the committees will have to recommend to the central body called the University Assembly. And I mentioned some of the highlights of these new committees - the monthly meetings, although these may actually start this year if it's a good idea; we might as well initiate them in this possible last year of the Campus Council." He then asked Professor Holcomb if he would like to comment on other differences.

Professor Donald F. Holcomb, Physics, said he would just emphasize one thing. "There is complete and explicit recognition that the University Faculty is the body which makes decisions and regulates the academic policies of the University. There is a feeling, however, especially on the part of many students, that students should have, at least, some advisory group which would do such things as monitor student participation on faculty and college committees so that the positions get filled and are responsibly utilized, and to make any recommendations to the University Faculty which seem appropriate on the basis of problems of students or employees. I think the other thing I would emphasize is the establishment of a new Committee on Minority and Third World Affairs. The University Senate and the Campus Council have wrestled with problems of getting an effective voice for minority and third world interests in the campus governance procedure. This committee, we hope, will permit the growth of such an effective presence."

Associate Professor Henry H. Hagedorn, Entomology, asked how the Campus Council would be changed if it were to be retained.

Vice President Gurowitz responded that that would be up to the Campus Council through the usual amendment procedure.

Professor Hagedorn stated that if the present Campus Council is retained, there would be no guarantee that anything would be changed, and Mr. Gurowitz responded that that was correct.

Professor Hagedorn asked what was behind the rationale for how many students and how many faculty would be on the Assembly?

Mr. Gurowitz said the Holcomb Committee recommended a slightly different division - nine students, five faculty and five employees. Currently there are seven faculty, seven students and three employees serving on the Campus Council. The President felt that the number of faculty should not decrease and that is the main rationale behind it.

Professor Holcomb added also that his committee found it sensible to recognize the fact that students have a greater interest and stake in the activities of such a group.

Mr. Gurowitz said it is also true that voting has not been along student vs. faculty vs. employee party lines - it's always been a mixed vote.

The question was raised as to what would be the limits of a student assembly's authority and in particular how issues of primary concern to students would be defined.

Mr. Gurowitz responded: "It is spelled out in the Charter that the policy jurisdiction over the four departments of Unions and Activities, Residence Life, Dining and at least some aspects of the Dean of Students Office would be under the Student Assembly and thus be removed from the University Assembly. For the areas

outside of that, I think it would be by agreement between the University Assembly - the central body and the Student Assembly as to what kind of issues came within its jurisdiction."

There being no further questions, the Chair called on Professor Walter Lynn, Civil and Environmental Engineering, Director of Science, Technology and Society, and Chairman of the Committee on Academic Programs and Policies, for a resolution on the Institute for Peace Studies and Peace Science.

5. PROPOSAL FOR ESTABLISHMENT OF AN INSTITUTE FOR
PEACE STUDIES AND PEACE SCIENCE

Professor Lynn stated: "The Committee on Academic Programs and Policies, which was chaired by Professor Carl Ginet, reviewed the proposal in three meetings - two of which Professor Walter Isard and a number of his colleagues attended to make their presentation to the Committee. The Committee then raised a number of questions and recommendations to which Professor Isard responded. Support for the Institute was thereafter given by the Committee." Professor Lynn then moved approval of the following resolution:

WHEREAS, A proposal for the establishment of an
Institute for Peace Studies and Peace Science
has been submitted to the FCR for approval,
has been reviewed by the Committee on Academic
Programs and Policies, and

WHEREAS, The proposed Institute is intended to provide
a mechanism for enhancing and broadening the
University's scholarly activities dealing with
the study of conflict management and other

topics related to problems of attaining and maintaining peace, and

BE IT RESOLVED, That the FCR approve the Proposal to Establish an Institute for Peace Studies and Peace Science, dated June 26, 1980, subject to the normal periodic review procedures established by the University.

The resolution was seconded and the Speaker indicated he would call first on Professors Walter Isard and Robin Williams after which the floor would be open for general discussion.

Professor Walter Isard, Economics and Urban and Regional Studies, began: "You've all received Walter Lynn's report and a copy of the proposal, and so if I talk too long there may be a shortage of time to answer questions and I'll therefore be brief. The proposal is being made by a team of Cornell faculty concerned with conflict problems of all sorts. These could be international conflicts, ethnic conflicts, conflicts within a nation on policies with regard to energy, environment, employment, etc. It's all spelled out in the proposal. The team currently consists of Professors Peter Loucks, Civil and Environmental Engineering; William Lucas, Operations Research and Industrial Engineering; George Quester, Government; Sid Saltzman, City and Regional Planning; Eric Thorbecke, Nutritional Sciences and Economics; Robin Williams, Sociology; two Associate Professors - Steven Caldwell from Sociology and Richard Schuler from Economics and Civil and Environmental Engineering, and myself. We look upon ourselves as an open group and we certainly want to welcome

others who are really interested and willing to make a commitment to put in a significant amount of time and effort in this study. I personally feel we have an outstanding team. Perhaps you can find at other major universities scholars who might be as good and maybe somewhat better, but I think we have a team here which does not exist at any other major university when it comes to attacking these kinds of problems. I think I can say that such a team does not exist at Harvard or MIT or Penn - places with which I've been quite familiar. And so, with the funds that we proposed to be raised - a significant amount of funds - and the new scholars to be brought in, I think we can make really outstanding contributions to analyzing these very important conflict problems and managing them. Obviously this would enhance Cornell's prestige both in this country and abroad. We are concerned also with the new faculty that will be brought in, that they will offer courses and seminars which will also contribute to the quality of the student programs. I think it would be so definitely in Economics, in Regional Science, in Environmental Engineering, Operations Research, and a number of other fields. Finally, I want to stress again that the Institute is designed to be 100% self-financing. We do not expect to receive any financial support now or in the future from the University. To answer questions, I've asked a few of the team to be present - Dick Schuler, Robin Williams and George Quester. Also present are Dean Seley from Architecture, Art and Planning and Professor Czamanski, from City and Regional Planning because Sid Saltzman is on leave. Also since we proposed some affiliation with the

Center for International Studies, I've asked Milt Esman to be here. We also have with us Steve Caldwell from Sociology. Associate Dean Chester from Arts and Sciences is also here. Also Provost Kennedy is here."

Professor Robin Williams, Henry Scarborough Professor of Social Science, said he would like to address himself to some points which led him into the program in the first place. "It seems evident without argument that the topic is important enough. There is a very rapidly growing body of research data and new thinking in this area which comes from across a wide range of disciplines - most of which have been named. We probably should add social psychology, industrial and labor relations and some other fields of that kind - game theory and the like. I believe, myself, that the field is at a point at which really major advances can be made on the intellectual front as well as on the policy front. There is extensive new literature on mediation, negotiation, conflict resolution, conciliation, strategy, and the like. Much of it I've been working through in the last five or six years and I'm impressed. A lot of it is still at the level of informed folklore, but some of it is rather rigorous. And I agree with what Walter said that there's an unusual constellation of individuals and subunits of the University which represent strong interest and strong competencies in these areas. I don't see any reason, given favorable response and given the financing which I believe will be forthcoming, why this should not become one of the really major centers in the whole world. I think also that it's important for teaching as well as for research in policy analysis. Certainly

I find that this material spills into every course I teach and permeates a great deal of what I have to say."

Professor Sander L. Gilman, German Literature, said:
"In terms of academic structure there does exist a program in peace studies, which is run by George Quester. How is this new institute going to relate to that program, to the Center for International Studies, and to the S.T.S. Program, which also have natural affiliations?"

Professor George H. Quester, Government and Chairman of the Peace Studies Program, responded that the current Peace Studies Program will be part of this larger program being presented, which in turn will be part of the Center for International Studies. The links with S.T.S. will continue as before. Peace Studies now has a very good linkage with S.T.S. Professor Quester thought the reason this is called an "institute" is simply that it might be wedged between center and program.

Professor Terrence L. Fine, Electrical Engineering, said:
"I once served on the Task Force on Centers and Interdisciplinary Programs and at that time there were about 60 such centers in the University - only one of which made tenure appointments. I find that point in the proposal a rather unusual one." Professor Fine added: "None of the arguments I've heard so far really bear on their right to make tenure appointments. What is proposed is a sort of quasi college. I'd like to hear comments on why that institute needs to make tenure appointments almost as if it were a college."

Professor Isard responded: "I guess I look at this area as a new thrust - academic thrust - and as having a central focus

of its own, which is extremely important, and it's thus very difficult to bring together the required kinds of individuals through the regular appointments of departments. I think I can say that I could not anticipate now or during the next ten years, that the Economics Department would make an appointment of an economist who was centrally concerned or would become centrally concerned with conflict management or be interested in inter-relating with other groups of scholars so concerned. Therefore, it seems to me that it would not work. I could not honestly go to donors to say 'make a million dollars available for economics, make another million for sociology, make another million available for government, etc.'. I think that we would not get that kind of thrust and probe deeply into this new area that's going to be required. My experience at Harvard University is an illustration. The Warburg family gave a million or so for an appointment in disarmament economics and I think initially that appointment went to Galbraith. When Galbraith retired, Otto Extein, who runs Data Resources Incorporated, which is concerned primarily with econometric models in forecasting the growth of the economy as best we can, was given the chair and he has nothing to do really with conflict management and peace studies and peace science. I think this has happened also at other departments of that sort."

Professor Lynn also responded to Professor Fine. "The Committee shared your concern. I think it's incorrect to characterize this as an autonomous body setting out to appoint people in its own image, without any set of rigid controls. First of all, every faculty member associated with this institute will be jointly appointed in some department, so that while the funding will be

raised independently, the appointments will not be to a separate, independent group without any points of contact within the University community. Peace studies is a relatively new area and the people will come from other disciplines and have credentials. Secondly, there is a rigid promotion and tenure appointment procedure which assures that the review process will be treated in identically the same fashion as for any faculty member within the University, namely that the dean of the principally concerned college will be asked to form an *ad hoc* committee in the same way as is currently done to assure that the standards of excellence in the faculty will continue."

Provost Kennedy had an additional comment. "I had concerns when this was proposed and raised questions. We do have two chairs that have been designated in one of the centers. Again, both individuals happen to hold appointments in a department as anticipated here. I personally was persuaded that the center should have the opportunity to make appointments and then the next step was what sort of control would you have or will the faculty as a whole have, and that's been spelled out. The Dean will appoint an *ad hoc* committee probably in most cases somewhat larger than usual. After all, the individuals who have indicated an interest in the institute certainly have high standards and I think there's every reason to believe that appointments will be reviewed with the rigor that we desire, and I do not believe that there's any danger of poor quality in the appointments."

Professor Kurt Gottfried, Physics, asked the reason for the name of the institute as the emphasis seems to be much more on conflict management than on an expanded peace studies program.

Professor Isard said that that question has also come up. "I don't think we should view the name as inflexible. We should look at it as flexible, and I would take into consideration the desires with respect to name by a large donor. But I thought that this would be the most effective one because there are two groups or potential groups that I'd like to go after. First, the National Science Foundation type of people for whom the notion of a science would have much appeal and to whom I think I can be effectively persuasive. And then there's the other type of group which I would call the Quaker community group which I'm going to be looking into because I come from Philadelphia and I happen to be a Quaker. I believe they would react much more favorably to peace studies. But I think the name itself will be influenced by - at least to some extent - the wishes of potential donors."

Professor John P. Windmuller, I&LR, said he is less troubled by the term "Institute for Peace Studies" than by the term "peace science", which seems more pretentious than the program warrants. "I have two questions that I would like to raise. One pertains to the first question asked, that Professor Quester answered. What is to be the relationship of this institute to the Center for International Studies? As I understand it, it is to be an intermediate relationship with the institute reporting to the University Administration through the Center for International Studies. The proposal, however, uses the term 'initially' on two occasions, which implies that the long-term relationship may be of a different character. And I wonder if it could be spelled out or whether the term 'initially' shouldn't be taken out of the

proposal. The other question I have pertains to the membership of the institute. I note on page 3 that all members of the institute might not be members of the Faculty. And I'm wondering whether this merely refers to research associates and research assistants or whether this refers to another category of individuals and if so, what their category might be."

Professor Isard responded that the word "initially" is obsolete now. "It was put there in the draft because when we had the first meeting in Dean Seznec's office, we really hadn't had much interaction with the Center for International Studies and we did not know how we would be received within the Center. I now think the Center for International Studies has reacted very positively to the idea of having the institute within it as George has suggested. I would, therefore, not be unhappy if that word 'initially' were erased."

Professor Milton J. Esman, John S. Knight Professor in International Studies and Director of the Center for International Studies, said he agreed fully with Professor Isard's reply to this question.

Professor Isard then responded to Professor Windmuller's second question. "I think that we are concerned with people who are research associates. Anybody who has a professorship appointment must also belong to the Faculty."

Provost Kennedy added: "The proposal spells out that any professorial appointment made within the institute will be against endowed funds in that area so that if grant money is obtained, you could not use those funds to support anyone for a faculty appointment."

Professor Fine said he still finds the situation of tenure appointment rather lacking in clarity. "Again, unfortunately, I'm on the *ad hoc* committee on Promotions and Appeals, and have just read through almost all of the procedures except for the College of Arts and Sciences and Law - who have been dilatory in handing in theirs. Apparently these documents are supplemented in some part by the Appointments Manual. The tenure appointments will be supported by the endowed funding which strictly resides in the institute. Are these people not to teach undergraduates? How does that sentence agree with the earlier one where it says they will be primarily in the institute and secondarily in the department? I find this a rather confusing document. I'd be very hesitant to approve at this time particularly because of the tenure appointments. In some sense, what I feel is being urged here is a department residing in more than one college, and I don't think I have any objection to that, but I'm not sure that this is the right structure. There is a great deal of precedent to what a center is, but I think there's only one exception in respect to a center having tenure appointments. I'm not sure why this needs to be another exception to the 60 odd centers."

Professor Raymond T. Fox, Floriculture and Ornamental Horticulture, said he is surprised that people in colleges particularly concerned with food and fiber and living have been largely left out of the whole discussion, since many of the problems of peace and war relate very directly to problems of land use and the peoples that are involved.

Professor Isard replied that others would be most welcome. "I think what has happened is that there was a core of us, maybe

starting off with those in Uris and going to Engineering, and we sort of interacted in our local area, but we would be very interested and would want to have join us, groups not only from food and agriculture, but also from law. It's an open group."

Professor Robert Zall, Food Science, said he was concerned about the statement that the Institute would be self-supporting. "What seems to come to my mind is that if an individual wishes to associate with this, then the duties or actions he is carrying on probably would be lessened and it would be important that somebody else pick those up. It's kind of a domino effect in that a shift in activity would leave a vacuum somewhere else for somebody else to pick up. I'm thus not sure whether we've identified if it is in fact a self-supporting organization."

Professor John W. DeWire, Physics, questioned the sentence on page 4 which says that "...tenure faculty appointments would be made by the Institute with secondary appointments within such departments as Economics..." and so forth. "Does this mean that the Institute has the authority to assign people to another department and then that department is obliged to accept that person as a member of the department? If that's not true, then what role can the department represented by the secondary appointment play in the tenure decision? I don't understand how it's going to work."

Professor Isard said that the intention was to have the Institute set up its criteria, and since the funds are within the Institute, therefore in that sense, the primary appointment would be its. But the criteria of the secondary appointment would be just as important. "Conceivably, someone who the Institute would

love to have, but could not find a secondary appointment somewhere else in the University, could not be appointed."

Professor DeWire said he could well imagine a physicist being appointed to tenure in the Institute, and then trying to assign him in the Physics Department, adding that he may have excellent credentials for the work in the Institute, but if the Physics Department felt he wasn't a physicist, he wouldn't become a member of that department.

Dean Greisen said that in the earlier form of the proposal it was conceived that some of the professorial appointments would be of people who might not be accepted by any department and would just be professors in the Institute. The Committee on Academic Programs and Policies was disturbed by that and after considerable debate wanted to insist that every one of these people would be members of a department. Cases involving tenure appointments follow a process of putting together an *ad hoc* committee which certainly comes from a department, not just from members of the Institute, as well as needing approval of the dean most closely associated with that area of study.

Professor Peter Stein, Physics, had a question he wished to direct to the Provost. "There is, as Professor Fine said, only one other center on the campus that makes its own tenure appointments, and I assume that's Africana Studies, which as everybody knows was created at a very special time for a very special set of circumstances. The present proposal certainly does not reproduce the special reasons and circumstances that led to that arrangement. The granting of tenure is probably the most sensitive and perhaps the most important thing that we do - the

most important decision we make on the campus - and we have a procedure which is sort of a conflict management when we decide to make tenure appointments. A lot of the conflict that goes into deciding who is going to get tenure and if we decide to support them, doesn't go on in this case because in a sense it bypasses the departments in a fundamental way. Why is this exception being made in this case?"

Provost Kennedy replied: "I don't think the Provost is the one to answer it. A Faculty group has come forward with a specific proposal whereby they would be permitted or would have the opportunity to make Faculty appointments with the involvement of one or more other departments and with a mechanism for review by an *ad hoc* committee. I, personally as Provost, do not object to that. But I'm not making that decision. You are in the process of considering it. Now there are not 60 centers, Professor Fine, unless you are including some that only deserve a small 'c'; i.e. not 60 like the Materials Science Center. Let me remind you again that in International Studies there are two chairs which are very much dedicated to that particular area and come somewhat close to what is proposed here. As the Provost I feel that the checks and balances are there, so I'll speak from my standpoint only. I feel that there is a mechanism for the quality control."

Professor Williams said not only is an *ad hoc* committee to be set up, consisting of at least three or more and the department to be actively consulted, but the proposal specifies that the Institute would make nominations on the basis of criteria laid down by the Institute within the framework of existing procedures

and criteria at Cornell. Further, when referring to fellows, tenure-track assistant professors and so on, there is a clause which says "...provided regular University procedures for such appointments are followed...".

Professor Edgar M. Raffensperger, Entomology, said a group of entomologists got together today and discussed this matter. "We noticed that there was a certain center of gravity associated with the location of the deans who will be on the steering committee - they seem to be located quite far down the hill. Some are concerned that if others are interested that you might defy gravity and change the committee. The other question had to do with a matter which was one of perception rather than one of fact, but about which I think I heard a remark at the early part of this discussion: it has to do with whether or not religious organizations would be involved with this group. I think I heard a member of the team say that he was interested in the Friends Society in regard to this organization, and I'd like to hear his clarification."

Professor Isard responded: "I only used the Quakers as a source of endowment funds. As you know there is a concentration of them in the Philadelphia community. I've checked with the Development Office and I know that Cornell is not happy with some of the major foundations. And I only look upon them as a way to help. I don't think there would be any connection whatsoever."

Professor Raffensperger asked if the University accepts endowments from religious organizations?

Professor Isard said it wouldn't be from a religious organization. "In other words, I know the Quaker community well.

There happen to be a number of wealthy individuals in the Quaker community who are sensitive to world problems. And a number of these individuals have contacts with some foundations who can be made sensitive."

Professor Raffensperger asked if Professor Isard anticipated any contact through CURW - Cornell United Religious Work? Professor Isard responded "no".

Dean Greisen said that question about the location of the center of gravity of the collection of deans also was a matter of concern to the Committee on Academic Programs and Policies. He pointed out the paragraph in the proposal relating to the steering committee: "While the Institute would initially relate to a limited number of colleges and departments, this reflects the current location of scholars in the group. The Institute would be open to new relationships with scholars from other colleges as such scholars become actively involved in the Institute's activities. Subsequent appointments of Deans to the Steering Committee would be made to achieve representation more consistent with the interests of participating scholars."

Professor Fine said he really finds this an odd document. "Secondary appointment is not a tactical term. There is not an agreed upon meaning of what a secondary appointment is. When a new tenure appointment is to be made, the dean sets up an *ad hoc* committee to initiate review. Normally a tenure appointment that would have gone through the department would already have some investigation by that department with its own *ad hoc* committee and with its own vote of the tenured faculty. The secondary department is being skipped over in these procedures as I read

them. The Dean may in fact draw members from the secondary department, but that's also a little peculiar because an *ad hoc* committee from a college is not supposed to have members of the department in which the individual resides. I find this a rather confusing - not particularly clearly thought out - set of procedures. One can be very much in favor of having some such program basically established, but I really believe it's a mistake to vote approval of this document with these current procedures, particularly with regard to tenure appointments."

Professor Simpson Linke, Electrical Engineering, said he reinforced Professor Fine's comments about possible small inadequacies in the way this document is constituted at the present time. He wished particularly to comment about the membership of the Steering Committee. "A bunch of deans and directors constitute five members of the committee; the sixth member is the Director of the Institute; and members seven through twelve are to be appointed by the Provost upon recommendation by the Director. That does sound as if it's weighted rather heavily in the direction of the Director which would remove the amount of conflict necessary on the part of the Steering Committee to introduce good conflict management."

Associate Professor Richard A. Baer, Jr., Natural Resources, said he is torn on the proposal since he wants to see the body move ahead on it. "I'm uneasy about the particular combination of focus and faculty. The focus clearly is on conflict management. The faculty who have been identified are all almost all from disciplines that traditionally deal with questions of value and justice in a descriptive rather than a normative sense. I would feel much

easier about the proposal if either the peace studies part of the title were pulled out of it or else there was some way to incorporate faculty from philosophy and perhaps literature or other disciplines such as religion which although this would not be easy at Cornell would deal with normative value questions as well as the value questions from a descriptive sense. I think otherwise we have a pretty narrow focus under a rather ambitious title."

Associate Professor Frederick C. Gouldin, Mechanical and Aerospace Engineering, added his support to Professor Fine's position. He felt that the body was not in a position to vote at this time, particularly in reference to the tenure promotion issue in that this may be the first of many proposals that allow centers to make tenure appointments.

Assistant Professor William E. Cross, Jr., Africana Studies and Research Center, said he is having trouble with the focus of the peace center. "I think there's an obligation on the part of the people who want to organize the peace studies program to indicate to what extent will it not be susceptible to manipulation for use by sources in our society."

The Speaker, anticipating a motion to recommit, asked the body if they would prefer to bring it to a yes or no vote.

Professor Isard said it was his hope that there would be a vote. He recognizes that the document is not perfect but he would at least like to have a vote on the spirit if certain portions of the proposal were changed.

The Provost said he would bring it back next time with some corrections made.

Professor Shirley A. White, Communication Arts, asked how long the group has been working on this idea? Professor Isard replied at least since March.

Professor White asked how long, intellectually, has the group been toying with the idea. Professor Isard said over the last year or year and a half. Professor White said she was in support of this proposal, adding that it is important to support peers in this type of endeavor, and moved the previous question.

The previous question motion - which means ceasing debate - was called for a vote and defeated.

Professor Fine moved that the proposal be recommitted back to the Committee on Academic Programs and Policies, and his motion was seconded.

Professor Lynn said it was a very helpful suggestion, but that the issue that concerns Professor Fine is the tenure process which is not Academic Programs and Policies. "The Committee on Academic Programs and Policies perhaps erred in not dealing with this proposal in very fine detail which has raised a number of concerns to people, but presumed that the idea of such a center - its objectives - would be in fact fleshed out in the future as it evolved. It is impossible for the Committee to deal with all of the issues that were raised here today. We assumed that since we had a group of faculty with these concerns and the interest in carrying out such an activity - consistent with the tradition of Cornell - and the absolute assurance that there will be no compromise of other activities at Cornell in that new funds would be raised to support these programs, we should not have to deal with the letter of the administrative process. It seems to me

that falls then to the Provost to see that the activities of this group are consistent with what goes on in the Faculty. I hope you will vote against that motion."

The Chair called for a vote to recommit, which carried.

There being no further discussion, the meeting was adjourned at 6:05 p.m.

Respectfully submitted,

Joseph B. Bugliari, Secretary

September 17, 1980

110 Ives Hall

The Speaker, Russell D. Martin, called the meeting to order at 4:35 p.m. There were approximately 50 faculty and several guests in attendance. The Speaker first called upon President Frank H.T. Rhodes for announcements and remarks.

President Rhodes said he was happy to address this meeting of the Faculty. He announced with great regret the death of the following colleagues:

Lowell F. Randolph, Professor Emeritus, Botany, May 26, 1980

M. Slade Kendrick, Professor Emeritus, Economics and Public Finance, June 17, 1980

Whiton Powell, Professor Emeritus, Business Management, June 23, 1980

William T. Keeton, Liberty Hyde Bailey Professor of Biology, August 17, 1980

"Each of these losses leaves us diminished", the President said, and asked the body to stand for a moment of recognition.

1. DISTINGUISHED TEACHING AWARDS

The President announced the following Distinguished Teaching Awards given by Cornell during 1979-80 and asked those recipients present to stand to be recognized:

Agriculture and Life Sciences: Richard D. Aplin*, Professor of Agricultural Economics; Chancellor's Award for Excellence in Teaching - by the State University of New York.

Agriculture and Life Sciences: Robert H. Foote*, Jacob Gould Schurman Professor of Animal Science; Edgerton Career Teaching Award - by the State College of Agriculture and Life Sciences.

Agriculture and Life Sciences: George L. Good*, Associate Professor of Floriculture and Ornamental Horticulture; Professor of Merit Award - by the State College of Agriculture and Life Sciences, Cornell, given by Ho-Nun-De Kah (Agricultural Honor Society).

Arts and Sciences: Sherman G. Cochran, Associate Professor of Chinese History; The Clark Award.

Arts and Sciences: Liam P. Ebrill, Assistant Professor of Economics; The Clark Award.

Arts and Sciences: Robert C. Fay, Professor of Chemistry; The Clark Award.

Engineering: Richard V.E. Lovelace, Associate Professor of Applied and Engineering Physics; Excellence in Teaching Award - by Cornell Society of Engineers and Engineering Tau Beta Pi.

Human Ecology: Michele A. Whitham, Lecturer, Field Study; Chancellor's Award for Excellence in Teaching - by the State University of New York.

Human Ecology: Michele A. Whitham, Lecturer, Field Study; Distinguished Teaching Award - by the College's Alumni Association and Omicron Nu Honor Society.

Industrial and Labor Relations: Cletus E. Daniel*, Associate Professor of Collective Bargaining, Labor Law and Labor History; Undergraduate Student Government Award for Excellence in Teaching.

Veterinary Medicine: Donald F. Smith, Assistant Professor of Clinical Sciences; Norden Distinguished Teacher Award.

*Not able to attend meeting.

President Rhodes added: "The commitment of Faculty to excellence in teaching, day in and day out, is something on which the fundamental strength of the University depends. To those of you who have received awards, all of us offer our congratulations. But those awards we know are symbolic of the larger commitment to teaching which is so well represented at Cornell."

2. REMARKS BY THE PRESIDENT

"It's my privilege once a year to talk at this meeting about various topics. A year ago I talked about undergraduate education. More recently at a meeting of the FCR I talked about the question of affirmative action. But rather than talking about any particular topic tonight, I want to take a larger theme. In doing that let me say that does not mean that either of those two topics is any less important than they were when we talked about them some months ago.

"The Provost and I would welcome the opportunity of meeting with any department that wishes to have a brown bag lunch with us to talk about these and any other topics that may be of interest. We meet weekly as you know, with groups of faculty whom we invite to a brown bag lunch. If you would wish to join one of those groups, we'd be delighted if you'd simply call up and give us your name.

"But this afternoon I want to share with you some thoughts about the University in the eighties - the general problem and

the general opportunities that confront us. It is conventional wisdom by now that the eighties will be a time of challenge and difficulty for higher education. The litany of problems is familiar - declining enrollments, increasing financial strain, regulation by state and federal governments, the problems of the steady state so far as they affect both our student numbers and our faculty diversity, threats to collegiality that come in various forms, the whole question of integrity, exemplified at least in part by athletics in certain institutions, and finally the sense of malaise that afflicts the wider society of which we're a part. I do not intend to talk about any of those general problems tonight, but to assume that they're familiar to all of us who spend our time in higher education. I want instead to talk about three aspects of the University that seem to me to be fundamental to everything we do and especially fundamental to what we shall do in the eighties. I want to talk about our people, our programs and our support.

"Let me talk first of all about people. The heart of any University - the core of the enterprise for which we stand - is the faculty. That has been true since the earliest days of the University and it remains true today. It was A.D. White who said: 'Better a splendid and complete faculty in a barn than an insufficient faculty in a palace.' We don't enjoy many palaces on campus but we do have a splendid and complete faculty and if we did nothing else in the eighties - nothing else at all - but preserve the quality of the faculty, we should come through in a healthy state. But in fact, what we continue to find year by

year is not just the quality of the Faculty is maintained, but even enhanced by appointments that are made. Let me give you two or three examples among many that reflect that continuing strength of the faculty during the past year. We received this year eleven Guggenheim awards, and for the second year in succession, we ranked as the third University in the nation in the number received; only Harvard and Columbia were ahead of us this year, with thirteen apiece. Indeed over the last ten years we have received 75 Guggenheim awards - a remarkable achievement for a University of this size. Three members of the Faculty were elected to membership of the National Academy of Sciences this year. All three are in the biological sciences division; of the hundred faculty members in that division, no fewer than nine are members of the National Academy. Professor Brian Tierney was elected this year to the American Academy of Arts and Sciences. Three of our faculty members were elected to Sloan Foundation Fellowships - especially important because they're given at an early stage of individual teaching careers. And the Wolf Prize in Physics this year was given to three individuals, two of whom - Professors Michael Fisher and Kenneth Wilson - are members of our faculty. If evidence is needed of the fact that great faculty produce great students, it was gratifying this year to note that two out of the three Nobel laureates awarded in physics went to Cornellians who were members of the class of '54. And of course that continuing distinction of the faculty also rubs off in countless other areas - in state and national and worldwide service, in professional leadership and learned societies and nowhere more than in the continuing strength of the research programs at Cornell.

"I want to show a couple of slides, if I may, that illustrate the strength of research. There's been a most impressive increase in the level of dollar funding throughout the whole University, including the Medical College, for research purposes during the period of '68 - '80. What is less encouraging, I'm afraid, is the fact that in constant dollars the amount of increase has been much less significant. In fact during this last year we slipped a little. That's attributable to a number of factors. It's attributable to the fact that from 68-78, which is the period for which we have exact figures, the real value of overall federal funding for research and development in universities increased by only 9%. Our own increase is roughly the same in that period. It's also now clearly more competitive to receive major grants for research purposes. Since our total faculty, including the Medical College, has grown during that period, it means that we've actually gone down in terms of dollars per head for research support. There are all kinds of footnotes one could write about that. The general picture is one of continuing strength, but it does raise concerns for the eighties.

"Two particular concerns that seem to me to be raised by the research outlook are first that it's becoming more expensive to obtain federal dollars. Increasingly for major instrumentation, matching in one form or another is involved. In order to accept the grant of five million dollars for the sub-micron facility, we've had to construct a lab which costs \$3.5 million. The second thing that's increasingly difficult for universities such as Cornell is the pressing space requirements within existing facilities for

continuing research funding. So we shall face problems during the coming years. I spent part of yesterday in a meeting chaired by Vice President Mondale at the White House discussing the whole question of research strategy for the eighties, and discussing especially the commitment of the present administration, if it's re-elected, to put \$600 million of additional funding into research in the universities over the 81 and 82 financial years. We talked at length about the way in which that might be used. I see our biggest needs in the University as being first, funding for major instrumentation - both in research and in teaching. Second, we need imaginative programs to support younger scholars - not just in the sciences and technology, but also in such fields as social sciences. And third we need help with targeted research which surely waits to be done. The universities and industry haven't yet come together in areas such as energy and toxic waste disposal, problems of international business and so on. There are great opportunities there still to be taken, and exciting prospects, in spite of all the problems.

"The second thing about a great faculty of course is that one has to provide an attractive working environment and here it is no secret that all universities have had problems - Cornell amongst them. If you compare our compensation with the compensation in 1974, it clearly increased in actual dollars. But if you compare our standing with universities that we regard as our peers, you'll notice that we do not keep pace with them at present. We have not lost ground. We were some way behind Harvard in '74; we are still some way behind Harvard. But we've not yet made much

progress, except for this past year. And one of the things that we simply have to do is to devise ways of closing that gap. Of course it's easy to argue that Stanford and Columbia and Harvard and Chicago are in major cities and Cornell is not. It's also true that, with the exception of Columbia, for which, I'm told, the actual compensation figure which is given there, is inaccurate on the high side, they don't have the luxury of paying New York State income tax. We must continue to give the highest priority to faculty compensation. So much for the endowed units. If you look at the picture in the statutory units, it's a somber one. At the beginning of this period, '74, we ranked at the top with California and Michigan. We have lost ground in the intervening period and, although that loss has been greater in New York, there is now reason to suppose that states such as Michigan will no longer enjoy the degree of prosperity that they have in the recent past. On the other hand, it is also true that there is no short-term relief in sight for the State of New York, and we must explore ways of improving salary positions. There are various ways given in discussions of how that might be done and I want to say a little about them later on. But I do want to say now that the administration in a collective sense cannot solve the problem alone. If we are to improve faculty salaries, we must do it with the help and understanding and cooperation of those of you in every department in every school and college. The Provost is developing with the deans a way of giving much more flexibility in funding by leaving the decisions in the colleges and departments for faculty salary programs over the coming years.

"Let me say a word now about student applications, because a great faculty produces great students, and we're pleased with the fact that the student application level has continued to improve. In fact in the period represented from 1977 to 1980, there's been an increase of 23% in the number of applications for the endowed colleges. In a period when enrollment levels are likely to decline precipitantly in the east, that's a very important increase. Even more gratifying is the fact that there have been significant percentage increases in applications from areas such as the west, the southwest and the southeast, although the numbers of applicants coming from those places are still relatively small. The statutory college picture is less encouraging. It's essentially flat. And it seems to me if the statutory colleges are to survive the 42% predicted decline in the college-age population of the State of New York, very careful attention will need to be given to out-of-state recruiting and the way in which that is viewed, not only by faculty here on campus but also by our friends in Albany.

"The next slide shows the SAT scores of the applicant pool. The national trend is steadily downwards. We share in that national trend but you'll notice both our applicants, our acceptances given to those applicants and those who've expressed an intention to enter remain well above both the national and the four-year private college level.

"I want to turn from the question of students and salaries to a question that seems to me a fundamental one, and that is the question of the relationships - the collegial relationships between

faculty and students and faculty and faculty during the eighties. This is a problem which is not unique to Cornell, but is one that is nationwide in significance. One of the traditional strengths at a university such as ours has been the decentralization of decision making and the high degree of autonomy that has been enjoyed by the Faculty. It's clear that as the eighties develop a variety of different forces will tend to erode that autonomy which the faculty have long enjoyed. There will be a tendency, for example, for government agencies and government regulation at both the state and federal level to erode those traditional faculty responsibilities. The courts have already moved in to certain areas where traditionally the faculty have had the one and only voice in matters. All that regulation is directed, of course, at social ends that all of us accept and all of us applaud. On the other hand, the experience of the last few years has suggested that the pattern of regulation is often poorly conceived and inappropriately conducted. And so the traditional role of the faculty at Cornell could be eroded by those external pressures.

"Nor are those external pressures the only ones that may erode the collegiality and the autonomy that we've long enjoyed. The increase in the number of internal grievances is another factor. The increase in the number of lawsuits brought by faculty who believe they've been treated unjustly - brought against the University and their fellow faculty members - is also something that threatens to erode that traditional faculty autonomy. Indeed as you know a professor of the University of Georgia faculty is now serving a prison term as a result of his refusal to disclose

his vote during a faculty meeting which dealt with a tenure decision. And so all those things - both internal and external - threaten to erode to some extent the pattern of both autonomy and collegiality which we've enjoyed.

"Let me be clear, however, that this is not a complaint against affirmative action programs. Nor is it a complaint against accountability to the State and Federal governments. We need to increase our affirmative action efforts. I see that as part of our search for equality. We need to be accountable and we need not only to make progress but to be seen to make progress. Traditional faculty autonomy in earlier decades produced fine faculties, but women and minorities were rarely included. But the quality of the University depends in the end upon decisions made by the faculty concerning appointments and tenure of their colleagues. And if Cornell has become great as indeed it has, it has become great by those decisions made one by one, individual by individual, department by department. That is the means by which the strength and diversity of the faculty have been maintained. But unless now we're scrupulously fair - both in the procedures themselves and in applying those procedures without the slightest hint of partiality - then we're going to find that the distinction of Cornell will dwindle during the years ahead.

"And so there are several things that need to be preserved in this area. First, I believe we have to preserve faculty autonomy. Without it there will be no great University. Administrators cannot make decisions that are properly made by the faculty concerning appointment and tenure. Second, we have

not only to preserve but to increase the present momentum of affirmative action. This is not to be an excuse for slackening off or looking the other way. And third, we must defend ourselves in those cases where we believe external intrusion is either inappropriate or is unreasonably applied. All this is going to mean that we shall have to have more system, more uniformity, more clear-cut procedures, than we have enjoyed in an age of collegiality. But in saying that, I want also to say that we will work very closely with the faculty in developing such procedures. In fact we welcome the initiative which Dean Greisen and his colleagues are taking to review grievance procedures campus-wide and we will do our utmost to cooperate as effectively as we can there.

"Two more things, however, need to be said about this. The first is that autonomy has to be accompanied by responsibility. And if we do succeed in obtaining and developing procedures which are perfect they will never be worth anything unless they are perfectly applied. Sloppiness in any promotion or appointment decision is something that we simply cannot accept. There is with faculty autonomy also the responsibility that goes with it. And second, if we're to preserve that autonomy, and we are determined to preserve it, we shall have to do it carefully and thoughtfully, because if we weaken in strict and literal adherence to procedures which are uniformly and fairly applied, then it's very clear that other agencies and other people are going to move in to make the decisions which have traditionally been made by the faculty. Tenure decisions made during this past year by the courts involving a number of other universities suggest a pattern that may become all too familiar. Faculty collegiality, I believe, is something

that we shall have to continue to maintain thoughtfully and carefully, even in a time of outside regulation and stress.

"The other thing I want to say briefly about the Cornell family, the Cornell people, is to say a word about our employees. Very often we speak of faculty and we speak of students, as though they were the whole of Cornell, and, of course, that's not the case. There are 5,500 plus other members of the staff who do not occupy academic positions, but on whom the day-to-day running of Cornell depends wholly in terms of their loyalty and skills. It will not be news to you to know that unionization activity has increased on campus during this past year. We're not alone in that. At other Ivy League institutions that's also a familiar pattern. I remind you that we have concluded contracts with two unions - though one involved a strike, which we did not welcome. The University's policy with regard to unionization and employee relations is one that was developed some years ago by the Board of Trustees. It says quite simply 'The University will promote and protect the right of its employees in exercising their freedom of choice before joining or not joining an organized bargaining group.' And so in the heat of the debate, and surely that debate will warm up sometime during the course of next year or so, perhaps sooner rather than later, we pledge ourselves simply to be as accurate as we can in providing balanced and comprehensive information on the implications of unionization. Having said that, you already know that we have refused to bargain with one union - that's a union of two meatcutters which has been recognized by the National Labor Relations Board as constituting a separate union for bargaining purposes. We believe that's

inappropriately small and that if that pattern were continued, we could face negotiations with several hundred or even several thousand different unions. The only way we have of testing that conclusion is to test it before the courts, and we are now in the process of doing that.

"Leadership in these coming years will be more important than ever before and on the faculty side, we're particularly pleased with the outstanding individuals who have been appointed not only to deanships but to chairpersonships. There are a number of new deans - Dean Chuck Rehmus in I&LR; Dean Peter Martin in the Law School; Dean Jason Seley in Architecture, Art and Planning; Dean Tom Meikle in the Medical School; and Dean Edward Jordan who will join us on January 1 in B&PA. All are strong appointments, as are the 15 people who've been appointed to chairs.

"There is another aspect about the local community which must be discussed clearly and urgently. And that is during the past year there has been a disturbing number of cases of sexual harassment which have been reported. That may or may not represent an increase in the actual number of cases. But the ones that have been reported involve both students who've been harassed, so they claim, by faculty members, and employees who've been harassed by supervisors. I need hardly say that this is a situation which simply cannot continue to exist on this campus. A university is known by the respect and civility that is shown by one member for another. We must reject as forcefully as we can the notion that the power inherent in a position as a faculty member or as a supervisor carries with it the power to intimidate. I'm therefore sending out a memo about sexual intimidation which will be

published in full by the *Chronicle*. I sent one during the summer to deans and directors and I want simply to remind you today that there are many channels which are available for complaints by students or employees for such cases and to urge you to do everything you can to eradicate this from the Cornell community.

"I've said nothing of course about the larger community in these remarks and I don't intend to, but the City, our Alumni body, the State, the Nation, all reflect the influence of the extended Cornell family. And in all of them the role of the faculty is one which is of growing importance.

"This will also be an important year as far as a number of aspects of our programs are concerned. The calendar debate continues and I am sure you are aware that you're working with the Provost via a small committee to look once more at the calendar and see if it's possible to devise a calendar with which most people are satisfied. We know already it's not possible to devise one with which everybody is satisfied.

"We shall be visited next month by another agency of the federal government - the new Department of Education - which will examine our athletic programs under Title IX in order to ensure that compliance has been reached in terms of equal facilities for women students.

"We've had several years of disappointing problems in the area of the computer for both educational and administrative purposes. The Provost will shortly announce a new appointment of a most distinguished individual which we hope will solve many of the problems we've encountered in the past and put us in the forefront of computer development.

"We have made an approach to the Agricultural Development Services in order to attempt to attract to our campus another agency working now through 30 staff members in overseas countries. And during the year through this and other efforts we shall attempt to expand the range of our international commitments.

"We will be hearing later in the meeting that the campus governance and referendum is now entering a critical phase, and I'm very glad Professor Holcomb and Mr. Gurowitz are here to comment on that because the faculty's vote is an essential part of that referendum.

"During the year we shall be devoting a great deal of attention to facilities. I want to summarize the renovation and the building which is now underway. The new biology building represents a structure costing \$14.2 million which will house Ecology and Systematics in one wing and Neurobiology and Behavior in the other. The building is on schedule for completion in December of '81 and it is within budget. The second major building emerging on the campus is the submicron lab in the southeast corner of the Engineering quadrangle. This is an ambitious building because of its design and construction, but one which is important in the continuing leadership of Cornell in that particular field. And, of course, on Monday, we dedicated a \$1.3 million extension to the Gannett Clinic which provides overnight accommodation for students and greatly improved health services. This addition was made possible by a gift from the Gannett Foundation, and the Foundation generously added to its gift on Monday in order to make up 50% of the difference between their initial gift and the final cost.

"We also have an ambitious program of renovation in various buildings on campus. There is the \$6 million renovation program in the dormitories which is now in the second year of its development. Goldwin Smith and Rockefeller renovations continue and we have started work on Sage Infirmary and will start work later this fall on Sheldon Court. Renovation of those two facilities which will between them provide about an additional 300 beds badly needed by an overcrowded campus. We at present house a smaller number of our students than we wish to. The other work which is now in the design stage involves a building that is simply called 'Academic Two' which will be built with state funds, we hope, adjacent to the new biology building on lower alumni field and will house a number of science departments and undergraduate teaching facilities now housed in Roberts and Stone. Cascadilla Hall we hope to renovate completely to add another 125 or 150 beds to the total number available. Geology will have a building which is now in the early planning stage for which we have funds in hand as the result of a gift. Performing arts is one for which we have high hopes. We are now collecting funds but we've still a long way to go. The extension to Uris Library is one for which funding is in hand as a result of a generous gift from Mr. Harold Uris. Construction will start during the spring. We're also looking at the possibility of constructing a major new dormitory which would house up to 600 students. It's just in the discussion stage, and not the planning stage. And we're also looking at the general need for additional space that might have multiple uses, though we're not yet committed to any particular pattern.

"I want now to turn very briefly to the question of support because support is clearly what lies behind having a great faculty and a great student body. We enter this year with a balanced budget. We had a balanced budget last year and a slight surplus as you know. And although that represented a sizeable number of dollars, it represents less than one day's expenditure for the total University operations. The problems we face in holding the budget together, and this year's is a very tight one, are exemplified by two slides. This first one shows the increases in telephone use on the Ithaca campus during the past academic year in comparison with 78-79. The figures are startling for two reasons. The first is that they show a very significant increase in the amount of use made by direct dialing and by the WATS box. We hope that that direct dialing can be cut down and the increase can be accommodated within the WATS box. But the other thing that's disturbing about it is that in one year, because of increased charges and greatly increased usage, our bills have jumped \$235,000 for telephones. Frankly, that comes out of general funds in the end, we have no other place to find it. And, if it's repeated year after year, it is going to have a very significant impact upon our level of support. So we need your help, even with the things that seem trivial. It's important of course to use the phone, when it's necessary, but we do need to take seriously the fact that charges have increased by almost a quarter of a million dollars in a one-year period.

"The next slide shows a case where we've had admirable cooperation from the campus community, but haven't in fact made

progress because of an increase in costs. If you examine the use of fuel over the period 72-80, represented in these slides, you'll notice that for both boiler fuels and electricity, it's been essentially level in spite of increases in the floor area heated. But the cost has increased by 300% from what it was in the period 72-73. We shall need to be even more inventive and more cooperative than we have in earlier years in holding that level down.

"Now how do we grapple with this problem of solving the budgetary gap that private universities in particular are going to be confronted with. There are three or four standard answers that are always given in meetings that we have to discuss this. The first is improved investment performance, and the answer that's normally given is go into high grade bonds because we are a tax exempt institution and they will do much better. I put this slide up simply to show you that whether reckoned on a one-year basis or a five-year basis our investment performance has been remarkably good in comparison with any other typical index that one cares to choose. There isn't much to be gained by hoping that we can have major investment improvement. Indeed the performance improvement that we've had this year was largely short term and will probably not be repeated.

"The second solution that's frequently given to closing the budget gap we face in increasing salaries and providing better equipment and accommodation, is to improve the level of giving. But I want to point out that we've gone up from \$30 million to \$52 million in 79-80 and that's about a 75% increase in that time.

That's a remarkable increase in the period of three or four years and it's a level of increase that puts us in the top four private universities in the country in terms of gift support. The university systems of California and Texas are excluded from that because they are not just one university, they are many, but the only universities that are ahead of us are Harvard, Yale and Stanford. There is not much hope in sight for greatly changing that level, hard though we will continue to work at it. The performance increase already has been dramatic from 30 to 52.6 million dollars on an annual basis. Finally, we believe and hope that the Cornell Campaign will go well over the \$230 million mark by the end of the year. But little of that has been funding that we've been able to put into the long term endowment.

"The third answer that's commonly given is to increase student tuition. Our student tuition is now level with Harvard and Yale - at \$6000 for the rest of this academic year, and we cannot go very much higher than our peers in increasing that general level of tuition.

"The fourth method which is frequently given for improving salaries and facilities and everything else is to cut the number of administrative and management personnel. We have tried that. And one of the reasons that we have had such dismal results with things like the computer and in other areas too, is that in many ways we are now an under-managed institution, especially with increasing federal reporting measures. We have done our best to hold down and to minimize the number of appointments at the administrative level, but there is difficulty in going below a level where service is efficient.

"For all these reasons we face the eighties in a lean period but with great strengths. The three things that will determine whether we continue to attract outstanding students in the eighties are first of all the quality of the programs, the intellectual quality of the programs. Second, we must maintain the quality of the student-faculty relationship, as distinct from the programs - not simply great professors lecturing, but great professors interacting. And third, the quality of student life must be enhanced in a more comprehensive sense. That is something to which Vice President Gurowitz and Dean Drinkwater - the new Dean of Students - are giving the highest priority. Those things are going to be key ones during the years that lie ahead. Clearly Cornell is going to face difficulties in the eighties. It's quite clear that we shall not emerge unchanged from a period when some institutions are going to become extinct. What faces us is not the threat of extinction, but the threat of erosion. The greatness of Cornell in the past has been based upon the scholarly distinction, the individual commitment, the institutional loyalty, and the public responsibility of its faculty. For that, freely given, in the years that lie behind us, I want to applaud you and congratulate you, and for the promise of that, continuously given in the challenging years that lie ahead, I want in anticipation to thank you. Thank you."

There being no questions for the President, the Speaker, as a final item of business, called on Vice President William D. Gurowitz to initiate a discussion of the proposed new charter on campus governance.

3. DISCUSSION OF CAMPUS GOVERNMENT

Vice President Gurowitz began: "As you know the Campus Council - the current form of non-academic governance that we enjoy on campus, had in its charter when it was formed a little more than three years ago, a provision that during its third year the President should appoint a group to review the effectiveness of the Council and determine what its future course should be. About a year ago the President formed such a committee, chaired by Professor Donald Holcomb, having a number of faculty, students and employees on it. During their deliberations through all of last fall and some of last spring, the committee met with various groups, including representations individually and collectively from the faculty and others, and came up with the report which was presented to the President in April. In that report this third-year review committee recommended that the form of governance be changed to what they call the University Assembly and in that report they discussed having a sub-assembly of employees or a sub-assembly of students or both, acknowledging that we already have a sub-assembly so to speak of faculty called the FCR. They did not make a recommendation whether the University Assembly that they were recommending should have or not have these sub-assemblies. The President, then after receiving that report solicited input from various groups including the faculty on the report and we did get a report from the FCR Executive Committee during the summer. During the course of drafting a charter for this proposed University Assembly, Dean Greisen also participated in reviewing the drafts. Finally the proposed Charter for the

University Assembly appeared in the *Cornell Chronicle*. I hope you've had a chance to see it and maybe even read it. There will be a referendum by mail ballot at the end of this month. The referendum will give the community an opportunity to express its preference for one of three choices. These choices will be the continuation of the Campus Council - the current form of governance - making whatever changes seem desirable through the amendment process which is already part of its charter; or the dropping of the Campus Council and the formation of this University Assembly all by itself; or formation of this University Assembly with one or two sub-assemblies - a student or an employee or both sub-assemblies. Faculty, students and employees will vote. There have been a number of educational programs for the community - panel discussions, the printing of the proposed Charter for a University Assembly, a letter from the President explaining some of the high points of the new Charter and why he occasionally differed, usually in a very modest way, from the recommendations of the Holcomb Committee report. You all should have by now received a very brief letter from the President outlining that the referendum is coming up and giving in very succinct form some of the details of the three possibilities. The results of that referendum will be known about the middle of October and the community will know about that time or shortly thereafter what will happen after this year. The Campus Council will continue to operate during this year - its fourth year. And depending on the results of the referendum, it will or will not continue to operate into the future. I'm prepared to answer any questions, Mr. Speaker."

There being no questions for Vice President Gurowitz and no further business to come before the Faculty, the meeting was adjourned at 5:20 p.m.

Respectfully submitted,

Joseph B. Bugliari, Secretary

October 8, 1980

110 Ives Hall

The Speaker, Russell D. Martin, called the meeting to order at 4:35 p.m. 54 members and several visitors were in attendance. He announced that the Parliamentarian for 1980-81 would be Professor P.C.T. deBoer, Mechanical and Aerospace Engineering, serving for a second year. The Chair called on the Dean of the Faculty, Kenneth Greisen, for remarks.

1. REMARKS BY THE DEAN

Dean Greisen announced that Provost W. Keith Kennedy was not able to be present since his brother had died and he, therefore, had had to leave Ithaca for awhile.

The Dean next reported on the results of the recent election, adding that there was an extraordinarily wide participation in the balloting - 729 votes cast. Walter R. Lynn, Professor of Civil and Environmental Engineering and Director, Program on Science, Technology and Society, received the most votes for Faculty Trustee, and was thereby elected to the seat vacated by the death of William Keeton. For At-Large Member of the FCR, Professor W. Jean McLean, Design and Environmental Analysis, was elected to replace Ronald Kuhr, who announced his intention to leave the University.

The Dean stated that he had sent with the call to this meeting a special plea to members to be present so that a quorum would be attained to conduct business. Some conscientious members of the FCR indicated that they would not be able to attend, but wrote notes or called, hoping that there was some way to cast a

vote without being present. This would amount to absentee voting or voting by proxy which is not permitted by *Robert's Rules of Order*, except when required by law for some societies or when the rules of the society especially allow for it, which ours do not. Dean Greisen said that the basis for that ruling is that those who participate in the vote have to have the opportunity of hearing the argument that led up to the vote, and also have the knowledge of any amendments that are passed during the debate. Only those who actually attend meetings can vote on any of the business of the FCR.

Finally, Dean Greisen spoke about evening prelims. "I think in my brief period as Dean, I'm rapidly learning the lesson 'don't tinker with things.' We tinkered with the calendar - we didn't achieve any of the major changes that might have made a substantial improvement. We tinkered with some minor things, and it begins to appear that we have created as many new objections and annoyances as the ones we eliminated and so we just made as much trouble as we hoped to eliminate by our changes.

"And then last year we tinkered with the legislation with regard to evening prelims in the hope of solving the problem, but it appears that we've exacerbated some others. FCR committees were approached about this matter - both the Committee on Academic Programs and Policies, which was responsible for the legislation that occurred last year, and the Executive Committee. In spite of the pressures and, perhaps, sore needs of doing something about it now, these committees decided it would be a bad mistake suddenly to alter a new procedure before it had been adequately tried and we had an adequate study of what the real needs were. And so

there is no proposal to bring to the FCR immediately recommending any change. However, the situation is pretty bad. Last week I heard from Coach Bob Blackman of the football team, that 78 out of 100 freshmen on the freshmen squad and also 23 of his varsity had to be in prelims that were given at 6:30 last Tuesday. If a prelim begins at 6:30, and the student comes out for practice, and very many of the team cannot come out until after labs are over, it is well after 5 before they get to practice. And they would have to leave not much later than that to shower and to have supper, etc., and get to a prelim by 6:30. So it really cuts practice to nothing. You'll understand also that Friday nights are not appropriate nights for heavy drills for football teams with a game on Saturday, and Monday is the time of their first meeting after the game for analysis of what happened during last Saturday's game. So there are essentially only three good nights for heavy drill - Tuesday, Wednesday and Thursday - and with early prelims taking so many of the squad away, you can't even run through plays and so on. That means two of those three nights are destroyed. We would not want to get overly excited about one athletic activity in comparison with the importance of academic activity, but it isn't just one athletic activity, the other team sports that require participation in squads will also be hurt. And it isn't only male athletics, it's the female athletic teams too. And besides it isn't only athletics - there are activities such as orchestra rehearsals and rehearsals for drama performances - anything that requires a group to be together and to be pretty complete.

"There are also direct academic conflicts. It has come to my attention that there are quite a number of students who are still assigned to two prelims at the same hour and we're told stories I don't like to hear about the uncooperativeness of faculty in such situations where the student goes to one and he says let the other faculty member adjust the plans for his prelim. And he goes to the second and that faculty member says let the first make the adjustment. And the student is caught in the middle and doesn't know what to do about it. One of the reasons the conflicts are so bad is because practically every single faculty member has asked for the 6:30 - 8:30 slot rather than the 8:40 - 10:30 one. On a few of the nights an extremely small number of prelims are scheduled for 8:40. Perhaps this is understandable, but nevertheless, the consequence is that the conflict problems are about as bad as they were before we doubled the number of time slots since only one of the two is in use. There was only one of the nights in the three week period on which I have data when there was more than one course scheduled to give an 8:40 prelim. There were a lot of nights when no courses were giving prelims at 8:40 - they were all at 6:30, and in all but one of the nights, there was at most one course giving an 8:40 prelim. On that one night I think the total number of courses scheduling prelims was so large that the others were driven to the 8:40 hour. We have plenty of simple academic conflicts because of the lack of use of all the times that were made available.

"Incidentally, on the first night that Dick Schultz and Bob Blackman were explaining was so terribly bad when 78 out of 100 freshmen and 23 out of approximately 100 in the total varsity

squad were involved, the only prelims that were centrally scheduled that night were Biology 101 and 109, and Mathematics 293 and 294, which are not for freshmen, but are third and fourth term calculus courses for engineers. I don't think that many of the freshmen squad were in the third and fourth term calculus courses for engineers. And I don't believe that 78% of the freshmen squad was in Biology 101 or 109. As a matter of fact, informally I heard of some other courses giving prelims that night. So it's also clear that faculty just are not following their own legislation and not registering their courses centrally. There may even be some misunderstanding about that. I think some of the people in the Registrar's office or the college administration offices don't know about it, and think it's sufficient for instance that an Arts college professor call the Arts office and not register his prelim centrally.

"In any case, it is a bad situation. What Provost Kennedy and I, at the urging of the President and other people have done, is to send to department chairmen and to those faculty who we knew were involved in giving evening prelims, a message urging that they make provision for the students who have conflicts at the 6:30 hour to have an opportunity for a make-up. The best opportunity we could suggest, is that they be permitted to come for the second hour in the same evenings so that there would not have been opportunity for exchange of information between the main batch taking their early prelim and those coming to make it up. They could then be given the same test - one would not have to make up a second one, and there would thus be only some

inconvenience for the professor or his teaching assistants to stay around a bit longer, but nothing greater than that. We also asked that professors regard the need to participate in activities other than academic activities as valid conflicts. Our Committee on Academic Programs and Policies discussed that at length when they were proposing the legislation and it was their recommendation that student activities be regarded as valid reasons for missing things scheduled in the evenings and that they have opportunity for make-ups when there was that sort of conflict. So what we are recommending is nothing terribly new, but just that the faculty accept that situation and cooperate as best they can. This will be a temporary measure and as I say the CAPP Committee will later on - as we've had more experience with it this year - try to study the situation more thoroughly and recommend any appropriate changes of legislation for next year."

There being no questions for the Dean, the Speaker asked for approval of the September 10 FCR minutes, which were so approved.

The Chair next called on Professor Walter Lynn to reintroduce the resolution on the Peace Studies and Peace Science Institute.

2. * PROPOSED INSTITUTE FOR PEACE STUDIES AND PEACE SCIENCE+

Professor Walter Lynn, Chairman of the Committee on Academic Programs and Policies, said at the last meeting this proposal was recommitted to Committee for perfection on a variety of issues. "One of the things we neglected to do in presenting this resolution to you at the last meeting, was to give you some idea of the variety of issues which the Committee had addressed

*See Appendix A, attached.

+ Passed by Executive Committee, Board of Trustees January 1, 1981, p. 10,675

in our discussions with Professor Isard and his colleagues who are advocates for this proposed institute. In the call to the meeting there was again distributed the resolution proposed by the Committee on Academic Programs and Policies and it gives you some idea of the range of concerns which have now been incorporated in the proposal which you have before you. In particular the Committee attempted to respond to questions raised by the FCR at the meeting on September 10. It met with Professor Isard for discussion about suggesting improvements in the document on the 22nd and 29th of September, and the Committee is now sufficiently satisfied that the revised draft has been modified in response to the FCR members' concerns and questions raised at the last FCR meeting.

"Let me see if I can document some of those for you. The major concern related to procedures involved in faculty appointments - both with tenure and non-tenure track faculty to the Institute. On page 5 of the document, the revisions are not extensive but in fact an attempt has been made to clarify the concerns raised in particular by Professor Fine, and others. First of all under category B. Faculty, all the tenure faculty appointments will be on and only on the basis of new endowment income made to the Institute. Secondly, in the sentence that follows it, persons would hold these appointments only if they hold a joint appointment in another department of the University. That is very restrictive on the Institute, and if some of the members of the FCR were concerned that the procedures would be loose enough to allow a special faculty to arise, this covenant it seems to me ensures

that that will not take place. Further down the page there are discussions about how the searches for new faculty will be carried out which involve clearly the participation of a department potentially interested in a joint affiliation for a faculty member. Then it says clearly that considerations of tenure would follow normal University procedures for joint faculty appointments. We discovered in our examination of this problem that in fact there is a very specific procedure for that process, which has been attached to this document as an appendix. There is according to the official Academic Appointment Manual a very precise statement of how joint appointments will be evaluated, carried out, and consummated, if you will. It clearly is the intent of this document, and I think it's unambiguous, that these procedures require a review and recommendation on the part of the department with whom the joint appointment is made. Finally, the last concern which we dealt with had to do with fellows who are envisioned to be people who are not on a tenure track appointment but who because of their activities, might appear to be attractive as tenure track assistant professors when and if that occasion would arise. These individuals would be subjected to exactly the same rigorous review assessment and appointment procedure that initial appointments would have to undergo for the center itself.

"The Committee, I think, has concluded that there are adequate safeguards provided in the proposed center that would ensure that the individuals affiliated with that group were subject to the same rigorous requirements for granting tenure

as any other academic department or academic unit. The additional stipulation that all nominations and appointments to tenure will be joint with an existing department imposes an even more restrictive setting for this Institute, since any candidate being considered would actually have to be reviewed and approved by two separate faculties. Therefore, in our proposal to you, we think we have taken into account the concerns that were expressed.

"Another issue that was raised pertained to the scope of the Institute. One member of the Faculty addressed the issue of whether the Institute would be responsive to the potential interests of faculty that were not presently identified within the proposal and in particular the so-called steering committee which has a subset of deans and faculty members who will be responsible for the oversight responsibilities for the Institute itself in collaboration with the Provost. That's a difficult problem and I would like to suggest that the topics embodied in such a global topic as peace studies could clearly involve every academic unit of the University. The committee discussed this question at each one of its meetings because the title was in part a troublesome issue. Troublesome not in the sense that we thought it was a bad title, but whether in fact the Institute - given this broad mandate - would be able to carry out what was implied in that title. I think the Committee came to recognize that the organization of specially focused activity could not hope to involve all the potentially interested parties at the University if it were going to be formed in some reasonable time period. We were, however, convinced by our discussions with Professor Isard and the other advocates that the Institute as

proposed would accommodate various forms of faculty involvement as they became identified and expressed, and that it was the clear intent of that Institute, while having an initial focus on conflict management, that it would, in fact, expand its activities to accommodate these other interests. The statement in the Institute proposal is one of openness, and I think that's clearly the intent.

"Finally, on the issue of courses, which was another topic raised at the FCR meeting, that problem is not very worrisome mainly because the University is structured in such a way that the Institute - while it may offer lectures and seminars and colloquia - is not a degree-granting unit of the University and therefore its ability to give credit for courses which would be counted in some degree-granting unit would require the approval of either some educational policy committee or whatever way the various colleges and schools accept courses for credit. That's clearly what's done, for example, in the Program on Science, Technology and Society, which participates and offers a large number of courses. None of them are 'S.T.S. courses' in their own name - they are endorsed, approved and jointly listed somewhere in the University with a college, school or department.

"Accordingly, the Committee believes that the revised proposal for the Institute which has been modified in response to the issues raised at the last meeting of the FCR, is now ready for this body to make its recommendation. The Committee on Academic Programs and Policies recommends that you approve the resolution which is now before you."

The Speaker said the resolution as revised was now before the body for discussion.

Assistant Professor Robert G. Bland, Operations Research and Industrial Engineering, questioned the clarity of the language on page 4 of the proposal re faculty appointments. Professor Lynn responded that the intent here is recruiting no new faculty. "If they cannot hold a joint appointment, then they cannot hold an appointment in the Institute." Professor Bland said with that aside, he is more confused over the assurance to those who spoke last time about the concerns of tenure decisions - should the excerpt from the Academic Appointment Manual relieve their worry. *It seemed to Professor Bland that all the responsibility is placed on the Institute for such decisions. Professor Lynn said if you read the proposal, it covers the concerns of Professors Fine and Linke, and describes a general procedure. If the Faculty Appointment Manual is defective, then we have to deal with that separately. If any change is made, such change would also be imposed on all of the units in terms of any joint appointments that occur after that change is made. Professor Bland said if he recalled correctly, the arguments concerned where the joint appointment was held, with no assurance of a particularly rigorous review. Professor Lynn responded that the present document says the following: "These procedures shall include a review and recommendation by the Department holding the joint appointment." It imposes that responsibility on the department even if the Joint Appointments excerpt doesn't impose that.

*Corrected at December 10, 1980 meeting to read: It seemed to Professor Bland that almost all of the responsibility is placed on the Institute for such decisions, since, according to the excerpt: "When the salary comes from only one of the units involved, the procedures and decisions on salary and promotion are those of that unit."

Marcia G. Jebb, Assistant University Librarian, spoke on behalf of Louis Martin, University Librarian, who could not be present. She expressed the Library's concern that this proposal does not in any place mention funds that might be required for purchase of library materials. It's been the experience of the Library that any new or expanding program invariably will generate requests for more materials for research. The library's book funds now cannot meet the continuing cost, and it is hoped the Steering Committee would take that into consideration. Professor Isard replied that he expected the Steering Committee would do so. The purpose of the budget is to cover costs of research - which would include library costs.

Associate Professor Robert T. Masson, Economics, pointed out that this document goes into our long-term archives and shouldn't imply all our deans are males.

Associate Professor Norman T. Uphoff, Government, said there is concern about the wording on page 4, Section B., is it consistent to say: "While these appointments would be primary within the Institute, persons would hold these appointments only if they receive a joint appointment in another department." Would that be the intention of the Committee? Professor Lynn responded "yes", and made a suggestion. "I hope that if there are any improvements in the document that they will be offered as amendments." Professor Uphoff asked if that would be acceptable, and Professor Lynn replied "certainly".

There being no further discussion, the previous question was moved and seconded. The previous question motion carried

unanimously, and the Speaker said the body was now prepared to vote on the resolution. For the record, the Chair asked that this be a standing vote with the Dean and Secretary serving as tellers. On a vote call, the resolution (below) was adopted by a vote of 43 - 7.

WHEREAS, A proposal for the establishment of an Institute for Peace Studies and Peace Science has been submitted to the FCR for approval, has been reviewed by the Committee on Academic Programs and Policies, and

WHEREAS, The proposed Institute is intended to provide a mechanism for enhancing and broadening the University's scholarly activities dealing with the study of conflict management and other topics related to problems of attaining and maintaining peace,

BE IT RESOLVED, That the FCR approve the Proposal to Establish an Institute for Peace Studies and Peace Science, dated September 23, 1980, subject to the normal periodic review procedures established by the University.

Professor Lynn wondered if it was clear to everybody what the FCR had done. "Nothing happens at this stage - except that this information is now passed to the Provost and the Administration. Clearly the Board of Trustees has to create the machinery by which this will become an official body of the University. What the FCR has been asked to do, and I think it's a significant thing for a variety of reasons, has been to say is this a good idea, and that's basically what we've done. We've created the basic

tools for this. But nothing happens with this Institute now until it goes through further successive steps."

Dean Greisen reaffirmed what Professor Lynn said, adding that nothing would happen in the actual formation of the Institute until there is a substantial portion of the funds needed for its endowment.

There being no further business, the meeting adjourned at 5:15 p.m.

Respectfully submitted,

Joseph B. Bugliari, Secretary

PROPOSAL FOR AN
INSTITUTE FOR PEACE STUDIES AND PEACE SCIENCE

I. Preamble

Conflict exists in almost every sector and phase of reality. It exists whether we consider political processes, the functioning of social, cultural and economic organizations, interactions among key administrators in decision making, and a host of other activities. Perhaps the point at which conflict takes on its direst form is among the nations of the world. The need to manage potential conflicts and establish stable, orderly and relatively peaceful conditions in the international arena is a task of perhaps absolute first importance. Clearly, the most challenging problem confronting the social sciences, engineering, law, business and other professions is how to combine their knowledge and reorganize and deepen it creatively to combat more effectively the disruptions and disaffections potential in future global and national existence.

Cornell University proposes a directed effort at this problem by creating an Institute of Peace Studies and Peace Science. This Institute will aim to encourage and facilitate studies concerned with diverse aspects of the problem of the attainment and maintenance of peace. Initially, the efforts of the Institute will focus on conflict management, as described in the next section. Already the University possesses an outstanding group of senior professors concerned with conflict management, each an authority in his own discipline and enthusiastically supporting and eager to participate in a concerted effort at deepening our knowledge of the conflict problem and the conditions for managing conflict and insuring peaceful existence at institutional, national and international levels. Combined with new resources to support research and teaching efforts in this direction as well as to bring to the University young and older scholars of truly outstanding capabilities, this group can make a major contribution to world and national welfare.

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II. Framework and Purposes

The proposed Institute for Peace Studies and Peace Science would be an extension⁰¹ of the present Program of Peace Studies and would include this Program as an entity within it. It would involve additional faculty and the attainment of new depth in the fields of Peace Studies and Peace Science and in the subareas of traditional disciplines such as agricultural, resource and development economics, sociology, government, planning, environmental engineering and operations research where conflict is a basic factor in the processes and behavior they study. At the start, the College of Arts and Sciences, the College of Engineering, and the College of Architecture, Art and Planning would be closely associated with and oversee the Institute's activities. The Institute would, however, seek active participation by faculty from all colleges. To reflect strong interests that may develop in other Colleges, appropriate adjustments in the membership of the Steering Committee discussed below would be made.

The Institute would operate in affiliation with the Center for International Studies and report to the University Provost through the Center's Director. While attached to the Center of International Studies, and like the numerous other programs in the Center reporting to the Provost through the Director of the Center, the Institute would operate in a semi-autonomous fashion with regard to its activities, just as the Program of Peace Studies does now.

One primary objective would be to conduct interdisciplinary research on conflict theory, analysis, management and resolution, and on key problems such as arms control and international security, equitable development among and within the nations of the world, design of cooperative and fair division procedures for use by regions of a nation, and by different groups in conflict, whether they be ethnic, political, economic-interest (labor, management), and others concerned with the environment, public health and social welfare.

A second objective would aim to deepen existing graduate programs by offering additional (cross-listed) courses, by bringing to Cornell additional outstanding scholars and, if desired, to heighten the interest of undergraduates

by offering at the undergraduate level meaningful, cross-disciplinary courses concerned with conflict problems of vital interest.

The Institute would secure endowment funds and administer the income from these funds to support its research and teaching efforts. Plans for obtaining such funds are well advanced. It would also secure and administer large- and small-scale grants (the NSF has already expressed major interest in multi-region models involving conflict management). It would coordinate the individual research projects that it sponsors, organize and disseminate their results and develop and maintain research facilities where necessary.

Within the Institute the Program of Peace Studies would operate as a unit (subgroup) consistent with the commitment made to the Ford Foundation by its endowment grant. Aside from independent determination of the use of income from the endowment grant that is required and the operation of a Peace Studies seminar conditional to that grant, the Program would act in cooperative and interdependent ways with the Institute as a whole.

III. Membership

The staff of the Institute shall be drawn principally, but not exclusively, from the faculty of the University. The following staff positions will be created:

A. Director. The Institute will have a Director, or Co-Directors when appropriate, appointed by the University Provost, with a five year renewable term of office. The Director will be responsible for the review of the Institute's research activities for obtaining endowment, other funds and personnel and for coordinating their activities. In addition, the Director will prepare and manage its budgets from new endowment income and research grants. Such budgets, together with a report of the Institute's activities, will be submitted

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annually by the Director to the Provost, through the Director of the Center for International Studies, and to the Steering Committee described below.

B. Faculty. Members of the University Faculty may become members of the Institute Faculty upon nomination by the Institute Director and approval by the Steering Committee. Tenure faculty appointments on and only on the basis of its new endowment income would be made by the Institute. While these appointments would be primary within the Institute, persons would hold these appointments only if they could hold a joint appointment in another department of the University. Any joint appointment with a department would be at the discretion of the department and would be subject to meeting its requirements both in research and teaching. Searches for new faculty to be appointed to the Institute would be carried out with consultation and in conjunction with chairpersons, personnel committees and other relevant faculty of the cooperating department. Considerations of tenure would follow normal University procedures for joint faculty appointments (see Appendix I). For tenure decisions the Institute Faculty would play the role usually occupied by one of the Departmental faculties. These procedures shall include a review and recommendation by the Department holding the joint appointment. In considering any tenure appointment, the appropriate Dean, to be designated by the Provost in terms of the disciplinary interests of the proposed appointee, will set up an ad hoc committee to evaluate the nomination, the committee may be expanded in size from the typical three-member committee to involve interested departments and units of the University.

Income from new endowment would also be used to support a number of Fellows on term appointments to allow for constant exploration of young scholars with outstanding potential and capability to link with existing programs at the University. Subsequently, one or more Fellows may be appointed to tenure-track assistant professorships, and on occasion a scholar may be directly appointed to a tenure-track assistant professorship, provided the regular University procedures including those described above for tenure appointments and promotions

to tenure, are followed. Endowment income will be earmarked for the full salary of these tenure-track positions. These will include demonstration of truly outstanding performance in creative contribution to knowledge and methodology.

The appointments of Institute faculty would convey the same teaching and University service responsibilities as do normal faculty appointments in typical academic departments.

C. Faculty Associates. As research needs and capabilities dictate, the Director will submit to the Steering Committee nominations of other University faculty members to serve as Faculty Associates of the Institute. Terms of appointment shall be determined by the funding period of projects with which they are involved.

D. Research Associates. A number of Research Associates shall be appointed by the Director and Principal Investigator(s) directly to the Institute, subject to University regulations. These positions shall be funded from research grants and contracts and the length of appointments are to be dictated by the terms of the supporting funds. Research Associates shall participate in research on one or more of the Institute's projects.

E. Research Assistants. Graduate students may be appointed by the Principal Investigator(s) directly to research projects. Such appointees shall act as research assistants to Principal Investigators, ordinarily on a half-time basis, and normally be paid from research grants and contracts.

IV. Steering Committee

A. Membership. The Institute for Peace Studies and Peace Science shall have a Steering Committee which shall meet at least annually. The initial membership of the Steering Committee shall consist of twelve individuals:

The Provost or his designee.
 The Dean, College of Arts and Sciences or his designee.
 The Dean, College of Engineering or his designee.
 The Dean, College of Architecture, Art and Planning or his designee.
 Director of the Center for International Studies.

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The Director (Codirectors) of the Institute (ex officio).
Six members of the University faculty at large of which no more than three shall be faculty of the Institute.

Consistent with University practice for similar units, a majority of the members of the Steering Committee are to be drawn from among faculty. Appointment to the Steering Committee shall be made by the Provost and shall be for three year renewable terms.

While the Institute would initially relate to a limited number of Colleges and departments, this reflects the current location of scholars in the group. The Institute would be open to new relationships with scholars from other Colleges as such scholars become actively involved in the Institute's activities. Subsequent appointments of Deans to the Steering Committee would be made to achieve representation more consistent with the interests of participating scholars.

The Provost shall preside at meetings of the Steering Committee.

Responsibilities. The Steering Committee's responsibilities shall be to:

1. Establish broad policies for the Institute.
2. Annually review the budgets from new endowment income and research grants for the Institute, prepared by the Director, and submit it to the administration.
3. Review new research proposals and monitor Institute research in progress.
4. Review and approve appointments of all Institute members.
5. Evaluate the operations and achievements of the Institute on a continuing basis.
6. Assume general responsibility for the welfare and development of the Institute.
7. Maintain the conditions of this charter and propose appropriate amendments. Any such amendments must be approved, however, by a majority of the membership.

B. Executive Committee. The Steering Committee of the Institute shall have an Executive Committee consisting of the Director of the Center of International Studies, the Director of the Institute and one member of the University faculty named above (Section IV-A). The Director of the Institute shall preside at the meetings of the Executive Committee.

The Executive Committee's responsibilities shall be to:

1. Set agendas for and call meetings of the Steering Committee.
2. Review and approve all Institute research proposals prior to their submission to external agencies.
3. Approve any alteration proposed by the Director of previously approved University allocations to the Institute that are in excess of two thousand dollars.
4. Create such review groups, both internal and external to Cornell, as it deems appropriate to maintaining and strengthening the quality of the Institute.
5. Provide the Director advice and other assistance in his efforts to recruit new participants in the Institute and to acquire new endowment and external research funds.

V. Budgets

The principal budgets of the Institute shall be of three kinds:

- A. New Endowment Income. This budget for this income shall be prepared annually

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by the Director and approved by the Steering Committee for submission to the Provost. The purpose of this budget is to cover costs of research, teaching, administration and development. These funds are to provide the full or appropriate fraction of the academic year salary of the Director, the tenure and non-tenure faculty of the Institute, other research staff, to meet the necessary administrative staff and office costs, and to support the development of research proposals and other efforts to strengthen the Institute's activities.

B. The Peace Studies Program Budget. This budget shall be prepared annually by the Director of the Peace Studies Program for submission to the Provost.

C. Individual Research Budgets. These budgets shall be prepared by Principal Investigators as a part of their detailed research plans, approved by the Director and then submitted to the Executive Committee for its approval, according to procedures to be devised by that Committee. These budgets will then be submitted to external agencies for funding.

VI. Relationship to the Field of Peace Studies and Peace Science

While administratively independent of the Graduate Field of Peace Studies and Peace Science, which offers minors both in Peace Studies and in Peace Science, the scholars at the Institute would work closely and cooperatively with the faculty of the Field, and with the faculty of the Fields of Economics and Regional Science which currently offer a peace science concentration, and of other Fields who in the future may offer such a concentration or a related concentration. In many cases, the individuals associated with the Graduate Field of Peace Studies and Peace Science will also be members of the Institute. It is expected that the research of and courses offered by the scholars at the

Institute would contribute significantly to enhancing the quality of the graduate teaching and research training programs not only in the Fields of Peace Studies and Peace Science, Economics and Regional Science but also in a number of other social science, engineering and related Fields. In turn the graduate teaching and research training programs of these Fields would help identify key areas for research by members of the Institute, and provide arenas for critical and constructive evaluation of such research and for its stimulation.

5209C

December 10, 1980

110 Ives Hall

The Speaker, Russell D. Martin, called the meeting to order at 4:35 p.m., with 58 members and several visitors in attendance.

The Chair called on the Acting Dean of the Faculty, Joseph B. Bugliari. Professor Bugliari stated: "I would like to tell you about two things today before the meeting starts. First, I should say a word or two about Ken Greisen. As some of you may know or have heard, over Thanksgiving he suffered what he himself calls a partial stroke. I will tell you that he has been home, that there are no residual problems that anybody knows of, that he has been up and around. In fact, I've talked with Byron Saunders and he was out and about town. He is now, however, up in Syracuse undergoing some testing. While there is no long-range prognosis at present, it looks like he will return very shortly. I can't tell you exactly when. Jean Morehouse talked with Helen Greisen's daughter today, and apparently they're still testing but they're not doing anything more that we know of. Anyway, while Ken is out, we will struggle on and if you have any problems or questions, please call Jean or myself, and we'll do the best we can until Ken returns. If it does look like he will be out for some time, which I don't expect at all, we have made arrangements to cover the office between Jean Morehouse and Judy Bower, Russ Martin, the Speaker, Bob VonBerg, the Chairman of the Executive Committee, and myself. And we ask for your help

and understanding and particularly your patience if we can't get the information as fast as you might have been able to get it from Ken. I really don't think there should be any questions, but if anybody has one I'll be glad to try to answer it.

"I would like to mention one other thing that in my short duration in trying to solve the problems of the Dean's office that has come up - the problem with the exam schedules. First let me say that we are fully aware of the problems of all types that have been brought forward by faculty and students with the exam schedule that we have this fall. And we're doing our utmost to cope with them as best we can on an individual basis. We also are incidentally keeping track of the problems so that they will not be repeated. Obviously the biggest problem centers around Saturday - the first day of exams. As you may know the first day of exams is normally an extremely heavy exam day anyway and the fact that it falls on a Saturday obviously creates a problem particularly for some students. That however was apparently well thought out - at least by the committee that proposed the calendar and was taken into consideration. What wasn't taken into consideration was the fact that after the calendar was established the Graduate Record Exam also got scheduled for that first Saturday and that of course has created an unbelievable set of problems. We are trying again to do the best we can, but there is no solution easy or satisfactory to everybody, particularly when you have 50 or 60 students in one class who are taking the Graduate Record Exam. Again, I ask for your forbearance. If you have a problem, please call me. I'm getting calls from

students and faculty and we're trying to do the best and to be as consistent as we can in trying to solve the problem. The problem is compounded by the fact that we can't, if it is a big exam given on the first day, give the make-up on the legitimate make-up day, which is the 23rd of December, that seems to be a very difficult thing to try to impose on anyone. But we've been doing other things which are probably - I won't say illegal, no lawyer would ever say that - but at least we're stretching things a little bit. Are there any questions from anyone with respect to that?"

A question was raised as to why Cornell could not assign exam dates before the semester even began? He added that he already has four make-ups in addition to the six independent exams.

Professor Bugliari said he could not answer the question, but added that he does know that other institutions publish the exam schedules right in their course catalogs. "Personally, I think that one of the major problems is that we have such a short exam schedule with tremendous pressure to put all the exams in the big courses at the beginning. One of the things that we're also finding is the number of students who seem to have three exams scheduled on the first day - not necessarily in conflict, although there is some of that too - but the number of students who seem to have an exam scheduled at the 8 o'clock period, ten o'clock period and the two o'clock period on the same day. I don't know how we can solve that problem unless we spread out the exam period, which is not again practical if everything is going to be crammed between Labor Day and Christmas. The other problem

that we face in the way of a protest is if a professor has a relatively large course and has an exam scheduled on last days on the schedule. We then get a protest because it's impossible to keep the graders and to get that exam graded. It is a real problem. A very real problem. And we're keeping a record, as I said, to see if we can in fact at least for next semester try and do something a little bit better. But I want you to know that the date for the Graduate Record Exam was not known at the time that the calendar was made. We did not deliberately fall into that trap."

The Speaker said he always thought Ken Greisen was quite a man and now he knows it. "You'll note that Joe mentioned it takes five to replace him. I'm sure all of you join us in wishing him well."

The next item on the agenda was the approval of the October 8 minutes. The Secretary said he had received one correction from Assistant Professor Robert G. Bland, a sentence he had quoted at that meeting which apparently was omitted. On page 5205C, second paragraph, the fifth sentence should read: It seemed to Professor Bland that almost all of the responsibility is placed on the Institute for such decisions, since, according to the excerpt: "When the salary comes from only one of the units involved, the procedures and decisions on salary and promotion are those of that unit." (additions underlined) There being no further additions or corrections to the minutes, they stood approved as corrected.

The Chair called on President Frank H.T. Rhodes for a report on Cornell athletics and other items of concern.

1. REPORT FROM PRESIDENT RHODES

President Rhodes began: "Mr. Speaker, Ladies and Gentlemen, I want to associate myself with the remarks that have just been made about Ken Greisen and his indisposition. I talked with Ken as recently as Sunday evening and he is in very good spirits and it's good to know that. He is not only a great Dean; he's also a great person, and I want to join with the good wishes that members of the FCR have expressed today.

"I ought also to say as somebody who has no responsibility for the calendar, a position that is probably unique amongst those in this room, that I reluctantly recognize a new law on the calendar and exam schedule. The law states that of all possible solutions, every one is unsatisfactory, and that solutions may be derived only by trading off competing degrees of unsatisfactoriness.

"The title that was given to my talk is 'Cornell athletics and other concerns'. I'm not sure that that's the right framework in which to put athletics, but I welcome the opportunity towards the end of the term to bring you up to date on some recent events and I hope you'll allow me a little time to do that. I'm going to be very selective because of the range of events that I have to cover, but I need hardly say that I'd be glad to respond to any questions that you might have concerning them.

"The Speaker suggested that I might want to comment on the action of the Trustees yesterday with regard to the proposed Institute for Peace Studies and Peace Science. That item was tabled for one month and it was suggested that I might comment on the reasons for that decision, in order to allay concern on

the part of those of you who debated it at some length. The proposal was debated with thoroughness and care by the Trustees Academic Affairs Committee, and two of the faculty members who are sponsors of the proposed Institute - two of the senior members - were present for that discussion. They made a presentation and they persuaded the members of the Academic Affairs Committee, that this was a desirable development. It then went to the Executive Committee of the Board of Trustees and there was a surprisingly long discussion. It was deferred in the end because the Executive Committee did not have access to the planning document that was the basis for the proposal before them. They had a very short recommendation with about a ten or twelve line summary of what was proposed, and they felt it would be irresponsible to identify a priority for fund raising without having a more detailed statement of what the proposed Institute involved. That will be reviewed again at the January meeting of the Board. That information will be made available to them and they will take action at that time.

"Let me comment briefly on half a dozen other developments during the term that are of some significance to the general health of the University. I'm happy to report that as the result of the referendum on campus government, the drafting committees have now completed work on proposed charters for the Student and Employee Assemblies. They reached the office just a few days ago, and we shall be looking at those together over the next few days, and hope to take a recommendation to the January meeting of the Board of Trustees.

"One of the recurrent fall phenomena that is always of interest to us is the number of NSF Fellowships that we receive in any one year. I'm happy to report that this year the total is 20 - which is encouraging, though it's down two from the total a year ago - and we shall have 68 NSF Fellows in residence on the campus next term. You know that nationwide there are about 450 or 460 of these awards made and they're highly competitive. In the equally competitive awards, provided by the State for the social sciences - the Herbert H. Lehman Awards - this year we received six out of a total of 30 that were awarded. That's up from four a year ago. So we gained two and lost two.

"I'd be remiss if I didn't say something about another topic that I believe is one of major concern to the whole campus community, and that is the racial, religious and ethnic incidents that have taken place during the past semester. You will know that they have been the subject of a number of public statements from various people and amongst those statements, I twice expressed my concern at what has taken place. I've had the privilege of meeting with four different representative groups of minority members of the campus. And I have to say that those meetings are amongst the most constructive that I have attended. I have a great admiration for the responsible and constructive way that members of those groups are helping us address the problems. I shall be meeting on Sunday evening with members of Ujamaa - the fifth group that I want to meet with - and I look forward to that conversation. The result of those meetings and of the incidents themselves has been the issuance of a statement on racial and

ethnic harassment, which if you saw last week's *Chronicle*, you may have had the opportunity to read. I'm happy to report that since the initial incidents were reported, there has been only one additional incident of racial harassment. Now one is one too many, but it is encouraging that the effect of that condemnation seems to have been heard and felt. And I want to say to members of the Faculty, if I may, that nothing has encouraged me more than the double-page spread in the *Sun* which so many members of the Faculty representing so many departments, decided at their own expense to publish. I regard that as one of the most positive and constructive statements that could possibly have been made and I deeply appreciate the concern that it represents on the part of members of the Faculty. It's a matter of satisfaction to see that kind of unity in the face of acts that all of us find abhorrent.

"Let me turn to other matters. You are probably all aware of the death of one of the most respected and beloved members of the Cornell community, Professor Emeritus Harry Caplan, who died just over a week ago. A memorial service was held on Friday and it was particularly good to see Anabel Taylor Chapel full to overflowing with representatives, not only of every conceivable Cornell constituency on the campus, but also with those of so many different generations of Cornellians who traveled back from various parts of the country to be present.

"Work continues on two major buildings on the campus. The biological sciences building continues on schedule and we expect completion by December next year. The outside has now

been glazed and it begins to look like a building that one would want to live and work in. The sub-micron building in the Engineering quad is also continuing, though it is behind schedule, and completion of that, originally expected by the end of this year, is now scheduled for May of '81. Those two buildings, then, will both be coming on stream next year.

"I want also to report that on February 24 there will be an election sponsored by the UAW which will involve over 900 of our maintenance and service personnel on campus. It's perhaps inevitable in that situation that the rhetoric may increase to some extent and I hope that moderation and respect for rights of those employees involved to be fully and accurately informed will continue to mark the way in which both University and the union address the issues.

"Finally I want to talk about Cornell athletics as one of the items of interest. I do so because athletics have been very much in the news this past term. Some of those news stories have been very conspicuous. *Newsweek*, a month or so ago, had a cover article which was headed 'The Shame of Collegiate Athletics'. The national attention which has been devoted to this issue is due to the fact that the Pacific 10 Conference has decimated itself to the Pac 5 for this year's championships and also for the post-season bowls. And there has been particular concern about one major West coast university which acknowledged recently that over 300 athletes had been admitted in the last ten years with admission qualifications that were significantly lower than those regarded as the minimum for the student body as

a whole. Almost all of those were in football, and almost all of them failed to graduate. Those are sobering facts and clearly they are matters of concern to the whole educational world. There were two other less conspicuous but very important developments in athletics during the past term which are also significant. There has been a continuing controversy between two organizational bodies concerning the affiliation of women in intercollegiate athletics, and, although that has made headlines in such publications as the *Chronicle for Higher Education*, it's sufficiently technical not yet to have attracted much attention in the popular press. The debate is between the NCAA and the AIAW - the Association for Intercollegiate Athletics for Women. That may or may not be resolved in meetings which take place early next year but it is to be hoped that it's resolved speedily and the kind of warfare which has marked the relationship between the two organizations in recent months will cease.

"This has also been the first term in which we have had a federal review of the adequacy of the facilities for women athletes under the terms of Title IX. Cornell is one of 84 institutions which will be visited by federal representatives this year. We were visited by a team of ten inspectors who spent a week on campus and then came back for a further period of two or three days to check on some of the results. We've been cooperative and friendly and we look forward to the results of that group's visit.

"Let me just say, however, that it's not surprising, in view of the revelations that have taken place about intercollegiate

athletics, that two very extreme viewpoints have emerged during the past few months. At the one extreme we have people who say, 'Well, this cheating has continued for years and there's nothing new about it. So let the competition continue. Let's provide the best athletes that money can buy on any particular campus.' And the second reaction at the other end of the spectrum is now those who say, 'This is such an abomination to all the ideals that higher education professes, that we ought simply to prohibit intercollegiate athletics.' I happen to believe that both those views are extreme and that a better solution, which is the one we pursue at Cornell, is to continue with varsity athletics but to continue them within an atmosphere of balanced understanding, responsible regulation and good sense. I say that because I believe that, in spite of some recent statements to the contrary, by people whose opinion I greatly respect, athletics do play a useful part in student life and in university life. I believe they contribute to the sense of well-being for the campus community as a whole and provide an opportunity for hard training, for personal discipline, for self-training and for self-regulation within a context of supporting competitiveness. They provide opportunities for friendships and loyalties that extend far beyond the end of the season and are sometimes amongst the most enduring that students make during their college years. And they provide a sense of institutional identity - not just for the campus - but one that extends far beyond it, especially to alumni groups. But most of all, it seems to me, athletic activities, properly organized and fairly administered, provide exactly the

right kind of balance that we require to student life on the campus, a healthy individual existence balanced between the kind of bookish preoccupation with which we're very much concerned, and the vigorous physical exercise which athletics involve. They provide a balance between tough-minded competition on the one hand and recognized restraints in the rules of the game on the other. And it is that balance that lends so much to the personal satisfaction that comes from college athletics.

"There have been tensions - not only nationwide but there have been tensions within the various leagues involved. And I'm happy to say that in the Ivy League - the one to which we belong - although some tensions exist - there's a very high degree of unanimity concerning the principles that should govern Ivy athletics. We can summarize them under ten points, and I'll do it with the utmost brevity, and then respond if you have questions concerning them. First of all, they ought to be maintained in the Ivy League within a perspective that holds academic programs to be the paramount business of the University and academic and personal growth of the student to be the end product of that. Second the member institutions are committed to equal opportunities for both men and women athletes. And third, we ought to look and do look primarily within our own group for competition, and so it is unlikely that we shall continue to play some of the teams in the future that we now play at present. Some of these opponents have chosen to become more heavily committed to athletics than we have and some of those long rivalries will be discontinued. We've seen that already in football between

such teams as Princeton and Rutgers this last season. Fourth, there is a belief that every institution ought not merely to tolerate but to welcome a healthy, balanced competition, so that no one institution is at the top of the league in any one sport for too long. In general there ought to be a balance between institutions concerning competitiveness in the individual sports. Fifth, we ought to encourage wide participation in all athletic activities. That means that though most of our athletes will have been identified by someone in their high school years, there ought to be room on the teams for those who are walk-on athletes, and a place found to accommodate them. They ought further to be representative of their class, and I want to say a little more about that in a moment, and not significantly different in terms of academic performance to the extent that exists in some other institutions. And sixth, they should be admitted only through the normal admissions process and on the basis of financial aid that is related to needs. Seventh, they should be held accountable to the standards to which other students are accountable in terms of their academic progress, and their athletic program should not interfere with progress towards their degree.

"Now there have been two recent concerns in the Ivy League that are worth a moment's reflection. The first concern is the fact that in the years since 1954, when the league came into existence, there has been a widening of the gap between the admissions qualifications of athletes and those of the rest of the freshman class. I don't want to exaggerate that widening

gap because the gap exists in all universities, but the degree of widening has been sufficiently serious to merit very careful study. That study is going on at all member institutions, including Cornell. In contrast to that I have to add that once they're on board the average performance of varsity athletes in terms of grade point average is slightly better than that for all students as a whole. At Cornell it's 2.85 as opposed to 2.8 and athletes do better during the term of their competitive sports than they do in the off-season. They graduate with no less frequency. So there are many good things going for them, but the fact remains that there is concern about the widening gap between the mean SAT scores of the athletic group and that of the class as a whole.

"The second thing that's been a source of difference in the Ivy League is one in which I come out on the minority side, and that concerns the whole question of the extent to which the league should restrict the student's right to practice and participate, especially in certain sports. Let me give you one example of that. At a summer meeting of the Ivy League presidents, a vote was taken in which the Ivy League chose to prohibit out of season practice for certain sports. That means for example that sports such as baseball and lacrosse, which are two of Cornell's great interests and strengths, are prohibited from organized practice during the fall semester. That seems to me to be an unwise and an undesirable decision. It's not clear that that decision is going to be changed in short term, but I want simply to comment on its implications. It seems to me unwise,

first of all, because it really interferes with the student's decision on how to spend his or her time. We don't arbitrarily restrict the time that a student can spend in student government or as president of a house, or working on the *Sun*, or any other activity. And I don't understand by what right we now choose to restrict the time they spend on athletics. But such a decision is not only unwise, it seems to me also to be undesirable. Undesirable, first because practice is allowed under team captains, but not under coaches. The time spent may be just the same, but the usefulness will, I suspect, be much less if that time is spent practicing under captains than it would have been under coaches. It seems to me, second, undesirable because two team physicians - one at Cornell and one at another Ivy League institution - have warned us that unsupervised practice is dangerous in almost all contact sports, and the incidence of injuries is likely to increase under such conditions. And third, this decision seems to me to be undesirable because it almost guarantees that we shall not have walk-on athletes as members of these teams. There is little prospect that someone not having played lacrosse before can have any real hope of joining a varsity team, a j.v. team, if practice is limited to the semester in which that season takes place. That result would be at variance with one from stated goals. I mention that because it seems to me that if we are to have athletics as a healthy part of our community life at Cornell, we ought to encourage in them the high standards of athletic performance and personal achievement that we expect in other areas of university life. The 'no out

of season practice' rule will discourage this excellence. We do have in fact a fair degree of success in almost every aspect of organized athletic activities. Cornell is remarkable in that over 60% of the members of our student body take part in some organized activities. About 1500 men and women are involved on our intercollegiate teams. Over 4000 students are enrolled in physical education courses, even though the requirement was cut in two some time ago. Cornell teams, both men's and women's, have been highly competitive at both the regional and national level in certain areas.

"And so I believe we have much to be proud of in our athletic programs. What we have to do as the debate continues, and it will continue about athletics, is to balance a sense of excellence in athletics with a sense of proportion and of academic priorities. That means I believe that we have to have an understanding on the part of the Faculty, the Students, the Trustees, the Administration, and the Alumni about the place of athletics in university life. Second it means we have to take seriously the admission problems that face us. We don't at Cornell have a unified undergraduate admissions office, and that gives us some problems in comparison with our sister institutions. But we do need to take seriously this widening gap on admission scores between athletes and non-athletes. Third, we have to encourage friends of Cornell interested in athletics, to continue to support them at an increasingly generous level. And there is encouraging evidence that that will continue to take place. And fourth, we have to ensure that our facilities continue to be

adequate. We're going to be competing in the eighties and nineties for the best students to come to Cornell, and part of the attractiveness of the University, in addition to its academic programs, will be the range of cultural, social and athletic activities that we have to offer. Those have to be complemented by an athletic staff which is outstanding, which shares the sort of distinction we look for on the part of the faculty. And under the leadership of Dick Schultz and Martha Arnett, I believe we have such a group.

"I've talked at some length about this topic because, although athletics has not surfaced at Cornell in a way that it has at many other institutions, that does not mean that we should be without a policy or that we should be without concern. Mr. Speaker, I would be very happy to reply to questions."

The Speaker thanked President Rhodes and asked if there were any questions. There being none, the Chair next called upon Professor John Nation, Chairman of the Committee on the Professional and Economic Status of the Faculty, for a report on Faculty Salaries and Compensation.

2. REPORT ON FACULTY SALARIES AND COMPENSATION (Appendix A, attached)

Professor John Nation, Electrical Engineering, began:

"I intend to keep my remarks this afternoon very brief because I think the substance of all I have to say is already set forth in the document that's been distributed. In making a comparison of salaries and compensation at Cornell with other institutions, one has a particularly difficult problem unique to Cornell because of the division between the statutory and the endowed units.

The statutory units are represented by the University in salary matters to Albany. That is the University represents the statutory units in determining salaries in negotiations with the State Administration, whereas it determines the salaries within the endowed units. The statutory units are also covered by the Forker Committee which advises the Provost on matters pertaining to the statutory units. In making the comparisons that I have done in the document that's been distributed to you, we've taken the step of including both the statutory units and the endowed units - although the principal concern of the Committee at this stage is of course within the endowed units where the University has direct control over the affairs. However, the information is provided for both sets of units. The bottom line of the report is that there has been a steady erosion in faculty salaries compared to those in peer institutions. And this has continued over at least four years in which we have information available to us, and there is serious and good evidence that it's continued for at least six years. The statutory units are at the present time in a particularly bad situation because of the deferred increases.

"What are these conclusions based on? First we've looked at absolute salaries and secondly the rate at which these salaries are increasing. There are a number of other criteria that can be used and have indeed been used by the University Administration, such as the greater voluntary resignations, as an indicator of whether the salaries at Cornell are competitive or not. One might want to look at index of costs of living in various parts of the country. This also has been carried out by the Administration.

For our purposes, however, we've adopted the simple expedient of using the absolute ranking within the Ivy League for comparison for both statutory and endowed units and I've included also some of the land grant institutions which are recognized as comparative for the statutory units. The other comparative for statutory units which I did not include is the SUNY units.

"The salaries and compensation are tabulated in both these categories in descending order of salary in the 79-80 academic year, which is the latest information available to us at the time this report was prepared, so that you can look and see quite clearly where Cornell endowed or statutory units rank compared to the other schools within the Ivy League. The third column in Tables 1 and 2 lists the percentage change in salary between the first year - the base year that we chose - and the 79-80 academic year. We have essentially maintained our absolute ranking - that is the assistant and associate professors continue to rank about half-way through the Ivy League, whereas the full professors rank something like six out of eight within the Ivy League. On the other hand, if you compare the rate of salary increase with the average increase throughout the rest of the Ivy League, there is very little doubt that we've been losing ground. If you look at Table 3, that summarizes the amount of ground lost over that four year period. This, to make it a little clearer what it actually is, is the percentage point difference - point spread - between the salary increases at Cornell and the average of the institutions excluding Cornell. I don't suggest that these numbers are solid numbers. What I do suggest is that the very large number of negative figures is significant. We appear to be losing

ground to the average salaries in the Ivy League, to all AAUP category 1 private institutions, and indeed to the land grant institutions. I should point out first of all that the percentage changes that are noted there are for the average change in salary for a given rank. The percentage change of salary for those staying in rank is higher than that: typically, one to two percentage points higher each year. So if you're thinking of inflation, you should add in one or two percent per year to the figures that I have given there.

"Where do we stand at the moment? Well, we have reported and discussed these figures with the Provost's Office, with Jim Spencer in particular, and indeed with the Budget Committee of the Faculty Council of Representatives. I feel that we've had profitable exchanges with both these groups and I believe that the administration accepts that salaries have lost ground to peer institutions in the last several years. The Budget Committee is currently working with the Provost's Office to try to establish a balance between tuition increases in the next year and salary increases. There is a fairly close and delicate balance I gather between these two items. On a slightly brighter note just to conclude this, there is some preliminary evidence in the 1980-81 academic year salaries, as reported by the MIT survey that was made available to me last week, that we have indeed made some progress towards at least arresting this decline in the last year. It's a little premature to make the statement that it has been arrested. There is some evidence that the trend has been reversed at least in a comparison with a limited number of other institutions. I'll attempt to answer any questions."

The Chair opened the floor for questions.

Professor Jay Orear, Physics, said he had a question, and if Professor Nation could not answer it, perhaps the President could. "My memory is a little hazy. As I recall last year's budget, it was not decided until very late in the year, after all the different budget items came out, just what would be the specific salary level for the Faculty - how much increase there would be. It's not really budgeted in advance, but it seems to me it was left till the end, as if it was in a sense the lowest priority item. Let me reduce my question to some over simplifications. The impression I have is once the tuition increase is decided upon and once the different figures come in for what other costs are to the University, what's left over is relegated to faculty salaries. If that is the correct situation, it seems to me it's just backwards. It should first be decided as the top priority what should be the new faculty salaries, and even if you wish, what the tuition, and then as the different budget items come in, all right, then you end up either in the red or in the black. You want to average out to break even. The danger of leaving salaries as the lowest priority, is that somewhere in the middle of the year, some unforeseen expenses could occur - like there could be a major earthquake splitting the University in half or something, and destroying a lot of buildings, and then there would be a lot of extra expenses. And if you leave salaries to the very end, there'll be no money left over for the salaries and individual faculty members would be the ones that have to pay for the earthquake funding which is unfair."

Professor Nation thought that question was addressed to the President rather than to himself.

President Rhodes responded: "I take it that I'm replying just because as a geologist I'm expected to have some experience. I think the point that Professor Orear raises is an important one, and I want simply to assure him that in fact it works in the way that he would regard as desirable. It is not the case that we dream up a tuition increase that we can get away with so to speak and then much later in the year we find out what the increased cost of energy is going to be, and if we have anything left over it goes into salaries. It works in exactly the opposite direction. We determine what is what we think should be a competitive and possible salary increase, we add on the energy costs, the increases for library and so on, and we end up with a tuition figure. Last year we went earlier to the Trustees with a recommended increase than we did this year. We went in January in fact with a balanced budget for \$100.6 million and tuition at \$5860. Because of unforeseen increases and because we wanted to maintain the salary increase that we had committed ourselves to, we increased tuition, you'll remember, in May, with a degree of unpopularity to \$6000 a year and got a balanced budget of 102 million. We did that precisely because we had to accommodate the salary level that we set as our target. What hurt us badly a year ago is that we learned - we all learned - that inflation can increase so rapidly that we were too early, by determining in December as we did, what should be both our salary program and tuition increase. And we've now deferred it until the March meeting of the Board of Trustees, in order to be able to

respond to late changes. But we do it in exactly the way that you think desirable, and not the other way around. That doesn't mean that we can guarantee that it's going to work out at what we'd all want. But certainly don't do it in the reverse direction."

Professor Charles S. Levy, English, wished to state the position of the Executive Committee, Cornell Chapter, AAUP: the Committee urges, particularly in view of the dismal performance by the University to which the figures in today's report testify, that a mid-year correction -- one commensurate with those figures -- now be made in faculty compensation. Some home-truths will help show how urgently we need to make an unambiguous start at reversing the trend that on the national scale profoundly concerns the entire Association, a trend towards economic disaster which threatens the middle- and long-term survival of the profession.

The Association, which to substantiate this concern has assembled, among many other data, the figures Professor Nation analyzes, stresses the point that the professoriate stands in a different relationship to universities and colleges from that existing between our sister professions and their associated institutions. Much more, for example, than do the courts for the lawyers or the hospitals for the physicians, the universities and colleges serve as the locus of our profession and the guarantor of its survival; for many of the disciplines we represent, in fact, the universities and colleges virtually alone perform this function. Yet these institutions all too frequently now tend to stand apart from the professoriate and insist that they simply cannot draw up

the kind of budget that will provide for its survival. If this apostasy of the institutions from the profession persists, neither the profession nor of course the institutions themselves will survive the century in any form we should prefer to contemplate, but will change in ways perhaps suggested by what we have long seen taking place in the profession at the secondary level.

We have recently been reminded again that, whatever may be the other resources of the University, only on the strength of its human resources, of the men and women who do its work, can it succeed in its principal mission, the advancement and preservation of learning. How adequately does the University budget now provide for maintaining and enhancing these human resources? Brief reference to a couple of check-points along our career- and salary-scale will sketch the answer:

- 1) A number of our departments this year offered entering assistant professors an annual salary of about \$17,000, itself a substantial increase from past entry-level salaries. The best college seniors in the same disciplines, however, are now being offered virtually the same salary to enter business firms immediately upon graduation, according to the latest available College Placement Council survey, and among other new holders of the B.A. nationally, those in the top decile are being offered over \$15,000/yr. to enter government service. Under such circumstances, which can grow only less favorable to the profession with time unless far more realistic policies are instituted as to academic salaries, we cannot seriously hope to recruit into graduate study and thus into the profession our share of college seniors

at the level of intellectual promise and achievement we require. Elementary prudence on the part of the seniors we wish to recruit will make them extremely cautious about incurring another five or six years of debt, perhaps up to or even beyond the \$25,000 the government now guarantees per student, when the eventual repayment of that debt, together quite possibly with the costs of an already growing family, must all be charged against a salary which -- under present trends -- will not suffice for many a holder of a fresh B.A. We shall one day look around for our successors and simply find they are not there.

2) A representative Cornell full-professorial salary today of \$30,000, when corrected to its real 1967 value by applying the Consumer Price Index (reset then at 100 and now in excess of 250), amounts to less than \$12,000, and less than the salary at that time of a new associate professor. At present it is difficult enough, for example, to send one's children to college on what a dozen years ago may have been an adequate salary for a second-level assistant professor, yet was even then hardly munificent, given our recent emergence from the first academic depression of the late 'forties and the 'fifties. But if present trends are not reversed, and full-professorial salaries decline still deeper into what once constituted the probationary range, more and more members whose families are now young will find that to meet their growing obligations they must divert ever-increasing amounts of time from the scholarly work which would normally carry their first priority and must turn instead to that work, whatever its priority, which will best eke out an

insufficient salary. As for the effects on professorial pensions of the same process of erosion, President Emeritus Corson contributed a detailed study of "Inflation and the Retired Professor" to the March, 1979, issue of the Bulletin of the AAUP, *Academe*, the implications of which are especially troubling, if not alarming, for many of us who will have substantially smaller figures to use than those in the examples he gives.

These are some of the practical consequences for the profession of institutional apostasy, in which -- according to the figures in today's report -- Cornell has unhappily exercised the wrong sort of leadership, that of being on the downside of a downward trend. The proper such role of a leading university is of course to lead upward, not down; it is this new leadership that the Executive Committee now urges upon the University. Like the Committee on the Professional and Economic Status of the Faculty, this committee regrettably must direct its attention here primarily to the endowed division, given the organizational peculiarities of the University. It would point out, however, that to reduce the severe economic stress, due partly to deferred budgeting, that exists in the statutory division, substantial leverage can be found precisely in the combination of higher SUNY salaries and a new, more timely Cornell salaries policy for the endowed division: if when negotiating with Albany the University is in a position to argue that statutory salaries are in fact in a hole -- that they are uniquely depressed according to both applicable standards, public and private -- and if the University gives those negotiations its very best shot, it should be able to

make real headway with state officials who so well understand the effect of inflation upon personal income that they have recently acted to increase considerably their own salaries and expense-allowances.

If as a first step in exercising new leadership towards adequate faculty compensation, the University were to make the roughly 5% mid-year correction that might (as a conservative figure) restore our relative position among those faculties we consider our peers, we should receive some of the near-term help we need in an economy which displays, among others, the following features:

- 1) According to the study prepared here last May by the Office of Institutional Planning and Analysis, "Costs of Living at Peer Institutions," to which Professor Nation referred, Cornell stands disturbingly high in the list of cost-of-living indices, effectively outdone nationwide only by institutions in the Boston and New York metropolitan areas. Nor can we take great comfort in the some 15 to 18 points by which the indices for those areas exceed Ithaca's, for (like many areas which stand as far as 15 points below us on the CLI scale) those areas clearly offer, to other members of a professorial family who must supplement the family income, more favorable opportunities than does Ithaca for appropriate work with appropriate pay.

- 2) Food costs are expected to increase between 12% and 15% nationally in 1981, a good deal more than half that increase to come before July.

- 3) NYSEG has applied for an early increase of up to 30% in its rates. The Committee hastens to acknowledge that the

University too must pay these spiraling energy costs; it looks to the University, however, and has thus far looked in vain, for the corresponding acknowledgment that the University Faculty must also be given the means to meet such horrendous inflation as this.

From any reading of the news, one can of course multiply these instances (the high cost of money, for example, warrants mention), but these few nevertheless clearly show what we face.

The Speaker said he didn't wish to interrupt Professor Levy, but stated that there is a mandatory 6 p.m. adjournment time and other business still remains to be conducted. Professor Levy said that he would finish as quickly as possible, and was sorry it took so much time and detailed material to establish the urgent need for a new policy with the care the Executive Committee considered appropriate to the issue. The Committee has also made careful inquiry to learn why the University last May set its income figures for 1980/81 -- principally its tuition charges -- at a level that we hear prevented it from making any real progress on faculty salaries. What apparently happened is this:

From November or December to May, it will be recalled, whenever any reference was made to these income figures here on campus, they were systematically qualified as being provisional. The material sent our prospective freshmen during that period, however, was not reworded from previous years so as to make this qualification clear. Because of this -- one surely hopes -- inadvertent administrative lapse, it was ultimately judged impossible to increase this semester's tuition at all above the

supposedly only provisional figure, or to increase next semester's more than \$70 above it, despite sharply accelerating inflation, and despite the implicit acknowledgment in the *Cornell Chronicle* for 15 May, p. 1, that total student expenses at Cornell for 1980/81 would still trail those at a group of peer institutions by no less than \$300, this differential then ranging on up to and even beyond \$500 through the rest of that group, among which Cornell obviously remains deep in the cellar. The cost to the University of this single administrative lapse can thus be calculated at about a million dollars net, as sizeable in general order of magnitude as we understand was the total cost of the many problems with computer services which it is hoped are now all behind us, with that total cost reportedly having been written off. Neither ought the cost of the lapse here described be borne for longer than this past semester by the University Faculty. Instead, the mid-year adjustment should now be made which the AAUP Executive Committee has here urged upon the University as an immediate start on a more realistic and thus professionally responsible Cornell policy with regard to faculty compensation.

Professor Frederick M. Ahl, Classics, asked what the Committee included in their investigation of other compensation, i.e. the University of Texas now pays the full contribution to the faculty member's social security in addition to the mandatory one.

Professor Nation responded that that figure is taken from AAUP. It does factor in to some extent consideration of CCTS. It does include the contribution to fringe benefits made by the University and as reported to the AAUP.

Vice President for Research, W. Donald Cooke, said he doesn't think that is quite true. "There are some ground rules in the AAUP request for information that exclude some particular compensation or benefits that are not allowed to be reported. I understand that our tuition program is not allowed to be reported and there are other categories. So I think it's a mix of things."

Professor Ahl wished to add to the remarks by Professor Levy that the University make a very special effort to investigate what can be done for the mutual benefit of both faculty and administration in finding ways of implementing what the University of Texas did, adding the social security benefit to fringe benefits.

Professor Nation said last year the University did pick up the cost of health insurance. This was part of the Committee's investigation last year into picking up more fringe benefits, and to the extent that this can be done in an equitable fashion, this process will continue. Whether social security can be picked up is not obvious.

Professor Emeritus Arthur J. Pratt, Vegetable Crops, said as an Emeritus Professor the salary policy would not affect him one way or another, and didn't wish to add or subtract from either side. "I was thinking as I look through these figures, if I was offered a professorship based on these figures at Harvard and Columbia and Cornell, I'd go first to Cornell and look over the situation and see what was involved and then I would go to Harvard and check that over - the living conditions, the cost of rent and all, and then I would go to Columbia and look over the living conditions, the possible transportation conditions,

and then I would hurry right back to Cornell and hope nobody had sneaked in and got my job."

President Rhodes said he wasn't sure he should reply at all after that splendid affirmation. "I will be very brief because I know it's late and if I am briefer than is proper, then I hope you'll feel free later on to come and talk about these questions. I want to thank Professor Nation and his committee, first of all, for not only for what I think is an accurate and very helpful report but also for the help they continue to give us on this question of faculty priorities. It was with their advice and consultation that we took up the cost of health insurance and I take Professor Ahl's point very seriously. We should look increasingly at picking up those non-taxable fringe benefits because that's a benefit. I want also to thank Professor Levy. He spoke with obviously great care and great feeling and very careful preparation. I appreciate all the effort that that represents. I also want to say that I agreed with both Professor Nation and Professor Levy that we are the victim of a two-fold slippage. One was a national decline in the purchasing power of faculty salaries and the other was a differential decline in our particular position at Cornell in comparison with other Ivy League members. That decline is real and it's painful. I do want to add, however, a brief word to what was said by Professor Nation and that is that although the figures are still tentative and preliminary, the MIT survey suggests that we have turned the corner, that we have indeed started to pick up the losses that we've been making. It's still tentative. There are a couple of universities

that haven't yet reported but I believe that's started. The budget preparation is far more complex than I could possibly describe today and I'm sure that embedded within it there are administrative lapses of various kinds but the one that Professor Levy described at some length is not a lapse in a real sense but a question of keeping faith with students. There are two sides that reasonable people can take on this issue. Let me just comment on what the implications would be of what I understand Professor Levy to recommend which is a 5% mid-year correction. The cost of doing that and I calculated this very quickly, would be a million and a quarter dollars for the present academic year. We have a balanced budget this year and that balanced budget is very important to us in fund raising. I say that not just as a generality but as somebody who devotes more time than I care to to this business of encouraging people to give to us. And the first question with major donors of foundations and corporations concerns the balancing of the budget. If we throw the balance of the budget out, we have guaranteed that we shall fail with the outstanding success that we've had in the last few years with fund raising. Now why does that matter? The major single reason that we haven't kept pace with Harvard and Yale and Princeton is that at Harvard, endowment per student is 83K, Yale endowment per student is 59K, Princeton endowment per student is 78K, and Rochester endowment per student is 47K, whereas Cornell endowment per student is 24K. And that is the difference in the terms of the margin between tuition and salaries and our competitive position. You may say, well take it all off tuition. A one percent increase

in tuition after we've taken out the financial aid that we need to give when we increase tuition produced 480K based on the present tuition levels. A one percent increase in salaries and fringe benefits - salaries vs. tuition - for all teaching members not just professors, but for other teaching members costs us 575K. The only solution we have is to improve our endowment and to make whatever internal economies we can. We cannot simply add on indefinitely to tuition. We are level with Harvard now - \$6000 a year in tuition. So I respect the need, I understand the hardship. I'm aware that we've got to continue to make progress. Let me just say two things. One, I believe the early figures suggest we have started to haul ourselves back up that level. Second, we must maintain a balanced budget as the only method of moving into a competitive endowment position which is the basis of salaries. There's no such thing as University money. The money that we're talking about is money which is the basis for salaries. What we do pledge is to use our own best efforts in cooperation with Professor Nation's committee, in cooperation with the Faculty Committee on the Budget, in cooperation with the FCR, to make this the number one priority. That we promise you. We shall consult you as the budget develops and moves forward, and the reminders that you have given us today will not go unheeded. Thank you."

The Speaker said that at this point it was necessary to move on to the final item on the agenda and that the body would go into executive session. He asked that only FCR members remain in the room. He did request permission for the Recorder and Dean

Emeritus Byron W. Saunders to be permitted to remain. It was so moved and seconded.

The Chair called on Professor Emeritus Byron W. Saunders, member of the Committee on Nominations and Elections, for a motion.

3. EXTENSION OF THE TERM OF THE DEAN OF THE FACULTY

Professor Emeritus Byron W. Saunders, Operations Research and Industrial Engineering, said that the Bylaws of the University Faculty in the selection of a Dean call for a certain procedure to be followed. "In the event that a Dean is currently on board and has not fulfilled a full five years in his term, by vote of the FCR he can be continued for up to two additional years. Inasmuch as Professor Greisen has served for only three years, he is still eligible for two additional years. He has indicated that he wishes to continue - his health condition being the one dominant factor in this final decision. It is, therefore, up to the FCR to decide whether or not they wish to have him continue. The Committee on Nominations could think of no reason whatsoever why he should not be invited to continue. It certainly will set no precedents. Since World War II we have had several deans, one of whom served for seven years, two for four and a half, and three for three years. So there is no consistent pattern. I was the last dean prior to Professor Greisen, and just exactly four years ago today the Faculty invited me to stay for an additional year. I would like to offer the same opportunity to Professor Greisen, and on behalf of the Committee on Nominations, who proposed this resolution, I would move:

RESOLVED, That the term of Kenneth Greisen, who has served so capably and conscientiously as Dean of the Faculty, shall be extended to include the 1981-82 academic year.

The Chair indicated that this motion came from a Committee and therefore did not need a second. There being no discussion, the vote was taken and the resolution carried unanimously.

There being no further business, the meeting was adjourned at 6:00 p.m.

Joseph B. Bugliari

Secretary of the Faculty

December 1, 1980

FACULTY SALARIES AND COMPENSATIONReport from Committee on the Professional and Economic
Status of the Faculty

The Committee on the Professional and Economic Status of the Faculty has carried out a survey of salaries and compensation at Cornell and at peer institutions. This report, which summarizes the findings of the survey, shows that salary increases at Cornell have not matched the average increase in the Ivy League. We have drawn the attention of the Provost's office to the substance of this report and are working with them, and with the Faculty Committee on the Budget, to determine what action should be taken to improve the Cornell ranking.

There are many ways of comparing and contrasting salaries within peer groups. No one way is completely satisfactory. At Cornell, the problem is complex since the University determines salaries and benefits for the endowed units but only represents the statutory units to the State administration. Furthermore, the peer groups for the two units are not identical for, at least, the determination of salary increases. For example, the statutory units are ranked among the Ivy League schools as well as land grant institutions and the SUNY units. We present in this report information on the ranking of both statutory and endowed units. We concentrate, however, on the endowed schools since they are directly controlled by the University. At the time this report was written, salaries for the current academic year were not available. We have used data for the 1975-76 academic year as a base. This choice was determined solely by the availability of information. There is reason to believe that the erosion of faculty salaries started at least two years earlier.

Table 1 shows a comparison of salaries and compensation within the Ivy League for the years 1975-76 and 1979-80. The increase in salary (compensation) over this four increment period, is expressed as a percentage of the 1975-76 income.* For comparison the CPI rose by about 40% in the same period. Schools are tabulated in order of the 1979-80 academic year salaries. A ranking by total compensation would have a different order. This absolute ranking provides a second measure of how competitive an institution's salary structure is. The ranking based on total salary is summarized below:

	Statutory Units	Endowed Units
Professor	7/9	6/9
Associate professor	3/9	5/9
Assistant professor	2/9	5/9

*Due to the moderately large size of each group, the average salary within a rank is probably a good measure of that institution's relative commitment to maintain its base year ranking. That is fluctuations due to movements in and out of rank do not greatly influence the relative ranking. To the extent that salary increases for those in rank are available the trends described here are confirmed.

Table 2 shows salaries and compensation in the land grant institutions. The statutory units rank 7/15 at the professor level, 3/15 at the associate level, and 2/15 for assistant professors.

The final table shows the loss (gain) of Cornell salaries (compensation) against the averages for the group indicated. Cornell salaries have been excluded in determining these averages. For example, the salary of a full professor in the endowed schools has increased, on average, by 4.6% less than the average increase obtained by his colleagues in other Ivy League schools.

The changes in average salary within the endowed units ranks close to the bottom of the Ivy League, 8/8 for professors, 7/8 for associate professors and joint bottom for assistant professors. It also ranks below the average for all AAUP ranked category 1 private institutions. Among land grant schools the statutory units rank 13/15 for professors, 12/15 for associate professors, and 2/15 for assistant professors.

With the exception of perhaps the statutory unit assistant professors, Cornell faculty are losing ground to all of the averages examined. See Table 3. This must also lead to a loss of position in the absolute salary rankings unless present trends are reversed. Salary levels have a substantial effect on our ability to recruit and retain faculty.

SALARIESCOMPENSATION

INSTITUTION	SALARIES			COMPENSATION		
	1975-76	1979-80	Percent Change 75-76 to 79-80	1975-76	1979-80	Percent Change 75-76 to 79-80
PROFESSORS						
Harvard	29.5	38.6	30.9	35.5	47.2	33.0
Columbia	27.5	38.2	38.9	33.3	46.2	38.7
Yale	29.6	36.6	23.7	34.1	41.9	22.8
U. Penna.	28.3	35.4	25.1	32.8	42.2	28.7
Princeton	27.1	34.3	26.6	32.0	41.4	29.4
Cornell (E)	27.0	33.4	23.7	32.0	40.2	25.6
Cornell (S)	25.5	31.9	25.1	31.8	38.7	21.7
Brown	24.4	31.3	28.3	29.2	38.9	33.2
Dartmouth	24.7	30.8	24.7	30.9	39.9	26.2
ASSOCIATE PROFESSOR						
Columbia	19.2	25.4	32.3	22.7	31.4	38.3
U. Penna.	19.8	25.2	27.3	23.0	30.1	35.2
Cornell (S)	19.2	23.9	24.5	24.0	29.1	21.3
Harvard	19.6	23.2	18.4	22.3	26.6	19.3
Cornell (E)	18.8	23.0	22.3	22.2	27.3	23.0
Princeton	18.4	22.8	23.9	21.4	27.1	26.6
Yale	18.0	22.3	23.9	20.5	25.7	25.4
Dartmouth	17.7	22.0	24.3	21.1	26.5	25.6
Brown	17.4	21.9	25.9	20.7	26.9	30.0
ASSISTANT PROFESSOR						
U. Penna.	15.9	20.5	28.9	18.1	23.3	28.7
Cornell (S)	14.9	19.6	31.5	18.7	23.9	27.8
Harvard	15.1	19.3	27.8	17.2	22.2	29.1
Columbia	14.6	18.7	28.1	17.1	23.2	35.7
Cornell (E)	14.7	18.0	22.5	17.4	21.3	22.4
Dartmouth	13.8	17.8	29.0	15.7	20.6	31.2
Princeton	14.0	17.7	26.4	16.1	20.6	28.0
Yale	13.2	17.2	30.3	14.8	19.4	31.1
Brown	13.8	16.9	22.5	15.7	19.4	30.6

All salaries are nine month salaries. Salaries are in \$1,000 units
Source: AAUP records.

TABLE 1

INSTITUTION	<u>SALARIES</u>			<u>COMPENSATION</u>		
	1975-76	1979-80	Percent Change 75-76 to 79-80	1975-76	1979-80	Percent Change 75-76 to 79-80
PROFESSOR						
V.P.I.	24.9	33.2	33.3	26.6	36.1	35.7
Illinois	25.5	32.7	28.2	28.9	37.8	30.8
Univ. Calif.	27.3	32.7	19.8	31.9	41.1	28.8
Penn. State	25.6	32.4	26.6	28.6	37.3	30.4
Georgia	24.5	32.3	31.8	25.7	34.5	34.2
Ohio State	25.3	32.1	26.9	28.7	37.4	30.3
Purdue	25.1	31.8	26.7	29.8	38.4	28.9
Minnesota	24.5	31.4	28.2	29.1	38.6	32.6
Wisconsin	24.2	30.6	26.4	28.6	36.7	28.3
N.C. State	22.8	30.1	32.2	25.1	34.5	37.5
Michigan	24.2	29.9	23.6	28.1	35.6	26.7
Texas A. & M.	23.4	29.6	26.5	25.9	35.0	35.1
Iowa	23.0	28.7	24.8	26.7	34.2	28.1
U. Florida	22.4	28.2	25.9	23.3	30.1	29.2
ASSOCIATE PROFESSOR						
V.P.I.	18.7	24.8	32.6	20.2	27.4	35.6
Penn. State	19.2	24.3	26.6	21.7	28.3	30.4
Ohio State	19.0	23.9	25.8	21.6	28.1	30.1
Georgia	18.1	23.6	30.4	19.3	25.7	33.2
Univ. Calif.	18.8	23.3	23.9	22.1	29.4	33.0
Michigan	19.0	23.1	21.6	22.4	27.9	24.6
Minnesota	18.3	23.1	26.2	21.7	28.9	33.2
Texas A. & M.	18.5	23.0	24.3	20.7	27.8	34.3
Purdue	18.1	22.9	26.5	21.7	28.0	29.0
Illinois	18.1	22.9	26.5	20.6	26.7	29.6
N.C. State	17.3	22.8	31.8	19.3	26.5	37.3
Wisconsin	17.5	22.3	27.4	21.0	27.2	29.5
Iowa	17.5	22.1	26.3	20.5	26.7	30.2
U. Florida	16.7	21.1	26.3	17.6	22.7	29.0
ASSISTANT PROFESSOR						
Ohio State	15.9	19.8	24.5	18.1	23.4	29.3
Illinois	14.9	19.5	30.9	17.1	22.8	33.3
Michigan	15.6	19.3	23.7	18.6	23.5	26.3
Univ. Calif.	15.8	19.2	21.5	18.6	24.5	31.7
V.P.I.	14.8	19.2	29.7	16.2	21.4	32.1
Penn. State	15.0	19.0	26.7	17.3	22.4	29.5
U. Florida	13.9	18.9	36.0	14.8	20.5	38.5
Georgia	14.7	18.9	28.6	15.9	20.9	31.4
Minnesota	14.8	18.8	27.0	17.8	23.8	33.7
Wisconsin	15.1	18.7	23.8	18.3	23.1	26.2
Texas A. & M.	15.4	18.5	20.1	17.4	22.7	30.5
Purdue	14.5	18.3	26.2	17.3	22.1	27.7
N.C. State	14.6	18.3	29.8	15.9	21.4	34.6
Iowa	14.4	17.7	22.9	17.0	21.5	26.5

All salaries calculated on a nine month basis and expressed in \$1,000 units.
Source: AAUP records.

TABLE 2

ENDOWED UNITS

<u>RANK</u>	<u>IVY LEAGUE</u>		<u>CATEGORY 1 AAUP PRIVATE INSTITUTIONS</u>		<u>LAND GRANT INSTITUTIONS</u>	
	<u>SALARY</u>	<u>COMPENSATION</u>	<u>SALARY</u>	<u>COMPENSATION</u>	<u>SALARY</u>	<u>COMPENSATION</u>
Professor	-4.6	-4.7	-2.2	-2.8	-3.5	-5.6
Associate Professor	-2.8	-5.6	-1.9	-4.2	-4.6	-8.4
Assistant Professor	-5.1	-8.2	-2.3	-5.0	-4.0	-8.4

STATUTORY UNITS

Professor	-3.2	-8.6	-0.8	-6.7	-2.1	-9.5
Associate Professor	-0.6	-9.2	+0.3	-5.9	-2.4	-10.1
Assistant Professor	+3.9	-2.8	+6.7	+0.4	+5.0	-3.0

TABLE 3

Change in Cornell salaries over the five year period examined relative to the peer groups indicated. The figures quoted show percentage changes relative to the 1975-76 salaries and compensation.

February 11, 1981

110 Ives Hall

The Speaker, Russell D. Martin, called the meeting to order at 4:35 p.m., indicating attendance was somewhat shy of a quorum, but that the body would proceed with reports and at least discussion of the main item of business. The acceptance of the minutes of the December 10, 1980 meeting would have to be delayed until a quorum is attained or until the next FCR meeting.

The Chair called on Kenneth Greisen, Dean of the Faculty, for some remarks.

1. REMARKS OF THE DEAN

"First I'd like to thank many of you for your good wishes during my temporary absence and thank all of you for the action you took at the previous meeting in inviting me to have an extension of my term as Dean for one more year. Assuming that the Provost and the President are also willing, I'd like to accept that invitation. This means that the end of this year will not be my final year as Dean but the end of the following academic year will be.

"I'd also like to inform you that you have an *ad hoc* committee that's been working for you very hard this term - the Committee on the Promotions and Appeals in connection with the promotion process. This committee is chaired by Professor Peter Stein of Physics and includes a half dozen or so very distinguished faculty members. As I said, they have been working very hard to try to develop an improved appeals process for use in

cases where the initial recommendation is a negative one for a faculty member's promotion. It has been very difficult to attempt to incorporate the wishes of all parts of the community. The committee is very anxious to bring it before the FCR so that there's time for considerable debate on it before attempting to vote on it, and also wishes to complete it this year and have it in place next fall. There is a hope that we will - by the end of this weekend - have a document to present to the FCR that is granted sufficient approval by the Counsel's office, the administration and deans, the committee and others. If we're able to have the document ready then we anticipate calling a special meeting of the FCR two weeks from today - February 25. In the event that we can't get sufficient agreement among the primary people who will be responsible for its implementation afterwards, then we'll have to go back to the drawing board and work harder for a little longer, and a proposal will probably be brought to the regular March meeting of this group. I'm telling you about this now so that you will not be too surprised if you receive a call to a meeting scheduled for two weeks from today."

There being no questions for the Dean, the Chair called on Provost W. Keith Kennedy for remarks concerning the calendar.

2. PROVOST'S REMARKS CONCERNING THE CALENDAR

The Provost began: "We will be making a change in the spring calendar. Currently the calendar calls for the last day of examinations to be on Thursday, May 28. We are moving the exam schedule up so that the last day will be Wednesday, May 27. There are two reasons for this. The first is to permit the colleges a bit more time to try to complete the work necessary to have the

diplomas available. Some of the larger colleges say they still can't do it, but it at least gives them one additional day in order to complete the paperwork and have the diplomas ready. The second reason, which is perhaps less important to the faculty but is extremely important to the seniors - is to provide one more day for what used to be called 'Senior Week'. They still protest, but I remind them from Wednesday evening through Thursday, Friday and Saturday before their parents arrive, should give them enough time to unwind. The Campus Council is discussing tomorrow, that the study period be Sunday, Monday and Tuesday, the 17th, 18th and 19th with exams to start on the 20th and with Sunday being the day for resolving conflicts and the final exam day being Wednesday, the 27th. Another possibility, which neither the Dean nor I believe is feasible, is to have one additional study day and start exams on Thursday, running them through Sunday and using the evenings for resolving conflicts. I cannot see students having to take an exam one evening and then be ready for an exam at 8 o'clock the next morning. So the likely calendar, subject to hearing the advice of the Campus Council tomorrow, will be exams starting on Wednesday, the 20th, and continuing through Wednesday, the 27th, with Sunday being used for any conflicts.*

*Subsequent to this FCR meeting, upon recommendation of the Campus Council and agreement of the Dean of the Faculty, the Provost adopted a slightly different examination schedule: namely, exams will begin on May 21 and continue through May 27 with no day set aside for conflict resolution. The study period will thus be continuous from noon on Saturday, May 16, through Wednesday, May 20.

"One other issue about the calendar. I'm not sure that this calendar has received any more criticism than previous calendars, but I'm in a position where I'm the lightning rod for all of them. I've had an unlimited number of complaints about the long intersession and so I'm now raising the possibility of shortening the intersession by one or two weeks. Actually two weeks is not feasible for 81-82 because too many commitments have been made in forms of concerts, athletic events and so forth. A one week shortening which would put us back to the same length intersession that we've had in the past is probably feasible. Let me quickly tell you that I've already had a very strong letter of protest from one student and an equally strong letter from a faculty member about any thought of shortening the intersession in 1981-82. So ends the calendar - for a day or two.

"I also want to inform you that there is going to be an announcement in the *Chronicle* tomorrow and in the *Sun* and in the *Ithaca Journal* tomorrow evening on the budget recommendations for 1981-82. The opening sentence says that it will be presented to the Executive Committee of the Board of Trustees at their March 19 meeting. The meeting is March 26. So Jim Spencer, whom I rely on as being an absolutely first rate proof reader missed it, I missed it, and everyone else missed it. It's all the news writer's fault. That was the originally scheduled date for the Executive Committee meeting, but because of conflicts, it was moved some months ago to March 26. We are recommending that tuition in the endowed units be increased from \$6000 to \$7000 for next year for the undergraduate colleges, and that there be similar percentage

increases in the statutory colleges. On the expense side, the compensation pool - and let me emphasize the compensation pool - will be approximately 11% for faculty and staff. In addition there will be some funds set aside for some range adjustments and some other adjustments. The overall increase in tuition, room and board will be about 14% over 1980-81. Let me emphasize again that these are recommendations that go to the Trustees but we are announcing them now which is about the customary lead time in order that the students, parents and others will have an opportunity at least to react to them. Needless to say I know what the reaction will be - that the tuition's too high and the compensation pool is too low. I agree with both. But with the cost pressures, I do not see any immediate solution to both of these unsatisfactory conditions. If time permits, I'm prepared to answer questions."

Professor Wesley W. Gunkel, Agricultural Engineering, asked if there was a conflict with a Graduate Record Exam on the 24th. The Provost replied that that was in the fall.

Professor Kurt Gottfried, Physics, asked why tuition is going up 16% while compensation only 11%.

The Provost replied: "It's a case once again that the increase of income on investments, from gifts and from overhead charges, based upon our best estimates, are running more nearly around the 10% level. Now, remember on investments, we do try to use a balanced portfolio which is fairly heavy in stocks and the return per year is not as great but we're increasing the principal or the endowment, which based upon comparisons with a heavy

involvement in bonds, is a better arrangement. Unfortunately you receive a lower take per year but you're building it as inflation grows, or at least we hope we are. Anyway, that's the difference. If we could have everything at the same rate, at the 14% rate, then we wouldn't have to have a higher tuition rate."

Professor William D. Pardee, Plant Breeding and Biometry, wished to make a comment as the Chairman of the FCR Budget Committee. "We've been meeting for five months and looking at these numbers, I would concur with Keith that these are the best numbers that we could see any way to develop. The realities are a rise in costs. Another factor that Keith didn't mention which is very significant here is the financial aid package. As we raise tuition, you increase almost geometrically the amount of financial aid that is necessary."

Provost Kennedy added: "There are four major cost pressures. One is the cost of utilities. We have made changes that have significantly decreased the rate of increase that we would otherwise experience, but, nevertheless, it is still a high cost area. Another area is financial aid that Bill just mentioned. A third area is the computer services. We did not put the money into the computer that we should have in the seventies and we're now paying a high penalty. A real trouble spot in this budget is only an 11% increase this year for acquisitions for library materials. That's too low. Last year we had a 15% increase - it was the highest in terms of acquisitions of any major university that I checked with - and we were very proud of it. We started the budget process again with a 15% increase for acquisitions. We just did not have

the money. We were out of line by 1.6 million dollars. Now you can raise the question of whether the increase of \$1000 for undergraduate tuition is too low. It is our judgment overall that this is a healthy increase. We've been approaching the budget process by looking at the cost side and then we try to put the income into position with tuition being the adjustable term. I fear that we've gone as far as we can go that way. We're going to have to start looking much more closely at our income and then making tough decisions to adjust to it. In this period of inflation, we just cannot do it the way we would like to - determine the expense side and then adjust income to it. The income isn't there."

Professor P.C.T. deBoer, Mechanical and Aerospace Engineering, said those who have children attending Cornell know that tuition really is tuition and fees. Are the fees increasing in proportion to tuition?

Provost Kennedy replied that they were increasing by approximately the same percentage.

There being no further questions for the Provost, the Speaker stated it was obvious a quorum would not be attained. He introduced the main item of business in order to get it on the floor for discussion, and called upon Professor Carl Ginet, Philosophy, and former Chairman of the Committee on Academic Programs and Policies.

3. PRESENTATION OF REPORT AND RESOLUTION ON ACADEMIC
INTEGRITY (Report attached as Appendix A)

Professor Ginet began: "Although I'm no longer a member of the Committee on Academic Programs and Policies, I'm presenting

their report on the academic integrity system because I was chairman of that committee last year when the bulk of the work on the report was done. With respect to action by the FCR, the report can be divided into two parts, what does not seem to require any action by this body, and what does seem to require action by this body. In the first category, in section I. of the report, the document headed Academic Programs and Policies Report on the Academic Integrity System, the Committee urges the colleges and the faculty to do better than they have been doing in making students aware of what academic integrity means, in preventing academic dishonesty and in detecting and prosecuting violations. It also suggests a few specific steps that faculty members and colleges might consider taking, but in this exhortatory part of the report there's no change in regulations, no action, no new policies that the committee is asking the FCR to legislate. Another part of the report that belongs in the first category is section III.A. where the committee recommends that the Dean of the Faculty arrange for there to be prepared a manual of advice on the conduct of hearings for the academic integrity hearing boards of the colleges. The Dean says he gladly accepts that suggestion, so there seems no need for action by this body.

"In the other category are most of section III. and all of section II. of the report, wherein the Committee recommends several changes in the University's Code of Academic Integrity. Those changes have been conveniently displayed in a separate document that you have in which the recommended additions have been inserted with underlining and the recommended deletions have been bracketed. Accordingly, I hereby move that the FCR adopt the following resolution:

RESOLVED, that the Cornell University Code of Academic Integrity, adopted by the Faculty Council of Representatives on May 24, 1976, be amended by deleting the words enclosed in brackets and adding the words shown underlined in the copy of the Code reproduced below.

The Speaker said the resolution was now on the floor and open for discussion.

Professor Pardee wished to comment about section I.B.2 on page 2 of the recommended change under Course Assignments. The previous wording stated "Students are permitted to consult with others and receive advice and assistance..." The new wording would change that to "A student may consult with others and receive advice and assistance on a course assignment only if given permission to do so by the instructor of the course..." Professor Pardee says he has trouble with that because as a student, he studied with his roommates on occasion and other students do tend to study together from time to time. It would be almost impossible to enforce, and secondly, Professor Pardee thinks it desirable for students to do some studying together. He would prefer the original wording.

Dean Greisen said that there is the word "assignment" there. There is no indication of a prohibition of students working with others on the course - studying in general - but on the completion of an assignment presumably to be turned in, this change would make it clear that assignments should be done individually, unless permitted otherwise.

David Drinkwater, Dean of Students, wished to address the point raised, not simply as a Dean but also as an instructor. "It seems to me that one of the problems with a document of this kind is that while it is meant to apply to assignments, it could easily be construed by students as applying generally to any kind of academic endeavor. And as such I think it has a chilling effect on the way that students approach the work they have to do. Let me give a concrete example to illustrate where I think problems might arise. Here 'assignment' is presumed to apply to a specific written assignment, but in fact quite often students might consult with one another in preparation for a quiz. The consultation could easily result in an apparent coincidence or identity of results in the quiz. The quiz itself is the assignment but the preparation is what yields a particular result in the quiz. This is not a hypothetical example, it's one with which I'm familiar. It's occurred in several instances I am aware of. I think if the intent is to try and define the importance of individual responsibility for work on an assignment, without chilling student cooperation, which I consider to be extremely important and as was suggested just now by the former speaker, then it is important somehow in the Code to recognize that you are drawing a distinction between the general work that students may do together and the assignments that they may not. I think otherwise it's quite likely that students confronted with this document would have a fear as to whether cooperation or collaboration or preparation in common was what was being attacked or whether it was indeed the assignment itself."

Professor Ginet said the Committee's concern in making this change was that as it's worded it did not prohibit a person giving another person oral help in telling what the answers are to problems or giving him steps towards the answers, which he thought faculty would want to prohibit. "It might be useful, if, as I hope, students consult this document a lot more than they have done in the past, to have some sentence in there which permits studying together in mastery of the material. What was there was too permissive. It prohibited only explicit copying of another student's work. Maybe some sort of permissive sentence should be inserted there to show that we recognize the distinction between them."

Professor Joseph B. Bugliari, Agricultural Economics and B&PA, asked if it would not be as simple to have some agreed-upon definition of the word "assignment". "It seems to me that somehow you could come up with a definition of the word 'assignment' and insert in parenthesis after the word, and that would solve David Drinkwater's problem."

Professor John F. Burton, ILR, said he thought the term "course assignment" is ambiguous and causing all the problems. "It appears that the drafters meant something like a written exercise that was to be turned in. I think we could solve a lot of our problems by using a different term here and making much more explicit what it is we don't want them to consult one another about."

Dean Greisen said that since no legislation could be enacted at this meeting, members of the FCR might be able to compose amendments to the wording that would go at least part way in the

direction of providing the sense of what everyone seems to agree upon - that is that some kinds of working together by students are positive and beneficial and should be encouraged rather than forbidden, but on the other hand, the old expression did not provide a prohibition of some kinds of collaboration which would be regarded as cheating. "I anticipate it will always be difficult to phrase a brief paragraph so as to be as complete and precise as we'd like to be. The proposed amendment does, however, have a virtue that I'd like to call to your attention. It puts the best solution for this squarely where it belongs, namely in the faculty member's hands. From my own experience, I used to urge students to collaborate on various kinds of outside work. I clearly gave them, in my courses, permission to do that, and advice and encouragement to do so in those areas where it seemed to me to be legitimate and not a matter of plagiarism or copying from each other. This phrasing, which is sufficiently blanket in character to cover all kinds of copying, does give to the instructor in the course the possibility of clarifying to his students that some kinds of work are not only allowed but, perhaps, encouraged among them."

Professor Robert Barker, Director of Biological Sciences, said the crucial difference is projects in the course for which a grade will be assigned. If that phrase were added it would take care of what Dean Drinkwater is concerned about.

Professor Edgar L. Gasteiger, Physiology, said he was going to suggest changing the wording to "assistance on special written course assignments".

Associate Professor Richard J. McNeil, Natural Resources, said he has held more than 20 primary hearings himself under this Code in the last four years, and feels in total this represents a very useful step. "I think the final sentence in this amendment (representing another's work as one's own is plagiarism and a violation of this Code) is extremely valuable in drawing attention to that. I would recommend that the first sentence - the controversial one - simply be omitted. That avoids a lot of problems; it leaves a lot of latitude and freedom for the professor and in fact does put the responsibility in the hands of the faculty where I believe it belongs. I feel very strongly as Dean Drinkwater does that the present proposal does offer that chilling effect and I feel it's extremely important that we try to get cooperative efforts whenever it's possible, and whenever it is appropriate to the educational effort."

Professor Barker asked if the body were ready to move on to another point, and the Speaker agreed. Professor Barker said he just went through his first primary hearing at Cornell and was advised to follow a different procedure than is specified here. He was advised to undertake an informal hearing as a preliminary hearing. "I'm saying this only because I think it's important to get what is the expected procedure - that there be something before a primary hearing and that that be included in here. Otherwise a faculty member seeking advice from a college may be undertaking something that is contradictory to the University Code."

Professor Bugliari said he was the one who gave Professor Barker the advice. "If a student is suspected of having a problem

involving an academic violation, it seems to me that the first thing the faculty member should do is to talk to the student about what happened. That, I suppose is a pre-preliminary hearing."

Dean Greisen said he wished to speak about what happens when individual colleges and schools want to follow procedures a little bit different from the University Code. "It is touched on in the report of the Committee. It says that the Code 'lays down procedures to be followed by the college hearing boards and by faculty members in primary hearings. These may be elaborated, but may not be changed or ignored, by the Colleges to suit themselves.' Namely, once the University Faculty has adopted a code such as this, the colleges and schools are supposed to abide by it, but that does not prohibit their elaborating it somewhat. It's something like the appointment procedures that the University has. There are certain minimal standards that should be followed, and these should not be skipped or ignored by colleges and schools or anybody else to suit themselves, but individual departments, colleges and schools, etc., may elaborate on them somewhat, may fill in some areas where things are not fully specified, may add certain procedures, and so on. Individual schools and colleges have written up their own procedures for conduct of academic integrity matters. They're supposed to conform to and not disagree with, the procedure enacted by the University Faculty. There is an exception. Three of the units that have honor systems were permitted by the action of this Faculty to continue to operate under their honor system in place of this Code. All the rest of the units are supposed to have procedures which are not in violation of the Code, although they may add to it if they wish."

Professor John J. Clark, Hotel School, said the Hotel School falls into the category of having its individual code, and sees one of the problems in the future as the distinction between an elaboration and an alteration, and suggests that individual schools file copies of their codes with the Dean of Faculty, as the Veterinary and Law School are required to do now. Also someone will have to decide if the individual school codes do in fact meet the spirit of the legislation.

Dean Greisen said that the requirement that Professor Clark recommended is already in place. Individual schools and colleges are supposed to file their procedures with the Dean of the University Faculty. "I have in my records some correspondence where Byron Saunders, the former Dean, sort of pestered some schools and colleges to come up with written procedures, and I believe we have them on file now. We have also some records of correspondence in which he discussed whether some particular procedures in a school or college were or were not consistent with the University Faculty legislation, and the aim there was to arrive at an agreement on procedures that were consistent with the University Code."

Professor Clark asked then if that should be part of the resolution currently being proposed by Professor Ginet, in order that it be clear such action should be continued in the future.

Dean Greisen said a number of friendly suggestions seem to be coming out of this meeting, and he did not know whether Professor Ginet's intent would be to incorporate them into a revised version or not.

Professor Ginet responded by saying that he felt it would be a good idea, to come back with a somewhat revised version. "One

thing struck me, though, on the first page of our committee report, we used the phrase 'new system' a couple of times and that may have misled somebody. I hope not. What's referred to is the existing system which was new in 1976 - we're not referring to the proposals that we're now making."

Assistant Professor Donald H. Beermann, Animal Science, asked if there shouldn't be some rationale given to the degree of violations of academic integrity rather than adopting a set of rules that mandate a strict procedure be followed in all cases. "I agree with Dr. Bugliari that certainly cheating on one of several quizzes within a course for which a small portion of the grade of the course would be allotted would be quite a different situation than cheating on one of the major exams. If it were appropriate and acceptable to a faculty member to assign a grade of zero for that quiz to be counted in averaging all the sources of points to be contributed to his final grade, should not a faculty member have the privilege to deal with the incident as judged by his knowledge of the situation versus being mandated to follow a strict procedure? I think an informal discussion would seem appropriate in many cases relative to the degree of the violation involved."

Professor Bugliari responded: "When I was talking about an informal procedure, I meant at least having the first contact between student and faculty member, be other than when he first gets the notice of a hearing. I was talking about calling him or her in and having some sort of discussion and see how you can resolve the situation. On the other hand, I guess I would have more trouble with differentiating between any kind of system that

tries to make gradations between a quiz or a paper versus an exam. I think that would be very difficult to work out in any kind of way that the students would perceive as fair. The problem with the old university-wide system was that it took forever, in a battle royal, to go through the procedures. The idea of this 'new' procedure was to simplify the process. It's done that. I do not know how many cases have come up in other colleges, but within the College of Agriculture, there have been a good number resolved on an informal basis, a reasonable number that have gone to a primary hearing, and relatively few that have in fact ever come down to a full-blown hearing for the College's Hearing Board."

Professor Ginet said it seems the clear intent of the existing code that no penalty be given for violation of academic integrity without a primary hearing. And one of the proposed changes is that no penalty be given in a primary hearing without it being reported to the Secretary of the Academic Integrity Hearing Board of the student's college, so that it will be known if there are later detected offenses by the same student.

Professor Bugliari asked Professor Ginet if he was suggesting that "if I have a problem with a student and he or she comes in and says, 'I did it', and I say 'O.K. you did it, and I'm going to give you a zero on the paper' and the student says, 'I'll take it', that I have to go to a primary hearing after that's happened?"

Professor Ginet replied that existing legislation in effect calls for that.

Professor Bugliari said: "What we're assuming is that the two parties, the student and the faculty member can't consent. I agree with you that any time the student says the penalty is too great, you have got to go through the procedures. But you are ruling out any kind of settlement being arranged between the faculty member and the student."

Professor Ginet didn't feel that was true. A primary hearing is not a hearing by the Hearing Board.

Professor McNeil said he thinks agreement can be reached between a faculty member and student, but the fact of it being reported simply means more supervision over the role of the faculty member. "I've had no difficulty with these procedures except that the primary hearing is supposed to be within two weeks. Almost all the violations I've been concerned with, have occurred near the end of the term. And sometimes you have difficulty with that two week interval."

Associate Professor John E.H. Sherry, Hotel Administration, spoke as a member of Professor Ginet's Committee at the time the report was drafted. "The attempt was to provide some method to avoid the possible criticism that a student was brow-beaten into accepting a settlement he wouldn't have had there been a primary hearing where there was an independent individual who was there, heard what was said, and some record of it transmitted to another body so that if the student or the faculty member wishes to review this matter, it could be done."

Professor Gottfried said that in the instances where he's been involved in making settlements he is usually overly lenient,

and feels very uncomfortable that there is no central record in case a student is just playing roulette with what he can get away with. A central record system would be very valuable.

Professor Burton said he was not quite sure what happens in appeals when you have the faculty member from one college and the student from another. On page 4 it is indicated that "In case of appeal to the Hearing Board, the student or faculty member shall notify the chairperson of the Hearing Board of the faculty member's college." And then on page 5, item 4.i., there is a procedure for representation on that appeals board by appointing someone from another college. "I'm assuming from reading those two procedures together that what we have in mind is an appeal within the faculty member's college but with representation from another college. Then on page 6, item 9., it says 'In the case of a student who is alleged to have violated this code in a course subject to a school honor code but where the student involved is not subject to the honor code because of registration from another college, all actions beyond the primary hearing revert to the Hearing Board of the student's college.'"

Professor Ginet said that phrase "subject to a school honor code" refers to the two schools that have their own separate codes - namely the College of Veterinary Medicine and the Law School.

Professor Burton asked if this meant that if he had an appeal of a Law student that was taking a course in the ILR School, his appeal would go to the Law School, whereas if the student were from the Arts College it goes to the ILR School Appeals Board.

Professor Ginet said that in the case of a student from the Arts College taking a Law School course - all actions beyond

the primary hearing would go to the student's college's hearing board - not to the Law School.

Professor Burton said at a minimum it would be useful in redrafting to clarify this. Also he was not sure why there ought to be a difference in the appeals procedure because the Law School and Veterinary College have their own appeals procedure. "When a student enrolls in a college, he ought to be subject to the honor code, or whatever, in that college."

Professor Burton said he also wished to comment on II.C.6. on behalf of Assistant Professor Michael E. Gold from the ILR School, who was not able to be present at the meeting. "There is a phrase in there concerning 'an appeal must be brought by the end of the fourth week after the decision, unless relevant new evidence comes to light after this deadline.' Professor Gold argues that normally new evidence would be used to reopen the hearing at the lower level, rather than delaying the date for an appeal, and that maybe this ought to be taken into consideration in the redrafting process. Furthermore, this is a fairly restrictive basis for delaying time, and Professor Gold argues that there may be other circumstances where delay would be appropriate. For example, when a student or a faculty member becomes sick and the deadline can't be met, or something else is involved. He suggests the language that 'an exception to this deadline may be granted on the showing of good cause,' a more general phraseology. And likewise in section II.C.3.d., rather than limiting the deadline except in the case of new evidence, that the last line simply be 'on a showing of good cause.'"

Dean Drinkwater said he had one question about section II.C.10. "Section 10 deals with the record of actions and clearly the intent is to insure that a record is kept but that it is in no way abused. I'm in full agreement with that. One of the problems that I've encountered previously is that sometimes there is a student who has a record of academic dishonesty, and yet the problem is not an academic problem. It is a problem that comes from what psychologists call 'pathological behavior'. It's a problem because sometimes you will find that knowledge of such academic misbehavior is important for someone who is trying to counsel the student in that it might in some way bear upon the student's continuing ability to handle the entire University situation - apart from academics. The difficulty, I think, is that here there is an attempt to segregate behavior that relates to academics from behavior that relates to other forms of activity, and clearly in both cases there are moral issues involved. The question I'm raising then is whether or not the third sentence - 'A student's record of convictions...shall be disclosed only to Deans of Colleges...' - is intended to absolutely prohibit any release of that kind of information to a person such as myself or another who might be involved in counselling, who might need to know that this behavior had occurred in order to fully serve a student who might be in a very precarious psychological state. Is that the intent? Would it be improper for a dean, for example, to release that information in such a case? Was this the intent of the Committee?"

Professor Ginet replied that this matter came in for a lot of discussion during interviews with hearing board people.

"Clearly, you're right. There are lots of decision making bodies in the University that would find this information relevant to their decisions or to their action with respect to a student. An example might be a decision, whether to admit the student to a college when the student is trying to transfer from one college to another. But in the end we decided that the protection of the student was paramount in avoiding the danger of the disclosure of damaging information to people that really shouldn't have it. It might do the student more harm than the student deserves. Agencies or boards or people like yourself who might find this information useful and relevant will just have to try to get it from the dean's office."

Dean Greisen said this situation is analogous to the fact that a counselor could often do a better job if the medical history of a student were known, and particularly the mental health history. On the other hand, a person has a right to privacy of his records. Occasionally it may be in the best interests of a person to have that privacy violated. But who should judge? In our society that judgment is, as far as possible, up to the patient. Most cheating is not for academic reasons - but rather a behavioral problem. Hearing boards do have the power of requiring that a record of action be put on a student's transcript - and that's a much more damaging sort of thing. And the hearing boards also have the possibility of hearing appeals to have it removed.

Dean Drinkwater said he wished to clarify that he does recognize the importance of the protection of privacy of the

individual and by no means questions that that should be protected. It is only in cases where the situation may be critical that a need may arise for communication in the best interests of the student.

An unidentified individual raised a point in relation to II.C.5.h. - "Require a definite period of counseling with a member of the University staff or an outside counseling agent." He registered concern about the term "definite period", and suggested possibly taking out the word "definite" or change "require" to "recommend a period of counseling".

There being no further questions or comments, the Speaker adjourned the meeting at 6:00 p.m.

Respectfully submitted,

Joseph B. Bugliari, Secretary

December 1980

COMMITTEE ON ACADEMIC PROGRAMS AND POLICIES
REPORT ON THE ACADEMIC INTEGRITY SYSTEM

In May 1976, the FCR passed the following resolution:

WHEREAS, the FCR has significantly changed the procedures for dealing with breaches of academic integrity, and

WHEREAS, it is of utmost importance that these procedures be fair and effective,

BE IT RESOLVED, that during the 1979-80 academic year, the Dean of the Faculty appoint or instruct a faculty committee to evaluate the fairness and effectiveness of this system.

Dean Greisen has instructed this Committee to carry out the evaluation called for in this resolution.

The new system is laid out in a document titled, "Cornell University Code of Academic Integrity", which has two parts. Part I defines academic integrity; part II prescribes procedures for dealing with violations of academic integrity. Part II replaces the single University Academic Integrity Hearing Board of the old system with College Hearing Boards in each of eight Colleges. It lays down procedures to be followed by the College Hearing Boards and by faculty members in primary hearings. These may be elaborated, but may not be changed or ignored, by the Colleges to suit themselves. (The Law School and the School of Veterinary Medicine already operated their own separate honor code systems and are explicitly permitted by the new Code to continue to do so.)

The Committee requested reports from the Hearing Boards of these eight Colleges. Members of the Committee interviewed at least one faculty member from each Board, in nearly every case one who is or was its Head. They also interviewed present or past student members from five of the Boards (the other three Colleges had not appointed full Boards for 1979-80, there having been no call for their services, and no past student members were available). The recommendations offered below arise in large part from what we learned from these reports and discussions.

Our recommendations fall into three categories. Most of them that call for legislative action by the FCR concern the procedures for dealing with putative violations of academic integrity. These recommendations are given in section III below. Review of these procedures is all that is ordered in the FCR resolution of May 1976.

(over)

It seemed appropriate at the same time, however, to address the question of how the incidence of academic dishonesty at Cornell might be reduced. The Committee's comments on this matter are given in section I below. The Committee does not recommend that its suggestions about preventing academic dishonesty be enforced by faculty legislation, but it hopes that the FCR will join it in making them.

The Committee also looked at part I of the Code, the definition of academic integrity, and found there two passages that, it believes, need revising. These are dealt with in section II below.

I. REDUCING THE INCIDENCE OF ACADEMIC DISHONESTY

In the four years since the change to the new system, the Hearing Boards in most of the Colleges have seen little action. Even the most active has heard no more than fifteen cases in that time, and most have heard many fewer than that. As for primary hearings that did not become Hearing Board cases, the maximum number reported to the Hearing Board in a single College during this period was thirty, in most colleges it was under ten, and in at least three it was under five. Undoubtedly many more primary hearings, or informal equivalents, have occurred during this period than have been reported to the Hearing Boards. But it can also hardly be doubted that a great many more breaches of academic integrity have occurred than have been detected and penalized. This is certainly the impression among the people the Committee talked to, particularly the students.

The Committee believes that we can and should do more than we have done to reduce academic dishonesty at Cornell.

Many of the Colleges can do a good deal more, especially in orientation programs for new students, to impress upon students the importance of academic honesty and to inform them of the College's procedures for handling alleged violations and the penalties and record that may result. At the least, the matter of academic integrity should be the subject of its own separate brochure that is given to all students. The Deans of the Colleges should consider establishing ways of regularly informing their students and faculty members of the number and types of actions that have been taken against violators (which is already the practice in one College).

Many members of the faculty can do more to make their students aware that they regard academic honesty as an important virtue and academic fraud as a serious moral offense. Many can do more to make it more difficult to commit

academic fraud or to get away with it undetected -- for example, in the design of paper assignments or in the way exams and laboratory exercises are set up and monitored. The policing of academic honesty has to be the duty of those who set and oversee the academic tasks -- faculty members and their assistants. No one else is in a position to do it. Of course, faculty members or their assistants should never ignore evidence of academic dishonesty. They should have and act on the belief that academic cheating ought, so far as possible, to be discovered and penalized. They should not, out of misplaced fear of insulting the honest majority of their students, shrink from making their disapproval of academic dishonesty explicit and their efforts to prevent it conspicuous. They should presume that the academically honest students will see their efforts as showing respect for their principles and concern to protect them from the few who would freeload by cheating.

The Deans of the Colleges should regularly remind all of their faculty members and teaching assistants of their responsibility for policing academic integrity. They should also try to ensure that all of their faculty members know the procedures for dealing with breaches of academic integrity, or at least know where to look them up when they need to know them.

II. THE DEFINITION OF ACADEMIC INTEGRITY

Section I.A.2 of the present code specifies four categories of violations of the Code, which make the violator liable to proceedings under it. There are, however, some actions that are not covered by these four categories that nevertheless seem to be clear violations of the principles stated at the beginning of the Code, for example, forging a faculty member's signature indicating approval of work submitted for course credit. The Committee therefore recommends that there be added to this section a fifth catch-all category as follows:

I.A.2.e. in any other manner violates the principle of absolute integrity enunciated in the first paragraph of this document.

Section I.B.2 of the present Code begins as follows:

Course Assignments. Students are permitted to consult with others and receive advice and assistance. The copying of another student's work, computation, diagrams, analyses, laboratory reports, or commentaries is prohibited. It is plagiarism and a violation of this Code for anyone to represent another's published work as his own.

This, particularly the first sentence, strikes the Committee as far too permissive. The scope of the second and the third sentences is too much limited by the words "copying" and "published". We recommend that this material be replaced by the following:

Course Assignments. A student may consult with others and receive advice and assistance on a course assignment only if given permission to do so by the instructor of the course. Representing another's work as one's own is plagiarism and a violation of this Code.

III. PROCEDURES FOR DEALING WITH PUTATIVE VIOLATIONS

A. Help for Hearing Boards.

Nearly all of the faculty members consulted who had known the old system thought that the decentralization of the Hearing Boards was on balance a good move and none appeared to be strongly inclined to the contrary opinion. There is, however, a disadvantage of decentralization that needs attention. The College Hearing Boards are made up of faculty members and students who, with few exceptions, come to the job with little or no experience in conducting judicial or quasi-judicial proceedings and are unlikely to gain much experience while on the Board. It is, obviously, important that a Board's procedures be fair, thorough, and efficient; but conducting hearings can be a difficult business with many pitfalls. Some carefully worked out, expert advice on these matters should be welcomed by the Hearing Boards, especially their Heads. The Committee therefore recommends that the Dean of the Faculty be requested to appoint a suitable group to prepare for the Academic Integrity Hearing Boards a "manual" of advice on the conduct of hearings.

B. Records.

There is surprisingly little in the current Code about what records of violations are to be kept, who is to keep them, or who is to have access to them. Section II.C.3.c presupposes that a record of convictions, both in primary hearings and in Hearing Board hearings, is being kept. The only part of the Code tending to provide for this is the final (rather inconspicuously placed) sentence in section II.B.3.b: "He/She [the faculty member in a primary hearing] shall report the finding of guilt to the student's college." This is not specific enough and it deals only with primary hearings. (Section II.C.4.g requires the Secretary of a College Hearing Board to keep a record of the Board's proceedings while hearing a case, presumably for the use of the Board and the other involved parties in that hearing.) The chief use of such a record (as is implied in section II.C.3.c) is to enable a Hearing Board to

know when it is dealing with someone who has previously been found guilty of violating academic integrity. This information may well be relevant to its decision concerning the case. The Committee thinks that the Code should explicitly require Secretaries of Hearing Boards to keep such records but should also explicitly restrict access to them. A student's record of violations should be disclosed only to those in the University who are making a decision about that student in which such information should be taken into account.

The Committee therefore recommends that the last sentence of section II.B.3.b be deleted and that there be added to the end of section II.B.3 the following new subsection:

II.B.3.e. A faculty member who gives a failing or reduced grade in a course, or in some portion of it, as a penalty for a violation of academic integrity shall report this action and the nature of the violation to the Secretary of the Academic Integrity Hearing Board of the student's College.

and that there be added to section II.C. the following new subsection:

II.C.10. Records of actions. If the Hearing Board finds the student innocent of the charge, no record of the charge or of a primary hearing on that charge shall be retained. Otherwise a record of the outcome of the case and the nature of the violation shall be kept by the Secretary of the Hearing Board in the student's College. A student's record of convictions, by Hearing Boards or by faculty members in primary hearings, shall be disclosed only to Deans of Colleges or Hearing Boards who are considering another charge of academic dishonesty against the same student. This does not preclude entry on the student's transcript by action of a Hearing Board in accordance with section II.C.5.g.

C. Cases involving two Colleges.

As the Code now stands, cases in which the student's College is different from that of the faculty member giving the course in which the alleged violation has occurred, and which are taken to the Hearing Board level, are to be heard by the Hearing Board of the faculty member's College. (This is clear in section II.C.3.d, but it is not as clear as it should be in section II.A. The Committee recommends that in II.A. the words "the appropriate college" be replaced by the words "his or her college's".) Thus we have the possibility that the Dean of the student's College is asked to take a very serious action with respect to

the student -- for example, expulsion -- by a Board appointed and constituted wholly in another College. It seems to the Committee that this is a defect in the existing system. Such serious actions will be hard enough to carry out when they are recommended by the Board of the Dean's and student's own College. There is reason to think that it may be too easy to ignore such recommendations when they come from a completely "foreign" Board, one which the Dean has not appointed and to which the Dean is not accountable.

One possible remedy would be to make the appropriate Hearing Board in such a case the one in the student's College. But this means that the faculty member in the case goes before a completely "foreign" Board, and that, if the decision of the Board is that the student should have a different grade penalty from that proposed by the faculty member, the Board will be asking a "foreign" College to take this action.

For such cases, the Committee recommends a middle-ground solution, in which the Hearing Board is composed of members from both the faculty member's College and the student's College. It seems inappropriate not to have both Colleges involved in a decision at the Hearing Board level and entirely feasible for them to cooperate. Specifically, the Committee recommends that there be added to section II.C.4 the following new subsection:

II.C.4.i. If the student's College is different from the faculty member's, the chairperson shall alter the composition of the Board hearing the case by substituting one faculty member and one student from the Hearing Board of the student's College for one faculty member and one student on the Hearing Board of the faculty member's College.

D. Actions open to the Hearing Boards.

In a case where a student appeals a faculty member's finding in a primary hearing, the present Code does not allow the Hearing Board to reduce the penalty imposed by the faculty member, unless the Board finds the student innocent of the charge and eliminates the penalty altogether. This seems difficult to defend. If the Hearing Board should be allowed to find that the faculty member's charge is in error -- as surely it should be -- what good reason can there be not to allow it to find that the faculty member's penalty is too severe? Why should the faculty member's judgment be regarded as fallible on the one question but not on the other? The Committee recommends that immediately after subsection II.C.5.a there be inserted the following new subsection (with subsequent subsections relettered accordingly):

- II.C.5.b. Recommend that the penalty decided on by the faculty member be reduced from a failing grade in the course or in some portion of it to a failing grade in some smaller portion of it.

In some cases a Hearing Board might feel that, instead of taking any of the actions authorized in the Code, they should try to get the student and faculty member to agree to a settlement that seems to the Board more appropriate than any of those actions. Although the Hearing Board is not prohibited by the present Code from taking such a course, the Committee thinks that it would be beneficial if this option were explicit in the Code. The Committee therefore recommends that there be added to the end of section II.C.5 the following new subsection:

- II.C.5.i. Seek to get the student and faculty member to agree to some settlement of the case that the Board deems more suitable than any provided for in the preceding clauses of this section.

E. Appeal from Hearing Boards; Deans' responsibility; time limits on appeals.

In cases where the Hearing Board has original jurisdiction, the Code makes no provision for the student to appeal the Board's decision. This conflicts with the statement of student rights, Article VII.1.f, according to which no student shall be denied the right to an appeal from an administrative or judicial decision. The Committee thinks that, rather than setting up a new body to hear such appeals, the Code should put this responsibility in the hands of the Dean of the student's College, who in any case has responsibility for carrying out the more serious actions that Boards may recommend. The Committee believes that in a case where the Dean is the second level of appeal, the case having originated in a primary hearing and been appealed to a Hearing Board, the Dean should be limited to either affirming the Board's decision, reducing the penalty recommended by the Board, finding the student innocent of the charge, or ordering a new hearing on the charges.

In the absence of a successful appeal by the student, Deans should be obliged to enforce the actions recommended to them by Hearing Boards. Otherwise, the power of the Hearing Boards to recommend actions is meaningless. No doubt Deans can generally be expected to recognize this obligation of their office without being instructed, but it seems to the Committee that there can be no harm in making the Deans' responsibility and accountability explicit in the Code.

The present Code says nothing to limit the time a student has to appeal a decision of a primary hearing or a Hearing Board or the time a faculty member has to bring a case to a Hearing Board. The Committee believes that the Code

should specify time limits on these things, beyond which a case may be considered closed. Such deadlines should, of course, be waivable in cases where relevant new evidence comes to light after they have passed.

The Committee therefore recommends that there be inserted immediately after section II.C.5 (Actions) the following new section (with subsequent sections renumbered accordingly):

II.C.6. The decision of a Hearing Board may be appealed by the student to the Dean of the student's College. Such an appeal must be brought by the end of the fourth week after the decision, unless relevant new evidence comes to light after this deadline. In no such appeal may the Dean increase the penalty recommended by the Hearing Board, unless the Hearing Board had original jurisdiction in the case. It shall be the responsibility of the Dean of the student's College to ensure that an action of sort e, f, or g (section 5) recommended by a Hearing Board is carried out, or else to give the recommending Board a written explanation of the Dean's decision that it should not be carried out.

and that there be added to section II.C.3.d the following sentences:

This must be done by the end of ten working days after the primary hearing. An exception to this deadline may be granted at the discretion of the Chair of the Hearing Board if new evidence comes to light after the deadline has passed.

February 25, 1981

110 Ives Hall

The Speaker, Russell D. Martin, called the special meeting to order at 4:35 p.m. 62 members and numerous visitors were in attendance. There being no additions or corrections to the December 10 minutes, they stood approved as distributed.

The Speaker said the one item of business for this special meeting has to do with the resolution on behalf of the *ad hoc* Committee on Promotions and Appeals, and called on Professor Peter Stein, Physics, to present the resolution.

Professor Stein, Chairman of the *ad hoc* Committee on Promotions and Appeals, wished to move the resolution (below) and requested of the body that this meeting be devoted to an informal discussion of the document, that amendments not be made on the floor, and that voting not be made at today's meeting. There were no objections to Professor Stein's request, and it was so ordered.

- RESOLVED
1. that the FCR endorses the procedures for appeal of negative recommendations on promotion to tenure, as amended by the FCR following presentation by the *ad hoc* Committee on Promotions and Appeals; and
 2. that the FCR urges the President of Cornell University likewise to endorse these procedures and to recommend them to the Board of Trustees for approval, in time

for the procedures to be in operation in the fall term of 1981; and

3. that in the third year of operation of these procedures, the Dean of the Faculty cause a study to be carried out to assess the satisfactoriness of the appeals procedures and to recommend any changes that seem desirable in the light of the experience up to that time.

Professor Stein first described the background of the document. "In the first place, there is at the present moment a two-prong appeals procedure on the campus. A faculty member who is denied tenure can appeal that decision to the Provost and also to the Committee on Academic Freedom and Responsibility. Last year and for the year before there was a widely held perception that this procedure was inadequate. In the first place it was a gerry-built procedure. It lacked any clear jurisdiction, it lacked guidelines and in many cases, it lacked authority. The seven members on the Committee on Academic Freedom and Responsibility are far too few to hear the number of appeals that arise. It is my understanding that the number of appeals that arise per year is in the range of three to six at the present moment. And the administration was dissatisfied with the fact that appeals can come through either channel. This is deemed to be an unsatisfactory procedure, and in general everyone we talked to who was associated with this procedure felt that it was time for a thorough-going review. Several faculty committees last

year approached Dean Greisen and suggested that he form an *ad hoc* committee to study the problem. He formed this committee. There were seven members on the Committee originally, one member had to resign, and so much of the work of the last few months has been done with six members on the Committee. We were appointed last summer, and soon started to work vigorously.

"The first thing we decided to do was to study the Cornell procedures and to write letters to about a dozen comparable institutions, asking them what their procedures were. We acquired a mass of paper - of which we read maybe 30% and decided that that was not the right direction to take.

"Secondly, we talked to a lot of people and came to the conclusion that we should address the problem of procedures for appealing negative tenure decisions. There are a lot of other problems. There are rather unclear guidelines, there are various procedures that are followed by custom, some of which are written down in various colleges, which really deserve a thorough-going review. We decided to put aside these important problems because it seemed to us that the one to focus on at that particular time was to try to devise procedures which would be reasonable for appealing a denial of tenure.

"We met weekly or at times more than weekly and met amongst ourselves and came up in mid-October with a draft document. It became clear to us at that point that it was necessary that we have a wide range of acceptance for our document. It was clear that we needed acceptance by the tenured faculty of the University, that the appeals procedure should conform to the perception of

why tenure should be granted and how tenure should be granted. It was also clear that it was necessary that it be accepted by the non-tenured faculty members on the campus. If we developed a procedure for non-tenured faculty members to appeal, which they found unsatisfactory, we would have accomplished very little. Since the bulk of the work is performed by the department chairs, it seemed necessary that the department chairs accept this as a reasonable procedure. And since essentially it's an administrative area that we're addressing, it seemed important that we have the acceptance by the deans and by the central administration. And also since there are wide-spread legal implications to any such document, it was clear that the opinion of the University Counsel was extremely important. After thinking about this for awhile, we almost gave up, but then we thought that we might try.

"At this point I'd just like to say what it is that we hoped to accomplish by having such a document. There were three different things that we hoped to accomplish. One was that we would increase the quality of the decision-making that's done on the campus. Secondly, we hoped to reduce the appeal to outside authorities which almost everyone finds distasteful. And third, we would hope to reduce the tensions and reduce the general perception of unfairness of tenure decisions which is unfortunately widely held in many quarters.

"Let me now describe a few of the essential points about our draft document. There are five sections in it. Let me draw your attention first to Section II, and then to Section IV. Section II is entitled Appeal at the Departmental Level. That

appeal is a procedure which is not uncommon on the campus. It is not one that we thought of by ourselves. There's a procedure like it in several departments in the Engineering School, there's one in the Law School, one in several other departments in Arts and Sciences. There are procedures whereby a faculty member whose department will recommend negatively about his or her tenure, has the opportunity to discuss that decision in an informal way with the department. The matters that may be addressed at this informal review are reconsideration or anything that the faculty member thinks should be addressed. It can be substantive, it can be a judgment as to whether the book is as good as the faculty member thinks it is, or whether it's as bad as the department thinks it is. We feel that it is important to have this as a part of the procedures because invariably those questions will arise. And if they do not arise at that level, which we think is the proper level for them to arise at, they will surely arise at a later level. It was our hope to divide the question into the substantive matters which are properly handled at the department level and more strictly define procedural matters which could be handled at the University level. If one looks at the various appeals cases that come up, one finds that there are several of those cases which come to a final appeal at the Provost level or to the Committee on Academic Freedom and Responsibility, where there has been a terrible lack of communication between the faculty member and the department. The faculty member says the department didn't know that I had published three articles on this topic. It's obviously a wrong procedure where that kind

of complaint arises for the first time at that high level, and we thus felt that it was necessary to have this departmental procedure to avoid such questions.

"The second section I want to draw your attention to is Section IV, the Appeal at the University Level. Our model for this is something like an appeals court in a judicial procedure. In the first place, it's formal. In the second place there are strict procedures and strict jurisdictional limits. It is not a second shot at tenure. It has been carefully defined to be something other than that. There are a well-defined set of issues that can be addressed at this hearing, and it is important to recognize that this appeals panel cannot make a recommendation of tenure. It is not composed of experts and in no case is it allowed to make a recommendation of tenure. The only recommendation that they are allowed to make is that somebody else, who is competent to make a judgment, reconsider the case once again.

"That is the general structure of the procedure that we have devised. Now I'd like to address some of the common objections that have been raised, and our answers to them. The first objection that was commonly raised is that our informal departmental procedure is a terrible burden on department chairs and that in itself is a reason to not carry it forward. I'd like to observe that the procedure is rare. Dean Greisen looked into the numbers and it turns out that the number of tenure appointments which get turned down are .25 per department year. This means that on the average throughout the University, the procedure at most

would be activated once every four years. Now presumably it is an additional burden on the department chairs, but it seemed that that burden was not too great for a department chair to bear. Secondly, the basic burden is that the department chair is required to give the basis on which the faculty member has been turned down, which already exists in the University's procedures. In the Academic Appointments Manual, a faculty member is given the right to receive that information, so we add nothing to the existing burdens of the department chair. The third point, which I think is the most important, is that it is a necessary part of the procedure. If we accept the wisdom of having an appeals procedure, it follows clearly that the faculty member has to have the reasons why he or she was turned down for tenure. If I'm not told why it was I was turned down for tenure, I can hardly be expected to appeal it. I don't know the grounds, I don't know the reasons.

"A second argument that we heard was that the jurisdiction of the formal part of the appeals procedures - namely the University Appeals Committee - was either too broad or too narrow. We urge that the jurisdiction is just right. We believe that the decision as to whether or not to award tenure should essentially be made at the departmental level. On the other hand, we believe that a department does not have the right to make either absurd or unreasonable or arbitrary or discriminatory judgments. The judgments that the department makes must be based on the evidence. That is a narrow line one has to walk. One could say that if the decision is totally departmental, then the department has a right

to make a discriminatory or unreasonable judgment. We reject that view. However, the appeals committee must find in matters of substance that the decision is so at variance with the evidence in the record that one can only conclude that there is an unreasonable or arbitrary or capricious judgment. If one says that one cannot look at substance at all, then in a sense there's no point in having an appeals procedure. To permit more, however, would essentially destroy the whole construction of the way that we view the University, namely that there are a large number of specialties and that such specialty must decide for itself what its standards are, what its directions are, what its discipline is.

"Another difficult point was the issue of comparable cases. We would permit in a certain restrictive set of circumstances the right of an appeals committee to view the files of comparable tenure cases to make a judgment as to whether a particular case was in fact arbitrary and capricious. I understand this is a sticky point; it is a difficult point. It's clear that one can go to the extreme of saying that if you have access to comparable files, what will invariably happen is a reduction to the lowest common denominator. That a person can say, well, I'm just as good as that person - no worse than that person - therefore since that person got tenure, I should get tenure. We specifically reject that argument. We specifically say that that is not a legitimate argument. On the other hand, we can imagine certain cases where a department says we have rejected this person because this person is not the very best person available in the United States, and a rational person looking at the appointments that

have been made in that department must come to the conclusion that that department has not had standards anywhere close to that in the past. If that in fact is the case, then indeed it would seem that there could be an arbitrary or capricious judgment. We imagined situations where the only way to dispel this claim was to have access to judgments that have been made in the recent past. Therefore, we think that to say that an appeals committee never has access to such data would in many cases make it impossible to determine whether there has been discriminatory, or arbitrary or capricious judgments.

"A final disconcerting point I heard from several persons and several sources is that with an appeals procedure like this the granting of tenure becomes virtually certain. If that is the case, the committee feels that we have made a terrible mistake, and if indeed we thought that were the case, we would be the first ones to reject this document. It's not clear to me why it is that people say this. I find it hard to believe that a faculty member would in fact distort his or her own judgment to avoid coming to another faculty meeting to reconsider the department's decision. It's not the way faculty members in my department work, and I think to feel that faculty members would do that is to give them too little credit for upholding the standards of the University. There is I suppose a more serious objection that can be raised at the dean's level, and that is something we thought about. It probably is true that if we adopt this procedure it may be necessary for a dean to be accountable for a decision that he or she would not have been accountable for before. I think that, unfortunately,

that is one of the things that goes along with being a dean. I think that deans must simply be committed to upholding the standards of the University. I would like to think that the deans that we have are deans who will not take that responsibility lightly and will not balk at having to testify before an appeals panel and say instead, okay, let's give him or her tenure. All I can do is hope.

"I really want to close by acknowledging the contributions of two persons. I'd like to acknowledge the contributions of Judith Younger who was a committee member for most of the work of the committee, who made many contributions to the work and who unfortunately was not able to be with us till the end. And I would also like to acknowledge the efforts of the University Counsel, Walter Relihan. Walter spent innumerable hours with the committee, debating the legal points back and forth, and trying to come to wording which would satisfy what we on the committee felt would be meaningful to faculty members, and which at the same time would be reasonable from a legal point of view."

The Speaker thanked Professor Stein, and expressed gratitude on behalf of the Faculty for the dedicated work of the committee in bringing this report before the FCR. Before opening the floor for general discussion, he wished to call upon several people - the first being Professor David Novarr, English, and Chairman of the Academic Freedom and Responsibility Committee.

Professor Novarr began: "I've been authorized to tell you that the Committee on Academic Freedom and Responsibility - the faculty committee at present involved in appeals cases - has voted six to one to endorse the proposal in front of you. I'd like to

tell you, and here I speak for myself and not for the committee, something about our charge and our powers and our problems, so that you can compare what you now have with the proposal that's in front of you. The charge of the Committee on Academic Freedom and Responsibility was written in 1971 and in 1974. It assumed two things when it said that faculty members could appeal to the committee, that established appropriate procedures in the colleges existed and that those would normally be utilized first by faculty members before they appealed to our committee. Dean Greisen's statement that you received with the call for the meeting indicating an established administrative appeals procedure, an official route, is accurate and it is clear and it is also rather marvelous. I had to ask him last Monday where he found it. It turned out that he put it together pretty much himself from pieces in Section II of the Academic Appointments Manual on Tenure and from a couple of pages in Section I, 1.49 and 1.50, which don't contain the word 'appeal' - they are pages headed 'Review of Reappointments and Promotions' - which were approved by the Board of Trustees in 1976. That is, of course, long after the FCR had assumed that they existed and would be used. They were updated in 1978, 1979 and 1980 and I think it's fair to say that most faculty members don't know that they exist. Now, the FCR also added to the charge of our committee, the following: Faculty members may present cases to the committee if they feel that the established procedure is not appropriate or adequate to their situation. As a result we've got appeals after a chairman's decision; we've got appeals after a dean's decision; we've got appeals after a decision from the President's office; we've got

cases that have already gone to Federal and State agencies. Sometimes appeals are made simultaneously to us and to another agency. In other words, our committee is not a regular part of an ordered procedure. We stand apart. The committee interjects itself as best it can. Its work seems, quite rightly, to some administrators to be disruptive of a kind of step by step procedure, and it meets resistance and opposition. About our powers - they are first of all recommendatory and secondly indirect. Our committee reports sometimes with recommendations to the Executive Committee of the FCR, which is also in this instance purely a recommendatory body. Our reports must remain confidential unless both our committee and the Executive Committee feel that there is some public virtue in releasing them, though on the other hand, those same reports go to the principals who can do whatever they wish with them. We can make a brief public announcement. As a matter of fact the charge assumes that such an announcement would ordinarily be made. We've never made one. In other words, we can't command, we cannot enforce, we cannot legislate, we cannot assess penalties. All we can do is recommend to the Executive Committee of the FCR. All that poor committee can do is try to make recommendations based on our reports. It doesn't normally even have access to the evidence that we were using. Another small matter is that we have sometimes found it necessary to use confidential files in comparable cases, not necessarily to establish departmental standards, but to see whether certain departmental procedures have remained standard such as whether the same kind of letter looking for outside

evidence is sent in the cases of two or three people coming up for promotion at the same time. On the whole, we had good luck here. We've had almost total cooperation from Day Hall; we've had some cooperation, but some resistance too, from the deans. It has taken us several painful months to work out a procedure that goes something like this. If we need those files the chairman of one of our subcommittees meets with a representative of the President's office, with the Dean of the Faculty, with the dean involved in the case, and they jointly discuss and determine what material we may have. I need hardly tell you that's cumbersome and that it's terribly time-consuming. That's a problem and we have others. We are a seven person committee. We split into subcommittees of two to investigate a particular case. That means our capacity is really about three cases a year. You cannot expect a person doing the dirty work on one of these cases to be involved in more than one a year. Last year, we did manage to handle three cases and some inquiries. Unfortunately, we got four new cases last May and one in July. We just postponed them till the fall. As a result two of them were disposed of administratively during the summer; one of them we eventually rejected; another we did handle; one is still pending. Our committee has met every two weeks conscientiously for two hours. We can't get the committee together between terms or during the summer. Even apart from the work a person must do as a member of a subcommittee, there's a phenomenal amount of time involved, and if you think that a member of an appeals committee under the newly proposed procedure is being unduly burdened, please think

again of what you've asked us to do. Last July, when I accepted the chairmanship of the committee, and I did that after the appointed chairman had resigned, and only because I was the oldest both in years and in service on the committee, I wrote the Dean that I considered the chair only a holding operation. I thought it was impossible for the committee to keep up with individual appeals and moreover that our attempt to do so left us no time to handle the general matters of procedure and policy that we were really equipped to help with. The last several months have just confirmed my judgment that we're not a proper vehicle for the faculty's participation in an appeals procedure. Some of us have held on and we've done what we could because we feel strongly as the AAUP does that faculty participation in an appeals procedure is important, but some of us are just not going to be able to hold on much longer. In this connection let me call your attention to two matters. Even if the *ad hoc* committee proposal before you is accepted, it won't go into effect until next fall. Cases arising from this year's round of promotions still haven't hit my committee. I don't know what we're going to do when they come in. There'll probably be some resignations; there'll probably be some postponements. Again, the *ad hoc* committee proposal before you is a beginning, but only a beginning - an important beginning. My committee is going to continue to get cases arising from renewals for assistant professors and for promotions for associate professor to full professor. We could, perhaps, handle those until the *ad hoc* committee works out additional procedures, but we can't do it all. The recommendation

before you is not a perfect one, but I urge you to adopt it pretty much as it stands if you feel as I do that the faculty has an obligation to be involved in the appeals procedure. It's infinitely better than what the faculty has got at this time."

The Chair asked at this time if President Frank H.T. Rhodes, Provost W. Keith Kennedy, Vice President for Research, W. Donald Cooke, University Counsel, Walter Relihan, or any deans present wished to speak. Since none did, the Chair asked that comments from the floor be kept within time limits and that persons speaking identify themselves by name and department.

Assistant Professor Robert L. Harris, Jr., Africana Studies and Research Center, wished to point out an error in the proposal on page 11, which refers to Section IV.F.3.b., of which there is no such section.

Dean of the Faculty, Kenneth Greisen, said many sources have pointed out two typographical errors having to do with sections that were eliminated in the process of rearranging the document. That reference to Section IV.F.3.b. should be Section IV.G.3.b. The reference in footnote 2 on page 2, to II.B.3. should be II.A.3.

Referring to Section IV.G.3.b., Professor Harris asked if the independent academic evaluation panel makes a decision or recommendation that the individual should be given tenure, will the Provost then make that decision or refer it back to the department or college?

Dean Greisen said the document states that the recommendation of that independent outside group would go with all the preliminary

parts of consideration to the Provost for determination. Ultimately, such decisions have to be approved by the Trustees, and that statement was omitted from the document.

Professor Harris asked if the Provost had a number of options available in making a recommendation to the Board of Trustees, confirming the report or in referring it back?

Dean Greisen said the Provost would not refer it back to the department for reconsideration - presumably the department has already done the reconsideration step. The outside committee is only constructed to render a reconsideration if the department has failed to satisfy the appeals committee that it has eliminated the faults in earlier consideration.

Professor Stein said the clear intent of the document is that the Provost make a decision. An outside panel is called into being for one reason or another when a department is unable to make a decision without bias or for some other reason. All academic appointments flow through the Provost anyway. The Provost, of course, is not forbidden from discussing his decision with the dean and department chairman because all of these people bring their recommendations to the Provost.

Assistant Professor Errol L. Grinols, Economics, wished to raise a question. "Assume that an incorrect decision has been made at the departmental level, then a successful appeal would consist of either a change of decision at the departmental level or ultimately the Provost taking this recommendation of the committee - what's the profile of a successful appeal in a case where a mistake has been made? By mistake, hypothetically speaking,

assume that an individual has been denied tenure by the department, but in fact should have been given tenure - what would a successful appeal consist of or how would it be treated by this document?"

Professor Stein replied: "There are lots of ways that there could be a successful appeal. One is to the dean, without it going through the formal procedure. The appellant has a right to address the dean and the dean could presumably overrule the department. That's happened. Now if a dean upholds the department, then the appellant can request this formal procedure. One description of a successful appeal is that the appeals committee upholds the appellant, sends it back to the department, the department reconsiders it and decides to change its mind. There's another successful appeal where it goes to the department and the department upholds its original decision and it goes back to the appeals panel. The appeals panel then looks at it again and finds that the decision is still flawed for one reason or another in which case an outside panel of experts is appointed and then the Provost makes the final decision."

Associate Professor Richard N. Boyd, Philosophy, wished to speak very briefly about a document prepared by the Philosophy Department and handed out at today's meeting. "Our department had fairly extensive discussions of the proposal of the *ad hoc* Committee on Promotions and Appeals and listed a number of amendments - most of them minor - one of them quite significant - which will be proposed next time or which, perhaps, the committee would be willing to use in amending their document in light of

suggestions made here today. I urge you to read the description of the amendments, but I want to talk about only one - the one that's most important. We're concerned about one deficiency which we think is serious but easy to remedy in the current procedures. Suppose a department recommends against promotion to tenure, and a candidate approaches his or her chairman and asks for a statement of the reasons. According to current legislation, there is no real guideline to the chairman about how these reasons are supposed to be presented except that they are supposed to be presented within the limits of confidentiality. It seems to us that the current legislation runs the risk that chairmen may provide, or may be suspected of having provided, such an abbreviated account of the reasons that an unsuccessful candidate will not be in a position to decide whether an appeal is appropriate or on what grounds to base appeal if the candidate decides that an appeal is appropriate. We think there are two obvious risks. One of them is that there will be a number of pointless appeals - appeals that might be forestalled if reasons were more thoroughly stated to unsuccessful candidates. It also concerned us, in what we assume are very rare cases, that where a department decision really is flawed a brief description of the reasons might not be a sufficient clue to indicate that an appeal is appropriate. Our proposed modification requires two things. It requires that the chair of the department provide not only a statement of the reasons but a summary of the evidence within the limits of confidentiality. Secondly, since this account will be requested by someone who is in an adversarial position, we wanted some safeguard so that a candidate would have some reason to believe that it wasn't just

the impression of one person about the reasons and evidence on which the department acted. And so we propose that the tenure committee in the department would have to approve the statement of the reasons for the decision so that there would be some safeguard against idiosyncrasy in the summary of evidence and reasons. We also suggest that this statement about reasons and evidence should be amended at subsequent levels of appeal should this be necessary in light of their judgment about the situation. There is a similar proposed amendment for the case where the dean is obliged to make such a summary. We think that although this would require somewhat more work, it would be a safeguard both against spurious appeals that would have never happened if a candidate were better informed and also provide a real safeguard for those few cases that would actually involve arbitrary or discriminatory procedures."

Assistant Professor Daphne A. Jameson, Hotel School, said this document places specific time limits on the candidate, the department chair, the Dean of the Faculty, the Provost, the appeals panel, but as far as she knows, there is no time limit on any actions by the dean of the college. She wondered if that was an intentional omission.

Professor Stein replied that he doesn't remember if it was intentional or not. In some places it was probably intentional and others it was not. The point is well made and there is no reason why there should not be reasonable time limits placed on the deans. Professor Stein said the committee would discuss that and imagined they would agree with Professor Jameson.

Professor Stein wanted to respond to Professor Boyd's comments. "That's a difficult point and it's one we talked about greatly. In various drafts the words 'as detailed as possible' bounced in and out of that document, depending on whom we spoke to. We were convinced both ways at various times. It's clear that there is a possible legal danger in having the words 'as detailed as possible' because then one can argue whether a specific document was as detailed as possible or was not as detailed as possible."

Professor Boyd said their amendment doesn't require something "as detailed as possible". The word "evidence" is just mentioned.

Professor Stein would have thought that the reasons would have covered a summary of the evidence and that that was not necessary to add. "Let me argue about the other part, which is an objection that I've heard before, namely that the chair's reasons should have the assent of the tenured members of the department before it's given to the candidate. We did hear that objection and at least responded to it in some way in that we put in the draft the statement that the reasons of the chair would be circulated along with the candidate's response when it went back to the department. The feeling was that if one required the unanimous consent of the tenured members of the faculty or even a majority of them, it could possibly hold up the process for too long a period. It was felt that a gross unfairness on the part of the chair would be prevented by having the document that the chair wrote circulated to all the tenured members of the

department. It would seem to me at least that those members of the faculty that had supported a particular candidate - if they saw that the candidate was not given the opportunity to respond to the reasons why he was turned down - would raise that issue in the discussion and that that would be sufficient protection against that problem."

Professor Phil Schoggen, Human Development and Family Studies, said he feels the draft document is a great improvement over the current procedure, speaking from the standpoint of one who has served as a chair and has taken part in such reviews a number of times. "I don't share the view that it imposes an undue hardship or burden on chairs or is different from the practice that we have been following for some time. In general, I favor it. There's one small part that I do wish to question and to request a change in if at all possible, and that is in II.A.1. where the department chair is required to render his report to the candidate within seven days. I submit it's unreasonable and places undue constraint upon the freedom of the chair to expect him or her to formulate, compose, edit, submit to his colleagues if he chooses, revise and re-formulate in the best possible way so that it does reflect as accurately as possible the considered judgment of those who made the decisions in that short a period. And that, I submit, is what this process must have if it's to stand up upon later inspection by the Cornell ll. I think we are putting ourselves in a situation of forcing the chairs to act almost alone or with very little consultation with their colleagues in formulating a letter and that's bound to get us in trouble. So I ask that the seven-day limitation be deleted

and something more reasonable be placed in its stead - such as 'in a timely way' or 'reasonable time' or if you must have something definite, then don't put anything less than 30 days."

Professor Karen W. Brazell, Asian Studies, said she also finds this a very admirable document, but wished to ask a question about the intent of paragraph 4 on page 11. "I gather from reading this that if in fact in a very few cases that the deans might be the cause of the problem, the committee can avoid the dean and go ahead and appoint an appeals committee on its own. Why is this limited to Sections IV.B.3, 4 and 5 and not IV.B.2, which is the section which talks about procedures? Sometimes I suspect the dean may be the cause of procedural problems. Is there some reason to omit that?"

Professor Stein responded: "The reason that we eliminated procedures was the general feeling that if you have made procedural errors, that that could not be a reason for granting tenure. That if a procedural error is made, the right thing to do is to do it again correctly with the right procedures. I suppose that one could argue that in certain cases, the procedures were so unreasonable that the decision was discriminatory. One could then appeal under those grounds. Our notion of procedures was just that - a procedural error - and we have no reason to believe that a department would not make the proper decision once the procedures were followed correctly. It did not seem to be the right moment to take the rather unusual step of calling in an outside panel. That in our mind was an extremely unusual step - a step of last resort - when the department and the dean just were unable to deal properly with their own business."

Professor Brazell asked what does happen if the dean acted in a procedurally incorrect manner, is it still referred back to the dean?

Professor Stein replied he thought so, but asked Professor Brazell to elaborate.

Professor Brazell gave the example of a dean being prejudiced. Professor Stein replied that if the dean were prejudiced, that would be covered under Section IV. But if the dean made a procedural error, then a second more extreme route would have to be taken.

Associate Professor Billie Jean Isbell, Anthropology, wished also to speak to page 11, paragraph 4. "Has the committee given any thought as to how such a panel would be chosen - would you ask the appellant, would you ask the department, etc., and why was it not specified in the document?"

Professor Stein replied that the committee had given that a great deal of thought and it is specified in IV.F.3.b. "The procedure for choosing the panel is that the committee of three - namely the Dean of the Faculty, the President of the University and the chair of the appeals committee - appoint that outside panel. It was felt that in that particular case, which I'm sorry becomes a focus of the discussion because that is not our idea of the usual appeal, it should not be another arbitration panel. With an arbitration panel there is sort of a tradition that each side chooses half of them in some sense, but that's not what this is. This is an unbiased professional opinion, so it did not seem appropriate to ask the department to choose some and to ask the candidate to choose some. Once one decides that, it's very difficult to find someone in the University that one can

imagine to be neutral, and the feeling was that the three persons that we have chosen are persons who have enough stature that one would accept the fact that the decisions that they made were reasonable, are widely enough known so that they can find the right professionals to appoint to the panel, and have some money so that they could pay the professionals to come."

Professor Yervant Terzian, Astronomy, said it is clear that the appeals committee is composed of five tenured faculty members. What is not clear is whether their findings have to be unanimous or just reached by a majority.

Professor Stein replied that the committee assumed it would be a majority vote.

Associate Professor Mary Beth Norton, History, had a question about Section IV.E.5 on page 8, about comparability of other tenure cases. "What bothers me and other people is the statement that '...the Committee shall recognize the right of departments to improve their quality...so long as this is not done in an arbitrary or capricious manner...' I think we're concerned about how the committee defines arbitrary and capricious in this case. We can see a case where a department faced with a tenure decision, someone whom they really didn't want to promote for other reasons, might say 'at this instant we're going to raise our standards'. Now I assume that that would be arbitrary and capricious under the terms that the committee has defined. What if it's a little bit less than that? What if it's a year in advance? What if it's two years in advance? Are we in fact saying here that if a department decides to raise its standards,

it should do so publicly and should inform junior faculty members of that fact in sufficient time before they're coming up for tenure, so that they will have a chance to comply with the new standard?"

Professor Stein said the committee talked about that at some length, and everything they tried didn't sound very good - one year, two years, etc. "The general principle I guess everyone can accept. We all agree that not only does a department have a right, a department has the duty, to try to improve its standards. On the other hand, it's obvious that once the standard is jacked up and then comes right down again - that's arbitrary and capricious. And I, for one, am unable to write words which distinguish the marginal case. I think that the right thing to do in that case is to write down the general principle and if a case arises, then someone would have to decide - was indeed this arbitrary and capricious or was this not arbitrary and capricious. My own feeling about it is that departments should provide some evidence that it was done in some other case. Informing the faculty member did not seem to us to make any sense. I have a rather old-fashioned view about this area. You don't tell a faculty member you have to be this good. You tell a faculty member that his or her job is to do the best work you can. It's not clear to me that telling a faculty member that we are raising the standards in this department actually tells a faculty member anything useful."

Professor Norton said she felt it would be useful. "If a department had not, for example, required a book for promotion

from assistant to associate professor, and decided that it simply couldn't afford not to have non-publishers or at least non-publishers of books, on its faculty, and could therefore say, henceforth we will vote down anyone who comes before us who does not have at least a contract for a book. Then that would be an explicit raising of standards, and something a faculty member should know about."

Professor Stein said he agrees completely and the committee has covered this in the document in IV.B.1.b - "by having been given misleading information by the department chair or dean concerning the departmental or college expectations of candidates."

Professor Norton thought that was something different.

Professor Stein thought not. "A very definite objective that will govern all candidates for tenure, it seems to me is adequately covered by that provision. If something is required of candidates and a candidate is given misleading information as to what's required, that indeed is a perfectly legitimate appeal under that ground. That's not the same thing as what we meant by raising your standards. What we meant by raising your standards was the quality of the book or the quality of the article which is hard to put down on paper."

Assistant Professor Sally M. McConnell-Ginet, Modern Languages and Linguistics, said that having been given misleading information is different substantively from not having been given adequate information, which seems to be the substance of what Professor Norton said.

Professor Boyd said that the Philosophy Department's list of amendments reflect discrimination on the basis of irrelevant

considerations. The suggestion is that if a department's decision to raise standards comes up exactly at a time when a woman in the department comes up for tenure that ought to be grievable. Professor Stein asked if Professor Boyd didn't think arbitrary and capricious covers that. Professor Boyd said he would have except for the fact that in earlier sections of the document, arbitrary and capricious is described as a separate consideration.

Associate Professor John E. Coleman, Classics, said he noticed that membership on the appeals committee is restricted to faculty members with tenure. It occurred to him that an appellant might feel happier if members also included people at his or her own level.

Professor Stein said that all academic decisions made on the campus follow that rule and that it would thus be out of step with the normal way of doing things to put non-tenured faculty members on that committee.

Professor Coleman said it may be out of step, but it seemed to him that this would be something that would ensure a further degree of fairness.

Professor E. Scott Maynes, Consumer Economics and Housing, wished to address the subject of the letter that the chair is required to prepare setting forth a case for or against a candidate. He first endorsed Professor Schoggen's suggestion that the seven day time limit was too short, and added that it is probably not feasible to consult - especially in a large department - with all one's colleagues.

Associate Professor Richard A. Baer, Jr., Natural Resources, wondered if Professor Norton's concern might not be met by simply adding after "misleading", "or inadequate" in IV.B.1.b.

Assistant Professor James J. O'Donnell, Classics, said the proposal seems to be a procedural advance over the present one, but is not clear whether it is a substantive one. "As defined there are two obstacles to a full review of unsuccessful tenure cases, the confidentiality of records and the acceptance of the principle that the substantive judgment of the department shall be in itself unreviewable, insofar as it is not demonstrated to be prejudicial, discriminatory, or otherwise improper. I'd like to ask Professor Stein if in his view this set of proposals affects any substantive change in the kinds of cases that can succeed and not succeed. Or bluntly put, the question is are there mistakes and injustices now being committed which will not be committed or which will be rectified under the revised situation?"

Professor Stein replied: "We've spoken to a lot of chairmen and we've been assured that this document has nothing to do with their department because in their department all decisions are made properly without prejudice and solely on the evidence. So it won't affect anything from that point of view. We have not looked at any case documents. All of this has been done by just talking to people that have seen them. I don't honestly know whether there are many cases where people are denied tenure simply because the department, for some reason that is not discriminatory or some reason that cannot be brought to external agencies, merely

makes an irresponsible decision for some reason other than professional grounds. If that is done, then there is a channel for having that decision rectified."

Professor O'Donnell said the problem is that with a large area of decisions protected, a great deal of prejudice and injustice can masquerade as error and go unpunished.

Professor Stein said there is no question about that. "If you take the position that says that you give a certain presumption of correctness in the departmental decision which the document does, then some certain degree of irresponsibility is allowed by that. On the other hand, it did not seem to us that this was the time or that it was proper to try to change the basic ways by which we do things in the University, namely, to give a wide amount of latitude to a department to make its own decisions. One can argue about that. One can imagine all kinds of different ways of making decisions - having people completely external making the decisions. There's no university that I know of that does that, but that's certainly a model that you can make. We accept the fact that we will do things as they are now done. But we do think it is a change to say that there is some degree of accountability for a department. A department must undergo some degree of scrutiny as to whether reasonable people could have come to that decision based on that evidence."

Professor Charles S. Levy, English, spoke on behalf of the Executive Committee of the Cornell Chapter of the AAUP. "The Committee endorses the recommendations that have been presented to us. In no way do we want to prejudice the possible perfection

of the details of these recommendations if that can be expeditiously done. But we do feel that it is of paramount importance that we have in operation for the next cycle, a personnel procedure which is and is perceived as being more rational, more equitable and more accountable."

Professor John F. Burton, Jr., ILR, asked if a department and a college makes a positive recommendation for tenure, does the Provost have the right to overturn those recommendations and deny tenure?

Professor Stein replied yes, as far as he knew.

Professor Burton then asked what the appeal procedures were in such a circumstance.

Provost W. Keith Kennedy said meetings have been held with a dean and department chairman to discuss whether or not the department and in turn the school or college, was maintaining the standard felt to be appropriate. There hasn't been a denial at the University level in recent years. The responsibility rests squarely upon the shoulders of the President to make the recommendation for tenure to the Board of Trustees. "We do meet with department chairmen and deans to discuss whether or not they have really been careful and thorough and critical in making their analysis of the individual's performance. The criterion is not whether or not the work is satisfactory, but if it's meeting our expectations of the peers, and we expect the expectations of the peers to be high. If the department is strong, has high expectations, and if they really exercise and review those carefully, they can make a mistake. I am sure that sometime they

will deny tenure because in their judgment after looking at the evidence the person isn't good enough for that department. And three, five, six, seven years later, they'll say 'we made a horrible mistake'. I hope we make a few of those kinds of mistakes, because that means we're reviewing the worth of our colleagues very carefully and making very critical judgments which we should. I'm talking about academic standards and performance. I'm not talking about other reasons for denial."

Dean Greisen said it was agreed that there would be no vote at today's meeting. The *ad hoc* Committee has heard the arguments and suggestions and will meet further and give consideration to them. An attempt will be made at the March 11th FCR meeting, to present a slightly improved document, with the hope that a vote will be taken.

There being no further discussion, the meeting was adjourned at 6:00 p.m.

Respectfully submitted,
Joseph B. Bugliari, Secretary

March 11, 1981

110 Ives Hall

The Speaker, Russell D. Martin, called the meeting to order at 4:25 p.m. 65 members and several visitors were in attendance. Since many items were on the agenda, the Speaker asked that comments be limited - no speeches. The first item before the body was the academic integrity proposal which was thoroughly discussed at the February 11 meeting. Professor Ginet took many helpful comments at that meeting and prepared an addendum to the report on the academic integrity system. The Speaker said that his addendum is now a part of the committee's proposal. A third document which was handed out at the door amounts to two amendments to the addendum. These amendments will be discussed and if passed become part of the original amendment resolution.

The Speaker thereupon called on Professor Carl Ginet, Philosophy, to speak to the academic integrity proposal.

1. *ACADEMIC INTEGRITY PROPOSAL

Professor Ginet began: "Our original proposal for changes, which was dated January 12, was discussed in a report submitted along with the proposal, and a rationale was given for the changes. Now we have revised that proposal in the addendum. The changes in the addendum are fairly minor and all pretty obvious improvements which call for little explanation, except possibly for a couple of them which will be dealt with in the amendments to the addendum. I'll save any comments until those amendments are before the body. I call on Walter Lynn, the current chairman

*See Appendix A, attached, for Code as adopted.

of the Committee on Academic Programs and Policies, to propose those amendments."

Professor Walter Lynn, Director of Science, Technology and Society, and Chairman of the Committee on Academic Programs and Policies, proposed two amendments to the addendum which are replacements for items 1 and 2.

1. On page i, replace line 14 from the bottom (in Section I.A.2) with the following:
 - e. forges a signature to certify completion or approval of a course assignment;
 - f. in any other manner violates the principle of absolute integrity.
2. On page ii, replace lines 5-8 (in Section I.B.2) with the following:

anyone to represent another's published work as his own.] Students are, of course, encouraged to discuss the content of a course with each other and to help each other to master it, but a student should not receive help from others in doing a course assignment that is meant to test what the student can do on his/her own without help from others. Representing another's work as one's own is plagiarism

The amendments - not coming from a committee - required a second. After receiving such, the Chair said the amendments were on the floor for debate.

Professor Ginet said the only reason these amendments were not in the addendum itself is that comments and communication were received too late for them to be included. "The first item has to do with our trying to include a list of examples of things that fall under violations of academic integrity. We wanted to include the matter of forgery because the communications we received persuaded us it's a serious problem and perhaps not obviously enough a matter of academic integrity so that it deserves explicit attention in the Code. Of course, not all forgery falls into the ambit of academic integrity - forging a check at the Campus Store doesn't. We needed a specific example in the Code. Unfortunately the example in the addendum was not well chosen - the example of forging a signature on an academic petition - because that kind of forgery occurs outside the context of a course and thus removes the possibility of using a bad grade as a penalty for it. Other penalties that are available at the hearing board level might not be appropriate either. It therefore seemed best to leave such cases unmentioned in the Code and leave them to prosecution under other auspices than the academic integrity procedure, perhaps by the Judicial Administrator. I know that the Judicial Administrator has dealt with some cases of this sort. So we have a new example in the amendment of the kind of forgery we feel to be an example of academic dishonesty - forging a signature to certify completion of approval of a course assignment. Such forgery can be dealt with by the faculty member instructing the course, and if necessary go to the hearing board level, etc.

"The second amendment is addressed to language that we proposed in the addendum to replace language in the original code that seemed to us to be too permissive as to how students might be able to help each other in academic tasks. Unfortunately, in our original proposal we, perhaps, went too far in the other direction. Comments I've received convinced me that our wording could easily be read as prohibiting things none of us wish to prohibit. The change that we made in the addendum goes some distance in remedying that perceived defect, but it can still be read as prohibiting too much. For example, it could be read as prohibiting a student from discussing a term paper topic in a Philosophy course with another student. So I hope that the new wording in the amendment finally makes clear what we meant to prohibit. We meant to prohibit students receiving help from each other or other sources in doing a course assignment that is meant to test what the student can do on his or her own without help from others."

Assistant Professor Robert G. Bland, Operations Research and Industrial Engineering, asked if forgery of a petition for completion of an entire course rather than a course assignment is meant to be excluded. He wondered if it shouldn't have said something like "course related petition". In regard to the second amendment, he would not want students to collaborate on the standard assignment, which is to be graded, at least in his courses, and feels it an added burden to explain to students what they can collaborate on and what they can't. (See Page 5324C for correction)

Professor Ginet said in most situations it would be a matter of common understanding, but if not clear, it is up to

the faculty member to make the rules explicit. Regarding Professor Bland's first question, what I.A.2.e. does is add to the list of examples of kinds of things that are violations of academic integrity - a list that's not meant to be exhaustive. Professor Ginet said paragraph f. has also been added as a catch-all, covering anything missed by a specific example.

There being no further discussion on the amendments, a vote was taken and the amendments adopted unanimously. The Speaker said that the original proposal plus the addendum and the amendments were now on the floor for discussion.

David Drinkwater, Dean of Students, wished to question the Committee's thinking about the deletions in II.B.1 and II.C.4.b. of the two week time period. Without having a time limit, considerable anxiety could be added and have serious consequences to the academic work of a student who has been accused of cheating. A student may have a minor penalty assessed by a faculty member and on appeal, put him or herself in line for a much more substantial penalty. He asked if it was not more appropriate to provide for a maximum of two weeks or as soon as practical.

Professor Joseph B. Bugliari, Agricultural Economics and B&PA, agreed with Dean Drinkwater that there should not be an inordinate delay in processing a student's appeal. But if at the end of the semester or for some other reason the two week deadline cannot be met, what happens then to the student? Does he or she go scot-free of the charge? "With respect to the other point, at least in the College of Agriculture, we take a

position on our board that if a student appeals just the severity of the penalty, the hearing board will not raise the penalty. We just determine whether the faculty member's penalty was appropriate. However, if the student also raises the question of guilt or innocence, then in doing so he throws it wide open and the hearing board in that case may make a decision as to whether the penalty should be raised. The student is told that ahead of time."

On a vote call, the proposal as amended, was adopted unanimously.

The Chair next called on the Dean of Faculty, Kenneth Greisen, for a proposal relative to intersession.

2. RECOMMENDATION RE INTERSESSION 1982

Dean Greisen began: "The Charter of the Campus Council under which we are operating now, provides that if there is a major change to be made in the calendar it must be approved both by the Campus Council and by the FCR before being put into effect. There were, as was announced by the Provost at the previous meeting of this body, many complaints about the length of intersession being too great. The present year we had an exceptionally long intersession. These complaints apparently are considered valid by the Provost. The suggestion of shortening the intersession has been brought to the Campus Council and it has approved the proposal to shorten the intersession next year by one week, which will bring it back to where we were before the calendar change. The Provost would like a response from the FCR on this proposal. Accordingly, I move that the FCR endorse

the proposal to shorten the intersession between the fall and spring terms next year by one week. It is proposed that about half of the week saved will be used to provide a more adequate reading period between the end of classes and the beginning of exams in the spring. The other half will be used to lengthen the interval between the end of exams and commencement so as to provide seniors a lengthened senior week and faculty and staff a more adequate time to decide who should legitimately graduate."

The motion was duly seconded and opened for discussion.

Associate Professor John H. Hubbard, Mathematics, said he understood the purpose of lengthening the intersession was to save money by keeping the University closed and would be interested in knowing what extra expense would be involved in adding a week to the time heating is involved.

Provost W. Keith Kennedy replied to Professor Hubbard.

"The academic buildings are essentially in full operation during the intersession period, so the saving there is very small. There is a saving in the dormitories by having them closed that extra period of time. We can't ignore that with very cold weather in late January an additional week of having the dorms closed down would be a saving but there are also many disadvantages."

Dean Greisen said the committee that proposed this change did consult the energy expert, Mr. Clawson, about that, and obtained some figures - not millions of dollars, not hundreds of thousands, but in the thousands.

Associate Professor Peter J. Bruns, Genetics and Development, pointed out that with the longer intersession, some units especially

in biology have been exploiting that time period by instituting mini-courses, which have been working fairly effectively.

Dean Greisen said there is no doubt that the longer intersession is put to very valuable use by some faculty and students. However, the total number who profit from the longer intersession has to be measured in the hundreds, while the number of people on whom the longer intersession is imposed is about 20,000.

Professor John W. DeWire, Physics, asked if making this change in the intersession changes the time of the spring break.

Dean Greisen replied it does not, nor does it change Commencement. Professor DeWire asked what week spring vacation occurs, and Dean Greisen said for next year it is the ninth week, with five weeks of classes thereafter.

Professor Roger M. Battistella, B&PA, said it wasn't clear from the Dean's remarks whether the proposed amendment would have the effect of lengthening the summer recess.

Dean Greisen said the proposed change leaves the date of Commencement unchanged. The exam schedule will be moved forward in time so that exams will be over a few days earlier. Thus about a half week would be added to the summer period.

Associate Professor Fred Somkin, History, said he understood part of this week would be added to the fall term.

Dean Greisen replied that this was not correct. The fall term would not be affected at all.

Professor Somkin asked if he had heard something about the reading period.

Dean Greisen said the reading period is the period between the last day of classes and the first day of examinations. The intention was to extend that in the spring term. The present calendar only allows four days, including Saturday and Sunday. The first effect of this change would be in the spring term of 1982.

There being no further discussion, a vote was taken on the recommendation to reduce the intersession period by one week in 1982. The proposal carried.

The Chair next called on Professor Lynn for a resolution on the Cornell Institute for Social and Economic Research.

3. *ESTABLISHMENT OF CORNELL INSTITUTE FOR SOCIAL AND
 ECONOMIC RESEARCH (Charter attached as Appendix B)

Prior to introducing the resolution, Professor Lynn wished to give the body some idea of the activities of the Academic Programs and Policies Committee in its review process. "This proposal was advanced in earnest early last summer by what is now called the Organizing Committee. This group was able to develop a general thrust for its activities. As Chairman of the CAPP Committee, I met with individuals from the Organizing Committee early in the fall for some preliminary discussions about the Committee's role in the review of any such institute program. That led to some revisions of that proposal and it was first formally brought to the Committee at the first of this year. We met with the members of the Organizing Committee to discuss with them what was intended and what the focus of that group was. This discussion led to some suggestions for revisions being offered by our Committee. Thereafter there appeared a second revision

* Approved by Board of Trustees, May 30, 1981, p. 10,856

followed by another meeting with the Committee at which were suggested an additional set of revisions. What has now appeared with the call to this meeting is a final proposal which has been approved by the Committee. The Charter under which CAPP operates in terms of its review of this proposal, and which I imagine also pertains to FCR's role in this, is drawn out of a 1972 document from the Deans' Council which recommends that the FCR provide advice and recommendation with regard to any proposed center, institute or special organization of this kind.

"The proposed Institute has some interesting characteristics which I ask you to think about. First of all it may not appoint faculty and it will not provide courses. Its governance arrangement is specific to the functions of this particular institute but is not at variance with any of the other similar types of organizations that exist at Cornell. Its principal activity is to encourage and support a whole host of various activities in support of the social sciences in terms of specific research programs, developing extramural research support for research activities and maintaining what the individuals concerned with this activity consider to be necessary ancillary support. It is open in the sense that anyone may utilize the research services - anyone in social science in particular - and it would not preclude individuals from involving themselves in social science research without going through this particular organization. It's not pre-emptive in any way. Finally, in its charter it has a sunset law. It is required to be reviewed by the Board of Trustees within three years in terms of whether or not it is a functioning, vital organization.

"As part of the documentation for CISER, the Committee was told that the Organizing Committee had made an attempt to communicate with all of the social science community which they could identify. The procedure they used for that was to send out a questionnaire to which approximately 113 individuals responded. The Committee did not believe that to mean that 113 people would necessarily be active participants but it was an expression of interest. The CAPP Committee also did its own independent assessment by asking five department chairmen whether they were familiar with the proposed institute, whether its activities and objectives were known to them, and whether they had any serious objections to its founding. In all cases, there was no objection to the institute, although some felt that they or members of their faculty might not be active participants. Accordingly, I move the following resolution:

WHEREAS, a proposal to establish a Cornell Institute for Social and Economic Research has been submitted to the FCR and has been reviewed by the Committee on Academic Programs and Policies; and

WHEREAS, the proposed institute will provide a much needed mechanism to facilitate and enhance the development of social and economic research; and

WHEREAS, social science research is pursued in many of the Schools and Colleges at Cornell but the faculty lack an organizational framework which encourages interdisciplinary collaboration and cooperation; and

WHEREAS, the proposal for an Institute for Social and Economic Research is supported by a large number of the faculty members in the social sciences and related disciplines; therefore

BE IT RESOLVED, that the FCR recommends that the proposal to establish an Institute for Social and Economic Research be approved.

The Chair indicated the resolution was now on the floor and called on Professor McGinnis.

Professor Robert McGinnis, Sociology, began: "I've been asked to speak briefly to you today on behalf of CISER's organizing committee. We have distributed a brief summary document and a proposed charter to you. I'm sure a reading of these documents has raised a number of questions on your part. What I'd like to do is address three questions which I know to be on the minds of some of you. The questions that I know are of concern to many of you are first is it necessary, particularly at this time, to have yet another institute at Cornell? Must we go on proliferating? Second, what good will CISER do the social science community? Just how will it operate to improve the research environment for social scientists at Cornell? Third, how will it impact the current structure of social science departments and the colleges in which they operate? As to the first question, it is not a simple matter of proliferation. The organizing committee is currently having discussions with two separately funded research organizations on campus concerning affiliation. So it is not necessarily a matter of proliferation.

As to whether it is needed on campus at this time, I can only say the organizing committee, which represents a diverse group of Cornell social scientists who in turn represent a much larger and extremely diverse interest group of faculty, feel very strongly that there is an urgent need today for a mechanism by which to make the research environment more conducive to the very highest quality of social and economic research. We are convinced that we have some extraordinarily skilled and productive social researchers on this faculty. In the main, we believe that we are not of the quality of the world's leading social science research faculties. Therefore we are convinced we need to improve the scope, the quality, the size and particularly the interdisciplinary base of our social and economic research. I should say that the experience of other first rate, world class social science faculties suggests strongly to us that they do it with the support of institutes such as that we are proposing. Finally I would point out that within the last year we have had two separate site-visit teams - one formed by the Provost and one formed by the College of Arts and Sciences. Both social science site-teams critically investigated several of the major social science disciplines at Cornell. Both teams concluded that Cornell stands in need of a research facilitating organization such as we have proposed. As to the second question, how can CISER serve to improve the research environment for us, I suggest two major ways. One is simply by increasing intellectual interchange among our social scientists. Our major problem, we believe is our disparity, our spread-outness. We have major

numbers in five separate colleges and other social scientists in eight schools or colleges. We are simply too spread out among organizations, departments and colleges to present ourselves as a relatively unified intellectual force. We believe that this organization could do a great deal to bring us together at an intellectual level, at a research collaboration level, and could also serve as a magnet for first caliber visiting scholars. The second major function of CISER would be simply to serve as a facilitating organization by which we can improve the effectiveness of our research. We think that the organization could do this for the individual social or economic researchers at every phase of the process - from inception of a research problem through execution and into the publication of results. We think it would do this by means of encouraging the establishment of on-going research programs - a small number initially, the number to grow, the contents to shift with interest and needs of the faculty. We think that CISER could improve the environment through the collection of a first-rate technical and administrative staff which would be shared among research projects and programs. An extraordinarily important function that we think CISER must perform is the coordination, centralization, and advancement of social science data archiving on the campus. Finally, we think that CISER can work closely with the Vice-Provost for Computing to bring about a much-needed improvement in the social science computing environment. It is in these ways that we believe CISER can materially improve the research environment for the very large number of social scientists on the faculty. The third

question has to do with the impact on departments and colleges. I think it would be far more appropriate for a department chairperson to speak to that point. Therefore, I've asked my colleague on the organizing committee, Phil Schoggen to speak to that question."

Professor Phil Schoggen, Chairman of Human Development and Family Studies, began: "I believe that the proposed institute will help departments to do better and more high quality social science research. Stimulation of collaboration across the campus is very important. It's so easy for us to become isolated in our little enclaves and not reach out to colleagues around the campus from whom we can learn a lot, and to whom we can also teach something. By means of the major program which we hope will develop through CISER, this kind of collaboration should be strengthened. Secondly by providing important technical assistance, the faculty member will be aided in the development of project plans and grant applications and later in actually carrying out the work through such mechanisms as boiler plate on libraries, laboratories, decisions of faculty and so on, that can be kept in a word processor and quickly sorted out in very short order. Data archives are very important to me especially for junior faculty just trying to get started. Many social scientists need access to data archives that I as a single person do not have the ability to manage. The same archives would serve a number of units around the campus if we have this kind of organization. I think an institute of this sort would be extremely valuable to us in making Cornell even more attractive

to help us bring in better faculty colleagues. I know from experience that I have lost campaigns to attract some very good people here because other institutions had institutes such as this. This is especially valuable to us as we move into an era when we're seeing more and more dual career families wanting to come to Cornell. Any chairperson here I think will support the statement that it is a major problem. We so often find just the right person for a new faculty slot, but there is a spouse. It's a very difficult business to try and accommodate two people. This institute might very well make it much more possible to have a suitable position for a second family member. And finally, I think the institute would be much more attractive to graduate students, and would improve the quality of graduate training by having a much more vigorous program of research."

The Speaker said the floor was now open for discussion.

Professor Battistella inquired as to what the economic projections were with respect to the cost of developing and maintaining the essential core of services including technical and related personnel, and what sources of revenue were anticipated in order to pay for those support services.

Professor McGinnis said a short-term developing period is projected - basically the three-year period prior to review. During that time, CISER will need assistance from the University to get grants and contracts. That assistance should decline sharply until it is anticipated CISER will be running on a mix of direct charges plus some recovery from indirect charges for services provided.

Associate Professor Richard N. Boyd, Philosophy, wished to have the term "social science" described and know how the relationship with psychology and government is viewed. Professor McGinnis began by making a specific reference to government. "Recognize that many members of the Government Department, together with a number of other social science researchers, are specifically interested in international research problems and are very well served by the Center for International Studies. Those who are not so served, whether in government, most certainly in psychology, and who are doing social research are considered to be members of the social research community. The organizing and steering committees will spread this net broadly. As an example, Professor Latham in Nutritional Sciences is deeply involved in social aspects of nutrition. Our organizing committee considered the idea of this kind of research without any problem whatsoever as being social research, and therefore being a member of our community."

Professor Hubbard said he would like to have a clearer idea of what figures are actually involved before voting on this. How much help from the University is really needed during the first year? \$100,000? \$20,000? A million dollars?

Professor McGinnis replied that the deans of the five colleges involved and the Provost would be asked for short-run support help but he could not comment on the amount. In the longer run, the entire gamut of services, in today's dollars, would amount to about half a million dollars a year, of which \$400,000 would be attributable to direct charges. The remainder

would be chargeable as indirect costs. This means that the institute would have to generate a substantial volume of research in order to survive.

Professor DeWire asked Provost Kennedy if the University is prepared to supply support to CISER during the crucial three-year period?

Provost Kennedy replied: "When the group came to me, I said I didn't have a nickel this year. So we started from that basis of understanding. It is the request of the organizing committee that between a hundred and a hundred and fifty thousand dollars be provided per year in the start-up phase. I have met with deans of the four colleges, other than Architecture, Art and Planning, and they indicated a willingness to attempt to provide some funding. Their reaction was a positive one but not signing any blank checks. So the next step is to negotiate. I don't know whether or not \$150,000 will be provided. Certainly that is an upper figure for 1981-82, and it would be derived primarily from the colleges with the expectation that income generated both in direct and as indirect costs will eventually provide self-support for the unit. But it is going to take some University money in order to start it. And when I say University money, I'm including the colleges very much as partners in this. There's not that kind of money in the Provost's contingency.

"While I have the floor, may I suggest a friendly amendment which was called to my attention by the President and verified by Vice-President Cooke. It's on page 2, under Roman numeral III.C., The Director. 'A Director shall be selected from the faculty of the social sciences and appointed by the President...' He normally

does not appoint such administrative officers. They're appointed by the Trustees. And we'd like to change that to '...appointed by the Trustees on recommendation of the President...'"

The Chair said the Committee accepted that. On a vote call, the resolution carried.

The Speaker said that the next agenda item was an opportunity for questions of the President and the Provost relative to faculty salaries. He noted that the appeals procedure remained on the agenda and urged FCR members to remain so that a quorum can be maintained. With that in mind, the Chair requested consent that a limited time - 10 minutes - be allowed for questions regarding salaries. It was so ordered, and the floor was opened for questions.

4. QUESTIONS RE FACULTY SALARIES

Provost Kennedy wished first to make a few comments. "I did report one month ago today about the budget. When we started pulling the budget together, the first item we looked to was our estimated income from non-tuition sources. Our best estimate is approximately \$40 million. Then we looked at the expenditure side with the increase in the general expense money, a compensation pool of 11% for faculty and staff and various other costs - the utilities and so on. That totaled \$118 million or a very sizeable gap between the \$40 million from non-tuition sources. It was our thought as we were developing the budget of asking for about a 15% increase in tuition. This large an increase gave us a great deal of trouble, but we knew there would be no possibility of less than that. A 15% increase, which would have produced a tuition of \$6900 still, however, left a sizeable gap between the

\$118 million in expenditures. We then considered a tuition increase of \$1000 or a 16 2/3% increase. That brought the total revenue up to \$117 million which still left a sizeable gap. We have begun working on that gap with various units taking selective reductions. We've been able to reduce our estimated cost of utilities by a couple hundred thousand dollars by various adjustments. We now have the balanced budget with approximately a million dollars for contingencies of which a good deal has already been spoken for. It's a very tight budget. There's virtually no slack in it for any special maintenance or other problems that might arise during the year. But coming back to faculty salaries there is an 11% compensation pool. It is expected that compensation increase will include providing a prescription drug card, which is of very significant benefit to many staff members. Probably the card is of less benefit to the faculty than would have been an increase in disability insurance payments that Professor Nation and his committee argued for. We do not have the resources to do both now. We feel that a prescription drug card will certainly benefit the faculty as well as others and we have committed ourselves to take a very hard look at doing something about decreasing the cost to the individual of disability insurance in 1982-83."

Professor Howard M. Taylor III, Operations Research and Industrial Engineering, asked how far in the future before the administration sees a remedy to the decline in faculty salaries?

Provost Kennedy replied that as long as inflation keeps going, he does not see a solution to that problem, except by reducing expenditures, which in turn means cutting down the size

of faculty and staff as resignations and retirements occur.

"It is very much a case of whether we are going to all slowly starve to death together or are we going to adjust downward on our total commitments. We have developed the budget in the past, including this year, by looking at the assumptions in increased costs and then trying to find the income to cover the expense side. We cannot continue to approach the problem in that manner. Rather we have to make as close and as careful an analysis of the income and resources available and then work on fitting the expenditures within that estimate. And that is not a very happy outlook."

Assistant Professor Errol Grinols, Economics, said it seems that one generation of students is being made to bear an unusually heavy load all at once as far as tuition is concerned. Why in one year does there have to be a 16 2/3% increase when the general inflation rate is only 12%?

The Provost replied: "First, I mentioned that \$40 million of income is from non-tuition sources - gifts, return on our investments, and other sources - and this has not kept pace with inflation. In fact such income has gone up approximately less than 10%. So there's a gap there. Then there are costs such as scholarship aid for undergraduates which will go up 20% next year. Utilities even after making reductions in use will be up 18%. Thus there are items that are well above the inflation rate and sources of income which are well below the inflation rate and accordingly the tuition has to be higher. Tuition makes up roughly 2/3 of the general purpose money. So tuition is paying

2/3 of your salary so to speak. It is a big item in that. While it goes up to the individual student by 16 2/3%, the expected income increase to the University from tuition is slightly less than 15 1/2% because we did have a very substantial over-enrollment this year and we have pledged ourselves to reduce that enrollment. Incidentally, we felt to reduce our enrollment next year by the full 300 that we're over our announced quota, would cause too much unevenness in the size of our entering classes. We are, therefore, reducing it by 200 and we're thus losing on the income side due to 200 fewer students in the fall."

Professor Charles S. Levy, English, asked the Provost if he could tell the body more about what he foresees for next year and the years immediately following.

Provost Kennedy said the administration has had a very effective working relationship with the faculty committee and that will continue. "We will be working in the fall as we have in the past, but we've tended to work initially on the expenditure side, dealing with increased cost pressures, and then trying to find the needed money. What I was trying to emphasize is that I think we have to give more attention to our projected income right from the beginning, and work both sides of the balance sheet back and forth together. As long as there is a high rate of inflation, I frankly do not see us being able to do everything next year that we've done this year, and everything the year after that we hope to do next year. There are going to have to be adjustments. We're going to press and do everything we can to enhance the income. That's the first step. But at the same

time, we have to be looking at the cost pressures; the expenditures, and work back and forth. The intent is to share more of that information with the community along the way rather than treating it in a confidential manner. Again, that may be extremely difficult because everyone has his or her idea of how they can reduce the other person's budget. But that is our intent and we will be following through on it. There will also be a committee of the Student Assembly working with us."

The Chair said time was up and that the last item on the agenda would now be taken up. He called on Professor Stein.

5. APPEALS PROCESS FOR NEGATIVE TENURE DECISIONS

Professor Peter Stein, Physics, and Chairman of the *ad hoc* Committee on Promotions and Appeals, said the resolution was introduced at the last meeting and he assumed it was still on the floor. After the discussion at the meeting the committee modified the draft that was presented and sent around a copy setting forth those modifications. Since this draft was distributed, Professor Stein had several telephone calls and a letter or two and based on these communications, there were a couple of corrections that he would like to make to this copy. The first two were technical. On page 2, footnote 1 which says - In the Graduate School of Business and Public Administration, "departmental" shall refer to "program", should be changed to read: In the Graduate School of Business and Public Administration, "departmental" shall refer to the *ad hoc* committee and "chair" shall refer to its chairperson.

On page 3, footnote 2, the Graduate School of Business and Public Administration should be added to the people who are not

subject to III.A. On page 9, G.2., the words "raised by the appellant" are added as follows: If the Committee finds that the ground for appeal in Section IV.B.1. raised by the appellant has been... And on page 10, the same words shall be added to G.3: If the Committee finds that any other ground for appeal in Section IV.B. raised by the appellant has been... Professor Stein said that with these changes, he would like the body to consider the document.

Associate Professor David A. Usher, Chemistry, wished to be assured that the changes were those in handwriting in the document mailed to the faculty, and Professor Stein said that was correct.

Professor Boyd wanted to be sure of the intent of IV.E.5. "When a department improves its quality or takes into account different departmental needs, but is forbidden to do so in an arbitrary or capricious manner, would unlawful discrimination in a decision about how to achieve that improvement be arbitrary or capricious in the sense in which the committee intended those terms?"

Professor Stein responded: "If I understand your question, if it can be shown that a committee has raised its standards for the purpose of acting in a discriminatory fashion that certainly would be included."

Professor Boyd asked about the phrase in a discriminatory fashion. "I want your assurance that if we propose an amendment to add 'or in a manner that involved unlawful discrimination' to 'in an arbitrary or capricious manner' that you replied that unlawful discrimination is arbitrary and capricious. Suppose a

department raises its standards in a discriminatory manner - whatever its intent - and suppose that the hearing board finds that there was a choice of technique for upgrading the department's standards, does that fall under the description arbitrary or capricious? Is the hearing board then permitted to find for the appellant under IV.E.5?"

Professor Stein said his understanding of what the committee meant was that if an appellant comes to the department and says that he or she has been judged not to meet the standards of the department and the standards of the department have been raised, that the committee would then ask the department what its response would be to that and the department must show in some way that it had made an attempt to raise its standards which was not directed solely at that particular candidate. If they could not convince the committee that it had been done in that way, then presumably the committee would judge that that was arbitrary or capricious.

Professor Boyd wished to propose an amendment to IV.E.5, line 5 to read: ...done in an arbitrary, capricious or unlawfully discriminatory manner.

The amendment was seconded and Professor Boyd continued to explain his amendment. "In trying to formulate this document we're all guided by things which we fear might happen or might have happened. In a case now before the courts, it's alleged that the point at which a department raised its standards was in one academic year, between the time of a recommendation for promotion to tenure for a man and a recommendation for promotion

to tenure of a woman in the same sub-discipline of the field. Now we don't know that that happened. But if it did happen, I would surely want it resolved by the University, not in the courts."

Professor Bugliari asked what standards the word "unlawfully" implied.

Professor Boyd replied: "The Committee in rewriting this used the expression 'unlawful discrimination', so I thought I was stuck with it. I thought discrimination was arbitrary and capricious, but earlier in the document, arbitrary and capricious decisions are listed separately from discriminatory decisions, and I was looking for the same language in this clause."

Professor Stein said that this was discussed with members of the Philosophy Department and the committee decided not to put that in because any realistic claim could be adequately covered by the words arbitrary or capricious. Putting in the additional phrase, non-discriminatory, might raise questions that the committee didn't wish to raise. Professor Stein continued: "Suppose a department did raise its standards in a way which was not arbitrary or capricious but in a well-motivated desire to increase the academic and scholarly well-being of the department, and the result of that decision was to deny tenure to a female. Then it seemed clear that we did not want to introduce that as a separate ground that could be argued. Therefore, we felt that as long as a decision to raise departmental standards could be demonstrated not to be arbitrary or capricious, it was a legitimate departmental function, and I think adding the word 'discriminatory'

to that list raises issues that muddy the waters. I think it's clearer the way it's written. I cannot imagine a department defending itself to the appeals committee when the appeals committee says 'well, was this arbitrary or capricious' and the department says 'no, the point was to eliminate women'. Rather the argument must be made that there is significant scholarly purpose to doing this which would have to be judged on its merits one way or the other."

The Chair reminded the body that it was now 6 p.m. and that according to the *Organization and Procedures of the University Faculty*, it was obligated to adjourn at this time. The option would be to adjourn this meeting, and have the Dean immediately call a special meeting, which is within his rights. The Chair was interested in the wishes of the body.

Professor Battistella moved that the body adjourn and then reconvene. On a vote call, the motion was defeated 28 to 23. The meeting was adjourned.

Respectfully submitted,

Joseph B. Bugliari, Secretary

At the May 13, 1981 FCR meeting, page 5301C, the second paragraph from the bottom, third and remaining sentences were corrected to read: "In regard to the second amendment, he feels that in the usual circumstance the instructor would not want students to collaborate on a written assignment. Thus it would be natural for the instructor explicitly to invite collaboration when it is desired, and in absence of such an invitation expect the students not to collaborate. The language of the amendment seems to treat collaboration as the norm."

CORNELL UNIVERSITY CODE OF ACADEMIC INTEGRITY

Principle

Absolute integrity is expected of every Cornell student in all academic undertakings; he/she must in no way misrepresent his/her work, fraudulently or unfairly advance his/her academic status, or be a party to another student's failure to maintain academic integrity.

The maintenance of an atmosphere of academic honor and the fulfillment of the provisions of this Code are the responsibilities of the students and faculty of Cornell University. Therefore, all students and faculty members shall refrain from any action that would violate the basic principles of this Code.

I. Definition of Academic Integrity

A. General Responsibilities

1. A student assumes responsibility for the content and integrity of the academic work he/she submits, such as papers, examinations, or reports.
2. A student shall be guilty of violating the Code and subject to proceedings under it if he/she:
 - a. knowingly represents the work of others as his/her own;
 - b. uses or obtains unauthorized assistance in any academic work;
 - c. gives fraudulent assistance to another student;
 - d. fabricates data in support of laboratory or field work;
 - e. forges a signature to certify completion or approval of a course assignment;
 - f. in any other manner violates the principle of absolute integrity.

B. Specific Guidelines

The following are the specific rules and regulations in regard to the general responsibilities listed under I.A.2. above.

1. **Examinations.** During in-class examinations no student may use, give or receive any assistance or information not given in the examination or by the proctor. No student may take an examination for another student. Between the time a take-home examination is distributed and the time it is submitted for grading by the student, the student may not consult with any persons other than the course professor and teaching assistants regarding the examination. The student is responsible for understanding the conditions under which the examination will be taken.

2. **Course Assignments.** Students are, of course, encouraged to discuss the content of a course with each other and to help each other to master it, but a student should not receive help from others in doing a course assignment that is meant to test what the student can do on his/her own without help from others. Representing another's work as one's own is plagiarism and a violation of this Code. If materials are taken from published sources the student must clearly and completely cite the source of such materials. Work submitted by a student and used by a faculty member in the determination of a grade in a course may not be submitted by that student in a different course, unless approved in advance by the faculty member in the different course.
3. The crucial underpinning of all specific guidelines regarding academic integrity remains that the student's submitted work, examinations, laboratory reports and term projects, must be his/her own work and no one else's.

C. Variations

A faculty member may, at his/her discretion, make additions to or revisions of these guidelines in a particular course. It is his/her responsibility to make clear to his/her students and teaching assistants specific regulations concerning academic integrity that apply to work in his/her course.

II. Organization and Procedures

- A. The faculty member may notify his or her college's Academic Integrity Hearing Board that a hearing should be conducted before that Board, OR he/she may summon the student to a primary hearing.
- B. **Primary Hearing**
 1. **Notification.** If, after investigation, possibly including discussion with the student, a faculty member believes that a student has violated the Code of Academic Integrity, the faculty member shall present the student with the charge. Subsequently, the student will be called to an interview in the office of the faculty member. This interview shall be as soon as it is practical to have it after the alleged infraction has come to the attention of the faculty member. The student shall be given at least one week's notice of the interview measured from the time of dispatch.
 2. **Composition.** At the interview the following will be present: the faculty member concerned, the student in question and a third party independent witness. The independent witness shall be a student or a faculty member appointed by the department. In addition, the student may bring to the hearing, among other proof of his/her innocence, other witnesses.
 3. **Procedure.**
 - a. At the interview, the faculty member shall present evidence in support of the charge against the student. The student shall be given an opportunity to respond and, if he/she wishes, to present evidence refuting the charge.

- b. After hearing the student, the faculty member may either dismiss the charge or find it supported on the basis of the evidence before him/her. If the student is found guilty, the faculty member may record a failing grade in the course or in some portion of it.
 - c. The function of the independent witness is to observe the proceedings impartially, and be prepared to testify as to the procedures followed in the event of an appeal from the judgment of the faculty member.
 - d. A student wishing to appeal the decision may bring the case before the Academic Integrity Hearing Board of the faculty member's college.
 - e. A faculty member who gives a failing or reduced grade in a course, or in some portion of it, as a penalty for a violation of academic integrity shall report this action and the nature of the violation to the Secretary of the Academic Integrity Hearing Board of the student's college.
- c. College Academic Integrity Hearing Boards
- 1. **Composition.** Each college in the University shall establish an Academic Integrity Hearing Board. It shall consist of the following:
 - a. A chairperson shall be a member of the faculty appointed by the dean of the college and shall hold office for one year.
 - b. Three faculty members, elected for three year terms by the faculty of the college.
 - c. Three students elected by procedures approved by the director of resident instruction or similar official of the college. They may also be appointed by the director of resident instruction. The students shall serve for one year and may be reelected.
 - 2. **Original Jurisdiction.** The college Academic Integrity Hearing Board shall have original jurisdiction over breaches of this Code only if the faculty member wishes to omit the primary hearing.
 - 3. **Appeals.**
 - a. The student may appeal from the decision of the primary hearing if:
 - i. He/she believes he/she was not given due process.
 - ii. He/she believes the penalty was too strict considering the offense.
 - iii. He/she contests the judgment of the faculty member.
 - b. The faculty member may bring the case to the Hearing Board if he/she believes a failing grade is too lenient considering the offense.
 - c. The dean of the student's college may summon the student to appear before the college Hearing Board in the event of more than one violation of the Code by the student.

- d. In case of appeal to the Hearing Board, the student or faculty member shall notify the chairperson of the Hearing Board of the faculty member's college. This must be done by the end of ten working days after the primary hearing. An exception to this deadline may be granted at the discretion of the Chair of the Hearing Board on a showing of good cause.

4. Procedures.

- a. Each Board shall conform to procedures established by the Faculty Council of Representatives.
- b. The chairperson shall convene the Academic Integrity Hearing Board as soon after an appeal as it is practical to do so and provide the faculty member, the student and the independent witness with at least seven days notification of the time and place of the meeting. If a grade for the student in the course must be submitted, the faculty member shall record a grade of incomplete, pending a decision by the Hearing Board.
- c. Those present at the hearing shall be:
 - i. The student, who has the right to be accompanied by an advisor and/or by witnesses,
 - ii. The faculty member, who has the right to bring witnesses,
 - iii. The third party, independent witness,
 - iv. Any other person called by the chairperson.

Should the student or the faculty member fail to appear before the Hearing Board, the Board shall have full authority to proceed in his/her absence.

- d. The Board members will question all available parties to the dispute and examine all the evidence presented. It may solicit outside advice at the discretion of the chairperson.
- e. The student shall have the right to present his/her case and to challenge the charges or the evidence.
- f. A majority of the members of the Board shall decide the issue. The chairperson shall vote only in the case of a tie vote.
- g. Each Board shall have an executive secretary whose responsibility it is to keep clear and complete records of the proceedings. The records, however, will remain confidential and may be examined only by parties to the dispute, present members of the Board or persons obtaining approval from the dean of the college.
- h. The chairperson shall notify each party to the dispute, in the form of a written summary report, of the Board's decision and if appropriate, the penalty imposed. If the judgment of the faculty member is upheld by the Board, or if the Board feels a penalty stronger than a failing grade is warranted, the dean of the faculty member's college and the dean of the student's college shall also receive the report.

- i. If the student's college is different from the faculty member's, the chairperson shall alter the composition of the Board hearing the case by substituting one faculty member and one student from the Hearing Board of the student's college for one faculty member and one student on the Hearing Board of the faculty member's college.
5. **Actions.** The Board may act in one or more of the following ways:
- a. Find the student innocent of the charge.
 - b. Recommend that the penalty decided on by the faculty member be reduced from a failing grade in the course or in some portion of it to a failing grade in some smaller portion of it.
 - c. Allow the faculty member's decision to give the student a failing grade in the course or some portion of it to stand.
 - d. If there was no primary hearing by the faculty member, recommend that a failing grade be recorded for the course, or for some portion of it.
 - e. Recommend to the dean of the student's college that the student be expelled from the University.
 - f. Recommend to the dean of the student's college that the student be suspended from the University for a period of time.
 - g. Recommend to the dean of the student's college that the words "declared guilty of violation of the Code of Academic Integrity" be recorded on the student's transcript. The Hearing Board may set a date after which the student may petition the Board to have these words deleted from the transcript.
 - h. Require counseling with a member of the University staff or an outside counseling agent. The college Board should make every effort to see that the student has fulfilled this requirement.
 - i. Seek to get the student and faculty member to agree to some settlement of the case that the Board deems more suitable than any provided for in the preceding clauses of this section.
6. The decision of a Hearing Board may be appealed by the student to the dean of the student's college. Such an appeal must be brought by the end of the fourth week after the decision. Exceptions to this deadline may be granted by the dean on a showing of good cause. In no such appeal may the dean increase the penalty recommended by the Hearing Board, unless the Hearing Board had original jurisdiction in the case. It shall be the responsibility of the dean of the student's college to ensure that an action of sort e, f, or g (section 5) recommended by a Hearing Board is carried out, or else to give the recommending Board a written explanation of the dean's decision that it should not be carried out.
7. **Annual Reports.** Each college Academic Integrity Hearing Board shall submit a summary report of its proceedings to the Dean of the Faculty at the end of the academic year.

8. Existing school honor codes, as in the College of Veterinary Medicine and the Law School, are not governed by the foregoing legislation but a college or school receiving such an exemption shall be required to file a current copy of its Academic Honor Code with the Office of the Dean of Faculty at the beginning of each academic year.
9. In the case of a student who is alleged to have violated this Code in a course subject to a school honor code but where the student involved is not subject to the honor code because of registration from another college, all actions beyond the primary hearing revert to the Hearing Board of the student's college.
10. Records of Actions. If the Hearing Board finds the student innocent of the charge, no record of the charge or of a primary hearing on that charge shall be retained. Otherwise a record of the outcome of the case and the nature of the violation shall be kept by the Secretary of the Hearing Board in the student's college. A student's record of convictions, by Hearing Boards or by faculty members in primary hearings, shall be disclosed only to deans of colleges or Hearing Boards who are considering another charge of academic dishonesty against the same student. This does not preclude entry on the student's transcript by action of a Hearing Board in accordance with section II.C.5.g.

TO: FACULTY COUNCIL OF REPRESENTATIVES
 VIA: COMMITTEE ON ACADEMIC PROGRAMS AND POLICIES
 FROM: ORGANIZING COMMITTEE, PROPOSED CORNELL INSTITUTE FOR SOCIAL AND ECONOMIC RESEARCH
 DATE: FEBRUARY 25, 1981
 SUBJ: CHARTER FOR THE PROPOSED CORNELL INSTITUTE FOR SOCIAL AND ECONOMIC RESEARCH (CISER)

The organizing Committee of CISER submits herewith to the Faculty Council of Representatives the attached charter dated February 25, 1981 of the proposed Cornell Institute for Social and Economic Research and requests the Council's consideration and advice in the matter. A brief summary description of the proposed organization is appended, but is not considered to be part of the charter.

Membership of the Organizing Committee as of January 1, 1981

Ronald Ehrenberg Chair, Labor Economics NYS School of Industrial and Labor Relations	E. Scott Maynes Chair, Department of Consumer Economics and Housing NYS College of Human Ecology
Glen Elder Department of Human Development and Family Studies NYS College of Human Ecology	**Robert McGinnis Department of Sociology College of Arts and Sciences
Eugene Erickson Chair, Department of Rural Sociology NYS College of Agriculture and Life Sciences	George Milkovich NYS School of Industrial and Labor Relations (Interim replacement for Samuel Bacharach, *who is on leave/spring '81)
Donald Hayes Chair, Department of Sociology College of Arts and Sciences	**Timothy Mount Department of Agricultural Economics NYS College of Agriculture and Life Sciences
Nicholas Kiefer Department of Economics College of Arts and Sciences	**Phil Schoggen Chair, Department of Human Development and Family Studies NYS College of Human Ecology

Douglas VanHouweling
Associate Director, Computer Services
Director, Academic Computing

ON LEAVE

*Samuel Bacharach
NYS School of Industrial and Labor Relations

**Executive Committee

CORNELL INSTITUTE FOR SOCIAL AND ECONOMIC RESEARCH (CISER)
CHARTER

I Preamble

The social sciences at Cornell have size, breadth, and strength that are rare in American Universities. Because social science research is pursued in at least eight schools and colleges, Cornell has unusual diversity in areas of research strengths, but lacks an organization to promote interdisciplinary collaboration in research. To capitalize on these strengths and to promote large, interdisciplinary programs of research by social scientists and specialists in related disciplines, Cornell University hereby establishes the Cornell Institute for Social and Economic Research (CISER).

II Purposes

The primary function of CISER is to facilitate the development of social and economic research of the highest quality that is focused on both basic and applied contemporary problem areas. The chief mechanism for accomplishing this is to be the establishment within CISER of a number of continuing research programs to be conducted by faculty and staff who may be drawn from several colleges and disciplines. Individual research projects of high quality that are not affiliated with one of its established research programs may also be sponsored by CISER. The Institute will provide support services to its programs, principal investigators and staff members, including programming, editing, data archiving, and access to a technical staff. An important benefit will be its project support services for all research that is at least partially sponsored by the Institute. This will enable Cornell social scientists to compete more effectively for grants and contracts that often involve short lead times. Support services of the Institute shall also be available with appropriate financial arrangements to principal investigators and other Cornell researchers whether or not they are affiliated with CISER.

III Governance

A. The Board of Governors. Broad oversight responsibility for major policy and budget decisions is vested in a Governing Board consisting of the Provost, the Vice President for Research, and the Deans of the five colleges having the largest social science faculties: Agriculture and Life Sciences, Arts and Sciences, Human Ecology, the School of Industrial and Labor Relations and the College of Architecture, Art and Planning or their designees. Additional members may be added at the discretion of the Board and with the consent of the President. The Provost or his designee shall chair meetings of the Board, which shall be called at least twice each year. The Director or any Board member may request a special meeting. The Director of the Institute shall be nominated by this Board in consultation with the Steering Committee (see B below). The Governing Board shall be responsible for conducting periodic reviews of the Institute, the first of which shall take place no more than three years from the date of approval of this Charter by the Board of Trustees.

B. The Steering Committee. Until such time as the Board of Governors declares CISER to be in regular operation, a Director (or Acting Director) shall be assisted and advised by the members of the CISER Organizing Committee as constituted on January 1, 1981.

When the Director and the Organizing Committee, with the advice of the Board of Governors have established at least three research Programs (see D, below), the Board of Governors shall create the permanent Steering Committee consisting of the Director as chair, the Directors of the active CISER Research Programs as continuing members, the chairs of three social science departments, and three CISER members who are not program directors; the latter six to be nominated by the Director and appointed by the Board of Governors for specified terms, normally three years. Through ready consultation and frequent meetings, the Steering Committee shall advise the Director on the establishment of new programs, the approval of research sponsored by CISER, approval of membership, resource allocations and setting operating policies in internal affairs.

C. The Director. A Director shall be selected from the faculty of the social sciences and appointed by the Board of Trustees on recommendation of the President. The term of office and condition of renewability shall be agreed to by the President and the Governing Board. With advice and consultation from the Steering Committee, the Director shall be the chief administrative officer of the Institute and shall be responsible for encouraging and maintaining the highest standards of research, seeking external support for the Institute, serving as its agent in its relations with other organizations within and outside Cornell, and supervising the non-faculty staff of the Institute. The Director shall report to the Governing Board.

D. Programs and Program Directors. Research programs within CISER shall be accepted as part of CISER by the Director with the approval of the Steering Committee and the advice of the Board of Governors upon their determination of sufficient active faculty interest and potential for both merit and external funding. The Steering Committee shall approve a Director of each Program selected by its participating faculty for a specified term. Program Directors shall be responsible for the development and maintenance of active research projects, for their staffing and for external funding, all with the cooperation, assistance, and budgetary approval of the Institute Director. Program Directors shall act in accordance with policies established by the Steering Committee and the Board of Governors. Research projects which fall outside the scope of established CISER programs will be considered for sponsorship or other support by CISER upon request of the principal investigator.

E. Membership. The Institute shall have no faculty of its own. Faculty members affiliated with CISER, including its Director and all Program Directors, must have faculty appointments in a college. Members may be nominated by Deans, department chairs, program directors or other members. Any voting member of the University faculty with an active and continuing commitment to some aspect of social or economic research is eligible for membership in the Institute, whether or not involved at the time of application in research sponsored by CISER. Initial membership and annual renewal are by approval of the Steering Committee. The purpose of the general membership is to help define the major areas of concern for the Institute and to encourage faculty involvement in Institute activities.

Members shall be eligible to use CISER staff and facilities in planning for and the preparation of research proposals and in the conduct of research sponsored in whole or in part by the Institute. Members shall receive notices of Institute activities and shall be eligible to participate in them. Members shall be expected to take active parts in the research, business and other activities of CISER.

IV Teaching

The Institute is a research organization and will have no undergraduate or graduate teaching functions or students of its own. It shall encourage the establishment of postdoctoral research training in connection with its major Programs. It should be clear, however,

that the very existence of CISER, with its potential for student research apprenticeships and facilities available to instructors, could be an important asset to the academic missions of the social and economic sciences at Cornell.

V Amendments

Amendments to this Charter may be made by the Board of Trustees upon recommendation of the Steering Committee and approval by the Board of Governors and the President.

April 8, 1981

110 Ives Hall

The Speaker, Russell D. Martin, called the meeting to order at 4:37 p.m., and indicated a quorum was not present. (Since a quorum never materialized and some of the discussion was continued presumably in the hope that one could eventually be obtained, the minutes have been distilled to reflect this development.)

The Speaker called on the Dean of the Faculty, Kenneth Greisen, for his report.

1. REMARKS OF THE DEAN

"First, I would like to call your attention to the fact that I have sent out a calendar for next year - a listing of the important dates through the academic year. Next year will start out very similarly to this year in that there will be registration on a Monday and Tuesday, which will be the last day of August and the first day of September, and then classes will start on Wednesday of that week. The Saturday of that week will be the time you're invited to use to hold the classes that would normally be held on the following Monday if Labor Day weren't a University holiday.

"This is also a convenient time for me to give notice calling your attention to the existence of religious observances* during the year and the fact that for some students, and indeed for some faculty members, it's a matter of considerable importance to them to observe those holidays. Even though the University does schedule classes, laboratories, examinations and so on, on

*Listing of religious observances attached as Appendix A.

days which are religious holidays it is urged that faculty members give consideration to those students for whom it is an important matter to observe religious holidays. As an aside, I tried to find out whether this was official policy and it turns out that about ten years ago, the University Senate did pass a bill which was a declaration that faculty would be obliged to provide equivalent opportunities for students observing religious holidays. That bill was studied by the FCR Committee on Freedom of Teaching and Learning which met repeatedly with members of the Senate to try to resolve differences that they saw. In the end, that Committee thought that a couple of sections of the bill were sufficiently well written and capable of adoption to propose them to the FCR. The FCR after rather thorough debate on it, turned them down. Thus, the faculty, which is supposed to determine policy in academic affairs, has never passed a resolution declaring a policy with regard to religious observances. Accordingly the statements that appear on various publications of the University I don't think have a basis. On the other hand, various communications from Deans of the Faculty and letters about this matter in the past have made it apparent that the Faculty agree that consideration ought to be given to students and members of the faculty who for religious reasons find some observances to interfere with their other obligations to the University. The faculty was not, however, willing to agree to mandate any particular kind of consideration. They wanted to leave it as something to be worked between the professors and their students in a mutually considerate fashion that suited the circumstances of the individual cases."

There was still no quorum and the Speaker announced that the President and Provost were available to answer questions.

2. QUESTIONS FOR THE PRESIDENT OR PROVOST

It was requested that the President fill the body in on what is planned for the students who occupied the administration building a few weeks ago.

President Frank H.T. Rhodes responded: "I don't know what the outcome will be. We do intend, as you know, to pursue the matter before the campus judiciary - that's a student, faculty and employee body - and that body will decide on the outcome. But I do not know what that's likely to be."

There was still not a quorum present and the Speaker called on Professor Somkin for an announcement from the Committee on Freedom of Teaching and Learning.

3. ANNOUNCEMENT FROM THE COMMITTEE ON FREEDOM OF
TEACHING AND LEARNING

Professor Fred Somkin, History and Chairman of the Committee on Freedom of Teaching and Learning, said that the Committee was established in December of 1971 and read the following part of its charge: "The Committee shall present to the FCR and the appropriate officers of the administration the Committee's views on the existing and proposed policies and machinery for the protection of freedom of teaching and learning. The Committee will be concerned to assure that there are, and continue to be effective means whereby any member of the Cornell community who believes that his or her right or any other member's right, to teach or to learn has been violated may bring charges against

those he believes have violated those rights. When the Committee believes there has been an invasion of freedom of teaching or learning, it shall present the case to the appropriate University authorities and report that action and the ultimate disposition of the case to the FCR." Professor Somkin continued: "With regard to making recommendations to implement this charge to the FCR, the Committee, as the previous committee last year, found itself badly divided. Its divisions accurately reflect the deep divisions among the faculty and therefore it found that it could make no such recommendations since the FCR has refused to make such recommendations when the matter has come up within the last five years. In April of 1976, the University Faculty received the Strout Committee's report on the incident with General Ky and apparently neither the faculty nor the FCR has taken any further action on it. That report made certain recommendations - some members of the Committee agree with those and some are opposed. Apparently that accurately reflects the division among the FCR which has ignored the report, and so the Committee didn't feel that they could do anything further. Under those circumstances the only thing the Committee could accomplish was the latter part of the charge to the Committee - the informing of the general University community that appeal could be made to the Freedom of Teaching and Learning Committee under the circumstances the committee is entitled to recognize. And the Committee did that by publishing in the *Cornell Chronicle* and it will also be put in the *Faculty Handbook*, the following declaration:

The Committee on Freedom of Teaching and Learning of the Faculty Council of Representatives is prepared to hear complaints charging violations of this principle from any member of the University, to investigate such complaints, and to refer those that appear to warrant further action to appropriate University authorities. Complainants may communicate with the Committee through the office of the Dean of the Faculty in Day Hall.

Professor Somkin said: "The Committee has interpreted its function in view of the fact that neither the faculty nor the committee can agree on what further new regulations ought to be adopted. Moreover the Committee has interpreted its function as being that of a stand-by committee. There's no point of having meetings and sitting and looking at each other. The Committee will thus only call itself into existence whenever a complaint arises that will be considered under the terms of the charge."

Associate Professor Richard J. Klein, Romance Studies, asked Professor Somkin if he would review in a general way the principle which divides the Committee.

Professor Somkin began: "On the one hand you've got the hard-liners or the moral free-speech absolutists who think we need to set up a special board with special sanctions for people who interfere with public meetings at public events and so on. That's what this committee usually has to deal with. Others feel that while it's very important to guard free speech, no special stringent measures ought to be taken against anyone who does

interfere and therefore existing measures should be sufficient. Moreover, existing measures are rather clouded right now. Every time we tried to determine what they were, there seemed to be a number of different committees and we weren't exactly sure which committee somebody should apply to. That seems to be a fine state of affairs to some people since the faculty has not made up its mind on this."

Professor Richard N. Boyd, Philosophy, said he was a member of the Committee last year. Many of the actions which might be interpreted as interference with free speech are themselves speech. The disagreements in the Committee had to do with how to draw that line - the civil liberties relevant on both sides.

The Speaker said the appeals process can be debated at this time - but that no action could be taken in the absence of a quorum, and called on Professor Peter Stein, Physics, and chairman of the ad hoc Committee on Promotions and Appeals.

4. DISCUSSION OF APPEALS PROCESS

Professor Stein began: "The Committee met and discussed a couple of issues that had been raised at or since the last meeting. The first was the amendment that Professor Boyd offered, and the other was a note that we received from the Provost with respect to certain requests that the deans had made. I would like to talk briefly about both.

Professor Boyd's is the more interesting one, because all agree that discriminatory procedures should not be used, but the way you say it gives the wording different meanings to

different groups of people, and we thus want to be extremely careful about the wording. The point that Professor Boyd made at the meeting and in a long letter he wrote to the Committee to justify it refers in particular to a part of our document, which is on page 8, number 5, where we say the following:

'Comparisons with other tenure review cases may be used by the Committee in certain cases. However, the Committee shall recognize the right of departments to improve their quality or take into account different departmental needs, so long as this is not done in an arbitrary or capricious manner.' We wrote the statement to recognize the right of departments to improve their quality because we wanted to state clearly that a claim by an appellant which says, 'I'm just as good as that guy is who was promoted four or five years ago', is not a valid argument. We wished to recognize the fact that at certain times because of a change in a situation with regard to the strength of a department or the number of appointments that they can make, a department might make a conscious decision to improve the quality of its appointments. We applaud that and we wanted to clearly state that that was proper. Some people felt, in fact, that we ought to state that not only as a right but in a sense an obligation. We originally wrote in that clause without the qualifying clause 'so long as this is not done in an arbitrary or capricious manner', but after we wrote it, some people said well if you assume the right of a department to improve its quality, if you don't limit that right at all, then the whole appeals procedure becomes a sham, since any time a department wants to eliminate someone, all they can do is jack up the standards infinitely high and then jack

them down again after that person has been reviewed. It was clear that that was not something we wanted to allow, and we felt that a qualification was necessary to prevent a department from doing that or to prevent an argument from a department that any decision it made could be justified on the grounds that it simply raised the standards up to a point where that person could not gain promotion. In various parts of the document we have not defined what we mean by arbitrary or capricious. We thought a little about trying to provide a definition and decided that that was not wise. Rather we felt that we ought to leave it to a committee to decide for itself whether a particular department had acted in a genuine academic desire to change its quality as evidenced by various things that department might have done, or whether this was pretextual for getting rid of a particular candidate. We felt that the words that we wrote were sufficiently strong to guide a committee to decide between those two extremes. Professor Boyd suggested that since indeed we have used the words arbitrary or capricious before and have also felt it necessary to write discriminatory as an additional guideline, that we ought to write it in again here so that people would not misunderstand. It was our feeling that if we wrote in the word 'discriminatory' in this particular place, it really didn't fit because we're not talking here of judgments that one makes about individuals. We're talking rather about a gate that comes up or down. That's the standard. To use the word 'discriminatory' implies, we believe, that the gate cannot be raised so as to prevent a particular candidate coming through. We're saying you

can raise standards in a manner which affects certain people, but you can't do it in a discriminatory fashion. The standard itself has to be made without regard to what candidate is coming up to be judged. Therefore, we felt that it was inappropriate to add any more qualifying phrases at that particular point.

"The other item we received from the Provost was a copy of the minutes of the Deans' Council wherein the Deans asked us to make a change in various time limits we had put in so that a time limit could be lengthened if it were mutually agreeable to both parties. At least one dean suggested to us that meeting the prescribed time limits could be difficult because in certain cases it was very hard to get the right people to serve on an ad hoc committee and so there ought to be the opportunity of lengthening the time if indeed that was agreeable to both parties. That suggestion sounds most reasonable, and sounds like the sort of thing that one would want to respond affirmatively to, except that as we talked about it, it seemed to us not to be such a good idea for the following reasons. People who have experience with academic deadlines know that there is a natural tendency for them to extend beyond the deadlines. In particular, the sum of the deadlines that we have written down is unbelievably long. It comes to more than half a year if indeed everyone takes the maximum amount of time, and if you ask anyone who has to undertake a particular step whether that deadline is adequate, the answer is no. Anyone who looks at the procedures can find a place where a particular deadline ought to be extended by a week or so, because in some particular circumstance, it might be too short. We've

heard that many, many times, and if indeed we were to respond to every person who had asked to lengthen a deadline, it would come to a year at least. It's clear that a year is much too long for this process and that even the more than six months that we have is already too long. But what's the matter if both parties are equally agreeable? Well, the problem arises in that the relationship between the dean and the appellant is not a relationship between equals that are being judged before a higher court. A dean says to an appellant, 'Now I'm limited to three weeks here to form an ad hoc committee to hear your grievance. Is it all right with you if that is lengthened to six weeks?' The appellant realizing that the dean is to make the final judgment, is obviously in no position to deny that request for an extension. Thus we would be effectively granting a unilateral power to the dean to make an extension for as long as he thinks is necessary."

Professor Boyd asked if he was right in understanding the committee's intent that it would be arbitrary or capricious if a department's decisions to change its standards or reassess its need were based on particular candidates who come up for tenure?

Professor Stein said that was his understanding.

Professor Boyd said: "Then any changing of standards or assessment of department needs which is in fact influenced by consideration of who's going to come up under those standards might be considered arbitrary or capricious. Is that right? The reason I like the amendment is that I can't imagine that the faculty thinks that it's arbitrary or capricious if a department

in deciding whether to change its direction of research has as one of its considerations, the fact that if you eliminate this direction of research, you'll lose the person who's in fact the best undergraduate teacher you have. I'm inclined myself to believe that in all instances in which a department decides to change priority and standards it is to some extent influenced by knowing who the victim will probably be. I'm not myself convinced that all those are arbitrary or capricious. That's why I'm inclined to stick in a clause to remind the committee that nevertheless racial, sexual, religious and political discrimination are capricious. It sounds to me as though Professor Stein is reporting the view of the committee that in the department's deliberations about raising standards or changing priorities any extension of the height of the hurdle is precluded by this legislation if a particular candidate is the likely runner at the higher hurdle. That's something the committee is supposed to find arbitrary or capricious. Is that the intent?"

Professor Stein asked Professor Boyd to repeat the example.

Professor Boyd gave the following: "Imagine there's some area of physics in which your department would not ordinarily care to be very good, because it's not a hot area. The person who's now a fourth year assistant professor in that area happens nevertheless to be the best undergraduate physics teacher you've ever had. At the meeting where someone proposes phasing out that particular area, that's discussed, and one of you says, look: think of what that means in practice. It means that when Jones comes up for tenure, then we've decided not to continue in his area, but think of what that's going to cost us in terms of the

quality of teaching of our basic undergraduate courses. That consideration carries the day or doesn't carry the day. But under your proposal that is arbitrary or capricious."

Professor Stein replied: "No. You haven't lowered your standards, you've just weighted the contributions of the individual differently. You say, well, a person doesn't come up to our standards in his research but that's counter-balanced by the fact that he's a superb teacher. I don't think that you've changed the standards."

Professor Boyd replied: "I think the model that the department has before it going into a tenured member's meeting - standards which are independent of a candidate against which the candidate has been judged - is simply too much of an idealization to believe. You don't have an exact picture as to how much to weight teaching and how much to weight research and how much to weight committee service. That isn't in your head before you come up against a concrete instance. We're not that good. And it's for that reason it seems to me to be important to indicate which kinds of considerations about standards we plainly meant to preclude, rather than saying something which is left either too strong or too weak."

Professor Edgar M. Raffensperger, Entomology, said it occurred to him that if some judgment is not left in the hands of the committee, complete anarchy will result. He said the wording Professor Stein proposes assumes the application of judgment.

Professor Emeritus Sara E. Blackwell, Human Service Studies, said section IV.F.1 about procedure, makes it abundantly

clear that if a candidate thinks he's been discriminated against, the candidate has a right to make an appeal to a committee instructed to consider that appeal.

Professor Boyd said when he inquired as to whether the intent of the legislation was that if a department made a decision about standards influenced by the race of a candidate coming up for tenure, as an example of arbitrary or capricious, Professor Stein said if the standards were raised in order to get rid of someone, then it was arbitrary and capricious. Professor Boyd said that wasn't enough for him.

Professor Emeritus Maurice F. Neufeld, ILR, spoke as a member of the ad hoc committee. "It seems to me the reason we left it this way and the reason we have an appeals panel from which the committee is established for an appeal, is because life is so much more complex than any of the illustrations that you can offer. It is better to leave it to a committee of the University Faculty to take into consideration all of the possible kinds of conditions that might affect the decision of the department with relation to this particular aspect of raising standards. That is the only safeguard that I think that we can possibly have. I don't think there's any kind of phraseology that you could add that would really be as much of a safeguard as the fact that we're going to have a committee of academic people who are going to consider the problem of whether or not it was arbitrary or capricious."

Professor Joseph B. Bugliari, Agricultural Economics and B&PA, said he didn't understand the fine line between raising the standards and influencing the decision.

Professor Boyd said what he imagines is: "Jones, who's black, let's say, is not promoted. Now he says, I was held to higher standards than people promoted before me, all of them being white. The department says, quite so, but we've raised standards and we're permitted to do that. Jones said, when did you hold the meeting to decide about standards? And the department says, well, we didn't. We did it only passively. We've come to an understanding about raising standards. Peter sometimes thinks that when the department says that, it's all over for the department. I'm trying to think realistically, many departments in fact raise standards without having a meeting when they vote to do so. That is especially true in departments where the tenured faculty are of uneven quality, and you couldn't hold a meeting to discuss raising of standards because people would be too offended. I don't think Jones should be able to trump the department by demanding an open meeting. On the other hand, if we're going to allow tacit decisions to raise standards as potentially legitimate, then in order to protect the greivants, I think we have to instruct the committee that nevertheless if Jones can produce evidence that this particular tacit decision was influenced by racism, then Jones can win. I think the committee's conception is of a department with very clean legislative procedures, and I don't think there are such departments."

Professor Roger M. Battistella, B&PA, said it is virtually impossible to legislate against undesirable forms of behavior. "All that can be hoped is that it can be made difficult. It seems to me the whole issue about determining capriciousness conveys

implicitly if not explicitly certain rules of behavior which reasonable people can be expected to agree on. The first is the issue of timing. When do you raise the gate? When do you lower the gate? I know it's very difficult to operationalize the criteria for timing but nevertheless, I should think that some mention of time is appropriate in the determination of whether an act is arbitrary or capricious. The second item I have in mind involves communication. Every appointment decision and reappointment short of tenure conveys a set of expectations. Every academic unit has a right, I believe, to change its expectations, but it also has the responsibility to convey those changes to the individual who was brought on board or reappointed on certain conditions. Why couldn't we move in the direction of making it more difficult to discriminate by introducing some allowance for timeliness and the explicitness of the change in expectations."

Professor Boyd agreed with Professor Battistella that if expectations of a candidate were spelled out more clearly and changes were conveyed, departments wouldn't have a problem. Then if a candidate said he wasn't informed, that could be grievable.

It was then 5:30 and there was still no quorum present. Professor John F. Burton, Jr., I&LR, moved adjournment. The motion was seconded and passed.

Respectfully submitted,

Joseph B. Bugliari, Secretary

THE UNIVERSITY FACULTY

Office of the Dean

April 30, 1981

To: Members of the University Faculty
 From: Kenneth Greisen, Dean of the Faculty
 Re: Religious Observances

It is appropriate periodically to remind the faculty of Cornell's policy with regard to religious holidays. Namely, in enacting the academic calendar, the University has scheduled classes, laboratories and examinations on religious holidays. It is the intent of the University that students who miss these activities because of religious observances be given adequate opportunity to make up the missed work.

Dr. Ingrid Olsen-Tjensvold, Program Associate of CURW, has graciously sought out the dates between now and June of 1982 on which it would be impossible or very awkward for some students to take exams or participate in class work for religious reasons. Her list is reproduced below. Your consideration for the appropriate students in your classes is deeply urged.

(Latin or Western) Christian Community:

Thursday	April 16, 1981	Holy Thursday
Friday	April 17, 1981	Good Friday
Sunday	April 19, 1981	Easter
Friday	December 25, 1981	Christmas
Thursday	April 8, 1982	Holy Thursday
Friday	April 9, 1982	Good Friday
Sunday	April 11, 1982	Easter

Jewish Community:

Sunday	April 19 through	} Passover
Sunday	April 26, 1981	
Monday	June 8	} Shavu'ot
Tuesday	June 9, 1981	
Tuesday	September 29	} Rosh Hashanah
Wednesday	September 30, 1981	
Thursday	October 8, 1981	
Tuesday	October 13 through	} Succot
Wednesday	October 21, 1981	
Thursday	April 8 through	} Passover
Thursday	April 15, 1982	
Friday	May 28	} Shavu'ot
Saturday	May 29, 1982	

(over)

Muslim Community:

Saturday	May 30, 1981	Isra'
Saturday	August 1	} Eid-al-Fitr
Sunday	August 2, 1981	
Thursday	October 8	} Eid-al-Adha
Friday	October 9, 1981	
Saturday	November 7	} Ashura
Sunday	November 8, 1981	
Friday	January 8	} Maulid-an-Nabi
Saturday	January 9, 1982	
Tuesday	May 18	} Isra'
Wednesday	May 19, 1982	

(Eastern or Orthodox) Christian Community:

Thursday	April 23, 1981	Holy Thursday
Friday	April 24, 1981	Good Friday
Sunday	April 26, 1981	Easter
Friday	December 25, 1981	Christmas*

*Some Eastern Orthodox Churches celebrate Christmas 13 days after December 25, thus conforming to the Julian calendar.

Thursday	April 15, 1982	Holy Thursday
Friday	April 16, 1982	Good Friday
Sunday	April 18, 1982	Easter

Baha'i Community:

Tuesday	April 21* through	} Announcement of Bahauallah as Prophet
Wednesday	April 29, 1981	
Saturday	May 23, 1981	
Friday	May 29, 1981	Ascension of Bahauallah
Thursday	July 9, 1981	Martyrdom of the Bab
Tuesday	October 20, 1981	Birth of the Bab
Monday	November 2, 1981	Birth of Bahauallah

*The dates repeat themselves in 1982. It should be noted that Baha'is are prohibited to work on these dates but will work when it is unavoidable.

KG:jb

May 13, 1981

110 Ives Hall

The Speaker, Russell D. Martin, called the meeting to order at 4:35 p.m., with 75 members and several guests in attendance.

The first item of business was the approval of four sets of minutes - February 11, February 25, March 11 and April 8 - and the Speaker asked for any additions or corrections. Assistant Professor Robert G. Bland, Operations Research and Industrial Engineering, had a correction to the March 11 minutes. Page 5301C, the second paragraph from the bottom, third and remaining sentences should read: "In regard to the second amendment, he feels that in the usual circumstance the instructor would not want students to collaborate on a written assignment. Thus it would be natural for the instructor explicitly to invite collaboration when it is desired, and in absence of such an invitation expect the students not to collaborate. The language of the amendment seems to treat collaboration as the norm." There being no further corrections or additions to the minutes, they stood approved as distributed and amended.

The Chair next called on the Dean of the Faculty, Kenneth Greisen.

Dean Greisen first welcomed new members of the FCR with the hope that they would join fully in the work of this body and come to feel that their efforts have been well spent and work worthwhile.

The Dean said that the agenda at today's meeting was extremely heavy, and that proponents of various resolutions have agreed not to give speeches repeating things that were included in the material sent out with the call but will assume that these materials have been read. * Resolutions will be merely presented and the proponents will stand ready to respond to questions.

1. SLATE OF CANDIDATES

Dean Greisen presented the following slate of candidates for FCR seats on committees:

EXECUTIVE COMMITTEE - 3 tenured seats, 2-year term

Russell D. Martin, Professor, Communication Arts

W. Jean McLean, Professor, Design and Environmental Analysis

Wolfgang H. Sachse, Associate Professor, Theoretical and Applied Mechanics

John E.H. Sherry, Associate Professor, Hotel Administration

Madison J. Wright, Professor, Agronomy

EXECUTIVE COMMITTEE - 1 non-tenured seat, 2-year term

Claudia Lazzaro, Assistant Professor, History of Art

Richard W. Tenney, Assistant Professor, Education

ACADEMIC FREEDOM AND RESPONSIBILITY COMMITTEE - 1 seat, 3-year term

Russell K. Osgood, Associate Professor, Law

George C. Poppensiek, James Law Professor of Comparative Medicine

ACADEMIC PROGRAMS AND POLICIES COMMITTEE - 1 seat, 3-year term

George F. Scheele, Associate Professor, Chemical Engineering

Anatole Senkevitch, Jr., Associate Professor, Architecture

FREEDOM OF TEACHING AND LEARNING COMMITTEE - 1 seat, 3-year term

Louis E. Martin, University Librarian; Carl A. Kroch Librarian

James S. Thorp, Professor, Electrical Engineering

* The results of the recent Faculty elections to committees were sent with the call to this meeting, see Appendix G.

UNIVERSITY ASSEMBLY - 2 seats, 2-year term beginning June 1, 1981
Francine Herman, Associate Professor, Hotel Administration
Thor N. Rhodin, Professor, Applied and Engineering Physics
Shirley A. White, Professor, Communication Arts

On behalf of the Committee on Nominations and Elections, he moved acceptance of the slate following opportunity for additions by nominations from the floor. There being none, the slate was approved as distributed.

The Speaker next brought to the floor the resolution on appeals of negative tenure decisions which has been well discussed for the past two or three meetings. At this juncture it had an amendment attached to it from Professor Boyd.

2. *APPEALS PROCEDURES FOR NEGATIVE TENURE DECISIONS

Professor Peter Stein, Physics, and Chairman of the *ad hoc* Committee on Promotions and Appeals, said the Committee wished to make a statement with regard to Professor Boyd's amendment, but suggested that, perhaps, the Speaker would first like to read the amendment. The amendment proposed by Professor Boyd was as follows:

IV.E.5. Comparisons with other tenure review cases may be used by the Committee in certain cases (See Section IV.F.1). However, the Committee shall recognize the right of departments to improve their quality or take into account different departmental needs, so long as this is not done in an arbitrary, capricious or unlawfully discriminatory manner. A weak previous tenure

*See Appendix A, attached.

appointment shall not by itself be taken to
define the departmental standard.

(underlining denotes amendment)

Professor Stein began: "In discussion with Professor Boyd, it became clear that the Committee is in complete agreement with the intent of his amendment. However, we still feel that it is unnecessary and furthermore that its passage would lead to a possible misinterpretation. The Committee's position is that if the raising of standards is influenced by sex, race, politics or anything else of the candidate, then it would surely be considered arbitrary or capricious. Indeed, the Committee's position goes further than that. We feel that if the raising of standards is based even on the departmental appraisal of the academic merits of the candidate, then it would be an arbitrary or capricious act. Our notion of standards is that they must be raised in the abstract. It's not fair to raise the standards when half an eye is on who's coming down the track. On the other hand, it is the intent of our legislation that a reasonable and considerate decision by a department to raise its standards, which is based on a legitimate academic need or goal, could not be termed arbitrary or capricious, even if its result were to deny tenure to a woman, a minority group member or a member of some other traditionally excluded group. Namely, if the change were the result of the considered academic decision to raise the standard, then that would not be considered discriminatory. Professor Boyd assures me that that was not the intent of his legislation, but it is our fear that misinterpretation could occur and thus we oppose the amendment."

Professor Richard N. Boyd, Philosophy, said he had talked with Professor Stein and the Philosophy Department about the statement Professor Stein just made on behalf of the Committee, and with the understanding that Professor Stein's statement of clarification appear in the minutes of this meeting, the Department's position and his own is that the issue has been clarified. And so Professor Boyd wished to withdraw his amendment.

There being no objections, the Chair said the amendment was withdrawn and the original motion is now on the floor.

Professor Donald P. Hayes, Sociology, said he had a comment with regard to page 6, paragraph IV.D. "Selection". "I've been trying to figure out, since I was a member of the Arts College Appeals Panel, what it is about this proposal that's bothered me for some time. I'm sorry it took so long for me to figure out what the trouble is. As I see it, there's a tilt toward the appellant in this statement as it is now written. Unless I misunderstand, we have a large body of around 75 members elected throughout the entire University. As it stands in the legislation, the appellant draws four and the dean draws four. The first problem I see is that the parties to this dispute - the appellant and the dean - are only partly involved. There's also a department that's involved and there's no say by the department in the choice of these particular members. The department should have some involvement, and there's no statement to that effect in the actual wording of the document. The second problem is, perhaps, something that I would be particularly sensitive to. If you were an appellant, and you had 75 candidates available in the University, whom would you choose as your four? It would be reasonable since you feel

intensely about this, having gone through a rather elaborate appeals procedure, to pick from among the 75 those who you have reason to suppose understand your case and even possibly are sympathetic to your case. On the other hand, the dean is in no position to pick equally partisan people on the other side. For that reason, I would suggest the appeals mechanism comes close to an adversarial arrangement, and I would propose as a substitute an alternative similar to that used in civil trials or criminal trials in which you use impartiality rather than the adversarial principle. The alternative would be to have the Dean of the Faculty select by some random method a subset - suppose it were ten from the 75 - and then grant to both parties the Stein procedure as written. This would cut down on both parties' ability to cull lists and would establish the principle of impartiality. Since I'm not a member of the FCR, I'm in no position to make such a proposal, but that's the notion I had."

Professor Stein responded: "It's with some extensive embarrassment that I have to respond because I was sitting back there with my Committee members looking for an illusive phrase in the document which disappeared in one of the last drafts. If I can get a moment to compose myself, I'll try to put it back in there. The Committee did recognize that in a sense the conflict is often between a candidate and a department and the dean is not the person who is really the proper adversary, and in most of the drafts of the document, we had a statement in there saying that the dean shall share with the department the responsibility for defending the case. The notion was that the department and dean should jointly share in this process of choosing members of

our panels. I spoke to Professor Hayes and assured him that such a sentence was in the document, and I am embarrassed that it's not. Moreover, we did think of something that was close to his suggestion but, in fact, did not decide upon it. We understand the danger that he poses, namely that one can get a panel that is like a labor-management arbitration panel which is a severely polarized panel and tries to find a middle ground between the two adversarial positions, and that is certainly not what we want in this case. We want to try very hard to avoid that. It did seem to us that if indeed one had a system whereby the candidate selects two members of the panel, the dean selects two and those two select a fifth, one indeed might have that kind of panel because in a faculty of 1500 people, it is clear that the candidate can indeed find two people who are absolutely dedicated to the intent that he or she get tenure. That is something that we don't want. However, we felt that if it went through enough stages of filter that this would not happen. Notice that the 75 people are elected by the faculty with this particular responsibility in mind. They have been selected with the notion that they would commit themselves to making as fair and unbiased decisions as they possibly can. The 75 people comprise a group roughly the size of the FCR. If you look around, I imagine if I were a candidate who'd been rejected by my department, I would find it hard to believe that I could find four people in the FCR who would be dedicated to giving me tenure. As I know the people on the FCR, they're too diverse, too widely selected to believe that there would be enough people who would be so

dedicated to either me or a particular political position or a particular ideological or academic view that I could find four that would be such dedicated champions of my cause. Now the other fact is that the four cross-select two. That is to say, whatever four the candidate chooses, the dean or department will choose two of those whom the dean or department finds the most judicious. Therefore, it seemed that the system precludes the sort of danger that Professor Hayes has pointed out. On the other hand, why not go to some sort of jury system? The reason we felt that it was important to go to a system like this is that one of the things that the appeals procedure has to do is to satisfy a candidate that in some sense he or she got a fair shake. It's probably true that these 75 people will all be senior professors at the University. We insist that they be tenured, and I would suspect that they would end up being senior professors. It seemed important that for the candidate to feel that the proceeding is fair, that he or she have some active role in choosing the people that hear the appeal. We felt that the particular combination, namely the candidate choosing out of a list that had been elected, with the cross-selecting procedure added, was enough to mitigate against the particular danger that Professor Hayes raises. This clever scheme - I wish I could say it was our invention but it was not - was copied from a scheme at the University of Michigan. We called up the people who invented it and asked what their experience with it was. As of about two or three months ago, they had had at Michigan six cases under this system, and their report of the six cases (I must admit it was the report of the person who had a great deal to do with

drawing it up, so one has to listen with that filter) was that indeed this kind of polarization did not go on. Of the six cases that were heard, five cases were decided unanimously by the committee. Some of the cases were to uphold the appellant and some were to deny the appellant's assertion. In only one of the six cases was there a split vote."

The Speaker asked if there was any FCR member who wished to propose Professor Hayes' proposal as an amendment to the motion?

Professor Thor N. Rhodin, Applied and Engineering Physics, wished to propose the amendment as described by Professor Hayes. Professor Hayes restated his proposal:

That the Dean of the Faculty draw by lot from the list of 75, or whatever that number turns out to be, a subset of ten from which the Stein procedure would then be utilized.

The amendment was seconded by Assistant Professor Phyllis Moen, Human Development and Family Studies, and was thus on the floor for discussion.

Professor Rhodin said he proposed it because he thought it should be given an opportunity for discussion and vote.

On a vote call, the amendment was defeated. The original motion was again on the floor.

Professor Stein said he wished to propose as an amendment that a footnote be added on page 6 under arabic 1 which says: "The appellant and the dean of the college..." He wished to footnote "dean of the college," by adding the following statement: "In cases where the appeal follows a negative departmental

recommendation, the department shall share with the dean the responsibility for forming the panel."

The amendment was seconded and the floor opened for discussion.

Professor John W. DeWire, Physics, said he is worried about the wording. It seemed to him that it should be worded "...the department shall share in the dean's responsibility..."

Professor Stein agreed that this was better, and accepted the change, as did the seconder of the motion.

Professor Terrence Fine, Electrical Engineering, said he finds "shares with" to be rather vague. Would it be sufficient to just say the dean will consult with the department?

Professor Stein said "consult" is better yet. On a vote call on the amendment, it carried unanimously.

There being no further discussion, a vote was taken on the original motion as amended, which carried with but few nays.

The Speaker again called on Professor Stein to present a resolution on appeals of negative decisions on promotion to full professor, renewal of term appointment as assistant professor, and whether to conduct a review for promotion to tenure.

3. *APPEALS PROCEDURES FOR NEGATIVE DECISIONS ON+
PROMOTION TO FULL PROFESSOR; RENEWAL OF TERM
APPOINTMENT AS ASSISTANT PROFESSOR; AND WHETHER
TO CONDUCT A TENURE REVIEW

Professor Stein began: "In the course of the discussion of the previous document, we came across three different situations which we felt needed addressing. In doing so we have produced

*See Appendices B, C, and D attached.

+Approved by Ex. Comm. Bd. of Trustees May 30, 1981, p. 10,808

three proposals which are all in some sense variations of the original tenure review document. I just want to take a few minutes to talk about the salient differences between these three documents and the one just adopted.

"The first I want to address is the Procedures for Appealing a Negative Decision on Promotion to Full Professor. This is almost a complete copy of the document that you have just passed. There are two essential differences. One situation that can arise with promotion to full professor which can't arise with tenure is that it can go on again and again. For instance, imagine an associate professor who is a very weak candidate who asks his department to consider him for full professor. It does, it turns him down. He appeals it. Several years later he asks them to look at him again. Thus one can have a process of appealing appeals, which didn't seem like a good idea. So there are words in the document which state that once an appeals committee has turned down an appeal, any new appeal of a new decision must be based on some issue that wasn't addressed by the last appeals committee. The decision of an appeals committee on whatever issues it faces is to be considered final. The second difference is caused by the fact that almost everybody gets promoted to full professor, even very weak candidates after some period of time get promoted. Therefore, the notion of comparing oneself to somebody else becomes a much more complicated situation in the promotion to full professor than it does for promotion to tenure. We considered the possibility of denying access to comparable cases at all and decided that was unwise. What we did

instead was to write a series of restrictions on when a comparable case might be requested by the appeals committee. The committee must first assert certain things in writing to the dean which indicate that they have addressed certain questions before they request access to files of a comparable case. That's the essential difference in that document.

"Next I would like to talk about the Procedures for Appealing a Decision not to Conduct a Tenure Review. This is a rare case. It's a possible loophole we felt needed plugging, but it is something that is rarely done. There is a provision in the Academic Appointment Manual that says that even though a person has been here for a full two terms in probationary tenure status, a department may decide not to review that person for tenure because of loss of budget lines, because of budget cuts, or because the academic interest of the department has changed. It really didn't become important that this possibility be strictly defined until the first appeals procedure was passed. What could possibly happen is a department that was not acting in good faith could decide that they would avoid the whole appeals procedure by just deciding not to conduct a tenure review in the first place. What we're providing is that a department cannot decide not to conduct a tenure review because the candidate is weak, but only for the specific grounds which are written down in the Academic Appointment Manual, and that decision could then be appealed by the candidate, but only on the basis that the decision not to conduct a tenure review is pretextual, and not according to the rules that were written down in the Academic Appointment Manual.

It is something that doesn't happen very often. Vice President Cooke told me that it either never happened, or only happened a few times in the last several years. (Vice President Cooke interjected that if he had to guess, over the last six years, it had happened maybe six times.)

"The third situation we talked about was the Procedures for Appealing a Decision not to Renew an Initial Non-Tenure Appointment. Here it seemed to us that a person was not here long enough and thus did not have enough equity in Cornell to merit the full-blown procedure. Therefore, we did not include the entire procedure of drawing a panel to hear the case. At the University level, only an appeal to the Provost would exist as it does now. We did, on the other hand, insert the departmental procedure, which we believe is probably the most important part of the original document, so that in case a non-tenured faculty member feels that the renewal is not fair or is wrong or something, he or she can ask the department to reconsider. The department must listen to the response and reconsider the case. We also added a new provision that if the department still decides not to reappoint, the candidate may request the dean to appoint a committee to provide a second academic judgment. The committee would give the dean their advice on the academic merits of whether or not that candidate should or should not be reappointed. This is a committee which we feel should be very much like the *ad hoc* committee, but we didn't use the word *ad hoc* committee because we didn't want to be bound by all of the rules that are written down in the Academic Appointment Manual for *ad hoc* committees."

The *ad hoc* Committee on Promotions and Appeals presents the following resolution to the Faculty Council of Representatives:

- RESOLVED*
1. *that the FCR endorses the procedures for appeal of negative recommendations on promotion to full professor, renewal of a term appointment as assistant professor, and whether to conduct a tenure review, presented by the ad hoc Committee on Promotions and Appeals; and*
 2. *that the FCR urges the President of Cornell University likewise to endorse these procedures and to recommend them to the Board of Trustees for approval, in time for the procedures to be in operation in the fall term of 1981; and*
 3. *that in the third year of operation of these procedures, the Dean of the Faculty cause a study to be carried out to assess the satisfactoriness of the appeals procedures and to recommend any changes that seem desirable in the light of the experience up to that time.*

Associate Professor Frederick C. Gouldin, Mechanical and Aerospace Engineering, wished to speak to the review of a decision not to promote to full professor - in particular the mechanism to prevent repeated appeals. "I'm wondering if the mechanism as stated doesn't prevent a logical appeal. Let's say a person is denied promotion to full professor for good grounds, but appeals

it. His appeal is denied and he says, gee, I really better get to work. And indeed he does get to work. And he goes up for full professor again, and this time he's denied for an arbitrary or capricious reason. The way I interpret the document, he would not be able to appeal claiming it's an arbitrary or capricious act."

Professor Stein replied "no". "The statement that we made was that an appeal must be based on new grounds or new evidence, and we did in fact think directly of the case that you raised. We felt that if, in fact, a candidate had been turned down and then some new evidence were raised - new evidence presumably being new productivity on his or her part - that that could be heard by a new appeals panel. On the bottom of page 1 it says, 'However, a University level appeal may not address issues that were settled in a prior appeal, but must be based on evidence that was not previously presented at a University level appeal proceeding.' We use the word 'issue' carefully and not 'grounds'. Therefore someone can raise the same grounds but with new evidence in which case it's a new issue."

It was asked if the footnote inserted in the first document relevant to the procedures for selecting the committee should be added to this document.

Professor Stein said it should. It should be in all of the appeals documents except the one on renewal of a non-tenured appointment.

The motion to insert the footnote was seconded and carried.

On a vote call on the resolution as amended, it carried unanimously.

The Chair next called on the Dean of the Faculty.

4. RESOLUTION OF THANKS TO THE COMMITTEE

Dean Greisen began: "The *ad hoc* Committee on Promotions and Appeals took on a most formidable task: to develop appeals procedures that would assure meaningful hearings with real possibilities for achieving change of the initial decisions for faculty members who believe their cases for reappointment and promotion have not received proper treatment; and at the same time to strengthen the decision-making process where the judgmental decision ought to be - namely in the faculty of the associated department with review by the concerned dean; and to preserve the right of the department and dean to maintain and strengthen the quality of the faculty by reappointing and promoting only candidates who meet properly high standards. Beyond development of these procedures, the Committee faced the challenge of convincing many segments of the University that these procedures were both acceptable and desirable: the administration, the University Counsel, the deans, department chairmen, tenured and non-tenured faculty including both women and minorities.

"The Committee worked harder and more devotedly all year than any other committee has done in my experience as Dean. They have exhibited remarkable wisdom and patience. And in view of the essential conflicts inherent in their task, they have achieved, in my opinion, a great step forward in human relations at Cornell. Therefore, be it resolved that this body applauds the work of the *ad hoc* Committee on Promotions and Appeals, and gives them,

and especially its chairman Peter Stein, its sincere thanks for fulfilling a difficult task with outstanding display of good judgment and fairness to all."

The Dean then read the names of the Committee members:

Sara E. Blackwell, Professor Emeritus, Human Service Studies

Elizabeth D. Earle, Associate Professor, Plant Breeding
and Biometry

Terrence L. Fine, Professor, Electrical Engineering

Maurice F. Neufeld, Professor Emeritus, I&LR

Peter Stein, Professor, Physics - CHAIRMAN

Kenneth A. Strike, Professor, Education

In addition Judith Younger, Professor, Law, worked with the Committee during the first half of its work, but had to leave the Committee in the latter part. Dean Greisen asked those members of the Committee that were in attendance to rise, upon which they received a warm round of applause.

The Chair next called on Professor Walter Lynn, Director, Science, Technology and Society, and Chairman of the Committee on Academic Programs and Policies, for a resolution to establish an Institute for Comparative and Environmental Toxicology.

5. *INSTITUTE FOR COMPARATIVE AND ENVIRONMENTAL TOXICOLOGY+

Professor Lynn began by giving a brief history of the discussions related to this Institute. "The concept of the Institute resulted from a coalescence of faculty activities and interests in the area of comparative and environmental toxicology, partly brought to fruition when in December of this academic year, the Board of Regents approved a new field for Cornell in environmental toxicology. From early discussions with me as

*See Appendix E, attached.

+Approved by Executive Committee, Board of Trustees, July 14, 1981

Chairman of the Committee followed by discussions with the full Committee, a charter for this proposed organization has evolved, which is now before you. The proponents for the Institute are here and would be pleased to answer any questions. Therefore I would like to move the resolution that has been distributed."

WHEREAS, a proposal to establish a Cornell Institute for Comparative and Environmental Toxicology (ICET) has been submitted to the FCR and has been reviewed by the Committee on Academic Programs and Policies; and

WHEREAS, members of the Cornell faculty are deeply involved in research, teaching and extension in the area of comparative and environmental toxicology in conjunction with their opportunities in the various Departments, Colleges, Divisions; and

WHEREAS, no organizational structure exists to support the interests and activities of the faculty in comparative and environmental toxicology; and

WHEREAS, an organization identified with and dedicated to Comparative and Environmental Toxicology would augment and complement the activities of the faculty carried out through their departments or other academic units; therefore

BE IT RESOLVED, that the FCR recommends that the proposal to establish an Institute for Comparative and Environmental Toxicology be approved.

There being no questions, the Speaker proceeded to call for a vote. The resolution carried unanimously.

The Chair again called on Professor Lynn for a resolution on the establishment of an Ezra Cornell Visiting Professorship Program.

6. EZRA CORNELL VISITING PROFESSORSHIP PROGRAM

Professor Lynn said this resolution had been presented to the Committee on Academic Programs and Policies by Vice President Cooke. He first wished to make one small correction in the specific proposal that has been distributed. On page 1, under "The Proposal", the last sentence should be deleted. That sentence reads: "While the Andrew D. White Professors are drawn primarily from the scholarly world, the Ezra Cornell Professors would be selected from industry, business and government." The members of the Committee and Vice President Cooke have agreed to delete the sentence. Professor Lynn continued: "Basically, this is a proposal for a different kind of visiting professorship, primarily to deal with the community of individuals in government, business and industry, and it is believed by the Committee that it would enhance the community in some special ways, and therefore it recommends this resolution for your approval. What we are doing in this action is endorsing a proposal to create these Ezra Cornell Visiting Professorships."

WHEREAS, the proposal to establish Ezra Cornell Visiting Professorships has been received by the Committee on Academic Programs and Policies; and

WHEREAS, the appointment of outstanding individuals from industry, business or government would provide faculty and students with the opportunity to benefit from the specialized knowledge of these individuals; therefore

BE IT RESOLVED, that the FCR endorses the proposal to
establish the Ezra Cornell Visiting Professorships.

Professor Isaac Kramnick, Government, wished to propose an amendment. He would like to insert one comma and one word in the second "Whereas". Between the words business or government, he would insert the comma, and add the word "labor". The amendment was seconded, and the floor opened for discussion. There being no discussion, the amendment was adopted with a few nays.

Professor Sander L. Gilman, German Literature, wished to speak against the proposal primarily because of the sentence deleted at the beginning of the presentation. "The proposal as stated seems to me a bit superfluous because in point of fact as part of the White Professorships at-large, there is indeed the possibility of appointing exactly the type of candidates as have been outlined in this proposal. It has not been done, but this is a possibility. The White Professorships at-large have the possibility of having outstanding members of the intellectual and scholarly community. I will point out that Sir Peter Hall was director of the National Theatre - not an academician - and he was appointed last year to the White Professorships at-large. I was also told that there is someone else in the performing arts who will be appointed this year. There thus seems to be considerable room within the existing program. A program, by the way, in which there is a real selection process, including nominations from the faculty, letters of support, a selection process, and evaluation by an appointed committee of the University Faculty. It seems to

me that this proposal is a very special proposal and I'm wondering whether or not there is a rationale in back of this proposal which sets it apart from the normal academic type of professorship at-large, not in terms of the origin of the nominees but, perhaps, in the intent of the proposal. I would like to hear a little bit more about what the intent of the proposal is, specifically in terms of whether or not this is something which is going to have something to do with the academic side or from the business and politic side of the University. Is this an attempt to ingratiate oneself into business or is this an attempt to bring people into the academic sphere from business? If it's the latter, we have a structure for them."

Vice President W. Donald Cooke responded. "This is certainly not to ingratiate ourselves with business. I can only speak for myself and my intent was to bring them directly into the academic side of the University."

Professor Moen thought Professor Kramnick's amendment (to add the word "labor") should be incorporated in three additional places on page 1 as well. On a vote call, it was carried.

Dean Greisen wished to respond further to Professor Gilman. "The reason for the deletion of that sentence on page 1 was because the Director of the A.D. White Professorship at-large Program, Vinay Ambegaokar, had called attention to the implication there that the A.D. White Program did not in fact welcome people from government, politics, the practicing arts, and so on, and that A.D. White candidates could only be from the academic ranks, and he wished to emphasize that the enabling legislation does in fact stress the possibility of bringing people from such areas and that it is

done. The two programs would not be so distinct as to eliminate the possibility that they both might pick on the same person to bring here at some time. But there is a remarkable difference. The A.D. White Program is quite an expensive one. The persons who are brought here receive rather substantial stipends while they are here and the number of people that can be allowed to be in the A.D. White Program at any time is severely limited by the cost. The nominators for that program suffer under this. We find it unpleasant each year to have to reject very excellent nominees who are extremely well-qualified to come here because of the limitation on the number of A.D. White Professorships. These rejections are in all fields - they're in sciences, in the arts, and in the social sciences, and so on. The proposed Ezra Cornell Professorships are suggested to take advantage of the possibility of bringing similarly qualified outstanding people here who are associated with business, industry or government or labor, at much less cost. It would enable us to bring a number of further outstanding people to the campus, with the cost for their stipends being borne by their employers. Thus the cost to the University would be very small. This seems to be an advantage that's not in conflict with the A.D. White Program, but supplementary thereto. I had meant to have the Speaker at an earlier time, request Don Cooke to speak about the incentives that gave rise to this proposal - that was an accidental omission at that time. Could I issue the invitation at this time?"

The Chair apologized for that omission, and invited Vice President Cooke to speak.

Vice President Cooke began: "The proposal actually came out of a group that I meet with - the deans of colleges that are heavily into research effort. This is not my proposal, it was generated by this group of three or four deans. I am, however, the one that put the words on paper. Basically there is a concern at a national level in the loss of America's leading technology, and there's a great deal of incentive at the government level and the university level to see if some of the expertise available in universities can be transferred to industry and some of the special problems industry has can be transferred to the universities. I think this complementary approach is basically what this program is about. The industrial scientist, the business person, who has some special expertise can bring it to the university and vice versa. It's not designed to increase funding but conceivably that could be a by-product, but it is certainly not the major purpose. The major purpose is to bring industrialists and academics together for the mutual benefit of both."

Associate Professor Richard J. Klein, Romance Studies, said it seemed to him that the proposal ought to be considered in relation to the sentence which says "...no other university has a program similar to the one being proposed." "There might be a reason for that. One doesn't have to be naive about the relationship between the University and the society at large, between the way the University in fact and in principle must make contributions to the technology of the society. Perhaps it's the moment to suggest that this Faculty should show some restraint in

seeming to be too eager to engage in what the incomparable rhetoric of this proposal calls 'industrial-academic interaction'. You have Andrew Dickson White on one end and Ezra Cornell on the other, you've got University relations with the scholarly world on one hand and the assumption is that there is a complementary relation that the University also has with the world of industry. I'm not sure if that comparison is as persuasive as proponents of this proposal suggest."

Professor Fine said he had a peculiar objection to the proposal. "I'm not objecting to the substance. This is a rather special program, and in fact looks like an interesting idea, but it's using a rather unusual name - Ezra Cornell. There are two names famous in this institution - Andrew White being used for the Andrew D. White Professorships, and now we're using up the other one - the Ezra Cornell Professorships. This program, while interesting, does seem to have a much more narrow interest. I don't think we ought to use up the name of Ezra Cornell on this limited a program."

Professor DeWire wished to propose an amendment to page 1 under special characteristics, item 4, to read: "Salaries for visitors would be borne by their employers or by other sources outside the University." He would not like to exclude from this program very attractive visitors who are able to come here because of being awarded a grant from some foundation.

Professor Lynn said it seemed to him legislation wasn't being enacted - it's a proposal for the form of a program. It says, in terms of costs of the program, "it is expected that",

it doesn't say employers must pay the salaries of individuals. "I'm afraid that this amendment which deals with an identification of funding doesn't have any standing. In other words, we're simply attempting to identify for the faculty some features of the program, as we saw them."

Professor Gilman wished to add another comment. "We're back to this issue of the special nature of this program, specifically in the type of funding. One of the points that Dean Greisen made concerning the limited funding of the A.D. White Program is in point of fact money which the University must expend. It seems to me if we're going to appoint members to the Faculty, one of the things that one does is provide an honorarium and cover minimal expenditures to honor their contribution. Here we are asking them to bring monies with them, and this seems to be quite a different sort of thing. I can see, for example, the real question being the type of support forthcoming from an industry who would like to set up some sort of R and D relationship with Cornell. I know that we want to move in this direction, but it seems highly suspect."

On a vote call on Professor DeWire's amendment, it was adopted.

The Speaker said the motion as amended is now back on the floor.

Professor Michael C. Latham, Nutritional Sciences, said he had one question and one comment. "Was it deliberate to make this rather strictly national and exclude international organizations, international governments and international industrial figures? I feel that this has come to us without

adequate discussion. I would like to see this given more thought before it comes again to the FCR. I'm concerned that this is a program which industry will almost entirely use rather than labor and government, because they have the funds to do it. That may have not been the intention but that will be the result. I'm only glad to see that military wasn't included."

The Speaker asked Professor Latham if he was moving to recommit to the Committee, and Professor Latham said he was. The motion was seconded, and on the floor for discussion.

An unidentified individual said: "The precedent that we will have people here who will be paid by outside sources is a very dangerous one, and certainly merits greater discussion. There's the possibility of somebody approaching the University and saying, 'I would like X to have this professorship and here's \$50,000 for it.' It is a brand new idea, and I don't think we can blithely accept it. I think it should be recommitted and discussed University-wide at much greater length."

Vice President Cooke mentioned that there are many people at Cornell who are not paid by Cornell and are totally unrelated to Cornell finances, such as visiting fellows numbering about 50, who are appointed by the President.

Professor Boyd said he was in favor of recommitting. "I think the word national here is not a joke. One of the things that universities have is more international character. How far do we want to have the university procedurally involved in international economic competition, given the importance of an international community of scholars? I would like to see that issue addressed before voting on this matter."

Dean Greisen pointed out that Adjunct and Visiting professors are not members of the University Faculty, being persons frequently on leave from other places, and not paid here. It is certainly not the intent to limit the program to the national scene.

The Speaker said to recommit means sending it back to the Committee on Academic Programs and Policies, for resubmission to the FCR at a later time. On a vote call, the motion to recommit was carried.

The Chair next called on Dean Greisen, speaking for the Committee on Academic Records and Instruction, for a resolution concerning evening prelims.

7. EVENING PRELIM RESOLUTION

Dean Greisen began: "Last year in an effort to reduce the amount of conflict involved in the giving of prelims in the evening at legal times, this body adopted a change in the procedure whereby the time slots were doubled on Tuesdays and Thursdays. Instead of having a single time from 7:30 to 10 or so for prelims, there was one time defined as starting at 6:30 and another one two hours and twenty minutes later. This doubled the availability of rooms, spaces and scheduling opportunities for evening prelims. The present resolution is an admission of failure of that gambit. Faculty members have almost uniformly chosen only one of those time slots so the other has not really added very much. Therefore, the Committee on Academic Records and Instruction has proposed the following resolution:

RESOLVED:

- (1) That effective with the fall term of 1981, the former system of one 2-3 hour period on Tuesday and Thursday evenings be reinstated.
- (2) That the existing requirement, whereby all evening prelims are listed in advance with, and coordinated by, the University Registrar's office, be stringently enforced.
- (3) That any exceptions to the Tuesday/Thursday evening time slots be granted by the Dean of the Faculty if extenuating circumstances warrant.
- (4) That all faculty be encouraged to consider using their regular class meeting periods to give examinations insofar as possible/practical.

"At present, exceptions to the rules have to be approved in the college dean's office, and this invitation to send them all to me is really sticking my head in a lion's mouth because that's inviting a lot of dispute which I don't relish. However, in order to retain knowledge of what exceptions have been granted so as to be able to try to avoid conflicts, we should have some one place where these exceptions are granted instead of many separate offices. The fourth element of the resolution is the urging that all faculty members consider using the regular class meetings for tests instead of the evenings insofar as it is possible."

There being no questions or discussion regarding the resolution, a vote was taken. The resolution carried unanimously.

For the final item of business, the Chair called on Professor Richard Rosecrance, Walter S. Carpenter, Jr. Professor of International and Comparative Politics, and Chairman of the *ad hoc* Committee on South African Investments, for a report.

8. *REPORT OF *AD HOC* COMMITTEE ON SOUTH AFRICAN
 INVESTMENTS

Professor Rosecrance said he was not a member of the FCR, so could not propose any action but wished to give a very brief account of the Committee's work during the past year. "As you know, we conducted our business under the Schaenen Committee recommendations promulgated at the end of 1978. These recommendations suggested that the University's activities in South Africa should be directed toward urging those American corporations whose securities are held in the Cornell portfolio to take actions to improve the working, living and educational opportunities for blacks in South Africa. Also in the Schaenen Committee's report is the statement that under certain circumstances the University should consider the sale of securities of any corporations which choose not to subscribe to the Sullivan or comparable operating principles in their business dealings in South Africa. The charge is to consider companies which do not appear to be conducting their operations in South Africa in accordance with proper standards in matters of equal employment opportunities, human rights, and so on, and give no substantial indication that they will remedy or improve that particular record. The basic focus of our meetings was to inquire into two areas. One was the activities of the Investment Proxy Advisory

*Appendix F, attached.

Committee (IPAC), which is composed of two employees, two Trustees, two students and two faculty. This particular committee also was set up under the aegis of the Schaenen Committee. It was the primary committee to carry out the recommendations of the Schaenen Committee report. It has mainly devoted its attention to deciding what stand Cornell should be recommended to take on investment proxy issues, that is proxy issues that come up before companies in which Cornell holds stock and the University then has to decide what stand it will take on those proxy issues. It has not really been able to go beyond that to try and formulate a policy that Cornell might adopt in regard to the position it would take in regard to the behavior of companies in South Africa itself. In other words, all it has done really is to look into investment proxy issues themselves. Now the second item that we were asked to inquire into was to go much further into the actual behavior in South Africa of the many corporations in which Cornell holds stock, and we certainly have not been able to discharge that in any satisfactory manner. That would have been a very, very difficult research activity. As it was, the Committee met once every two weeks from September 1 on, and we tried to look into this as much as we could, but in terms of detailed investigation of the policies of individual companies, considering the great number that Cornell holds, and shifting membership of that number, we were not really able to discharge that responsibility in any adequate fashion. However, in looking at the activities of IPAC, and in looking at what needs to be done to carry out the Schaenen Committee recommendations, which we

regard as our charge and which we think is a very, very good basis for the University to formulate its policy, we have managed to come up with two recommendations. First we feel that at the minimum, it would be desirable for the companies in which Cornell holds stock to sign the Sullivan Principles. These are very minimal principles. Other universities such as Oberlin and Minnesota have also adopted a similar stand. And then the question comes, suppose they don't sign the principles or suppose once they have signed the principles they don't behave in accordance with them in their operations in South Africa? What then should we do? At the moment there is a very distinguished research firm in Cambridge, Massachusetts - Arthur D. Little - that has undertaken the task of finding out what those companies are in fact doing, whether they are in fact carrying out the Sullivan recommendations, and it even provides an annual report about the degree to which compliance takes place with those recommendations and principles. It divides companies into three major categories: making good progress in terms of conformance with the principles, making acceptable progress, and not making acceptable progress. Our recommendation is that if the companies in which we hold stock are not signatories or if they are signatories and not making acceptable progress, we should be willing to sell that stock after a period of moral suasion. The second proposal we're making is that we hope our Committee, with a broader writ and a broader license to actually carry out some of the Sullivan Committee recommendations, be allowed to be continued for the next three years. The Committee would try to discharge, perhaps,

with some research budget, much more specifically the inquiries that this year we were unable to complete."

Dean Greisen said he wanted to make sure two motions got before this body. One was to endorse to the administration and Trustees the first recommendation of that Committee:

As a matter of policy, Cornell should not hold securities in corporations which have not signed the Sullivan Principles or which are not listed in categories I ("making good progress"), II ("making acceptable progress") or IV ("endorsers with few or no employees").

(For presently held securities, divestiture of holdings could be delayed for up to 12 months if there is a "reasonable" chance that these criteria will be met [such as cases of "new signatories" or companies recently removed from the "acceptable" category]).

(Cornell might accept or retain holdings in corporations not in the "acceptable" categories if this is a condition of the gift to Cornell.)

The second motion the Dean wished to make on behalf of the Committee is the following:

A new continuing committee on South African investments (meaning investments in firms doing business in South Africa) should be established for a period of at least three years; in the third year (1983-84) it would recommend continuation or suspension of its work to the FCR. In the absence of action by the FCR the committee would go out of existence on 30 June 1984.

(The Committee shall have 7 members appointed by the Dean acting on the advice of the Committee on Nominations and Elections and from the present committee on South African investments. Elections would be staggered so that approximately 1/3 of the members would be appointed each year for the 3-year terms. Originally, 2/3 of the committee would be hold-overs from the present committee.)

The charge to the proposed committee would be:

- 1. from time to time but at least annually, to inform the FCR about Cornell's investments in firms doing business or making investments in South Africa, and about evaluations of the performance of those firms in respect to the Sullivan or equivalent principles, the receptivity of the firm to unionization including black and colored workers, positive efforts of the firm to improve housing and educational opportunities for their black and colored workers and their children, and success of the firm in moving black and colored workers into managerial and other salaried positions; also about the firm's activities in supplying the South African government, directly or indirectly, with equipment or facilities necessary to the maintenance of an oppressive regime;*
- 2. to inform the FCR about the proxy votes of the Cornell Trustee Investment Committee on issues related to South Africa and the rationales therefore, including the recommendations and reasons given by the IPAC Committee;*

3. *to consult with IPAC in an effort to attain on both committees the best possible understanding of the South African problem and to assist IPAC in arriving at the best possible proxy vote recommendations;*
4. *to establish communication with counterpart faculty committees at other universities with a view to achievement of greater influence through joint actions; to make recommendations to the FCR on any opportunities for joint actions discovered through these communications; and to inform the FCR about actions taken by other colleges and universities in connection with their relations with South Africa; and*
5. *to make other recommendations with reference to Cornell's involvement with South Africa that seem appropriate to the committee, for consideration by the FCR.*

Assistant Professor Errol L. Grinols, Economics, asked if South Africa was the only country being examined, and if that were not so, why weren't we examining all the companies in our portfolio?

Dean Greisen said this committee was appointed with the explicit purpose of directing its attention to companies operating in South Africa. It's certainly true that there could be concern with companies in other countries.

Associate Professor Norman Uphoff, Government, added that the Investment Proxy Advisory Committee has the responsibility for looking into any issues such as that just raised.

Professor Joseph B. Bugliari, Agricultural Economics and B&PA, asked Professor Rosecrance why the committee feels that the end result should be to sell stock rather than to keep the pressure going?

Professor Rosecrance said he thought the committee basically allowed for that in the recommendation when it said for principally held securities, divestiture of holdings could be delayed up to twelve months if there is a reasonable chance that the criteria will be met. That is precisely what the twelve months would be used for - to convince the companies to try and live up to the Sullivan Principles.

Professor Bugliari said that normally in a twelve-month period there would be only one annual meeting.

Professor Rosecrance said this wasn't the Investment Proxy Advisory Committee. This committee would be directly contacting the corporate offices.

Professor Latham said he would like reluctantly to support the document.

There being no further discussion, the Speaker said a vote would be taken on the two recommendations as a package. The recommendations were adopted.

The meeting was adjourned at 5:55 p.m.

Respectfully submitted,

Joseph B. Bugliari, Secretary

PROCEDURES FOR APPEALING A NEGATIVE TENURE DECISION

I. Rights of Faculty Members Who Are Denied TenureA. Right to Appeal

Any faculty member who is reviewed for and denied tenure may appeal that decision at the departmental, college, and University levels. The candidate shall be informed of this right, and the procedures therefor, when he or she is first notified of a negative tenure decision.

B. Extension of Appointments

For the purpose of determining the start of the terminal appointment of a faculty member who is denied tenure, the date of notification shall be considered to be the date of notification of the first negative decision, and shall be unaffected by subsequent appeals. However, if review within the University is in progress at the end of the terminal appointment, the appointment shall be extended until that review is complete.

C. Role of the Ombudsman

Faculty members shall retain full access to the office of the Ombudsman prior to or in the course of the appeals process.

D. Waiver or Loss of Appeal Rights

The candidate may waive the right to written explanations from the department chair and the dean, or may decline to pursue the appeals procedure at any stage. However, the appeal procedures herein described must be followed sequentially. Waiver of any stage of the appeals procedure shall cause the candidate's right to proceed further to be forfeited. Thus, failure to request reconsideration of a negative departmental decision (see Section II), or failure to respond to a negative proposed decision at the college level (see Section III), will waive further appeal rights.

II. Appeal at the Departmental* LevelA. Reconsideration by the Department

Any faculty member has a right to receive a timely reconsideration of a negative departmental tenure decision before that decision is forwarded to the dean.

1. Within one week after being notified that the departmental decision is negative, the candidate may request a written statement of the reasons for the decision and the nature of the evidence. If such a statement is requested, it shall be provided to the candidate by the chair within three weeks of the departmental decision. The statement shall respect the limits set by the need to preserve confidentiality.

*In the Law School, in II.A. "departmental" shall refer to the appointments committee. In the Hotel School, "departmental" shall refer to the *ad hoc* committee, and "chair" shall refer to the assistant dean for academic affairs. In the Graduate School of Business and Public Administration, "departmental" shall refer to the *ad hoc* committee, and "chair" shall refer to its chairperson.

2. If the candidate wishes to have the departmental decision reconsidered, he or she shall respond to the chair in writing within three weeks of receipt of the chair's statement of reasons. The candidate may address any issue that he or she deems appropriate, and may present new evidence.
3. The eligible voting faculty shall consider the chair's statement and the candidate's response, and a second vote shall be taken. The final departmental decision and the reasons for it shall be provided in writing to the candidate within three weeks of receipt of the candidate's response.

III. Appeal at the College Level**

A. Review by an Ad Hoc Committee

If the department's final decision is negative, the dean shall, at the request of the candidate, appoint an *ad hoc* committee to review that decision, if the dean has not already done so on his or her own initiative. The candidate shall make his or her request for appointment of the committee within one week of notification of the department's final negative decision, and the dean shall appoint the committee within three weeks of the candidate's request.

B. Reconsideration by the Dean***

1. If a dean's negative decision follows a positive departmental recommendation, the dean shall, within three weeks of receipt of the report of the *ad hoc* committee, furnish the candidate and the department with a preliminary written statement of the reasons for that decision and the nature of the evidence within the limits set by the need to preserve confidentiality. For a two-week period following receipt of the statement, the candidate and/or department shall have the opportunity to respond to the dean, prior to the dean's final decision.
2. If the dean's negative decision follows a negative departmental recommendation, the dean shall within three weeks of receipt of the report of the *ad hoc* committee furnish the candidate with a written statement of the reasons for that decision, within the limits set by the need to preserve confidentiality, and a copy shall be furnished the department.

**In the Graduate School of Business and Public Administration, the Hotel School and the Law School, III.A. shall not apply.

***In the School of Industrial and Labor Relations, the Hotel School, and the Law School, III.B. shall be replaced by the following:

If the dean's decision is negative, he or she shall within three weeks of receipt of the report of the faculty, furnish the candidate with a preliminary written statement of the reasons for that decision and the nature of the evidence, within the limits set by the need to preserve confidentiality. For a two week period following receipt of the statement, the candidate shall have the opportunity to respond to the dean, prior to the dean's final decision.

IV. Appeal at the University Level

A. Filing an Appeal

If the dean's final decision is negative, the candidate or the department may appeal that decision. The appeal must be filed in writing with the dean of the college and the Dean of the Faculty within two weeks of notification of the dean's decision and must state the specific reasons for the appeal. The reasons must be based on one or more of the grounds listed in the following Section (IV.B.). Failure to raise a particular reason may be treated as a waiver of such a claim in this or any subsequent procedure.

B. Grounds for an Appeal

The grounds for an appeal shall be limited to one or more of the following:

1. During the appellant's probationary period, he or she was unfairly and seriously hindered in meeting the department's standards
 - a. by having been put under obligation to accept unusual and unreasonably heavy duties for the department, college, or University or having been denied departmental support, contrary to the normal departmental practices, or
 - b. by having been given misleading information by the department chair or dean concerning the departmental or college expectations of candidates.
2. In the conduct of the tenure review, there were violations of the established procedures and practices of the department, the college, or the University. These violations were so serious that they may have affected the outcome of the tenure decision.
3. The evaluation of the appellant was influenced by unlawful discrimination.
4. The evaluation of the appellant was influenced by consideration of factors unrelated to the performance of the appellant in carrying out the professional and collegial responsibilities of his or her position.
5. The decision was so inconsistent with the evidence in the record that it must be judged arbitrary or capricious.

C. The University Appeals Panel

An appeal shall be heard by an Appeals Committee composed of five tenured University faculty members. At least four members of the Appeals Committee shall be members of the University Appeals Panel. The Dean of the Faculty shall be responsible for establishing the University Appeals Panel, and maintaining a list of members. Each college shall elect five tenured faculty members, or five percent of its tenured faculty, whichever is greater, to the Panel. In addition, the President of the University shall appoint ten tenured faculty members to the Panel. The term of office shall be five years, with a rotation system developed at the time of the initial election.

(over)

D. Selection of an Appeals Committee

Within two weeks after the appeal of a college dean's negative decision, the Dean of the Faculty shall be responsible for forming and charging an Appeals Committee to hear the appeal. Members of the Appeals Committee shall be selected in the following manner:

1. The appellant and the dean of the college**** shall each nominate four members of the University Appeals Panel. The appellant's nominees shall choose two of the dean's nominees, and the dean's nominees shall choose two of the appellant's nominees. The four so chosen shall then choose a fifth tenured University Faculty member, who shall chair the committee. The chair shall be from the college of the appellant, except in those colleges where all tenured faculty members participate in each tenure decision.
2. Any person nominated who has previously participated in the review of the appellant or feels unable to render an unbiased judgment or perceives a conflict of interest shall disqualify him or herself. However, in those colleges where all tenured faculty participate in each tenure decision, the automatic disqualification of that college's Appeals Committee members shall be waived if that is agreeable to both parties.

E. Principles and Restrictions to be Observed by the Appeals Committee

In its deliberations and findings, the Appeals Committee shall respect the following principles and restrictions:

1. The Committee's review shall be limited to determining whether one of the five possible grounds for appeal (listed in Section IV.B.) has been established.
2. The Committee shall recognize the central role of peer judgment in tenure decisions. Hence, the Committee shall avoid substituting its assessment of the appellant's professional qualifications for those of the department and the experts outside the department who have been asked to submit evaluations. The Committee's role in judging professional merit shall be limited to the question of whether the recommendations of the department and the dean were arbitrary and capricious as defined in IV.B.5., or based on the inappropriate considerations listed in IV.B.3. and IV.B.4.
3. The dean of the college has a major responsibility in setting the priorities and maintaining the standards of the college. Therefore, the Committee shall avoid substituting its judgment in those matters for that of the dean.
4. It is impossible to make precise and universally agreed-upon evaluations of candidates. Therefore, the possibility that a different group of reasonable people might have come to a different conclusion concerning the merits of the appellant is insufficient grounds to sustain the appeal.

****In cases where the appeal follows a negative departmental recommendation, the dean of the college shall consult with the department before making his or her nominations.

5. Comparisons with other tenure review cases may be used by the Committee in certain cases (See Section IV.F.1.). However, the Committee shall recognize the right of departments to improve their quality or take into account different departmental needs, so long as this is not done in an arbitrary or capricious manner. A weak previous tenure appointment shall not by itself be taken to define the departmental standard.

F. Appeals Committee Procedures

The following procedures shall govern the activity of the Appeals Committee:

1. The Committee shall have access to the tenure file of the appellant. If the appellant charges that the decision was arbitrary or capricious as defined in Section IV.B.5. or based on the inappropriate considerations listed in Sections IV.B.3. and IV.B.4., and if the Committee finds it essential to read the files of recent comparable cases within the college of the appellant to examine that charge, it shall have access to those files as well. However, the Committee shall not as a matter of course request access to the files of recent cases within a department or college. The Committee shall scrupulously protect the confidentiality of all documents and testimony.
2. In addition to examining written material, the Committee may hear the views of the principal parties and others it deems appropriate. The Committee shall attempt to resolve contradictions in the oral and written record.
3. The Committee shall not be required to keep a transcript of its proceedings. The Committee shall maintain a record of the names of the persons interviewed and the titles of the documents considered.
4. The Committee shall report in writing within eight weeks after being formed. The report shall be furnished to both parties. It shall give its findings, and the reasons for those findings. These findings should be directly responsive to the allegations made by the appellant concerning the grounds for appeal listed in Section IV.B. Before issuing the report, the Committee shall circulate a draft to both parties and invite responses.

G. Findings by the Appeals Committee

The Appeals Committee shall make one of the following findings. The ensuing action shall be as stated:

1. If the Committee finds that none of the five possible appeal grounds (see Section IV.B.) raised by the appellant has been established, it shall reject the appeal. This decision shall not be subject to further appeal within the University.
2. If the Committee finds that the ground for appeal in Section IV.B.1. raised by the appellant has been established, it may recommend that the appellant's appointment be extended for a fixed period, after which a new tenure review shall be undertaken. It is expected that the dean will follow the Committee's recommendation. If the dean chooses not to grant the recommended extensions, the Committee's report and the written response of the dean shall be forwarded to the Provost. Within four weeks, the decision of the Provost and

the reasons for it shall be given in writing to both principal parties, and a copy shall be sent to the Committee. The decision of the Provost shall not be subject to further appeal within the University.

3. If the Committee finds that any other ground for appeal in Section IV.B. raised by the appellant has been established, it may return the case to the dean of the college for reconsideration. The dean shall promptly take appropriate action to correct the deficiencies that the Committee has found, and shall provide a written report of the reconsidered decision to the Committee, the department, and the appellant. If the reconsideration results in an affirmation of the original decision, this judgment shall be reviewed by the original Appeals Committee, which shall take the following action:
 - a. If the Appeals Committee finds that the tenure review process no longer has serious deficiencies, it shall reject the appeal. This action shall not be subject to further appeal within the University.
 - b. If the Committee finds that the tenure review process continues to have serious deficiencies and that an independent academic evaluation is appropriate, a panel of professionally qualified and not previously involved expert scholars from inside or outside Cornell shall be appointed to review the case and make a recommendation as to the granting of tenure. The panel's review shall not constitute an additional appeal from the department's or dean's decision, but shall constitute a new independent judgment concerning the candidate's academic qualifications for tenure. The panel shall be appointed jointly by the chair of the Appeals Committee, the Dean of the Faculty, and the President of the University. The recommendation of the panel of expert scholars and the response of the Appeals Committee, the dean, the department, and the appellant shall be forwarded to the Provost. Within four weeks, the decision of the Provost and the reasons for it shall be given in writing to both principal parties, and a copy shall be sent to the Committee. The decision of the Provost shall not be subject to further appeal within the University.
4. In unusual circumstances where the Committee finds that the ground for appeal in one or more of the Sections IV.B.3., IV.B.4., or IV.B.5. has been established and finds further that reconsideration by the dean or the department would be futile or otherwise inappropriate in light of the violation found, it may refer the case for review by an independent panel as provided in Section IV.G.3.b. Further review will proceed according to that section.

V. Disposition of Records and Files

The Dean of the Faculty shall maintain copies of all reports of Appeals Committees and shall maintain records of all subsequent actions within the University that occur in these cases. At the completion of an appeal, all case files shall be returned to the dean of the college.

PROCEDURES FOR APPEALING A NEGATIVE DECISION ON PROMOTION TO FULL PROFESSOR

NOTE

It is assumed that the Academic Appointments Manual will be changed to incorporate the following:

1. After some definite number of years of service as a tenured professor, a faculty member has a right to a review for promotion to full professor. If the faculty member does not wish to be reviewed, the review will not take place.

2. If the initial review does not result in promotion, the faculty member has a right to at least one subsequent (and perhaps more) reviews within some definite period of time.

3. A dean will not reject a departmental recommendation to promote a faculty member to full professor without first having appointed and received the report of an *ad hoc* committee.

I. Rights of Faculty Members Who Are Denied Promotion to Full Professor

A. Right to Appeal

Any tenured faculty member who is reviewed for and denied promotion to full professor may appeal that decision at the departmental, college, and University levels subject to the limitations in I.B. The candidate shall be informed of this right, and the procedures therefor, when he or she is first notified of a negative promotion decision.

B. Limitations to the Right of Appeal

A faculty member who is denied promotion may appeal that decision even though he or she was denied promotion on a previous occasion and appealed that decision. However, a University level appeal may not address issues that were settled in a prior appeal, but must be based on evidence that was not previously presented at a University level appeal proceeding.

C. Role of the Ombudsman

Faculty members shall retain full access to the office of the Ombudsman prior to or in the course of the appeals process.

D. Waiver or Loss of Appeal Rights

The candidate may waive the right to written explanations from the department chair and the dean, or may decline to pursue the appeals procedure at any stage. However, the appeals procedures herein described must be followed sequentially. Waiver of any stage of the appeals procedure shall cause the candidate's right to proceed further to be forfeited. Thus, failure to request reconsideration of a negative departmental decision (see Section II), or failure to respond to a negative proposed decision at the college level (see Section III), shall waive further appeal rights of this particular decision.

II. Appeal at the Departmental* Level

A. Reconsideration by the Department

Any tenured faculty member has a right to receive a timely reconsideration of a departmental decision not to promote to full professor before that decision is forwarded to the dean.

1. Within one week after being notified that the departmental decision is negative, the candidate may request a written statement of the reasons for the decision and the nature of the evidence. If such a statement is requested, it shall be provided to the candidate by the chair within three weeks of the departmental decision. The statement shall respect the limits set by the need to preserve confidentiality.
2. If the candidate wishes to have the departmental decision reconsidered, he or she shall respond to the chair in writing within three weeks of receipt of the chair's statement of reasons. The candidate may address any issue that he or she deems appropriate, and may present new evidence.
3. The eligible voting faculty shall consider the chair's statement and the candidate's response, and a second vote shall be taken. The final departmental decision and the reasons for it shall be provided in writing to the candidate within three weeks of receipt of the candidate's response.

III. Appeal at the College Level**

A. Review by an Ad Hoc Committee

If the department's final decision is negative, the dean shall, at the request of the candidate, appoint an *ad hoc* committee to review that decision, if the dean has not already done so on his or her own initiative. The candidate shall make his or her request for appointment of the committee within one week of notification of the department's final negative decision, and the dean shall appoint the committee within three weeks of the candidate's request.

B. Reconsideration by the Dean***

1. If a dean's negative decision follows a positive departmental recommendation, the dean shall, within three weeks of receipt of the report of the *ad hoc* committee, furnish the candidate and the

*In schools or colleges without departmental structures, "departmental" shall refer to the group of full professors who vote on the recommendation that is forwarded to the dean, and "chair" shall refer to an appropriate faculty member.

**In those schools or colleges that do not use *ad hoc* committees in the case of positive departmental recommendations, III.A. shall not apply.

***In those schools or colleges that do not use *ad hoc* committees in the case of positive departmental recommendations, and therefore do not use them in III.A., the three week time period after which the dean must reply shall start when the dean receives the report of the appropriate faculty group.

department with a preliminary written statement of the reasons for that decision and the nature of the evidence within the limits set by the need to preserve confidentiality. For a two-week period following receipt of the statement, the candidate and/or department shall have the opportunity to respond to the dean, prior to the dean's final decision.

2. If the dean's negative decision follows a negative departmental recommendation, the dean shall within three weeks of receipt of the report of the *ad hoc* committee furnish the candidate and the department with a written statement of the reasons for that decision, within the limits set by the need to preserve confidentiality.

IV. Appeal at the University Level

A. Filing an Appeal

If the dean's final decision is negative, the candidate or the department (with the written consent of the candidate) may appeal that decision. The appeal must be filed in writing with the dean of the college and the Dean of the Faculty within two weeks of notification of the dean's decision and must state the specific reasons for the appeal. The reasons must be based on one or more of the grounds listed in the following Section (IV.B.), and must be based on evidence that was not presented in any prior appeal at the University level. Failure to raise a particular reason when filing the appeal may be treated as a waiver of such a claim in this or any subsequent procedure during this appeal process.

B. Grounds for an Appeal

The grounds for an appeal shall be limited to one or more of the following:

1. In the conduct of the promotion review, there were violations of the established procedures and practices of the department, the college, or the University. These violations were so serious that they may have affected the outcome of the promotion decision.
2. The evaluation of the appellant was influenced by unlawful discrimination.
3. The evaluation of the appellant was influenced by consideration of factors unrelated to the performance of the appellant in carrying out the professional and collegial responsibilities of his or her position.
4. The decision was so inconsistent with the evidence in the record that it must be judged arbitrary or capricious.

C. Selection of an Appeals Committee

An appeal shall be heard by an Appeals Committee composed of five full professors in the University. Within two weeks after the appeal of a college dean's negative decision, the Dean of the Faculty shall be responsible for forming and charging an Appeals Committee to hear the appeal. Members of the Appeals Committee shall be selected in the following manner:

1. The appellant and the dean of the college**** shall each nominate four members of the University Appeals Panel. The appellant's nominees shall choose two of the dean's nominees, and the dean's nominees shall choose two of the appellant's nominees. The four so chosen shall then choose a fifth full professor in the University, who shall chair the committee. The chair shall be from the college of the appellant, except in those colleges where all full professors participate in each promotion decision.
2. Any person nominated who has previously participated in the review of the appellant or feels unable to render an unbiased judgment or perceives a conflict of interest shall disqualify him or herself. However, in those colleges where all full professors participate in each promotion decision, the automatic disqualification of that colleges's Appeals Committee members shall be waived if that is agreeable to both parties.

D. Principles and Restrictions to be Observed by the Appeals Committee

In its deliberations and findings, the Appeals Committee shall respect the following principles and restrictions:

1. The Committee's review shall be limited to determining whether one of the four possible grounds for appeal (listed in Section IV.B.) has been established.
2. The Committee shall recognize the central role of peer judgment in promotion decisions. Hence, the Committee shall avoid substituting its assessment of the appellant's professional qualifications for those of the department and the experts outside the department who have been asked to submit evaluations. The Committee's role in judging professional merit shall be limited to the question of whether the recommendations of the department and the dean were arbitrary and capricious as defined in IV.B.4., or based on the inappropriate considerations listed in IV.B.2. and IV.B.3.
3. The dean of the college has a major responsibility in maintaining the standards of the college. Therefore, the Committee shall avoid substituting its judgment in those matters for that of the dean.
4. It is impossible to make precise and universally agreed-upon evaluations of candidates. Therefore, the possibility that a different group of reasonable people might have come to a different conclusion concerning the merits of the appellant is insufficient grounds to sustain the appeal.
5. Comparisons with other promotion review cases may be used by the Committee in certain cases (see Section IV.E.1.). However, the Committee shall recognize the right of departments to raise the standards for promotion to full professor or take into account different departmental needs or particular individual circumstances, so long as this is not done in an arbitrary or capricious manner. A weak previous promotion to full professor shall not by itself be taken to define the departmental standard for promotions.

****In cases where the appeal follows a decision by the department not to promote to full professor, the dean of the college shall consult with the department before making his or her nominations.

6. If a faculty member has appealed a previous decision not to promote to full professor, the Appeals Committee shall not reconsider the decision of the previous Appeals Committee, or the evidence upon which it was based.

E. Appeals Committee Procedures

The following procedures shall govern the activity of the Appeals Committee:

1. The Committee shall have access to the promotion file of the appellant. If the appellant charges that the decision was arbitrary or capricious as defined in Section IV.B.4 or based on the inappropriate considerations listed in Sections IV.B.2 and IV.B.3. and if the Committee finds it essential to read the files of recent comparable cases within the college of the appellant to examine that charge, it shall have access to those files as well. However, in its request for access to a particular file, the Committee shall state in writing how each particular comparison case satisfies the following criteria:
 - a. It is sufficiently recent.
 - b. It is sufficiently comparable in circumstances.
 - c. It is impossible to examine the allegation made by the appellant without access to the requested file.

The Committee shall scrupulously protect the confidentiality of all documents and testimony.

2. In addition to examining written material, the Committee may hear the views of the principal parties and others it deems appropriate. The Committee shall attempt to resolve contradictions in the oral and written record.
3. The Committee shall not be required to keep a transcript of its proceedings. The Committee shall maintain a record of the names of the persons interviewed and the titles of the documents considered.
4. The Committee shall report in writing within eight weeks after being formed. The report shall be furnished to both parties. It shall give its findings, and the reasons for those findings. These findings should be directly responsive to the allegations made by the appellant concerning the grounds for appeal listed in Section IV.B. Before issuing the report, the Committee shall circulate a draft to both parties and invite responses.

F. Findings by the Appeals Committee

The Appeals Committee shall make one of the following findings. The ensuing action shall be as stated:

1. If the Committee finds that none of the four possible appeal grounds (see Section IV.B.) raised by the appellant has been established, it shall reject the appeal. This decision shall not be subject to further appeal within the University.

2. If the Committee finds that the ground for appeal raised by the appellant has been established, it may return the case to the dean of the college for reconsideration. The dean shall promptly take appropriate action to correct the deficiencies that the Committee has found, and shall provide a written report of the reconsidered decision to the Committee, the department, and the appellant. If the reconsideration results in an affirmation of the original decision, this judgment shall be reviewed by the original Appeals Committee, which shall take the following action:
 - a. If the Appeals Committee finds that the promotion review process no longer has serious deficiencies, it shall reject the appeal. This action shall not be subject to further appeal within the University.
 - b. If the Committee finds that the promotion review process continues to have serious deficiencies, it shall forward its findings to the Provost for final action. Within four weeks, the decision of the Provost and the reasons for it shall be given in writing to both principal parties, and a copy shall be sent to the Committee. The decision of the Provost shall not be subject to further appeal within the University.
3. In unusual circumstances where the Committee finds that the ground for appeal in one or more of the Sections IV.B.2., IV.B.3., or IV.B.4. has been established and finds further that reconsideration by the dean or the department would be futile or otherwise inappropriate in light of the violation found, it shall forward its findings and recommendations to the Provost for final action. Within four weeks the decision of the Provost and the reasons for it shall be given in writing to both principal parties, and a copy shall be sent to the Committee. The decision of the Provost shall not be subject to further appeal within the University.

V. Disposition of Records and Files

The Dean of the Faculty shall maintain copies of all reports of Appeals Committees and shall maintain records of all subsequent actions within the University that occur in these cases. At the completion of an appeal, all case files shall be returned to the dean of the college.

PROCEDURES FOR APPEALING A DECISION NOT TO RENEW A NON-TENURE APPOINTMENT

I. Rights of Faculty Members Who Are Denied ReappointmentA. Right to Appeal

Any faculty member* in an initial probationary tenure status appointment who is not reappointed and who would not in the normal course of events be reviewed for tenure at this stage of his or her career may appeal that decision at the departmental, college, and University levels. The candidate shall be informed of this right, the procedures therefor, and the University guidelines and regulations concerning reappointment when he or she is first notified of the decision not to reappoint.

B. Extension of Appointments

For the purpose of determining the start of the terminal appointment of a faculty member who is not reappointed, the date of notification shall be considered to be the first date of notification of the decision not to reappoint, and shall be unaffected by subsequent appeals. However, if review within the University is in progress at the end of the terminal appointment, the appointment shall be extended until that review is complete.

C. Role of the Ombudsman

Faculty members shall retain full access to the office of the Ombudsman prior to or in the course of the appeals process.

D. Waiver or Loss of Appeal Rights

The faculty member may waive the right to written explanations from the department chair and the dean, or may decline to pursue the appeals procedure at any stage. However, the appeal procedures herein described must be followed sequentially. Waiver of any stage of the appeals procedure shall cause the faculty member's right to proceed further to be forfeited. Thus, failure to request reconsideration of a negative departmental decision (see Section II), or failure to respond to a negative proposed decision at the college level (see Section III), will waive further appeal rights.

II. Appeal at the Departmental** LevelA. Reconsideration by the Department

Any faculty member has a right to receive a timely reconsideration of a departmental decision not to reappoint before that decision is forwarded to the dean.

*Throughout this document, unless otherwise stated, the word "faculty member" shall mean a non-tenured faculty member in an initial probationary tenure status appointment who has been denied a reappointment.

**In schools and colleges that do not have a departmental structure, "department" shall refer to whatever faculty group makes the decision not to reappoint.

1. Within one week after being notified of that decision, the faculty member may request a written statement of the reasons for the decision and the nature of the evidence. If such a statement is requested, it shall be provided to the faculty member by the chair within three weeks of the departmental decision. The statement shall respect the limits set by the need to preserve confidentiality.
2. If the faculty member wishes to have the departmental decision reconsidered, he or she shall respond to the chair in writing within three weeks of receipt of the chair's statement of reasons. The faculty member may address any issue that he or she deems appropriate, and may present new evidence.
3. The eligible voting faculty shall consider the chair's statement and the faculty member's response, and a second vote shall be taken. The final departmental decision and the reasons for it shall be provided in writing to the faculty member within three weeks of receipt of the faculty member's response.

III. Appeal at the College Level

A. Review by a Dean's Committee

If the department's final decision is negative, the dean shall, at the request of the faculty member, appoint a committee of tenured faculty members to review that decision, if the dean has not already done so on his or her own initiative. The candidate shall make his or her request for appointment of the committee within one week of notification of the department's final negative decision, and the dean shall appoint the committee within three weeks of the candidate's request.

B. Decision by the Dean

Within three weeks of the receipt of the report of the dean's committee, the dean shall furnish the faculty member with a preliminary written statement of his or her decision, the reasons for it, and the nature of the evidence within the limits set by the need to preserve confidentiality. For a two-week period following receipt of the statement, the faculty member shall have the opportunity to respond to the dean, prior to the dean's final decision. The decision of the dean shall be furnished the candidate in writing.

IV. Appeal at the University Level

For a two-week period following receipt of the dean's final negative decision, the faculty member may appeal that decision to the Provost. The decision of the Provost, and the reasons for it, shall be given in writing to the dean, the department, and the faculty member. The decision of the Provost shall not be subject to further appeal within the University.

PROCEDURES FOR APPEALING A DECISION NOT TO CONDUCT A TENURE REVIEW

NOTE

This draft assumes that a statement will be inserted into the Academic Appointments Manual stating that the decision not to review a faculty member for tenure shall not be based on a judgment of his or her merits.

I. Rights of Faculty Members Who Are Not Reviewed for TenureA. Right to Appeal

Any faculty member in probationary tenure status who is at the appropriate point in his or her career to be reviewed for tenure, and who is neither reappointed nor reviewed for tenure may appeal that decision at either the departmental or the college level, and at the University level. The candidate shall be informed of this right, and the procedures therefor, when he or she is first notified of the decision not to initiate a tenure review.

B. Extension of Appointments

For the purpose of determining the start of the terminal appointment of a faculty member who is not reviewed for tenure, the date of notification shall be considered to be the date of notification of the first negative decision, and shall be unaffected by subsequent appeals. However, if a review of that decision within the University is in progress at the end of the terminal appointment, the appointment shall be extended until that review is complete.

C. Role of the Ombudsman

Faculty members shall retain full access to the office of the Ombudsman prior to or in the course of the appeals process.

D. Waiver or Loss of Appeal Rights

The candidate may waive the right to written explanations from the department chair and the dean, or may decline to pursue the appeals procedure at any stage. However, the appeal procedures herein described must be followed sequentially. Waiver of any stage of the appeals procedure shall cause the candidate's right to proceed further to be forfeited. Thus, failure to request reconsideration of a negative departmental decision (see Section II) will waive further appeal rights.

II. Appeal at the Departmental* LevelA. Reconsideration by the Department

Any faculty member for whom a departmental tenure review is not initiated and who is eligible to appeal that decision (see I.A.) has a right to have the decision reconsidered by the department before it is forwarded to the dean.

*In those schools and colleges without a departmental structure, "departmental" shall refer to those faculty who make the decision not to initiate a tenure review, and "chair" shall refer to the appropriate faculty member.

CORNELL UNIVERSITY INSTITUTE FOR COMPARATIVE
AND ENVIRONMENTAL TOXICOLOGY (ICET)
CHARTER

PREAMBLE

Environmental Toxicology is the science that studies the adverse effects of chemicals on living organisms and the environment and assesses the probability of the occurrence of such effects. In recent years the comparative aspects of toxicology and environmental toxicology that relate to the similarities and/or differences in the responses of different species of organisms to toxic chemicals have attained increasing importance as a result of the many problems of human health, the environment, and society, associated with the vast increase in use of synthetic chemicals.

The primary purpose of ICET will be to focus, coordinate, and stimulate toxicology-related research, teaching, and extension/ public service activities on the Ithaca campus of Cornell University. The programs and activities of ICET will not compete with, but rather will augment and complement, specific activities carried out through individual departments and other units of Cornell University.

Among faculty of Cornell University there has been for many years remarkable breadth, depth, and diversity of expertise in the complex, multi-disciplinary Field of Environmental Toxicology and related basic disciplines. This interest and competence is broadly distributed in many departments of the College of Agriculture and Life Sciences, the College of Veterinary Medicine, the College of Human Ecology, sections of the Division of Biological Sciences, the Division of Nutritional Sciences, the Program in Science, Technology and Society, the Law School, the College of Engineering, and the affiliated Boyce Thompson Institute for Plant Research. Unfortunately, at this time, there is no organizational structure at Cornell through which the diverse activities and interests in comparative and environmental toxicology can be facilitated.

Consequently, Cornell University hereby establishes the INSTITUTE FOR COMPARATIVE AND ENVIRONMENTAL TOXICOLOGY (ICET) that will serve as a campus-wide, interdisciplinary unit.

Specifically ICET will

1. stimulate and encourage faculty participation in collaborative research efforts in comparative and environmental toxicology;
2. serve as a focal point at Cornell University to facilitate a more effective flow of information between faculty conducting independent research in toxicology;
3. inform faculty of emerging research opportunities and identify sources of extramural research support;
4. provide administrative support for the graduate Field of Environmental Toxicology;

[The M.S. and Ph.D level major graduate program in Environmental Toxicology was approved by the New York State Education Department and the Regents of the University of the State of New York in December, 1980; M.S. and Ph.D minor programs were approved by the General Committee of the Graduate School in 1978.]

5. where appropriate, assist in the development of graduate and undergraduate teaching programs in comparative and environmental toxicology;

[The Field will develop M.S. and Ph.D degree programs in Environmental Toxicology.]

6. serve generally to stimulate graduate and undergraduate interest in Environmental Toxicology and prepare students for careers in the discipline;
7. facilitate an active extension/public service program to insure an effective flow of toxicology information to the general public;
8. assist in the preparation of bulletins and organize appropriate education and training programs (workshops, short courses etc.) for persons outside the university;
9. provide consultation and advice for local, state and federal government agencies, private industry and consumer groups in matters relating to environmental toxicology; and
10. provide advice for developing university policy in areas relating to the safe use of toxic chemicals on the Cornell University campus.

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POLICY BOARD

Membership

ICET will have a Policy Board consisting of the Deans, or their designees, of the Colleges of Agriculture and Life Sciences, Veterinary Medicine, and Human Ecology and the Directors of the Division of Biological Sciences and Nutritional Sciences, and the Director of ICET. Additional Deans and/or Directors may be appointed members of the Policy Board by the Provost. The Provost will designate one member of the Policy Board as it's Chair.

Duties and Responsibilities

The Policy Board will

1. have overall policy and management authority of ICET;
2. develop long-term planning and establish the goals for ICET;
3. establish the budgetary policy of ICET;
4. assure that the programs and activities of ICET are complementary to those of departments and others units with related interests;
5. adopt bylaws that will govern the specific organization, administration and evaluation of ICET within three months following approval of the Institute by the Board of Trustees;

[Copies of the bylaws will be filed with the President of Cornell University and with the Faculty Council of Representatives.]
6. evaluate ICET at periodic intervals;
7. appoint a Director of ICET and establish specific responsibilities and duties for this position;
8. appoint members of the Program Steering Committee of ICET with the advice of the Director;
9. meet at least twice a year; and
10. prepare and submit an annual report to the President of Cornell University.

[The Policy Board may appoint advisory committees and other persons or groups (from both inside and outside Cornell University) to assist in the development and/or evaluation of ICET's programs.]

DIRECTOR

The Director of ICET shall be a faculty member of Cornell University. The Director will be appointed by the Policy Board for a term of three years and may be reappointed for additional terms.

Duties and responsibilities

The Director will

1. report directly to the Chair of the Policy Board and be responsible for implementing the policies and directives of the board;
2. be responsible for the administrative direction and operation of ICET and the overall organization of ICET's activities;
3. prepare and submit plans, reports and budgets to the Policy Board; and
4. serve as Chair of the Program Steering Committee of ICET and recommend to the Policy Board the size and membership of this Committee.

PROGRAM STEERING COMMITTEE

Membership

The Program Steering Committee of ICET shall consist of up to nine members of the Institute, each representing areas of major importance in ICET's programs. Determination of the actual size and composition of the committee, and appointments to the Committee, will be made by the Policy Board with advice from the Director. Appointments will be for specified terms (normally three years) and will be renewable. The Director of ICET will serve as the Chair of the Program Steering Committee.

[Examples of major program areas that will be represented on the Program Steering Committee are biochemical toxicology, nutritional toxicology genetic toxicology, veterinary toxicology, ecotoxicology, public policy relating to toxic chemicals and extension/public service.]

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Duties and responsibilities

The Program Steering Committee will

1. serve as the central committee of ICET to advise and assist the Director in the overall planning, implementation, and coordination of the Institute's programs;
2. identify needs and formulate plans for the development of specific program activities in ICET; and
3. determine the membership of ICET.

FACULTY

Membership

Membership in ICET will be determined by the Program Steering Committee and will be open to individuals demonstrating an interest in, and commitment to, comparative and environmental toxicology. All members of the Cornell University faculty, senior research associates, adjunct faculty, and senior professional staff associated with Cornell University or its affiliated units (e.g. the Boyce Thompson Institute) will be eligible for membership. No faculty member will be appointed directly to ICET; they will hold appointments in various departments and other units of the Statutory or Endowed Colleges at Cornell University.



CORNELL UNIVERSITY
AGRICULTURAL EXPERIMENT STATION

Cornell University • State University of New York • U. S. Department of Agriculture

Office of the Director
292 Roberts Hall
Ithaca, New York 14853
607 256-5420

Walter Lynn, Chairman
Committee on Academic Programs and Policies
Faculty Council of Representatives
315 Day Hall

Dear Walt:

We are pleased to transmit to you the revised Charter for the proposed Institute for Comparative and Environmental Toxicology.

The Charter incorporates the revisions discussed at the meeting you had with Ted Hullar and Colin Campbell. We have included the all-University nature of the proposed Institute, complementary and non-competitive relationships between the Institute and departments, and the provision for By-laws.

We strongly support this Institute. Overall the Institute will be an effective mechanism to facilitate the interdisciplinary programs in comparative and environmental toxicology which our faculty desire. We believe the Institute will be a valuable complement to the activities of our departments and that it will not compete with them. The proposed program of extension/public service will be developed carefully, with the first year being spent on assessment of needs and initial development of the program. The program will be fitted into other extension/public service programs which already exist. The Director of Extension, Lucinda A. Noble, and key faculty in our Colleges will be working with the faculty involved with the Institute to insure maximum complementarity with current extension/public service programs.

Lastly, we have reviewed carefully the budget needs for the Institute. We have agreed amongst ourselves--in cooperation with Robert Barker, Director of the Division of Biological Sciences, and Malden Nesheim, Director of the Division of Nutritional Sciences--to provide the modest amount of money necessary to support the small administrative staff and provide the operating expenses. The Institute provides a unique opportunity to seek and obtain large amounts of extramural funds for research and other activities in comparative and environmental toxicology. Thus, we believe the Institute will be a major budgetary "plus" for the University.

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Received 4/28/01

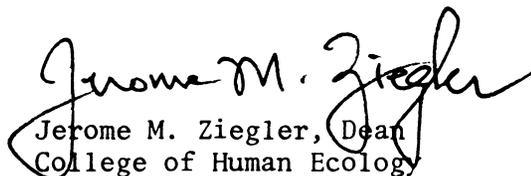
Thank you for your consideration of this. We look forward to your review of our proposal.

If you have any questions about this, please call any one of us, or Bob Barker, Mal Nesheim, or Chris Wilkinson.

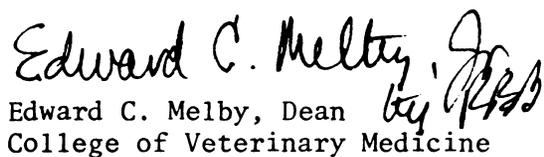
Respectfully,



David L. Call, Dean
College of Agriculture and Life Sciences



Jerome M. Ziegler, Dean
College of Human Ecology



Edward C. Melby, Dean *by P.S.S.*
College of Veterinary Medicine

Report of the Ad Hoc Committee on South African Investments1. Introduction

In May of 1980 the FCR established a faculty Ad Hoc Committee on South African Investments to report by Spring, 1981. This Committee was directed to inquire into the work of IPAC (the Investment Proxy Advisory Committee) and into the activities in South Africa of the corporations in which Cornell holds stock.

The work of the Ad Hoc Committee was guided by the Schaenen Committee report to the Board of Trustees of 6 December 1978. That report declared:

The University's major efforts should be directed toward urging those American corporations whose securities are held in its endowment funds to take actions to improve the working, living, and educational opportunities for blacks in South Africa.

(and)

The University should consider the sale of securities of any corporation which

- (1) chooses not to subscribe to the Sullivan or comparable operating principles;
- (2) does not appear to be conducting its operations in South Africa in accordance with proper standards in matters of equal employment opportunities and human rights; and
- (3) gives no substantial indication that it will remedy these deficiencies, despite continuing efforts to persuade it to change by this University.

The Schaenen Committee also recommended that the President establish a new advisory committee "to monitor the performance of corporations doing business in South Africa whose shares are held in the University's endowment funds . . . (and to) . . . make recommendations to the Investment Committee on these matters." Pursuant to this recommendation the Investment Proxy Advisory Committee (IPAC) was established in January of 1979. This committee is composed of two alumni representatives, two faculty, two students, and two employees.

IPAC was intended to be the major vehicle to carry out the Schaenen Committee recommendations. For various reasons, however, it has not been able to discharge this task systematically.

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II. Activities of IPAC

In the first 1½ years of its existence IPAC met 10 times and sought to examine the work of those corporations (in which Cornell holds stock) which operate in South Africa. At the time 20 such companies were identified. On the basis of performance evaluations sponsored by Reverend Leon Sullivan and carried out by Arthur D. Little, Inc., the list was narrowed to four. The investigation of one of these, Revlon, resulted in an extended correspondence in which Cornell representatives cited independent surveys which stated that Revlon's reports on its South Africa activities were inaccurate and misleading. Ultimately, Revlon's stock was sold from the Cornell portfolio for investment reasons.

In addition, IPAC established on 24 January 1980 the following guidelines for the Investment Office:

Before making an investment in any company, the Investment Office should determine the following: Does the company have operations in South Africa? If so, is it a signatory to the Sullivan or a comparable set of principles? If the company is not a signatory, the Investment Office should try to determine the company's reasoning and give consideration to the company's stance and its reasoning as part of the final investment decision. If an investment is made in such a company, the secretary of the Investment Proxy Advisory Committee should be advised at the time of the making of the investment and the Investment Committee should be informed at its next meeting following the decision.

Absence of needed information has occasionally led the Investment Office to vary from these undertakings.

Nor has IPAC been able to conduct any thorough investigation of the activities in South Africa of the companies in which Cornell holds stock. In the second year of its operation IPAC held two meetings between 1 September and 1 April. It was entirely burdened with proxy issues (many of which had nothing to do with South Africa) and in any event was not organized in such a fashion as to conduct the necessary research. The other activities of busy Cornell trustees and administrators put necessary limits on such efforts.

III. Work of the Faculty Ad Hoc Committee and the Sullivan Principles

The Ad Hoc Committee has met approximately fortnightly since 1 September 1980. Its first concern was to learn of past Cornell actions and of the

work of IPAC. It has subsequently been concerned to try to identify principles or procedures which the University might follow that would be consistent with its mandate under the Schaenen Report. It is obvious that the activities of American companies in South Africa can be monitored only at second hand. No Cornell committee presently has time, funds, or staff to investigate in detail the work of each new corporation that might be added to the portfolio. Thus, The Sullivan Principles, as monitored and applied in annual A. D. Little reports, take on a special significance. They are important in another way: they are the only existent common framework in which a series of concerned institutional investors might coordinate their activities to improve conditions for blacks in South Africa. The University of Minnesota and Oberlin College already apply the Sullivan principles to their own purchase and sale of stock; if Cornell adopted a similar standard, other major universities might do so as well.

It is nonetheless important to recognize that the Sullivan principles, even if maximally applied by American companies, would affect only 1% of the black labor force in South Africa. Majority black labor unions not observing apartheid restrictions have yet to be recognized in South African law. Blacks have in effect been deprived of their citizenship in South Africa and are now relegated to "bantustans." As a result they may not own land in "white" South Africa. There is therefore little reason to hope that the application of the Sullivan principles, or alternatively, divestment (either by U. S. universities of the South African-related stock, or by U. S. corporations in South Africa) would greatly improve conditions for blacks. Still, continued pressure on U. S. corporations in South Africa may have some ultimate effect in improving conditions there. American corporations are in the political and economic limelight, and their actions often influence others out of proportion to their economic weight.

IV. Recommendations

Two recommendations have been formulated from the deliberations of the present Ad Hoc Faculty Committee. They represent minimum but nonetheless necessary actions which Cornell and the FCR can take at this point. It is resolved that:

1. As a matter of policy, Cornell should not hold securities in corporations which have not signed the Sullivan Principles and which are not listed in categories I ("making good progress"), II ("making acceptable progress") or IV ("endorsers with few or no employees").

(For presently held securities, divestiture of holdings could be delayed for up to 12 months if there is a "reasonable" chance that these criteria will be met [such as cases of "new signatories" or companies recently removed from the "acceptable" category]).

(Cornell might accept or retain holdings in corporations not in the "acceptable" categories if this is a condition of the gift to Cornell.)

2. A new continuing committee on South African investments (meaning investments in firms doing business in South Africa) should be established for a period of at least three years; in the third year (1983-84) it would recommend continuation or suspension of its work to the FCR. In the absence of action by the FCR the committee would go out of existence on 30 June 1984.

(The Committee shall have 7 members appointed by the Dean acting on the advice of the Committee on Nominations and Elections and from the present committee on South African investments. Elections would be staggered so that approximately 1/3 of the members would be appointed each year for the 3-year terms. Originally, 2/3 of the committee would be hold-overs from the present committee.

The charge to the proposed committee would be:

1. from time to time but at least annually, to inform the FCR about Cornell's investments in firms doing business or making investments in South Africa, and about evaluations of the performance of those firms in respect to the Sullivan or equivalent principles, the receptivity of the firm to unionization including black and colored workers, positive efforts of the firm to improve housing and educational opportunities for their black and colored workers and their children, and success of the firm in moving black and colored workers into managerial and other salaried positions; also about the firm's activities in supplying the South African government, directly or indirectly, with equipment or facilities necessary to the maintenance of an oppressive regime;
2. to inform the FCR about the proxy votes of the Cornell Trustee Investment Committee on issues related to South Africa and the rationales therefore, including the recommendations and reasons given by the IPAC committee;

3. to consult with IPAC in an effort to attain on both committees the best possible understanding of the South African problem and to assist IPAC in arriving at the best possible proxy vote recommendations;
4. to establish communication with counterpart faculty committees at other universities with a view to achievement of greater influence through joint actions; to make recommendations to the FCR on any opportunities for joint actions discovered through these communications; and to inform the FCR about actions taken by other colleges and universities in connection with their relations with South Africa; and
5. to make other recommendations with reference to Cornell's involvement with South Africa that seem appropriate to the committee, for consideration by the FCR.

David Blandford,
Agricultural Economics

William E. Cross, Jr.,
Africana Studies and Research Center

Paul Eberts,
Rural Sociology

Kenneth Greisen,
Dean of the Faculty

Jerome Hass,
Graduate School of Business and
Public Administration

Fred McLafferty,
Chemistry

Richard Rosecrance, Chairman,
Government/Center for International
Studies

Norman Uphoff,
Government/Center for International
Studies

Elaine Walker,
Human Development and Family Studies

April 22, 1981

(over)

APPENDIX

The Sullivan Principles

- Principle 1 -- Nonsegregation of the Races in All Eating, Comfort, Locker Rooms, and Work Facilities
- Principle 2 -- Equal and Fair Employment Practices for All Employees
- Principle 3 -- Equal Pay for All Employees Doing Equal or Comparable Work for the Same Period of Time
- Principle 4 -- Initiation and Development of Training Programs that Will Prepare, in Substantial Numbers, Blacks and Other Non-Whites for Supervisory, Administrative, Clerical and Technical Jobs
- Principle 5 -- Increasing the Number of Blacks and Other Non-Whites in Management and Supervisory Positions
- Principle 6 -- Improving the Quality of Employees' Lives Outside the Work Environment in Such Areas as Housing, Transportation, Schooling, Recreation, and Health Facilities

REPORT ON ELECTIONS

Spring 1981

Faculty Elections

FACULTY TRUSTEE - 1 seat, 585 ballots cast

Howard E. Evans, Anatomy, Veterinary Medicine

AT-LARGE MEMBERS, FCR - 4 seats, 550 ballots cast

Donald C. Graham, Food Science

Francine Herman, Hotel Administration

Mary Beth Norton, History

Bernard F. Stanton, Agricultural Economics

REVIEW AND PROCEDURES COMMITTEE - 3 seats, 521 ballots cast

Martin W. Sampson, Jr., Emeritus, Operations Research/Industrial Engr.

Norman R. Scott, Agricultural Engineering

Joseph F. Veverka, Astronomy

NOMINATIONS AND ELECTIONS COMMITTEE - 3 seats, 559 ballots cast

Marjorie M. Devine, Nutritional Sciences

Yervant Terzian, Astronomy

John H. Whitlock, Emeritus, Parasitology, Veterinary

MEMBERSHIP OF THE UNIVERSITY FACULTY - 1 seat, 531 ballots cast

Esther G. Dotson, History of Art

ACADEMIC FREEDOM AND RESPONSIBILITY COMMITTEE - 1 seat, 491 ballots cast

Jack H. Freed, Chemistry

ACADEMIC PROGRAMS AND POLICIES COMMITTEE - 1 seat, 534 ballots cast

Kenneth L. Robinson, Agricultural Economics

BUDGET COMMITTEE - 1 seat, 528 ballots cast

Robert E. Bechhofer, Operations Research and Industrial Engineering

FREEDOM OF TEACHING AND LEARNING COMMITTEE - 1 seat, 504 ballots cast

Gwen J. Byemers, Emeritus, Consumer Economics and Housing

MINORITY EDUCATION COMMITTEE - 1 seat, 505 ballots cast

Henry N. Ricciuti, Human Development and Family Studies

PHYSICAL EDUCATION COMMITTEE - 2 seats, 546 ballots cast

Ralph Bolgiano, Jr., Electrical Engineering

L. Pearce Williams, History

(over)

PROFESSIONAL AND ECONOMIC STATUS OF THE FACULTY COMMITTEE - 2 seats, 518 ballots

Harold Bierman, Jr., B&PA
Eddy L. LaDue, Agricultural Economics

RESEARCH POLICIES COMMITTEE - 1 non-tenured seat, 464 ballots cast

Joanne E. Fortune, Physiology, Veterinary and Women's Studies

RESEARCH POLICIES COMMITTEE - 1 seat, 470 ballots cast

John M. Blakely, Materials Science and Engineering

UNIVERSITY-ROTC RELATIONSHIPS COMMITTEE - 2 seats, 510 ballots cast

Anthony Caputi, English
John A. Muckstadt, Operations Research and Industrial Engineering

COUNCIL ON PHYSICAL EDUCATION AND ATHLETICS - 1 seat, 486 ballots cast

P.C.T. deBoer, Mechanical and Aerospace Engineering

INVESTMENT PROXY ADVISORY COMMITTEE - 1 seat, 525 ballots cast

Randolph Barker, Agricultural Economics

May 20, 1981

110 Ives Hall

The Speaker, Russell D. Martin, called the meeting to order at 4:25 p.m. 77 members of the Faculty were in attendance. The Chair first called on Provost W. Keith Kennedy, to announce the death of Faculty members since last September.

1. ANNOUNCEMENT OF DEATHS

The Provost said it was his sad responsibility to announce the death of a number of colleagues, after which he asked the body to stand for a moment of silence:

John F. McManus, Associate Dean, College of Engineering,
October 3, 1980

Bernard V. Travis, Emeritus Professor, Medical Entomology
and Parasitology, October 12, 1980

Harold Emery Moore, Jr., Liberty Hyde Bailey Professor of
Botany, October 17, 1980

Robert H. Whittaker, Charles A. Alexander Professor of
Biological Sciences, October 20, 1980

James Hutton, Kappa Alpha Professor of Classics, Emeritus,
October 29, 1980

Raymond M. Cantwell, Associate Professor, Hotel Administration,
November 11, 1980

Walter H. French, Emeritus Professor of English,
November 20, 1980

Harry Caplan, Goldwin Smith Professor of Classical Languages
and Literature, Emeritus, November 29, 1980

John I. Miller, Emeritus Professor, Animal Science,
December 8, 1980

William M. Sale, Jr., Goldwin Smith Professor of English,
Emeritus, January 7, 1981

Myron G. Fincher, Professor of Veterinary Medicine,
Emeritus, March 2, 1981

John Einset, Emeritus Professor of Pomology and Viticulture
(Geneva), March 11, 1981

John W. MacDonald, Edwin H. Woodruff Professor of Law,
Emeritus, March 14, 1981

Martha Leighton Tracy, Professor (retired), Cooperative
Extension, March 18, 1981

Melvin L. Nichols, Emeritus Professor of Chemistry,
March 29, 1981

Richard Bradfield, Emeritus Professor of Agronomy,
May 1, 1981

Provost Kennedy said as one item of interest, it is rumored that Professor Nichols, known to many as "Pete", actually had met and knew every single President of Cornell University.

The Chair called next on C. Frederick Bentley II, Associate Director of Sponsored Programs, to speak about the effects of U.S. export control regulations on the free exchange of information with foreign scholars at Cornell.

2. EFFECTS OF EXPORT CONTROL LEGISLATION ON INFORMATION
EXCHANGE AT CORNELL

Mr. Bentley thanked the body for inviting him to speak at this meeting. He said his topic will be: Is the Federal

government trying to control the open exchange of ideas? "I'll attempt to explain how Cornell became involved in this question and also what I understand to be some of the issues. Recently I think you've seen a number of papers written regarding the question in publications such as *Science*, *The Chronicle of Higher Education*, *The Christian Science Monitor*, also *Aviation Week*, and there'll be an article in the next edition of *Physics Today*, speaking to the question. It's a question people here at Cornell, especially Don Cooke, have been quoted as commenting on. Some of the reasons for concern, some of the questions and hopefully some of the issues will be areas I can address. Likewise, I hope that, if time permits, you might ask a question or two concerning things I didn't cover. If that's not possible, please feel free to give me a call in the Office of Sponsored Programs, or call Don Cooke who would have been here today to address the question had he been in town.

"All projects that go through the Office of Sponsored Programs typically result in grants or contracts and those grants or contracts involve a certain amount of negotiation. The negotiation is done with the intent of taking care of the policy questions at Cornell and trying to reconcile those policy questions that may be different in the sponsor's organization. There's only one thing that we never negotiate, the freedom to publish and the freedom of open dissemination of the information that's created here at the University. That policy is based upon the Faculty's legislation that there will be no classified research carried on at the University - either sponsored or unsponsored. Carrying out

that charge, we recently have come across attempts by the government and some industrial sponsors, because of their involvement in projects involving certain technology, to try to restrict dissemination and also to control who can work on the projects. There's been concern by the State Department, that you've probably seen in *The Chronicle of Higher Education*, about an Eastern European postdoc who was scheduled to visit the University over a two-year period on an IREX scholarship and was unable to secure a visa because the University was unwilling and unable to put a shield on that person and prevent that person from having access to the research laboratories both here at the University and research laboratories at places where he might visit. All of this is brought about by two sets of regulations. One is known as the Export Administration Regulations, which are regulations established by the Congress to control commodities. The second is the International Traffic and Arms Regulations, which are regulations meant to control military weapons. The Export Administration Regulations were used to prevent the Hungarian scholar from coming to Cornell. The purpose of those regulations is to control commodities - there's a need to receive a license to engage in their foreign exchange. This means that every time a foreign student or foreign faculty member is going to exchange information with us in the area of semi-conductor technology, there would be the need to secure a license. I don't think the people who say that it's easy to acquire a license realize how many potential licenses they may be asked to provide. They say that a license would be issued by the Department of State for any

document, writing, sketch, photograph, plan, model, specification, design, prototype or other recorded or oral information relating to any defense article.

"People first thought that Cornell or any of the institutions who are involved in this kind of work, would only have to be concerned if that work was being funded by the government. However, that's not true either. The application of both of those regulations is without regard for the source of support. So the mere fact that you have a defense department contract doesn't by itself precipitate the regulation.

"Last fall we responded as an institution to a request for a proposal from the Department of Defense for work to be done in the area of semi-conductor technology and to be funded under a DOD contract. At the time of the request there was no indication whatsoever of anybody being concerned about the results of that technology being disseminated. It wasn't until we got to the stage of contract signing that the question came up regarding foreign students participating in the project. The universities involved asked for a clarification and were given an exemption to participate in the contract without any contractual clauses that prohibited dissemination. Because of the immediacy of the need we were able to continue working on the project. Since then there has been a lot of discussion between universities and the VHSIC program. This is a program involving very high speed integrated circuits apparently envisioned as a major weapons project in terms of computer chips being able to control major weapon systems. The Defense Department thought that they could

easily differentiate between applied research on the one hand, and basic research on the other, and basic research would not come under control. That distinction hasn't been so easy to understand.

"The universities have been attempting to keep the emotions low in this process because the people who are charged with the responsibility on the government side are trying to keep the program going. We're trying to educate them as to what the perception of these licenses is and how graduate students and others on the campus don't know of the penalties and don't realize they're not supposed to be discussing these issues. The American Council of Education, the American Association of Universities and the National Academy of Sciences are trying to address this question. The government is on very adequate notice that should there be any question as to whether the research can any longer be fully and openly discussed and published, Cornell will no longer be able to continue in the program. Maybe a lot of you have heard that the Five Presidents - Stanford, Cal-Tech, M.I.T., Cornell and University of California - have written a joint letter to the Secretaries of Defense, Commerce and State, trying to get a resolution of this problem. Many industrial firms are troubled by this process too because the multi-national conglomerates have semi-conductor technology being carried out in foreign countries. The NSF has submitted a five page response to these regulations to the Department of State. Both the letters of the five presidents and NSF are in the process of being answered, but what that means in terms of the answer is purely speculation at this point. There

is further concern about the recent appointment of Larry Brady as assistant secretary. He is reputed to be a hard-liner in this export business. I would be happy to answer any questions that I didn't address."

Professor Walter Lynn, Director, Science, Technology and Society, asked what the penalties were for violation of these regulations?

Mr. Bentley responded that he thought the penalty is ten years and up to \$10,000 fine for each violation.

It was asked if there is a list of sensitive areas?

Mr. Bentley said there is a list of military critical technology but that list is classified, which presents another problem. A Catch-22 situation.

It was asked what the University policy is in the meantime?

Mr. Bentley said he didn't think he had the capacity to advise the faculty. "Don Cooke, Dean Everhart, and President Rhodes are trying to keep abreast of this problem, but we don't know the answer yet."

Professor Michael E. Fisher, Horace White Professor of Chemistry, Physics and Mathematics, asked if the Provost felt able to give assurance that past policies, namely that we not be involved in restricted research in any way, would be continued?

Provost Kennedy said the University feels its policy is unchanged and until the regulations become more definitive, the University will not deviate from that. If anyone is charged, the University will defend that person.

Mr. Bentley added that the problem with the visitors arose when a faculty member brought a letter from the State Department

which sought assurance that the faculty member would commit Cornell to shielding an individual. The faculty member did not sign it.

The Provost said that was a very important point. "Do not sign or commit yourself or the University in any way to shielding someone. Our policy is that our work is unclassified, it's open, you are able to show it to visitors, and when you encounter possible infringement upon that, let us know."

Professor Jay Orear, Physics, said he would not know the citizenship of any of his visitors, any research personnel, secretaries or whatever and doesn't intend to know since that would be prying into their personal affairs. Is there any regulation which requires the University to know the citizenship of its faculty members, students, etc.?

The Provost stated that there is no reason one should know that now and there is no reason to know it tomorrow morning. Continue as in the past.

There being no further questions, the Chair asked if there were any additions or corrections to the minutes of the September meeting as published in the *Chronicle*. There were none, and so the minutes stood approved. The Chair announced that the minutes of this meeting will be published in the June 11 *Chronicle*, and, as in the past, anyone with a correction should notify the Dean of the Faculty. If no corrections are received, it will be assumed they are approved automatically.

The Chair next called on the Dean of the Faculty, Kenneth Greisen, for a resolution on positions of Senior Scientist and Senior Scholar.

3. RESOLUTION ON SENIOR SCIENTIST AND SENIOR SCHOLAR
POSITIONS

Dean Greisen said this resolution came by way of two Faculty committees that endorsed it - the Committee on Research Policies and the Committee on Membership of the University Faculty.

RESOLVED, That the University Faculty recommends to the President the creation of new positions with the titles Senior Scientist and Senior Scholar, to which non-professorial individuals very highly qualified in research and scholarship may be appointed. These positions will carry the professional stature of full professor. Persons may be appointed directly to the position or promoted from other ranks in the University. They may be involved with the teaching program, consistent with the terms of the funding of the position, but their primary role will be research and scholarship. Senior Scientists and Senior Scholars will be members of department and college faculties and voting members of the University Faculty. They may also hold the position in sections, centers and divisions. It is expected that they will have the qualifications for membership in the Graduate Faculty. Senior Scientists and Senior Scholars may be responsible to a principal investigator of a grant or contract or they themselves may be principal investigators, in which case, they will be responsible to the department chairperson. Senior Scientists and Senior Scholars will be appointed after an external review and a vote of the appropriate faculty and the approval of the chairperson, the dean or director, and the President. The appointment can be for a period of up to five years, indefinitely

renewable. The continuation of appointments for more than one year may be contingent on the availability of funds. The salary level of the position should approximate that of a full professor.

Dean Greisen said this proposal was one of a set generated by the Melby Committee which investigated the research policies of the University. It was developed into its present form by Don Cooke, Vice President for Research, before being exposed to committees and considered by them. Rather than speak to the proposal himself, the Dean called on Edward C. Melby, Jr., Dean, College of Veterinary Medicine.

Dean Melby began: "I would point out very quickly that the committee Dean Greisen mentioned which examined research policy and other factors within the University, did not specifically recommend this particular approach. I will, however, speak to the point as I see it, of trying to provide an increased and enhanced flexibility while assuring quality and maintaining the integrity of the University both as it relates to the quality of its faculty and the financial responsibilities of the University to its faculty. There are a number of reasons why we need more flexibility. In the area of science one of the problems we face as a University, particularly in these times of static growth, is the inability to train graduate students to meet the needs that are now facing the country. To provide flexibility and still keep in proper perspective the responsibilities and needs of the faculty and the University, some appropriately controlled flexibility as provided in this resolution is needed. It would require basically all of the types of review processes now in effect for the appointment of a full professor. Secondly,

it occurs to me that those positions now in place such as Research Associate and Senior Research Associate lack this type of control. These incumbents are designated by a chairperson, director, etc., but it does not go beyond that. My experience has been that many such people become defacto tenured in the University Faculty and perhaps that ought to be addressed at a subsequent time in a different way. But for these reasons I think this proposal is within the spirit of the committee in that it would address some of the problems we face as a University in providing flexibility in areas of research. I will not speak to the Scholar issue since that was added by the committees reviewing the proposal, but it does add basically the same type of flexibility and dimensional need to the University. Secondly it seems the resolution provides all the necessary controls that we would impose on the selection as to quality and collegiality that we expect and require within the University Faculty."

The floor was now open for discussion.

Professor Richard N. Boyd, Philosophy, asked if these are to be positions held by persons with outside funding? "In the absence of that assurance, we would be creating a non-tenured full professorial line. The sentence that says 'The continuation of appointments for more than one year may be contingent on the availability of funds' would be preference to internal University funds. I want to be assured that the purpose is to have people appointed who are funded from outside the University. Is that correct?"

Dean Greisen said that would be expected to be the normal situation. "It's already fairly common at Cornell that people

bring with them funds to support their position. These funds may come from grants from agencies or industry, etc. Funds which normally support these positions would be such grants."

Professor Fisher said he would like to move an amendment. "The amendment would be to delete the sentence: 'Senior Scientists and Senior Scholars will be members of department and college faculties and voting members of the University Faculty.' And if that's deleted, the 'also' in the following sentence would need deletion." After his motion was seconded, Professor Fisher proceeded to speak to it. "As I understand the proposal, Senior Scientists and Senior Scholars would be essentially full professors in rank and stature. I am sensitive to the research needs to which this is addressed. However, that sentence can only be read as saying that they will be members of the department faculties, with that rank. I don't know what it means to say you're a member of a department faculty with that rank, if it means you cannot vote. If you can vote, then amongst other things you would vote on with full professorial rank, would be questions of tenure and promotion from associate professor to full professor of essentially tenured professors. However, persons holding these titles clearly would not be tenured faculty members. Secondly, even if special rules were introduced whereby the voting rights would be restricted so that they would not be voting on tenure questions, they would presumably be entitled to vote on teaching questions. Now while it says that they may be involved with the teaching program, the intent evidently is to attract outstanding researchers and scholars whose primary responsibility would not be teaching. I personally would be very unhappy having somebody

on the faculty in my department and in my college and for that matter as a voting member of the University Faculty, where questions of policy on teaching have come before us from time to time, voting on these questions when they did not have the responsibility for teaching, when as it were they would not actually live with and under the decisions they took. In short, it seems to me that although I am prepared to go along with the recommendation without the provision for the equivalence of faculty status, I am somewhat unsympathetic to this particular route. Individual department faculties have in the past invited distinguished people from outside as researchers. To make this a recommendation for the President seems to be a mistake. Accordingly, I hope this amendment would pass."

Dean Greisen wished to respond to Professor Fisher. "In the procedure for appointment there is a requirement of review and vote of the appropriate faculty, which means the faculty in the department which would be accepting this person. So it would never be someone forced on a department. The department might withhold approval of anyone in whom they did not have full confidence to fulfill that role in a proper manner. I have been told by the Dean of the College in which I operate that departments have very great discretion in assigning or withholding voting rights within the department. The major discretion I want to call to your attention is the discretion to reject the appointment if they do not have full confidence in the person. The spirit behind the proposal was that these positions would be offered only to people of such stature and in whom we have such confidence that as a sign of that they would be invited to be full members in

every respect. The distinction between the new positions and our present Senior Research Associates is a pretty large one. The latter are not members of the faculty, although they can be invited by departments to participate in voting if the department so wishes."

Professor Joseph B. Bugliari, Agricultural Economics and B&PA, spoke as Chairman of the Membership Committee, in saying if the amendment passes, the entire proposal should be dropped. "One of the things we did feel was important was that these people would be members of this body, would be treated in every way like members of the Faculty, except that they would not have professorial title or tenure. If the motion passes, we better go back to the drawing board."

Professor Boyce D. McDaniel, Floyd R. Newman Professor in Nuclear Studies, agreed with Professor Bugliari. "It seems to me that such a deletion completely invalidates the proposal from the point of view that there's no status. The fact is that you have said in order to have such an appointment, you have to have an external review, vote of the appropriate faculty, approval of the chairperson, etc., but then there doesn't seem to be very much point in all that. There's no return for that recognition. To continue as a Senior Research Associate seems just as effective."

Professor Roger M. Battistella, B&PA, wished to speak in opposition - not to the amendment - but to the initial motion. The Chair said the discussion at this time must pertain to the amendment. Professor Battistella said he wished then to speak in favor of the amendment. "To grant non-tenured faculty the right to vote on matters of tenure runs a very great danger indeed. It

strikes at the heart of the University, because tenure is granted with the expectation that people will assume a lifelong sense of responsibility and obligation. The implication is that they should have the long route in mind in making these decisions. People who do not have tenure and are very susceptible to fleeting impressions concerning financing and what have you, cannot be expected to have long views in mind. It is for that reason I think it strikes at the very heart of the University. For that reason I am very much in favor of the amendment."

Professor Fisher said he wished to respond to some of the things said by Dean Greisen and Professor Bugliari. "It is true that it says that these individuals will be approved by the department. But what concerns me is that in a case of a normal departmental position, we have a series of regulations, we have searches, we have standard procedures, we have decisions ahead of time by which people come before the department for these appointments. I see this as opening a door to a series of potentially very embarrassing situations where without naming names, we would see directors of centers bringing pressure on departments and colleagues in departments to admit particularly distinguished individuals under what would essentially be quite distinct rules. So although it is true that a department would be able to vote against it, and although I would find it very hard to find myself in a position in a department where I would vote in favor of this, I still think it puts an unnecessary strain on collegial relations within departments and represents essentially a different way of bringing people here than we have at present."

Professor Lynn said he was confused. "The statement that continuation may be contingent upon the availability of funds relates to the permanence of these individuals. The proposal talks about Senior Scholars and Senior Scientists who may be here for one year. Their admission to the University Faculty and departments is therefore possible to be viewed as a one year appointment to that department, and although it may be renewed, in fact somebody may come under that category for one year and participate in decisions which are of longer duration. Could you explain this?"

Dean Greisen responded: "Let me also call to your attention that assistant professors in the first year of their appointment are also members of the University Faculty, and are urged as a matter of fact, to participate in the business of the University Faculty, and to serve on committees as non-tenured people. So there's nothing new about that. The sentence about possible discontinuation for lack of availability of funds only asserts that the University does not accept an obligation to continue the funds. This does not guarantee that the University never will. There could be, I can imagine, a period of indefiniteness about the external supply of funds - a little gap in time - when because of the importance of the area, somehow or other funds will be found from some source to maintain the individual for a period in the expectation of renewal of support. It did not seem necessary to guarantee that the position would be stopped in every such instance, but only to make it clear that it could be stopped, if necessary, for lack of available funds."

Professor Boyd said he is in favor of the amendment.

"It looks as though here a department could recommend someone not for tenure but for a position that would entail the right to vote on hiring and tenure decisions and the safeguards against an inappropriate vote are far weaker."

Professor McDaniel said he wanted to comment about the people involved in teaching. "I understand in the statutory colleges, there are as many as 80 members of the state faculty who are 100% time on research and that there are 155 who do no instruction, and that's out of a total of 800. The other question about people who are not on the permanent staff taking action on tenure votes - that was not in the original proposal by the Melby Committee, and I would hope that if that is an objection, that that would be circumvented in some other fashion."

Professor Phil Schoggen, Human Development and Family Studies, said he reads his mail, but to his knowledge this is the first he's heard of this. "It seems to me we're in some jeopardy of taking precipitous action without due consideration particularly since we have not had anything other than this document to guide us, and most of our colleagues aren't even here. I think a change of this magnitude that strikes at the very heart of the University, is something that we ought to give a little more thought to than to just come in on one late afternoon and take quick action on the basis of a recommendation of a committee. For that reason, I would like to move that we place this on the table and give the faculty more opportunity to find out about it, and debate the issues before taking any final action."

The Speaker asked if rather than laying on the table, Professor Schoggen were suggesting that this be recommitted? Professor Schoggen responded that he would just like the whole faculty to think about it rather than act on it with the small group present today.

The Speaker asked if he were suggesting it be postponed to the September meeting?

Professor Schoggen said the motion was to lay on the table.

The Speaker said if the motion was to lay on the table, that was an improper use of the motion. That is why the Chair is attempting to find out the intent.

Professor Schoggen said the intent is to get more time, to get it aired so faculty can talk about it. If postponing till September will do that, he will so move. The motion was moved and seconded.

Professor Bugliari said he would never be one to try to argue against faculty involvement in a decision of this type. "My fear is that we made 75 at this meeting by the skin of our teeth. If we were to assume that more faculty will show up in September to vote on this issue, I think we're fooling ourselves. I don't think we're going to get any more sentiment at our meeting in September."

Professor David B. Lyons, Philosophy and Law, suggested another question that might be raised to indicate the desirability of slowing action on this. "There are ambiguities and uncertainties in this motion which have to be cleared up and this is an argument to postpone until September. A sentence shortly after the one

Professor Fisher's motion concerns reads: 'It is expected that they will have the qualifications for membership in the Graduate Faculty.' This puzzles me because qualifications for membership in the Graduate Faculty normally include substantial supervision of graduate students. It's not clear to me how this would normally be the case of people in this position."

Professor Donald F. Holcomb, Physics, said there is a simple response to that. "Anyone with a professorial title - an assistant professor is almost automatically a member of the Graduate Faculty before he has a part in the responsibility of graduate student training."

Professor Lyons said: "But no one without a professorial title?"

Professor Holcomb replied that was correct. "Therefore this is a change in that respect as far as title is concerned, but the substance that a person should have some track record with respect to supervising graduate students is not used with assistant professors."

Dean Greisen said there is a great difficulty in bringing to the University Faculty anything to do because it meets only three times a year, at best, and frequently one or two of those meetings cannot consider business because a quorum is lacking. The February meeting was cancelled this year because business was lacking. "Maybe this doesn't have to go to the University Faculty. There's only one element of it that required treatment by the Faculty, and that was the awarding of membership in the University Faculty. The University Faculty retains control of its own

membership. Everything else in this proposal could be presented to the FCR. I think if there's a motion to lay this on the table, it will look as though this body just can't deal with it, and we will then somewhat weaken this body by making more complete the taking of the management of academic affairs to the Faculty Council of Representatives."

Professor Peter Stein, Phycis, asked if it would be in order for this body to delegate the FCR the power to act for it?

Dean Greisen said he didn't know that it would be out of order. Perhaps a vote should be taken on the motion to postpone and then if adopted, someone could introduce a motion to delegate authority in this matter to the FCR.

Professor Yervant Terzian, Astronomy, said he only saw this memo a few days ago. "I have been greatly troubled to decide where I stand on this issue. Therefore, I support the argument for postponing until September for further discussion. The matter of these people voting on tenure decisions is a very important one and should be looked at very carefully."

The question was called to cease debate and vote to postpone. So done. On a motion to postpone the agenda item until September, it was carried by a vote of 34 to 28.

Professor Stein moved that the body delegate to the FCR the responsibility to act for it in this matter. The motion was seconded.

Someone raised a point of information. "Does delegate to act on behalf of mean the FCR would vote on this resolution as it is now?"

Professor Stein said the intent of the motion is that the FCR would be given this issue and that they would debate it fully and amend it in any way they deem appropriate.

The Chair said it was its interpretation that the motion with the amendment would be going to the FCR.

Someone asked Dean Greisen if this motion was proper under the Rules and Procedures of the University Faculty, since this is one of the rights reserved for the entire faculty? Dean Greisen said that it was true that determining its own membership is a power reserved to the University Faculty, but since it is so, he thought they could delegate it to another body in a particular instance.

The Chair interrupted at this point to ascertain if a quorum was still in attendance, and since it was not, no further action could be taken.

The next item on the agenda was the Provost's remarks on the budget.

4. LOOKING AHEAD AT THE UNIVERSITY BUDGET

Provost Kennedy began: "In 1978, after a period of eleven years of deficit budgets, we set out to bring ourselves into what was termed financial equilibrium with everyone having a slightly different definition of financial equilibrium. It did have four main goals: a balanced budget, competitive salaries for faculty and staff, renovation of physical facilities and equipment replacement, and to discontinue using \$750,000 per year of bequest money for operating expenses. We have had a balanced budget for the last several years, and we're not using bequests anymore. To that extent we have achieved two of the objectives. We also,

during the past three years, have seen significant improvements in our physical plant. I might add that when we started out we were assuming an 8% annual inflation rate. Needless to say, it's obvious that we sadly underestimated the rate of inflation, and we also underestimated the backlog of building repairs, equipment replacement and other needs we have. Also, in spite of our efforts for the last several years, we have made very little progress in salary improvement over peer institutions. We think we've kept pace with them, but we've not gained.

"Let us now turn to the 1981-82 budget approach, or developing a planning document for this period. We approached the budget formulation process in our usual manner. That is, you attempt to estimate increased costs, you estimate the sources of non-tuition income such as return on investments, the annual giving, our overhead or indirect costs and other sources. That leaves, if you pause for a moment, one major expense item - that is salary or compensation, and one major source of income - tuition, unresolved. In the past we've been able by going a little higher on tuition than we hoped for to close that gap. This year we started out on the assumption that we'd increase tuition by 15% - that is from \$6000 to \$6900. When we moved along and came to balancing estimated expense, versus estimated income, we were some two and a half million dollars out of balance. That was more than we felt we could make the adjustment for, so we decreased several planned allocations - one of them being library acquisitions, which was painful to reduce. We were quite proud of the fact that we have allocated 15% increase for this current year for acquisitions which was appreciably better than most of

peer institutions, but we decided for the coming year, we'd have to reduce it to 11%. At best that's only about half the annual rate of inflation for library materials. We also made a number of other adjustments including the removal of some of the renovations we wanted to do. It still left us with a gap of \$2.3 million. We then decided to recommend a \$7000 tuition rather than the \$6900 that we were thinking of and you know the reaction that that produced on the campus. That still left us with a shortfall of about \$1.4 million, including a use of some of the contingency that we had included in our budget process. We presented the preliminary budget document to the Trustees in the late March meeting and we will be going forward with the plan at the May 30 meeting. It will be balanced as far as income and expenditures are concerned, but we have virtually no contingency - less than a half million dollars. In fact we will have about a third of a million dollars on a budget of some \$450 million which I think you can recognize is almost no contingency at all. Also we do not have funds in the budget for a possible loss of some \$700 - 800 thousand of financial aid. We have discussed this with the Trustees and they are prepared to permit us to provide monies from bequests to cover financial aid shortfall in 1981-82 if that is necessary. The unpleasant events or the rather inadequate budget that we have for 1981-82 in terms of really being fiscally responsible and the tremendous unhappiness on the part of at least a few extremely vocal students - I think more than a few - leads us to a point that we must start looking right now to 82-83 and beyond. The problem comes as to how to look ahead in a realistic manner. If you look at the

inflation rate we've had for the last two or three years and you project out something in the neighborhood of 12 or 13 percent inflation for one, two, three years ahead, the result is so frightening that you feel the only alternative is to go home and go to bed and let someone else handle the project. If on the other hand, you say no, the inflation rate is going to come out to 7.2 or 7.5 percent as the administration says that it will, then you can plan a good deal easier. It's something that's very attractive and manageable. We are still hanging with the 12% inflation rate. When I say 12% I'm talking about a wide range of expenditures. Probably some of our expenditures such as pencil and paper might be less than 12%, but other costs such as library acquisitions, surely will be higher than that. Utilities are a big item - \$10 million in rough approximation from the general purpose funds - and so whenever you start playing with one or two or three percent drop or increase - let's say drop - in the increase in the cost of utilities, you find dollars rather rapidly. But nevertheless, we're going forward with an assumed overall inflation rate of 12%. Financial aid - we feel that we must increase it at 17 1/2% rate. Let me stop for just one second. These are not figures that have been engraved in granite or even in soft concrete - they're only figures as we are thinking among ourselves today. But we do feel, based upon the experience of the past several months, that we need to talk about these things and have people thinking about them and at least aware of our thoughts rather than throwing as one student said, a bucket of cold water in their face when we announced the \$7000 tuition increase. I just want to emphasize that these are what we're

talking about for 82-83 and 83-84 as being the problems that we have. Coming back to financial aid, we feel that that has to be probably increased at the rate of about 17 1/2% based upon our other assumptions, simply because as we raise tuition, more and more families become eligible for at least some component. Also, there's a great uncertainty about federal and state funding. I should add it does look encouraging that the state will provide some help through some increase in the tuition program. We're using as our planning figures a salary improvement or compensation improvement of about 2% a year above peers. Now that takes a lot of guesswork. How much will Princeton increase its salaries next year or Yale or Harvard or Stanford or others? We feel that a compensation package of probably about a 13% increase will give us at least a 2% greater increase than our peers. It is our best estimate that the gap is at least 6% to bring us into the average of the peer institutions - we can't possibly do that in a single year so we're setting our targets to do it over a three-year period. You may be impatient with that. I understand your impatience, but I also wish we had more dollars. When you do all of that with approximately just under \$115 million budget for general purpose funds, and I'm only talking about the general purpose funds for endowed Ithaca, it is probably going to take something in the neighborhood of an \$8000 tuition in 1982-83 and as much as \$9100 in 1983-84. If there are any brave souls here who want to stand up and say that's not nearly enough, you should increase tuition still further, I hope you'll be around when we do announce tuition and help us out. We were rather lonely

for a few days this year. In looking at tuition and those figures, you will note they represent approximately an average increase of 14% per year for the two years. It is our judgment as of the moment again, that that's about as hard as we can push tuition in the present climate, assuming that inflation rates do continue at something in the neighborhood of 11, 12, 13 percent. But again, as we look at the various indicators, economic indicators, and other information along the way, we may, in fact, have something different. Anyway if we do those things with our estimate of costs on one hand, and an 8% increase per year in the form of returns on investment, increased gifts, increased overhead, and other sources of income, it still leaves us even with the tuition levels that I've indicated, with a shortfall of about 2.8 million for 1982-83. The good news is that if we are successful in making the adjustments that we need to, and in this case the adjustments mean not deferring critical maintenance or other things, but making real reductions in programs, then in 83-84, we would be essentially in balance. The point is, at the present time we're over-extended and until we make the necessary adjustment, we'll continue to be over-extended. If we can make the necessary adjustment, we can then move ahead. Now that's the sad news, but I want to end up by keeping our eye on the donut rather than on the hole. Cornell has many strong points, certainly we have an excellent faculty, and we feel very strongly that we must face the compensation needs if we're going to retain that strength and that's absolutely essential to do. We have an excellent library. It's declining, and we have to put some

additional funds in there or it is going to be weakened to a greater degree. We have many fine laboratories and other special facilities. We also have some that need upgrading and change. It was very pleasing to note the very high number of applications we've had this year. They were off one-tenth of one percent over last year's, but when you have 17,000 applications, one-tenth of one percent is not a very serious decline when we have the enormous task of selecting only 2750 students out of that. We still have a good number of transfers. We also have a continuing and actually a growing interest on the part of Alumni and other friends of the University as far as support and giving is concerned. The unfortunate thing once again is when the inflation rate is so high, that while the gifts are generous the value of the gifts is not nearly as great as we would like or as the donors themselves would like.

"Just one additional item. We intend to report to the FCR and the campus at regular intervals throughout the fall on how we're doing, how we see the picture unfolding. We do not want to be in the same position as we were last year. Maybe talking about it ahead of time, talking about different tuition levels will create more anxiety than the present year, but this year was a failure and so we're going to try something different next year. Thank you."

The Chair next called on Rabbi Morris Goldfarb, Acting Director of CURW, for an announcement concerning the baccalaureate service.

5. ANNOUNCEMENT RE BACCALAUREATE

Rabbi Goldfarb wanted to mention that the baccalaureate service has been reinstated for the first time in 14 years and that it will be held on Sunday morning, May 31, at 10 a.m. in Bailey Hall. At that time the retirees of the faculty and staff will also be honored, as well as the students who will be graduating.

The Chair turned the floor over again to Provost Kennedy for the balance of the agenda.

6. HONORING RETIREES (See Appendix A, attached)

Provost Kennedy began: "We all look forward to this time when we have an opportunity to recognize the service of many dedicated faculty members and we'll move right along. You did have a list of the retiring faculty members distributed with the call to the meeting. There was one omission and that's Jack Lewis and he will be recognized at the appropriate time. First let me call upon Associate Dean Joan Egner for the College of Agriculture and Life Sciences."

Associate Dean Egner said: "In checking the list you'll note that there are eight faculty from the College of Agriculture and Life Sciences being honored today. They're being honored today in a special way but I should note also that they have been honored in many ways during their distinguished careers. Four of the faculty are here today and I shall recognize them first.

"The first on our list is Howard G. Andrus, Professor of Guidance and Personnel Administration, Department of Education. Professor Andrus has been a leader in guidance, testing and career planning and placement since 1946. His 35 years of service

to Cornell have included teaching and advising graduate students, being director of the Educational Placement Service where he assisted students and alumni from all sections of the University to find positions in schools and colleges, and his position since 1969 as director of Cornell University's Guidance and Testing Center. There are many Cornellians, and I'm one of them, whose lives have been enriched by Professor Andrus' teaching, counselling and friendship. We're very pleased that he's here today and we wish him well as Professor Emeritus.

"Robert L. LaBelle, Professor of Food Science, Department of Food Science and Technology at the New York State Experiment Station, Geneva, joined the faculty in 1950. As a chemical engineer, Professor LaBelle has conducted research on freeze or foam mat drying processes. He is a recognized authority on the processing of both sweet and hard cider and this is a key element in the New York State apple production and marketing system. Professor LaBelle, I understand, is an avid runner, having competed in numerous marathons. We expect his professional interest as well as his recreational interests to continue in his new Emeritus status.

"Arden F. Sherf, Professor of Plant Pathology, Department of Plant Pathology, retired April 30, 1981, following 27 years of research and extension contributions. Professor Sherf is widely known for his contributions to agriculture by helping farmers improve methods of controlling a wide range of plant diseases affecting vegetables. His expertise has been sought nationally and internationally. In September 1980, Professor Sherf was elected a fellow of the Phytopathological Society - a distinguished

honor recognizing his professional achievement and meritorious service to the society. We too recognize them and laud the now Emeritus Professor Sherf.

"Samuel T. Slack, Professor of Animal Science, Department of Animal Science: Emeritus Professor Slack retired December 31, 1980 after 30 years of faculty membership. Professor Slack's research activities have focused on management practices for small and large dairy herds for improving milk production efficiency and evaluation of feeding and management of neonatal calves. He has provided extension leadership in the college and statewide for programs dealing with all phases of animal husbandry. And, as an authority on cattle judging, he has coached Cornell student dairy cattle judging teams that have given Cornell an unmatched record among universities in national intercollegiate contests. Professor Slack's coordination of programs at the Animal Science Teaching and Research Center at Harford has been instrumental in developing the Center into a major component of the College's teaching, research and extension mission.

"The four retiring faculty who are not present are Emeritus Professor Lawrence S. Hamilton, Natural Resources, Professor LeRoy W. Nittler, Seed and Vegetable Sciences, Geneva, Professor Emeritus Robert S. Smith, William I. Myers Professor of Agricultural Finance, and Professor Emeritus Robert P. Story, Agricultural Economics.

"Emeritus Professor Lawrence S. Hamilton, Department of Natural Resources, retired August 1980 following 30 years as a faculty member. Professor Hamilton is a well known forest ecologist.

He is now in a second career as a research associate at the East-West Center in Hawaii where he is involved in research in tropical forests.

"Professor Leroy W. Nittler has retired from the Department of Seed and Vegetable Sciences, Geneva, after 27 years of service. Professor Nittler's work developed procedures for testing the varietal purity of seeds and in conducting trueness-to-type trails of grains and forage legumes. Emeritus status of Professor Nittler has been recommended to the Board of Trustees.

"Emeritus Professor Robert S. Smith was in 1977 the first professor elected to the endowed chair which was established by the College of Agriculture and Life Sciences as a tribute to William I. Myers, former dean and faculty member who developed the concept of the Farm Credit Bank System. Professor Smith's retirement follows 29 years as a faculty member in the Department of Agricultural Economics. He taught farm management, tax management and farm finance and served as a national and international consultant to financial institutions.

"Emeritus Professor Robert P. Story has been a member of the Department of Agricultural Economics since 1952. He retired in August 1980. His 28 years of teaching, research and extension activities have been related to the marketing and pricing of milk. Professor Story achieved a unique degree of trust and respect from farmers, industry, public officials and cooperatives which permitted him to be an effective and outstanding leader in his field.

"The Dean and Faculty of the College of Agriculture and Life Sciences join me today in wishing all the retirees the very

best futures. I'll make it plural because I know these colleagues are going to look at futures and we join in recognizing them today."

Provost Kennedy called on Professor M. Gardner Clark, I&LR, to recognize one of his colleagues.

Professor Clark said Dean Seznec was unable to be present today and asked that he convey to the faculty his and the College of Arts and Sciences' gratitude and respect for Frank H. Golay, Professor of Economics and Asian Studies, for his many contributions over the years to Cornell University. "Professor Golay was first appointed to this faculty as an assistant professor in 1953, and he has not only served as a teacher and research scholar, but he has been chairman of the Department of Economics for five years, director of the Southeast Asian Program for seven years, director of the Cornell Philippines Project for seven years, director of the London-Cornell Project for three years. He has received a number of distinctions including honorary Doctor of Laws from the University of Manila, research awards from the Fulbright Commission, the Guggenheim Foundation, the Social Science Research Council, the Luce Foundation, and the National Endowment for the Humanities. His teaching has primarily been in the fields of economic development and international trade. His best known publication is the Philippines Public Policy and National Economic Development published by our own press, and he's editor or co-author of five other books, been a sole author of two dozen articles, primarily dealing with the Philippines and international economic relations."

Professor Max Black, Susan Linn Sage Professor of Philosophy and Humane Letters Emeritus, was called upon next to recognize one of his colleagues.

Professor Black began: "Dean Seznec has asked me to convey on behalf of himself and the College of Arts and Sciences, gratitude and respect to Stuart M. Brown, Jr., Professor of Philosophy and Associate Director, Science, Technology and Society, for his many contributions over the years. I'm happy to do so, and to add the heartfelt appreciation of the members of the Program on Science, Technology and Society. Stuart Brown is a Cornell alumnus, having received the Bachelor of Science Degree in biology in 1937, and the Ph.D. degree in philosophy (for the study of Schleiermacher's philosophy of religion) in 1942. Apart from relatively brief absences for military service, and for an appointment as Vice President for Academic Affairs at the University of Hawaii, he has worked for Cornell as a scholar, teacher and administrator for over 40 years. He has been chairman of Sage School of Philosophy, Dean of the College of Arts and Sciences, Vice President for Academic Affairs, and Executive Director of the Program on Science, Technology and Society. Stuart was the chairman of our Philosophy Department for ten years, 1953 to 1963, and played a crucial role in restoring what had been an internationally famous unit of Cornell to its present high standing. Anybody familiar with the contentious habits of professional philosophers will know how well this speaks for his administrative powers. Even more important has been Stuart's long spell of hard and unsparing labor as a teacher and educator, crowned by his imaginative courses in biomedical ethics and environmental ethics, now central components of our new major in biology as a society. Stuart has been one of the few contemporary

experts in Moral Philosophy whose theory and practice have been all of a piece. He has been a model, for generations of students, of sweet reasonableness and good sense. He has shown that it is possible to have strong convictions while heeding what William Kingdon Clifford called 'the small still voice that whispers Bosch'. For this and for much more we honor Stuart Brown."

Provost Kennedy said he was sorry Stuart wasn't here. Professor Douglas B. Fitchen, Physics, was next called on by the Provost.

Professor Fitchen spoke on the retirement of Herbert F. Newhall, Professor of Physics. "Professor Newhall is retiring this year after 44 years in the Physics Department of Cornell. He came to Cornell as a graduate student in 1937 after doing his undergraduate study at Colorado College, and he's been here essentially all the time since then, as an instructor in 1941, assistant professor in 1945, full professor in 1955. His major contribution has been in the area of teaching large introductory physics courses. He is a superb teacher. He can make a physics course not only clear and challenging but fun. He's a completely dedicated teacher. He's meticulous in preparation, pedagogically astute, innovative in format. He's really a past master at lecture demonstrations. He's also a devoted teacher deeply concerned for the educational development of each of his many students. He's always available for discussion with students and they love him for it. And rather than go on, I think I'll just say on the way over here I asked if he was coming over to this meeting. He had a roomful of students in his office and he said, no, he was going to stay there and be with them."

The Provost next called on Emeritus Professor Edward C. Devereux, Human Development and Family Studies.

Professor Devereux began: "On behalf of his colleagues in the Department of Human Development and Family Studies, I'd like to comment briefly on Professor Harold Feldman, our colleague who retired at the end of last semester after 33 years continuous service at Cornell. Harold had his degree in psychology and social work from the University of Michigan, and thereafter came to Cornell and came up the whole way from instructor to full professor and now professor emeritus. Those of us who knew him well will remember him in many ways - as a teacher who was ever experimental and innovative. Harold never thought of using a warmed-over syllabus or warmed-over notes from last year. He was always pushing himself to start out new things - not always successfully, but he had this sense of adventure about him. He continually tried to evaluate both himself and his students. He was particularly effective, some of us thought, in trying to get his graduate teaching assistants who helped in these undergraduate courses to take teaching seriously and learn how. He set up special teaching seminars in which the students would take over a unit, work out their plan, present it to each other and Professor Feldman first, then present it to the undergraduates, then come back and evaluate over and over again. I sometimes wish most of us had the time and heart to think as much as he did about our graduate assistants. His research kept abreast of the times. His focus was primarily in family relations. In our department most of us were thinking about the effects of parents on children. Harold continually thought about the effects of children on parents.

He did some very interesting research about that. He moved on going back through the decades dealing with unemployment, the effects of working mothers, the effects of relief, ghettorization, all of the effects of these things on the family. He was always concerned with how public policies made by government and state and other community agencies affected the family and he's been very active in trying to act as an analyst of what we can do to make our policies more sensitive to the needs of families. The reason Harold is not here today is that although he is retired and in fact is in Washington this semester, he's consulting with the Council on the Aging. His influence has stretched beyond Cornell into many national organizations - the two principal ones being the National Council on Family Relations, where he's been a director and chairman of research and theory section for many years and the Groves Conference which he's served as president. I hope you'll join me in honoring Harold Feldman."

Dean Edward C. Melby, Jr., Veterinary Medicine, was called upon to present his retirees.

Dean Melby indicated that none of his colleagues were here. "The faculty of the college would like to recognize the three professors who have retired this year.

"Professor John Bentinck-Smith, Clinical Pathology, will leave at the end of this month, having served at Cornell since 1946. He is considered one of the best teachers in our college and has consistently held that acclaim for many, many years. I can personally attest to that fact having sat through under his kind benevolence, a number of years ago. It is our hope that Dr. Bentinck-Smith and his family will remain in Ithaca.

"Professor Emeritus Stephen B. Hitchner, Avian Medicine, retired effective February 1, after serving Cornell nearly 18 years in various capacities including that of chairman of his department for a number of years. He's distinguished himself professionally as well as in our college with the development of various vaccines for use world-wide in the control of various avian diseases; was a distinguished teacher, a colleague, and leader in his department.

"Professor Kenneth McEntee, Veterinary Pathology, took an early retirement October 1, 1980. He is continuing to be active in research and teaching on a part-time basis in our college, but at the same time fulfilling a recent interest in working in other institutions. This last year he has been serving at the University of Illinois in Urbana. We expect to see Dr. McEntee and his wife with some frequency, as they continue to return to Ithaca."

Provost Kennedy said it was a pleasure to call upon Rabbi Goldfarb to speak about Jack Lewis. Rabbi Goldfarb began: "I'm delighted with the opportunity of saying a few words about a person I'm supposed to step into his particularly over-sized shoes - both literally and figuratively - and I'm also very grateful that Jack is with us today after a serious operation. We are happy that we can say these words at this time. I think that you certainly know that we always have called Jack our Texan sheepherder. He was the one who kept us together - we are a rather strange motley crew in Anabel Taylor. He kept us together, chided us gently, but firmly. He also was a person who made himself known

throughout the campus. He was truly a pastor to the whole University. I won't say too much about him because we haven't the time now to tell all the things about Jack that should be said. We are having a reception this Friday afternoon from 4 to 6 when a few words will be said at that time by other individuals and you're all invited. I do want to read just a short paragraph that was written by Matt McHugh who answered the invitation to come to this reception on Friday afternoon with these words which I think are most appropriate about Jack. 'Jack Lewis has been an advocate of the vulnerable, the powerless and those who search for peace in our frantic world. He has encouraged, comforted, and taught many of us the meaning of the word leader. We will miss him being at Cornell officially, but are delighted that he will be with us though retired for years to come.' Jack has been with us at Cornell for the last 17 years - first year as associate director of CURW and for 16 years as the director of CURW, and we are happy too that he will be in the community because he is not the retiring kind. He will be heard from and people will come to him - all kinds of strays, all kinds of individuals who are in difficulty and trouble, and Jack has such a grand and open heart he welcomes everyone. Jack has not written many books or any books that I know of - but he has certainly written so much on the hearts of all students, faculty, staff and in the larger community that we will all treasure work that he has done for us throughout these years and we hope to hear from him in the years to come. We wish him well in his - I would say - semi-retirement."

Professor and Colonel Gerald J. Hone, Military Science, was called upon to recognize one of his colleagues. Professor Hone said on behalf of the Cornell community, it was his privilege to provide a few remarks about Lt. Col. Crosby A. Houston, Professor of Aerospace Studies. "I do this not as Crosby's supervisor, but rather as this year's Officer Education Program Coordinator, and also because Dean Greisen called me last week and gave me the task. That notwithstanding, I do consider it a personal pleasure to participate in the recognition of Colonel Houston today. Professor Houston did not arrive at Cornell in the fifties or even the sixties, but four short years ago. And I believe he's the only retiring faculty member this year who failed to gain tenure, who will not be given emeritus rank, but who on the other hand, will have a University pension that is 100% of his current University salary. That's no mean feat, given the budgetary constraints we just heard the Provost talk about. In all seriousness, Col. Houston is retiring from the United States Air Force after 22 years service, and four years of service as Cornell's Professor of Aerospace Studies. Unlike many of the other denizens of Barton Hall, Crosby is a true academician. He is Doctor Crosby Houston; he is a seven-year veteran of the United States Air Force Academy's Geography Department; and he has also served as the Military Education Coordinator for the United States forces in Ethiopia, when we had U.S. forces in Ethiopia. In his capacity as Professor of Aerospace Studies, he has logged some notable achievements to include membership in the Campus Council, Faculty Council of Representatives, and the Military Program

Coordinator last year. He is also on the Advisory Board of the local chapter of the American Red Cross. But most importantly he has worked long and hard in upgrading Air Force ROTC course content and the ROTC course curriculum. And this is no mean feat given the bureaucracy we have to contend with on both sides of the street - we serve not only Cornell but the various services whose uniforms we wear. And Crosby has flown in the face of the gods many times - no pun intended there - as aerospace leader - to bring about changes that were needed in the curriculum and are needed in all of our curriculums. So I say today that our loss is someone's gain - I believe we're truly suffering a loss of a friend, a colleague, for those of us who wear the uniform, a comrade in arms who has given much to our overall officer education program and to Cornell University. Thanks very much Crosby."

The Speaker adjourned the meeting at 6:00 p.m.

Respectfully submitted,

Joseph B. Bugliari, Secretary

Retired or Retiring Professors - 1980-81

Howard G. Andrus, Professor of Guidance and Personnel Administration
John Bentinck-Smith, Professor of Clinical Pathology
Stuart M. Brown, Jr., Professor of Philosophy and Assoc. Director, Science,
Technology and Society
Harold Feldman, Professor of Human Development and Family Studies
Frank H. Golay, Professor of Economics and Asian Studies
Lawrence S. Hamilton, Professor of Natural Resources
Stephen B. Hitchner, Professor of Avian Medicine
Crosby A. Houston, Professor of Aerospace Studies
Robert L. LaBelle, Professor of Food Science and Technology, Geneva
Lewis, W. Jack, Director, Cornell United Religious Work
Kenneth McEntee, Professor of Veterinary Pathology
Herbert F. Newhall, Professor of Physics
LeRoy W. Nittler, Professor of Seed and Vegetable Sciences, Geneva
Arden F. Sherf, Professor of Plant Pathology
Samuel T. Slack, Professor of Animal Science
Robert S. Smith, William I. Myers Professor of Agricultural Finance
Robert P. Story, Professor of Agricultural Economics

Calvo, Joseph M.	4905F
Campus Governance - see Assembly	
Cantwell, Raymond M.	5375F
Caplan, Harry	5216C, 5375F
Cetas, Robert Charles	5029F
Chester, Geoffrey - See R. Rosecrance	4937F
Clark, Benjamin E.	5128-29F
Cochran, Sherman G.	5172F
Comar, Cyril L.	5029F
Comparative and Environmental Toxicology, Institute for	5356-57C, Appen.E
Computer Operation	4920-21C
Confidentiality of Letters	
Ad Hoc Committee Report and Resolution	4895-4902C, Appen.A
Discussion	4896-4902C
Substitute Resolution and Discussion	4923-33C
Continued Discussion, Third Resolution and Revision of	
Substitute Motion	4950-73C
Passage of Resolution	4973-74C
Nullification of Resolution Proposal	
at FCR Meeting	4975-76C
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Announcement of Referendum to Nullify	5063C
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Cornell, Ezra - Visiting Professorship Program	
Discussion	5358-66C
Cornell United Religious Work - Acting Director	5401F
Crowder, Loy	5129F
Curtis, Otis F.	5129F
Daniel, Cletus E.	5172F
Darsie, Paul	5143F
Dean of Faculty (Kenneth Greisen) Reports	
Election Announcements	4893C, 5115-17F
WHCU Ad Hoc Committee	4894C
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Housing in England	4975-76C
Slate of Nominations	5063C
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Promotions and Appeals Ad Hoc Committee	5244C
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Religious Observances	5303-06C
Welcome to new FCR Members	5325-28C, Appen.A
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Dean of Faculty, Extension of Term	5382-95F
	5242-43C

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Ebrill, Liam P.	5172F
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Einset, John	5376F
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Results of Fall 1980 Elections	5195C
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Good, George L.	5172F
Greisen, Kenneth - see Dean of Faculty	
Gurowitz, William D., V.P. Campus Affairs - see Assembly	
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