MINUTES OF THE FACULTY SENATE MEETING
Wednesday, September 13, 2000

Professor Howard Howland, Neurobiology and Behavior, and Speaker: "We have a very busy agenda today. I'm going to call us to order now. I'd like to ask for unanimous consent to switch the order of agenda items - to move the discussion of Professor Seymour Smidt and Michael Goldstein, items eight and nine, dealing with the for-profit status of distance learning entity, to follow the more general discussions of distance learning, items ten and eleven. The later flight of Mr. Goldstein no longer requires that he depart as early. Do I have unanimous consent? Hearing no objections, that will be the order. I will now like to call on President Rawlings for remarks."

1. REMARKS BY PRESIDENT HUNTER RAWLINGS, III

President Hunter R. Rawlings, III: "Thank you very much. It's a pleasure to join you this afternoon for the first meeting of the fall. Let me welcome you all back and say how delighted I am that Provost Martin and I could join you this afternoon on an absolutely beautiful afternoon. I want to begin my remarks by thanking Dean Cooke and the University Faculty Committee and several other members of the Faculty Senate for the work that they did over the summer. A number of you stayed on course with several projects, and I am very much appreciate that you did so. I know that this was an extra burden, and I wanted to underline how much I appreciate the kind of time that a number of you spent on issues that were of real importance to the University this summer. You have helped a great deal in forming the search committee, for example, for the Dean of Engineering which is now just about complete, the west campus planning council, also now just about complete and for your careful review of eCornell through a number of different vehicles. I also want to thank the Provost's Advisory Committee on Distance Learning for an excellent detailed report. Bill Arms did an especially fine job of chairing that committee, and I'm happy to report he has agreed to serve as a member of the eCornell Board of Directors, which will hold its first meeting quite soon. I'm especially pleased that someone who has been so involved in the process will now serve in the next stage as well in implementing it.

"Secondly, we've begun the academic year with considerable momentum, particularly in new appointments to the faculty and in undergraduate admissions. And I want to take just a moment on each of those points to underline my enthusiasm for both. The Cornell Chronicle will run a series of articles starting this week, in fact tomorrow, on new faculty appointments at Cornell, as well as a series on programs that combine our strengths in the physical and biological sciences to take advantage of new opportunities in fields such as genetics, bioinformatics, nano-biotechnology, chemical biology, biophysics and several other programs here at Cornell. I wanted to recommend that series to you. It will begin tomorrow and contains a lot of interesting information. It's part of an effort that Provost Martin and I are undertaking this year to try to ensure that we are well publicizing a number of the new efforts, the new initiatives at Cornell in fields that are of particular interest and, in many cases, are interdisciplinary and borrow strengths from several related departments at Cornell. We particularly see major strides now in this merger, so to speak, of the physical and biological sciences, which is taking place in so many different ways and is producing so many dramatic discoveries."
That is what the first series will be concerned with. We hope to do some other series in the near future as well in fields such as the humanities and social sciences, and we intend to do that.

"On the side of student recruiting, I wanted to underline that this is the strongest freshman class ever at Cornell, at least by most measures that one can do. It is a very strong class indeed owing in part to a nice jump in the yield rate for several of our large colleges in particular. This means that we are more selective. On the other hand, it means that we had more students than anticipated. It is a big problem, because these are very good students, and we didn’t feel like sending anyone home. In fact we were a little overcrowded at the beginning of the term. I think that most of that is working itself out fairly well now that accommodations have been made. It is a very strong freshman class and a number of the special programs such as the Presidential Research Scholars Program and the Cornell Tradition Program have brought extraordinary students to Cornell. I think we are becoming more competitive in what is a highly competitive arena these days for recruiting new students. I would also like to underline that we have seen greater diversity in this class, particularly in African American students. That is thanks to the efforts of a number of the colleges, as well as faculty and admissions personnel. So far we have seen some very good results this year. I think we would like to build on that momentum in future years. While I’m at it, I would like to urge you, if you haven’t already to take a look at the new buildings that are going up on North Campus for the freshman class next year. Of course, we have to be a little better at predicting the number next year than this year, because we have only a certain number of beds on the North Campus, so I hope that we will be able to come within the right numbers. There is an astounding transformation going on on the North Campus and if you haven’t had a chance to visit that yet, I hope you will avail yourself of the opportunity.

"Thirdly, we are now planning the details for the faculty salary program which we announced this summer. As I think most of you are probably well aware that program is designed as a five to six year program at least in current thinking to bring us to a position of strong competitiveness with our top peers in terms of faculty compensation. There is a set of peers chosen by faculty committees on the endowed side as well as on the statutory side, and with the help of those committees we have identified goals and we have identified exactly what it is going to take to reach those goals in the next five to six years. So we will have a compensation program based on several different sources of revenue that need to total to about fifteen million dollars per year added to the base budget. So an additional fifteen or sixteen million dollars added to the base budget is what is required to bring this program into full effect. It is going to be a good, hard piece of work to get there, but I’m quite confident that we are going to. We have identified several sources: state funding is one, tuition is a second, a pay-out on the endowment is the third and then probably, in fairly short order, a campaign for faculty excellence is the fourth potential source of revenue which will help us make up this gap of some fifteen or sixteen million dollars in order to bring salaries to this competitive level which is essentially the median of the peer groups that have been chosen by the faculty committee with which we have worked. I would like to thank those faculty committees for working long and hard on these matters. There is a financial policies committee of the senate and there is also an ad hoc committee in the college of arts and sciences with which we worked over the past year, and I am delighted with the results.
"I would like to conclude my brief remarks by saying what a pleasure it is to work with Provost Martin who has as all of you know come into that position in the past few months and has gotten a running start. I know that you will work very closely with her as well. Thank you very much." (Applause)

Speaker Howland: "I would like to now call on Provost Biddy Martin for remarks and a brief question and answer period."

2. REMARKS BY AND QUESTIONS FOR PROVOST BIDDY MARTIN

Professor Biddy Martin, German Studies and Provost: "Thank you Howie. Thank you, Hunter. The concept of me running—that’s my favorite comment of the day no matter what else follows. Thanks a lot, Hunter; I have been enjoying my position thoroughly. I will take fewer than my allotted five minutes and say simply that I want to thank Bob Cooke and the members of the UFC for the very cooperative and helpful working relationships that we have had over the summer. We discussed university priorities and agreed on a set of things which we will collaborate on throughout this year and the coming years. I also want to thank Charlie Walcott of the Nominations and Elections committee. We have, with your help, come up with a list of candidates for the Life Sciences Advisory Council and the Social Sciences Advisory Council and I have now a final list of members of the Engineering Dean Search Committee. I found out from my staff just before coming over here that they didn’t have time to send out the list of the members of the Engineering Dean Search Committee to the Engineering College faculty, and for that reason, it might be better if I do not announce the members to you, since the Engineering faculty will not have heard them—unless you beg and plead and are really interested, I can read the names. You can wait, right? OK.

"I want to emphasize that I think it will be possible, it has been possible, to work closely with you the senators, the faculty representatives and leadership of the Senate. The president and I aim to make decision making as transparent as possible and to make our priorities as visible and as clear as we can. Those of you who have read the Chronicle over the past couple of weeks have seen far too many pictures of the two of us, and those of you who haven’t looked at the Chronicle, I urge you do not look at the pictures of me. I’m convinced, as I told the assembled chairs of the departments today, that I look better than I do in those pictures, perhaps not much, but none the less . . . The interviews I hope you will read because they do reflect what we consider to be our priorities, and they reflect them accurately. We stand by those, and I won’t take more of your time reiterating all of those priorities here. Thank you for coming, and I’m enjoying the job." (Applause)

Speaker Howland: "Thank you Provost Martin. I would like to call on Dean Cooke for remarks."

3. REMARKS BY DEAN J. ROBERT COOKE

J. Robert Cooke, Dean of the Faculty: "I’ll make this a rather abbreviated presentation so that I don’t detract from the discussion that I know you are going to have. I thought that it would be useful to outline some of the issues that I see coming up this semester
and to give you a heads up on them. We have a resolution on FACTA coming up today, and you have been sent some materials. The report is now on our web site as of a few minutes ago, but it was sent to you by e-mail earlier this week. You will be getting soon a recommendation concerning the Natural Sciences Advisory Council. You perhaps know it best as the Local Advisory Committee. Legislation mandates a review and that is now due.

"Academic calendar -- the educational policy committee is busy at work looking at the academic calendar. We had a request from the student assembly that we dismiss classes on Labor Day. They will be bringing us recommendations at some point in this semester. We really to get the calendar finalized and made public.

"We'll hear more about the campus climate discussions today, but I did want to point out that there are mouse pads here at the front with the "Open doors, open minds, open hearts" statement that you adopted last year, and I encourage you to take one and use it. They are free. The university faculty forum coming up in October, we'll hear more about later, but it will be a Cornell interactive theater ensemble presentation on diversity topics.

"Professorial titles—we have a request that we examine the traditional professorial titles that carry tenure. That issue is not yet well formed. We worked on it over the summer, but there will be plenty of time to discuss it this semester and next. As soon as we have something to share with you, we will start the discussion.

"The resolution on Distance Learning is on the agenda and I don't want to belabor that, except to say that I also appreciate the work of the UFC over the summer in trying to move this topic forward, as well as, of course, the Provost's Advisory Committee. Professor Walcott, Associate Dean, will give you a summary of what has happened over the summer, so I prefer not to subject you to duplication.

"Two other projects I'm working on that at least from the comments I've heard are requests for two things that I think will be of assistance to you. The first is to get photographs of advisees for faculty advisors. We did that earlier, if you remember, for the class list, and we are now going to do it so the faculty advisors will have pictures, and it will personalize their interactions a little more easily. The last one is, as has been said already today, much of the exciting work at the University crosses the boundaries of the standard traditional disciplines, so last year we put together a database of calendars. We are going to extend that this year so that you can have a custom, personalized notification system before the year is out. A faculty member in computer science teaches a course in advanced database management, and his class is working with us and will help us build a system so that you will be able to, when you log on the web, get a list of all the seminars that are going on around the campus that might have some interest to you. I'll let you know as soon as that happens; it will take a while for it to be put in place."
4. APPROVAL OF MINUTES OF THE MAY 10, 2000 FACULTY SENATE MEETING

Speaker Howland: “Thank you, Dean Cooke. The speaker would now like to call for approval of the minutes of May 10. I ask for unanimous consent; hearing no objections, the minutes are approved. I would like, now to call on Associate Dean and Secretary Charles Walcott for a Nominations and Elections Committee report.”

5. REPORT FROM THE NOMINATIONS AND ELECTIONS COMMITTEE

Professor Charles Walcott, Neurobiology and Behavior, Associate Dean and Secretary of the University Faculty: “Thank you. You all received this information in your packet. I would just like to remark that this is only a small fraction of what the committee has been up to already in terms of finding people to serve on these various committees. We have prepared a list of candidates for the Dean of Engineering as Hunter and Biddy both pointed out, the Life Sciences Advisory Committee, the Social Sciences Advisory Committee, West Campus Life Committee and innumerable others. I think we all owe a debt of thanks to the nominations and elections committee group who find these people and make these suggestions, and in particular, I am impressed with the amount of work that is involved in chairing this committee and the extraordinary job done by my predecessor, Kathy Rassumussen. I give her a vote of thanks for all her work. That’s my report.”

Academic Programs & Policies Committee
   Terrence Fine, Engr.
   Jery Stedinger, Engr., Chair

Educational Policy Committee
   Richard Galik, Chair (fall term)
   Michael Duncan, Engr.
   Susan Piliero, CALS

FACTA
   Harold Hintz, CALS
   Bruce Levitt, A&S

Financial Policies Committee
   Max Pfeffer, CALS

Human Subjects Committee
   Jeffrey Haugaard, H.E.
   Elaine Wethington, H.E., Chair
Speaker Howland: “Good. The chair asks for unanimous approval of the report. There are no objections; the report is approved. Thank you. The chair would like to call on Peter Schwartz, chair of the Faculty Subcommittee of the Campus Climate Committee. He will talk about plans for departmental faculty discussions on campus climate for teaching and learning, faculty issues and the Cornell interactive theater presentation in October. Professor Schwartz.”

6. PLANS FOR DEPARTMENTAL FACULTY DISCUSSIONS OF “CAMPUS CLIMATE FOR TEACHING AND LEARNING: A FACULTY ISSUE”

Professor Peter Schwartz, Textiles and Apparel: “Thank you, Mr. Speaker. In February 1999, this senate passed a resolution encouraging faculty to take more active involvement in the campus climate. To that end, the Campus Climate Committee and the Faculty Subcommittee of the Campus Climate Committee met and proposed that this semester each department reserve thirty minutes at one of its regularly scheduled faculty meetings to address this issue. In that letter, we asked that discussions be centered around three basic questions. One - To what extent should faculty be involved, either inside or outside the classroom, in fostering a campus environment supportive of teaching and learning and of diversity in enrollment and ideas?
Knowing full well that sometime, somewhere, somebody is going to say 'none,' we took that chance. Second -- is assuming there should be some involvement, how can faculty help in supporting an environment that enhances teaching and learning and what, if any, strategies are already being tried? And third - what resources are needed to do the things that you find important?

"As a seed for this discussion, we have put together a short presentation, a Power Point presentation (Campus Climate for Teaching and Learning: A Faculty Issue). It is available on the University Faculty web site in both Power Point and Adobe Acrobat PDF files. We have tried to make a self-inclusive type of presentation that doesn't need someone to do a lot of explaining. The presentation is based on a series of position papers that were solicited by Dean Cooke. Those papers and a full expose are on the web site, and what the committee did in putting together this presentation for consideration is to blatantly quote from some of those documents. I show the one from Reverend Johnson just to give you some flavor of what the presentation is like. There are a number of people on campus who we have quoted, and again they were taken from the documents that were taken from the solicitations. We encourage you to go to the web site and actually read the full text of all these documents. This is one vehicle of doing this.

"Another vehicle and one that Vice Provost Harris asked me to talk about and announce was the University Faculty Forum with the title "Diversity in the Classroom: Faculty Student Interaction." The kernel of this forum is a vignette that is presented by the Cornell Interactive Theater Ensemble. Many of you may have seen other presentations that they have done. They present a vignette; after the vignette the actors stay in character for further discussion and to answer questions from the audience, and the moderator further extends the discussion. This is to be held Wednesday, October 18 from 4:30 to 6:00 p.m. in this auditorium (Hollis E. Cornell). You will get notification of this. We also, through posters and through ads in the Sun, will invite the entire campus community – faculty, students and staff—to attend."

Speaker Howland: "Thank you very much, Dr. Schwartz. The speaker would like to now call on Professor Charles Walcott to inform the body of the University Faculty Committee's summer discussions and resolution on distance learning. The resolution is not up for vote; this is for information only."

7. UFC'S SUMMER DISCUSSIONS AND RESOLUTION ON DISTANCE LEARNING

Professor Walcott: "I would like to start with a bit of history. You will remember that last spring the administration proposed the establishment of eCornell as a for-profit, possibly at that point a venture capital funded, corporation. At its March 8 meeting the faculty senate passed a resolution stating that the faculty senate expects to participate with the administration and trustees in the development of principles and plans for distance learning, including any potential establishment of a for-profit corporation. The trustees subsequently approved such a corporation and the administration and the faculty senate established a joint committee, headed by Professor Arms, to sort out some of the issues that such an organization presented. Professor Arms presented a preliminary report on May 10, that is at the last Faculty Senate meeting of the year. It
was clear that these discussions were going to have to take place during the summer. This body authorized the University Faculty Committee to offer counsel and advice in your stead to the Arms committee. On July 11, the Arms committee brought forth several recommendations which were considered by the UFC, and the UFC prepared and posted a motion on its web site for comment, and then we got together and discussed it, and we essentially accepted this resolution (Appendix A) on your behalf. What essentially this says is that we approve the major features of the Arms committee report, and we are going to hear about that in just a moment."

"One of the issues that the Arms committee did not address is the issue of whether eCornell should be for-profit or not-for-profit. The University Faculty Committee thought about this and established a small sub group, composed of Locksley Edmondson, Risa Lieberwitz, with Seymour Smidt as the chair, to investigate and prepare a background report on what they could determine about the pluses and minuses of profit and non-profit. A copy of their report (Appendix B) was also enclosed with the call to this meeting, and Professor Smidt will talk about that later in this meeting. So that's the history; that's the situation, and now I believe we are going to hear from Professor Arms."

Speaker Howland: "Thank you, Professor Walcott. The speaker would now like to call on Professor William Arms, chair of the Provost's Advisory Committee on Distance Learning for response to questions by members of the senate concerning the preliminary report on Non-Degree Programs."

8. RESPONSE TO QUESTIONS BY MEMBERS OF THE SENATE CONCERNING THE PRELIMINARY REPORT ON NON-DEGREE PROGRAMS, PROVOST'S ADVISORY COMMITTEE ON DISTANCE LEARNING (Appendix C)

Professor William Arms, Computer Science: "What I would like to do is give you one or two slides and then leave time for some questions. Let me give you a bit of the background. When the committee was set up last semester, we were in the position of wanting to help the University move ahead rapidly with some decisions. There did seem to be a genuine need for haste. At the same time, we wanted a situation where there would be university wide understanding and support, if not universal support, at least a general support and understanding from the directions. The strategy we followed is written on this slide (Appendix D) and talked about that at the Faculty Senate meeting at the end of last semester. The first thing was to narrow the initial focus. What things is there a genuine need to come to and make rapid progress on. And it turned out those factors could be restricted to non-degree programs, mainly from the professional schools and colleges and mid-career programs and so forth. We also agreed on an approach, which was parallel planning. Our committee focused on the academic impact of the proposals."
"Meanwhile, the administration explored the financial and legal options. We had a frequent exchange of ideas. I met with the Trustee Subcommittee twice and the Executive Committee once. That was an important meeting, chaired by the President in this office, and I think I met with the UFC three times over this period. As a result, by the time our committee reported all our major recommendations, with one exception, had already been accepted by the administration. The one exception, which was the source of funding, was accepted shortly afterwards. So in many ways, this was a report that by the time I presented it to the Provost and to the UFC, most of the work had been done. Our recommendations, and note in the red button, very strongly said this only applies to non-degree programs. Subject to that, and subject to the conditions on my next slide, we endorsed the fact that the University has implemented non-degree programs delivered by distance education and plans to expand them. And secondly, we support the fact that to do this well, it makes sense to have a separate entity to develop and distribute those non-degree programs. So fundamentally, we endorsed the strategy the administration has proposed, but subject to a number of conditions.

"These conditions are in the report, I only just put the headlines here. The first is academic oversight and strategy. This should be seen as part of the academic activities of the university - something that falls under the Provost, rather than the financial administration or buildings and grounds or some other part of the activities. Secondly, faculty control of academic content. Anything that goes out of Cornell, with Cornell's name of it, should have some academic unit of the university that stands behind it. There is a complex clause that I don't think we worded very well about the right of first refusal. Roughly speaking, we would like Cornell's activities in these areas to be coordinated and come out of a single umbrella, but we don't want to force academic units to go under that umbrella if it's unsuited. So we tried to find some neutral language which would encourage those things to work together and not force them. I think our language isn't very good. Number four, on campus use of distance learning materials—we want this to feed back into the on-campus program; we don't want these things to be separate. Public contract—I'm a great believer that there are no secrets in universities, and therefore urge the administration to make public the contract the university has with this organization, because if the contract is not public, there will be rumors and the rumors will not necessarily be accurate. This was one of the first things I asked the President, and he agreed immediately. Use of Cornell's name -- we want that under control, and the University Counsel, Jim Mingle, came up with a mechanism for that which I think is very good. And finally, because there are very complex issues of intellectual property and funding fees and so forth, we don't think it is possible to lay down standard rules for all the programs. We think there ought to be a separate agreement for each program, and we will learn as we go forward.

"The one thing that we did not talk about, and we explicitly did not talk about, is this topic of whether the organization should be for-profit or not-for-profit. Let me correct myself; we talked about it a great deal. We did not make a recommendation on, and the reason is quite simple. We believe that any vigorous organization, whether it is an independent unit of the university, a not-for-profit organization or a for-profit organization, has the potential to get out of control. While we were meeting the University of Indiana basketball program was giving an example of how a program gets out of control. Legally it's part of the university, actually it was out of control, so
we think it’s really important that the academic control of the organization is clearly spelled out. That’s what we state as an academic committee. However, we believe that the university administration is competent to make the decisions about the financial and legal framework, and we are talking about a committee of very knowledgeable people. We have the former Dean of the Law School, the Dean of the Johnson School of Management; myself as Vice President for Computing at Carnegie Melon have been involved with many spin-offs. We have the ability to evaluate these things, but we’re quite happy to divide responsibilities. We set the academic things; we leave the administration to do the financial things. That’s a quick summary. I hope I have time for a few questions, or have I been a bit too long.”

Speaker Howland: “You have been a bit too long, but there will be time for questions later. Thank you very much. I would like to call upon Vice Provost Mary Sansalone for response to questions by members of the Senate concerning the August 3rd administrative “Response to the Preliminary Report of the Provost’s Advisory Committee on Distance Learning.”

9. RESPONSE TO QUESTIONS BY MEMBERS OF THE SENATE CONCERNING THE AUGUST 3rd ADMINISTRATIVE “RESPONSE TO THE PRELIMINARY REPORT OF THE PROVOST’S ADVISORY COMMITTEE ON DISTANCE LEARNING

Professor Mary Sansalone, Civil and Environmental Engineering and Vice Provost: “Before I take questions, I would just like to briefly comment that with regard to the administration’s response that plans for eCornell are entirely consistent with the conditions that Bill Arms just mentioned. In fact they are all contained in the overarching agreement which was shared with the committee during its deliberations. Since Bill talked about all this, there is no need to go through them, but I would be glad to take questions.”

Speaker Howland: “Are there any questions for Professor Sansalone? Professor Stein.”

Professor Peter Stein, Physics: “With reference to Bill Arms’ first bullet—of the, I can’t remember the word exactly, but the academic oversight of instruction—In what way is this actually written into the document? There is a Board of Directors that presumably is responsible for everything for the organization. Is there a by-law for the corporation that specifically makes that statement (in much the same way as the Trustees have evolved their oversight on matters to the faculty)?

Professor Sansalone: “The report that the Arms Committee wrote stated that the new entity should be part of a broader academic strategy for computer mediated learning and distance education at Cornell. The committee believes that affirmative leadership of Cornell’s diverse initiatives in this area is important and that a senior academic officer e.g., the Provost should be responsible for this sphere. The planning of eCornell is and has been part of the larger strategy in distance learning. As many of you know, Polly McClure is working on many aspects of this and continuing to work with Bill Arms’ committee, and so eCornell has always been presented as part of a much bigger strategy, and I believe that is what the committee was talking about. So there is nothing
written into the legal documents that eCornell is classified under, but that is a university policy."

Speaker Howland: "I'm afraid we are going to have to move on. I think we will have time for more questions later. Thank you very much, Professor Sansalone. I would like to call now on Professor Seymour Smidt, a member of the University Faculty Committee for the UFC subcommittee report on the for-profit/not-for-profit status of the proposed distance learning facility."

10. UFC SUBCOMMITTEE REPORT ON FOR-PROFIT/NOT-FOR-PROFIT STATUS OF THE PROPOSED DISTANCE EARNING ENTITY

Professor Seymour Smidt, Johnson Graduate School of Management: "All of you should have a copy of the actual report, so I'm going to very quickly go over some of the highlights. Basically as has been pointed out, the Provost's Advisory Committee deals with the for-profit/not-for-profit issue. There was a lot of evidence that the faculty was intensely interested in that topic.

"During the summer the UFC appointed a subcommittee to try to provide some material for the faculty as a basis for their discussion. Basic concepts may seem pretty obvious. The object of a for-profit organization is to generate profits and revenues. OK, that's not so surprising, but the concept is that the owners will in some sense profit. But a non-profit organization that's supposed to be directed toward some public good (I'm not going to get into the accountant's terminology), but basically a non-profit organization can generate what anybody would recognize as profits. That's not outside of the realm; what they can't do is divert those profits to private individuals. As long as they have this public purpose for a goal, that's all right. A somewhat related but separate issue is what is the tax status of the profits. In general the profits ....well, I'm not a lawyer and the committee did not have expert legal advice on this, but I think we're right. In general the profits of a non-profit organization are not taxable if they are generated by activities related to the organization's major goals. Presumably an educational organization could engage in profitable kinds of education and not have a problem. If Cornell operated a steel mill, it would have a problem, and in that case those profits would be subjected to, effectively, income tax. It's called an unrelated business income tax. For a "for-profit" organization, generally profits are taxable. On this issue we didn't have clear advice so I think an expert opinion would be useful. In the case of a for-profit organization that was wholly owned by a non-profit and when the activity was related to the non-profit's goal, it would seem logical that it would be exempt from taxes, although whether that's true or not, I'm not sure.

"In the spring, the Trustees decided there would not, at least initially, be outside equity in this organization. And this removed a lot of the concerns that people had about for-profit or not-for-profit, but not all of them. So my related comments go on the assumption that there is no outside equity, that all of the equity for a for-profit organization comes from Cornell. We tried to look at the rationale for a for-profit organization, and I could have invented additional ones, but these are the ones that were presented to us in one form or another by the administration and were still relevant after the decision that there would be no outside equity. There is one we didn't exactly understand, It says they are presuming it can operate better in a complex and
Report of UFC Subcommittee on Profit/Nonprofit Status of eCornell

Major Sections
- Introduction
- Basic Concepts
- Rationales for a
  - For-Profit Structure
  - Not-For-Profit Structure

Introduction
- The Provost's Advisory Committee did not deal with the For-Profit Not-For-Profit issue.
- Therefore, the UFC formed a subcommittee to provide background information for the Senate on this issue.

Basic Concepts
- Objective of for-profit organizations is to generate profits for their owners.
- Objective of non-profit organizations is to perform some activity for the "public good" such as education.
- Non-profits can generate profits without losing their non-profit status.

Tax Status of Profits in Not-For-Profit Organizations
- Profits are not taxable if generated from related activities
  - i.e., related to the organization's non-profit objective
- Profits are taxable if generated from unrelated activities.
  - Tax is called the Unrelated Business Income tax.

Tax Status of Profits in For-Profit-Organization
- Generally taxable
- Exception? (Need an expert opinion.)
  - The organization is wholly owned by a non-profit parent
  - The activity is related to the parent's non-profit goal.
No Outside Equity

- Trustees decided that eCornell would be financed only with Cornell money.
- This eliminates many of the objections to a for-profit structure.
- Only the pros and cons that are relevant with this restriction are summarized here.

For-Profit Rationales

1. Operate in a complex and dynamic market environment???
2. Paying the tax is less burdensome and less distracting than trying to meet the restrictions required to maintain a tax-exempt status.
3. Avoids political opposition and unfavorable publicity that might occur if it operated as a non-profit tax-exempt entity.

Not For-Profit Rationales-I

1. A For-Profit subsidiary would undermine the public interest focus and educational mission of Cornell.
2. Projects that are not “commercially viable” would have access to eCornell expertise.
3. A For-Profit structure makes it easier to bring in outside equity investors in the future, creating undesirable conflicts of interest.

Not For-Profit Rationales-II

4. Could create complications given Cornell’s dual status with state and endowed components.
5. Higher return on investment because less likely to be subject to income taxes.
6. Maintains status quo of Cornell as a not-for-profit organization. Burden of proof is on those who argue for a change.
dynamic market environment. The second claim that was made was that the tax might be less burdensome and less distracting to the energy of the organization than trying to maintain the tax-exempt status. That's theoretically possible, but if this is going to be a capital-intensive organization then that's a rather high hurdle to face. The third point that was made was that a for-profit organization might avoid political opposition and unfavorable publicity that might occur if it operated as a non-profit, tax-exempt.

"I can see that my time is running out, but there were a number of points that were made with respect to the rationale for a not-for-profit organization. In that case, we more or less invented these, because there was no document that the administration had for, or against it. You all have copies of the handouts, and I think in the interest of conserving time, I'll just skip those, and you can look at them."

Speaker Howland: "Thank you. The speaker would like now to call on Michael Goldstein, Special Counsel to the University, for response to questions by members of the Senate concerning the for-profit/not-for-profit status of the distance learning entity."

11. RESPONSE TO QUESTIONS BY MEMBERS OF THE SENATE CONCERNING THE FOR-PROFIT/NOT-FOR-PROFIT STATUS OF THE DISTANCE LEARNING ENTITY

Michael Goldstein, Special Counsel to the University: "I'm truly delighted to be here. It reminds me of sitting down the hall 36 years ago, with my closest friends, writing down every word Clinton Rossiter had to say. Let me give you 30 seconds of background on myself as to how I have the temerity to stand here and address you. I have the education practice of my firm to represent a large number of institutions in a variety of things, recently very extensively in terms of developing mechanisms to enable institutions to expand their reach to serve constituencies that they are presently not serving, particularly to take advantage of new technologies and to have the resources to take advantage of those technologies to serve those constituencies. There are a couple of handouts. There is an article that is coming out in the current issue of Change Magazine, published by the American Association of Higher Education, that's called "To Be (For-Profit), or Not To Be: What Is The Question? It discusses some of the issues that Professor Smidt raised. There is the outline on the table that's entitled "Comparing For-And Non-Profit Structures" (Appendix E). I'm hopeful that you all have the copy of this outline. A moment of background—before I joined my present higher education practice, I was Associate Vice Chancellor at the University of Illinois and Associate Professor of Urban Sciences. Before that, I was Director of University Relations and Assistant City Administrator in New York City, responsible for the relations with the 50 some odd institutions in the New York area. So I have the long experience, not only of practicing law in this field, but also of standing here in exactly this position explaining why the administration was doing something at the University of Illinois. So, I've been there.

"Let me talk about the issues that Professor Smidt raised, and I had written this outline before he had the kindness to send me his outline of questions, so it's interesting that we really did coincide very, very closely. Any entity, particularly an institution of this nature, (non-profit) always has the choice in characterizing its activities whether to do
so within the existing structure of a non-profit venture or to create something different. The question becomes why is the decision that has been made a rational decision? What is the decision tree that goes into that process? Now, the indication earlier that Professor Smidt's comment that the purpose of a for-profit is to make a profit for its owners is, in a sense, an over-simplification. It uses the term profit, and the real purpose, the real standard, is not to create a profit for its owners but to create value for its owners. There is a distinction between profit and value. An interesting example is Amazon.com, which has clearly not produced a profit for anyone but has in fact created enormous value. So there is a distinction, and it is a distinction which is relevant to the eCornell model.

"That is really the beginning of a set of economic issues that differentiate between a for-profit and a not-for-profit. One aspect that has led numbers of institutions in this direction is the ability to raise equity. I have worked with New York University in creating NYU On Line. They, like Cornell, have determined to capitalize NYU On-Line at this point. They, like Cornell, have an endowment with an awful lot of zeros behind it. Working with the University of Maryland in creating their on-line enterprise--they are in fact having it funded through venture funds. The reason is: they are a state university, they do not have those funds, and the only way for them to accomplish their goal is to bring in external funding. There are models back and forth. The earliest model out of the box was National Technological University which basically divided itself into a non-profit, academic enterprise and a for-profit enterprise to do marketing, development of courseware, distribution of courseware and secure a significant venture funding for that for-profit. So there are numbers of models going in different directions.

"The administration and trustees have chosen a direction at this point, which is, to internally fund. So raising capital by selling equity is not an immediate issue with regard to eCornell. As has been indicated, it could be an issue later on if it is determined that a fusion of additional funds is required, if it is determined that it is unwise or economically disadvantageous to use internal funds. Certainly eCornell will have that capacity, but that is in the future; it is not a present issue. The second economic issue is to create value. This is where a for-profit and a non-profit vastly differ. The problem with the non-profit is that no matter how good it is, no matter how successful it is, there is no appreciation in the value of it, because it has no market value. A for-profit has something called equity. Let me back up a second, in higher education there are three sources of revenues, we earn it in tuition, we borrow it or, putting it most directly, we beg for it. And we are very good at that. There is a fourth leg to the economic table worldwide, and that is (we call it capitalism) creating capital. You create capital by selling a component of your business. In this case, eCornell is selling all of its equity to Cornell University. Cornell has the equity in eCornell. That is a big purchase of an asset. The money that is being spent for that could be invested in Cisco Systems or it could be invested in Microstrategies, but it is mainly invested here. So it is not an expenditure of the institution; it never goes off the books of the endowment; it simply is invested in eCornell versus being invested somewhere else. But it is not operating money. One distinction that hasn't been drawn is that if eCornell were funded internally as a non-profit, it would have to come out of operating funds, either out of the existing operating budget or out of depleting the endowment.
"That is an important distinction and one of the important considerations that goes into making these kinds of decisions. If eCornell is successful, the value of the investment made in the enterprise will potentially increase very substantially. There are many systems that would enable the university to convert that appreciated value back into money that would go back into the university either to further increase the endowment or fund the operations of the university, doing that without eliminating the control of the university over the enterprise. So there is the ability both for appreciated value and ultimately, if successful, to monetize that appreciated value. There is a selection of elements that both for-profits and non-profits can do equally well.

"I've skipped over the issue of minimizing risk of economic loss. That is where if you have the third party investor, because then you have other people's money. Investors are accustomed to occasionally finding their money disappearing. Here the university is putting its dollars on the table, so the risk is the same in this case.

"A couple of other attributes: to provide persons who provide value with an equity interest in the entity. The non-profit can pay anything that it wants. It can pay a reasonable value—it has to be reasonable. In cases where non-profits pay huge salaries to their officers, they have gotten into very serious difficulty. But they may pay reasonable compensation for value. The beauty of a for-profit is to pay, not only in current cash, but to pay also in the form of future appreciated value, to give persons an equity interest in the value of what they are doing. This is a very, very common technology transfer and for those of you who are in fields where there is that form of activity are intimately familiar with this. What has happened now is because of the tremendous interest in learning. There have now been a half dozen reports issued by the investment community on how eLearning is the "Killer Act" of the 21st Century. There is enormous interest in this field and therefore, there is reasonable likelihood, if it is done right, of appreciating value. So one can compensate using that appreciating value as well as using immediate available cash. There is the ability to distribute profits, and let me tell you that if eCornell has taxable profits, the people who are managing it are doing a really lousy job, because there are many perfectly legal, perfectly proper ways that the value of eCornell will go back to Cornell without an diminution by taxes. For example, royalties, things of that nature, passive income is not taxable if you structure the arrangement properly.

"Contract services, services that are provided by the university, to eCornell. For example, the creation of courseware is revenue to the university, is an expense value incurred by eCornell; it reduces the margin in terms of profit. Let me speak a second to a point that was made before about the academic oversight and strategy not seen in the agreement--control over that. In fact, the agreement between the university and eCornell, and more importantly, the agreement between the faculty members creating content. --(eCornell doesn't exist except for the ability of persons within the university to create content, to create value.)--the academic creation is here, the agreement controls here. So that issue, the issue of control over what academic content bears the eCornell crest is a function of the relationship between eCornell, Cornell, and the creating faculty, which is really not significantly different from what happens right now when faculty create course work to create value.
"There are a few operational issues and most of them are indistinguishable between non-profit and for-profit. There is a point at the end about the level playing field issue, and that was raised in one of the slides. The point has been made that the university has been doing this sort of thing for decades, scores of decades. Nobody has challenged that - that somehow we are unfairly competing. The answer is we did it in a different way. We own the franchise for this kind of instruction, credentialed, coin of the realm, accredited instruction. We hear about the for-profit institutions that are out there, 97% of higher degree education in the United States is in the non-profit and public sector. The for-profit sector is a flea. eLearning, particularly eLearning that is aimed at the corporate constituency, is aimed at professional training. The kinds of things that eCornell is looking to develop is a field that is presently dominated by the for-profit community. There are numbers of companies very, very richly endowed, in the capitalization sense of the term, who are our competitors in this field. This is the environment into which eCornell will venture. What we do not want is for the challenge to be made that we are, unfairly trading, on two things – on our exempt status, the fact that we are non taxable, (we may end up paying taxes, but we are not taxable), and secondly that we are unfairly trading on the benefits that we have gotten as a non-profit educational institution. Some things, for example like royalties. The national commission on web based education has had a series of hearings--they are having one today and tomorrow-- on the issue of how the web should be more effectively used in education. The complaint that was raised by the for profit providers is that because universities have expanded their use, they don’t have to pay royalties to authors for expanded fair use in the classroom and for-profits have to do that. What we don’t want to do is to expand ourselves as non-profits into this domain and raise the specter of the congress saying, “You know, expanded fair use is being used in a way that is unfair to the commercial market place; let’s take it away.” So there is a real reason for subjecting ourselves to the level playing field, recognizing that we should not have a particular problem with actual diminution of value by paying royalties.

"Let me close and then let me be responsive to your questions. Why does one do a for-profit. There is a need or probable need for future capital and the activity is likely to create value. The answer for eCornell is that while the immediate need for capital is not there, the future need is possible and the value proposition is likely. If capital is provided by third parties, you can reduce the risk to the institution. Again, this is a future possibility. The activity will benefit in securing the services of key personnel where one can provide a broader range of compensations than are available within the construct of the university. There are potential partners with whom the peer peer relationship is structurally and ideologically preferable. One of the problems that every non-profit institution has is the view by the outside world that we are untrustworthy partners. It’s too difficult for us to make decisions. I try to explain to the folks I work with on the commercial side how universities are governed and in the first fifteen minutes of my explanation, their eyes are glazed and they say, “But businesses can’t operate that way.” That’s the general scope, the general outline of choice decision of profit/non-profit. Cornell is by no means alone. It is in the vanguard of institutions that are developing this kind of mechanism. We are by no means at the leading edge of that vanguard. It is in excellent company –Columbia, NYU, Duke, Stanford--significant institutions are putting their toes, their whole feet, up to their knees into this. It has to be done carefully, and I think the advice and guidance I’ve heard today is very helpful.
Speaker Howland: “We have time for one or two questions. In the back.”

Associate Professor Bruce Lewenstein, Communication: If you go the non-profit route and you have additional need for capital, where does the capital come from, and in essence how does the organization grow if there is a non-profit structure?

Michael Goldstein: “Well, that’s the problem. You can beg for it, and the problem here is in an environment that is more commercial than the traditional academic environment, the ability to generate contributions is much less. You can borrow it, but that is a very steep cost. And that again is the reason why many non-profits where they are in a field that one can in fact create equity, are doing so. You can’t create equity easily at a university. What you do is not likely to return the kind of economic value that Wall Street goes for. That’s fine; that’s why we are doing what we are. But in the kind of thing, like E-Learning, it’s why Geographic has got into numbers of ventures, partnering in numbers of ventures, because in fact the millions of dollars needed to create the kinds of things they do are not available by contribution, they have to be available by equity. Geographic is a good example; there are numbers of commercial ventures.”

Speaker Howland: “One last question.”

Professor Richard Schuler, Civil and Environmental Engineering: “My question is - is it possible to structure a for-profit corporation with a board of directors that is self-perpetuating and that is not dominated for control by the external investors?”

Michael Goldstein: The short answer is no, but let me give you the slightly longer answer. In a non-profit one can have a self-perpetuating board that simply goes on and on with no external influence. In a for-profit, the owners, that is those who hold the shares in the company elect the directors. That’s statutory. If it is wholly owned by the university, then all the directors are appointed by the university. If, for example, the university decides to monetize a piece of it, and has a partner and sells 20% interest, that 20% shareholder would almost certainly have the right to elect a director. Having said that, there are numbers of vehicles that one can use to prevent that from happening. There is the Washington Post. Some of you know of, a small newspaper in my hometown. The Graham family has about 10% of the stock of the Washington Post. They have 100% of the voting rights. The investors are there because they are getting back appreciated-value for their stock; they couldn’t care less about who sits at the table running it. They are delighted that Kathryn and her son are running it. The answer is--number one, you can absolutely maintain control of a for-profit, and you can maintain it in a number of different ways.”

Speaker Howland: “Thank you very much. The chair would like now to call on Professor Terry Fine, former Chair and Jery Steding, Current Chair of the Committee on Academic Programs and Policies, to present the resolution for a Graduate Field of Systems Engineering and a Master of Engineering Degree in Systems Engineering. I beg your pardon? The Chair recognizes Biddy Martin.”

Provost Martin: “I just want to thank Mike Goldstein publicly.
12. RESOLUTION FOR A GRADUATE FIELD OF SYSTEMS ENGINEERING AND A MASTER OF ENGINEERING DEGREE IN SYSTEMS ENGINEERING

Professor Terry Fine, Electrical and Computer Engineering: “On behalf of the Committee on Academic Programs and Policies I bring you this motion approved by the committee for the establishment of a new Master of Engineering Degree in Systems Engineering and a new Graduate Field of Systems Engineering and I introduce the chair of the committee, Jery Stedinger.”

Professor Stedinger, Civil and Environmental Engineering: “I’m in the dual position as member of the proposed field, as well as being chair of the committee, but the proposal is the following . . . how many of you want me to read this? No. O.K. (laughter) So a number of the faculty in the College of Engineering from five different departments have gotten together and developed an initiative to primarily offer initially a Master of Engineering Degree in Systems Engineering. Master of Engineering Degrees are awarded by the Graduate School, but the Engineering College handles day-to-day administrative details. This is a proposal asking you to approve the creation of a Field in the Graduate School of Systems Engineering which would administer a Master of Engineering Degree.” (Appendix F)

Resolution for a Graduate Field of Systems Engineering
And a Master of Engineering Degree in Systems Engineering.

WHEREAS, the proposal to create a new graduate field of systems engineering has been approved by the Graduate School, and

WHEREAS, a master of engineering degree in systems engineering has been approved by the Graduate School, and

WHEREAS, creation of the new graduate field and a master of engineering degree in systems engineering has received enthusiastic endorsement by the Dean of the Engineering College, the Master of Engineering Committee of the Engineering College, and the participating engineering departments, and

WHEREAS, the Committee on Academic Programs and Policies has also recommended creation of the new graduate field and has approved the creation of a master of engineering degree in systems engineering,

THEREFORE, BE IT RESOLVED that the Faculty Senate upon review of the merits of the proposals put forth approve establishing a graduate field of systems engineering, which would offer a master of engineering degree in systems engineering, and urges the Administration to place this on the agenda of the Board of Trustees for consideration.

Speaker Howland: “The motion is open for discussion. Seeing no discussion, I take it that you are ready for a vote. All in favor of the motion say aye.”
Senate: “Aye.”

Speaker Howland: “Opposed? The vote is unanimous. The chair would like now to call on the faculty members, Professor Wilfried Brutsaert and Professor Dorothy Mermin, for a resolution from the Faculty Advisory Committee on Tenure Appointments.”

13. RESOLUTION FROM FACULTY ADVISORY COMMITTEE ON TENURE APPOINTMENTS (Appendix G)

Professor Brutsaert: “Well, I find myself somewhat in a bind here. I would have preferred not to do what I am about to do. Earlier today I was ready to move the resolution. By the way, you should all have copies of the resolution handed out and separately mailed to you. But this very afternoon, I was informed that a few things have come up with which I have nothing to do, which would make further discussion of the resolution difficult. But this item is part of the agenda so we have to move forward, and we must move it. So I hereby move acceptance of the resolution by the Faculty. Having made the motion, I would also like to ask the Chair that I be recognized and that I want to make an additional motion.”

Speaker Howland: “The resolution is open for discussion. I recognize you.”

Professor Brutsaert: “Thank you very much, Mr. Chairman. (laughter) What I would like to do now is to move that the resolution be taken back to committee for further consideration and that we discuss it later on.”

Unknown: “Second.”

Speaker Howland: “Professor Stein.”

Professor Peter Stein, Physics: Why is the motion being sent back to committee?

Professor Brutsaert: “As I said, I have nothing to do with the few things that came up. I would like to ask Dean Cooke to enlighten us if he chooses to.”

Dean Robert Cooke: “There were several amendments, including one by Professor Stein, and there was some ambiguity. There is no urgency to deal with this matter this afternoon so we’ll put it off until we resolve it. One of the things that occurred to me afterwards is that there is a tenure appeal and there is an item in this resolution that says we’ll consider items where the department has approved tenure but the Dean has said no. We are creating a dual process there where the appeals is supposed to be the final word. There is no reason we shouldn’t wait and use the time freed up by this for more eCornell discussion.”

Speaker Howland: “Thank you. I think the motion is on the floor. All in favor of the motion . . . I’m sorry.”

Professor Michael Kazarinoff, Nutritional Sciences: “Is the motion to recommit for a definite or indefinite period of time?”
Professor Brutsaert: "Definite. (Laughter.) At the next meeting."

Speaker Howland: "Thank you for that. Are you ready to vote on the motion. All in favor of the motion to recommit say 'aye.'

Senate: "Aye"

Speaker Howland: "Opposed? The motion passes. Thank you very much."

Dean Cooke: "I propose you ask the body if they want to return to eCornell. I think we have ten more minutes.

Speaker Howland: "Yes. Would the body like to return to discussion of eCornell? I hear a few yeses. All right, so we'll open that for discussion until 10 minutes to 6:00, and then we'll go to Good and Welfare. Professor Stein?"

FURTHER DISCUSSION OF eCORNEll

Professor Peter Stein: "Yes, I had a question. I'm one of the people who has raised some concern about the for-profit versus not-for-profit status when it came up last year some time. I'm certainly not a person who is well versed in an understanding of these issues. What bothered me at the time was that I couldn't imagine how you could on the one hand get people's capital and on the other hand give them no say as to what was going on. It was my understanding that in a for-profit business the board of directors has a fiduciary responsibility to increase the value of the corporation and the value is monetary. I mean part of the value is not educating America in something or other, but value is conceived of in monetary terms. When I was listening to your description, it seemed to me that fundamental to the whole rationale of a for-profit was that one could monetize the appreciated value, that you could only do that in a for-profit setting. You couldn't do that in a not-for-profit setting and that seems fundamental. But the process of monetizing means selling it to somebody else, and then that person has a stake in this corporation, and that person's value must be served by the board of directors of that business, if in fact you do go ahead and monetize it. We sort of think of Cornell as having these lofty ideals and of course we all understand that we have to make money in order to support these lofty ideals, but nonetheless there are the lofty ideals that we believe generate our existence, as do people at the University of Illinois and elsewhere, and these are not the same lofty ideals for instance that governs a Firestone or . . .

(Laughter)

"They have a different set of ideals. The thing that worries me is that so OK -- in the beginning all the capital comes from Cornell, so the lofty ideals rule because there is nobody in there without the lofty ideals. And then we get these E hot-shots that come in and we provide them stock options or something like that and we raise capital by selling stock, preferred stock (I don't know so they don't have a vote in it), or common stock. Then all of a sudden people realize that the right thing to do is to increase the value of this corporation is X, and Z which does not fit with the lofty ideals of Cornell. Do we not then, have a legal problem of the fiduciary responsibility of the board of
directors to do these X Y Z things, and how will that all work out? That’s the basic thing that concerns me.”

Michael Goldstein: “That’s a valid question, and it is one that we have spent a lot of time considering. If, in fact, what the university did was create eCornell as a company and license to eCornell the name of Cornell University and the crest and the logo and said, ‘Go forth and make money in E Learning’ your concerns would be perfectly justified, because there would be no control. If all the university said is, ‘Here’s the name, and we want 20% of your net profits, go forth and do it,’ then exactly the scenario you are talking about could easily happen. In having to get outside investment, the board decides that we can make some real money by opening an E Learning franchise, which probably (I speak for the faculty) would not fit your ideals.

“But the structure is profoundly different. There is a corporation that is controlled by the university. It owns all the stock in the corporation, but you are absolutely right, the directors of a for-profit have a fiduciary obligation to increase the value of the corporation. But the value that exists in the corporation is the name and brand of Cornell. The license to use the name and brand of Cornell is subject to the control of the university that name and brand is used in a manner acceptable to the university, and that is an revocable license. So if, in fact, the corporation uses the name and brand in a manner that is not acceptable to the university, they are not eCornell anymore. By the way, corporate names are again one of the things that we have discussed. The corporate name will not be eCornell, the corporation will not have Cornell in it. It will be a different generic name. The reason for that is, if something does go wrong, and we want to sever our ties with this company, the company will not have a residual of Cornell. So the point you are making has been considered.

“Secondly, the set of agreements between eCornell and the university, the overarching agreement, and the agreement with faculty for the creation of courseware, are very specific in terms of how it’s used. It’s very specific in terms of the reservation of rights of the university. So there a risk generically in any organization . . . You know you talk about Bobby Knight being a renegade employee. New York University ran into a huge lawsuit with its alumni federation, because they didn’t think they had any particular reason to have anything to do with the university, and they had a lot of money. This is not uncommon. It happens with non-profits every bit as much as it can with for-profits. So it is the contractual relationship, the licensing relationship, between the university and eCornell that will keep eCornell on the reservation. Your concern is well founded in the sense that it is a matter that needs to be carefully considered, but I believe that the structure that has been devised addresses that very clearly.”

Professor John Butler, Policy Analysis and Management: “I want to respond to two aspects of this. One is that bad behavior of the sort occasionally shown by for-profit corporations can be matched by bad behavior by not-for-profit corporations. And bad behavior by not-for-profits is not penalized by a drop in stock prices. Therefore it is quite possible that for-profits are under a much greater incentive to act well than not-for-profits, so I’m not concerned about that issue. Secondly, if the university chooses to fund the project because of high ideals that have no particular likelihood of making significant profits, there are multiple ways to fund that, and should the university wish to fund that the standard way that degree programs that have high ideals and little
profits are funded, that is perfectly feasible. It doesn’t have to go through eCornell. If eCornell doesn’t wish to do it, but the university does, it will still happen the same way it happens now. It just doesn’t go through eCornell. I don’t see how it can vary.”

Michael Goldstein: “Yes.”

Associate Professor Risa Lieberwitz, Industrial and Labor Relations: “It seems to me that one thing that should be clear in what we heard is that whether we have a for-profit or not-for-profit—it is a choice. I think that you made that clear and one of the reasons I want to emphasize is because on the University Faculty Committee we’ve heard things one way or another that the reason we have to go for-profit is that we have to go for-profit; the reason we are going that way is because there isn’t any choice. You have made clear that there is a choice, and your own words in the article we have, I think really states it all. You say, “Why for-profit is a question that each institution must answer for itself. The answers will differ according to how the institution sees itself, where it is, and perhaps most important, where it wants to be. It seems to me that some of the issues being raised here are asking the questions we asked originally, in terms of academic freedom and public mission and the issue that Peter Stein raised just before, and that our choice is not simply a question of finances, the financial arrangements reflect our choice of values. And who we want to be is our choice of values. Do we want to be an entity that sells ourselves? Do we want to sell ourselves in equity, which will inevitably attack our independence? People can say every which way they want that it won’t attack our independence, but it will. That’s the reason we talk about that wall of separation between the university and what we do and those who give us money. So you can talk about the limitations, but the reality is that you will have a third party investor in the system and mixed values, and it will continue that way and we will sacrifice our independence. You also said do for-profit if you want to pay higher money to personnel, just like a for-profit corporation does. I don’t think the university should contribute to increasing even more the wage inequality between CEO’s and the people who work for them. I don’t see that as a value of who we want to be. Finally, you talk about wanting a peer to peer relationship because it is ideologically better, also tells me it is a question of values. Who do we want to be? And when you talked about how they will help run our institution, and they say, “Oh gee, we don’t want to deal with them. They’re so slow…” Another way of describing the way we run our institution is that it is a democratic process. That’s why we have faculty governance; that’s why we talk about things. Democracy can be slow. So this really isn’t a question to you. I understand your position. You’re saying certain things, but I’m also emphasizing what you’re saying in terms of a choice of values and what we want to be, and it seems to me that I’m not here to be that.”

Michael Goldstein: “There is not a question there, but let me try to answer a couple of things that you said. First of all, I don’t disagree fundamentally with what you are saying which is why Cornell is a non-profit institution. It’s why I am an alumnus; it’s why we are what we are. And I don’t think that anybody in this room would want to change that. And you are absolutely correct. Of course it’s a choice. There is no question that it is a choice. The real question is—is it a wise choice? The issue here is not whether the university should become for-profit and have external ownership. One can debate endlessly the effect of donors and the effect of having to compete in a marketplace for both faculty and students. But this is a question of whether a particular
activity that is separate from the core function of this institution as a campus institution can more effectively be carried out using a vehicle, using a different vehicle. That is what eCornell is all about.

"I alluded to more flexibility in compensation, I was not talking about compensation to the CEO, what I was in fact talking about was the ability to have more flexibility in compensating the people who create the value, because there are limitations within the institution, the economic institution, structural limitations. Those same limitations do not necessarily abide this kind of structure, so if someone is creating coursework, creating significant value in the marketplace, there are mechanisms for that person being rewarded commensurate to what he or she is generating that simply aren’t available in this mechanism.

"Back to your premise, there is a choice; there always has been, and it is my understanding that the reason for this decision is that there are attributes of the structure that are necessary to enable this university to become a major player in E Learning, particularly professional education. as it is one of a handful of major players in traditional campus based work. That, in my view, is a perfectly valid goal. As I said in my article (I stand by every word I ever said or thought), it is exactly about a choice, a valid set of choices. I worked with an institution for a considerable period of time, a large institution that ultimately made the decision that not only were they going to internally fund, but they would keep it within the institution. They had lots of reasons why they did that. Will they succeed better or worse than we will succeed? I don’t know. But that’s a choice every institution makes. They have constraints on them that we don’t have, and that decision was in some key respects forced by those constraints. But it is a choice, and I think (I’m slightly prejudiced) for my institution it’s a valid choice. Obviously, one can analyze it and can come to a different conclusion."

Speaker Howland: “Thank you very much. I’m sorry I must break off these discussions but we must move on to Good and Welfare. We have one speaker who has registered for it. I call now on Porus Olpadwala to talk.”

14. GOOD AND WELFARE

Professor Porus Olpadwala, Architecture, Art and Planning: “Should I come up front?”

Speaker Howland: “Yes, it would help if you would, sir.”

Professor Porus Olpadwala: “Thank you. I’m here as the current chair of the A.D. White Professors-At-Large Program and also a new program, titled the Class of ’56 Frank H. D. Rhodes Professorship which is somewhat parallel to the A.D. White Professorship. We will be sending out a request for nominations in the not-to-distant future. I just wanted to mention that we have tried to simplify the nominating process. You don’t have to put together a massive dossier on the first trip around. There is a sort of brief proposal process which will take place in December, and then based on a simple letter of proposal, the committee will look at things which might apply and might not apply in their views. And then you can put the whole massive dossier together if you wish for the February deadline. My request is to encourage you and your colleagues to
please generate as many proposals as you can for both sets of professorships. Thank you.”

Dean Cooke: “Do you want to say something about the current visitors?”

Professor Porus Olpadwala: “Yes, if you want. The current professorships include Jane Goodall, who will be here tomorrow and Friday. Later in the semester Richard Meyer, the architect, will visit as a Rhodes Professor. An environmental architect, Bill McDonogh will also be here as the A. D. White Professor, and Professor John Cleese and Toni Morrison will all be here this fall. I guess what these professorships mean—they are mainly academics, but they have to be of the purest and highest order. We also look for people who can jump across constituencies, including we hope, interact very positively with undergraduates. Beyond that, they don’t have to be academics. The A. D. White also has people of great achievement who can be brought to the campus to expose us to other ways of thinking and other minds.”

Speaker Howland: “Thank you very much. By my watch we are within 8 seconds of six o’clock.”

(Laughter)

Speaker Howland: “The meeting is adjourned.
Appendix A

University Faculty Committee Resolution on the Distance Learning Report Dated July 11, 2000

WHEREAS, the July 11, 2000 "Preliminary Report on Non-Degree Programs" (hereinafter referred to as the report) from the Provost's Advisory Committee on Distance Learning (hereinafter referred to as the DL committee), and the Administration's response to that report have been shared with the Faculty Senate members and posted on the Senate's web site, and

WHEREAS, the report contains several positive recommendations that have been agreed to by the Administration, especially
   1) The restriction of DL entity's initial activity to non-degree programs,
   2) The maintenance of faculty oversight on the content of DL programs,
   3) The clarification of the DL entity's right of first refusal,

WHEREAS, the Board of Trustees on June 20, 2000 made the "...decision that the initial funding (capital) for e-Cornell would come from the University's unrestricted endowment,"

WHEREAS, the UFC wishes to expedite the actions of the DL committee in accord with the resolution passed by the Senate on May 10, 2000,

WHEREAS, the DL Committee has not taken a position on the for-profit/not-for-profit status of the proposed DL entity, and

WHEREAS, the Faculty Senate has previously expressed concerns about the prospect of this being a for-profit entity,

THEREFORE, BE IT RESOLVED THAT the University Faculty Committee endorses the report of the DL committee.

BE IT FURTHER RESOLVED, however, that the UFC will bring before the Faculty Senate at its September 13 meeting one or more resolutions concerning the following topics:

1) In reinforcement of recommendation 5 in the DL committee's report, the Senate will be offered a resolution that urges the Administration to make the 'Overarching Agreement' between Cornell and the DL entity a public document.

2) The Senate should be informed of any future change of status of the DL entity in a timely manner and with adequate time for Senate response. Such changes of status would include but not be limited to the opening of the entity to investment by individuals or corporations, the offering of public stock in the entity, or the expansion of the entity's programs beyond the non-degree domain.
3) The Senate will be offered a resolution that instructs the Dean of the Faculty to work with the appropriate university officers to incorporate the provisions of items 1) and 2) above into a formal university policy or policies.

AND BE IT FURTHER RESOLVED THAT

1) The Faculty Senate is given the opportunity to deliberate further at its September meeting on the issue of whether the DL entity should be for-profit or not-for-profit.

2) The UFC invite the Administration to provide at the September Faculty Senate meeting a detailed justification of their position on this matter.

Adopted by UFC on August 10, 2000

Footnote: The UFC Sub-committee on For Profit/Not-For-Profit Status of the Proposed Distance Learning Entity prepared a background report (dated 8/7/00) to facilitate discussion of this issue. Their report has been received, i.e., not adopted, by the UFC.
Appendix B

Report of UFC Subcommittee on Profit/Not-for-Profit Status of the Proposed Distance Learning Entity, 8/7/00

Introduction

Committee Charge

There has been considerable interest and concern in the Faculty Senate on whether eCornell should be a for-profit entity. The Provost's Advisory Committee on Distance Learning, however, did not address this issue in its preliminary report of July 11, 2000. Therefore, at the July 26, 2000 meeting of the UFC, Dean of the Faculty J. Robert Cooke established a three-member Subcommittee on the Profit/Nonprofit Status of eCornell and charged it with preparing background information on the merits of organizing eCornell either as a 'for-profit' or as 'not-for-profit' entity. If this subcommittee arrived at a clear preference for one form or the other, it was authorized to prepare a draft resolution to be considered by the UFC. The subcommittee has concluded, though that it would be premature to draft a resolution for the UFC. As a basis for further discussion, this preliminary report presents background information regarding the for-profit vs. non-profit issue. It also includes some representative arguments for and against each alternative.

Brief Summary of Some Relevant Events.

1. January 16, 2000. Vice Provost Mary Sansalone issued a "Draft Proposal for the Organization of Cornell's Distance Learning Activities."¹ Under this proposal there would be two organizations handling distance learning activities at Cornell. One, tentatively dubbed eCornell, was to be organized on a for-profit basis. The other, CIT, functions as a non-profit cost center within Cornell.² eCornell would handle distance learning activities "using the Cornell name that have commercial potential and appeal to external constituencies and customers......Cornell Information Technologies......will continue to have the responsibility for providing support for technology based instructional activities that enhance learning of Cornell students."³

2. March 8, 2000. The Faculty Senate passed a resolution (65-1-2) stating that "the Faculty Senate expects to participate with the Administration and Trustees in the development of principles and plans for distance learning, including any potential

¹ Available online at http://www.cornell.edu/UniversityFaculty/forums/Distance%20Learning/DistLearningDraftMS.pdf
² However, CIT offers some support services, including "low-end video production for instructional uses," on a "cost-recovery basis."
³ Ibid., p. 2.
establishment of a for-profit corporation. Such plans, once formulated, should be presented to the Faculty Senate for faculty review."

3. March 15, 2000, President Rawlings addressed a memo to the Faculty reporting the Trustees' decision "to approve the formation of a for-profit entity, e-Cornell, to create and market primarily asynchronous distance learning programs focused on executive, continuing, and general education."*4

4. On April 12, 2000 by a vote of 64-4-3, the Faculty Senate passed a resolution5, stating in part that

"WHEREAS, following a pattern set with the reorganizations of the Division of Biological Sciences and the Department of Computer Science, the Cornell administration once again ignored the very clear wishes of the faculty for consultation on an academic matter by moving ahead with the creation of e-Cornell as a for-profit enterprise for distance learning, without permitting time for due deliberation by the faculty through their governance structure,

THEREFORE, BE IT RESOLVED that the Senate instructs the Dean of the Faculty and the University Faculty Committee (UFC) to draft a written agreement between the Faculty Senate and the President, covering the process by which decisions of the central administration on academic matters that concern more than one college or on other matters that the Senate has addressed or that the UFC wishes to bring to the Senate will be handled, ...."

Partly as a result of this resolution, the Provost's Advisory Committee on Distance Learning, chaired by Professor William Armes, was established.

5. On July 11, 2000 the Provost's Advisory Committee on Distance Learning issued a Preliminary Report.6 While noting that the University had proposed a separate for-profit entity with external funding for distance learning, the report stated that "The committee does not have the knowledge to recommend whether a for-profit or a not-for-profit organizational structure is most suitable." The committee further stated that "Any strong entity will have its own dynamics and it is essential that the university's interests be protected by a strong contract with continuing leadership and oversight in the general area of distance learning by a senior academic officer."

6. On July 19, 2000, Dean Cooke was informed in an email from Vice Provost Sansalone, that "...the Board of Trustees' Distance Learning Committee has decided that the initial funding (capital) for eCornell will come from the University rather than from outside investors. Thus eCornell, when it is created, will be wholly owned by Cornell University. This decision was made in recognition of the fact that we are creating a

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*5 Available online at http://www.cornell.edu/UniversityFaculty/gov/ResDecMaking.000412.html

hybrid organization — one with the nonprofit mission of education, but with a for-profit structure." (Italics added.)

Basic concepts

For-profit and nonprofit.

The objective of a for-profit entity is to generate financial surpluses (profits) that are distributed to the owners. Ownership may be direct or indirect through other organizations. The owners are the entities who originally contributed the capital to start the organization, and their successors. The objective of a nonprofit entity is to perform some activity for the public good, such as research, education, caring for sick and needy persons etc. Nonprofit entities may, and frequently do, produce some goods and services that generate financial surpluses. This does not entail a loss of nonprofit status as long as the surplus is used to support a recognized nonprofit activity.

Financial Structure of for-profit and nonprofit entities

Both for-profit and nonprofit organizations can offer goods and services for a fee. Both can borrow money. The fees charged by nonprofit organizations usually are not intended to cover the full cost of the goods and services they produce. Therefore, these organizations require a continuing stream of donations and/or endowment income to make up the difference between the fee revenues received and their costs of operation. For-profit organizations attempt to sell the goods and services they produce at their full-costs of production or more. If they succeed, they should not require regular capital contributions from their owners to maintain their operation.

Taxable and Non-taxable.

Generally, the income of for-profit organizations is taxable. Generally, the financial surplus of nonprofit organizations is not taxable; if the activity generating the income is closely related to the primary activity of the organization. Unrelated business income (UBI) of a non-profit organization may be subject to tax. For example, if Cornell were to start a profitable subsidiary producing spaghetti, which was deemed not to be related to Cornell's educational mission, the income of the subsidiary would be subject to the UBI, even though it was organized as a nonprofit. It appears that if Cornell were to operate a nonprofit subsidiary that regularly generated financial surpluses by producing educational services, such as distance learning, that these financial surpluses would not be subject to income taxes.

7 They may require additional capital if they are growing rapidly and in other special circumstances.

8 The following is an excerpt from a memo to VP Mary Sansalone from Michael Goldstein, outside Counsel to Cornell: 
There is nothing in non-profit corporate law in NY (or anywhere else, as far as I know) that restricts the net revenues of a non-profit. The issue is what is done with those net revenues. If
Legal advice would be required to determine whether a for-profit subsidiary that was wholly owned by Cornell, and regularly generated profits by producing educational services would be subject to income taxes.

**For-Profit or Not-For-Profit**

**Rationales for Creating a For-Profit Structure:**

Rationales for using a for-profit structure for eCornell are presented in a paper by Mary Sansalone and in a memo by Michael Goldstein. Mary Sansalone’s "Draft Proposal…” of Jan. 16, 2000, states that:

"The reasons for creating a for-profit entity are to promote the following opportunities:

1. operate in a complex and dynamic market environment;
2. generate significant revenues that can be used by deans and directors for faculty compensation, support of faculty lines, and the myriad other needs of the various colleges, programs, and laboratories;
3. attract the capital needed to launch new programs;
4. partner with third-parties and commercial partners where there is a need for capital and greater name recognition in the market place;
5. partner with other universities and entities that may want to sell their content through e-Cornell (e.g. e-Cornell would be a third party vendor or commercial partner for other universities);
6. provide opportunities for transfer of technological advances and instructional courseware developed by e-Cornell to Cornell with the goal of enhancing not-for-profit instruction by Cornell faculty for Cornell students; and
7. provide an opportunity for Cornell to benefit from the appreciated value of its equity interest in e-Cornell.

It should be noted that this list was created before the Trustees’ Distance Learning Committee decided that eCornell would be internally funded. Therefore, items 3 and 7 are no longer relevant. Items 2, 4, 5 and 6 do not seem to require a for-profit organizational structure. The meaning of item 1 is not clear.

Attorney Michael Goldstein, acting as an outside adviser to Cornell on these issues, provides some relevant comments in a memo to Vice-Provost Sansalone. His main points seem to be the following:

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*they are plowed back into the public-benefit purpose, there is no problem at all. If they are distributed to other entities or individuals who are not themselves non-profit (and for the purpose of the first non-profit), then there is a big problem.*

This memo was distributed to the UFC by VP Sansalone on July 26, 2000.

9 Bullet points in the original have been replaced with numbers to facilitate references to the individual reasons.

10 Items 3 and 7 refer to equity capital. Since Cornell has decided not to use outside equity capital to fund eCornell, these points are no longer relevant.
1. eCornell might be at a competitive disadvantage if it operated as a non-profit entity and at the same time attempted to comply with IRS requirements to maintain a tax-exempt status. In Goldstein's words, "While the non-profit status of eCornell could pretty easily be preserved, the IRS tax-exempt status is a bit more conjectural. Tax exempt status carries with it a lot of restrictions, and in the world of e-learning (where many competitors don't have to deal with those concerns) they could be a real disadvantage. Always having to watch for Uncle can distract an organization from its primary mission of succeeding in a highly competitive marketplace."11

2. The market in which eCornell plans to operate (i.e., non-credit e-learning) is dominated by private for-profit companies. Cornell might encounter political opposition and unfavorable publicity if it used a non-profit, tax exempt entity to compete in this market.

**Rationales for Creating a Not-For-Profit Structure**

1. Cornell is a non-profit tax-exempt organization whose primary missions are the production and dissemination of knowledge. Creating a market driven for-profit subsidiary would undermine that public interest focus and educational mission.

2. As currently proposed by the administration, the special expertise of eCornell would be available only to projects that are "commercially viable." This would mean that projects that were not "commercially viable" would be denied access to eCornell's expertise, regardless of how important the project was to Cornell University's educational mission. This would create an unfortunate perception that commercial viability is more important than educational value.

3. Creating eCornell as a for-profit entity is undesirable, even if the entity were initially owned entirely by Cornell. The for-profit structure would make it easier, at some future date, to sell a partial ownership interest in eCornell to third party investors. Sharing the ownership of eCornell in this way would be harmful to Cornell because of unacceptable and unavoidable conflicts of interest between Cornell's public mission as a non-profit university, and the profit-maximizing goal of eCornell's other stockholders.

4. The establishment of a nonprofit structure would insulate Cornell from owing a fiduciary duty to third party investors who would be in a position to influence decisions.

5. The creation of eCornell as a for-profit entity could create complications, given Cornell's dual structure with state and endowed components.12

6. A for-profit structure might be more likely to be subject to income taxes, thus reducing the financial benefit that eCornell provides to Cornell University.

7. The burden of proof for changing the status quo of a not-for-profit structure of the University rests on those arguing for the change. The current educational and financial objectives for eCornell13 can all be accomplished within a not-for-profit structure, given the not-for-profit organization's ability to generate financial surpluses for the University.

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11 Memo by Michael Goldstein distributed to the UFC on July 26, 2000 by Mary Sansalone.

12 For example, a distance learning project initiated in a state unit might generate profits for the endowed units if it were implemented by eCornell.

13 The current proposal is that eCornell is to restrict itself to projects a) that bear the Cornell name, b) that are commercially viable, c) that appeal to external constituencies, and d) whose academic content is under the exclusive control of a Cornell academic unit.
Related Issues

1. The current discussions have focused on specific proposals regarding eCornell and to some extent CIT. These discussions are not based on a sufficiently comprehensive view of the role of Distance Learning at Cornell. For example:
   a) As currently conceived, there would be two entities, eCornell and CIT, offering technical support on distance learning. Concerns have been expressed about unnecessary duplication. Presumably, there would be some differences between the two organizations in terms of the quality of their services, the expertise of their staffs, etc.
   b) It appears that some types of projects, such as those arising in Cornell extension, have not been assigned to either eCornell or CIT.

2. The recent decision of the Trustee Distance Learning Committee to fund eCornell internally is an important step in reducing some of the concerns that have been expressed about its proposed status as a for-profit entity. Outside funds in the form of debt do not raise the same problems.

3. However, in explaining the rationale for internal funding, eCornell has been described as "a hybrid organization — one with the nonprofit mission of education but with a for-profit structure." We assume, however, that this does not mean that a decision has already been made that eCornell will be a for-profit entity.

4. It is expected that the discussions between Administration and the Faculty concerning whether eCornell should be for-profit or not-for-profit will follow the guidelines in the recent agreement between the President and the Faculty Senate.

Locksley Edmondson
Risa Lieberwitz
Seymour Smidt, Chair
Appendix C

Preliminary Report
on
Non-degree Programs

July 11, 2000

This is the first report of the Provost’s Advisory Committee on Distance Learning. This preliminary report focuses on a small number of topics where decisions should be made rapidly.

The university has been developing distance education programs for many years. The immediate question before the committee concerns a number of non-degree programs where plans for distance learning are well advanced. They include programs in the School of Hotel Management, the College of Veterinary Medicine and the School of Industrial and Labor Relations. The university has proposed the establishment of a separate legal entity that would develop and distribute these and other programs under the Cornell name (or a variant such as "e-Cornell"). To increase access to capital, it has been proposed that it be a for-profit entity with external funding.

The committee endorses the following, subject to the conditions listed below:

1. The further development of non-degree programs to be delivered by Distance education.

2. The creation of a separate legal entity to develop and distribute those non-Degree programs.

To date the committee has focused only on non-degree programs, specifically executive and continuing education courses and programs of the type that currently comprise the administration’s draft business plan for the proposed new entity. The committee has not yet had an opportunity to review the significantly different issues raised by possible extensions to other programs.

These endorsements are subject to the following conditions. The committee expects that these conditions will not deter the raising of funds and the rapid development of the early programs. However, the committee considers each condition so important that it would not recommend proceeding if it cannot be met.

1. Academic oversight and strategy: The proposed new entity should be a part of a broader overall academic strategy toward the use of computer-mediated learning and distance education at Cornell. The committee believes that affirmative leadership of Cornell’s diverse initiatives in this area is important, and that a senior academic officer (e.g., the Provost) should be responsible for this sphere. Cornell should consider ways to oversee agreements between units and the new entity, and to assess which existing and new initiatives would be appropriate for the new entity.

2. Faculty control of academic content: The academic content and standards for each program should be under the exclusive control of the faculty of a Cornell
college or other academic unit. The name of the corresponding academic unit should be associated with each program.

3. **Right of first refusal:** There should be no requirement that a new distance-learning program (or course) be offered to the new entity unless (a) Cornell's name is attached to the program and (b) the Cornell unit involved is considering use of some other commercial entity for comparable services. In such situations, the university may give the proposed new entity the opportunity to convince the unit to work with it rather than with third parties, but, after a period of good-faith mutual exploration, there should be no compulsion to do so. Some Cornell units already offer programs by distance learning. These existing programs should not be offered to the new entity except at the request of the units involved. On-campus use of distance-learning materials: The new entity should make all distance-learning materials that it develops available under reasonable terms to the university for use in courses taught to matriculated Cornell students, subject to the intellectual property rights of the Cornell faculty and others involved.

4. **Public contract:** The relationship between Cornell and the separate entity should be defined in a contract. All parts of the contract that concern the academic relationship should be made public.

5. **Use of Cornell name:** Cornell should control the use of its name. The committee agrees with the current thinking: that the separate entity will offer programs under the name "Cornell", but the entity should not have "Cornell" in its name; the university would license the use of the "Cornell" name, including variants such as "e-Cornell" or "e-Cornell.com", for use with specific programs only.

6. **Separate agreements for each program:** Each program should have a written agreement with the separate entity that spells out specifics for the program, including academic oversight, ownership of all course materials, pre-requisites, fees, revenue distribution, etc. These agreements should be spelled out in writing on a program-by-program basis, and could be quite different for different programs. The decisions for the early programs should not be considered to create a long-term precedent.

The committee does not have the knowledge to recommend whether a for-profit or not-for-profit organizational structure is most suitable. Any strong entity will have its own dynamics and it is essential that the university's interests be protected by a strong contract with continuing leadership and oversight in the general area of distance learning by a senior academic officer.

Whatever model is chosen for the separate entity, Cornell must retain ultimate control of its strategic decision-making. In particular, if a for-profit model is chosen, the university should control future decisions to sell shares to the public.
Slides presented to the Faculty Senate

William Y. Arms
September 12, 2000

Advisory Committee on Distance Learning

Background

Objectives for the committee:

- help the university make good decisions rapidly
- with university-wide understanding and support

Approach:

Narrow initial focus
- restrict focus to non-degree programs

Parallel planning
- committee studies academic impact
- administration explores financial and legal options
- frequent exchange of ideas
Recommendations

*From the report:*

The committee endorses the following, subject to the conditions listed below:

1. The further development of non-degree programs to be delivered by distance education.

2. The creation of a separate legal entity to develop and distribute those non-degree programs.

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*Note: These recommendations apply only to non-degree programs.*

Conditions

1. Academic oversight and strategy
2. Faculty control of academic content
3. Right of first refusal
4. On-campus use of distance-learning materials
5. Public contract
6. Use of Cornell name
7. Separate agreements for each program
For-profit v. not-for-profit

The committee made no recommendation about the legal form of the new organization.

As a faculty committee:

- state the academic requirements, including importance of Cornell retaining control
- expect the administration to manage legal and financial issues

Note: The committee has considerable expertise in these areas
Comparing For- And Non-Profit Structures

The decision to create a for-profit subsidiary is the endpoint of a process that starts with consideration as to why a separate entity is appropriate and concludes with a comparison of the relative attributes of the two corporate forms.

Both for- and non-profit structures share certain attributes that may be beneficial to the sponsoring institution. Certain other attributes are unique to the particular form of organization. The relative value of these attributes should drive the decision as organizational form. Attributes in bold italics are unique to the for-profit mode.

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<th>For-Profit</th>
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<td>Create value through capital appreciation</td>
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<td>Receive charitable contributions and grants</td>
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<td>Generate an operating surplus.</td>
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<td>Provide employees with performance bonuses.</td>
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<td>Provide persons who provide value with an equity interest in the entity</td>
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(1) If a tax-exempt non-profit entity has "unrelated business income," such income is generally taxable at the standard corporate tax rate. Unrelated business income does not jeopardize tax-exempt status unless it represents a "substantial" portion of the exempt organization's revenues.

(2) The governing body of a related non-profit organization may be appointed by the "controlling" institution. However, except for rights reserved to the appointing entity ("member"), trustees or directors of a non-profit entity are independent.

(3) The majority shareholder of a for-profit entity typically controls the membership and actions of the governing body.
(4) A non-profit entity may have multiple “members” who have certain attributes of ownership in the context of exercising control over the entity.

(5) The effectiveness of firewall (to prevent liability from reaching the parent institution) is increased if there is more than one owner or member.

(6) While tax-exempt entities may enter into joint ventures, the tax laws impose restrictions intended to protect the exempt entities from risk of loss. To a certain extent that in turn reduces the economic attractiveness of such ventures.

Generally, a for-profit entity is preferred where the following attributes exist or are likely to exist:

- There is an immediate or probable future need for capital and the activity is likely to create sufficient value that there is a market for a share in its equity (i.e. it is reasonably likely that investors will be interested in buying a share of the enterprise).
- If capital is to be provided (now or in the future) by an unrelated party, the for-profit form can immunize the institution from economic loss.
- The value of the activity is likely to create appreciated value which can be monetized by the tax-exempt owner (i.e. a share of the appreciated equity can be sold into the marketplace).
- The activity will benefit in securing the services of key personnel (such as authors of intellectual property) by being able to provide them with a share in net profits and potential appreciated value (i.e. by profit sharing and providing equity as part of compensation).
- There are potential for-profit partners with whom a peer-to-peer relationship is structurally and ideologically preferable.
- There is potential objection from the for-profit sector that the institution is using its tax-exempt status to unfairly compete in the marketplace.

Conversely, a non-profit, tax-exempt model is preferable when the activity is likely to be dependent on gifts and grants in order to operate. However, while a non-exempt entity cannot directly receive charitable contributions, the proper recipient of such largesse (i.e. an institution) may contract with its related for-profit entity to carry out work pursuant to such a grant or gift.
Resolution for a Graduate Field of Systems Engineering and a Master of Engineering Degree in Systems Engineering.

WHEREAS, the proposal to create a new graduate field of systems engineering has been approved by the Graduate School, and

WHEREAS, a master of engineering degree in systems engineering has been approved by the Graduate School, and

WHEREAS, creation of the new graduate field and a master of engineering degree in systems engineering has received enthusiastic endorsement by the Dean of the Engineering College, the Master of Engineering Committee of the Engineering College, and the participating engineering departments, and

WHEREAS, the Committee on Academic Programs and Policies has also recommended creation of the new graduate field and has approved the creation of a master of engineering degree in systems engineering,

THEREFORE, BE IT RESOLVED that the Faculty Senate upon review of the merits of the proposals put forth approve establishing a graduate field of systems engineering, which would offer a master of engineering degree in systems engineering, and urges the Administration to place this on the agenda of the Board of Trustees for consideration.

Rationale for Systems Engineering Proposal:

Systems engineering is a long-standing engineering interest that has grown out of several traditional engineering fields. Cornell has for years had strengths and components of systems engineering within the departments of Operations Research & Industrial Engineering, Civil & Environmental Engineering, Mechanical & Aerospace Engineering, Computer Science, and Electrical & Computer Engineering. Recent national attention to systems engineering per se, the development of more and more complex products and systems, and the expanded and successful engineering management program in the Engineering College, have brought to the forefront the issue of how institutionally to address systems engineering.

Cornell would like to recognize the depth of experience and expertise it has in systems engineering, and to create a structure to allow teaching and intellectual activities in this area to expand. A new graduate field for systems engineering is the natural and appropriate way to recognize explicitly this discipline and its study, pooling the faculty members and resources in several different departments. Dean Hopcroft observes that the program has broken down traditional walls surrounding departments, and brought together those units into a new cooperative arrangement. An industrial steering group has already had four meetings to provide guidance and to generate support for the program.
On a more practical level, the Engineering College wishes to response to industrial demand for a master of engineering degree in systems engineering. There is also a strong national interest at NSF, NASA, and elsewhere at this time in systems engineering. A graduate field for systems engineering will allow Cornell to marshal its educational and research strengths in systems engineering to attract quality students interested in the field and to become a stronger player at the national level.
Appendix G

DRAFT

FACULTY COMMITTEE TO ADVISE THE PROVOST ON ALL TENURE DECISIONS

The Faculty Advisory Committee on Tenure Appointments (FACTA) is established to advise the Provost on all proposed promotions to and appointments with tenure as well as proposed denials of tenure by a dean after a positive recommendation from the department.

Composition of the Committee:

The committee will be composed of fifteen tenured faculty members, one elected by the professorial faculty in each college and five nominated by the University Faculty Nominations and Elections Committee and appointed by the Faculty Senate. The five faculty nominated will be selected in such a way as to achieve appropriate balance among the various schools, colleges, tenure-granting centers, disciplines, and job functions (including extension) to make the committee of fifteen representative of the diversity of the faculty of the University with due regard to race, gender and ethnicity. Members will serve for two years. Terms will be staggered so as to replace half of the members each year. In addition, the appointments within a given year shall also be staggered among the review cycles to minimize the transitional impact upon the committee.14 Vacancies caused by the resignation of a college representative will be filled by a vote of the college faculty or by an elected college committee, or by the Nominations and Elections Committee for a non-college representative. No member of the committee will serve for more than 3 consecutive years. The Dean of the Faculty will be a non-voting, administrative chair of the committee. The chair will strictly refrain from taking part in the committee's decision making. The role of the chair will be limited to facilitating timely decision making and ensuring that the committee adheres to its charge and mandated procedures.

Procedures:

The committee will determine whether the evidence in the tenure file shows that the candidate has demonstrated excellence in scholarship, teaching and public service at a level warranting appointment to tenure at Cornell. In particular, the committee will consider the evaluations made by the candidate's peers and students, as well as those of outside reviewers and the ad hoc committee. The committee will also take into consideration the academic standing of the candidate's outside reviewers, as well as any special considerations that might pertain in the case of those candidates with appointments in professional schools, performing arts or extension programs. In coming to its conclusions, the committee will limit itself to assessing the strength of the candidate as summarized by prior substantive reviews. The committee will not solicit additional reviews; its judgment will be based on the information in the candidate's file. University financial and other non-academic considerations will play no role in the committee's deliberations. The committee should ensure that tenure appointments are consistent with Cornell's high standards, but that no faculty member is turned down for tenure wrongfully, capriciously, or without reference to the responsibilities of the position or the mission of the college.

14 The Nominations and Elections Committee will provide a procedure to accomplish this additional staggering within the year.
Each file will be read by four members of the committee chosen at random. Four members of the committee chosen at random will read each file. Each member will independently prepare a written evaluation of the case not to exceed one page in length. If all four members are positive with no concerns or reservations, a positive recommendation will be sent to the Provost with copies of the four reviews.

If any one of the four has reservations, Each member of the full committee will then write a brief, preliminary evaluation which in no case can exceed one page in length. After these have been circulated, the full committee will meet for discussion and a vote. Each committee member will vote yes or no on the issue of whether the tenure file presents convincing evidence (based on an assessment of the strength of the candidate as summarized by prior substantive reviews) that the candidate has satisfied the requirements for tenure contained in the legislation or by-laws of the candidate's school or college. The committee's decision, including the individual evaluations, revised on the basis of the discussion as each committee member sees fit, will be sent to the Provost. Committee members who are unable to attend a particular meeting may cast an absentee vote as long as they submit an evaluation prior to the discussion, provided the expected level of care has been devoted to reviewing the documentation. Committee members must be present in order to cast a vote on a candidate. The committee will make its recommendations within four to six weeks of receiving a file.

All members of the full committee shall have access to all recommendations sent to the Provost.

If the Provost rejects the committee's recommendation a statement justifying that decision will be sent to the committee. If the Provost rejects the Committee's recommendation, the faculty requests the Provost meet with FACTA to discuss the disposition of the case. This meeting should occur, if possible, prior to Trustee action.

Previous Involvement or Conflict of Interest:

If any member of the committee has voted or otherwise participated in the tenure decision at an earlier stage he/she will recuse him or herself from the case. If any member of the committee has any relationship with the candidate that might significantly affect his or her opinion, the nature of this potential source of bias must be described in the member's written evaluation of the candidate. A member who has a relationship that falls under the nepotism policy (Faculty Handbook, p. 86), will recuse him or herself from the case.

Report to the Faculty Senate:

The committee will report the number of cases considered and the number of positive and negative recommendations annually to the Faculty Senate. This report shall not divulge case-specific information. In addition, if the Provost's action on any case differs from the committee's recommendation, that will be reported to the senate in a timely fashion.  

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15 For various reasons, the file of a candidate deserving of tenure may not demonstrate that fact. Thus a vote of No on the issue as stated may not mean that the candidate does not deserve tenure.

16 If the process isn't working, FACTA and the Dean will know and can recommend changes to the Senate. If this sentence is left in, this fact could be included in the annual report. We should not open individual tenure cases to debate in a public forum.
After its first full year of operation, the Faculty Senate will re-evaluate the effectiveness and the procedures of this committee.

The original was adopted by the Faculty Senate, November 12, 1997; amended May 3, 1999.
MINUTES OF A MEETING OF THE FACULTY SENATE
Wednesday, October 11, 2000

Professor Howard Howland, Neurobiology and Behavior, and Speaker: "Good afternoon, everybody. I'd like to call the meeting to order. I would like to remind you that no photos or tape recorders are allowed during the meeting. We have four Good and Welfare speakers and each speaker will have three minutes, subject to a proposed modification to the agenda. I would like to call now on Vice President Hal Craft for remarks."

1. REMARKS BY AND QUESTIONS FOR VICE PRESIDENT HAL CRAFT

Vice President Hal Craft: "Biddy Martin is out of town today so she asked me to fill in for her, which is impossible, of course. I think my function today will be to answer any questions that you might have, specifically about the areas in which I focus. The other thing that I did want to make one comment and observation on is a result of things that have happened over the last few weeks in my arena. I think it will affect a just few of you directly but many more indirectly.

"Over the last 60 days there have appeared on the scene requests for three very major academic initiatives that involve major facilities. Chemical biology is one, physics is another, life sciences is a third. When these are all added together, they come to something that is between quadruple and five times the cost of any single capital project we have ever had before. Because they all happen to be in one area of the campus, more or less, they have kicked off what I venture to say may be a unique activity and that is a broad campus plan that will be developed to see how we might, in fact, coordinate all of these programs, both from a programmatic perspective and from a physical perspective. So some of you who live within the area of Rockefeller, Clark, Newman and so forth may well see some strange folks walking around looking at facilities matters. That's what they are up to. I might also add that we currently have no idea how we are going to pay for all of these, so also there will be a financial plan developed. So with that I will ask if there are any questions to which I can respond."

Professor Kay Obendorf, Textiles and Apparel: "I would like to know if you could tell us a little more of the status of the life sciences building, or are we going to hear that later in the agenda?"

Speaker Howland: "We will have someone from Good and Welfare talking to that point."

Professor Obendorf: "Maybe we could hear it from Hal's point of view?"

Vice President Craft: "From my perspective it is at the moment more or less a black box. We need to determine the size, although the size is large. A program is being developed; Kraig Adler is leading that effort. I can't tell you for sure
what programs are going to be in there, but I will say that the size of the building is larger than any building we have put up so far, although that remains to be updated and developed. I realize that is very vague, but that is where I am at this point.”

Speaker Howland: “Thank you very much. I would like to now call on Dean Cooke for remarks.”

2. REMARKS BY DEAN J. ROBERT COOKE

J. Robert Cooke, Dean of the University Faculty: “Let me mention a few informational items first and then I have a few more extensive topics. You will hear later in the meeting a description of the Cornell Interactive Theatre Ensemble presentation. There will be a University Faculty Forum in this room exactly a week from now. I only want to add my support to say that it is important and we are asking you to have conversations with each academic faculty about diversity on campus. I urge you to come to this, because it provides useful preparation for that discussion.

“Also I should report that the University Conflicts Committee, over the last several months, has reviewed additions to the Statement of Conflict of Interest and a statement emerged from that group with unanimous support of the faculty members, and it will be on the Trustee agenda later this month. Two more—Educational Policy Committee, Chaired by Rich Galik, is working on the academic calendar, and I suspect that they will have a report for you at the next meeting, and likewise the Financial Policies Committee examined infrastructure pricing and the report was attached to the call to the meeting. I understand that Professor Dyckman is somewhere in the room, and if you have questions he can respond to those.

“Now two more substantial things that I want to take just a few moments to discuss. This is a piece of the resolution adopted by the University Faculty Committee on your behalf last summer dealing with distance learning. Two things I have highlighted in boldface are that there is an overarching agreement that we asked to be made public. I can report that that has not yet been passed or distributed. The Provost has said that that will happen, but we haven’t received that confirmation. Likewise, the resolution asks that we be informed of any future changes in the status of the distance learning entity in a timely manner, so that we would have an opportunity to be a full partner in that discussion should any changes come forth in the future. The Provost also agreed to send that to us in writing, an affirmation that that would be the policy followed. We also have not received that. Otherwise, if you read the Cornell Sun or the Ithaca Journal, you know that some things are happening on eCornell.

“One major new initiative - I’m appointing a task force on professorial titles. I have done this after consultation with the Deans, the Provost, the University Faculty Committee and especially the Nominations and Elections Committee. We put together a very strong committee, people who have long-term experience with the university. Many of them have had some administrative experience in
this area, and they will set in motion a study to do at least two things. One is a proposal that we examine the possibility of professorial titles that do not carry tenure. That would depart from the traditional mold of requiring someone to have both teaching and research or two major functions of assignment and have more special purposes. The second one is the question of faculty who have reached the age at which they might retire. There currently is a policy in place for transition of faculty but that has a five-year limit of the transition, so that if you begin that program you must agree at that point that in five years you will relinquish your tenure position. I am proposing that we consider the title "Senior Professor" so that you could separate the question of tenure, so that you might be allowed to continue to have that in your professional identity. However, if you want to scale down your work load, then that would allow the university the opportunity to recover some of that money and hire other people. There will be more about that later, but I wanted you to be aware that it is happening. Bill Fry who is a faculty elected trustee and also ex-officio member of the Senate going to chair that group. That is the extent of my report.

**Task Force on Professorial Titles**

- Bill Fry, Faculty-elected Trustee, Chair of Task Force
- Charlie Walcott, Assoc. Dean
- Alan Bell, CALS
- John Siliciano, Law
- Abby Cohn, A&S
- Charles Williamson, Engineering
- Rob Gilbert, Vet
- Michael Kotlikoff, Vet
- Steve Mutkoski, Hotel
- Robert S. Smith, ILR
- Jere Haas, HE
- Don Cooke, Emeritus
- Stuart Davis, Senior Lecturer
- Lynne Abel, Adjunct Professor

I ask permission to make one motion if you would recognize me for that.”

Speaker Howland: “We have a little time. Perhaps you would like to take some questions?”

Dean Cooke: “Yes, Peter Stein.”

Professor Peter Stein, Physics: “The changes in the Conflict of Interest Statement - is that going to come to this body for comment?”

Dean Cooke: “It was not intended so. Correct me, but I believe the original version did not come through here. Did it, or did it not? I think it did not, so it’s history was that there was a committee appointed, chaired by Jim Mingle, University Counsel, with a group of faculty and deans. They rendered a
decision. It then was brought to the University Conflicts Committee. Last semester it was discussed on two different occasions, and the committee now has converged on something that I’m satisfied will represent your wishes and interests. I’ll make that available if you are interested. To answer your question, it is not intended to come here. Any other questions?”

Speaker Howland: “Good. Then I will recognize Dean Cooke to make a motion regarding Good and Welfare.”

Dean Cooke: “The agenda allows nine minutes that were not assigned for any specific purpose. We have discussed the need to have a conversation about some incidents that occurred on campus. I am proposing to move that we expand the Good and Welfare agenda by nine extra minutes for this meeting to allow for a discussion of the recent harassment incidents.”

Speaker Howland: The chair would like to ask for unanimous consent on this issue? Hearing no objections, it passes.

3. APPROVAL OF MINUTES OF THE SEPTEMBER 13, 2000 FACULTY SENATE MEETING

Speaker Howland: I would like now to call for approval of the minutes of September 13, 2000. I ask for unanimous consent of approval of the minutes. Hearing no objections, the minutes are approved. I now call on Professor Charles Walcott for a Nominations and Elections Committee report.”

4. REPORT FROM THE NOMINATIONS AND ELECTIONS COMMITTEE

Professor Charles Walcott, Associate Dean and Secretary of the University Faculty: “I have another very non-controversial matter which is the report of the Nominations and Elections Committee. In case you compare this to what you have already received in your call to the meeting, you’ll notice that there is an addition. Clare Fewtrell has very kindly agreed to be the chair of the Affirmative Action Committee for this year. That is the only change from what you already had. There is the second part of it and the third part—two candidates for faculty member at-large for the faculty senate, Professor Elizabeth Earle, Plant Breeding and Professor Gordon Teskey, English, and that’s my report.”

REPORT OF NOMINATIONS & ELECTIONS COMMITTEE

October 11, 2000

Affirmative Action

Educational Policy Committee
Michael Gold, ILR
Speaker Howland: “Thank you very much. The chair again asks for unanimous approval of this report. Hearing no objections, so approved. The chair would like now to call on Professor Peter Stein, member of the Faculty Advisory Committee on Tenure Appointments for a resolution from the committee.

5. REVIEW OF THE FACULTY ADVISORY COMMITTEE ON TENURE APPOINTMENTS AND RESOLUTION
Professor Peter Stein, Physics: "I thought that was to follow the report.

Speaker Howland: "Did I skip over something?"

Dean Cooke: "It’s just to put it on the floor to follow procedures."

Professor Peter Stein, Physics: Resolution moved. (Appendix A). Do you want me to make some points?"

Speaker Howland: "As long as it’s on the floor, that’s fine. I’ll call on Dean Cooke for background on the resolution."

Dean Cooke: "In the call to the September meeting there was attached a report I prepared on FACTA which is the Faculty Advisory Committee on Tenure Appointments. I didn’t redistribute it, but I will quickly summarize it to remind you of the contents and as a segue to the resolution that the committee is bringing.

"That committee was established in November of 1997 to advise the Provost on all proposed appointments and promotions with tenure as well as proposed denials of tenure by a dean after positive recommendation from the department. I say that with emphasis because that was not noticed by yours truly at the time this went on, so there were one or two or apparently some small number of cases where the department approved promotion and the dean said ‘no.’ You will see that there is a substantial portion of the resolution that expands that. The reason it was pulled from the agenda at the last meeting is that we realized that there was a dual track for appeals. The legislation approved by the Trustees on appealing rejection of tenure decisions says that it is the final jurisdictional unit in the university. So we had a potential conflict. A good piece of the legislation will correct that.

"The birthing of FACTA involved five meetings in 1996 and four in 1997, suggesting, as the minutes confirm, that there was considerable discussion, some degree of anxiety, about the formation of the committee and what it would do. Here is the summary of the activity that is also in the report that I sent you last month. There are two partial years, the first one and the last one; the next column is the number of reviews conducted by the committee, a total of 114 in that time span. The policy is that each promotion is reviewed by four elected members of the committee chosen at random. If any of those four has reservations that ought to be reviewed by the full committee, then the entire committee is required to read it, and the committee has a discussion before coming to a recommendation. Roughly a fourth, if you take out the start-up year where deliberately all of them were read to establish a baseline, of all promotions are read by this larger group of fourteen or so people. Another question you want to ask is how many of those were positive? These all were positive coming from the dean to this committee. You will see that 110 out of 114 were affirmed by the committee, and that has different interpretations. One would be to say why is that worth doing if you only were worried about four cases? On the other
hand, you can say that this represents the fact that the process is basically working as it should, and these are just a small, modest number of exceptional cases. The last column indicates the Provost's action. Did the Provost follow the advice? We have changed Provosts. In the current cycle the committee has reviewed 17; three of them went to the full committee and 16 of the 17 were positive, and the Provost and the Trustees have not yet acted. I'm not going to report their actions until it is a done deal. This is the part we were a party to. That gives you some sense of the level of activity. I can tell you that it involves an enormous contribution of time and effort by the members of the committee. I might also add by the Dean of the Faculty Office as well.

"There were some issues debated. Taken from the minutes, these were the issues that you raised in the process of creating this. One, a broadly constituted faculty group would replace a group of senior administrators who also happen to be faculty members. It is now reviewed by a group that is not on the Provost's staff or under the control of the Provost. Second, provide advice to the Provost without diluting or challenging the Provost's responsibility for the process. Can a group with a rotating membership protect the long-term institutional and faculty interests of the university? Can you preserve the Dean of the Faculty's impartiality, because the Dean has a role in appeal cases, if someone appeals a negative tenure decision or other grievances? The Dean of the Faculty is supposed to remain an impartial person, acts like an academic ombudsman, so the legislation specifies that the Dean is not a voting member, but strictly a facilitator for the meeting.

"There was also discussion about using this mechanism as a way of raising university wide tenure standards. Should the percentage of tenured faculty be an issue at FACTA's level? Can the different missions of the various colleges, which represent very different outlooks to the world, can all those different missions be respected? Can reviewers avoid becoming a second ad hoc committee? They are assigned, as I say, by random number so they are not a content jury the way an ad hoc is, but like an ad hoc that advises the Dean, this group advises the Provost. And can the committee focus on the strength of the candidate rather than the content of the documentation? There are some problems with documentation and we have made some suggested changes that we hope will improve that.

"We worked on a handful of issues—the workload of FACTA—we are recommending that there be some staggering of terms. The dilemma is that it is a two year appointment, most faculty committees are three, so that means every July 1, we have half of the membership disappear and another half coming in. It takes the committee a while to work together to begin to have a sense of what is worthy of causing something to be rejected and how it functions. The proposal is to still keep a two-year term but allow the transition to occur after the fall cycle has been completed. Therefore, we are dealing with new members at one of the times with the most intense workload, so we are asking Nominations and Elections to work on a proposal to fix this.
"We also need to have a timeline that is respected and we need to protect it because the committee has gotten into some real trouble with materials coming from deans too late for a rational discussion to occur. We also had some problems with a few of the promotion packages coming that were not done with sufficient care. We had a sub-committee of FACTA produce some recommendations on the timeline and the things we expect to see in the documentation so that we can render a judgement. Those administrative details are being referred to the Provost who will work with the deans and work out some kind of common understanding of how we are going to function. It has certainly complicated our lives by having some of these come with only 24 to 48 hours for thoughtful consideration. Some would say that we are adding another delay. However, the Provost cannot read those in 24 or 48 hours either. The second is the relationship with the Provost. We advise, not replace, the Provost. That role is misunderstood by some faculty who would like to have this be more powerful and more controlling. The deans, who have been the recipients of promotions rejected that they thought should have gone forward, have not been happy with us. Only on those cases have we had any real serious feedback from the deans.

"Let me quickly run through the resolution and just call your attention to the rationale for each of these. You have a copy of this. Let me say one thing here at the top— this is the part, lines 10 and 11, that we had inadvertently ignored and that is the part that will be patched up later in this document.

"The first one is the staggering of terms and that includes the footnote that the Nominations and Elections Committee will work out the details. No changes on page two. Page three, there is a new header here for symmetry reasons. This material was in there previously, but there is now a section on cases in which the Dean rejects a promotion but the Department Head said that ‘yes’ it should be promoted. So for symmetry a section A header is added, and there will be a section B that I will show you in a moment. The next one, lines 73 through 75, is just stylistic, no content change intended.

"Next at the bottom of the page, faculty travel quite a lot and the original legislation allowed faculty members who couldn’t be there at the time of the meeting to review the document and submit a vote with a rationale; typically the rationale was one page in length. Those were counted in the past. If this were adopted, they would not be allowed to vote unless they are actually physically present at the meeting when the item is discussed. There is also a footnote that is in blue, a clarification. Lines 98 and 99 finish that.

"Lines 106 through 111, the legislation called for the Provost to give us an explanation if the recommendation of the committee was not followed. In the past that didn’t happen, not even once. So it was not effective. Therefore, we are proposing that if the Provost rejects the committee’s recommendation then the faculty request that the Provost meets with FACTA to discuss the disposition of the case and that the meeting should occur prior to the Trustee action, if possible. In this case, the new Provost did meet with the committee in hearing the three cases that we had concerns about."
"Next is the negative recommendation on someone who has been denied tenure and the main issue was to resolve an ambiguity between two paths that would allow a dual appeals mechanism. The change has been to sequence these and have the dean’s decision be a tentative decision. It is then shared with the Provost. If the Provost finds that it is acceptable, not a concern, then it goes forward. If the Provost has reservations, then it will come to the committee for review.

"The conflict of interest, lines number 139 through 142 – the change here is to say that if a faculty member on FACTA has had any previous involvement formally with the case, that person should automatically recuse himself or herself. The old legislation would have allowed the member to stay there and just declare that that is the case. Throughout all of the other reviews, you cannot be on an ad hoc committee if you have participated in another departmental vote, so we are asking people not to review their own decisions. So that is one additional protection that is added.

"The last part says that there will be reports to the Senate, but it will not disclose case specific information. It is exceedingly tricky to give a lot of detail without disclosing material that has no purpose served in being made public. The last piece is that if the Provost’s decision differs from the committee’s recommendation that it will be reported to the Senate in a timely fashion. I have regarded that as needlessly confrontational. The Provost actually attends the meetings now and hears the reservations first hand. The last item, lines 159 and 160, is simply to remove this item that we are now completing. I would be glad to take questions."

Speaker Howland: “Thank you very much, Dean Cooke. May I now have the motion up here? It is now open for discussion.”

Professor J.S. Butler, Policy Analysis and Management: “If a faculty member is absent due to travel, is that construed as neutral or as a negative vote?”

Dean Cooke: “No vote. Not counted.”

Professor Manfred Lindau, Applied and Engineering Physics: “Would you repeat what the rationale is when an absent member cannot vote given that the member has maybe put a lot of time and effort into reviewing the recommendation?”

Dean Cooke: “Let me take a stab. Professor Stein is the one who is most concerned about that. He may want to comment. The idea was that the discussion with the Provost present could change your understanding and if you vote on the basis of reading the document without having the interaction with the rest of the committee, you may have taken a position that would differ. I can tell you that the historical record is, that often (in the past two years that I’ve been associated with it) the people who were not present typically tended to vote in favor (affirmative) as opposed to negative.”
Speaker Howland: “Professor Stein, do you wish to comment at the present time?”

Professor Stein: “No, except to say that deliberative bodies almost always have this provision. If you are a member of the House of Representatives or of this Senate or of the United States Senate, you can’t vote on an issue unless you are there to hear the discussion. The idea behind that is that in the discussion the truth is revealed. Also the theory is that it makes people come. If people feel that they can cast a vote without coming then there is less of an incentive to actually attend the meeting. Those kinds of forces, I think, make nearly all decision making bodies require that you have to be at the meeting in order to cast a vote.”

Professor Bernd Lambert, Anthropology: “I would like to report this accurately to my department. The 110 positive decisions out of 114 covers 1996 to 1997?”

Dean Cooke: “From the beginning, up to now.”

Professor Bernd Lambert: “Was the committee constituted differently then? It was the same? O.K. They will be encouraged.”

Speaker Howland: “Are the any questions, discussion on the issue?”

Professor Stein: “Having sat through and been in the front there for those nine meetings two years ago, I find myself flabbergasted that there isn’t more excitement about this. So be it. But I wanted to make just a couple of comments about my understanding of a couple of items that are being proposed as amendments, just to put this into the record.

“One, that is to remove the statement that this body will be informed, I don’t know the words exactly, but we are removing the statement that says ‘In addition if the Provost’s action on any case differs from the committee’s recommendation, that it will be reported to the senate in a timely fashion.’ We are moving to strike that, and I remember when this was adopted that people felt very strongly about that. It was felt that if the Provost acted independently of this committee or independently of this faculty or something like that, (we don’t dispute the right of the Provost to do that) but at least this body ought to be informed of that. It is my understanding after talking with him that it was not his intent not to inform the body of that fact. It was his intent to inform the body whenever the Provost’s final decision disagreed with that of FACTA. Is that correct, Bob?”

Dean Cooke: “This was the intent—that we would report that there was agreement or not agreement, but we would not say in the case of John Doe or Jane Smith the Provost disagreed. We thought it not appropriate to record that level of detail and call attention to individuals. We did think it was appropriate and would be included in the legislation that something of this nature would be reported to you.”
Professor Stein: "In fact, there was with the previous Provost a situation where the committee recommended negatively and the Provost went ahead and promoted the person. In any case, there were no cases of the opposite happening, and the Dean reported that to you, and I assume that he will report that to you in the future, he or his successor will report that to you in the future.

"The other thing I wanted to make a comment on is this peculiar word 'recuse'. We are about to add an amendment that says if a faculty member has previously taken part in the decision, that member will recuse him or herself. Now 'recuse' is not a household word. I think, I probably never said that word out loud before, and the only place I have every heard it is in a legal setting. That makes one wonder exactly what the word 'recuse' means. I looked it up in the dictionary. You see there are different interpretations, and in fact the membership of FACTA has discussed this - namely what does 'recuse' mean, even though it wasn’t in our bylaws at the time. So, I actually called up the records librarian of the Law School to find out what 'recuse' means, and I looked it up in the Miriam Webster Dictionary, looked it up in the Oxford English Dictionary. It was all pretty interesting. What the word means according to the Miriam Webster Dictionary is the person who recuses himself does not take any part in the decision. Now the way that is interpreted in a court of law, I'm told by some friends of mine in the Law School, is that if the judge recuses himself from the case, he will not discuss that case at all with anybody or any of the judges that are making the decision. It is not only that he doesn't vote, he doesn't discuss it, he doesn't interpret matters of fact for them, he simply takes no part in this decision. The theory behind this is clear. It is my interpretation that that is what the word 'recuse' means. That’s what it means to me and what I will think it means when I vote for it."

Dean Cooke: "I would point out that Professor Stein was present during all of the approval of this. The practice in the committee has been, and we have had extensive discussion about this, is that if a person had factual information that the college has this tradition. The person would not become an advocate in any sense but still would be allowed to be present, if they chose to, and to offer factual information - not to be argumentative or opposing a case. That’s what I think it means."

Professor Stein: "Yes, well, it doesn’t mean that in the regular sense, because the line between advocacy and reporting matters of fact is a line that is very difficult to draw. I think that if you were actually looking for what it meant in a legal context, if a judge had a conflict of interest in a certain case, that judge would not participate in any way. Even if that judge had factual information, the judges would go to somebody else in order to find out that factual information. That’s what the word means."

Dean Cooke: "Understood. But this is not a federal court, and this is what it has meant. If you want to change it from that, then someone would need to move to amend it."
Professor Kay Obendorf, Textiles and Apparel: “There is another place where academics experience recusing themselves and this is in grant application. You simply leave the room if your institution has the grant being considered. So we have some of our own use of the process.”

Professor Danuta Shanzer, Classics: “I would point out that in this same paragraph there is a discussion of relationships that fall under the nepotism policy. I don’t really think you can argue that it is appropriate for people to have a relationship that could be described as nepotistic to hear the deliberations or advocate on behalf of the other party. I would suggest that, unless you differentiate, you would be best to have the word ‘recusing’ be taken in the strong sense in which Peter takes it, where you just absent yourself altogether.”

Professor Richard Schuler, Economics: “I would just like to add that in every body I have been involved with where recusal is required, from the public service commission to the board of directors, it is taken in the strictest sense. You simply do not participate in the discussion in any form. I believe that we ought to apply in that sense in this instance.”

Professor Christopher Minkowski, Asian Studies: “I was a member of the committee that drafted this. My recollection is not perfect about this, but I do remember that we initially proposed full recusal of anyone who had been previously involved and I remember being persuaded that that was not such a good idea for the reason that especially in the case of small colleges. Particularly, for example, in the case of the Law School, where every member of the Law School already voted on the tenure review in the college, it made representation of that case at the level of FACTA impossible for members of the Law School. The concern was that the idea of some representation of faculty that was from related fields would be entirely eliminated by a strict recusal. If we could hear from the committee that this has not been a problem and there are no longer concerns on the part of the smaller colleges, I would be happy to accept this amendment.”

Speaker Howland: “Does anybody on the committee wish to comment on that?”

Professor Alice Pell, Animal Science: “I think there is another issue where having people able to make informational comments is really useful, because the ways people publish or produce academically worthy work differ vastly among the disciplines. Sometimes I might be very judgmental about something in a package that other people would say, ‘No, that’s how we do it.’ And we really do need that information. It is useful in the process and I don’t think the advocacy in the short time I’ve been on the committee has been much of an issue.”

Speaker Howland: “Further comments on the motion?”

Professor Terrence Fine, Electrical and Computer Engineering: “I served on the committee for one year. I objected fairly vehemently to it when it was being proposed, because I thought it would have too much power. I now object to it,
because I think it does no useful work. If you look at those statistics, if you balance those against the very real use of faculty time... It takes time to read those dossiers. They come in this thick. It is interesting when you start, but after a while it is a lot of work. To what end? Now I guess I'm not concerned that this committee is usurping the powers of the colleges as I was initially. But to what end is this doing any useful work? It is absorbing faculty time and energy. A few people are enthusiastic about the process; a few people sit on the committee and want everybody to read everything. It is a black hole of time. I dropped out, not into a black hole, I was actually able to remove myself.”

Laughter.

Speaker Howland: “Further comments on the motion?”

Professor Alan McAdams, Johnson Graduate School of Management: “A point of order. Which interpretation of the word ‘recusal’ will apply if we just vote on this amendment as it stands? If we wanted Peter’s meaning, my understanding is we would have to have a motion to change the existing interpretation. I don’t know what a vote in favor of the current amendment really means.”

Speaker Howland: “I’m sorry there is no amendment before the senate.”

Professor Alan McAdams: “Isn’t this an amendment?”

Dean Cooke: “Remember the procedures. If you want to change something, you are supposed to read it before you come to the meeting and submit an amendment. My office has the responsibility of distributing that 24 hours before the meeting, so that you are not surprised. By the policy adopted by this body, you cannot at this point change it, but you can send it back to the committee if you think it is ambiguous and of significant importance that it needs clarification.”

Professor Stein: “It was my understanding that this body can, in fact, make an amendment from the floor if the motion is one of clarification, clarification of grammar. If in fact, I want to offer an amendment, I couldn’t possibly have offered an amendment, because I think that’s what ‘recuse’ means. I looked it up in the dictionary, and ‘recuse’ means don’t take any part in it. So my understanding is that is the definition of the word ‘recuse’.”

Unknown: “We could insert the word real.”

Laughter.

Professor Stein: “No, I think it would be in order. If someone doubts that that is what the meaning of ‘recuse’ is then I think it would be possible for this body to decide by a show of hands whether they interpret the word ‘recuse’ to be a strict recusal. Is that right?”
Dean Cooke: "Russ Martin’s wife had to be rushed to the hospital, and he is not here as parliamentarian. Let me read you the legislation. The question hinges on what is substantive. If it is not substantive, then it probably doesn’t matter to have a debate about it.

‘Members are strongly encouraged to send all proposed amendments to such motions to the UFC who will distribute them to all members at least 24 hours prior to the meeting. Non-substantive, that is stylistic, grammatical or clarifying amendments may be freely introduced at a meeting without prior circulation.’

So it’s whether it is substantive or not ...

Professor Jeremy Rabkin, Government: “I’m always happy to help Professor Stein. If you want to be realistic about this, what happens in the federal courts is they have rules and sometimes they bend the rules. For example, if the Supreme Court is going to be divided four-four, and they see that it is awkward, somebody who might have otherwise have recused himself will sometimes write a little memo saying, “I should have recused myself, but it was decided after consultation that in this case, I won’t.” This seems to me a perfect example of something where, in general, the sense of the body is that generally we really do want people to recuse themselves. However, there might be the kind of case as we just heard about where it is useful to hear about procedures in the Law School, and you couldn’t get a Law Professor to tell you about it without his having some conflict of interest. Therefore, you slightly bend the rules. I’m not saying we should always follow federal rules, but often that is a good idea because they think about rules. I think the sensible thing to do is what they do. I think we have articulated here in general an aspiration and we leave a little bit of room for fudging in particular cases, and I think we should be happy with that, and I hope you will be too.”

Unknown: “I hope the minutes are clear.”

Laughter.

Speaker Howland: “Seeing no hands, I take it you are ready for a vote. All those in favor of the motion say ‘aye.’”

“Aye.”

Speaker Howland: “Opposed? Thank you very much. The motion is passed. I would like to call now on Professor Persis Drell, Physics, for a notice concerning a review of Ward Laboratory.”

6. WARD LAB REVIEW

Professor Persis Drell, Physics: “I am the chair of the local advisory committee which you will actually hear about in the next presentation. We advise the Vice Provost on matters that he brings before us. I just want to alert people to a task
that we have been asked to undertake concerning the Ward Laboratory. Let me remind you that when the program of Nuclear Science and Engineering was disbanded by the Engineering College, the Triga Mark Two Nuclear Reactor and the Gamma Cell that were housed in Ward Laboratory were left without an administrative home. In 1996, the Senate recommended that Cornell create a home for them, for the reactor and the associated facilities at Ward, and they created the Ward Center for Nuclear Science. The original senate resolution requested a review of the lab after two years. We are now two years late. This is the charge that Richardson has sent to the LAC, and I will read it.

'I request that the LAC examine Ward Laboratory and make a recommendation to me about its future. There are two reasons for this review. The first is that the original Faculty Senate resolution about Ward Laboratory in 1996 requested a review of the laboratory in the academic year 1998-99. We are two years late in responding to that request. The second reason is that the re-commissioning of the reactor by the NRC is scheduled for fall 2003. Cornell must make a decision about continuing the operation of the reactor before that time. Therefore, the advice of the LAC is needed on the question of whether the Laboratory should continue as a center supported by the university. It would be most helpful if the LAC gave the recommendation before the end of the current academic semester.

'The decision should be made on the basis of what is in the best long-term interest of Cornell. There are a number of considerations which include: 1) the current and potential future faculty involvement in the research programs of the center; 2) the role the center plays in graduate and undergraduate training; 3) the costs of the center to the university; 4) the value of the center as a service facility balanced against other potential uses of the building and space it occupies; and 5) the potential need for and costs of upgrading and maintaining the facility. In reaching its conclusions the committee is encouraged to consider any other questions which the LAC decides to be significant.'

"So we have embarked on this process. We welcome input from all members of the Cornell community. We will be soliciting input, interviewing people one-on-one, and we are hopeful that we will finish this task by the end of the term in which case I will be reporting back to this body as to what our conclusions are."

Speaker Howland: "Questions for Professor Drell or discussion of this information? Thank you very much. The speaker would like now to call on Professor Terrence Fine, Chair of the University Faculty Subcommittee on Review of Natural Sciences, for a review of the Natural Science Research Advisory Council (Local Advisory Council)."

7. REVIEW OF NATURAL SCIENCES RESEARCH ADVISORY COUNCILS (LOCAL ADVISORY COMMITTEE)
Professor Terrence Fine: "The ad hoc committee consisted of myself, Professor Peter Bruns, who I don’t think is here today, Professor Vicki Meyers-Wallen and Professor Peter Loucks. I recall for you that what are called the NSRACs are composed of a standing Local Advisory Council, of which Professor Persis Drell is the current chair and Barry Carpenter was the previous chair. As amended a year later, Standing External Advisory Committees (LACs) were converted into ad hoc advisory committees. Senate legislation, originally adopted in April 1998, was amended in September 1999 to change the LACs from a standing committee to an ad hoc committee. It was then said that after a period of two years the Faculty Senate would evaluate the effectiveness of this advisory structure to decide whether to continue, modify or discontinue the Natural Sciences Research Advisory Councils. I am going to bring something up at the end that was not there, which is a motion. I will try, if you are willing to indulge us, to encapsulate our recommendations in the form of a motion.

"We interviewed the major players here: Vice Provost Richardson, who basically directs questions to this committee; the Vice Provost for Life Sciences, Kraig Adler; John Silcox, Vice Provost for Physical and Engineering Sciences; Jack Lowe, Executive Vice Provost for Research and the two faculty chairs, Barry Carpenter and Persis Drell. We solicited the Provost’s opinion by e-mail, and received that and I will share a piece of that opinion with you later in this report.

"Overall the LAC, while chaired by faculty members, has been operating under the direction of the Vice Provost for Research. All of those interviewed were very satisfied with how the LAC is functioning as a source of non-partisan, thoughtful, timely advice to the Vice Provost for Research that is developed in a cooperative, mutually considerate, open atmosphere. There were other good adjectives. We heard nothing negative about the performance; everything was highly positive. There was a lot of respect among the people that it provides advice to. As one of the vice provosts said, 'if we undertook to discontinue this committee, they would recreate it.'

"We surveyed, and I will go through this, what the activities of the committee have been. It is now looking to new areas. In the past it has done a lot of things like ranking candidates for external proposals, not about disposition of Cornell money. For example, an outside grants agency might take two proposals from Cornell and there are five applicants, and they (the committee) provide a ranking of those five applicants. They have done a number of other things as well. Now they are getting into much deeper waters, the Ward Laboratory as just mentioned and also examining the Cornell Environmental Studies Program that involves, by some estimates, 250 faculty members. To make some assessment of that is a huge undertaking. These, I think, are going to be much more controversial, public activities than any of the ones the committee has been involved in up to this point.

"It is the case that the NSRACs have not been functioning as you legislated. They have not actually been fulfilling the tasks you set for them, and the key to that was ‘... to advise the Provost on the allocation of resources for support of research at Cornell...’ There were going to be middle level requests for resources
that would be dealt with by the LACs and then larger scale requests for resources that would be dealt with by the External Advisory Committee. Or even if it wasn’t a question of the amount of money, if it involved some kind of strategic change in direction, that would also go to the External Advisory Committee. To this point I believe there have been no External Advisory Committees, but some may be formed in response to these two large issues we are facing now. It is my belief that, at least up to this point, there have really been no consultations on the question of money. The committee has informed itself about a number of research things, but they haven’t actually been asked to make decisions about whether the limited amount of funds that Provost has should be spent on these activities, on these two particular proposals. We took that question to the Provost because this committee was meant to give advice to the Provost. It actually has been operating under the direction of the Vice Provost for Research. Operating very well, but not, if you read the legislation, not to the Provost. The Provost did respond to that issue and says, I quote from the e-mail response,

'I do not make middle-level or major funding decisions about scientific research without working closely with the vice provosts for research. Committees that work continuously with them provide advice to the provost and the president. For these reasons I hope the Senate will review positively the work of this committee and promote its continuation.'

"So, in brief, the committee is functioning beautifully. It is not doing quite what you asked it to do, but, of course, it hasn’t been asked to do what you requested, which is give advice on these issues. Those concerned are very happy however with the way the committee functions. By that I mean the Vice Provost and the Provost. They are quite happy with the way things have been structured. This might change in the future. The big issues of environmental studies and Ward Lab may get them close to having to deal with the disposition of funds. We have, on the basis of our study, three recommendations.

First of all, we propose that in view of the Provost’s positive response, and the continuing evolution of the NSRACs, we did not want to propose legislation to reconcile its current behavior with the legislation that enabled it. We did recognize that there was a need to maintain good communication between the LAC and the faculty to let them know what is happening, and the report you gave earlier is a good example of that. Since the committee is moving a little bit in its function and is not functioning exactly as it was envisioned, it should keep in good touch with the Senate and the Senate can then decide if there is a need for anything in the future. We do observe that in addition to communication that we keep a watch on what happens as they confront these more controversial issues. Perhaps it would be desirable that there would be another review the following year. We are not suggesting that; it’s just a possibility. We are not trying to mandate such a review, but it may come out of the reports we get on these more controversial areas.

"That is the report that we prepared and put on the web site. We did not include with that a motion. This is a very visible piece of legislation. The committee
 hasn’t acted in conformity with it and we didn’t quite either in the sense that we made these recommendations but did not bring a motion to you. I do have a motion that really just puts in ‘whereas’ and ‘therefore be it resolved’ in these recommendations, and it also urges that the committee be continued. I cannot present that, however, without asking for unanimous consent that it be presented.”

Speaker Howland: “The chair then asks for such unanimous consent. Hearing no objections, there is consent.”

Professor Fine:

‘Whereas, the LAC has been performing a highly regarded service in advising the Administration on research priorities through the Office of the Vice Provost for Research, and

Whereas, this service is valued by the Provost even though it does not conform to the expectations of the enabling Senate legislation, and

Whereas, the functions and roles of the NSRACs appear to be still evolving,

Therefore, be it resolved, that the Senate continues the operations of the NSRACs and expects to be informed at least twice a year concerning these operations.’

“The hope of that is, should there be a need to revise the legislation, you will have the information that you need to bring it up again and ask for a revision.”

Speaker Howland: “The motion is open for discussion.”

SILENCE

Speaker Howland: “The chair is surprised. I think that we can move to vote on the motion. All in favor... oops. Professor Stein.”

Professor Peter Stein: “I’m shocked by all the irregularity about introducing a motion that wasn’t circulated in advance, but so be it. I’m sort of confused. Why is it when we have enabling legislation that gives the committee one set of functions to do and they have been doing another set of functions very admirably - I don’t understand the theory of why we shouldn’t change the enabling legislation to make it conform to what they do, instead of what we once thought they should do. Perhaps it is to save faculty time from drafting a resolution. Could you inform us as to why you are not proposing changing the legislation to make it conform with the job that they are doing?”

Professor Fine: “Yes, I can speak to that. In fact, the chairs may also want to speak to that and the rest of the committee. The legislation had a very good purpose. I think it identified a good role for the committee. It is still possible
that that role will come into being. I don't think we saw foreclosing that role. They may, in fact, come to fulfill that role, so there is no point in discontinuing it. At the moment, they are doing something very useful. There is no need to foreclose on them in that direction either - to say that they shouldn't be doing that, because it is highly regarded. They are doing useful work, and hopefully they will also be given opportunities, and that doesn't come from them, it has to come from the people they deal with, the Provost and Vice Provost, who are now reminded of this individually. Hopefully, they will then give them this business, if you will.”

Speaker Howland: “Another comment?”

Professor Kay Obendorf: “It seems to me that Vice President Craft gave us three good things regarding spending money on buildings that should be looked at by such a committee. I think one of the problems we have at the university is that our appetite for construction and building outstrips our ability to pay for them. It looks to me like we have a need for such a review in these building programs.”

Speaker Howland: “Additional comments? Hearing none, I think we are ready to vote.”

Unknown: “Is the motion before us?”

Speaker Howland: “Yes. All those in favor of the motion say 'aye'.”

“Aye.”

Speaker Howland: “Opposed? Thank you very much. This brings us to Good and Welfare. Is Vice President Susan Murphy here? I would like to call on Vice President Susan Murphy for a briefing concerning recent harassment.”

8. GOOD AND WELFARE

Vice President Susan Murphy: “Thank you. I was asked by Dean Cooke if I might bring you up-to-date on the recent series of harassment incidents that have occurred on campus this fall, one of which was a rather visible occurrence of an assault on a student one evening in September. She was walking down the East Avenue area. She was shouted at from a passing car and she responded with comments as well. The car apparently stopped, individuals stepped out and assaulted but did not harm her, fondled her and emotionally traumatized her. This event turned out not to be an isolated occurrence as it pertains to our Asian or Asian American community. In fact, this fall there have been at least three incidents. The other two are more related to verbal epithets at students, and it turns out there had actually been another incident that occurred back in spring that has now come to the attention of the police.

“For many of our students, as well as staff and faculty, this brings back memories of two falls ago when we had a whole series of events. So while one might think of any one of these incidents as isolated, it frankly is not being felt that way by
many in the community. We developed a protocol two years ago to try to provide a more timely response from the university to the student community when such an occurrence happened. That protocol has not been fully released, because we had some minor tweaking to do, and I think it is safe to say that it resulted in our not responding as a 'university.' I mean by that, a formal administrative response in a timely fashion that the students would have liked to have seen.

"As of today, I think we are on a different track. My colleague, Norman Strong, together with Lynette Chappell-Williams, held a meeting of several faculty and staff (they affectionately label themselves elders, not to reflect age but rather a position in the community) to begin to talk about how we can better align our resources both as staff and as faculty to reach out to the students and to try to develop a set of initiatives that will touch on several areas. It is clear that we have work yet to do on educating our students as a whole community about safety issues. There was a large initiative in that area two falls ago and we will revisit that and see what additional work needs to be done as it may pertain to lighting and safe passage areas, as well as reconstituting a standing committee of the public safety division.

"There has been a community discussion on this and the student assembly has already had a conversation and has, in fact, passed a resolution. There will be a conversation with the Asian American student community in particular to talk about how we might promote some conversations especially within that community as this incident that occurred targeted that community. I hope this does not portend what will be another series of activities. Dean Cooke wanted me to bring it to your attention. These are things we take quite seriously. It came up in a discussion that the President had in his regular monthly meeting with students. I will tell you that in that conversation they would say that these are not isolated incidents, but there are other examples and they began to site several student-to-student and student-to-staff and others. So we have some work to do in this area. I will be happy to answer any questions or take any comments."

Speaker Howland: "Questions or discussion?"

Vice President Murphy: "Again, I call upon you to please bring to our attention anything that you hear and do anything you can to reach out to students who you anticipate to be in distress or concerned. I encourage you to reach out directly and please let me or Dean Ford or Bob Harris or anyone else know how we can help."

Speaker Howland: "The chair would like now to call on Francisco Berry to inform us of Workforce Diversity, Equity and Life Quality regarding the Campus Week of Dialogue."

Francisco Berry: "I am here just for a few minutes for Lynette Chappell-Williams who is the director of my office. I plan to share some events that are taking place during the Campus Week of Dialogue. Professor Harris has passed on some
information to me about this. It is part of a larger, national effort. It is part of the President’s Initiative for One America and the U.S. Department of Education. This is the third annual Campus Week of Dialogue. The dates for the national week are October 10 through the 17th. Our dates were changed to October 9 to the 21st to accommodate for fall break and to try to schedule as many events as possible.

“Last year over 700 colleges and universities participated, and that included universities such as Yale and Princeton. We are very proud this year to organize something and offer some events that will give students, faculty and staff the opportunity to enter into dialog on issues of diversity. I’ll mention some of the events. Everything is in all the papers—the Chronicle, the Sun, the Ithaca Journal. The events have been advertised. There are posters that have been passed around. I’ll leave the information here if anybody wants it.

“For National Coming-Out Day, a speaker; a Black Art Symposium, of course, celebrating thirty years of Africana Studies at Cornell; the Myth of the American Dream—that’s an author talking about myths in our culture dealing with Native American history. It is sponsored by the Employee Assembly. There is also the Faculty Forum that is being put together by Professor Harris and the Dean of Faculty. There are authors reading from books that offer information and history. There is an Iroquois Social Dance and there are some community events that the Latino Heritage Month Celebration Committee are putting together in Ithaca.”

Speaker Howland: “Thank you very much, Mr. Berry. The chair would like now to call on the Vice Provost, Professor Robert Harris for the Faculty Forum on Diversity in the Classroom.”

Vice Provost Robert Harris: “Francisco mentioned that Dean Cooke and I are co-sponsoring a Faculty Forum on “Diversity in the Classroom” about faculty-student interactions. Many of you know we spent last year developing a statement on diversity and inclusiveness: ‘Open Doors, Open Hearts and Open Minds.’ Now we are looking to move beyond just an expression of those principles to looking at what we can do, particularly as faculty to made the campus a more supportive environment for all of our students.

“The program next week, a week from today, from 4:30 to 6:00, will involve a vignette by the Cornell Interactive Theatre Ensemble in which they will present some issues related to faculty-student interaction. As many of you might know, if you have seen the Cornell Interactive Theatre Ensemble, the actors basically remain in character to have a discussion, so we can ask them why did they pose a question in a certain way or why did one of them respond in a particular way. It is really intended to generate a discussion. There was a student forum that was held in the spring that looked particularly at some of the concerns of minority students on campus. One of the recommendations or suggestions that they made was that there should be some discussion with faculty about relations in the classroom. In fact at the President’s meeting last week with students, one of the issues that came out was the concern about their interaction, their relationship to
the faculty. I might say that many minority students in particular feel that they are stereotyped, and that there are certain expectations of them or lack of expectations for them based on certain stereotypes. These are issues that we would like to discuss.

"Dean Cooke also at the beginning of the semester shared with you the Power Point presentation that the Campus Climate Committee has developed urging each department to have a discussion on what faculty can do to help improve the climate on campus for students. This Faculty Forum on the 18th on "Diversity in the Classroom" could be a good way of entering into those departmental discussions, so we really urge each department to have a representative present at the faculty forum on Wednesday, October 18. Let me also mention as a follow up to Susan Murphy’s presentation, that on Thursday, October 19, from 3:00 to 5:00 in G10 Biotechnology Building that we will have a panel “Not on our campus. Not in our community." It is a forum on campus safety and bias prevention. This will be an opportunity, particularly for students, to express their concerns and to ask questions about campus safety and what they can do to make sure that there is a safer campus environment. I’ll take any questions if there are any."

Professor Ken Goetz, Department of Theatre Arts: “I simply want to thank you and all those involved for providing us with this opportunity to take action on addressing the concerns that we have been talking about these last couple of years. I also just want to put a small plug in for the Cornell Interactive Theatre Ensemble. I have had the good fortune of experiencing their work on many occasions, and I have to say that their work is engaging, stimulating, thought provoking and entertaining. I think you would find the experience next Wednesday both rewarding and illuminating. And I hope you find the opportunity to come."

Speaker Howland: "Additional questions and comments for Professor Harris? Thank you very much. Is Professor Kresovich here? The chair would like now to call on Professor Steve Kresovich, chair of the faculty committee regarding plans for a biological genomics building."

Professor Steve Kresovich, Plant Breeding: "Hi. My name is Steve Kresovich; I’m in the Department of Plant Breeding. I also serve as Director of the Institute for Genomic Diversity. To start off, I just want to provide a few minutes of background so that you can get an idea of where we are in our planning activities.

“As a component of the Jobs 2000 Initiative in the State of New York approximately $100,000,000 will be made available for capital construction for infrastructure that supports research and economic development for New York. In March of this year, I was asked by the Vice Provost of Life Sciences, Kraig Adler, as part of my responsibility as chair of the Genomics Technology Subcommittee which is part of the Genomics Initiative to solicit input for planning purposes. At this point there have been no funds allocated through the State. There will be a request for proposals later in the year. Also at this point,
there are no Cornell University funds that have been established for these activities. So we are early in the planning process. I would like to bring you up to date. I have provided a handout that I will place up here on the table.

"A couple key points related to the initiative. It’s a true university activity; it cuts across university colleges and associated departments. The intent is to focus on life sciences and technologies that are central for life sciences technology, to move from fundamental applied research to products that would benefit society. It is also to provide a foundation and flexibility for future initiatives in the life sciences.

"The progress to date: As of March of this year, I sent out an announcement to about 500 or 600 faculty members requesting input for planning. Following that a committee was established in July. We got together with an architect and made a first cut of a facilities design. That facility design is available through the web site (http://www.research.cornell.edu/Biotech/Building/Building.html). On the 18th of September I sent out a request to over 1400 faculty members to solicit input concerning the design itself, omissions, needs, any activities that would help us to plan the building in a more effective way.

"Plans for the future: At this point we have responses from about 50 faculty members for consideration. These comments will be incorporated from the faculty to the next stage of planning which I suspect will occur in mid-October or early November. At that point our responsibility is to develop a building design, look at an initial budget and a schedule for conducting these activities, also identifying a site for construction. The intent of our activity is to move in such an expeditious fashion as to provide the framework so that when we request money from the state or respond to the request for proposals, we have a package in place. That looks like we’re moving in that direction. So at this point I’ll stop and answer any questions."

Professor Bill Fry, Plant Pathology: “Steve, do you have any idea how many units are going to be constructed with the $100,000,000? Is it one or two?”

Professor Steve Kresovich: “No, that’s a really good question. The feedback that we get is that there may be four or five major projects that are funded through the state. So potentially the request that we put in will be in the range of $20,000,000 to $30,000,000. I’d like to reinforce that we are in the early stages of planning, and it’s not just the life sciences building. There are issues related with genomics and life sciences that involve ethical, legal and social implications to the work that we are doing. So beyond those of us that work in the life sciences, we are looking for input from people in other disciplines that can contribute to build or plan a facility that impacts positively on the research and products from the research.”

Professor Robert Turgeon, Plant Biology: “At this stage of the planning, Steve, are there plans for additional lab space for faculty that will staff these programs?”
Professor Steve Kresovich: "The intent of the program initially was thought to include faculty labs in the buildings themselves. There are some faculty laboratories that are identified. They may be associated with some of the components, which, for example, may include computational biology. We are working in coordination through the Cornell Genomics Initiative and the relevant deans and department chairs to look at what the needs may be in light of what faculty hires may occur in the future."

Professor Peter Stein: "So this would involve potential Cornell resources as well?"

Professor Steve Kresovich: "That's a potential issue that will have to be addressed depending on what may come out in the program plan for the needs based on the input from the life sciences faculty and our ability to secure funds from the state."

Speaker Howland: "Additional comments or questions for Professor Kresovich? We are done. Thank you very much. Well, a remarkable thing has happened. The chair will entertain . . ."

Unknown: "Move adjournment."

Speaker Howland: "Is there a second to the motion? All in favor?"

"Aye."

Speaker Howland: "Adjourned."
Appendix A

10/3/00
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FACULTY COMMITTEE TO ADVISE THE PROVOST ON ALL TENURE DECISIONS

The Faculty Advisory Committee on Tenure Appointments (FACTA) is established to advise the Provost on all proposed promotions to and appointments with tenure as well as proposed denials of tenure by a dean after a positive recommendation from the department.

Composition of the Committee

The committee will be composed of fifteen tenured faculty members, one elected by the professorial faculty in each college and five nominated by the University Faculty Nominations and Elections Committee and appointed by the Faculty Senate. The five faculty nominated will be selected in such a way as to achieve appropriate balance among the various schools, colleges, tenure-granting centers, disciplines, and job functions (including extension) to make the committee of fifteen representative of the diversity of the faculty of the University with due regard to race, gender and ethnicity. Members will serve for two years. Terms will be staggered so as to replace half of the members each year. In addition, the appointments within a given year shall also be staggered among the review cycles to minimize the transitional impact upon the committee\(^1\). Vacancies caused by the resignation of a college representative will be filled by a vote of the college faculty or by an elected college committee, or by the Nominations and Elections Committee for a non-college representative. No member of the committee will serve for more than 3 consecutive years. The Dean of the Faculty will be a non-voting, administrative chair of the committee. The chair will strictly refrain from taking part in the committee's decision making. The role of the chair will be limited to facilitating timely decision making and ensuring that the committee adheres to its charge and mandated procedures.

Procedures

The committee will determine whether the evidence in the tenure file shows that the candidate has demonstrated excellence in scholarship, teaching and public service at a level warranting appointment to tenure at Cornell. In particular, the committee will consider the evaluations made by the candidate's peers and students, as well as those of outside reviewers and the ad hoc committee. The committee will also take into consideration the academic standing of the candidate's outside reviewers, as well as any special considerations that might pertain in the case of those candidates with appointments in professional schools,

\(^1\) The Nominations and Elections Committee will provide a procedure to accomplish this additional staggering within the year.
performing arts or extension programs. In coming to its conclusions, the committee will limit itself to assessing the strength of the candidate as summarized by prior substantive reviews. The committee will not solicit additional reviews; its judgment will be based on the information in the candidate's file. University financial and other non-academic considerations will play no role in the committee's deliberations. The committee should ensure that tenure appointments are consistent with Cornell's high standards, but that no faculty member is turned down for tenure wrongfully, capriciously, or without reference to the responsibilities of the position or the mission of the college.

A. Positive Recommendations by the Dean

Each file will be read by four members of the committee chosen at random. Four members of the committee chosen at random will read each file. Each member will independently prepare a written evaluation of the case not to exceed one page in length. If all four members are positive with no concerns or reservations, a positive recommendation will be sent to the Provost with copies of the four reviews.

If any one of the four has reservations, Each member of the full committee will then write a brief, preliminary evaluation which in no case can exceed one page in length. After these have been circulated, the full committee will meet for discussion and a vote. Each committee member will vote yes or no on the issue of whether the tenure file presents convincing evidence (based on an assessment of the strength of the candidate as summarized by prior substantive reviews) that the candidate has satisfied the requirements for tenure contained in the legislation or by-laws of the candidate's school or college. The committee's decision, including the individual evaluations, revised on the basis of the discussion as each committee member sees fit, will be sent to the Provost. Committee members who are unable to attend a particular meeting may cast an absentee vote as long as they submit an evaluation prior to the discussion, provided the expected level of care has been devoted to reviewing the documentation. Committee members must be present in order to cast a vote on a candidate. The committee will make its recommendations within four to six weeks of receiving a file.

All members of the full committee shall have access to all recommendations sent to the Provost.

If the Provost rejects the committee's recommendation a statement justifying that decision will be sent to the committee. If the Provost rejects the Committee's recommendation, the faculty requests the Provost meet with FACTA to discuss

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2 For various reasons, the file of a candidate deserving of tenure may not demonstrate that fact. Thus a vote of No on the issue as stated may not mean that the candidate does not deserve tenure.
the disposition of the case. This meeting should occur, if possible, prior to Trustee action.

B. Negative Recommendations by the Dean

If a dean reaches a preliminary decision to deny tenure to a non-tenured faculty member whose promotion to tenure has been recommended by his or her department, the dean will forward the file, together with an explanation for the preliminary decision to the Provost. If the Provost does not have any concern or reservation about the dean's proposed action, she or he will so inform the college dean. If the Provost does have any concern or reservation, she or he will forward the file to the committee, who will consider it at a meeting of the full committee, following the procedures used by the committee in cases following positive recommendations by the dean. After receiving the committee's recommendation, the Provost will consult with the dean. Until the dean has received a response from the Provost, the dean's decision will be considered provisional. The University Level Appeal Procedure shall not commence until the dean's decision is final, and is not supplanted in any way by FACTA consideration.

Previous Involvement or Conflict of Interest

If any member of the committee has voted or otherwise participated in the tenure decision at an earlier stage he/she will recuse him or herself from the case. If any member of the committee has any relationship with the candidate that might significantly affect his or her opinion, the nature of this potential source of bias must be described in the member's written evaluation of the candidate. A member who has a relationship that falls under the nepotism policy (Faculty Handbook, p. 86), will recuse him or herself from the case.

Report to the Faculty Senate

The committee will report the number of cases considered and the number of positive and negative recommendations annually to the Faculty Senate. This report shall not divulge case-specific information. In addition, if the Provost's action on any case differs from the committee's recommendation, that will be reported to the senate in a timely fashion.

After its first full year of operation, the Faculty Senate will re-evaluate the effectiveness and the procedures of this committee.

The original was adopted by the Faculty Senate, November 12, 1997; amended May 3, 1999.
Background/Rationale for Resolution

The enabling legislation for FACTA mandated an evaluation of the effectiveness and procedures of The Faculty Advisory Committee on Tenure Appointments (FACTA).

The Dean of the Faculty prepared a historical review of FACTA [http://www.cornell.edu/UniversityFaculty/dean/main.html] and identified issues for improvement: workload and relationship with the Provost. Additional advice was sought from the College Deans, the Provost and current and past members of FACTA.

This resolution proposes a procedural modification to improve the review process, e.g., staggering the beginning of terms on FACTA to minimize the impact of the large turnover (due to the two year terms) in membership at the time of the greatest workload and eliminating absentee voting.

Some related changes are being handled administratively: 1) a statement of FACTA’s expectations concerning the nature of the dossiers submitted for review and a statement clarifying minimal times for the review process to be completed, given the need to synchronize this process with Trustee actions on tenure promotions, and 2) the process to be followed if submissions are received late. These recommendations will be transmitted to the Provosts.

FACTA serves an advisory role for the Provost in a manner analogous to the ad hoc committee’s advisory to the Deans. This resolution improves the process of consultation with the Provost. Rather than relying solely upon written communications to transmit its reservations, the Provost will attend the FACTA sessions to hear these concerns first-hand. If concerns transcend a specific case, FACTA will also recommend policy changes to the Provost that should be considered independent of any specific tenure decision. For example, a frequent concern has been discomfort with the value and clarity of the feedback provided at the time of reappointment or in annual reviews.

The procedures for the handling of proposed denials of tenure by a dean after a positive recommendation from the department have been clarified. To eliminate a potential conflict with the formal procedures for appealing a negative tenure decision a sequential process is specified.
MINUTES OF A MEETING OF THE FACULTY SENATE
Wednesday, December 13, 2000

Professor Howard Howland, Neurobiology and Behavior, and Speaker: “Good afternoon. I’d like to call the meeting to order. I would like to remind you that no photos or tape recorders are allowed during the meeting. We have no Good and Welfare speakers today, so that time will be allotted to other matters. I would like to begin by calling on Provost Biddy Martin for remarks.

1. REMARKS BY AND QUESTIONS FOR PROVOST MARTIN

Provost Biddy Martin: “Thank you. Hi, everybody. It’s so cold. I would like to give you an update on a presentation. I think most of you know that the full accreditation draft report is coming on-line. It will be available for your review and commentary. The full draft, including Chapter 5 on distance learning, will be out later today. That was the chapter that wasn’t yet complete. Now we go into the public comment phase and we seek your input. As you know, the work on this accreditation report was started while Don Randel was still provost, and a lot of the work was assumed by his vice-provost at the time. We have had a change in teams, and I think the report has come out well, but there will certainly be awkwardnesses, possible omissions, statements for relations, or points of view with which you might not entirely agree. We welcome your input at this point in the process, and I look forward to receiving it.

“Other than that, I would simply say that in spite of being a little tired, I have really enjoyed this semester as provost. It has been enormously interesting intellectually, a lot of fun and I would just like to thank the committees of the Senate which I have been working with this semester—FACTA, the UFC, I haven’t worked with the LAC but I know from Bob Richardson how much we count on that group. The discussions I have been asked and permitted to overhear in FACTA have been thoughtful and thorough and useful, and my discussions with the UFC likewise about every topic from eCornell to other matters which I won’t enumerate here. The discussions have been good; the input has been thoughtful. From my point of view, I see the relationship as a really productive one, and I hope you all agree.

“We are conducting, as you know, a search for a new Dean of Engineering. We have a great search committee. The search is going well. We will have news that is worth printing about candidates at the beginning of next semester. We will have a new dean by July 1, 2001. As many of you know, there will be more about it in the paper, I think Thursday; Walter Cohen is stepping down as Dean of the Graduate School. So I will also be chairing an internal search for a new Dean of the Graduate School. Walter is stepping down as dean, but he is not stepping down as vice-provost, so I will still have his services in the provost’s office next year. I think that is about as much news as you wish to hear. I see Peter Bruns is here. We all know that Peter is going to the Howard Hughes Foundation, which
is an enormous honor, and we’ll miss Peter. It’s probably not my job to say anything. I just see you and wish you luck. If there are any questions, I would be glad to try and find some sort of response.”

Speaker Howland: “The Chair calls on Dean Cooke.”

2. REMARKS BY DEAN J. ROBERT COOKE

J. Robert Cooke, Dean of the Faculty: “My remarks can be quite brief. I would just like to point out a few things that might be of interest to you or to your colleagues in your department. FACTA produced a set of recommendations on what should be included in a promotion packet for tenure to try to get some consistency across the different colleges. We hope that will be a document coming from the provost when it is finally a public document.

“The provost has just mentioned the re-accreditation. One other thing I would add is the web site you might want to jot that down so that you can get your hands on the document. It is quite lengthy.

http://www.ipr.cornell.edu/accreditation/ReAccredindex.html. The UFC has decided that it is not going to review it as a formal body, but I commend it to the committee chairs because it has an enormous amount of material collected that I believe will be useful to your deliberations in trying to understand where we have been and where we intend to go as a university.

“We are having some conversations about the 4:25 to 7:30 p.m. time which is restricted from having formal course work. The principal problem appears to be TA’s, out of the their generosity, try to arrange a review session for the students. It happens that after 4:30 the classes have stopped. That’s when the review sessions occur, but that creates a problem for the students who have other plans at that time. We don’t have a recommendation as yet but wanted to alert you in case some of you have some suggestions that could contribute to the process. There is also a discussion of make-up work for absences due to religious observance. There is a policy in the books, and we are just trying to work out some of the procedures to make it a little less of a surprise to the faculty when the students disappear.

“On today’s agenda you are going to hear about distance learning, about the professorial titles, and about the academic calendar. You are going to hear a lot more about that in the coming semester, and I think that is enough--just to alert you to what I see coming over the horizon.”

3. APPROVAL OF THE MINUTES OF THE OCTOBER 11, 2000 FACULTY SENATE MEETING

Speaker Howland: “Thank you very much, Dean Cooke. The Speaker would now like to call for approval of the minutes of the October 11, 2000 Faculty Senate Meeting. Are there any corrections? I ask for unanimous consent. Hearing no objections, they are approved. I would like to call now on the
Associate Dean and Secretary, Professor Charles Walcott, for a report from the Nominations and Elections Committee.

4. REPORT FROM THE NOMINATIONS AND ELECTIONS COMMITTEE

Professor Charles Walcott, Associate Dean and Secretary of the University Faculty: "Well this is our report. (Appendix A attached) You have it already in your call to the meeting. There are more things in the pipeline that we are not ready to announce yet. But these are all ready to be voted on. There is one other item which I would like to tell you about which is that Dean Cooke's term as Dean of the Faculty ends at the end of this academic year, and the Faculty Senate can reappoint him for an additional two years. The Nominations and Elections Committee considered the matter at its last meeting and recommends that he be re-appointed. We will send you a mail ballot in the next few days to indicate whether you approve or not of that recommendation. This is our report, Mr. Speaker."

Speaker Howland: "Thank you very much, Mr. Secretary. Do we need to vote on it?"

Dean Cooke: "Yes."

Speaker Howland: "We ask if you accept the recommendations of the report. Any objections? Good, unanimous consent. Thank you very much. I call now on Professor Rich Galik, Chair of the Committee on Educational Policy for a resolution on the commencement date and progress report. Do we have the resolution?"

5. RESOLUTION ON COMMENCEMENT DATE AND PROGRESS REPORT FROM THE EDUCATIONAL POLICY COMMITTEE

Professor Richard Galik, Physics and Chair of the Committee on Educational Policy: "Yes, you have it in your packets. We certainly have time for that now. I ask the Chair to vigorously keep the discussion and my comments to what was allotted - 10 minutes.

"I am speaking for the Committee of Educational Policy which I chaired this semester and chaired last year. My last act as chair is probably this discussion. I was asked to say a few things about issues that we have covered this semester and will be covering again in the upcoming semester. We'll hear more about the academic calendar on my third transparency. Bob has already mentioned the preservations of free time. The memo was put together by our committee and we are scurrying to circulate it this semester to you. We have surveyed the breadth of the problem; we have some documentation on the kinds of classes and academic activities that appear to be in violation of this free time period, which is more that just 4:25 to 7:30 during the week, but includes Friday evenings and some other times as well. We hope to make a further recommendation in the
spring, as Bob suggested, particularly in regard to these review sessions, which seem, at least right now, to be the dominant thing that falls into the time slot in terms of activities.

"There is another question that has come up, actually raised partly by the Trustees. Is there an overload of evening academic activity, classes, exams, etc? This actually involves many aspects of student life. We are concerned that our students are becoming very tired. Some of this is the fact that they have very long days and part of it is that, for example, they don’t have very much quiet time in their residences and things like that for actually studying for finals and sleep. We are all worried about the sleep deprivation that this incurs, and we are looking for ways to try and ameliorate the impact of cyclical things such as exams, and also try to involve other aspects of campus life as well.

"The last item that we have been working on to some degree, Bob Kay, I should say is actually the person who is most looking into this aspect—spacing the exception period. We also sent down a memo I drafted in late October for the Senate on this. These are the examinations which in general have exceptions from the determination of exam time based on the first class meeting time, because there wasn’t a first class meeting time, so there is no way to get that in the algorithm, and so we then have these exception exams. We are looking to see whether all the courses that are on the exception list really belong there, and it appears that we are doing pretty well in that regard. Last semester I brought to you the notion of our extending this so that the six exception periods don’t occur in four days but occur in five or six days. This was prompted by a professor’s plea to please stop giving him two exams on the last day of class, the last day of exam period. Of course the humanities classes do tend to get piled up at the end of the exam period, partly because most of these exception classes are in the sciences, and they get, right now, the first four days. So I sent out this memo and two of you responded. If more of you would like to respond, that would be appreciated. The two, who responded, responded positively.

"My last transparency—I sent out a memo on most of this a week ago, so that you have had a chance at least know if this should work. Labor Day is of prime concern for the student assembly. We have looked at the three aspects of this. One is to give some sort of relief in the sense of excuses or extensions or make up work for the students to go to programming either on campus or in the greater community. Or we looked into starting after Labor Day and found that that is essentially impossible given the present calendar that we have. We thought about this a lot. We were actually almost to the point of drafting something, but the more we looked, we realized the harder this was going to be to formulate. So presently we have not decided to give a formal excuse for this programming option, and we are putting together a memo largely to the student assembly which will also go to you with the details as to why we were unable to actually do that. Electronic registration is coming on line soon, and when that happens the two days that were normally needed for registration and course exchange will shrink to one. That will give us an opportunity to use that Wednesday as a Monday for most classes that don’t actually have to meet on that Monday. We are looking into that plan as well.
"Spring term—those two long stretches of academics that last eight weeks. Eight weeks before spring break, and there are eight weeks from the end of spring break to the end of exams. There are two eight week periods, so the question is are these two long stretches of academics too long, and whether or not there should somehow be a break at some point as was imposed in the fall term. Because we thought it was too many weeks of instruction, that is the reason the fall break is where it is. We think maybe that is the case here as well. None of those involve commencement, and a lot of people rely on knowing the commencement date four years from now, particularly the parents of the freshmen, as do the Trustees and a whole number of organizations on campus. Our committee realized that nothing we were talking about would have an impact on commencement, so the resolution came before you that at a minimum we are now prepared to certify that we are happy with the dates of commencement. I would like to open the floor to more general comments on any of these issues, but specifically if you have any comments on this issue of commencement."

Speaker Howland: "So this resolution is now before us all for discussion and a vote."

Professor Joseph Ballantyne, Electrical Engineering: "I just wonder if the committee discussed the possibility of moving commencement back again to Memorial Day, as it was for many years."

Professor Galik: "On the Monday, instead of Sunday?"

Professor Ballantyne: "Yes, it was always on Memorial Day."

Professor Galik: "Well, we certainly did not discuss that issue. We just assumed that holding commencement Sunday of Memorial Day weekend was or has been the status quo and seemed to be acceptable to us. No one indicated that they preferred to have it on Monday."

Professor Naomi Altman, Biometrics: "I was wondering if it was possible to have it on a regular weekend rather than Memorial Day weekend."

Professor Galik: "Well, the academic calendar, as you know, has many constraints on it, including the fact that we certify seniors to graduate. So we do have to have a space of time after the examination period. If we wanted to have it on a regular weekend, we would need to go later in the summer. This would mean that summer school would have to be delayed in terms of its start, as well as shortening the job period for students, or we would have to go earlier and eliminate winter session. Neither of those two sounded like very viable options."

Speaker Howland: "Additional comments? You are ready for the vote? All right. We are going to vote on the resolution (Appendix B attached) that the University Faculty Senate endorses the proposed date for Cornell

"AYE."

Speaker Howland: "Opposed? The motion passes. Thank you very much."

Professor Galik: "Please send me comments on these issues, particularly Labor Day and the extension of the exception periods so that we can work on those."

6. UPDATE ON THE FORMATION AND FIRST STEPS OF eCORNELL AND NEXT STEPS FOR THE ADVISORY COMMITTEE ON DISTANCE LEARNING

Speaker Howland: "The speaker would like now to call on Professor William Arms for an update on the formation of and the first steps of eCornell and the next steps for the Advisory Committee on Distance Learning."

Professor William Arms, Computer Science and Chair of the Advisory Committee on Distance Learning: "I am speaking as the Chair of the Advisory Committee on Distance Learning. The Advisory Committee on Distance Learning which is a provost committee that also has the direct responsibility of reporting to the University Faculty Senate. We were formed about half way through the spring semester this year with some fairly urgent topics to address."

"In the first place, this committee was handling things with urgency. Particularly there is the proposal on the table for an organization which is usually called eCornell which had some aspects to it which many people thought were problems. We looked at those and we endorsed the proposal, subject to certain conditions. The primary conditions were that it should be an organization that only directed its intentions to non-degree courses and programs, which is, by the way, a topic that is going to come later on the agenda, and also to a number of conditions about the university's control, particularly the academic control of these programs. The University Trustees accepted those conditions and they created the organization in September of this year. From the point of view of our committee, it meant that we were in the strange position of having to address the special case before looking at the general case. Therefore, we enjoyed this fall the chance to go back and look at some of the more general underlying issues. What we tried to do is to have a more leisurely discussion of topics that we expect will become urgent sooner or later. And we would like to be prepared for them rather than being forced to react. We looked at two particular topics: One is the question of intellectual property—the copyright of educational materials, who controls educational materials, and the question of if the university wants to have distance learning programs that involve distance education, what is the decision making process? We increased the size of our committee by adding two students, one representing the undergraduates and one representing the graduates."
"I have slides (Appendix C attached), first on eCornell. It is officially Tower Innovative Learning Solutions, but it trades under the name of eCornell. There are complex legal reasons for that distinction. From the Trustees' go ahead, all the normal things that take place when you set up a new organization, a new company, have been taking place. I should say this is a wholly owned company. All the stock is owned by Cornell University and it is completely under the control of the university through the Trustees. We have appointed a chief executive officer, Francis Pandolfi. His background is in publishing. By the way, he was CEO of Times Mirror magazines at one stage. I think that is quite important because the relationship between the university and eCornell has many aspects of the relationship between a publishing house and a university and the faculty members at the university. There is a board, chaired by Peter Meinig, who is one of our Trustees and chaired our Trustee Subcommittee in this area. There are, I think, four more members who are University Trustees, Inge Reichenbach, representing the university administration, a faculty member appointed by the provost, who happens to be me, and Francis Pandolfi, as the CEO. I think that is the members of the board. I see my role as having two parts: One is, as the member of the board of any organization, you have a responsibility to make that organization succeed. You clearly want it to succeed for all the right reasons. The other is that I see myself as representing the faculty in trying to identify things that are important to the faculty and make sure that the spirit of what the Faculty Senate has discussed, as well as the letter gets carried out. We are going through all the normal things, recruiting senior people, opening offices in college town and opening a marketing office in New York City—all the things that are needed to get an organization going.

"There are two draft legal agreements going around. Why is it that legal agreements take three times as long as they should to happen? There is an overall agreement between eCornell/TILS and Cornell. A draft of that was circulated to the faculty; a draft, which, by the way, had some things which many of us didn't like. The comments are being incorporated, and I am hopeful that people will like the final version. Also know that each program is going to have to have an agreement between eCornell on the one part and the university academic units and the individual faculty members. That agreement is being drafted also. Legal agreements are somewhat chaotic, but I think they are turning out to be working well, and I have to thank Provost Martin very much for being personally involved in handling some of the more sensitive topics. Program planning is well under way on a number of non-degree programs leading to certificates with Hotel Management and Industrial and Labor Relations and Systems Engineering among others. All in all, it is very much the plan prepared by Vice Provost Mary Sansalone last spring from the financial point of view and it is probably going a little bit slower than we would have all liked.

"Leaving eCornell, let me just put up two slides about the topics our committee has been talking about this semester. First of all, we discussed control and copyrighting course materials. The question is who controls the use of course materials and who owns the copyright on them, particularly when many people are involved in their creation? The basic conclusion of our committee is that the
university copyright policy is inadequate for this new world. We have drafted a letter to the provost that is going to recommend that the university look at revising the university copyright policy. One hates to tackle this thing but I think it is necessary. We have drafted some considerations that I have here on the slide. Perhaps the most important one is the copyright policy, which, as written in the present, treats things differently depending on the media in which they are expressed. So if one of us writes some lecture notes on paper and distributes them to our students, one set of rules would apply. If you put them in a digital form and distribute the digital file in some way, then a different set of rules apply and this may have made sense when it was written but it doesn’t make sense nowadays. Whatever the rules are our committee feels that they should not be tied to the media, they should be tied to the intellectual creativity. We believe strongly in the fundament principle of universities as being the creators of intellectual works and having control of intellectual output. We think that’s the number one problem, but sometimes the university puts enormous resources into supporting things, and we think the university also has some rights then. We keep seeing questions where conflicts of interest and conflicts of commitment are tied up with this area. The key recommendation of our committee is that the university needs to look carefully at the copyright policy, and we’ll be pleased to work with that. So that needs a process to be set up.

"I see my time is coming to an end; let me just give you another one we have looked at. Remember that eCornell—the purpose there is on non-degree, non-credit programs—so the question is if an academic unit wishes to offer degree credit for a non-residential or partially residential course or program, are the existing academic procedures for approval sufficient? We are looking at how existing things have been done—things like summer school courses taken by distance learning or professional courses offered in New York City or lectures delivered on-campus where the instructors are off-campus. In these cases in the past approval has come from the regular academic process. For example, the general committee at the Graduate School has been involved with many of these. The question arises is this process relying on the usual academic procedures adequate? We know that there are some academic units that are considering quite ambitious programs. We also know that there are some other universities that may compete with us for students, faculty and so forth who have ambitious plans in this area, and we have to be ready for that. Recent announcements by Harvard Law School and Harvard Business School are examples. There is going to be a discussion on this topic later in the next item on the agenda. I just wanted to tell you what we have been talking about, and to leave a few minutes for questions on our committee or reactions."

Speaker Howland: "You do have time. Questions for Professor Arms?"

Professor Katherine Stone, Law School: "My question has to do with copyright policy that your committee has been taking up. It seems to me that there are a lot of real puzzling and very serious conflicts down the road between the faculty and the administration or at least the board of governance of eCornell over this kind of issue. So my question is rather than simply recommend that the university revise the copyright policy, that perhaps we in the Faculty Senate or
Professor Arms: "I believe very strongly that this is something in which the faculty viewpoint should be the dominant viewpoint. Sometimes I'll argue the other way, but on this particular point, I think the academic traditions have served universities extremely well. I think we need a process, and I need to talk to Dean Cooke about what that process is which results in a very clearly articulated faculty point of view. I believe it is possible to have a point of view that the university will be happy with from an administrative point of view and from an academic point of view. We should think of lawyers as people who write the words around what we have agreed, rather than sometimes it going the other way."

Professor Joseph Ballantyne, Electrical Engineering: "I just want to reinforce that comment. Having been the officer in Day Hall who was in place when the last revision took place, I think it would be very important for the faculty to take the initiative in this area and then bring it to the administration."

Professor Arms: "Would you like to comment on that?"

Provost Martin: "I agree with that."

Professor Arms: "I think we hear that one loud and clear."

Speaker Howland: "Additional comments? Fine, thank you very much. The speaker would like now to call on Professor Barry Carpenter of the University Faculty Committee for a resolution on eCornell Overarching Agreement."

7. RESOLUTION ON eCORNELL OVERARCHING AGREEMENT

Professor Barry Carpenter, Chemistry and University Faculty Committee: "I need to give you a little bit of the background to the creation of this resolution, because as I learned this morning, the UFC when it came up with this resolution was laboring under something of a misapprehension. Nevertheless, the resolution itself I think still stands and there are still some things that we want to consider. The misapprehension has to do with some of the wording in the rationale. So I'll tell you about the history. (Resolution attached as Appendix D.)

"On November 14, the UFC met with the president and the provost and we discussed the Overarching Agreement between TILS and Cornell University. The UFC made some recommendations for amending the wording of the draft that was before us, and the amended version is what was circulated to you. Subsequently, the UFC came to understand that eCornell was going to want to offer some for-credit courses, and we believed that some of the programs already
on the docket for eCornell would in fact be carrying credit, and we had originally thought that that was not going to be the case.

"It also seems that the Faculty Senate was going to have to address this issue on a rather short time scale. Because this looks to us like a complex and sensitive issue, it seemed that a sensible way to proceed was to give the Faculty Senate a kind of 'brain work,' bare bones version of the Overarching Agreement, which is the provisionally amended version of the Overarching Agreement that was circulated to you, so that you could deal with what we believe to be a relatively uncontroversial framework overarching agreement. If you then approved that, we could focus our attention on the issue of whether the Faculty Senate was comfortable with eCornell offering any kind of for-credit courses, and we could then move fairly swiftly on that, because we were under the impression that this was something that would need to be acted on quickly. This whole first draft is a way of trying to give you all of the information while moving as expeditiously on this matter as we can. I think the issue of whether you approve this framework, bare bones overarching agreement is still a good one. I think that is still a resolution. You'll notice that the resolution really addresses in large measure that question. It does also commit us to try to act as expeditiously as possible on anything that might come subsequently, but the question of credit is not something that is in the resolution that you will be asked to vote on. By bringing up the issue now, we wanted you to be able to express your opinions on this matter so that the issue could then be framed by those wanting to present it in a way that would be consistent with your concerns.

"The change, however, came this morning when Dean Cooke and I received an e-mail from Bill Arms saying that UFCs understanding of what was going to be asked was in fact not correct. So at this moment I will step back and invite the Speaker to have Professor Arms explain what the current situation is."

Speaker Howland: "Professor Arms are you prepared to do that?"

Professor William Arms: "Thank you very much. I am now changing hats and speaking as a director of eCornell you'll understand. I was rather taken by surprise when I saw this draft resolution sometime the middle of last week, because there had been absolutely no discussion by the eCornell board about anything other than non-degree programs. Fortunately, we had a board meeting last Friday and raised the question. As far as I can make out, the situation is as follows: We have a new organization with a lot of new people. The institutional memory is weak. Some of the new people, including the new CEO, had raised the question about eCornell and degree programs. So I believe the statement in your rationale was about the situation when you said it was actually right. However, the board wanted to make it very clear that the promises made and the commitments made in forming eCornell were to do with not-for-credit courses, so eCornell was created on the assumption we should offer only non-degree programs. The financial plans, all the things under way, at present are all about non-degree programs. Any suggestions that eCornell should at any stage offer courses that receive academic credit, any initiatives in that area, should come from the academic units of the university. The board would clearly listen to such
requests, but it is the academic units of the university that have to make such requests. The board was very supportive of the resolution that Barry is presenting."

Speaker Howland: “Thank you very much.”

Professor Carpenter: “So we have this resolution before us, which as I say, the resolution really only asks you to consider this framework version of the Overarching Agreement which we think is going to be 95% of what the final version might look like. We still think that that is a sensible way to proceed, so that if there are any significant amendments to this, you can focus your attention on those when you see a final version. So I’ll leave the discussion at that point.”

Speaker Howland: “So the motion is open for discussion.”

Professor Brad Anton, Chemical Engineering: “I read through this fairly carefully, and I noticed that section four, Right of First Refusal, in parts a and c bind the university and all of its colleges and sub-units to develop and market all distance learning products as exclusively through TILS unless TILS allows the university to escape this obligation through the specific conditions in section 4b. Is TILS similarly bound to market products developed exclusively with the intellectual content from Cornell University? Section two does not state this and section six, Other Programs, gives TILS the right to negotiate with another institution or source if it wants to develop other programs that don’t interest Cornell University. This is a worry I had. I don’t see anything in this agreement that would prevent TILS from entering into a similar overarching agreement simultaneously with another university, for example, Princeton, and being eCornell and ePrinceton at the same time. I wondered am I missing something in here? Is this taken care of?”

Professor Carpenter: “I don’t think I am the right person to answer that question. Perhaps either Professor Arms or Provost Martin will respond to that question.”

Provost Martin: “I can try, and then I might defer to Glenn Altschuler who has taken responsibility along with Polley McClure for being the university administration’s point folks for distance learning on campus and for negotiating with eCornell. There wouldn’t be any way under the terms of this agreement, as I understand it, that TILS could sign an overarching agreement of that sort, a sort of sweeping agreement with another university. If we had no courses in a certain area we wish to offer, they could contract with individual faculty members at other institutions to provide those programs, because no one at Cornell University was interested in doing so. As a wholly owned subsidiary of Cornell University, it could not enter into an equal contract with another university.”

Speaker Howland: “Professor Schuler.”
Professor Richard Schuler, Economics and Civil Engineering: “Could you refresh our memory of what the consequence of our passing this resolution is? I really have a two-part question, so that’s the first part. The second part is that under the second ‘whereas’ it seems to me it says only that the Senate shall be informed and nothing else and given adequate time to respond. Again, I’m trying to zero in on what is the weight of this resolution if we do act upon it.”

Professor Arms: “I have spoken with Francis Pandolfi, and it’s fair to say that he and the members of the eCornell board are very interested in having the faculty involved in whatever it is that they do. So while I don’t think that this body has any veto power over an agreement signed between the university and TILS, nevertheless, as with lots of other resolutions that this body passes, I think it will carry a lot of weight, and if you say something with a strong voice, it is very likely that the parties to whom you are speaking will listen.”

Professor Schuler: “So it’s advisory.”

Professor Arms: “Yes. That is my understanding.”

Speaker Howland: “Additional comments or questions?”

Professor Paul Velleman, ILR: “I’m not a member of the Senate. I’m concerned with paragraph five on non-competition which in the papers that have been distributed admits requires further discussion. I wonder if there has been any further discussion on that, just mostly to be sure faculty at the university aren’t going to be constrained in teaching our courses through some distance medium simply because eCornell is already offering a course that resembles that course, regardless of whether we are teaching it to people who are enrolled in degree programs here or perhaps to others who might be participating. There are some distance learning courses we have already done where there have been participants from around the world who have not been students at Cornell and may not even be getting credit from Cornell in some formal fashion. We want to be able to keep them participating. Has there been further discussion to clarify that?”

Professor Carpenter: “There has been quite a bit of further discussion and, Glenn, I don’t know whether you want to talk about that at all?”

Professor Glenn Altschuler, Continuing Education and American Studies: “I don’t want to talk about it, but it seems I have no choice. Perhaps I ought to begin by asking ... (It’s always good defensive strategy to ask a question, especially if you’re Jewish you learn that’s the way you should respond to almost everything.) I’d like to begin by asking Professor Arms for clarification that is relevant to Professor Velleman’s question. You seem to me, at least, to use the phrase ‘degree programs’ interchangeably with the phrase ‘courses for academic credit.’ Did you wish to be understood to say that the board of eCornell was not intending to bring forward any proposals about degree programs and/or about authority to produce, market and distribute individual courses that might give
rise to academic credit? That distinction needs to get at an important distinction that Professor Velleman is making."

Professor Arms: "What I intended to say was, first of all, the distinction between program and course is an important one. The eCornell board feels strongly about its previous commitments to the university and it will not bring forward any proposals for either, but it will listen to requests from the academic units of the university if they want and support developing such programs."

Professor Altschuler: "At the moment then, I guess the response to Professor Velleman — my main response to the situation that is now and then I will make an observation of my own which may or may not be relevant—is that at the moment, as you see, all courses for academic credit are exempt from the non-compete clause, and therefore there would be no situation, Paul, in which a for-credit course could be construed under the present draft of the Overarching Agreement as competing with an eCornell generated course or series of courses. At the moment there is really no competition."

"Having said that, I will say that my own recommendation, as someone who has been involved in this area for some time, is that eCornell, in order to be competitive, is going to need the authority to be able to produce, market and distribute courses which give rise to academic credit for several reasons. First, that is what is desired in the marketplace and secondly, as far as I know, every entity that has been endowed by other institutions, either peer institutions to ours or lesser institutions (I guess there are no superior institutions) is a given as part of its mandate. If, as Professor Arms has suggested, we all want eCornell to succeed, my own recommendation is that we take up this matter of giving to eCornell, not the authority to grant credit which I believe it never should have, but the authority to produce and distribute courses for which credit is given in the ordinary way that they might then offer for extramural credit. The reason I made the distinction I did with Professor Arms is—if you grant extramural credit, you are, by definition, taking that course entity outside the framework of a degree program and it would operate in the same fashion as we grant extramural credit now in the School of Continuing Education and Summer Session. I know that is not the item that you are talking about, but since Barry invited comment on it, I did feel some obligation to say that, and you do understand that I have no particular interest, other than wanting eCornell to succeed, to make that recommendation. However, I think that when you put the kind of resources into eCornell that we have put into it, you want it to succeed."

Professor Velleman: "Glenn, that does answer part of my question, but the course that I currently offer through Summer Session and Continuing Education is..."

Professor Altschluer: "And a fine course it is!"

LAUGHTER
Professor Velleman: "Thank you. It is an introductory statistics course and on this campus we have, by my count, about fifteen virtually equivalent introductory statistics courses. If that course were to be offered through eCornell, would that then prevent any of my colleagues who teach similar courses from teaching their course through distance learning? The way I read this paragraph, they would then be competing with that course."

Professor Altschluer: "That course cannot be offered through eCornell under the current circumstance because it is a for-credit course."

Provost Martin: "But he is asking about the hypothetical situation..."

Professor Velleman: "I see a hypothetical situation in which for-credit courses are instigated by faculty but implemented through eCornell."

Professor Altschuler: "That can't be. If you take a look at the Overarching Agreement, the Overarching Agreement indicates that courses or entities which give rise to the granting of academic credit may not be offered by eCornell and then if you look at Appendix D to the agreement, courses for academic credit, by definition, cannot compete with any course entities offered by eCornell."

Professor Velleman: "You're saying that eCornell will not even implement a course that carries academic credit."

Professor Altschuler: "Under the present Overarching Agreement, that is the case. I am saying that."

Professor Velleman: "Have I misunderstood or is that what Professor Arms was saying?"

Professor Altschuler: "That is what Professor Arms is saying."

Provost Martin: "No, not exactly."

LAUGHTER

Speaker Howland: "I am going to call on the Provost now."

Provost Martin: "Well, I understood it a little differently too, Glenn, even though you and I are....."

Professor Altschuler: "We're not talking now."

LAUGHTER

Provost Martin: "I'm already thinking I'm overworked so now I'm dead. I thought Bill said that eCornell would accept and review proposals that come from academic units in the university for for-credit courses. I did hear that."
Dean Cooke: "Once that process is authorized."

Provost Martin: "Once that process has been authorized by a college, a school or a unit that has the authority."

Dean Cooke: "Or when the Senate has taken action."

Professor Velleman: "He is saying then that there is the potential that the non-compete clause would then preclude other faculty who teach similar courses that would be perceived to compete. We allow courses to compete on-campus; there are a number of instances of very similar courses."

Provost Martin: "Unfortunately, very many. Yes."

Professor Velleman: "Yes. Would that then present a problem?"

Professor Altschuler: "At the risk of disagreeing with the person who pays my salary, the Overarching Agreement in its present iteration does not permit eCornell to entertain the production, dissemination or marketing of courses which give rise to the granting of academic credit."

Provost Martin: "There we agree, but what Bill Arms announced was at odds with that. So there was a contradiction. That's all I wanted to say."

Professor Altschuler: "It's always...."

Provost Martin: "And it's true that Professor Arms can't, on behalf even of the eCornell board, say that they will receive and review courses that have been granted credit by an academic unit at this university, if the Overarching Agreement explicitly forbids it. I think where we are headed is towards a recommendation on the part of faculty in specific units or the Senate itself, that eCornell should be able to produce, market and distribute courses that have been granted credit by the usual means in the university, but at the present time, the Overarching Agreement does explicitly say that that can't occur. We are between what the Overarching Agreement says, what Glenn is recommending that eCornell do, what Bill is imagining eCornell will do and where we'll probably all end up in February.

"Your question— is this not confusing, troubling, and potentially difficult once eCornell is producing, marketing and distributing courses have been granted credit by a legitimate unit of the university, given the non-compete clause? I think the answer to that is yes, in all honesty. And that's why we have senate committees and faculty committees of other kinds working on these problems. So far, I would say, it has worked very well to have faculty committees working on these problems to identify these kinds of problems. I don't think it means it is a tragedy, or that it will stand in the way of eCornell being able to offer courses that have been granted credit by our academic units, but we have to figure out the right mechanism, certainly, to deal with potential problems."
"Our non-compete agreement with eCornell would mean that if your statistics course is being produced, marketed and sold by eCornell, somebody else’s couldn’t necessarily by offered to UNext. I’m not familiar with other vendors. There are lots of reasons why we wouldn’t want a bunch of our courses being offered through UNext anyway. The non-compete clause creates a set of decisions and mechanisms we need to invent, which are already under discussion, but for you to identify that as a complication is accurate. That’s all I have to say. I think it can be worked out, but it is going to take the same kinds of people who have been working on Bill’s committee and elsewhere to think through the best way to deal with the problem."

Speaker Howland: "Dean Cooke."

Dean Cooke: "My understanding is that the Senate will have an opportunity to express its view on the transition from non-credit awarding to that process. It will not be an individual one of the 1,600 of us who individually says that eCornell will do this. My expectation is that the UFC and this body will have some formal conversation before that process is put in place."

Professor Carpenter: "Yes, indeed if I can just answer that. That’s really the whole point of the resolution is to clear away the stuff that isn’t controversial so that we can focus on the stuff that might be."

Professor Peter Stein, Physics and Faculty Trustee: "I would like to concentrate a little bit on the mountain instead of the molehill if I am following this. I understand Professor Velleman’s concern about the non-compete clause, but there is a whole bigger issue that we almost seem to have taken for granted. Namely, the first time I heard of eCornell, it wasn’t very long ago, we were assured that the niche that eCornell had was non-degree granting programs or I thought courses for credit, although I don’t remember that explicitly being said, that the niche was a rather small and limited number of professional education offerings in areas in which Cornell excels. And we were all enthusiastic about that. Who could think that was a bad idea? But there were many of us who were concerned about the brave new world out there where we would be having Cornell degrees and PhDs and God knows what freely marketed on the Internet. It almost sounds to me like we have accepted that now. I may be mishearing something, but I’m understanding people to say, ‘Well, yeah, sure. We haven’t done that yet, but that’s going to come up. In February it will come up.’ There is more than a problem with the non-compete clause. There is a major problem I think of whether indeed that’s the way that we want to go, and I didn’t think that there was general agreement in that direction in this body."

Provost Martin: "Peter, I think that you might have misheard me, but it’s also true that I’m not really clear. I don’t know anyone with whom I’ve spoken who wants to move in February or any time in the near future or foreseeable future towards degree programs being offered through eCornell.

"There is a distinction that Glenn tried to make between extramural for-credit courses as part of the kind of niche offerings and markets that we have identified
for eCornell and degree programs. Why are we even thinking then about these extramural credit courses? Because, this is what I’ve learned, there are a lot of people out there who will want to take the kinds of certificate programs that we are offering, but there are even more who will want to take courses and programs in those areas, such as Hotel Management or Human Resources, who will want to be able to take the course for credit, rather than simply paying for a certificate because they can apply that extramural credit to a degree that they are getting through another institution for example or because the for-credit could be used later in ways that a certificate can’t. The fact that we are thinking about courses for extramural credit that eCornell could produce, market and distribute has really nothing to do with a switch in sentiment in favor of looking at the offering by eCornell of for-degree programs, at least not at the moment. And certainly, that is not what I intended to say.”

Speaker Howland: “Go ahead, Professor Stein.”

Professor Stein: “I think it is important to recognize that there are only two divides between us and the University of Phoenix. The first divide is extramural credit and the second divide is degree-granting programs and then we are there. I think that people were concerned about that transition. I just heard a general acquiescence that we were going to cross the first divide in February without a whole lot of trouble and that concerns me, that’s all.”

Provost Martin: “Well, we may not. It is up for discussion, because eCornell is in competition with other university entities of this kind that can give courses for extramural credit, so it’s an issue if we want eCornell to succeed, but I don’t think we are going down a slippery slope. The provost is certainly not in favor of offering degree programs through eCornell.”

Speaker Howland: “Professor Ballantyne.”

Professor Ballantyne: “If this Overarching Agreement is approved and put in place, will it then constrain our further discussions of other options or can such things as the non-compete clause be removed from it at a later date?”

Professor Carpenter: “My belief is that the UFC in presenting this for your approval is presenting something that it believes to be a framework, but that framework, if it is going to be substantially amended, actually as the resolution says, would come before you again.”

Professor Terrence Fine, Electrical Engineering: “I must start by saying I’m not particularly enthusiastic by the prospects of eCornell. I really couldn’t care less about the prospects of eCornell. I’m also not happy about having an anatomy lesson right now. What I thought was the nose of the camel in my tent, turns out to be the rump of the camel. I seem to be seeing pretty much the whole camel. We start with the confusion in remarks about degree programs and courses for credit. These things are getting said sort of interchangeably. Now that has gotten separated. We have a barrier here about courses for credit. What is going to maintain that barrier? Well, it just needs some faculty members to come up
with some departments to come up and ask that they give courses by distance learning that get degree credit. That would happen. That is an inevitability. We are a big university. I don’t know how many departments we’ve got. I’m sure that that is already happening out there in departments, units. It will happen over Winter Session or whatever that some people will say that yes they would love this. Now, who is to be the gatekeeper? This talks about a rather weak sentiment that you come in and advise the senate, and the senate promises here to act with due deliberation and rather hastily respond. I think it is a more important matter than that. I think, I’m on the UFC so I take responsibility for this, but I think there is a more immanent prospect of having courses for credit than we are contemplating here, and I would like a stronger gatekeeping function than just ‘ask us and we’ll have to respond in the next week.’"

Professor Carpenter: "I’ve never been in favor of word smithing, but I will word smith with you on the word ‘hastily’. I don’t think we are at all recommending that the senate consider the issue of credit hastily. It says, ‘as expeditiously as possible’. ‘As possible’ means until we are satisfied that it’s done."

Speaker Howland: "Yes."

Professor Arms: "I’m speaking as Chair of the Advisory Committee on Distance Learning. I want to emphasize what Professor Stein said. We have not had the discussion about what we should do with for-credit or degree programs. That was very clearly articulated at the end of last semester and at the beginning of the semester that that discussion is in the future and I disagree with Biddy Martin. I, shall we say, believe that this is moving ahead at the pace at which it is moving ahead. There are going to be these questions come up and there are going to be discussion about them, but I don’t think any of us should assume the answers until we get to those discussions and have had good discussions. I think the administration will listen to the faculty very, very carefully."

Provost Martin: "I withdraw all wording I used about relative speed."

Speaker Howland: "I remind me you that we are going to vote on this motion. Therefore, be it resolved that the Senate endorses the Overarching Agreement made November 14th subject to the UFC provisos specified above, and be it further resolved, that the Senate commits to consider and respond as quickly as possible to the anticipated request for amendment to the Overarching Agreement from TILS. Further discussion?"

Professor Risa Lieberwitz, ILR: "I am glad to hear that the credit issue is not a done deal and that it is not even yet on the table and that if it will be on the table, it will be fully discussed. Right? I think that’s good, but just in terms of a word about the problems that we are running into. I think that people like Terry and Peter Stein keep reminding me of the underlying discussion we had originally about making this a for-profit corporation which is what’s driving one’s decisions. If the reason that credit needs to be given for these courses is because eCornell won’t succeed in the marketplace situation as a for-profit corporation, then that’s a good example of why not to make the educational process that we
are engaged in driven by a for-profit market. So that if the reason credit should be given is so that we make money from it, and we won’t make money if we don’t give the credit, then it seems to me that it's a finished discussion and there’s no need to give credit.”

Professor Nick Calderone, Entomology: “I like to make one quick point. I’m in need of clarification on this. What would be the defining characteristic of a program that would require it to be placed under the purview of eCornell?”

Provost Martin: “Could you repeat the language, I’m sorry.”

Professor Calderone: “What are the defining characteristics of a program that a faculty member might create that would require it to be placed under eCornell?”

Provost Martin: “I hope I can answer that. It’s the right of first refusal. I don’t trust myself entirely on this. You’ve got the language...?”

Professor Calderone: “Let me put it bluntly.”

Provost Martin: “Yes, please do. I’ll do better with blunt.”

Professor Calderone: “If I develop a program or if a program is developed, what benefit do I have in putting it under eCornell rather than running it myself?”

Provost Martin: “Running it yourself?”

Professor Calderone: “Right.”

Provost Martin: “What do you mean ‘running it yourself’?”

Professor Calderone: “Well, I mean distributing the information, running the program independently of eCornell, not necessarily with another university, but just out of my office.”

Provost Martin: “I think that’s a really good question, because what the language says is that you can’t contract with a third party. I think in so far as you were running it out of your office and offering it to an audience outside the university, you would be working with a third party. You would be constrained from doing that by the language in the right of first refusal provision, if you see what I mean. So we are talking about courses that are to be offered over distance, that is non-residential courses, and any such courses, at the moment, that are not for-credit or degree granting courses are subject to the right of first refusal by eCornell. Isn’t that the correct understanding? Except—there is an exception; there are a couple of exceptions such as, courses that are currently being offered through Continuing Education or by other routes as distance learning courses will not have to be submitted to eCornell.”
Speaker Howland: "Ladies and gentlemen, I'm sorry to have to cut this conversation, but we are reaching the end of our time allotted for this discussion. Now, if the faculty . . ."

Provost Martin: "Have I misrepresented it? No. That's correct, isn't it? You see, there's no point . . . here's how I understand it, and you all know that I wasn't in on the beginning of this, so I am also catching up. There is no point in having a separate entity wholly owned by Cornell in which Cornell University has invested, let's face it, a lot of its money, there is no point in having it if it doesn't have the right of first refusal and a non-compete provision. So now we've got eCornell; we want it to succeed, and I want to say something really quickly about succeeding and profits.

"I think the whole question of giving eCornell an opportunity to do well is not just in a really narrow sense about profit. It's in the larger context of the welfare of the university. We have approved this entity; I think we want it to do well. Why would we not want it to do well? I mean, Terry, I sort of understand why you say you couldn't care less, but in so far as we think of ourselves as part of a larger university community, I think it matters to care how it does. This is an investment of, at the moment, $12,000,000, in an entity that we hope not only will make a profit and serve the community outside of the university, but that will put us well on the way to providing education, life-long learning if you will, in addition to the service of more short term professional development and training for people, even if it's being done through an entity that has been made a for-profit entity.

"You might not buy that argument, but I am a sentimental believer in the notion of a university community, and that there's a reason why we would want eCornell to succeed for our own good here on campus. Given the kinds of revenues that it could produce for us here on campus and given the fact that it is in keeping, in a very large part, with some of our most important missions and the fact that it is being delivered through a for-profit entity, as long as it is wholly-owned by Cornell, I think, doesn't make it some kind of sleazy operation at which we should look askance. I have come to that by virtue of assurances—by ways in which I can satisfy myself — that the kinds of things we are going to be offering through eCornell are really going to serve people and hopefully benefit those of us on campus who know that we need to move much more quickly in the direction, even for our students on campus, of better technological delivery of knowledge. I just want to work a little bit against the kind of cynicism that I admit I have also felt throughout my life about the distinction between what we really think we are doing and for-profit things. In this particular case, though I don't like the argument that they are part of us and therefore anything that eCornell wants to do we should support because it's all Cornell—that's obviously too simplistic—I do think that we care about it doing well, and I think it has the potential to do some good for human beings as well as Cornell University. That's my line on that.

"Sorry, for the little inspirational speech, but I don't think we should give over to eCornell things it shouldn't have. We should make educational decisions here
on campus and the faculty should be making them. I agree with all of that. I'm just urging that we not get too cynical, that we think to the degree we can about ways in which all of this is part of what we are trying to do as a whole, as long as we are all participating in the discussion. I don't want to go back to the times when the faculty feels that they are cut out of the discussion and decision making. As long as we are all part of it, let's not divide ourselves up and think cynically about what is going on over here until we know for sure that damage is being done to the fundamental mission of Cornell University."

Speaker Howland: "We've reached the time when we should be deciding. The Chair would like to ask for unanimous consent to continue the discussion. Do I hear any objections? No. Then, we will continue with the discussion."

Professor Velleman: "Biddy, there is one thing that you just said that concerned me. I read the discussion as saying that we could not as faculty members contract with another commercial entity competing with eCornell, which sounds perfectly reasonable, but to say that anything we offer by distance learning to anybody outside is automatically dealing with a third party and then comes under this provision, bothers me a great deal. I, for example, support a group of teachers who teach advanced placement statistics in high school. I don't do it for credit, but I post things; I host a discussion in some sense; I participate in an online bulletin board. I would not want to be told that I have to do that through eCornell, because I'm dealing with outside parties who are not registered students at Cornell. Many faculty do similar kinds of things."

Provost Martin: "I agree with you, Paul. I think you are raising real issues."

Speaker Howland: "Whoever was in the very back is first and then here and then...."

Professor David Delchamps, Electrical and Computer Engineering: "In the rationale of the resolution it says that at the time of the writing the UFC has not received a response from the TILS board or the administration concerning the proposed changes. And I'm just wondering if that's a sign of happy acquiescence or something else."

Professor Carpenter: "To my knowledge we still have not received it. Am I correct, Dean Cooke? No, we still haven't. I think what it's a sign of is of something very much in flux."

Professor Richard Schuler: "My question is really a follow on Provost's Martin's interpretation. The scenario: Many programs on campus offer professional, degree for-credit activities that are off campus. Is your interpretation of this non-compete clause that if one uses electronic media to facilitate that discussion that eCornell would have to have the right of first refusal?"

Provost Martin: "No. Not if its part of Cornell programs"

Professor Schuler: "OK. If its part of Cornell programs. Thank you."
Professor Jeremy Rabkin, Government: "I'm concerned that we do not know what is meant by this term 'course.' Let's say that Carl Sagan were out there today, doing 'Cosmos: The Continuing Saga,' I'm pretty confident that if he were doing that, instead of marketing it the way he did the first time on video, he would now market it on ... what's that called 'Continuous Streams' or something like that... video service. Is it a course? I don't know, maybe."

Provost Martin: "No."

Professor Rabkin: "Why do you say 'no'?"

Provost Martin: "Because it would not have been approved by the College of Arts and Sciences Educational Policy Committee as a course. It can't be a course unless it's a course according to the academic units of this university. So anything that is offered through Cornell now is characterized as a module in a program."

Professor Rabkin: "Does the right of first refusal hang on our calling it a course or anybody out there calling it a course?"

Provost Martin: "What the right of first refusal ...I'm assuming he is going to let me answer."

LAUGHTER

Provost Martin: "Quickly. Here's the debate we are having right now (I'm in favor of the openness), that is a discussion with eCornell about whether the gatekeeping function, for the very questions you all are asking, Paul and Jeremy, should be at eCornell or in the university. Of course, I'm saying in the university. The gatekeeping function about decisions concerning the status of modules, programs, and course materials that eCornell refuses and that then shouldn't come under the non-compete clause. Do you see what I mean?

"A course, though...your question about the definition of a course I think is really an easier one, because a course is really only what has been designated a course by the relevant academic unit and its educational policy group, an already existing entity within the university itself."

Professor Rabkin: "Then a distance learning venture, which is not by some definition a course, do you have to clear it with eCornell?"

Provost Martin: "Yes."

Professor Rabkin: "Or can you sell it to anyone you want?"

Provost Martin: "You have to clear it with eCornell, and then the question is if eCornell doesn't take it, what do you do?"
Professor Rabkin: "My concern is back in the old days when we were doing books instead of computer modules, nobody would have said 'Cornell Press has the right of first refusal, you must first take it to Cornell Press.' Cornell Press would never have dared to say that, and we would never have put up with it, and the reason no one ever thought of that is that Cornell Press was non-profit. It's trying to promote scholarship. It's not trying to keep the faculty, as if it were the MGM Studio, for all time. But what now seems to be happening is that we've turned this around and said there's this moneymaker out there, not MGM Studios but eCornell. All of us are now in the studio system to eCornell and whatever we do out in the world, we have to clear it with them, because they don't want us working for another studio."

Provost Martin: "Well, you have to clear it with the university and with them. You're right. That's right. We approved a for-profit, a wholly owned for-profit corporation to deliver this, and it makes sense in that world to have a right of first refusal."

Speaker Howland: "Allow me to break in here and let me recognize this individual."

Professor Emeritus Donald Sola, Linguistics: "I would like to know how overarching this is? Do emeritus professors either get constrained by this or is there a privilege in this? Have you got a role written in?"

Provost Martin: "You know what? I think that's an excellent question, and I don't know the answer, do you, Glenn? Do you, Bill?"

Professor Arms: "I believe the key question is something called a 'Cornell offering.' So if I produce the 'William Arms' course on computing networks, I can negotiate with any publisher in the world. If I produce the 'Cornell' course, then these rules apply."

Provost Martin: "Yes, I thought that was understood, and that's also the distinction in the example you gave, Jeremy, of Cornell University Press."

Professor Arms: "That's a crucial part of what triggers the right of first refusal—that is carries the Cornell name."

Professor Harry Kaiser, Applied Economics and Management: "This is just an informational question. What is the relationship, if any, between Cornell Cooperative Extension and eCornell, and is eCornell specifically going to be able to have restrictions on any 'courses' that are offered through Cooperative Extension?"

Professor Glen Altschuler: "In the Overarching Agreement, as it is now written, I believe this is in the draft that Barry and his colleagues have seen, Cooperative Extension is specifically exempted from those offerings that eCornell may undertake. So Cooperative Extension remains, as it has been, not subject to eCornell in any way. That's in Appendix D."
Unknown: “Which none of us have.”

Provost Martin: “Sorry?”

Speaker Howland: “The comment was that none of them have Appendix D. They would like Appendix D.

Professor Lisa Earle, Plant Breeding: “In view of all the questions that have been raised and also the likelihood that there will be amendments coming up quite soon, does it make sense for us to vote on this resolution at this time? I would to hear your opinion on that.”

Professor Carpenter: “My opinion is that the answer is yes. While it’s true that there have been questions and they will have to be addressed, there are 10 or 11 pages of this thing most of which there haven’t been questions about and rather than having the entire document before the body to be voted on in final form, to me it would make more sense to vote on this version and then to trust that the UFC will identify any substantial variations from that version and bring them before the body again, so that it can focus on the important stuff.”

Speaker Howland: “The Chair would like to remind you that if you agree or disagree with this proposition, you can vote for it or vote it down when we come to a vote.”

Professor Richard Baer, Natural Resources: “I’m not sure I understand ‘right of first refusal.’ Is that as in a real estate negotiation at a given price in terms of the faculty’s benefit? How does that work?”

Professor Carpenter: “The wording is that there has to be good faith negotiation between the unit wanting to offer the program and eCornell. That has to last for ninety days and if, after ninety days of good faith negotiation, nobody has an agreement, then you are free to go and do what you want.’

Professor Katherine Stone: “I think a lot of the questions about the right of first refusal and the non-compete clause actually implicate a prior question and one that I spoke to earlier and came up in an earlier part of this meeting which has to do with who owns our intellectual property. I think a lot of the discomfort with the non-compete clause as it appears is the fact that suddenly we lose control over our courses, our curriculum, our syllabi, our course materials, all the things that we put our intellectual efforts into and we consider to be our own intellectual property.

“Suddenly we are being somehow usurped by this for-profit corporation. Now, I guess I don’t agree (and I come late to the eCornell discussions, because I was away last year) or I don’t fully understand why simply by agreeing to a for-profit enterprise we have agreed to give away our intellectual property. I don’t think one follows from the other. Nor do I understand from Provost Martin’s comment, maybe she can explain, why the success of the enterprise, which I
think it would be great if it succeeded, but I don’t think that depends upon the existence of the non-compete clause or the right of first refusal. It seems to me if eCornell is successful as a marketing vehicle for getting course materials and courses into a larger audience, then many of us might want to put our courses and participate in it. It still, I should think, be a matter of choice for us. I don’t think the success of the enterprise depends on it capturing or somehow usurping or somehow taking from us what we consider to be our own intellectual property.

“I would really like to hear an answer to that question; I didn’t hear the earlier proposal to that. Also I do think the prior question, the prior issue here is the intellectual property issue, and somehow that has to be addressed head on and not just sort of slipped through under some assumption that once you have voted for a for-profit corporation, you have given away your life’s property. I don’t think that’s true.”

Provost Martin: “Kathy, I don’t think we have given away our intellectual property for the reason that we just went over in the distinction between the Press and eCornell. Let’s say that I develop a course on **Nietzsche, Salomone and Freud (I’m sure it would be a big seller), and I want to offer it over the Internet through distance learning, and I don’t care whether it’s designated to be a Cornell course or not, I can go exactly the route I went when I published a book on the subject. However, the Cornell name is really at issue here, and I think it makes sense to, as Bill said earlier, think hard about our intellectual property and copyright provisions, given these new technologies, and that has yet to be done. But we are not, in signing an overarching agreement of this kind, giving away our rights to our own intellectual property. What we are saying is that Cornell programs have to go first to eCornell, Cornell programs of the kind we have described, but if you, Kathy, wanted to do something on your own, then you would go the route that we typically go. That’s my understanding. Do you agree, Bill?”

Speaker Howland: “One more here and then I’m going to say that we’ve reached the time limit and halt the questions.”

Professor Robert Connelly, Math: “There is an inconsistency here that I don’t quite understand. Suppose Carl Sagan develops a course. It is not a course at Cornell, it just ‘Cosmos.’ It’s a big winner, and he goes into a big agreement with PBS, whatever, and then he decides later to develop it as a course, does that mean he has to negotiate with eCornell later?”

Provost Martin: “Well, as it now stands, as we have been trying to explain, if it were a Cornell course, in this case it would be the College of Arts and Sciences to which the College of Arts and Sciences Educational Policy Committee had granted credit, then it wouldn’t go to eCornell anyway.”

Professor Connelly: “But the materials already exist in this separate form...”
Provost Martin: "The Educational Policy Committee of the College of Arts and Sciences doesn't care if the materials exist in another form, it would still have to meet their standards as a course."

Professor Connelly: "Well, then, fine. But the Overarching Agreement prohibits developing material with the other outside entity and not eCornell...."

Speaker Howland: "I'm sorry to have to cut off this conversation. The question before us is should we vote for 'be it resolved that the Senate endorses the Overarching Agreement made November 14th subject to the UFC provisos specified above, and be it further resolved, that the Senate commits to consider and respond as quickly as possible to the anticipated request for amendment to the Overarching Agreement from TILS?' Yes."

Professor Fine: "I'd like to move to table."

Unknown: "Second."

Speaker Howland: "I have a motion to table."

Dean Cooke: "Simply to set aside, it really should be a motion to postpone indefinitely or postpone until a certain time. Tabling is not used appropriately in this case."

Professor Fine: "I move to postpone to the next meeting."

Unknown: "Second."

Speaker Howland: "Right. All those in favor of postponing this topic . . ."

Unknown: "Could I get a clarification? Would the next meeting be next week?"

Dean Cooke: "February, unless you specify otherwise. I think it's near impossible to get a meeting next week."

Professor Stein: "Could we hear Professor Carpenter on this issue? Whether he thinks this would be a disastrous state of affairs if it was postponed until that time?"

Professor Carpenter: "I'll tell you my concern is that if TILS or the administration comes back to the Senate with something that covers this for-credit issue that many of us have been worrying about here today, and we are supposed to deal with that and all of the rest of the agreement all in one go, that seems like a very large chunk of material to look at in one meeting. So I'm really trying to focus the attention on the crucial issues."

Professor Stein: "On the other hand, all of our attention has been focused on the issues that you don't want to focus on."
Professor Carpenter: "That's right. But I'm also not sure what will be gained by tabling it."

Provost Martin: "The UFC has looked at this and has had problems of a kind that it itself revised and that the administration has agreed were problems and should be revised in that way. Since I can't stand the prospect of dishonesty, let me say that I see the problem with tabling this to be the following: That is that we are being pressed and pressing ourselves to move forward quickly, and we will be under enormous pressure to sign an overarching agreement of the sort UFC thought would be appropriate at this time between now and February. And I don't want to sign the agreement where the Senate has tabled something, but I also don't want to go back on an agreement that we made that if the UFC thought that this was appropriate that we would go ahead and sign with eCornell. You could say that we don't care about the bind it puts you in, but I want to forewarn you that by February something may have occurred."

Speaker Howland: "I think we have to move to the question on the table."

Unknown: "I think we're still debating whether to postpone or not."

Speaker Howland: "If anybody calls for the order of the day, we're done now."

Dean Cooke: "Order of the day. I didn't mean to adjourn, but to not continue the debate."

Speaker Howland: "All those in favor of postponing the motion say 'aye.'"

"AYE."

Speaker Howland: "Those opposed?"

"NAY."

Speaker Howland: "Nays have it. We come then to the motion itself. All those in favor of the motion as presented and discussed, say 'aye'."

"AYE."

Speaker Howland: "Opposed?"

"NAY."

Speaker Howland: "We have got to count. All those in favor please raise your hand. All those opposed please raise your hand. The motion passes 47 to 16. Abstentions? 3

We have reached the limit of our time; that will be it."
The meeting was adjourned at 6:00 p.m.

Respectfully Submitted

Charles Walcott
Associate Dean and Secretary of the University Faculty
Report of the Committee on Nominations and Elections December 13, 2000

REPORT OF UNIVERSITY FACULTY ELECTION OF NOVEMBER 2000

FACULTY SENATE AT-LARGE (Tenured)

Elizabeth Earle, CALS

RECENT APPOINTMENTS:
Faculty Advisory Board on Information Technologies

Carl Hopkins, CALS
Kenneth Mudge, CALS
Rick Rawson, Vet.
David Usher, A&S

Faculty Senate At-Large (replacement)

Robert Lucey, CALS

Life Sciences Advisory Council

Alan Collmer, CALS
Ron Elber, CS
Sol Gruner, A&S
Michael Shuler, Engr.

Public Safety Advisory Committee

Nancy (Ho Yan) Chau, CALS
Steven Clymer, Law
Philip Meilman, Gannett Health Services

University-ROTC Relationships

Judith Reppy, A&S, Chair
Resolution on Dates of Commencement

Whereas the proposed dates for Cornell Commencement have been put forward by the Dean of the Faculty for academic years 2001-2002, 2002-2003, 2003-2004 and 2004-2005, and

Whereas it is the obligation and prerogative of the University Faculty to consider questions of educational policy which concern more than one college or school, and

Whereas the Senate Committee on Educational Policy has reviewed the proposed academic calendars for those academic years,

Therefore be it resolved that


Rationale Regarding Resolution on Commencement

The Dean of the Faculty, in consort with the Provost, has put together proposed academic calendars through the year 2004-2005. These are attached for your reference. The Senate Committee on Educational Policy has been asked to review these and bring resolutions to the Senate that either endorse the calendars as presented or propose changes.

That Committee continues to discuss several issues (particularly the observance of Labor Day and the length of the first half of the Spring Semester) and is preparing a document for distribution to the Senate and Student Assembly in that regard.

However, many constituencies of the University - trustees, students, parents, staff - have a need to confirm the dates of Cornell Commencement for this upcoming years. Given that none of the changes being considered by the Committee would affect the date of Commencement, we are bringing this very specific resolution to the Senate at this time.
William Arms Slides

Slide 1

Advisory Committee on Distance Learning
Spring/Summer 2000
Reviewed proposal for eCornell
Endorsed proposal subject to conditions
Delayed discussions of other topics

Fall 2000
Discussions of longer-term issues:
  • Control and copyright in educational materials
  • Degree credit for non-standard courses
Membership increased by two student representatives

Slide 2

Formation of eCornell
Tower Innovative Learning Systems (TILS) trading under the name "eCornell"
Administration
  • CEO: Francis Pandolfi
  • Chair of board: Peter Meinig
  • Recruiting, offices in Ithaca and NYC
Draft legal agreements
  • overall between TILS and Cornell
  • program agreements between TILS and academic units and faculty
Program planning
  • non-degree programs leading to certificates
  • Hotel Management, ILS, Systems Engineering

Slide 3

Control and Copyright in Course Materials
Who controls the use made of course materials and owns the copyright in them, particularly when many people are involved in their creation?
Committee has a draft memorandum to Provost recommending that the University Copyright Policy needs revision to reflect changing academic uses of technology.
DRAFT considerations
  • Control and copyright should be independent of the media in which intellectual ideas are
expressed.

- Creators have control over their intellectual output.
- If the university makes significant contributions, it should share in the control and returns.
- Sometimes there are multiple creators.
- Everybody must be aware of the potential for conflicts of interest or commitment.

Slide 4

Degree Credit for Non-Residential and Partially-Residential Courses
If an academic unit wishes to offer degree credit for a non-residential or partially-residential course or program, are the existing academic procedures for approval sufficient?

Present Situation
Range of non-standard situations:
- Summer-school courses taken by distance learning
- Professional course taught in NYC
- Lectures delivered in Ithaca by remote faculty

Approval has been through regular academic processes, e.g., the General Committee of the Graduate School.

Future
- Academic units considering broader offerings
- Other universities have ambitious plans (e.g., Harvard Law and Business Schools)

Slide 5

Degree Credit for eCornell Courses
Discussion by eCornell Board last Friday
- eCornell was created on the assumption that it would offer only non-degree programs.
- The business plan and the current development activities are devoted to certificate programs.
- Suggestion of eCornell courses receiving degree credit should come from the academic units at Cornell.
Slide 6

Replace:
"The current version of the agreement prohibits eCornell from offering courses that could receive Cornell credit. However, TILS is now of the opinion that this would place it at a competitive disadvantage with respect to the distance-learning affiliates of other universities, which are offering credit for their courses. TILS is therefore likely to request that it be permitted to offer credit for certain of its programs."

With the following words:
"The current version of the agreement prohibits TILS from offering courses that could receive Cornell credit. However, if academic units at Cornell plan to offer distance learning programs that receive degree credit, TILS would be pleased to develop and support such courses on their behalf."
Resolution on the Overarching Agreement between Cornell and eCornell

WHEREAS, the Faculty Senate in a resolution adopted on May 10, 2000 authorized the University Faculty Committee (UFC) to act on the Senate's behalf in its interactions with the Provost's Advisory Committee on Distance Learning (DL Committee) during the summer, and

WHEREAS, the UFC, acting under this authority, endorsed the July 11, 2000 preliminary report of the DL Committee, with the proviso that:

"The Senate should be informed of any future change of status of the DL entity in a timely manner and with adequate time for Senate response. Such changes of status would include but not be limited to: the opening of the entity to investment by individuals or corporations, the offering of public stock in the entity, or the expansion of the entity's programs beyond the non-degree domain,"

and

WHEREAS, the UFC has reviewed and approved the attached provisionally amended Overarching Agreement between Cornell University and Tower Innovative Learning Solutions, Inc. (TILS).

THEREFORE, BE IT RESOLVED, that the Senate endorses the Overarching Agreement (dated 11/14/00), subject to the UFC provisos specified above, and

BE IT FURTHER RESOLVED that the Senate commits to consider and respond as quickly as possible to the anticipated request for amendment to the Overarching Agreement from TILS.

RATIONALE

The UFC, working with President Rawlings and Provost Martin, has reviewed a version of the Overarching Agreement between TILS (the corporation set up to offer distance learning programs as "eCornell") and Cornell University, and has proposed amendments that would make the agreement consistent with the July 11, 2000 recommendations of the DL Committee. The amended agreement is attached. The UFC recommends endorsement of this amended agreement by the Senate. At the time of writing this resolution, the UFC has not received a response from TILS or from the administration concerning the UFC's proposed revisions. Thus the Senate should understand that the version of the Overarching Agreement currently before it may not be the final one. Any
substantial revisions to the agreement will be brought before the Senate for its further review. One such revision, in particular, seems likely, as described below.

The current version of the agreement prohibits eCornell from offering courses that could receive Cornell credit. However, TILS is now of the opinion that this would place it at a competitive disadvantage with respect to the distance-learning affiliates of other universities, which are offering credit for their courses. TILS is therefore likely to request that it be permitted to offer credit for certain of its programs. Credit for these programs would be granted by the appropriate unit of Cornell University, and could not be used towards a Cornell degree. Since the UFC is of the opinion that it would be to nobody's benefit to restrict eCornell in a way that may cause it to fail, but since the offering of credit by a for-profit corporation is a complex and sensitive issue, the UFC recommends that the matter be discussed thoroughly but as expeditiously as possible by the Senate once a specific proposal for amendment of the Overarching Agreement is brought before it. This statement is made to express good will and cooperation with eCornell in the expeditious consideration of a complex issue of great importance to both faculty and the administration, but without prejudicing any eventual decision by the Senate.
MINUTES OF A MEETING OF THE FACULTY SENATE
Wednesday, February 14, 2001

Professor Howard Howland, Neurobiology and Behavior and Speaker: "We have one Good and Welfare speaker. Is the Provost here? I think I’ll just call on the Dean first."

1. REMARKS BY DEAN J. ROBERT Cooke.

Professor J. Robert Cooke, Dean of the University Faculty: "We have a very busy agenda, so I want to make my remarks rather briefly. The first is to call your attention to a University Faculty Forum, ‘Beyond eCornell’, which will be on a Thursday, not a Wednesday. We normally have these on Wednesdays, but we had to change it and reschedule it for Thursday, March 8. You will hear more about it later, but I wanted to get it on your calendars as soon as I could.

“We’ve had some discussion about faculty legislation which requires that the period from 4:25 p.m. each weekday through 7:30 p.m. remain free of scheduled formal course work to allow students to participate in team sports and marching band and various other kinds of student activities. We have had some problems come from that. The legislation says that the dean of the college has the authority to allow exceptions if you can really only offer the course during that time or if there is another section, students can choose some other time of the day that they would be able to fit into that period. I will be asking the Registrar’s Office to not formally list the courses in that section unless the dean of the college has actually given explicit approval for it. We have a substantial number of courses that have sort of slipped into that slot, so the dean does have the prerogative and judgment call to make exceptions.

“There is another problem for students and that is review sessions. When the faculty try to oblige the students by offering a review session before a prelim and they try to figure out when to hold it, obviously 4:30 and later is the time most students don’t have formal commitments. That really puts the students in a bind who have some kind of commitment to a larger group and are torn between participating in a review session or missing their prior commitments that we are trying to honor. So that is a real dilemma, and here are the suggestions we are making for trying resolve that, and they are suggestions. We suggest holding review sessions during the regular class period if you have an evening prelim, rather than covering new material and the second is to try to find other times in which you could handle review sessions without compromising the students. We have looked at the list of when people are attending class, and I’ll send you a mailing with the actual data in it of how many people are engaged at 8:00 a.m. and 9:00 a.m. and so on. The last session in the afternoon before the free time, the 3:25 to 4:30 slot, is one that has relatively few conflicts, maybe not as few as 8:00 a.m. but maybe a little more attractive as a place that you would start in trying to find a time that the students could gather at one point. Saturday
morning of course is also a legitimate class time. I’ll send some information about this, but I want to call it to your attention and ask your assistance. I’ll come back to this topic later; that is in terms of being approved.

We may have a continuation of this meeting, if we need it, with the discussion of Ward Center. Under Good and Welfare, I’ll ask your advice on whether you would in fact attend one if I called it.”

Speaker Howland: Thank you, Dean Cooke. I would like now to call on Provost Biddy Martin for remarks.”

2. REMARKS AND QUESTIONS FOR PROVOST MARTIN.

Provost Biddy Martin: “My remarks really constitute an update on our various dean searches. Most of you, I hope, know that we are currently conducting a search for a new Dean of Engineering. We have several outside prospects, several internal candidates, and the search committee will have completed its preliminary discussions with the prospects within ten days. At that point, we’ll be able to release the names of a short list of candidates who will be visiting campus. So for those of you who are waiting with bated breath to find out what we are going to do next—it won’t be long now.

“The search committee for a new Dean of the Graduate School met for the first time this past week, and we are now soliciting nominations from all of you for a new Dean of the Graduate School. Please feel free, if you haven’t already received an email message from me soliciting your suggestions, to send me an email with nominations. Please feel free to nominate yourselves. (LAUGHTER) That’s not meant to be a joke. (MORE LAUGHTER).

“In addition to the two dean searches, we have three deans who are currently in their fourth year and for whom we are now gearing up to do reappointment reviews. And depending on what college you reside in, you will be hearing from us about these reappointment reviews for deans of three of our colleges in the next couple of weeks.

“That was a not-very-exciting update. I can also tell you that I spent one of my days the week before last visiting extension sites and grew to appreciate, even more than I did from my reading, some of the extraordinary things that are going on in Cooperative Extension. I would be happy to answer any questions you have about any of the other ways in which I have been spending my time.”

Speaker Howland: “Questions.”

Professor Elizabeth Earle, Plant Breeding: “Last summer you and President Rawlings announced a major new faculty salary improvement initiative. I wanted to ask how you are expecting the statutory colleges to cover this. Is the university going to assist in any way or should this be viewed as an unfunded mandate?”
Provost Martin: “It should certainly not be viewed as an unfunded mandate. Will the university help? Yes, in various ways. One of the ways in which the statutory colleges will be helped, as will the endowed colleges, is by virtue of the increase the Trustees approved in the payout. There are not as many endowed funds on the statutory side as on the endowed side, obviously, but you will be helped by those means. In addition, we have been meeting with the deans of the contract colleges, as we now call them. Those deans have themselves developed a range of ways of funding the salary program. We are now considering what tuition policies we’ll have to set in order to make sure that we can do what they won’t be able to do with their own funds, with state funds, and with the endowment payout. Those decisions, the final decision about tuition increases, will have to be put to the Trustees in March. So we are closing in on the decision about tuition increases. The salary program will go forward and be funded.”

Professor Earle: “But mostly within the colleges out of their existing budgets.”

Provost Martin: “And what the state has provided in pay increases.”

3. APPROVAL OF MINUTES OF THE DECEMBER 13, 2000 FACULTY SENATE MEETING.

Speaker Howland: “Additional questions? Seeing none, we thank you very much. I would like to now call for approval of the minutes of the December 13, 2000 Faculty Senate Meeting. Hearing no objections, they are unanimously approved. I would like now to call on the Associate Dean and Secretary Charles Walcott for a Nominations and Elections Committee report.”

4. REPORT FROM THE NOMINATIONS AND ELECTIONS COMMITTEE.

Professor Charles Walcott, Neurobiology and Behavior, Associate Dean and Secretary of the University Faculty: “Thank you Mr. Speaker. We have a number of suggestions, but the first thing I would like to do is report to you all that Bob Cooke has been overwhelmingly re-elected by the Faculty Senate to another two year term. (APPLAUSE) Thank you very much.

“There is a list for a Dean of Students Search Committee and you have all this but let me show them to you. You can see the Nominations and Elections Committee has been hard at work twisting arms (I mean getting volunteers) for a wide variety of committees. That is my report.”
REPORT OF NOMINATIONS & ELECTIONS COMMITTEE

February 14, 2001

The University Faculty Senate has voted overwhelmingly to extend the term of J. Robert Cooke as Dean of the University Faculty through 6/30/03. The recommendation has been forwarded to the President and the Board of Trustees for confirmation.

Dean of Students Search Committee

Patty Ard
Patrick Carr
Walter Cohen
Raymond Dalton
Edna Dugan
Jennifer Gerner
Timothy Healey
*Tom Hirschl
Catherine Holmes
Sean MacKay
*Alan Mathios
Kira Moriah
Susan Murphy
Porus Olpadwala
Janet Shortall
LeNorman Strong
David Yeh

*Appointed by the Faculty Senate

Faculty Subcommittee on Responsible Conduct of Research

Klaus Beyenbach, Vet.
Kenneth Birman, CS
Joseph Calvo, CALS
Bruce Ganem, A&S
James Garbarino, A&S
Michael Isaacson, Engr.
Vicki Meyers-Wallen, Vet.

Academic Freedom and Professional Status of the Faculty

Alan Bell, CALS, Chair, spring term
Educational Policy Committee

Susan Piliero, CALS, Chair, spring term

Financial Policies Committee

Ronald Ehrenberg, ILR
Max Pfeffer, CALS, Chair, spring term
David Lipsky, ILR, Vice Chair, spring term

Local Advisory Committee

Hector Abruna, A&S
Michael Kotlikoff, Vet.
James Thorp, Engr., Chair, spring term

Faculty Committee on Program Review

Stephen Hamilton, CHE, Chair

University Faculty Committee

Kay Obendorf, CHE
Danuta Shanzer, A&S

University Lectures Committee

Will Provine, A&S

ASSEMBLIES COMMITTEES

Campus Planning Committee

Peter Trowbridge, CALS

Codes and Judicial Committee

James Gross, ILR
Ellis Loew, Vet.

CURW Advisory Board

Ronald Ehrenberg, ILR
Minority Affairs

Gustavo Aguirre, Vet.

Transportation Advisory Committee

William Lesser, CALS
David Wyatt, A&S

University Hearing Board

Moncrieff Cochran, CHE
Martha Fineman, Law
Rolph Pendall, AAP
Jeffrey Rachlinski, Law
Steven Vavasis, CS

University Review Board

Sandra Greene, A&S
Norm Scott, CALS

Speaker Howland: “Thank you very much. I call now for unanimous consent to accept the report. Hearing no objections, it is accepted. I would like now to call on Professor William Fry, Taskforce Chair and W. Donald Cooke, Subcommittee Chair, for a progress report on Professorial Titles Taskforce.”

5. PROGRESS REPORT ON PROFESSORIAL TITLES TASKFORCE.

Professor William Fry, Plant Pathology and Taskforce Chair: “I have two minutes, Don Cooke has two minutes and then there are two minutes for discussion, so this is going to be very short. Bob Cooke commissioned a taskforce in the fall semester. It is a fairly broad-spectrum taskforce (Appendix A). You have that list in your call to the meeting today. One of the first activities that the taskforce did was to look at the kinds of motivations for the creation of the taskforce. It is clear that Bob had received comment from academic deans that there was a need for greater flexibility with titles in the university. Some of the rationale for that need was that Cornell was at a disadvantage both in attracting and in retaining some very competent people who contribute significantly to the university. Some persons who are currently here are facing a significant competitive disadvantage with their current title in terms of competing for grants. In some colleges there is a changing expectation of what professors do and the amount that they do. A motivation that the taskforce added was that there are persons who are in non-professorial categories that
need some protection. So those are a series of motivations that we identified for doing this investigation. Additionally, many of us have seen Bob Cooke's complex slide identifying the aging of the faculty. That is absolutely happening; there is a reduced hiring of younger faculty. There are some senior faculty who wish not to retire because they might be at a competitive disadvantage with title if the title is "emeritus" as opposed to "professor." That is an issue that might cause some faculty to not retire. That is one of our motivations.

"The taskforce identified two emphases: one is role of some senior faculty (Don Cooke will give you an update on that now.). We have investigated professorial titles and the task force is very aware of the several failed attempts to previously expand professorial titles. And we have deferred to a later date the consideration of lecturers. I guess I can stop. Professor Cooke."

Professor Emeritus Donald Cooke, Chemistry: "I'm chair of a very small committee looking at the question of the decline in the number of assistant professors in the Endowed College. New appointments - it has gone from 42 eight years ago to 18 last year, so it is a worrisome decline. Obviously, we will reach a steady state situation some time in the future where that number will go back up, but we are looking at the question of increasing the number of part-time senior faculty members and some of the questions about that kind of situation. We have only met twice; we have reached no conclusions; we are just discussing the issues at the moment. The other question had to do with the title of retired professors. Emeritus Professor is an illustrious title; there is no question about that. The only thing is some of the funding agencies look at it in a somewhat different way than we look at it, so we are looking at that question. There is a 'Graduate School' title, member of the graduate faculty of ... say, chemistry. Maybe that is adequate, but we are going to have a look at it."

Speaker Howland: "Thank you very much. Questions?"

Professor Fry: "These are what the activities of the total taskforce have been. We are currently aware of the different titles that are in use and the rationale for them. We've been looking at some draft proposals from various colleges, looking at the motivation for those—the rationale, implications to tenure. If there are potential recommendations coming from this taskforce, we do plan on a faculty forum. The timing of that is completely unknown at this point. There are others members of the taskforce here."

Speaker Howland: "Questions? In the back."

Professor Ronald Ehrenberg, ILR and Economics: "Don, I would like to just suggest to you that the title 'graduate school professor' was adopted after a model at the University of California system. The last Nobel Prize winner in Economics was a graduate school professor and I think if you just contact them, you'll get a good sense of whether or not that title has hurt people who happen to be in search for grants."
Speaker Howland: "Additional questions? Seeing none, thank you very much. I'd like now to call on Professor Terrance Fine, committee member, and Professor Jery Stedinger, Chair, Committee on Academic Programs and Policies for a resolution on creating a Graduate Field of Horticulture."

6. RESOLUTION ON CREATING A GRADUATE FIELD OF HORTICULTURE

Professor Terrence Fine, Electrical Engineering: "So moved."

Professor Jery Stedinger, Civil and Environmental Engineering, Chair, Committee on Academic Programs and Policies: "I'm Jery Stedinger, serving as Chair on the Committee on Academic Programs and Policies, and we got a request to consider the formation of a Graduate Field of Horticulture (Appendix B). It is combining three existing fields into one field, so as to be stronger in terms of research opportunities and curriculum. Two departments on the Cornell campus have also merged; there is a separate campus in Geneva. The move is supported overwhelmingly by the faculty in the departments and in the field. We found no reason not to recommend this, so we recommend it to you. If everybody agrees, I'll be out of here in less than five minutes."

Speaker Howland: "Discussion? Questions? It looks like we are ready for a vote. All those in favor of the resolution say, 'aye'."

"AYE."

Speaker Howland: "Opposed? It passes unanimously. Thank you very much. I would like now to call on Professor Steven Shiffrin, member of the Interim Committee for a resolution to establish a Faculty Online Forum."

7. RESOLUTION TO ESTABLISH A FACULTY ONLINE FORUM

Professor Steven Shiffrin, Law School and member of the Interim Committee: "I've been given one minute for this which I think is a testimony to how controversial this is and how curious you might be about it. There is a resolution before you (Appendix C) which has been prompted by an initiative of Dean Cooke to have an online forum for issues of interest to the faculty that might have been on the agenda or might not have been on the agenda. That is before you. There has been a committee that has been administering a beta version of this, and that committee has debated issues about who should get access, what the content should be, what should be excluded, defamatory statements, grievances, things of that ilk. I have a three-page handout that indicates the results of what the committee has decided. I would suggest you look at it, that if you have complaints about it that you post it on the online forum."

LAUGHTER
Professor Shiffrin: “And we can go from there. All that is before you now is to formalize what essentially has been going on so far. Any questions?”

Speaker Howland: “Any discussion?”

Professor Shiffrin: “Here’s the handout.”

Speaker Howland: “Seeing no questions, all those in favor of the resolution that is posted before you say, ‘aye’.”

AYE.

Speaker Howland: “Opposed? The resolution passes unanimously. Thank you. The Chair would like now to call on Professor Douglas Gurak, committee member, and Professor Susan Piliero, Committee Chair for a resolution on the academic calendar through 2004-2005 and a report from the Educational Policy Committee.”

8. RESOLUTION ON ACADEMIC CALENDAR THROUGH 2004-2005 AND REPORT FROM THE EDUCATIONAL POLICY COMMITTEE

Professor Douglas Gurak, Rural Sociology, and member of the Educational Policy Committee: “I serve on the committee with Terry Fine. I’m very thankful for his example. I move…”

LAUGHTER

Associate Professor Susan Piliero, Education and Chair of the Educational Policy Committee: “So the resolution in front of you (Appendix D) is to adopt the calendar as proposed, that you already have, and adopt the calendar for 2002-2005. I would like to give you a little background on this calendar.

“The Educational Policy Committee was approached by the Student Assembly to take up various issues regarding the academic calendar. We asked them to prioritize their list of concerns, and their number one priority turned out to be the issue of classes on Labor Day. So we went around and around about how we could, or whether we should, not have classes on Labor Day to honor the holiday in a particular manner, and we came up with three actual possibilities. One would be keep the status quo, to continue to have classes on Labor Day. Another would be to continue to hold classes on Labor Day with no change to the current calendar, but whenever feasible encourage faculty to allow students to make up the class or to do activities in lieu of class or something like that, with obvious exceptions, for example science labs or other multi-section courses. The third resolution that we considered was to give Labor Day off and move the Labor Day schedule to the Wednesday before classes.

‘We spent considerable time talking about this and gathering input from various constituencies. Various members of the committee also went to the Student
Assembly, the University Assembly, and the GPSA (Graduate and Professional Student Assembly), and they had various reasons for liking one or the other. In general, the idea of sort of having it if you can or if it is not essential, not having it and doing something else, just seemed very messy to most people. The whole notion of what is an essential class became an actual interesting topic of debate. The Labor Day classes became the most interesting because the whole reason for having Labor Day off became this sort of emotional trigger point. People felt very strongly about it one way or the other. In the end, to make a long story short, the student assembly, as you may have noticed in the Cornell Sun, voted rather solidly to continue to support the calendar and drop its Labor Day issue. They decided that we had done sufficient research to show that it was a very complex issue. So they have voted to accept it too. So I put the resolution before you to accept the academic calendar.”

Speaker Howland: “Discussion? Professor Stein?”

Professor Peter Stein, Physics: “I remember in the recent past, not too distant past, that there was a lot of student discussion and interest in Martin Luther King Day and whether that ought to be made a holiday. And I remember it doesn’t happen very often, but in some years you have classes on Martin Luther King Day. Did you consider that?”

Professor Piliero: “Yes, we tried to look at the entire calendar year and what the implications would be for giving Labor Day off. Certainly, if you cancel classes on Labor Day, it would set a precedent for canceling on say, Veterans’ Day, Martin Luther King Day, and other days. Plus we had worked out what seemed to be a fairly amicable solution for Martin Luther King Day by having programming in lieu of canceling classes. We decided that canceling classes was not the only way one could honor a particular day. We used that as a model for this. Of course, I should point out that the School of Industrial and Labor Relations is doing things to honor Labor Day independently of what the university decides to do about canceling classes or not.”

Professor Steven Shiffrin: “I just had an observation about the timing of spring break. About which the only thing one knows for sure is that Cornell’s spring break will be at a different time than that of the Ithaca City School District, the Lansing School District and other school districts. I’m also told that’s true of Ithaca College. I’m just curious if there is any attempt to try to coordinate, because it strikes me that parents of children in the Ithaca City School District, the Lansing School District, etc. who teach at Cornell or are on the staff, would have interest in that.”

Professor Piliero: “One of the issues that came up with the Student Assembly is that if they gave in on the Labor Day thing would that mean that they were sort of dead-in-the-water in terms of other changes to the calendar, most notably that long stretch between the beginning of classes and spring break. We have not declared the discussion over, but there are other pressing issues in front of the Educational Policy Committee. So for now, in order to let business happen, we are suggesting that the academic calendar be approved but we are taking a look
at that. One of the problems clearly is the particular scheduling difficulties of courses that offer labs every day. If you take a couple of days off here in a week, for some courses, like science courses, basically they have to shut down their labs the whole week. The other thing is sort of a culture here in the university that if you have a couple of days off for some students that is sort of a signal that we have a week off.”

LAUGHTER.

Professor Piliero: “We don’t want to encourage that. So we are trying to address the culture of the university, plus the other issues.”

Speaker Howland: “Thank you very much. I think our time is almost up. Are you ready to move? Questions? Good, hearing no objections, all those in favor of the motion say, ‘aye’.”

AYE.

Speaker Howland: “Opposed?”

NAY.

Speaker Howland: “Two nays. Thank you very much. The motion is passed. I would like now to call on Professor James Thorp, Chair of the Local Advisory Committee for the report on the Ward Center.”

9. REPORT ON WARD LAB (Attachment 1)

Professor James Thorp, Electrical and Computer Engineering and Chair of the Local Advisory Committee, for the review of Ward Center: “I’ll try to be even faster, as I know that there are a lot of people who want to discuss this. I’m not going to read (Appendix E - overheads) any of this to you, but I want to point out to you that among other things when Bob Richardson charged us with the study, he recognized that there was an overdue report. So there are two issues, one is that there was supposed to be a review in 1998-99 and second that the relicensing of the Ward reactor by the NRC was scheduled for November 2003. He wanted answers so that he could act on them in time. The criteria we used for the evaluation are sort of rank-ordered in that the most important issues are at the top, the current and potential future faculty involvement in the center, the role the center plays in graduate and undergraduate training, but the other issues are things that do matter in terms of cost, other uses of the facility...

“The process was to talk to all of the people who had some involvement from the Director of the Center to some of the principal users. We also visited the Ward Center and looked at all of the equipment that was there, and we had a presentation from John Silcox and Jack Lowe about the details of the funding. We then interviewed 30 faculty members who had been identified as being involved as potential users of the Ward Center. In addition we tried to contact people who were mentioned in the 1996 report which created the Ward Center.
The persons interviewed, the questions we asked, the items for discussion are all in the appendix of the review. We also received a lot of input solicited from users of the center, from people outside – the directors of other similar facilities – and from the Department of Energy (and I want to talk a little bit more about the details of that). The list of the people who wrote the letters is in the report and the letters themselves are now available on the web page.

"On December 20, three of us met with two representatives of the Department of Energy. The background to this is that there had been a meeting of engineering deans in September of 2000 where DOE's concern with the closing of many university reactors was expressed, and there were some suggestions that DOE had to do something more to keep these centers going. When they came here, they told us that it was probably appropriate that some of these centers be closed, but that they wanted to keep quality institutions like Cornell going. They wanted to try and figure out what they could do to make that happen. As a result of that conversation, there is more correspondence than with DOE that is also on the web page. Most recently a bill has been introduced in the Senate that has to do with funding of programs in Nuclear Science and Engineering which might (and I think might is the right word) have some impact on funding. In addition we talked repeatedly and didn't vote until very close to having to produce the minutes. We spent a great deal of time trying to gather information.

"These are our findings and I would like to speak a little bit to them; there are longer rationales in the document. Everything that is now going to be mentioned has two sides and we talked to people of differing opinions on everything. With the possible exception of the first almost no one close to the reactor had any concern about safety. Any mention of safety came from people who really had little information. It is true, however, that we recognize that money will be involved in maintaining that safety record into the future, that things have to be upgraded and maintained. We conclude that at the present there is not a substantial academic research presence in the field of nuclear fission engineering. I'm not talking about all other areas but in nuclear fission. You may recall that the 1996 creation of the Center was because the Engineering College had eliminated the program in nuclear science and engineering. Of the five faculty who were then a part of the program, only three are still here, and they are in different departments. The graduate field still exists and it has six members, but only two of those six members do research having to do with fission engineering or with fission products. So there are few graduate students in the area. No compelling case has been found for a strong connection between the reactor and Cornell's future involvement in nuclear engineering. Two of the top four nuclear engineering programs in the country by US News and World Report do not have reactors. Four of the top fourteen do not. The difference of opinion of course--DOE feels it's nice to have students actually view the reactor. Reactors are being closed around the country. Twenty-eight of the original sixty university reactors remain. Berkeley and Illinois have either decommissioned or put their reactors into mothballs. Michigan announced in the fall that they were going to decommission their reactor. MIT is apparently one that DOE is frightened about although I have heard no announcement about what they are intending to do.
"Finally the cost—the cost was not foremost in the LAC's mind but it is an issue and is something we have to talk about. We came up with one set of figures, but Dr. Unlu and his correspondence with DOE came up with a slightly different figure, that the net cost to Cornell last year to operate the Ward Center was $470,000. The estimated decommissioning cost that we have obtained by getting a very detailed study from Illinois and looking at an annual letter Cornell sends to the Department of Energy is 4.01 million dollars. Now we have been cautioned that these estimates increase, and there is evidence that at Georgia Tech and Texas that by the time they finished, prices were higher. Considerable time elapsed at Texas and Georgia Tech did it all in one year, because the reactor was deemed a threat by terrorists to the Olympics. So they did the whole process in a year which undoubtedly added to the expense. I think I covered all of that.

"The final conclusion—given the situation, we can not conclude that the TRIGA reactor is having a major impact as a user facility at Cornell. Now there are users, and our recommendation is that something be done to help them through this period. But when we talked to some of the users, the lack of fees, the easy access and the helpful staff were given as reasons why they were using the reactor. If there were extensive fees, many of them suggested they would use it a lot less. We can identify no tenure track or tenured faculty who are willing to make commitments to expanding or enlarging the facility. Of course that's a 'catch 22' because no one is being hired in the Engineering College in the area. So our ultimate conclusion is that the $^{60}$Co source, which is used by more than half of the users more than half of the hours, which is not as expensive to maintain, be continued and be kept somewhere on campus for the kind of use it now enjoys, but that we decommission the TRIGA reactor and phase out the center activities. We recommend the administration be proactive in addressing the problems of the current users and the staff, and we recommend that the $^{60}$Co source be maintained at an appropriate local facility. These recommendations are independent of the time frame of the decommissioning or removal of fuel from the reactor. There are other members of the committee present. Hopefully, I have saved you some time."

Speaker Howland: "Thank you very much. I'd like to call now on Dr. Unlu."

Dr. Kenan Unlu, MSE and Director of the Ward Center for Nuclear Science: "We have only five minutes, so therefore I would like to point out two things. One is that you should have a copy of the report which is over here and also excerpts from the support letters that is also listed in the back, but there is a copy over here, too. Some of you this morning got a letter from DOE, but if you don't have it, a copy is over there. Obviously, there are a lot of things to talk about, not just the report but the presentation, but we don't have time for that. I would like to call on Professor Kuniholm to make a few comments."

Professor Peter Kuniholm, History of Art: "We are limited to four minutes to try to do what ten faculty members did over six months. The mission statement for the Ward Center is the one that was written by this faculty senate some years back and it's on page one of the annual report of Dr. Unlu which you either have
in your hand or is available on these tables. The status of the research program at the Ward Lab is that the faculty have existing facilities which some people use. There are two facilities, which are in the process of being developed, which will be available Dr. Unlu hopes later this year and there are other ones that are in the process of happening. The notion is to have a facility where people can walk off the campus and use the Ward Lab without wasting time. The people who are using the lab are not engineers by and large, they are from all over the university which is what the center was established to do—that is to say that it is not an engineering facility per se; it’s a university wide facility for all of us. We went from under 10 faculty members at the time of Dave Clark’s death several years ago to 17, and when I was in the lab yesterday, there were 21 dosimeters on the shelf indicating current users of the establishment. There is some course involved.

“The bill which was referred to by the previous speaker which is on the Senate floor at the moment, Senate Bill 245, completely dwarfs what Dr. Unlu was sent out to do when he came here two and a half years ago. His job was to improve the facilities, increase the budget and bring in users from both inside and outside the campus. This was the state of affairs of federal funding at the time of Dave Clark’s death ($3,000); this was Dr. Unlu’s first year ($29,000); of his second year ($421,000), this year ($623,000), and these are proposals which ought to be on top of that indicating these are things that are in the works ($971,000 pending). We are asking the Feds for serious money. Our land grant mission statement includes servicing corporations from upstate New York. You can see some of them right here who use the place and pay money for doing it. Now the thing about this Senate Bill 245, which is a bipartisan bill on the floor of the US Senate, this has a bundle in there, almost $240 million over the next five years. This bottom block of items here is for the university reactors which currently exist and there is about $120 million for the fourteen or fifteen active university reactors in this country. Dr. Unlu wrote to Magwood at DOE; there is a letter from him which came in today—Dr. Unlu’s estimate was that we ought to be able to qualify for something in the order of $1.6 million a year from this Bill. We asked whether this was a reasonable estimate; Magwood said “yes” and put his name on it and said that Unlu was more or less on target as to his expectations.

“Now why are we coming to such an extraordinarily different point of view from what the Local Advisory Committee did? Why could people who, as the Dean said, are of good will and intelligence come to such radically different conclusions. One bunch saying, “Close it”; the other one saying, “Keep it open”. I would suggest is that what we are really trying to do here is maintain a facility that does things that are way outside the purview of engineering. I would suggest that the most interesting single thing is what Professor Kallfelz is up to in the Veterinary College. Would you say something as to what you do?”

Professor Francis Kallfelz, Clinical Science: “Thank you very much for the opportunity to say a few words. I would just really like to address one of the comments made in the report of the Local Advisory Committee, and that’s found at the bottom of the third bullet on page five under Faculty and Administration Inputs. At the bottom of that third bullet they say that one of the reasons for
recommending closure is that because of the absence of a local medical school and possible scientific uncertainties, neutron capture therapy is unlikely to be successful at Cornell. Just a minor correction—we do, in fact, have a local medical school—it’s the College of Veterinary Medicine that exists at the East end of campus. Since we are way at the east end of campus, I’m not surprised that some people are not aware of the subject, although Professor Thorp did find me up there to talk about this issue. Another issue is that the College of Veterinary Medicine has recently initiated a major new program in comparative oncology. “Comparative” meaning studying tumors and cancers that bear similarity between and among animals and people. Specifically there are many tumors in dogs and cats that indeed are occurring in the human population. Dr. Unlu, Dr. Rod Page, the head of the program of comparative oncology, and I are working towards developing, in fact, a neutron capture therapy program here at Cornell to study modalities for studying tumors in animals in our veterinary teaching hospitals and also modalities that would be of possible benefit to the human population as well.”

Speaker Howland: “Thank you both.”

Professor Kuniholm: “One sentence. We would like to request the Dean of the Faculty to hold an extra session of this group next week to iron out the differences between the two reports you just heard. One, which says, “trash it.” One, which says, “For God’s sake, keep it open. We would like to talk it over with more time than just five minutes.”

Speaker Howland: “Discussion?”

Professor Richard Durst, Food Science & Technology, Geneva: “What is the alternative if this facility is closed down as far as alternate places where the investigators can go to have these kinds of analyses done or operations done?”

Professor Kuniholm: “I can respond to that. The nearest facility is Penn State. I am working with gold which has 2.7 days half life. That is some very fast driving to get there and back.”

Speaker Howland: “Would the committee like to comment on that?”

Professor Persis Drell Physics: “There are other reactors waiting for applications to be done. There are also commercial firms where one can do this type of analysis.”

Speaker Howland: “Additional comments?”

Dr. Kenan Unlu: “There are some other facilities around. However, the nuclear research reactor is not just for neutron activation analysis; currently this is the most powerful steady state neutron source available. Right now, our reactor is the only operating research reactor in New York State. Also only three are active throughout the entire Northeast, so I would like to make that point.”
Speaker Howland: "In the back, Sir?"

Professor Robert Gilbert, Veterinary College: "The point is in support of Dr. Kallfelz's comments. We were successful in recruiting a new faculty member last year and one of the factors which made Cornell an exciting destination was the potential to collaborate on neutron capture therapy with this group. It is important for some faculty members."

Professor J. S. Butler, Human Ecology: "There is no chance I'll ever use a nuclear reactor. However, I'm certainly perplexed by the two reports and I personally don't want to make any decision at the moment on the basis of this. But I would want to be reassured personally that closing it is not being motivated by the fear which nuclear reactors cause in some people as I don't think that would be a sensible way to make policy for Cornell."

Professor Peter Stein Physics: "It seems to me that the question really is a financial one. I mean everything is good, but the question is - is it $400,000 good? Of course, if you spend $400,000 unrecovered on this, it means you are spending $400,000 less on something else. One way of gauging that, if indeed it is important to the Veterinary Medicine College, then I suppose one measure of how important it is, is how much money are they willing to contribute to run it. I know it's a mercenary way to look at it, but it is very hard to balance benefits and costs without having some way to exchange the two. Dollars are often used in that way to measure someone's value of a particular benefit that something gives."

Speaker Howland: "I'll recognize one more speaker. Who had their hand up? It was you, sir, yes. Very briefly, please."

Professor Manfred Lindau, Applied & Engineering Physics: "As I understand it this is not a matter that there will be a renewal of nuclear engineering, but it's just a service for other purposes, so if it acts as a kind of resource for various research projects, I wanted to ask if a list of publications is available somewhere about what has been performed at this center."

Speaker Howland: "A very brief yes or no."

Dr. Unlu: "Yes."

Speaker Howland: "I'm sorry our time is up on this discussion. We'll have an opportunity to talk about an adjourned meeting. I would now like to call on Professor Charles Walcott, Local Advisory Committee, for a report on Research Support for Environmental Science and Engineering at Cornell."

10. REPORT ON RESEARCH SUPPORT FOR ENVIRONMENTAL SCIENCE AND ENGINEERING AT CORNELL
Professor Charles Walcott, Neurobiology and Behavior, and member Local Advisory Committee: “Thank you. We were asked by the Vice Provost for Research to examine the question of whether Cornell and all of its various interests in environmental science and research was optimally situated to extract the maximum amount of money from the various federal granting agencies for research. In going about this, the Local Advisory Committee, fanned out across campus. We identified about 70 faculty or so whom we knew of (and from various contacts) were involved in environmental matters. We conversed with them about their opinions about how Cornell was organized for research support and in general the feeling was that there was not a good, effective organization that was in place to get maximum federal support. We asked them about the Center for the Environment, which is an obvious focal point, and the general feeling amongst the faculty we talked to was that that had not been an effective tool for garnering research support for various programs. Indeed we were told one or two instances where the Center had gone in competition with activities of various individual departments. This is not to say that the Center is not doing good things. We simply looked at one piece of the element and this piece was the research support. We found that the faculty by-and-large was not excited about the general arrangements.

“The question then was what could you do that would be any better? The general suggestion was that we needed a more faculty driven enterprise; we needed an enterprise that brought faculty from the various colleges and groups that were interested in environmental issues together to try and see if there were more effective ways of garnering research support. We felt that such a committee or such a group would be fine but that it needed then some kind of an executive officer or director, and that is basically what we recommended. The details are all in the report. Before I end, I would like to emphasize one very critical thing—we did not look at nor did we consider the issues of extension, outreach or education in the environment. These are the activities that really form the centerpiece of what the Center for the Environment is currently engaged in. We simply asked the narrow question of how is it serving the research community, and the conclusion we came to was that it was not serving the research community well. That is not to say that it isn’t doing wonderful things in these other areas; we simply don’t know. Please do not misunderstand that this is a report being critical of the Center; it is simply saying that it is not doing the job that we feel needs to be done to catalyze research in environmental sciences.”

Speaker Howland: “Thank you. Comments?”

Professor Charles Geisler, Rural Sociology: “I wonder if the emphasis on research in the report wasn’t even narrower than the general research domain which it characterized. It seems in your report to focus on engineering research. Another fact that interests me is that the questions in the interviews from those I’ve talked to (I wasn’t personally interviewed), but I had the impression from who were interviewed that they were asked more or less along the lines that you’ve said--what the Center for the Environment provided them. It seems to me that other disciplines have received benefits that perhaps weren’t covered.
I’m thinking about toxicology, water resources, and several other areas of extraordinary competency and research as well as extension and outreach. So I’m very glad you put the emphasis on at the end that you did that there is a much bigger institution here than this report covered, because I feel the tone of it is unnecessarily negative.”

Speaker Howland: “Additional comments? Questions? I’m sorry, in the back; I didn’t see you. Speak loudly please.”

Professor Naomi Altman, Biometrics: “I guess—I also was not part of this survey or report—but my feeling is that probably what we need here is something on the same scale as the genomics initiative in terms of research in environmental science. I think the question needs to be asked whether the Center for the Environment is structured or capable in its current incarnation of appointments and stuff. It shouldn’t be a criticism of what it is doing, but a question of what it is that we at Cornell need. The question is what do we at Cornell need to move forward in what has been and will be a very exciting area?”

Speaker Howland: “Additional comments or questions? Seeing none, thank you very much. We’ll pass on to the next item. I would like now to call on Professor William Arms of the Provost Advisory Committee on Distance Learning for a Resolution on Initiating a Review of Copyright Policy.”

11. RESOLUTION ON INITIATING A REVIEW OF COPYRIGHT POLICY

Professor William Arms, Computer Science and Provost Advisory Committee on Distance Learning: “You have the resolution in front of you (Appendix F). The Committee on Distance Learning, one of the things we found ourselves looking at was copyright. In particular copyrighting course materials, and the more we looked at the university policy, the more we came to the conclusion that times have changed and the university copyright policy doesn’t really fit academic life today. It’s one of those topics one always hesitates to even mention in public, but we felt we ought to, and so what we have done is that we have been in contact with both the Provost and the Dean of the Faculty. This is a resolution asking the Dean of the Faculty to work with the Provost in setting up a process to look at the whole university copyright policy in the light of everything that has changed over the last ten years.

“The committee also came up with four principles which from our viewpoint seem to be appropriate for the future and I stress that is from our viewpoint. I would expect the review to come up with new ideas and new concepts, and maybe to find recommendations which are not the same as our four points. The four points, the four general principles, are here. The first one, which is at the bottom of this overhead, point number one is probably the most fundamental. The policy as written divides the world into two things—one is things that are in traditional media like paper and those things that are encoded, to use the rather quaint term—as if they were completely different. As we all know nowadays the fact that this is on my word processor or this is on paper is a trivial difference. We think that is fundamentally contrary to sensible policies. So that is principle
number one. Principle number two is taken verbatim from the preamble to the present policy, and it basically talks about the academic tradition that the creators of works have control over the intellectual output resulting from their research. By the way, one of the issues that is going to come up in the review is—here we are thinking of this thing as faculty, the current policy is good on students but it doesn’t say creative work by other members of the university. The last point basically says when the university puts resources in, it should get something back. We are more and more dealing with things where many people are involved and the fact that the current policy does not talk about multiple creation, including individuals at the university, and I really think it’s a weakness in the policy. So we are not asking for anything other than the faculty requesting the Dean to work with the Provost in setting up a process to review this.

Speaker Howland: “Right. The motion before you says, the operative sentence is, I believe, as a basis for this review, the Faculty Senate endorses these four general principles which have just been outlined. Are we all set? Questions? Discussion on this point? Yes.”

Professor Ted Clark, Microbiology and Immunology: “Number four talks about ‘when the university contributes substantial resources . . . it has the right to share in the control and returns. To be considered substantial, the contribution should be significantly beyond the normal level of support . . . ’ That’s a little hazy. Could you clarify that a little bit in terms of what the normal level of support is and what constitutes more than the normal level of support?”

Professor Arms: “I would not like to attempt to clarify detailed wording at this point. It is something that is bad in the current project. It basically says that the Provost can make rules to clarify this area.”

Provost Martin: “Very good.”

LAUGHTER.

Professor Arms: “I wouldn’t like to stand in front of you and do wordsmithing. This is a difficult point.”

Professor Joe Ballantyne, Electrical Engineering: “I happen to have presided over the process ten years ago which resulted in the current policy, and I wholeheartedly support the principles which are enumerated here, particularly the one that the control should be independent of whether it’s encoded or whether it’s on paper. And I will say that the principles, which are here, are the same principles that the faculty committee, working ten years ago, also came up with. The question which was asked was the question which the university counsel’s office used to kill which was how do you determine what is unusual use? We used the term ‘extraordinary.’ My answer is—you let the department chairman or the dean determine that. You decentralize that decision. I think it has to be done that way. I think it’s a workable policy.”
Speaker Howland: “Thank you. I think we have reached the limit of our time for discussion. Are you ready for a motion? All those in favor of the motion say, ‘aye’."

AYE.

Speaker Howland: “Opposed? It passes unanimously. Thank you very much. I would like now to call on Professor Peter Stein, immediate past Chair, for a progress report on Faculty Committee on Program Review.”

12. PROGRESS REPORT ON FACULTY COMMITTEE ON PROGRAM REVIEW

Professor Peter Stein, Physics and immediate past Chair, Faculty Committee on Program Review: “Until December of this year, I was chairman of the Faculty Committee on Program Review for, it’s hard to count, but something like four years. The Faculty Committee on Program Review was formed by, what the Soviets used to call, a correlation of forces. Several things came together at the same time, and one of them was Hunter Rawlings coming to be President of Cornell. There were several other initiatives that were already going on which resulted in a document, which I think was probably the first document passed by the senate, entitled Program Review at Cornell, which set up the Faculty Committee on Program Review. The general principle is that all programs have to be reviewed on a seven to ten year time table. The discussion in the faculty senate at that time was extremely controversial. There were a substantial number of people who got up and argued that this was a terrible idea, that the notion of one-size-fits-all was a bad one at this diverse university, and that people ought to do program reviews when they or their deans thought that they should be done and that we had no particular reason to legislate over that. The answer at that time was—there’s a new President, and he wants to do it, so if we don’t want to legislate over it, he’ll do it another way. About two thirds of the people bought that argument, and we set up the Faculty Committee on Program Review. So it has been going since that time, and the committee felt this was an appropriate time to give you a report.

"Report item number one is if you want to make friends and influence people, let me tell you that chairmanship of the Faculty Committee on Program Review is not the right course to follow. We accumulate on that committee criticism like fleas. To a first approximation—telling a department chair that we are going to have a program review is like telling a student that there is going to be an unexpected final. The answer always comes back the same, with one or two exceptions, this is not the year for it; it ought to be done, if at all, two years from now. The departments went into this reluctantly. I’ve seen all of the programs reviews that we have done up until the first of the year, and there have been thirty that have been completed. There are about forty more which are in progress, and the total number of units to be reviewed is something more than one hundred, something like one hundred and ten. Roughly, we have reviewed a third of them; there is a third in the works, and a third of the units have not been started all."
"Of these thirty units, I just wanted to tell you what my observations were, having reviewed it. Obviously, it’s highly confidential and so I’m not going to name any units. Whatever observations I will give you are obviously very personal, and there is no way that you can decide whether they are valid or not, because I am not going to tie the observations to certain departments. For what it’s worth, this is what I saw. First off, let me tell you about those thirty reviews. They were, in case you care, two of were in Vet, five of them were in Arts and Sciences, eleven in CALS, one in Human Ecology, three in Engineering, seven in the Division of Biological Sciences, since deceased, and two in university wide centers. So that’s how the thirty broke up.

"As I said, the number of people who actually support the concept, outside of Day Hall, of universal reviews is pretty small. I happen to be one of those people; I think it’s a good idea, but most people do not think it’s a good idea. The kinds of things that I heard from people are things like this. I’ve heard, for instance, from many deans who don’t support it that it’s a waste of time; it costs money. (It costs, I forget, about $5,000 a review or something like that. I think that’s roughly the cost of it.) We know what the situation is, we don’t need some outside experts to come in and tell us. If there are problems in a department, we know about it, and we really don’t need somebody else to tell us. It takes a lot of work; it takes a lot of effort; faculty members have more important things to do than write volumes and volumes of pieces of paper about a review. I’ve heard that. I’ve heard from deans that an outside review is useless because all that happens is that people from the outside come in; they’re friends of the faculty members in the department in general, because most fields are small. They come in loyal to their specialty, rather than loyal to the university, and you can figure out what their advice is going to be. Give us four more lines and we’ll be the greatest department in the world.

I’ve heard from certain departments that outside reviews are really a dean’s way of getting . . . a dean throws the review and can stack it, and it’s a dean’s way of reeking his or her havoc on the particular department. The dean wants to get rid of a department, so they get a group of people to come and they pose the questions in such a way that the answer is to get rid of the department. The worst comment that we heard was from department chairs (and I heard this a lot) that really what a department is is people get together; they get excited; they write something down; outside team comes in; they write a big report. There are all kinds of paper. I mean a review, you know, is about so thick when you write down everything people write. Then where does it go? It goes up on a shelf someplace, and that’s the last you hear of it, and it’s just a total waste of energy. For people who have been at Cornell as long as I have been, you know that this is not an unusual thing to hear that a report gets written, gets filed in what John Wiesenfeld used to call, binder heaven.

"So we were sensitive to all of these things. We tried to construct a process that answered all of these complaints, and I won’t go into telling you how it’s done, but the outside review team is not chosen by any person. Part of the members come from the department; part of the members come from people (the dean
solicits their opinion of people) in that field outside the university. The Faculty Committee on Program Review looks carefully at all of the people that the dean proposes, and then that’s the choice and often comes back to the dean and says, ‘We don’t like this particular group. We’re unhappy that we don’t recognize the schools that people come from. We think that people reviewing Cornell ought to come from schools that we think are more prestigious.’ The whole point of this is to try to avoid what we call the ‘Sweetheart Review,’ which is where your friends come in and tell the dean to give them more lines and the ‘Nefarious Dean Review’ where the dean has some people come in to try to make a department do something that it doesn’t want to do. My own feeling is that that has been very successful. I have not seen a single example, I must say, of a dean who was either wise enough or evil enough to be able to structure reviews that come up with a certain answer. I’ve seen ‘Sweetheart Reviews,’ but I think maybe only one or two of them. We have avoided that.

“The concern that they end up in binder heaven is something that we have addressed also, and we will see how successful it is. I honestly don’t know how successful it is. What happens at the end of a review is that the outside team writes a review report and then the question is what happens to it. What we have tried to do is that we have asked the outside review team to write a report which can have a lot of general verbiage in it, but it ought to end up with specific bulleted or numbered recommendations—that the department should do this; the dean should do this; the provost should do that. Then it asks, I think insists is the right word, that both the department chair and the dean write a document to us which specifically says what the department chair and the dean will do with each one of these recommendations. The answer may be ignored, because we don’t think it’s the right recommendation, and nobody believes that an outside team ought to be running this university, but at least the recommendation that has been made will be responded to by the dean and the department. They will say what they will do. The final piece of the process is that the committee writes a closed letter to the Provost that summarizes in one page (a maximum of one page). There have been none that are one page but there have been none that have been more than two pages, so the maximum one page works pretty well; it means two. What this one page does is summarize, not in an evaluative manner, because we don’t understand all of these things, but we say this is the review; these are the people that came; this is their affiliation; they made twenty-eight recommendations, twenty of which were accepted by the department and the dean and will be done; there was disagreement on these particular items. We just lay out for the Provost what the major items of disagreement were, so that she can do what she wills with that. At least it doesn’t lay there with nobody seeing it—that an outside review team came in and said, ‘You ought to hire somebody else in this particular specialty; the field has moved blah, blah, blah,’ and the dean says, ‘I don’t think so.’ And that’s the end of it, and nobody sees it. OK?

“It’s hard to say what happens after it gets to the Provost. I’ve heard that the Provost and the President find these very valuable, and, in fact, I know of one or two cases where some action flowed from that at the Provost’s level. So I honestly can’t say one way or the other, but at least we do furnish that
information in a readable form so that someone can understand what the result is.

"The . . . yeah, I know I’m talking too long; I always talk too long. Of these thirty reviews, I would like to characterize it this way. I went through the list, and I checked off the ones I thought were useful in some sense, and it wasn’t the majority of them. By the way, what I mean as useful, is that it changed something in the department, that it wasn’t just a department that said, ‘we’re doing this’, and the review team said ‘that look’s pretty good’, you know, and everybody went away feeling good. There’s nothing wrong with that, but it’s not clear you accomplished much. There were, however, other reviews which spanned the range. I saw a review that said, ‘This department doesn’t realize how good it is. It has a sense of inferiority, and it’s a lot better.’ That is an important thing for a department to hear. I saw other reviews that were damning; it made me feel ill to read these things. These were situations where everybody knew that there was something wrong, but until it gets written down on a piece of paper, saying that this is not a department of the quality that Cornell University should have. It’s very hard to act on. My guess is, again this is just my opinion, that seven to eight of these reviews ended up with some kind of action which made a difference in some way. The difference in one case was major, in several other cases was semi-major, like reorganization within a college. In the other cases, it brought to light a festering problem that everybody knew about or serious issues that had been overlooked. That’s my report."

Speaker Howland: “Thank you very much. Questions?”

Professor Thomas Brenna, Nutritional Sciences: “Do you think that is a good return on investment? Those changes—do you think that’s a good return on all the work that went in?"

Professor Stein: “It’s hard to say whether it’s a good return. There are a couple of other returns on investment, which really are hard to quantify. Beyond that seven or eight, I can point to two examples I know of where the actual discussion that the department went through in writing the self-study . . . several people in the department and one of the deans said that this is the best thing that ever happened to that department. To have to sit down and write a coherent story about what it is that they were doing, and that it actually caused some kind of reorganization of the way they thought of themselves. There are other departments where it’s a morale boost. We have tried to organize it in such a way as to eliminate the boilerplate that people have to go through. There’s a lot of boilerplate, but mostly it’s something that can be done by departmental administrators.”

Speaker Howland: “One here and one here.”

Professor Terrence Fine, Electrical Engineering. “Peter, your description of the correlation of forces that brought into it being mentioned only one individual as a major force. I think it was even a much larger force in the correlation of forces that brought it into being and that was the then Dean of the Faculty.”
Peter Stein: “Who was that?”

LAUGHTER

Professor Ballantyne: “Peter, I think you have partially answered my question. I take it that there would be at least one, perhaps more deans, who agree that something useful came of the process.”

Professor Kallfelz: “One point of information. Is this the official report of the committee?”

Professor Stein: “Yes.”

Professor Andrew Ramage, History of Art: “I should like to make a comment. I’m one of the non-confidential, dean-stacking, wreaking havoc people. Our review is still in progress, and we have not had any reply from the dean. I think the process is flawed. There is room for undue influence, as you laughed off. There’s suspicion of predetermined outcome, as also laughed off. There’s neglected timetable, which is unconscionable, and there is moving ahead before the process is complete which is worse than unconscionable. Evicting a department from its hundred year partial occupation, let us say Classics, not just part of History, from Goldwin Smith is a disgusting act! I wish to be on record as pointing at the Dean of Arts and Sciences as causing this upset.”

Professor Stein: “May I respond to at least half of that? The unconscionable length of time?”

Speaker Howland: “Please.”

Professor Stein: “The unconscionable length of time—I’m not referring just to the History of Art review but to many others. That has been one of the serious problems. We have had a lot of unconscionable lengths of time. We had several cases where it took the dean essentially a year to act on something that had come in, before the dean was able to answer it. The committee has limited power to get these things. Some deans are better than others about complying with the timetables. I’m not going to name any deans, and I’m not particularly talking about your case. I’m talking in general, but that has really been one of the problems that we don’t always get a response in what we consider a timely fashion. In more than one case, we had to speak to the President about the problem that we have had.”

Professor Ramage: “What about the executive action before?”

Professor Stein: “The executive action before has nothing to do with the review. That’s the province of the dean.”

Professor Ramage: “But it’s based on the review.”
Professor Stein: “I’m conscious of that particular review. I know the committee tried as hard as it could to make sure that the interests of the department were represented in the choosing of that outside review team.”

Professor Ted Clark: “Does the Provost’s office respond formally to every review? That is, if a department, if everything is hunky-dory, do you still respond to the department as part of the review process?”

Provost Martin: “I haven’t yet had much of an opportunity to develop a habit. I think I will, because I like habits. I think it would be nice if I were to respond to the good ones as well as the less good ones. So I will try to do that.”

Professor Stein: “I think that would be a good idea. In the past that was not the case with the Provost’s office.”

Provost Martin: “By the way, I should say that the limit of one page on the report I get was the decision made by someone else.”

Professor Stein: “By my committee, yes.”

Provost Martin: “Because I didn’t want people to think I was unable to read more than a page.”

Professor Stein: “It was your predecessor that had that problem.”

LAUGHTER.

Professor Robert Connelly, Math: “What was the criteria for choosing which departments to review?”

Professor Stein: “Ah. The criterion for choosing which departments was complicated, but it started off by a tremendous interest in the Biological Sciences on the part of the university administration. So that was the first focus. Is Ron Ehrenberg still there in the back? Ron Ehrenberg at the time was Vice-Provost and was very interested in the Biological Sciences and in Economics, and that directed the original thrust. Then we decided that the Life Sciences were the right thing, and we believe that was a good idea to try to have reviews in like areas going on at the same time. Whether or not that’s proven to be important is yet to be seen. So we tried to make a schedule that started out, first with the Life Sciences and then with the Social Sciences and then with the Humanities. Then in addition to that, the committee was always open to a dean saying that he would like to review this department out of order, and we would say, ‘sure,’ trying to serve the interests of the dean. In one case, which I will not sit down before talking about, a department came to us, the Physics Department, and said, ‘Could we please be reviewed ahead of time, because we think it’s a good idea.’ I must say that was the only time we heard that.”

LAUGHTER.
Professor Elizabeth Earle, Plant Breeding: "Does the legislation that established the review process call for a reevaluation or a reauthorization after some period of time?"

Professor Stein: "I don’t remember. I don’t think so, but I may be wrong."

Speaker Howland: "OK. Thank you very much Professor Stein. We pass now to Good and Welfare. The Chair would like to recognize Professor Elaine Wethington."

13. UNIVERSITY COMMITTEE ON HUMAN SUBJECTS EDUCATIONAL PROGRAM

Professor Elaine Wethington, Human Development, and Chair of Committee on Human Subjects Educational Program: "I’ll be brief, as brief as I can possibly be. The National Institutes of Health implemented a requirement for mandatory education of investigators and key personnel on all NIH funded research as of October 1, 2000. (Appendix G.) No university in the country can continue to accept funds from NIH until it has assured the National Institutes of Health that key personnel on those grants have received appropriate training. Covered by this mandatory education requirement are all key personnel named on the funded proposal, and also all new personnel must get training before working with human subjects and assurances have to go in on a yearly basis as the grant is renewed. In response to the need to have an education program available by October 1 and our early valentine to the Cornell faculty, the University Committee on Human Subjects has put on the web an educational site to train people, key personnel, graduate students and others on the use of human subjects in research. Members of the faculty, key personnel and staff who are named as key personnel on all federal funds, not just NIH now, must complete this training within the next year in order to continue to accept federal funds for their research. We are also asking … I want to ask you as Chair of the University Committee on Human Subjects, since in the year 2003 all university research, whether funded by the federal government or not, will be covered by a mandatory education requirement on human subjects, that we all begin now to get education in the use of human subjects.

"Just to show you briefly what our site looks like—This site was imported from the University of Minnesota and unlike the National Institutes of Health site, it is specifically written for researchers in social and behavioral research. The site provides an overview of the human subjects research process, the different components of the informed consent process (what steps have to be followed in order to assure that the steps which are mandated by the federal government are followed), a checklist which we ask investigators to follow when reporting to us, and what the consent process for their projects will look like. There is a listing of the actual approval requirements, continuing review of the projects that involve the use of human subjects and a test (this is a special valentine) of twenty questions to test your understanding of what you’ve just seen. Successful responses to the quiz are kept on a database maintained by the Office of Sponsored Programs and at present are used to assure NIH and other federal
agencies that the mandatory education requirements have been met. Are there any questions? Thank you. The program has been there since October 1; we would like it to be used more extensively.”

Professor Linda Nowak, Molecular Medicine: “Can you give the Cornell web site address?”

Professor Wethington: “It’s on the Office of Sponsored Programs web site. If you go to the home page of the Office of Sponsored Programs, we’re the second announcement in red. We’re easy to find. Thank you.”
Web URL: <http://www.osp.cornell.edu/HSCompliance/index.html>

Speaker Howland: “Yes, would those who would attend such a meeting please raise their hand? It looks like a significant number, I would say. So we will have a meeting.”

Professor Kuniholm: “Coming to meetings and getting started in five or ten minutes is rough. I do urge you, if you haven’t grabbed one yet, to take a look at these handouts that you have before you and then the Dean’s web site which has all of these things in full if you want to read every painful word.”

Speaker Howland: “The meeting is adjourned.”

Adjourned 5:56 p.m.

Respectfully Submitted,

Charles Walcott
Associate Dean and Secretary of the University Faculty
Appendix A

Charge for Task Force on Professorial Titles

From Cornell's founding, a strong and independent professorate has shaped the character of this institution. Historian Carl Becker has described with eloquence Cornell's 'freedom with responsibility.' This cherished tradition of academic freedom is dependent upon free and open inquiry and mutual respect in exercising that inquiry. Our most durable structural guarantee of freedom of inquiry has been the institution of indefinite tenure. The high standards for the awarding of this unique protection and the equally high standards for its revocation have served well the interests of the university.

A number of emerging pressures in the contemporary research university suggest that we examine whether the traditional tenure-track professorial titles should be augmented with any carefully defined non-tenure-track professorial titles. If so, what additional titles might be appropriate, if any? What relationship (and transitional paths) should exist between the existing professorial titles and any new titles? What pathways, if any, should exist between these new titles and the traditional ones?

Stimulated by inquiries from some of the college deans, the Dean of the Faculty appointed an ad hoc committee to discuss these issues and possibilities with the college deans. Associate Dean Walcott's synopsis of those discussions identifies the needs the deans find the current array of titles does not at present adequately address. Their suggestions include professorial titles without indefinite tenure, but with a defined single function responsibility, in particular, teaching, clinical practice, or scholarship and research. These would not change the current and traditional tenure-track professorial appointments that carry dual responsibilities for two among teaching, scholarship/research, and outreach.

Federal law has uncapped retirement age. This presents an especially challenging situation in higher education because of our valued tradition of indefinite tenure. Should we create a new professorial title that recognizes the right of a tenured faculty member to participate in the legally allowable extension while permitting a reduced workload and correspondingly reduced salary and benefits? This would legitimize the retention of one's professional identity and institutional and collegial relationships while allowing the university to reduce its financial commitments.

The Dean of the Faculty has appointed a Task Force on Professorial Titles to develop proposals appropriate to the issues and questions described above. Because any proposed additions to the current professorial titles and roles will surely be of deep interest to the entire faculty and likely to have long-term implications for the university, the Task Force should:
1. consult with the deans, faculty, and the Faculty Committee on Academic Freedom and Professional Status of the Faculty;

2. review the current professorial titles and their history in the context of tenure;

3. formulate recommendations and engage the community in dialogue, e.g. a University Faculty Forum early during the spring, 2001, semester; and bring recommendations to the Faculty Senate for debate at its March 2001 meeting so that any changes endorsed by the Senate might be considered by the Board of Trustees in May 2001.

Membership

Bill Fry, Faculty-elected Trustee, Chair of Task Force

Lynne Abel, A&S
Alan Bell, CALS
Abby Cohn, A&S
Don Cooke, Emeritus
Stuart Davis, A&S
Rob Gilbert, Vet
Jere Haas, HE
Michael Kotlikoff, Vet
Steve Mutkoski, Hotel
John Siliciano, Law
Robert S. Smith, ILR
Charlie Walcott, Assoc. Dean, University Faculty
Charles Williamson, Engineering

November 1, 2000
Appendix B

Resolution on formation of a Graduate Field of Horticulture

WHEREAS, the graduate fields of Floriculture & Ornamental Horticulture, of Pomology, and of Vegetable Crops currently exist,

WHEREAS, joining these three graduate fields in a single graduate field of Horticulture will result in a stronger field, with better opportunities for support for research and graduate education, and a stronger graduate curriculum,

WHEREAS, the proposed formation of a single and combined graduate field has received the overwhelming and enthusiastic support of the faculty involved, and

WHEREAS, the Graduate Committee of Cornell University and the University Senate Committee on Academic Programs and Policies has reviewed the proposal and have recommend creation of this new graduate field,

THEREFORE, BE IT RESOLVED that the Faculty Senate upon review of the merits of the proposal put forth approves establishing a graduate field of Horticulture and urges the Administration to place this on the agenda of the Board of Trustees for approval.

Rationale: Additional details supporting the proposal appear in the one-page “Petition to Merge the Graduate fields of Pomology, Vegetable Crops, and Floriculture & Ornamental Horticulture into a Graduate Field of Horticulture.”

Submitted by the University Senate Committee on Academic Programs and Policies February 1, 2001.
Graduate degrees in Pomology, Vegetable Crops, and Floriculture & Ornamental Horticulture have been offered at Cornell since the early 1900s. In recent years, prospective graduate students have shown increasing interest in studies that cross commodity lines, and encompass such subjects as plant propagation, Controlled Environment Agriculture, and physiological principles applied to horticultural crops. To facilitate such studies, and to encourage potential synergies across the three smaller fields, it is proposed to form the Graduate Field of Horticulture. The proposed merger was approved by a joint meeting of the graduate faculty members of the three fields in May, 1999, and by the General Committee of the Cornell Graduate School in May 2000.

The three graduate fields comprising horticulture at present have 40 members, housed primarily in the Departments of Horticulture on the Ithaca campus, and the Department of Horticultural Sciences in Geneva. They offer PhD, MS, and MPS degrees, as well as a joint MS/MLA (Master of Science / Master of Landscape Architecture, only in Floriculture and Ornamental Horticulture). No change is proposed in the graduate degrees offered. There are currently about 55 students pursuing graduate degrees in the three fields.

The relatively small size of the current graduate fields, with relatively few faculty members has limited enrollment, and inhibited the formation of a large graduate level curriculum. Instead, a proliferation of senior level (400 level) courses maintained enrollment by catering to both undergraduate and graduate students. With the formation of the Field of Horticulture, several of these will be broadened, upgraded with new content, and offered at the graduate level. These will include such subjects as Physiology of Herbaceous Horticultural Crops, Root Growth of Crop Plants, and Advanced Postharvest Horticulture.

By forming this larger and more visible Field of Horticulture, we expect to enlarge the potential pool of talented graduate student applicants through focus on recruitment and emphasis on discovery in areas that overarch commodities. With the larger pool of faculty and administrative resources it will be possible to improve the quality of the graduate experience through emphasis on additional course offerings, sharing facilities and resources, and broadened dialogue in seminars and journal clubs. The merger will also encourage faculty members in the combined fields to interact on a more regular basis and foster collaboration and innovative initiatives in graduate study. Colleagues in more basic disciplines such as Plant Biology and Biochemistry will be invited to join the new graduate field to strengthen the graduate research focus on fundamental aspects of horticultural plants and plant systems.
Appendix C

Faculty Senate Resolution to Establish a Faculty Online Forum

Whereas it would be desirable to establish a vehicle for the identification, exploration, and considered analysis of university-wide issues by the faculty, with appropriate input from other members of the Cornell community, and

Whereas such a vehicle would serve to broaden the range of information and ideas brought to bear on faculty and administrative decisions, facilitate the linkage between Faculty Senators and their departmental colleagues, and strengthen the sense of community among Cornell faculty, and

Whereas the University Faculty website can be accessed freely by all members of the Cornell Community,

Therefore be it resolved that the Faculty Senate shall formalize an online forum, the Faculty Online Forum, accessible through the University Faculty website;

Be it further resolved that the Faculty Senate shall establish an Advisory Board to the aforementioned Forum that will recommend and monitor procedures, identify topics, and resolve disputes involving postings. The goals of the Advisory Board shall be to stimulate debate on issues before the Faculty Senate or University administration and to assure open expression of ideas, while encouraging a commitment to fact and collegiality; and

Be it finally resolved that the Office of the Dean of Faculty be assigned the responsibility to keep, maintain, and regularly update the Faculty Online Forum.

11/2000
Appendix D

Resolution on the Academic Calendar through 2004-2005

Whereas the Faculty Senate has the obligation to consider questions of educational policy which concern more than one college or school, and

Whereas the Senate’s Committee on Educational Policy has reviewed the proposed academic calendars for academic years 2002-2003, 2003-2004, 2004-2005

Therefore, be it resolved that

The Faculty Senate endorses the Academic Calendar for the years 2002-2003, 2003-2004 and 2004-2005 as shown on the attached document.

Background:
In response to concerns from the Student Assembly, The EPC has deliberated extensively over the Academic Calendar, especially with regard to Labor Day. The EPC drafted three possible resolutions and presented them to the Student Assembly, the Graduate and Professional Student Assembly, and the University Assembly.

The assemblies were mixed on their response to the resolutions. Straw votes in each of the assemblies leaned toward preserving the status quo. Last week, the SA voted formally to approve the Academic Calendar maintaining current tradeoffs. Given that decision by the SA, the EPC voted to present the proposed Academic Calendar through 2005 for Senate approval.

Respectfully submitted,
Susan Piliero, Chair, SEPC
Douglas Gurak (Senator, Department of Rural Sociology)
**CORNELL UNIVERSITY ACADEMIC CALENDAR 2000-01 — 2004-05**

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<td>Tu/W 8/28-29</td>
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<tr>
<td>Instruction Begins</td>
<td>Th 8/24</td>
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**WINTER SESSION**

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**SPRING TERM**

| Registration/Course Exchange | Tu/W 8/27-28 | Th 8/29 |
| Instruction Begins | Th 8/29 | Th 8/30 |
| Spring Break Begins, 1:10 PM | S 10/12 | S 10/11 |
| Instruction Resumes, 7:30 AM | W 10/16 | W 10/15 |
| Thanksgiving Recess Begins, 1:10 PM | W 11/27 | W 11/26 |
| Instruction Resumes, 7:30 AM | M 12/2 | M 12/1 |
| Last Day of Classes | S 12/7 | S 12/6 |
| Study Period | Su-W 12/8-11 | Su-W 12/7-10 |
| First Days of Scheduled Exams | Th/F 12/12-13 | Th/F 12/11-12 |
| Last Days of Scheduled Exams | M-F 12/16-20 | M-F 12/15-19 |
| Senior Week | M-F 12/17-21 | M-F 12/13-17 |

**COMMENCEMENT**

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**SUMMER SESSION:**

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*Implementation of online add/drop may affect these dates.*

For other school opening information, including residence halls, etc., please refer to [http://www.campuslife.cornell.edu/](http://www.campuslife.cornell.edu/)

This Calendar may be subject to modification and is not legally binding. Office of the Dean of the University Faculty, 8/8/00.
Slide 1
On September 15th, 2000, Vice Provost for Research, Professor Robert R. Richardson, made the following request of the LAC

I request that the LAC examine Ward Laboratory and make a recommendation to me about its future. There are two reasons for this review. The first is that the original Faculty Senate resolution about Ward Laboratory in 1996 requested a review of the laboratory in the academic year 1998-99. We are two years late in responding to that request. The second reason is that the re-licensing of the reactor by the NRC is scheduled for the academic year 2002-03. Cornell must make a decision about continuing the operation of the reactor before that time. Therefore, the advice of the LAC is needed on the question of whether the Laboratory should continue as a center supported by the university. It would be most helpful if the LAC gave the recommendation before the end of the current academic semester.

Slide 2
The decision should be made on the basis of what is in the best long term interest of Cornell. There are a number of considerations which include:

1) the current and potential future faculty involvement in the research programs of the center;
2) the role the center plays in graduate and undergraduate training;
3) the costs of the center to the university;
4) the value of the center as a service facility balanced against other potential uses of the building and space it occupies; and
5) the potential need for and costs of upgrading and maintaining the facility. In reaching its conclusions the committee is encouraged to consider any other questions which the LAC decides to be significant.
Slide 3
Process

Dr. Kenan Unlu, Director of Ward Center of Nuclear Science and Adjunct Professor of Materials Science and Engineering, met with the LAC for approximately 90 minutes and described the center's activities and research program, both current and future.

Professors Peter Kuniholm, Robert Kay, Norm Scott, and Val Kostroun met individually with the full LAC for 30 – 60 minutes each.

The entire LAC visited Ward Center and had a tour from Dr. Unlu who described the ongoing projects and future potential projects utilizing the reactor.

John Silcox, Vice Provost for Physical Sciences and Engineering, and Jack Lowe, Executive Vice Provost for Research, briefed the LAC on the current operating costs for the Center and the financial implications of closure versus continued operation.

Slide 4
Process

Members of the LAC met individually with approximately 30 faculty members across campus who had been listed as users or potential users of Ward Center. In addition attempts were made to contact anyone who had indicated in the 1996 report, *A Plan for the Future Operations of Ward Laboratory, Cornell University*, that Ward Center was either ‘important’ or ‘very important’ to their research.

The persons interviewed are the list of questions used to guide the discussions are in the report. The results of the one-on-one interviews were reported to the full LAC.
Slide 5

Process
Dr. Unlu solicited letters to the LAC from a wide variety individuals of Ward. In addition to receiving letters from members of the Cornell Community, we received letters from the directors of other campus reactor facilities, the DOE, and a significant number of industrial users of the center. A list of the letter writers is given in Appendix D.

On December 20, DOE officials William Magwood IV, Director of Office of Nuclear Energy, Science and Technology, and John Gutteridge, Director of University Programs, came to Cornell and met with three members of the LAC for 45 minutes.

Representative Bingaman, S 242

A significant amount of written information detailing the scientific work at Ward Center was provided to and read by the committee including the 1996 report A Plan for the Future Operations of Ward Laboratory, Cornell University, and data on the graduate field of Nuclear Science and Engineering (NS&E).

Slide 6

Findings of the LAC
1) The LAC found no evidence for major safety concerns at Ward Center.
2) At the present time Cornell University does not have a substantial academic or research presence in the area of nuclear (fission) engineering.
3) No compelling case has been found for a strong connection between the existence of the Ward reactor on the Cornell campus and any role Cornell might play in a possible future resurgence in the field of nuclear power engineering.
Findings of the LAC

4) Reactors are being closed around the country for cost and programmatic reasons, even in Universities with active nuclear science and engineering departments.

5) The cost of continuing the operation of the Ward Center was clearly a major motivation for the initiation of this LAC review, as was the mandate from the Faculty Senate that such a review be conducted two years after establishing this University research center. However the LAC only turned to consideration of these costs after first attempting to evaluate the impact of the reactor, both current and potential, on university research and academic programs.

Findings of the LAC

6) Given the absence of a significant Cornell academic program in nuclear engineering, as discussed in (2) above, the justification for the support and continuation of the Ward Center for Nuclear Science must be principally based on it serving effectively as an university-wide user facility. Taken in total, the evidence reviewed by the LAC does not indicate that the TRIGA reactor is having an important, major impact as a user facility for the Cornell community, either in research or in academics, that is proportionate with the overall cost of maintaining and operating Ward Center. Neither does the evidence indicate that the reactor is likely to be able to have such an impact in the future.
Findings of the LAC
7) There appears to be a substantial, cost-effective benefit to continuing the operation of the $^{60}\text{Co}$ source, independent of the decision on the TRIGA reactor and the future of the Ward Center.

Recommendation
- The LAC unanimously recommends that Cornell move to decommission the TRIGA reactor and phase out the Ward Center activities. We recommend that the administration be proactive in addressing the transitional inconvenience of current users as they transfer their research to other facilities, and in helping the staff whose jobs will be affected. The LAC recommends that Cornell maintain the $^{60}\text{Co}$ source at an appropriate local facility. These recommendations are independent of any proposed schedule for fuel removal from the reactor.
Resolution on Copyright Policy

Whereas, the University Copyright policy adopted in 1990 does not reflect the changes in academic use of technology during the past decade, the Faculty Senate requests the Dean of the Faculty to work with the Provost in initiating a comprehensive review of the University Copyright Policy.

As a basis for this review, the Faculty Senate endorses four general principles:

1. The university policies on intellectual property should be independent of the media in which ideas are expressed. For example, the same policies should apply to lecture notes printed on paper and to lecture notes mounted on a web site.

2. The university should retain the long-standing academic tradition that creators of works have control over the intellectual output resulting from their research, teaching, and writing.

3. When there are multiple creators of an individual work, the control should be shared among the creators.

4. When the university contributes substantial resources to the development of specific materials, it has a right to share in the control and returns. To be considered substantial, the contribution should be significantly beyond the normal level of support provided to all faculty members.

Draft originated with Provost’s Advisory Committee on Distance Learning
Resolution submitted by University Faculty Committee

2/7/01

Approved 2/14/01
**Mandatory Education Requirement**

- Public Health Service (PHS) policy pending, will cover all university human subjects research
- NIH implemented mandatory research requirement on October 1, 2000
- NIH: all key personnel named on funded proposal must acquire education
- NIH: all new personnel must get training before working with human subjects

**Ways to Fulfill the Educational Requirement**

- Cornell UCHS web site
  - [http://www.osp.cornell.edu/HSCompliance](http://www.osp.cornell.edu/HSCompliance)
- NIH Educational web site
LAC REVIEW OF WARD CENTER

EXECUTIVE SUMMARY

On September 15th, 2000, Vice Provost for Research, Professor Robert R. Richardson, asked the Local Advisory Committee (LAC) to review Ward Center and make a recommendation to him about its future. The findings of the LAC are:

1. The LAC found no evidence for major safety concerns at Ward Center.
2. At the present time Cornell University does not have a substantial academic or research presence in the area of nuclear (fission) engineering.
3. No compelling case has been found for a strong connection between the existence of the Ward reactor on the Cornell campus and any role Cornell might play in a possible future resurgence in the field of nuclear power engineering.
4. Reactors are being closed around the country for cost and programmatic reasons, even in Universities with active nuclear science and engineering departments.
5. The cost of continuing the operation of the Ward Center was clearly a major motivation for the initiation of this LAC review, as was the mandate from the Faculty Senate that such a review be conducted two years after establishing this University research center. However the LAC only turned to consideration of these costs after first attempting to evaluate the impact of the reactor, both current and potential, on university research and academic programs.
6. Given the absence of a significant Cornell academic program in nuclear engineering, as discussed in (2) above, the justification for the support and continuation of the Ward Center for Nuclear Science must be principally based on it serving effectively as an university-wide user facility. Taken in total, the evidence reviewed by the LAC does not indicate that the TRIGA reactor is having an important, major impact as a user facility for the Cornell community, either in research or in academics, that is proportionate with the overall cost of maintaining and operating Ward Center. Neither does the evidence indicate that the reactor is likely to be able to have such an impact in the future.
7. There appears to be a substantial, cost-effective benefit to continuing the operation of the Co$^{60}$ source, independent of the decision on the TRIGA reactor and the future of the Ward Center.

The LAC unanimously recommends that Cornell move to decommission the TRIGA reactor and phase out the Ward Center activities. We recommend that the administration be proactive in addressing the transitional inconvenience of current users as they transfer their research to other facilities, and in helping the staff whose jobs will be affected. The LAC recommends that Cornell maintain the Co$^{60}$ source at an appropriate local facility. These recommendations are independent of any proposed schedule for fuel removal from the reactor.
Charge to LAC on the review of the Ward Laboratory:

On September 15th, 2000, Vice Provost for Research, Professor Robert R. Richardson, made the following request to the Local Advisory Committee (LAC), whose members are listed in Appendix A.

I request that the LAC examine Ward Laboratory and make a recommendation to me about its future. There are two reasons for this review. The first is that the original Faculty Senate resolution about Ward Laboratory in 1996 requested a review of the laboratory in the academic year 1998-99. We are two years late in responding to that request. The second reason is that the re-licensing of the reactor by the NRC is scheduled for the academic year 2002-03. Cornell must make a decision about continuing the operation of the reactor before that time. Therefore, the advice of the LAC is needed on the question of whether the Laboratory should continue as a center supported by the university. It would be most helpful if the LAC gave the recommendation before the end of the current academic semester.

The decision should be made on the basis of what is in the best long term interest of Cornell. There are a number of considerations which include: 1) the current and potential future faculty involvement in the research programs of the center; 2) the role the center plays in graduate and undergraduate training; 3) the costs of the center to the university; 4) the value of the center as a service facility balanced against other potential uses of the building and space it occupies; and 5) the potential need for and costs of upgrading and maintaining the facility. In reaching its conclusions the committee is encouraged to consider any other questions which the LAC decides to be significant.

Process:

The first phase in reviewing Ward Center was to gather information from the Cornell community and the community of users of the Center. This information-gathering took several forms:

- Dr. Kenan Unlu, Director of Ward Center of Nuclear Science and Adjunct Professor of Materials Science and Engineering, met with the LAC for approximately 90 minutes and described the center’s activities and research program, both current and future.
- Professors Peter Kuniholm, Robert Kay, Norm Scott, and Val Kostroun met individually with the full LAC for 30 – 60 minutes each.
- The entire LAC visited Ward Center and had a tour from Dr. Unlu who described the ongoing projects and future potential projects utilizing the reactor.
- John Silcox, Vice Provost for Physical Sciences and Engineering, and Jack Lowe, Executive Vice Provost for Research, briefed the LAC on the current operating costs for the Center and the financial implications of closure versus continued operation.
• Members of the LAC met individually with approximately 30 faculty members across campus who had been listed as users or potential users of Ward Center. In addition attempts were made to contact anyone who had indicated in the 1996 report, *A Plan for the Future Operations of Ward Laboratory, Cornell University*, that Ward Center was either ‘important’ or ‘very important’ to their research. The interviews lasted up to an hour. The persons interviewed are given in Appendix B. The list of questions that each member of the LAC used to guide the discussions in the interviews is given in Appendix C. The results of the one-on-one interviews were reported to the full LAC.

• Dr. Unlu solicited letters to the LAC from a wide variety of users of Ward Center. In addition to receiving letters from members of the Cornell Community, we received letters from the directors of other campus reactor facilities, the DOE, and a significant number of industrial users of the center. A list of the letter writers is given in Appendix D.

• On December 20, DOE officials William Magwood IV, Director of Office of Nuclear Energy, Science and Technology, and John Gutteridge, Director of University Programs, came to Cornell and met with three members of the LAC for 45 minutes.

• A significant amount of written information detailing the scientific work at Ward Center was provided to and read by the committee. The committee was provided with a detailed description of usage, information about the history of the center including the report *A Plan for the Future Operations of Ward Laboratory, Cornell University*, written in February, 1996 by the Ward Laboratory Advisory Board (Executive Committee members: Professors James Burlitch, Donald Holcomb, Robert Kay), and data on the graduate field of Nuclear Science and Engineering (NS&E).

The information-gathering phase of the process lasted from mid-September through the end of December. The discussion of the LAC’s findings did not begin until December when the bulk of the information had been obtained.

In December, the LAC began to discuss criteria for making a recommendation to the Vice Provost, and what the substance of that recommendation would be. This document, including the final recommendation on the future of Ward Center, was forwarded to the Vice Provost on February 6, 2001.

**Summary of Ward Center and Activities**

The mission of the Ward Center for Nuclear Science, as described by the 1996 report *A Plan for the Future Operations of Ward Laboratory, Cornell University* that resulted in the establishment of this University Research Center, is “[to provide] nuclear analytical and testing” services to the campus community, and to outside academic and corporate users. The Center has two general capabilities, the first being the TRIGA nuclear fission reactor that can operate at 500 kW thermal power and the second being a Co$^{60}$ gamma radiation cell. (A third capability, the Zero Power Reactor (ZPR) which previously had been employed mainly as an educational and training facility for students in the Nuclear Science and Engineering program, was recently shut down and its fuel removed from campus. The ZPR now is in the final stage of being officially decommissioned by the University.)
Of the two capabilities, the gamma cell has had the more widespread usage by the Cornell community in recent years. According to statistics provided by the Ward Center administration, in fiscal year 2000 the gamma source was utilized a total of 153 times for a total source usage of 1586 hours. Cornell research groups were responsible for approximately 74% of this usage, with these groups coming from seven different Cornell units. Of these, the Department of Soil, Crops, & Atmospheric Sciences was the largest user in FY 2000 (23%).

The principal current function of the Ward nuclear reactor is to provide neutrons that can be utilized in analytical and related studies. The most widely used application is neutron activation analysis (NAA) where a sample of material is sent into the core of the reactor, irradiated with neutrons, and then removed. The energy distribution and intensity of the gamma rays that are emitted by the activated nuclei are then measured to provide a highly sensitive, quantitative analysis of the sample’s elemental composition.

In addition to the NAA technique, neutrons can be emitted from the reactor core, through one of seven beam ports, and potentially could be employed in activation and scattering experiments. These neutron beams can be used in a variety of ways, including the neutron depth profiling of thin film materials, the analysis of samples (such as works of art) by neutron radiography, and the “prompt gamma” neutron activation analysis, with the use of a cooled neutron beam of samples containing isotopes with very short activation half-lives that are not suitable for standard NAA measurements. Of these beam techniques, only the radiography is currently operational, while the neutron depth profiling capability is apparently almost operational. The neutron beams could also be used for clinical studies of any therapeutic effect of boron neutron capture on certain types of cancers although this has not yet been attempted at Cornell. While boron neutron capture therapy has received some considerable attention nationally over the years from the radiation medicine research community, at this point it apparently is not currently being actively pursued elsewhere, although that situation may be temporary.

In FY 2000 the nuclear reactor was utilized for a total of 463.4 hours with members of the Cornell community being responsible for 41.5% of this usage. The remainder of the reactor utilization was by industrial users, principally for the purposes of detector calibrations and materials irradiation. This level of reactor operation is 10 to 20% above the average of the past 15 years. With respect to the Cornell users, in FY 2000 they came from five different units, with faculty from Geological Sciences being the most active, and responsible for 70 hours of reactor utilization.

Faculty and Administration Input Through Interviews:

This section summarizes the comments that we heard from the Cornell faculty and administration during the information-gathering phase of the review. A spectrum of views, some contradicting others, was expressed.

• The staff of Ward Laboratory was universally praised for its technical knowledge and its helpfulness in carrying out experiments.

• Several faculty felt that the Ward administration was more pro-active during the last few years in seeking new funding and attracting additional collaborations than previously. They believed that Kenan Unlu was doing the job envisioned by the 1996 report.

• Safety: Some individuals had concerns about safety and especially the longevity of the TRIGA reactor, given the age of the facility. Those most knowledgeable about the
reactor have fewer worries. The control system is the biggest concern, chiefly due to pending replacement cost rather than safety, because it is the most outdated.

- Research. Little competitively reviewed, externally funded research has been done with the reactor for years. Much of the work, especially that for outside industry, is routine. Since the inauguration of Ward Center in 1996, its research base has grown somewhat across campus, and signs for the future are generally positive. Many people across campus have good impressions about the facility. On the other hand, very few if any young faculty are enthusiastic about the science, about devoting their own careers to building or improving the facility, or about utilizing the reactor heavily.

- The use of Ward by industry is appropriate for a Land-Grant college, but should not be the primary function of the facility. Some faculty expressed the sentiment that the use by industry, even in a Land-Grant college, should be in some way connected to faculty programs; this is not the case at Ward.

- The prevailing opinion expressed in the interviews was that at present, neutron activation analysis (NAA) is the technique at the reactor producing the most science. Some faculty are optimistic about potential upgrades to the facility. Other faculty interviewed felt that the prompt gamma facility is not likely to be successful, and that because of the absence of a local medical school and possible scientific uncertainties, neutron capture therapy is also unlikely to be successful at Cornell.

- In most instances other on-campus instruments could replace many of the analytical measurements being made at the reactor, although these other instruments generally have user fees. In a few cases the only alternative to measurements currently being made at Ward reactor would be to go to an off-campus reactor with similar capabilities.

- If Ward Center is closed, it will be much more inconvenient for those using NAA. The educational component for undergraduates doing research at the Center will be lost as will our ability to have Cornell undergraduates tour the reactor and be exposed to NAA demonstrations.

- Varying opinions were expressed as to whether Ward Center was the best use of the available space and financial resources of the University.

- The dissolution of the program in Nuclear Science and Engineering has led to a moribund graduate field. Without additional faculty, the reinstatement of a viable program at Cornell in Nuclear Engineering is not realistic at this time. There is disagreement whether the reinstatement of a program in Nuclear Engineering would require the TRIGA reactor to educate students in reactor engineering.

- Ward has provided a positive experience for undergraduates, in research and as a lab experiment for several courses.

- Several current users indicated that the availability of free and convenient NAA capabilities were what led them to use the technique.

- Although there was some disagreement, the prevailing opinion is that the plan to form Ward Center, laid out five years ago in the document A Plan for the Future Operations of Ward Laboratory and written by the Executive Committee of the Ward Advisory Board, was reasonable, particularly at the time it was written. But the facility has not become self-sufficient as envisioned in that report because usage remains low and local users are not charged. Little leadership has come from any tenured faculty, nor from the Engineering College administration.

- The majority of those with an opinion on the matter felt that if the facility is to be closed, sooner is better than later. It will be cheaper, safer and easier.

- The administration has told the LAC that the opportunity exists in the near future (2002 or 2003) to remove all the reactor fuel from the Cornell campus. The date is set by the ability of the Idaho National Engineering and Environmental Laboratory to receive the fuel. The administration is concerned that if this near-term opportunity is not pursued, then the next time-window for fuel removal appears to be post 2010. In a letter from the DOE to the chair of the LAC, we were informed that the DOE
believes that the Department's Idaho National Engineering and Environmental laboratory would be able to schedule fuel shipments anytime for an unspecified number of years in the future and that fuel shipment windows of opportunity should not be a determinative factor in deciding the fate of the TRIGA reactor.

- The estimated costs for decommissioning the TRIGA Reactor facility, in FY99 dollars, is $4.01 million including 25% contingency. This estimate is based on the estimates of costs to decommission a similar reactor at the University of Illinois and is the official estimate Cornell has provided to the United States Nuclear Regulatory Commission in the University's annual financial report and updated decommissioning cost estimate. Some have cautioned the LAC that the actual costs may be much higher.

- A prevailing faculty opinion was that given likely future federal support for research, Cornell's research portfolio would not grow in the next decade. Thus, Cornell must evolve by substitution, not accretion.

**Findings of the LAC**

The findings of the LAC are:

1. **The LAC found no evidence for major safety concerns at Ward Center.** However, if operation of the reactor is to continue, the arguments favoring continued operation should be strong enough to justify continued upgrading of the facility as it ages. As an instructive example, in 1999 the reactor at Washington State University relined its leaking pool at a cost of $350,000 and a new cooling tower/heat exchanger was built at a cost of $150,000. If the operation of the Ward reactor continues, the benefit to the University must be able to offset comparable potential financial burdens in addition to the cost of operation.

2. **At the present time Cornell University does not have a substantial academic or research presence in the area of nuclear (fission) engineering.** In the mid-1990's, the College of Engineering disbanded the Nuclear Science and Engineering Program that had been in existence as a separate academic unit for approximately 20 years. This was in response to what the College administration deemed to be a sub-critical and noncompetitive position in the nuclear engineering area, particularly in terms of student enrollments and sponsored research activities. At that point the faculty members who were affiliated with this program were reassigned to other academic units within the College of Engineering. Since then, some nuclear engineering courses have continued to be taught through these other departments, but of the five NS&E faculty that constituted the line faculty of that program, only three remain and the majority of their current teaching activities are not focused on nuclear engineering instruction. The graduate field in Nuclear Science and Engineering (NS&E) is still in existence with six Field faculty, but only two are pursuing research that is concerned with fission engineering or with the use of fission products (neutrons) in their research programs. There has been an average of 0.7 Ph.D. degrees awarded per year in the field of NS&E between 1993 and 1999, and the majority of these graduates have pursued research in the plasma physics and fusion areas, not in areas that make use of the TRIGA reactor. The College of Engineering does not plan to make new faculty appointments in the nuclear science and engineering areas.

3. **No compelling case has been found for a strong connection between the existence of the Ward reactor on the Cornell campus and any role Cornell might play in a possible future resurgence in the field of nuclear power engineering.** If Cornell decided to play a significant educational/research role in nuclear power generation, faculty would
4. Reactors are being closed around the country even in universities with active nuclear science and engineering departments. Some universities with strong Nuclear Science and Engineering Departments do not have an on-campus reactor. In the US News and World Reports' ranking of Nuclear Engineering Departments, 4 of the top 14 departments, including 2 of the top 4 (University of Illinois at Urbana and University of California at Berkeley), do not have an active on-campus reactor. The University of Illinois reactor has been in 'safe store' since the summer of 1998 and the reactor at UC Berkeley was decommissioned over a decade ago.

5. The cost of continuing the operation of the Ward Center was clearly a major motivation for the initiation of this LAC review, as was the mandate from the Faculty Senate that such a review be conducted two years after establishing this University research center. However the LAC only turned to consideration of these costs after first attempting to evaluate the impact of the reactor, both current and potential, on university research and academic programs.

The cost to the central administration to operate Ward Center is currently approximately $200,000 a year in direct cash subsidy, a cost that has been more or less constant for the past several years. The expectation of the Ward Advisory Board Report of 1996 that the Center could move to a position of decreased net cost to the University over a four-year phase-in period, principally by the assessment of user charges, has not been realized. This is due, it appears, to the inability or unwillingness of the user base to bear such charges in any substantial way. In addition to the direct cash subsidy, there are building maintenance and utility costs for the operation and upkeep of Ward Laboratory that are significant and should be considered, but for which the LAC has not attempted to obtain an independent numerical value. These additional costs have been estimated by Dr. Unlu in a document summarizing operating expenses and revenues for three University research reactors including Cornell, to be approximately an additional $190,000. The opportunity cost of the building, or of the site, being, or not being, available for alternative uses over the next ten years is also a factor that has not been included in any estimates, nor is there any estimate of the contingency necessary to cover potential repairs as mentioned in finding (1). All of these costs must be considered in the decision to either decommission or re-license the reactor.

With respect to these costs, a representative of the Department of Energy has recently indicated that DOE may in the future contribute more to the operating costs of the Cornell reactor and those at other universities. The expressed motivation is that DOE is concerned about the closing of university reactors across the country and is seeking to slow or halt this trend, particularly at leading research universities. At this point there is no firm commitment regarding such possible support and no indication of the possible level of support.

Based on the experience of other universities, the estimated costs for decommissioning the TRIGA Reactor facility, in FY99 dollars, is $4.01 million including 25% contingency. This cost will have to be paid whenever the reactor is decommissioned and will not decrease with time. Thus it should be viewed as an existing and fixed (possibly rising) expense to the University.
6. Given the absence of a significant Cornell academic program in nuclear engineering, as discussed in (2) above, the justification for the support and continuation of the Ward Center for Nuclear Science must be principally on the basis of it serving effectively as an university-wide user facility. It was for this purpose that the Ward Center was established in 1996 with its mission being “[to provide] safe nuclear analytical and testing facilities in support of the research and educational activities of faculty, staff and students at Cornell University.” Thus, in reviewing the Ward Center, the LAC focussed on the current level of user activity, the potential for long-term faculty interest in the reactor, and the potential for expanded multifunction usage. The LAC also examined to what extent the reactor facilities at Ward Center were uniquely enabling important research activities on campus, particularly those involving significant numbers of students and sponsored funding.

One noteworthy finding was that of the ten faculty members who were identified by the Ward Advisory Board Executive Committee Report in 1996 as being likely to find the reactor “highly useful”, only three actually used the reactor in FY 1999-2000. On the other hand some faculty not identified in that report have begun using the reactor, although generally only moderately. Of the current users most indicated that the lack of fees, the easy access and the helpfulness of the staff were major reasons for their use. When asked about the possibility of paying user fees, most users indicated that if the cost of use were to become significant, the research effort would probably not be pursued. One major user, and strong supporter of the facility, acknowledged that while the NAA capability that he used was important to his research, it was also a routine capability available elsewhere for a fee. He added that newer analytical techniques have been developed in recent years that were critical to cutting-edge research in his field while NAA was not.

A general theme noted by the LAC in its interviews is that, while some faculty have indeed been using the reactor, or expressed the possibility of using the reactor in the future, very few indicated that their use of the existing reactor capabilities would be substantial, or would be critical to the core of their programs. Moreover, no tenured or tenure-track faculty member expressed a willingness to expend time and energy to expand the capabilities of the reactor. Thus the LAC found that, while the routine NAA and radiography usage of the reactor is of some value, it is of limited impact and could be replaced in large part by use of alternative facilities elsewhere on and off campus, albeit at a cost. With respect to the potential of expanded neutron beam capabilities of the reactor, most of which have been in consideration or under development for quite some time, in some cases for decades, there is not an engaged and energetic group of faculty who are willing to champion and support their development. Nor can a compelling case be developed from the LAC interviews that more substantial use of the reactor will develop if these capabilities are indeed eventually established, nor that they would have a major, enabling impact on Cornell research programs.

The academic activities at Ward Lab in recent years have consisted largely of student tours, some of which include demonstrations of NAA or its use to characterize an unknown sample. In 99/00 approximately 400 students participated in such one-time tours, with students in the Eng. 150 courses and in Phys. 208 representing the majority of these students. A much smaller number of students are enrolled in courses that make more extensive, in some cases semester-long, use of the Ward Center facilities. In 99/00 these courses included NS&E 121 (11 students), NS&E 403 (13 students), NS&E 551 (3 students), and MS&E 603 (20 students). In addition, some undergraduate students have regularly been involved in REU projects that involve the Ward Center, with the greater number of these being involved with the NAA of dendrochronologically dated tree rings with Professor Kuniholm, and with REU projects with faculty associated with the Ward Center.
Taken in total, the evidence reviewed by the LAC does not indicate that the TRIGA reactor is having an important, major impact as a user facility for the Cornell community, either in research or academics, that is proportionate with the overall cost of maintaining and operating Ward Center. Neither does the evidence indicate that the reactor is likely to be able to have such an impact in the future.

7. There appears to be a substantial, cost-effective benefit to continuing the operation of the Co$^{60}$ source, independent of the decision on the TRIGA reactor and the future of the Ward Center. Over half the users at Ward Center employ the Co$^{60}$ gamma source rather than the TRIGA reactor and the gamma source is comparatively inexpensive to maintain. The possibility that this source could continue to be made available to the Cornell community, perhaps elsewhere on campus, without the additional infrastructure of Ward Center, should be very seriously examined by the Cornell administration.

**Recommendation**

The LAC unanimously recommends that Cornell move to decommission the TRIGA reactor and phase out the Ward Center activities. We recommend that the administration be proactive in addressing the transitional inconvenience of current users as they transfer their research to other facilities, and in helping the staff whose jobs will be affected. The LAC recommends that Cornell maintain the Co$^{60}$ source at an appropriate local facility. These recommendations are independent of any proposed schedule for fuel removal from the reactor.
Appendix A

Local Advisory Council

Members 2000-2001

Barry Carpenter  Chemistry and Chemical Biology
Joseph Burns  Theoretical and Applied Mechanics, Astronomy
James Gossett  Civil and Environmental Engineering
Susan Riha  Earth and Atmospheric Science
Donald Bartel*  Mechanical and Aerospace Engineering
Dale Bauman  Animal Science
Persis Drell  Physics (Chair F99-F00)
James Thorp  Electrical and Computer Engineering (Chair S01)
Charles Walcott  Neurobiology and Behavior
Larry Walker  Agricultural and Biological Engineering
Robert Buhrman†  Applied and Engineering Physics

*On sabbatical 2000
†Sabbatical replacement
Appendix B
Members of the Cornell Community Interviewed by LAC

Howard Aderhold
Ward Lab/Retired

Professor Neil Ashcroft
Physics

Professor Dieter Ast
Material Science and Engineering

Professor Dwight D. Bowman
Veterinary Medicine Microbiology & Immunization

Professor James M. Burlitch
Chemistry & Chemical Biology

Professor K. Bingham Cady
Theoretical and Applied Mechanics

Professor Geoffrey Chester
Physics

Dr. John Chiment
Math/Earth & Atmospheric Science

Professor John E. Coleman
Classics

Professor Edward J. Dubovi
Population Medicine & Diagnostic Science

Professor Bruce Ganem
Chemistry & Chemical Biology

Professor David Hammer
Electrical and Computer Engineering

Professor Donald F. Holcomb
Physics

Dean John Hopcroft
Engineering

Professor Joseph Hotchkiss
Food Science

Professor Kenneth Hover
Civil & Environmental Engineering
Professor Jean B. Hunter
Agricultural and Biological Engineering

Dean Michael Isaacson
Engineering

Professor Bryan Isacks
Earth & Atmospheric Science

Professor Francis A. Kallfelz
Clinical Science

Professor Robert Kay
Earth & Atmospheric Science

Professor Val Kostroun
Applied & Engineering Physics

Professor Peter Kuniholm
History of Art

Professor Bruce Kusse
Applied & Engineering Physics

Professor Carlo D. Montemagno
Agricultural and Biological Engineering

Professor Anil Netravali
Textiles & Apparel

Professor Sharon Kay Obendorf
Textiles & Apparel

Professor Rodney Page
Clinical Science

Professor Jean-Ives Parlange
Agricultural and Biological Engineering

Professor Clifford R. Pollock
Electrical & Computer Engineering

Franklin Robinson
Johnson Museum of Art

Professor Ferdinand Rodriguez
Chemical Engineering

Professor Norm Scott
Agriculture & Biology Engineering

Professor Al Sievers
Physics
Vice Provost John Silcox
Physical Sciences and Engineering

Professor Stanley Taft
Art

Dr. Kenan Unlu
Ward Center for Nuclear Science
Appendix C

Questions to guide Ward Center discussions:

- What do you think are the strengths and weaknesses of the Scientific program at Ward Center, especially those parts of the program that depend on the TRIGA reactor?

- What do you think are the strengths and weaknesses of the Educational program at Ward Center?

- What do you think are the strengths and weaknesses (perceived and/or actual) of the safety situation at Ward Center? Do you see any potential concerns over the next ten years?

- If Cornell wanted to restart a program in Nuclear Engineering, how crucial would the TRIGA reactor be for that effort?

- (For people doing research at Ward) Would you be doing this research if we did not have a reactor on campus? What alternatives are available to carry out your studies elsewhere?

- What criteria should we use in order make a recommendation to shut down the Ward Center program?

- What criteria should we use in order to make a recommendation that the University continue to support the Ward Center?

- Should the annual costs to Cornell of operating the Ward Center and maintaining the reactor, including potential costs of re-commissioning, be a consideration in this recommendation?

- Should the potential costs of de-commissioning the reactor be a consideration in this recommendation?
Appendix D

Persons from whom the LAC received written comments on Ward Center.

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Minutes of Faculty Senate Meeting
February 21, 2001

Professor Howard Howland, Neurobiology and Behavior and Speaker: "I would like to remind the body that there are no photos or tape recorders allowed during the meeting. I would like also to announce that all persons wishing to speak obtain recognition from the Chair before speaking. Also all information questions should be addressed to the Chair, not to the speaker. The plan of the meeting is that we're going to have some introductory remarks by Professors Thorp and Ünülü for about five minutes, and then we'll give twenty minutes for one or more open presenters to state the case in opposition to LAC recommendations. And then we'll open it up to the general audience. We would like you to either limit your remarks to three minutes each, and we'll go around and try and get everybody who wants to speak first, and then we'll come back if you want to speak a second time, if there is time. Professor Cooke has some remarks."

Professor J. Robert Cooke, Dean of the University Faculty: "Just to give some sense of the process. Today is for discussion only, trying to examine the report, offer points of view on it. If you wish to do anything as far as producing a resolution, the thing you need to know is that the University Faculty Committee will set the agenda for the March meeting on March 6. In order to get on the agenda, it has to come to the UFC. Motions have to go there to be put on the agenda. The operating procedures are on the web site, in case you want to look them up. Senate procedure, for visitors who might not be familiar with our process, is that you cannot just simply come to the meeting and introduce a motion. There is a process that has to be followed. Here is my understanding of the situation at the moment. I suspect that the most likely scenario is that the Senate will hear the report and receive it, which means that it will receive it without taking any action pro or con. But we are giving you an opportunity to put information in the record and offer opinions. However, the LAC, the University Faculty Committee, or the CAPP Committee which has been asked to look at this because it had a role in creating the Ward Center, has the authority to bring a resolution to the UFC if it wishes to do so. If there are amendments, they have to be submitted 24 hours before the meeting in March. Just so that you will understand that this is my understanding of the lay of the land. That's where I think we are. Thanks."

Speaker Howland: "Thank you very much. So for the first ten-minute portion of the meeting, I would like recognize first Professor Thorp."

Professor James Thorp, Electrical and Computer Engineering and Chair of the Local Advisory Committee, for the review of Ward Center: (Overheads-Appendix A) "For a brief review, the LAC wanted me to remind you that you created the LAC to give advice to the Provost on the kinds of issues that we have worked with over the years. One of the important issues was that the advice
clearly separate advocacy and from dispassionate evaluation. We feel we have
done so, and the report you received on our first three years of activity supports
that. The members of the committee this year, we also didn’t tell you at the first
meeting, are from all over the university in terms of the physical sciences and
ingineering. Barry Carpenter, Joseph Burns, Jim Gossett, Don Bartel was on
leave for a year, and we replaced him with Robert Buhrman. Persis Drell was the
chair for eighteen months; I’m currently the chair and Charles Walcott, Larry
Walker and Dale Bauman.

“We were asked by Bob Richardson to make an evaluation of the Ward Center
for two reasons. One—there was an overdue Senate request for a report in 1999,
and two—the re-licensing of the reactor by the NRC was scheduled for the year
2003, and Bob wanted advice in a timely fashion. He also spelled out the things
that he wanted us to look into in the order of importance. The current and
potential future faculty involvement with the research programs of the Center
was first, and money didn’t come up until third. The role of the Center in
graduate and undergraduate education was second. The fourth included the
value of the Center as a service facility balanced against potential uses of the
building and the space that it occupies.

“I won’t go into all the details, but our process included talking to a lot of
individuals involved from the Director of the Center, Dr. Ünlü, to users of the
Center, and John Silcox and Jack Lowe about financing of the Center. We
interviewed thirty faculty members across campus individually who had been
identified as users or potential users of the facility. We visited the Center, and
we met with representatives of the Department of Energy who were on campus
in December.

“Our findings again are summarized on the overhead the Executive Summary;
there are longer rationales in the document. This isn’t about safety. At present
Cornell does not have a substantial academic or research program in nuclear
fission engineering because the engineering college disbanded the program in
Nuclear Science Engineering in the mid-90s. We find there is no compelling case
for the connection between the existence of the Ward reactor on campus and any
role Cornell might play in future research in the field of nuclear engineering.
The arguments for that are that four out of the top fourteen schools according to
US News and World Report do not have reactors, and two of the top four do not.
Reactors are being closed throughout the country for a variety of reasons; both
cost and programmatic, even with universities that have active programs. There
are only twenty-eight of the original sixty reactors in place on campuses. In cost
funding raises itself as an issue as I said it isn’t first, but it is a consideration.
There are disagreements about cost, but in some of the later discussions we can
talk about how you might compute figures differently and what they all mean.
Last, given the absence of the program that I mentioned in two, the justification
for support and continuation of the Ward Center must be primarily based on its
serving effectively as a university-wide facility. Taken in total, we didn’t find the
evidence that the reactor is having an important, major impact that is
proportionate with the overall cost of maintaining and operating the Ward
Center. We don’t see it changing in the future.
"Lastly, the $^{60}$Co source is used more than the reactor by the larger number of users and for more hours, and is not as expensive to maintain. So our recommendation was that the reactor be decommissioned, that the $^{60}$Co source be maintained and that the University be proactive in addressing the transition of potential and current users as they transfer their research to other facilities. We made the recommendation and the longer report is available for you to read on the web."

Speaker Howland: "Thank you very much. I would like now to recognize Dr. Ünlü for the second part of this recap."

Dr. Kenan Ünlü, MSE and Director of the Ward Center for Nuclear Science: "I have actually a ten minute presentation, but I have to cut it in half. First of all, here is the picture of the Ward Center building. This is the building that houses the reactor which was built in 1960. This picture shows what's inside; that's the top of the reactor pool. There are some students looking at the core and looking into the beautiful blue Cherenkov radiation. (Appendix B-overheads)

"OK. So what is the mission of the Center. I would like to go over this pretty quickly. The central mission of the Ward Center for Nuclear Sciences is to provide safe, nuclear analysis and testing facilities in support of the research and education by members of the faculty, staff and students at Cornell University. The Center's resources are also available to users outside of Cornell as part of the public service function of the university, symbolized as the status of a land grant university. This mission given to us in the Charter and to provide in support of this mission, we have to provide nuclear analysis and testing services to the campus community and the outside academic users, and also teach academic and industrial users how to safely carry out the service and use of the Center facilities. We have a structure for some charges for the outside users and internal users are not being charged. For internal usage, we have in the fiscal year 1998-99, ten faculty members from eight different departments, and in 1999-2000, seventeen faculty members in twelve different departments. We also established some collaboration from outside collaborators; those are national labs and corporations involving sixteen scientists.

"What do we do with the Center facilities? Here is a list of the research facilities at the Center. Basically we have neutron activation analysis by which we can analyze seventy different elements in a parts per million or parts per billion level of sensitivity. We have a neutron radiography system, in real time radiography and film radiography. We have also cold neutron source, only two universities with research reactors have the cold neutron source in the United States. Also we have fast neutron irradiation facility which is to irradiate silicon wafers for creation of intentional damage. We have two techniques being developed. The first, neutron depth profiling, funding, as well as all the equipment are available. Second, prompt gamma activation analysis, this is the extension of the cold neutron source because we have to utilize the cold neutron source to be able to provide prompt gamma activation analysis. These two new techniques will be ready probably in six months if we have time to continue without interruption."
Then we have these future opportunities: neutron-induced auto-radiography, that’s a technique for which we already show the potential at the Center by borrowing the equipment from the Fuji Corporation. We have also potential for the boron neutron capture therapy facility about which Professor Kallfelz will make a short presentation. Also the neutron powder diffraction—there is a possibility that we can actually apply this technique at this reactor. Here are a few graphs for the radiography just to get your attention. This is a real time radiography which is measuring the preferential flow of water in sand, and we can capture this image in real time. This is film radiography containing the neutron and x-ray radiography in concrete core samples that were from Professor Kenneth Hover from Civil and Environmental Engineering. You can see in the neutron radiography all the cracks and holes etc. This is another example, Entomology at the Geneva testing station, corn with worm larva in situ with live form which we can see in an in situ case. This is a fossilized dinosaur bone which is from the Geological Sciences, and the list goes on and on. I will continue my other five minutes in the second session.”

Speaker Howland: “Do you want me to call now on Professor Scott? Professor Scott.”

Professor Norman Scott, Agricultural and Biological Engineering: “What I would like to do very briefly in two minutes or less is to give you the background on the development of the Center. In 1995, John Hopcroft and I discussed the Ward Lab and in that discussion, we recognized the changing character and course of nuclear engineering within the college. We discussed the fact that in addition to that the users of the Center were from across the university. So the concept of a university center to be the repository for this kind of research became hatched. In that process we formed jointly a request with some people to be on an advisory committee and an executive committee, and they came forward with a report which you have, dated February 1996. It had four recommendations - specifically to continue the reactor, secondly that the laboratory be reorganized as a center for nuclear science and under the Office of the Vice President for Research and Advanced Studies, that the Ward Center for Nuclear Science be managed by a non-faculty director who reports to a faculty advisory board, an entrepreneurial service based on costs be instituted for the Center aimed at serving clients efficiently and safely. In that process, from the executive committee and the advisory board, there developed a charter in 1996 which was taken to then Dean of the Faculty, Peter Stein, and through the CAPP Committee, as you’ve heard, and approved by the Trustees in January of 1997, recognizing the Center as a place which involved faculty from across the campus to do the kind of research you are going to hear about. So rather than me saying much more, other than to say that I believe the Center has done extremely well in terms of its original mission and that, in particular, the Director, Kenan Ünlü, has carried out in a very outstanding fashion an increase in the way in which the research has advanced and the way in which people have been involved. So I would add that to my comments in terms of the quality of what has happened. Thank you.”

Speaker Howland: “Thank you. Professor Ünlü, do you wish to begin?”
Dr. Kenan Ünlü: “I would like to use, maybe, five minutes. The Center also involves academic courses. These are the courses listed. Only Engineering 150 which is tours and the rest involves some type of activity, including Physics 208 in which students actually take data and write a report.

“Our other functions mandated by our charter are that we have to provide services as a land grant institution to the outside world. These are the companies utilizing the Center. Because of the specific structure of the Center, we can provide gamma radiation; we can provide fast neutron, thermal and epithermal neutron beams. We can do that because of the unique structure and design of this facility. These companies are mostly from upstate New York, and we are providing for example, for some companies, this is all unique, testing services for almost 80% of the detectors which is being used in the power reactors in the world. Almost all nuclear navy reactor detectors are tested over here. Of course our involvement with Corning is also unique, we are testing High Fused Silica Glass samples for sodium impurities for Corning.

“This is our budget. We have about $500,000 budget, and the majority of the budget goes to personnel expenses and our operating expense is $83,000. These are our income—a $200,000 subsidy from the university, and the rest we generate from the service fees and also the research and other fees.

“For the research funds—these are the amounts which were shown last time. Basically in 1998, we started with $29,000 federal funds, also $421,000 in 1999, and then $623,000 in 2000. Now $971,000 this fiscal year is actually pending. Now, as you are aware, we have a major bill on the senate floor, and it will be introduced next week on the house side; it’s called the DOE University Nuclear Science and Engineering Act. That’s part of the current funding twelve million dollars and it’s going to go up to 30, 41, 47, 55 and 64 million—$240,000,000 in five years. Cornell will be eligible for all of these funds, particularly the one that is helpful, it goes to the universities who have the nuclear research reactors. Therefore, there are only maybe junior faculty research initiation grants we may not be able to get because we don’t have the department, but all the other ones we will be eligible to apply and seek funds. I believe DOE wrote to all the senate representatives stating that given the past history and performance of Cornell, we will get probably a major amount of funds from this new initiative.”

Speaker Howland: “Professor Kuniholm. Is he here?”

Professor Peter Kuniholm, Art History: “I’ll be very brief. This was in Science Magazine a few weeks ago . . . a comment about global warming. The criticism of that graph is that the data set is less than 150 years old. I have a data set now that is 1,500 years old, and we’ve got the same spike going up in the last thirty or so years. We would like to think that our data set is more solid than what you are seeing right here. This is observed instrumental data; we are using three ring data, as the trees respond to temperature and rainfall fluctuations. I have a proposal in front of NSF right now for $589,000 to fund the rest of this; I have three undergraduates working away at Ward this moment. There will be two
more by the end of this month, and if we get the grant, there will be ten. We’ll make a research experience for undergraduates, a center for ten kids over there. I’m probably the most trivial of all of these things. I think we ought to turn it over to someone who is doing serious work.”

Speaker Howland: “I call now on Professor Kallfelz.”

Professor Francis Kallfelz, Clinical Science: “Thank you, Mr. Speaker. I mentioned briefly the area of boron neutron capture therapy at last Wednesday’s meeting of the faculty. This is a technique for radiation therapy of particularly central nervous system tumors, but other tumors and other potential treatments as well are an area that the College of Veterinary Medicine is very interested in as part of its significant initiative in comparative oncology that began about a year ago. So our goal would be to develop such techniques for use in tumors in animals, as a prologue to the use of such approaches in human tumor therapy. (Appendix C - overheads)

“Boron neutron capture therapy is a radiation therapy that is based on the selected accumulation of B-10 which has a specific affinity for absorbing low energy neutrons. So what you do is bind the boron to either a monoclonal antibody or some other compound that will bind specifically in the tumor cell itself. Thereafter the tumor is exposed to a certain energy of neutrons; the boron nucleus absorbs the neutrons and decays by giving off what is known as an alpha particle (a helium nucleus) which is the particulate radiation that actually does the damage. What happens is that the boron absorbs the neutron, which makes the nucleus unstable; it decays to lithium and releases an alpha particle—the alpha particle is given off at a certain energy, which travels only a very, very short distance in the tumor, actually only about the diameter of one cell and gives off a tremendous amount of energy in that very small volume, and therefore can destroy tumor cells, and yet spare the surrounding normal central nervous system tissue.

“This is just an example of what the situation might look like in a human situation. Dr. Ünlü showed you pictures of the TRIGA reactor and the tank, and this just shows a human patient in the path of a neutron beam where the brain would be exposed to relatively low energy neutrons that actually do the damage. This is just another example, in the upper corner — the neutrons are impinging upon the brain; this is depicting the tumor that has been loaded with boron-10. The neutrons come in and striking the boron, create an unstable nucleus, which then decays with alpha particles which do the damage, and a lithium nucleus that can also provide a small amount energy to tumor therapy. Again, beams of neutron impinge upon the boron nucleus which then splits into lithium, and the alpha radiation. This is a bit exaggerated because both of these cells would be less than 10 microns in diameter and the damage from the alpha particles would all occur within the cells in which the boron is accumulated.

“This is just an example of the flux of neutrons that various types of reactors produce, and what we are interested in is thermal and epithermal energy neutrons and actually lower power reactors with specific geometry produce a
larger flux of these lower energy neutrons than do higher power reactors. This is one in Finland which is .25 megawatts. Ours, as you know is a .5 megawatt reactor. These others are higher power and give off considerably less of a flux of the neutrons that we are interested in. Just to finish up here, there are a number of such facilities in the world. The one at Brookhaven is no longer in existence, but in the United States, there are reactors at MIT, Washington State, Ohio, Rhode Island Atomic Energy Commission, the University of Tennessee and so forth where this work is going on, and there are also reactors in Japan, Finland, the Netherlands, Sweden, Germany, Italy, Australia and Argentina. We feel the presence of our College of Veterinary Medicine and the patients that we would have available would provide a very unique opportunity for developing and applying this technique here. Thank you.”

Speaker Howland: “Thank you, Professor Kallfelz. I call now on Professor Burlitch. We have approximately ten minutes now for the presentations.”

Professor James Burlitch, Chemistry and Chemical Biology: “I’ve agreed to just address each point that the LAC report brought up, so I will put them here. First, there’s the question of safety. We agree there are no concerns about safety, but there was a point about the control system brought up in the report, saying that that was a first concern. Yet, all of the controls are less than ten years old. We don’t really understand why there should be such a concern. It wasn’t really spelled out in any detail. The second point is relining of the pool is not needed now and probably won’t be, but if it should be, the best estimate that we have based on Washington State University’s experience is $250K. Theirs actually cost $350K, but they said in retrospect they could do it for $250K, and I’ll get back to this question of first time costs more later on. In any event, it’s quite likely if the Senate bill goes through, DOE will probably pick up such a tab. The report makes reference to some cooling tower; I don’t understand that; we don’t have one. We hook up to the university chilled-water system, therefore we don’t need any $150K for repair to a cooling tower. (Appendix D - overheads)

“Second point, ‘Cornell doesn’t have a substantial academic or research presence in the area of nuclear fission engineering.’ That’s true, but there is a graduate field in nuclear studies. There were five Ph.D.s in the1993-1999 time period, fifteen M.Eng and M.S. degrees in that same period. The point I’d really like to make is that the kind of person that we’re looking for in this area is exemplified by Professor Ünlü. He is the one who is building the facility; he’s the one bringing in money. The committee is looking for young people? He’s a young man.

“The user center profiles—there are major users. There’s Professors Kuniholm, Kay and Ünlü. They provide equipment and spend a lot of time there. But there are many others like me and colleague Professor Giannelis in Materials Science and Engineering and many others in several departments who have specific projects to do. We will get in there and do it and we get out, and we really appreciate the opportunity to be able to do that project with unique facilities. This is what a great university is about, it has infrastructure. It matters. It’s capable.
"Now I'm going to change order here slightly. Go to number four, where reactors are being closed around the country. Well they may not be as closed as you think, or were led to think by the report. In fact, Berkeley's reactor closed a long time ago, and yet it has Livermore next door and UC-Davis not far away. In fact, the students use those reactors. Point is, it's very difficult to have a program in nuclear engineering without a reactor. Illinois put its in safe storage, just in case, and in fact, the latest correspondence which Prof. Ünlü has is that they are planning to reactivate that reactor. Michigan hasn't done anything; they're just making noise, basically saying, "well if the DOE doesn't come up with money, then they will close it." Well the DOE is going to come up with money, as Professor Ünlü described in this Senate bill. So I am not so sure that these closings are so significant.

"And so let's get to the next point then, 'no compelling reason or case for strong connection between the existence of the Ward reactor', I would say the opposite is in fact true. Universities with the reactors are going to have a much better chance at this money. They will be able to make a much stronger case for the resurgence of a nuclear engineering program. Now we may or may not be interested in doing that here at Cornell, but why throw away the chance?

'Point number five has to do with the cost of continuing the operation of the Ward Center. And of course they point out money doesn't matter, I'm not too sure about that. But, it was not first on the list at any event. The allotment, as Prof. Ünlü has shown you, was 200K per year. The balance that is referred to, about 400K per year operating expense, comes from about 200K in ancillary costs, which are things like electricity, insurance, police protection, and all those things which any building or facility on campus uses. These costs actually will be treated as cost sharing for the DOE money coming towards Cornell from this new Senate bill.

'Point number six, says that 'Given the absence of a significant Cornell academic program.' Well, yeah, OK it's not there. So what about serving as a facility for multi-wide users? Well there are a lot of them. I think that probably fifteen is a little exaggerated. Twelve to thirteen maybe the right number, plus the Johnson Museum of Art. The usage in hours is substantial, not counting set-up times, and if you take this usage from one year, this is now just 225 hours in the year 1999-2000. That would be worth $90,000 at commercial rates. So students and faculty from these departments got $90K worth of services and weren't charged a penny. Now what's the impact? Well there are 130 publications in the past 10 years that have come out of this center, more than that probably. But what about impact? Well just the fifteen publications that Professor Kay cited had over a thousand citations in Science Citation Index. I don't know if the LAC was aware of that. They should be, because that's what impact is about. And none of those kinds of details were in that report.

'What's the impact on education? Well, we train undergraduates to appreciate and understand nuclear science. The center has, first of all, trained graduate students to carry out experiments carefully. Yes, we've been advised that you
can send samples to the University of Pennsylvania, maybe you can even drive down there, or to Michigan or elsewhere, and have somebody else run your experiment for you. The student doesn't learn a damned thing and has no control over the experiment in those circumstances. And it makes a difference. For undergraduates, 550 of them, I counted up tuition time about $100,000 worth of instruction just based on tuition alone.

"Now finally, point seven. The cost of relocating the gamma facility, which was recommended. The Committee did not say what it was going to cost us to carry out their recommendation. Prof. Ünlü, who knows a lot about this facility and its huge lead shields and its cranes to lift these cobalt rods and put them in place, estimates $4 million or so to move this facility. Now I ask you, why spend $4 million to move a facility, $4 to $5 million to take out the TRIGA, when no dollars will leave the place as it is and allow it to grow."

Speaker Howland: "Thank you very much. So we now pass to the open discussion. I'm going to recognize Prof. Thorp, and we'll try to get one side of the argument and then the other side of the argument."

Professor Thorp: "This is a response, well two little things in response to Ron Ehrenberg's question which was posted on the web. His argument was that $200K a year cash subsidy equaled five percent of the $4 million, put the $4 million in the bank and not do anything. $200k is the annual cash subsidy. As it was just pointed out, there is an additional charge for maintenance, utilities and what have you. That number reported by Dr. Ünlü to DOE is $470K net cost. Secondly, the LAC is concerned that although we don't have to repair a leak today that if you are going to continue this facility into the future, (it's 40 years old) there will be maintenance costs and the value of this program has to be sufficient to offset potential future maintenance costs. There is, in fact, we are told that Buffalo is doing a clean up which costs a whole lot more money than $250,000. The second issue of money where there is this great hope that this bill will pay all of our costs. We think this bill is 242, and I have stuff from the Congressional Record, not 245, but I understand the confusion, because he introduced 13 bills, four of them having to do with DOE, because he's in Los Alamos, he's a New Mexico Senator. In his introduction of this bill, he talks about students and young faculty in nuclear engineering. He seems to me to be addressing the program that we eliminated rather than the program that we have today, but I understand that, in order to get the money, we will try to amend the bill, and we, Michigan and MIT have been asked the figures for our costs. It seems different from the bill the Bingaman is proposing. His bill says he doesn't want to pay for the university share of maintaining reactors; he wants to support research students in programs that we don't have. The last thing, the figure of $100,000 for instruction, I hope the Provost is here and listening and will develop that policy. By my calculations my department's budget should be $21 million."

Speaker Howland: "Thank you. I'd like to recognize someone from the Ward side. Yes, Prof. Ünlü."
Dr. Ünlü: "First of all, I would like to use this slide one more time. As you can see in this bill. Only $39 million is designated for junior faculty. The rest of it is open to all nuclear engineering programs and departments, and half of it is it available only for universities who have the nuclear reactors. Second of all, I want to come back to this budget issue, which is coming back again. Here is the chart which shows the operation budget of Michigan, MIT and Cornell. I have been asked by the University of Michigan Nuclear Engineering department to prepare this budget. Because their administration told them the university administration will shut down their reactor if DOE does not come up with a major funds until September 2001. For that reason they are the driving forces behind this bill. Also they would like to put some specific funds for themselves in the house version of this bill, but they don't want to do this alone, so they tagged on MIT and Cornell as well. For that reason they asked us to prepare the budget which should include all the expenses you can imagine. I can't tell you what's in this initiatives, but I'll tell you the result of it. This initiative has failed, because all other universities complained about why is this specific bill important for MIT, Michigan and Cornell, so for that reason they have another initiative going on in the senate to fund all the universities with research reactors. Therefore, the number which has been given to them is in use right now in supporting all other universities with such reactors. Let me give you what these funds equal. These funds equal, if you look over here, $420,000 for personnel costs. This personnel cost includes a half time health physicist from the Environmental Health and Safety. They sometimes come and check our detectors, monitors, etc., so that's the university part of that $30,000 for that service. Then there is $80,000 for operating expenses which is listed in our budget. Then it comes to this $190,000. This $190,000 comes from electricity, water, police patrol and also the maintenance which is calculated by or estimated by the footage of the building, which is $60,000, plus the insurance. All these expenses actually apply to other buildings on the campus."

Speaker Howland: "Thank you very much. Professor Burns."

Professor Joseph Burns, Theoretical & Applied Mechanics: "I wanted to give you a different take on the funding. Remember funding isn't a major concern or wasn't one of the major items that we dealt with. This is a table from the senate report showing enormous growth, going from less than $30,420 (Boy, I'd love to buy some of this stock.) we're up almost to a million dollars. If you look at that closely, this number is, in fact, $350 to bring in the fuel. There is no research funding essentially in that. If you look more carefully at what those numbers are, they come out in our account like this. The amount of research funding last year was at one peer-review proposal for the amount of $40,000. There are now three initiatives, so that is great growth. It's a better picture than it has been, but I don't think it is a rosy picture, and the amount of overhead that the university has fed back into the operation (taken off an earlier slide, that I just wrote down) is in the amount of $50,000 over the 3 years, so we see these numbers as being better than they used to be, but we see very little peer review research, only 1 and now 3 reports."
"We also see very little funding coming back to operate the Center and virtually no involvement from tenured faculty. But it is a better picture; we can’t deny that. How can we put these numbers in perspective? That is the university support. This is a plot comparing the university support in various centers and you’ll see that the Ward Center looks extremely modest, only a few hundred thousand dollars. If you add up a few hundred thousand dollars here and there, it gets to be real money, but it’s still only a few hundred thousand dollars and modest compared to some of the other centers. It is interesting to compare those numbers against the amount of external research funding that has been brought in. Here’s the Ward Center over here, the last year and the current fiscal year, and so it is perhaps interesting to compare how much external support has come in compared to the internal support, and the Ward Center is distinguished in this regard. It’s the chart on the far right side.

"A way of possibly supporting the Ward Center, that has been mentioned several times, back in 1996 this was going to be a large amount of the funding coming in, was through user fees. That’s also claimed in the current report; we’re going to have user fees. So what are the prospects for getting user support. It says (this is coming out of the old report), ‘we’re convinced that there is an expansion of users.’ All the other centers on campus charge user fees, so the question is—is that possible here? The reactor user is very close to the level of 5 years ago, so it doesn’t seem optimistic to us. Of the people who claimed in 1996 that the reactor was very important in their research, only 3 of them used it in 1999. If we look at, in fact, the usage, the usage of the reactor was over 100 hours by the Ward Center staff. There was one unfunded program in Geological Sciences. Here’s our breadth—we’ve got an hour and a half of Civil Engineering time; we’ve got a hour by the Art Department."

Speaker Howland: “Thank you very much. Someone else from the Ward side.”

Professor Suzanne Kay, Geological Sciences: “May I say something? I’ve published more papers using Ward reactor data than anyone else on campus, and I was not asked for anything. The report was made; no one asked what I was doing. It’s not fair to say that my research is unfunded. It does not appear... the university gets overhead, and we’re not charging user fees. But I’d like to just say a few things about some things we’ve been doing. The key advantage in our studies for instrumental neutron activation is that it’s a nondestructive technique with no chemistry required. All other analysis types that people use in Geological Sciences, you put the sample in solution and you never know if you have the samples completely dissolved. We have been using it in a long-term research program in the central Andes to study the formation, evolution and destruction of the continental crust in a standing range representative of active and ancient processes, a wide variety of magnetic rocks, rocks available for study. I’m studying the fundamental processes of mountain building using the Andes Mountains. The recent focus has been the origin and evolution of copper, gold and silver deposits. Many of the world’s giant deposits are in the Andes, and I’ve recently been to several international conferences as an invited speaker.
on the origin of ore deposits in the central Andes, based on my work mainly using data from Ward Laboratory.

"I have the world's most extensive database of some American magnetic rocks, in many regions the only data. With more than 1200 analyses; it's unique, because it's all done in the same laboratory, using the same standards. It's a global resource being actively sought in data compilations. We have published 90 peer review publications, three industry supported reports, over 150 abstracts and presentations. The data has appeared in 10 Ph.D. theses, not only Cornell, but some elsewhere, and in numerous Masters' and Bachelors' projects. Even though we have been using the reactor extensively over 15 years. I just returned from Chile; when I left I thought there was no problem, we just collected a number of samples to continue these studies, and I'm very surprised on coming back to find that the report suggests that the reactor be closed and that I was never consulted."

Speaker Howland: "Thank you very much. I'm going to recognize one side and then the other. Professor Gossett."

Professor James Gossett, Civil and Environmental Engineering: "It's important to realize that nobody on the LAC was thinking anything disparaging about any of this fine research. There is a lot of really fine research that has been conducted using the analytical facilities of the Ward Center. That's not in dispute. The number of papers cited that has used the Ward Center... none of that is in dispute. I guess the issue is would that work have gone on without the Ward Center. There are a number of alternatives. Clearly having the Ward Center there with free analytical fees basically. There are no analytical fees. It's convenient; it's free, and obviously, you know, there is a great benefit associated with that. The question is—are there reasonable alternatives? There are other technologies that are being used, like conductively coupled plasma, which can do the same thing with a lot more difficult preparation. I mean you have to go through a lot of preparation to do that, you can't just put the sample in. So clearly neutron activation analysis is convenient, and it's free of course. Could you do neutron activation analysis somewhere else? Last time at the meeting we heard Professor Kuniholm talk about how it was virtually impossible for him because the gold that he was analyzing in the tree rings has a 2 1/2-day half-life, and so no way could he do that. But that's of course assuming that you want an irradiated sample sent back to you for you to analyze here. Most analytical laboratories will take the sample, irradiate it, measure the spectrum, and send you back a report of the gold content. Is there something lost in that? Yes, there is the issue of students not being intimately involved in gathering that data, the educational value associated with having the students actually be able to gather the data. We're not disputing that. It's a question of the amount of that is going on and are there alternatives? There are laboratories that you can send samples to that do the neutron activation analysis. I've seen them as low as $14 a sample. I think that's a bit low, frankly, but it can be done certainly for $50 a sample, and we considered all that in our report. A lot of fine work is being done here. I think the question you have to ask is—would that work be done if we didn't have the Ward Center? Are there alternatives that could be budgeted
after a suitable transition period with some kind of help from the administration? We felt that, given the general level of interest and use of the facility and the alternatives available, that our recommendation was reasonable."

Speaker Howland: “Thank you very much. I understand that we go around once for everybody who gets a chance to speak and then go round again.”

Dr. Ünlü: “There are some questions which are not being answered, so therefore I’m raising my hand.”

Professor Joseph Ballantyne: “I find this very unusual. There seem to be very strong opinions on both sides of the question and maybe there are some agendas. I don’t know, but I am very impressed with the degree of interdisciplinarity that is shown by the users of this facility. It seems to me, perhaps, to be unique that we have people in the Arts and Humanities and so forth, archeology, working in the same facility with hard scientists. That seems to be quite unique and very appropriate for a university wide center, which this is. (Appendix E - overheads)

“The Center was approved by the Senate based on criteria, and I just read the minutes, including provision for a diverse array of services to the Cornell community and beyond, having a strong academic component that crosses college boundaries, establishing a strong funding base that make it independent of central administration funds, serving as a magnet for faculty and students. I point out that items two, three, four and the first part of item six in the Executive Summary are not related to any of the senate criteria stated in the 1996 minutes. There was no reference in that senate resolution of an active nuclear engineering program, and those four items all specifically relate to that point. A very unusual situation, a letter to DOE stating the university decision to close the TRIGA and remove the fuel rods is dated June 12, 2000. The LAC was asked on September 15 to review the Ward Center and make a recommendation on its future. I hope this is an artifact of an obsolete method of making decisions in the central administration.

“Next point—I wonder—I don’t know the answer. Is there an appropriate local facility to house the Cobalt source and if so, what are the incremental operating costs to transfer the Cobalt source there? I think that would be useful to know.

“The funding charted in the graphs of the Ward Center Report is apparently the total multi-year dollars awarded in that year, which are to be expended over several years in the future as opposed to annual operating budget which are of course lower. Nevertheless, the rate of the increase of the funding awards of the Center has gotten remarkably positive in my view over the last few years. I did not realize that the bulk of the previous year was for fuel rods, but then if you subtract that, it delays the derivative one year. Certainly to go from $30K to $200K in one year’s time is a remarkable derivative, and in fact will level out the charts that you show on the ratio of the funding. In fact, the budget for the current year, is about $240K, as you showed it, and that exceeds the $203K which was the total budget before Ünlü came. So during the current year, apparently, the Center could be self-supporting, and I want to say that it is unprecedented to
include the police cost and all that kind of thing in evaluating the university costs for a center. I think that’s not relevant.

“Now having heard from a professor last time that there was a new faculty member coming to Vet Medicine attracted by this. So you can read the rest of these.”

Speaker Howland: “Professor Buhrman?”

Professor Robert Buhrman, Applied and Engineering Physics: “I’ve been asked to say a few things about the potential scientific use of the reactor. I just have a comment on the boron neutron capture therapy proposal. It would be great if you could have the benefits to help people with destructive cancer. The question is whether or not this is a research area where there is growth and where Cornell can make a particularly strong contribution? I don’t know. You go to the National Cancer Institute web site, and look at the number of programs that they are supporting in this area of research. What you find is not particularly impressive. The figure shows the number of programs that NCI is supporting for work related to boron neutron capture therapy. As you can see there is a disturbing trend down over the past few years. In fact, there may be only one active program that is still being funded. This is because the web site indicates that the funding period for two of these three final projects has expired, but I’m not sure if that’s correct. This is a web site report for whatever it’s worth.

“The other point is there are now currently two DOE programs pursuing BNCT work, one at the MIT and one at Washington State. As you have heard the effort at Brookhaven was shut down. This foil discussing the Washington State effort indicates what you have to do in order to get this type of program going. They made a proposal to DOE in 1997, we didn’t. From this proposal they received a $200,000 grant starting in 1998; they also had a partnership with the Idaho lab from DOE which is providing $300,000 in material. They have a major building program. You looked at Dr. Kallfelz’s diagram; you have to build a very big, very well shielded irradiation room for the patient, be it animal or human, that would be exposed to the reactor core to get radiated. This is a half million dollar construction project. At this point the Washington State project may or may not be operational. The web site does not give me the current update. But whatever the current status the existing work that is going on elsewhere clearly indicates that BNCT research is a very expensive program and that Cornell is well behind the curve in getting into an area for which federal support is currently declining.

“Another possibility was suggested that we could do neutron diffraction here. If you look at all carefully into the prospects for this application you find that there really is no possibility of this being a feasible application of our reactor. To give an example, there is no evidence that any university reactor in the country on a par with us in power (we are currently a half a megawatt) can offer that capability, so we would have to upgrade. That costs a lot of money. You also have to obtain an extensive and expensive array of equipment, detectors, monochrometers, etc. A request was made to Brookhaven to get some of their equipment. There has not been, as far as I’ve been told, a positive response to
that. The Brookhaven reactor was closed down for political reasons, as many people know. Professor DeSalvo was asked if he would be interested in using it; he said very much so. I inquired about his needed intensity, ours is 1/20th of the Missouri reactor, and he indicated that at that level he would not be interested in using it—1/20th is our current power ratio. To give you the scope of what’s going on, at Oak Ridge, there’s a reactor that is 85 megawatts, that’s 170 times the Cornell reactor. That’s not good enough. The country is spending 2 billion dollars, approximately, to build a pulsed neutron diffraction capability at Oak Ridge. That’s what people who do cutting edge research, the kind of research Cornell does, want to do in neutron diffraction.”

Speaker Howland: “Thank you very much.”

Provost Martin: “I just wanted to say Prof Ballantyne’s remarks and jokes not withstanding, there was no decision before the LAC was asked to do its report by this administration to decommission the reactor. I didn’t see Bob Richardson’s letter until I was shown it yesterday by Prof. Ünlü and maybe Bob can explain it because I would, as I am always trying to do, like to dispel any suspicion here that some decision was made in advance.”

Speaker Howland: “Prof Richardson “

Professor Robert Richardson, Vice Provost Research: “On June 12th, I sent a letter to Dr. Dirkmaat, the director of INEEL, the site that takes fuel, requesting permission to send the fuel to Idaho on the basis if we wanted to shut down the reactor. Let me give you some background. You have to get in line to get permission to send the fuel and you have to fill out quite a bit of documentation and paperwork. We sent the letter requesting permission to send the fuel, indicating that a point of decision was coming in the year 2003 for re-commissioning and that if the reactor was shut down, the space would be used for another purpose and we would no longer have a program in nuclear engineering at Cornell. Subsequently, and this was before the charge was given to the LAC, the forms were sent back to me by INEEL, the facility, asking us to describe the type of fuel rods that we would have, so that they could make an estimate of what’s required on their end to receive the fuel. I requested that the Ward Reactor people fill out those forms. Dr Ünlü indicated that, because of competing time requirements for service to outside users, he wouldn’t be able to do that, so we hired a consulting firm, NAC. They came in and actually looked at the fuel rods and made estimates of what it would cost to move the fuel rods if we decided to shut down the reactor, and if we were given permission by the Idaho site to move the fuel rods there. We’ve been told by a number of people that it takes a minimum of three years to go through that procedure to move the fuel rods. If, for example, the University decided not to re-commission the reactor in 2003 and at that point decided to move the fuel rods to Idaho, there would be an interval in which we would need to have high security around the reactor site for the protection of the fuel rods. Anyhow, it is the case that I wrote a letter on June 12th, but the decision was not made then to shut-down the reactor.”
Speaker Howland: “Let’s see, we were on the Ward side, I think. Prof Kay?”

Professor Robert Kay: “Maybe some of this has been covered before. I’ll just talk about what I call ‘currency of the realm.’ We certainly talked about dollars a lot, and there was some allusion made to research productivity and some numbers, and when I met before the LAC for forty minutes back in November, I made that as a major point actually. I furnished them with a statement to that effect. Just to emphasize what this means. This is a citation, Science Citation Index, entry right off the web, you can get this in a minute. And this is basically what I’ll look at. Forty-eight. This is a paper from 1993, it does not use exclusively Ward Laboratory data, but this is essential to the paper. This is on on-going effort, there’s an isotopic table here, there is ICP data here, all right, fine, but this is a fairly nicely cited reference. I can look at any of your references, any of your papers in the audience, and if had 43 per this, and if you kept it up for 30 publications, and you get 1025 in the last decade, that is 12 years from 1988 to 1998, I think that you’d say this is something that I’d really like to keep doing, and this is an integral part of that. So I would just say, not to drag this out, this is a statement and I don’t want to read it. First of all there are two Professors Kays here. There’s me, and I was a member of the drafting committee of the 1996 report as was Jim Burlitch and Don Holcomb, and so naturally LAC did talk to me. I did refer to papers that were both Sue and I, and together, and variously, but the committee really never did talk with Sue, which is actually, come to think of it a little odd, since she was listed as a major user in the 1996 report. And there were other major users listed in the 1996 report that were not contacted by the LAC. Had they done that, she would have told them what she just told you today. So we can talk about what we want in terms of essential and choices, etc. but this is certainly been more than convenient, and more than just slightly productive for us, and for Cornell University.”

Speaker Howland: “Thank you Prof. Kay. I’d like to call now on Prof Drell “

Professor Persis Drell: "The LAC is in agreement with the advocates for Ward and the vision laid out by the Ward Center, that the justification for the support for the continuation of Ward should be based on its serving effectively as a University wide center, that came through strongly in the interviews. To formulate our finding on that point, we attempted to meet with users and potential users on campus; we met with 36 people. We did not meet with Professor Kay, S. Kay. I apologize for that. The fault is mine; I was chair of the LAC at the time. I missed the fact that there were two professors Kay until it was too late. We tried to determine what is a reasonable assessment of potential, on campus for Ward usage, what is the long-term faculty interest, what are groups that will sustain the facility, write grants to develop new technology, supply man-power to bring those new technologies to maturity. A coherent picture developed from those many hours of interviews; it was heard by all members of the committee, that is the reason why we were unanimous in our recommendation. For the neutron activation and radiography, those were routine services available elsewhere. Even strong advocates agreed that there was a need for multi-function usage. Simply doing NAA did not justify the
Center. On the expanded multi-function usage, many of those have been under development for some time. They are challenging technical efforts. We did not find an engaged, energetic group of faculty, particularly young faculty, willing to develop those techniques and make substantial use of them. We had no evidence from talking to faculty across campus that if the capabilities were established that they would have a major enabling impact on Cornell research programs. It was the absence of such an energetic group of young faculty willing to dedicate their intellectual, financial, man-power resources to develop capabilities for the Center that led us to finding 6 which is at the heart of the report and ultimately to our recommendation. To some extent, we saw and see a disconnect between the reality of the Center capabilities, level of interest and commitment of faculty on campus and the potential that is described by the advocates."

Speaker Howland: “Anyone else on the Ward side who wanted to speak? I’ve got one here. I’m sorry, I’m pointing at you, Sir.”

Professor Bingham Cady, Theoretical and Applied Mechanics: “I’ve been given a really unhappy task. I’ve got to level with you about the failure of correct substance, especially in the Local Advisory Committee’s report.”

Speaker Howland: “I’m sorry. I want to remind you of the passage in Robert’s Rules of Order which says, ‘You will not question the motive of anyone in their deliberations.’ So please keep your remarks impartial.”

Professor Cady: “Very good. I will do that. I want to tell you a little bit about the history of the Ward Laboratory. It began in 1960. It was built with no contribution from the University. The NSF, AEC and Vitro Corporation built it, and Carlton Ward provided $1 million in lieu of operating expenses, which we used in the college for the master plan. He also endowed a Chair, the J. Carlton Ward Chair, and that is held by Professor Hammer in Electrical Engineering. The point is that nowadays we don’t demand that centers be built without university money, or have operating funds or an endowment in lieu of operating funds, and we don’t demand that the people who endow chairs do that. Not only that, the $200,000 that you heard about provides the full salary and fringe benefits of the director. The other centers don’t do that, maybe half. So we are discussing something less than $200,000, because you have to understand it pays for a faculty member, the director, who teaches courses and supervises graduate students. The next is, you’ve heard this story quite a bit, that this is an open laboratory available to everyone. A truly remarkable vision, I think, by the people who recommended this in 1996. That has been discussed. It is university wide. It is not a laboratory captured by a small number of people where you have to be in the ‘in-group’ in order to participate. Third, it’s very unfair to Professor Ünlü, who has come on board two years ago in 1998 and done a remarkable job, has taken the Ward Laboratory forward, and now has hundreds of thousands of dollars worth of research grants and other grants in support of the laboratory in his two years here. It is not in the Cornell tradition to bring people in, tell them we are going to give them a job to do, have them perform it,
far better than any of us could have expected, and then tell them to. I can't use the word because it's not appropriate. It's appropriate where I come from in South Chicago."

LAUGHTER.

Professor Cady: "Now I would like to say that the Vice Provost's office did decide to close the Ward Laboratory and wrote it down in the letter of June 20. That letter, nothing about motivation, I want to discuss facts, the letter is filled with untruths."

Speaker Howland: "Sorry, you can't say . . ."

Professor Cady: "All right, I can't say it; I take it back. Let me then say, let me read from it. 'It has thus become impossible to justify adequate funds to maintain the reactor at an appropriate level. Accordingly, we are initiating the steps to decommission the TRIGA Reactor.' It does not say we are thinking about it; it announces it. This came back to us. We need you to read the information we are giving to you."

Speaker Howland: "Let's see. On the LAC side."

Professor Peter Stein, Physics: "Sir. Is there any opportunity for neutral people to address the . . .?"

LAUGHTER.

Speaker Howland: "I was just about to call on somebody neutral who signaled they wanted to talk. Professor Fine."

Professor Terrence Fine, Electrical Engineering: "One of the issues is why is this here before the Senate. It's clearly not because the Senate is a great scientific body, but it's because this Center was created by a motion that came and passed through the Senate, made reference to by Professor Ballantyne. But I have it right in front of me here. You are not supposed to read in front of a parliamentary body, but there were three whereases. One of them said whereas . . . is to put the Ward Facility on a firm financial footing, and then the resolution had two stipulations, their word. OK? One of them was 'B. that any funding for the Center subsequent to July 1999 for the general purpose budget be drawn from then existing appropriations of the several colleges from which come the faculty and student users of the Center by agreement of the relevant Deans.' So as I look at this motion . . . I mean you may not like what it says, but the motion is very clear. It says by 1999, there should not be any funding coming from the general purpose budget except through this path. Now, that, I think has not happened, maybe for good and sufficient reasons, but I'd like to hear that. Because that is the subject of the motion that enabled it."

Professor Cady: "Are you questioning me? I'd be glad to respond."
Professor Fine: “I can’t question.”

Professor Thorp: “May I respond?”

Professor Cady: “I’d be glad to respond.”

Speaker Howland: “I have three people who would like to respond. Well, let’s say one here and then one here.”

Professor Thorp: “We asked and we were told that one dean has made contributions, but only one.”

Professor Cady: “I would like to point out that that’s exactly what it says, that then existing appropriations should come from the college deans, but the Vice Provost’s office declined to do that.”

Speaker Howland: “Professor Stein.”

Professor Peter Stein, Physics: ‘I have another question for the LAC, because I’m trying to follow the arguments and I really am totally neutral, but on the one hand you say it isn’t a matter of funding and on the other hand one of you says that you are not questioning the value or the quality of the research that is done. I just don’t understand it, because if I take that literally, if it were free, you would still want to close it. I mean if it didn’t cost us anything, you would still want to close it, and that seems surprising to me. Along with that, I’m a little bit confused about, you know, the money. It certainly sounds different when it’s presented by both sides, but I see sort of a constant subvention from the university which isn’t going to change. I wonder is that correct? The other question I have is, have you considered the financial implications of closing it as opposed to the financial implications of not closing it. If they are right, if it costs half a million dollars to move the cobalt source someplace else . . .

Unknown: “Four million.”

Professor Stein: “I mean four million, sorry. Four million dollars to move the cobalt source someplace else . . . and another whatever it is $5 million dollars to take out the fuel rods, and it’s only costing us $200K a year, it just doesn’t sound like it makes much sense to make that capital investment to do that. I really would like to have . . . it would be much cleaner if you could say, ‘OK, look, here’s the alternative. You can take the samples someplace else and have them analyzed and blah, blah, blah, blah. It you follow that path it costs one thing and if you follow the other path of keeping it open and assuming a sort of constant level of research as is currently going on, it would cost us another level. And, look, these two things are very different, and one side is favored over the other.’ It seems to me that ought to be the argument.”

Speaker Howland: “You wish to respond? Name please?”
Professor Barry Carpenter, Chemistry and Chemical Biology and member of the LAC: "It's certainly not the case that we failed to consider funding at all, but it is true that it was not a primary consideration in our decision. The primary consideration was—is this currently and is it going to be, as far as we can tell, a vigorous center for research of Cornell faculty? And when you ask that question, the first thing you have to recognize is that even the proponents say that we are looking at a 20 year life time for this thing from now. Well, 20 years is both a long time and a short time. It's a long time in the sense that we can't predict what's going to happen to a 40 year old reactor over that 20 years and so funding would come in to the extent that there is uncertainty about what it would cost to maintain the reactor during that time. But it's a short time in the sense that if there is going to be a vigorous program during the next 20 years, presumably we should be seeing now the young faculty who are writing the proposals to involve themselves in the use of this facility, and we did not see that.

"Furthermore, when we looked at the past history of what the proposals were for how this Center would be operating from 1996 on, there were rosy projections about what would be happening, including many of the same research projects that we are hearing about now that haven't happened. So given the only data available to us, we came to the conclusion that there was no convincing case that there would be a vigorous research program and that there was the possibility for substantial unknown cost to the university during this 20 year period.

"Finally, let me talk about the bill. First of all, I don't know if you have looked at the news today, but President Bush is apparently recommending a 1% increase for the National Science Foundation for the next fiscal year. Apparently, the way he is going to be funding his proposed tax cut is to take money away from basic research. Given that, one has to wonder what is the probability that this bill is going to get passed at all? So, we're not talking about a certain revenue stream coming to the university, we're talking about some bill of uncertain future. Next, even if the money were to come in, since when is research at this university dictated by available funds without available faculty? That is, oh, we can get this money and then we'll find the faculty to do the research. That is not a way that I believe that this university has been conducting its research in the past, nor a way that it should conduct it in the future."

Professor Stein: "Even if I accept . . ."

Speaker Howland: "Professor Stein, I'm sorry. Yes, sir."

Professor David Hammer, Electrical Engineering: "I would like to move a little bit more to the philosophical side of the last half of the argument that I just heard. We heard discussions of some very interesting research that is taking place at Cornell University by individuals who are not nuclear scientists and who are not nuclear engineers. If there were an active program in nuclear science and engineering at Cornell University with several young faculty members or even faculty members my age, the program would not have been dissolved, the Center would not have been moved out from under the Dean of Engineering's bailiwick. Instead the users, present and future, in 1996 were seen
to be the people who were using it then such as the Kays and the folks in archeology and paleontology and elsewhere. I suggest to you that their research interests and the research they do is just as important to Cornell University and the reputation of Cornell University and Cornell University's long term goals in research as mine would be if I were doing nuclear engineering research in the College of Engineering using that reactor. I think that it is an excellent tool and should be kept and made available for the people who want to use it. It is not a very large cost. The cost of eliminating it is likely to be much higher. Thank you."

Speaker Howland: "Other people who haven't spoken yet? Yes, sir."

Professor Richard Talman, Physics: "The previous neutral comment was right leaning, and so I would like to make a left leaning neutral comment. It seems to me that it's an issue of governance. OK? A committee of individuals who are on the average slightly more competent to understand the issues discuss this and came to a unanimous decision. To then repeat the arguments in a very brief format amongst people who are on the average a little less qualified to understand them I think is contrary to good governance of the institution."

Speaker Howland: "Anyone else? Professor Ballantyne. Since we're going around for the second time, I'm going to recognize Professor Ballantyne."

Dr. Ünlü: "I'd like to give a few comments?"

Speaker Howland: "Yes, please. Three minutes, and then I'll come to you, Professor Ballantyne."

Dr. Ünlü: "First of all, I'd like to get back to Professor Burns' comments. On this list only $350K, which is the cost of 12 fuel rods, received.... We periodically receive fuel from DOE, because fuel comes for free, is not peer-reviewed that is money coming to us. All the other research grants which you have seen, all the grants I should say, are peer-reviewed grants. You should look at the previous years, for example, for the Reactor Instrumentation Grants, those are all peer-reviewed. It was only ... actually nothing prior to 1998. You see the increase. Same thing for the Reactor Sharing Grant, and also the same thing for this Utility Matching Grant. The Electric Power Research Institute chose Cornell, RPI and MIT to give $180K. The other $180K matched by DOE; this is again a competitive peer-reviewed application. I would like to comment also on this grant. This is called the Nuclear Engineering Education Research Grant and you have a 10% chance of getting it. Last year only 11 were awarded, and we got one of them. For this grant which is still pending and this grant we have collaboration with a group in Mexico, that is supported by Mexican NSF called ConaycT. The Mexican side is already granted and our side NSF doesn't know which funding category they have to put this application, so we are waiting for the results from this end. This grant, which is also competitive peer-reviewed grant, for this particular one we didn't get the funding. Our share will be $300 but it's not funded. So therefore, I will challenge Professor Burns that this is not just given money, a handout. These are all peer-reviewed grants.
"This is a paper presented last year at the American Nuclear Society meeting which is basically comparing the possibility of neutron powder diffraction in a small reactor. This is the Ohio State reactor which is a 500k Wt reactor which is the same as ours. It gives the numbers, and I can give you all the details if you want, but you can do for example 10 megawatt reactor at Missouri, 1 measurement in 10 minutes, here you can do it in 40 minutes. So it is just a matter of time. And, um . . . I forgot my last comment. I apologize."

LAUGHTER

Speaker Howland: "Professor Ballantyne."

Professor Ballantyne: "I just wanted to comment. The committee has placed a great emphasis on young faculty members building their research programs. As I look at this, this reactor has been showing some life for about two years. To get a young faculty person who is going to build the reactor, there is no department that is going to recruit a young faculty member who is a nuclear reactor faculty member. We have heard about one in vet medicine who apparently was affected by that, but to use the argument of young faculty over a time period of maybe three years of viability of the reactor with departments that are not directly related with nuclear engineering, I don't think it's feasible. I think you have to look at old faculty, people that are here."

Speaker Howland: "Let's see. Two people have their hands up that haven't spoken yet. One here and one here."

Professor Richard Baer, Natural Resources: "I have not read the report carefully. I was interested to hear of an endowed faculty position. Just a point of fact—do we have any responsibilities to whoever endowed that to follow through with something like the original intent or will closing down the reactor also permit us to fulfill those obligations?"

Speaker Howland: "Provost Martin would you like to answer that?"

Provost Martin: "It's a very good question. I doubt we have obligations at this point, but we will have to research it."

Professor Baer: "I don't mean just legal, but . . ."

Provost Martin: "Yes, absolutely, yes."

Speaker Howland: "Yes, here?"

Professor Larry Walker, Agricultural and Biological Engineering: "I'm a member of the committee. The representative from the Vet School—would the Dean of the Vet School be willing to invest money into the Ward Center?"
Professor Francis Kallfelz: "Sorry, I have not had the opportunity to discuss that detail with him. I saw him briefly last week and indicated I would like to come see him and have not yet been able to do that. So I can't give you an answer."

Professor Burns: "I wanted to go back to these numbers as well. The question of peer-reviewed or not. This is the famous chart. We acknowledge that there has been enormous growth down here. You cite action B there, and whether or not these are peer-reviewed, I took off the web just before the meeting today, here's the peer-review on that one. All 22 universities got it...22 out of 22...that's the sort of peer-review I love. I'll stand up to it any time."

Speaker Howland: "Back here."

Professor Val Kostroun, Applied and Engineering Physics: "As one of the five members of the Nuclear Science Engineering Program, I would like to correct the impression that everything started...that the program started to grow two years ago. Before that I had $300K per year, Dave Clark had the same NEAR Program, DOE also had $200K, Steve McGuire had about $100K and so to say that this is all new is simply not correct. We did have money before, and I would also like to say that at that time in 1995, our program with five faculty members was put on probation by the New York State for having an insufficient number of graduate students, insufficient research and so forth. I think there are many other things that this committee and the university is just not aware of, that haven't been presented and should be taken into account."

Speaker Howland: "Thank you. We have about two minutes remaining. Is there anybody who hasn't spoken at all? In the back."

John Chiment, Department of Earth and Atmospheric Sciences: "The students who are waiting outside, 220 enrolled students in Art, Archeology and Analysis, will all visit the Center. The work that is being done at the Center is being done largely by the six faculty members who teach that class in Art, Archeology and Analysis. They are having their first prelim at the end of the week. I really find it is an interesting place in that faculty from many different parts of the university are there discussing joint problems daily. I met on Friday of last week with the Vice President of Corning, Inc. who suggested that they would be willing to endow a position at that Center and that they are now one of the largest users. They would simply like information from the university as to what an endowed position would cost their foundation."

Speaker Howland: "Thank you very much. Ladies and gentlemen, I have one announcement before we leave. Would the Senate members please remember to sign the roll? Thank you very much."
Adjourned.

Respectfully Submitted,

Charles Walcott
Associate Dean and Secretary of the University Faculty
WHEREAS, the Senate recognizes and welcomes the responsibility of the faculty to advise the Provost on the allocation of resources for support of research at Cornell, and

WHEREAS, the Senate nevertheless acknowledges that, when judged by a standard of return on investment, fundamental research is an inherently unpredictable enterprise not amenable to a priori selection of successful avenues of investigation, making it important to maintain a broad base of scientific research, and

WHEREAS, the Senate is aware that the various requests from faculty in the Natural Sciences for research-related expenditures of University funds may involve different magnitudes of expenditure and different deadlines for decision, and
WHEREAS, the advisory structure should clearly separate advocacy from dispassionate evaluation,

THEREFORE, BE IT RESOLVED, that the Senate proposes the establishment of the following Natural Sciences Research Advisory Councils for advising the central administration on investments in research in the natural sciences (engineering, mathematics, biological and physical sciences).
Members of the LAC 2000-2001

- Barry Carpenter  Chemistry and Chemical Biology
- Joseph Burns  Theoretical And applied Mechanics
- James Gossett  Civil and Environmental Engineering
- Donald Bartel+  Mechanical and Aerospace Engineering
- Dale Bauman  Animal Science
- Persis Drell*  Physics
- James Thorp**  Electrical and Computer Engineering
  Charles Walcott  Neurobiology and Behavior
- Larry Walker  Agricultural and Biological Engineering
- Robert Buhrman++  Applied and Engineering Physics

- +on sabbatical 2000  *Chair F99-F00
  **Chair S01
- ++sabbatical replacement
Process

LAC met with Dr. Kenan Unlu, Director of Ward Center of Nuclear Science and Adjunct Professor of Materials Science and Engineering, Professors Peter Kuniholm, Robert Kay, Norm Scott, and Val Kostroun, John Silcox, Vice Provost for Physical Sciences and Engineering, and Jack Lowe, Executive Vice Provost for Research, and individually with approximately 30 faculty members across campus who had been listed as users or potential users of Ward Center.

The entire LAC visited Ward Center and had a tour from Dr. Unlu who described the ongoing projects and future potential projects utilizing the reactor.
Findings of the LAC

1) The LAC found no evidence for major safety concerns at Ward Center.

2) At the present time Cornell University does not have a substantial academic or research presence in the area of nuclear (fission) engineering.

3) No compelling case has been found for a strong connection between the existence of the Ward reactor on the Cornell campus and any role Cornell might play in a possible future resurgence in the field of nuclear power engineering.
Findings of the LAC

4) Reactors are being closed around the country for cost and programmatic reasons, even in Universities with active nuclear science and engineering departments.

5) The cost of continuing the operation of the Ward Center was clearly a major motivation for the initiation of this LAC review, as was the mandate from the Faculty Senate that such a review be conducted two years after establishing this University research center. However the LAC only turned to consideration of these costs after first attempting to evaluate the impact of the reactor, both current and potential, on university research and academic programs.
Findings of the LAC

6) Given the absence of a significant Cornell academic program in nuclear engineering, as discussed in (2) above, the justification for the support and continuation of the Ward Center for Nuclear Science must be principally based on it serving effectively as an university-wide user facility. Taken in total, the evidence reviewed by the LAC does not indicate that the TRIGA reactor is having an important, major impact as a user facility for the Cornell community, either in research or in academics, that is proportionate with the overall cost of maintaining and operating Ward Center. Neither does the evidence indicate that the reactor is likely to be able to have such an impact in the future.
Findings of the LAC

7) There appears to be a substantial, cost-effective benefit to continuing the operation of the Co\(^{60}\) source, independent of the decision on the TRIGA reactor and the future of the Ward Center.
Recommendation

- The LAC unanimously recommends that Cornell move to decommission the TRIGA reactor and phase out the Ward Center activities. We recommend that the administration be proactive in addressing the transitional inconvenience of current users as they transfer their research to other facilities, and in helping the staff whose jobs will be affected. The LAC recommends that Cornell maintain the Co$^{60}$ source at an appropriate local facility. These recommendations are independent of any proposed schedule for fuel removal from the reactor.
The Ward Center for Nuclear Sciences Review

Faculty Senate Meeting

Kenan Ünlü

February 21, 2001
Goldwin Smith Hall
Mission

The central mission of the Ward Center for Nuclear Sciences is to provide safe nuclear analytical and testing facilities in support of the research and education activities of faculty, staff and students at Cornell University. The Center's resources are also available to users outside of Cornell as part of the public service functions of the University, symbolized by its status as the Land Grant University of the State of New York.
In support of this central mission, the technical staff of the Center are available to:

- Provide nuclear analytical and testing services to the campus community and to outside academic and corporate users

- Teach academic and industrial users how to safely carry out experiments utilizing the Center's facilities

Ward Center facilities and analytical services are available to all members of the Cornell community for little to no cost. External users are charged a reasonable fee to offset operating expenses.
Research Activities

FY 98 /99: 10 faculty members from 8 different departments and four different colleges

FY99/00: 17 faculty members and staff from 12 different departments and four different colleges

- Six other faculty members expressed interest in possible usage

Eleven external collaborations were established involving 16 scientists from national laboratories, corporations and universities
Status of Research Programs

**Existing:**

- Neutron Activation Analysis
- Neutron Radiography
  - Real Time Radiography
  - Film Radiography
- Cold Neutron Source Facility
- Fast Neutron Irradiation Facility

**Developing:**

- Neutron Depth Profiling
- Prompt Gamma Activation Analysis

**Future Opportunities:**

- Neutron-Induced Auto Radiography
- Boron Neutron Capture Therapy
- Neutron Powder Diffraction
## Cornell users in FY 99/00 (TRIGA Reactor)

<table>
<thead>
<tr>
<th>PI</th>
<th>Department</th>
<th>Project</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prof. Kay</td>
<td>Geological Sciences</td>
<td>NAA of igneous rocks</td>
</tr>
<tr>
<td>Prof. Hover</td>
<td>Civil Engineering</td>
<td>NRad of microcracking in Concrete</td>
</tr>
<tr>
<td>Prof. Cady</td>
<td>Nuclear Science &amp; Engineering</td>
<td>Real time NRad of Wetting Instabilities of water in sand</td>
</tr>
<tr>
<td>Prof. Ünlü</td>
<td>Nuclear Science &amp; Engineering</td>
<td>NAA, cold neutron source and PGAA, NDP, TOF-NDP testing and development</td>
</tr>
<tr>
<td>Prof. Taft</td>
<td>Art Department</td>
<td>Neutron Induced Auto Radiography of 16th Century Painting in Thermal Column</td>
</tr>
<tr>
<td>(Frank Robinson)</td>
<td>Johnson Museum</td>
<td></td>
</tr>
<tr>
<td>J. Chiment</td>
<td>Geological Sciences</td>
<td>NAA and NRad of Mastodons</td>
</tr>
<tr>
<td>Prof. Kuniholm</td>
<td>Art History</td>
<td>NAA of Dendrochronologically dated tree rings (new NAA facility completed)</td>
</tr>
<tr>
<td>Prof. Ast</td>
<td>Materials Science and Engineering</td>
<td>NAA of Silicon Ribbons</td>
</tr>
</tbody>
</table>

226.6 hours of Reactor Operation ($90,240 external rates)
Real Time Neutron Radiography

Preferential flow of water in Sand
(M. Deinert)
Film Radiography

Neutron and X-ray Radiographs of Concrete Core Sample Cross Section-(Prof. K. Hover, Civil and Env. Eng)

Neutron Radiograph (N-Ray)  "X-Ray" Radiograph
Geological Sciences

Fossilized dinosaur bone (J. Chiment)
Film Radiography

Entomology/ Geneva Testing Station

(Corn root-worm larvae in situ with live corn roots)
United Technologies Inc.
Hamilton Standard Space Systems

Ventilation unit for outer space applications
Academic Courses Utilizing TRIGA Research Reactor (FY99/00)

- NS&E 121 (ENG 121, A&EP 121) 11
- ENG 150 179
- NS&E 403 (A&EP 403, EL 403) 13
- NS&E 551 3
- Art, Archaeology and Analysis 78
- Physics 208 217
- Geol 302 32
- MS&E 603 20
- NYS 4-H 8

(1,776 hours of instruction in the Ward Center, the value in tuition for this class time $101,232)

Graduate Student and PostDoc training ?

~ 1,000 visitors, 75 % Cornell, 25% outreach ?
Industrial Outreach Activities

- Imaging and Sensing Tech, Horseheads, NY
- Eastman Kodak Corp., Rochester, NY
- Corning Inc., Corning, NY
- Cosense Inc., Hauppauge, NY
- Knolls Atomic Power Lab, Schenectady, NY
- CIDTECH Corp., Liverpool, NY
- Wyeth-Ayerst Research, Pearl River, NY

- Intersil, Mountaintop, PA
- Westinghouse Corp., Pittsburgh, PA
- Northrop Grumman, Sykesville, MD
- GE Reuter-Stokes, Twinsburg, OH
## Expenses

<table>
<thead>
<tr>
<th>Fiscal Year / Salaries</th>
<th>98-99</th>
<th>99-00</th>
<th>00-01</th>
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</thead>
<tbody>
<tr>
<td>Total Salaries</td>
<td>321,169</td>
<td>286,491</td>
<td>302,686</td>
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<td>Temp Wages</td>
<td>----</td>
<td>----</td>
<td>----</td>
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<tr>
<td>Overtime</td>
<td>----</td>
<td>4,000</td>
<td>4,000</td>
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<tr>
<td>Student Wages</td>
<td>10,000</td>
<td>6,000</td>
<td>6,000</td>
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<tr>
<td>Benefits</td>
<td>120,332</td>
<td>93,272</td>
<td>104,040</td>
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<tr>
<td>Sub-Total Personnel</td>
<td>451,501</td>
<td>389,763</td>
<td>416,726</td>
</tr>
<tr>
<td>Capital Equipment</td>
<td>27,000</td>
<td>25,000</td>
<td>25,000</td>
</tr>
<tr>
<td>Supplies</td>
<td>14,500</td>
<td>15,000</td>
<td>15,000</td>
</tr>
<tr>
<td>Maintenance &amp; Repairs</td>
<td>4,500</td>
<td>8,000</td>
<td>8,000</td>
</tr>
<tr>
<td>Communications/Telephone</td>
<td>15,000</td>
<td>15,000</td>
<td>15,000</td>
</tr>
<tr>
<td>Travel</td>
<td>3,000</td>
<td>10,000</td>
<td>10,000</td>
</tr>
<tr>
<td>Other (fees, dosimetry, etc.)</td>
<td>9,000</td>
<td>10,000</td>
<td>10,000</td>
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<tr>
<td>Sub-Total Operational</td>
<td>73,000</td>
<td>83,000</td>
<td>83,000</td>
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<tr>
<td>Total Expenses</td>
<td>524,501</td>
<td>472,763</td>
<td>499,726</td>
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## Income

<table>
<thead>
<tr>
<th>Fiscal Year / Sources</th>
<th>98-99</th>
<th>99-00</th>
<th>00-01</th>
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<tr>
<td>University Appropriation</td>
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<td>200,000</td>
<td>200,000</td>
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<tr>
<td>External User Fees</td>
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<td>215,000</td>
<td>240,000</td>
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<tr>
<td>Sponsored Funds</td>
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<td>10,000</td>
<td>32,000</td>
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<tr>
<td>Ward Endowment (Interest)</td>
<td>20,000</td>
<td>16,077</td>
<td>20,726</td>
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<tr>
<td>Misc. Ward Gifts</td>
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<td>----</td>
<td>----</td>
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<tr>
<td>Internal User Fees</td>
<td>10,153</td>
<td>6,000</td>
<td>7,000</td>
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<tr>
<td>Rolled over from previous FY</td>
<td>130,000</td>
<td>5,686</td>
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<tr>
<td><strong>Total Income</strong></td>
<td>524,501</td>
<td>452,763</td>
<td>499,726</td>
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Federal Funds Received

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<tr>
<th>YEARS</th>
<th>97/98</th>
<th>98/99</th>
<th>99/00</th>
<th>00/01</th>
<th>00/01 Pen</th>
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<tbody>
<tr>
<td>$0</td>
<td>$3,000</td>
<td>$29,000</td>
<td>$421,000</td>
<td>$623,000</td>
<td>$971,000</td>
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Proposed Funds in Senate Bill 245
( Feb. 1, 2001)
DEPARTMENT OF ENERGY UNIVERSITY
NUCLEAR SCIENCE & ENGINEERING ACT

Senate Bill S.245, February 1, 2001

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Million $</th>
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<tr>
<td>Undergraduate and Graduate Fellowships</td>
<td>15.7</td>
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<tr>
<td>Junior Faculty Research Initiation Grant Program</td>
<td>39.0</td>
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<tr>
<td>Nuclear Engineering &amp; Education Research Program</td>
<td>68.0</td>
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<tr>
<td>Communication and Outreach</td>
<td>1.3</td>
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<tr>
<td>Refueling of Research Reactors and Instrumentation Upgrades</td>
<td>35.0</td>
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<tr>
<td>Re-licensing Assistance</td>
<td>5.9</td>
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<tr>
<td>Reactor Research and Training Award Program</td>
<td>68.0</td>
</tr>
<tr>
<td>University-DOE Laboratory Interactions</td>
<td>5.9</td>
</tr>
</tbody>
</table>

**Total Authorizations** 238.8
Boron Neutron Capture Therapy (BNCT)

Boron Neutron Capture Therapy is an experimental radiation therapy that is being developed for the treatment of highly malignant brain tumors. BNCT requires the infusion of B-10 containing chemicals (delivery agents) to the tumors. B-10 concentrate at the cancerous tumor while they clear from the healthy tissues. Then the tumor is exposed to thermal/epithermal neutron beam. B-10 absorb the neutrons, alpha particles and gamma rays are emitted. Substantial kinetic energy is released. Currently, effective B-10 delivery agents are being sought. Research is also being done to obtain desirable epithermal neutrons by using beam filters and to find optimal beam energy for a given tumor depth in the brain.
Boron Neutron Capture Therapy

$^{10}\text{B}(n,\alpha)^{7}\text{Li}$

B-10 thermal neutron cross section: 3,840 barns

$\alpha$       recoil $^{7}\text{Li}$

energy: 1,472 keV                   840 keV

range in soft tissue: 9 microns       4.8 microns

short ranges

B-10 must be in the cell or on the cell surfaces

tumor/blood and tumor/tissue concentration

epithermal neutron needed for deep-seated tumors

localized in the cell
Boron Neutron Capture Therapy
(Locher 1936)
Beam characteristics of the existing epithermal neutron beam facilities for BNCT is published data based on measurements. The last two columns show the undesired epithermal neutrons and from the photons.

<table>
<thead>
<tr>
<th>Reactor / location</th>
<th>Reactor power</th>
<th>Epithermal flux</th>
<th>Neutron current / flux</th>
<th>Fast Neutron Dose / Epithermal Fluence</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>[MW]</td>
<td>[cm$^{-2}$ x s$^{-1}$]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FiR 1 / Finland 1)</td>
<td>0.25</td>
<td>$1.1 \times 10^9$</td>
<td>0.77</td>
<td>2.4</td>
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<tr>
<td>BMRR/USA 2)</td>
<td>3</td>
<td>$0.84 \times 10^9$</td>
<td>0.80</td>
<td>4.8</td>
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<tr>
<td>MITR/USA 3)</td>
<td>5</td>
<td>$0.2 \times 10^9$</td>
<td>0.55</td>
<td>13</td>
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<tr>
<td>HFR / Netherlands 4)</td>
<td>45</td>
<td>$0.33 \times 10^9$</td>
<td>0.95</td>
<td>10</td>
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</table>

1) Values refer to the centre of the 14 cm diam. exit aperture plane for 63 cm thick (measured value) [September 1998]

2) Values refer to the center of the 12 cm diam. exit aperture plane. [Med. Phys. 2:


4) HB11/BNCT Epithermal Neutron Beam. Parameters at 1cm from the exit of the beam parameter, 17/3/94]
Boron Neutron Capture Therapy (BNCT)
BNCT Facilities in the World

USA
MIT
Washington State University/ INEEL
Brookhaven National Lab.
Ohio State University
Rhode Island Atomic Energy Commission
University of Tennessee/ ORNL
UC-McClellan Nuclear Radiation Center
Armed Forces Radiobiological Research Inst.

JAPAN
Musashi Institute of Technology

FINLAND
FiR1

NETHERLANDS
Petten

GERMANY
Petten

SWEDEN
Studsvik

ITALY
Tapiro

AUSTRALIA
MSTA

ARGENTINA
CNEA, RA-6
1

Ward Center is been a model of safety.

- all control systems are less than 10 years old

- re-lining the pool is not needed

- if it is necessary it will cost $250K (WSU estimate) not $350K --- and DOE would likely pay for this.

- no cooling tower here; therefore no $150K cost to replace.
The Graduate Field of Nuclear Studies has several members.

There were:
5 PhDs in 1993-1999
15 M.Eng and M.S. degrees in 1993-1999

Prof. Kenan Ünlü exemplifies the new breed of Field member.

Typical Center user profiles:

- major (heavy, contributes to building of facility)
  e.g., Ünlü, Kuniholm, Kay and Kay, etc.

- minor (light-med. use, short or long term project),
  e.g., Burlitch, Giannelis, etc.
Universities with reactors will be primed to take advantage of a major initiative of funding by DOE for nuclear sciences.

Why rush to decommission the reactor when the Center is on the cusp of major support?
U.C. Berkeley’s reactor was closed 15-20 years ago for political reasons --they use U.C. Davis reactor and Lawrence Livermore Lab reactor for training.

U. Illinois’ reactor is in ‘safe storage’ since ‘98 -- it will be likely be reactivated

U. Michigan threatens to close their reactor (IF DOE DOES NOT COME UP WITH MAJOR FUNDING BY 9-’01

--clearly a ploy to obtain more funds.
The allotment from ‘the University’ has been $200K/yr.

The balance (~$200K) are ancillary costs,
--typical of any facility on campus
--will be treated as cost-sharing for new DOE support.
Impact on research

Breadth:---current users from 15 Departments and the Johnson Museum of Art

Usage--225 hrs (not counting setup times) (~$90K at commercial rates; no cost to CU users)

Impact--over 130 publications in past 10 years, and

over 1000 citations to 15 of Prof. Kay’s papers

Impact on education  In 1999-2000:

6 graduate students trained
  (direct control of experiments)
558 undergraduate students for ~1800 hrs
  (~$100K in tuition  at NO costs to Colleges
Cost of relocating Gamma Facility is estimated to be $4-5M.

Why spend at least $4M to decommission the Triga reactor?

AND $4-5M to move the Gamma facility to another location?

Why not spend $0 for demolition/construction and continue the growth of Ward Center?
Items relevant to Triga Reactor Discussion (not in priority order)

- The center was approved by the Senate based on criteria including provision of diverse array of services to the Cornell community and beyond, having a strong academic component crossing college boundaries, establishing a strong funding base independent of the central administration, serving as a magnet for new faculty and students.
- Items 2,3,4 and the first part of 6 in the Executive Summary of the LAC review are not related to the Senate criteria stated in the 12/11/96 minutes.
- The letter to DOE stating the university decision to close the Triga and remove the fuel rods is dated June 12, 2000. The LAC was asked on Sept 15, 2000 to review the Ward Center and make a recommendation on its future.
- Is there an appropriate local facility to house the Co source, and if so, what are the incremental operating costs to transfer the Co source there?
- The funding charted in the graphs of the Ward Center report is apparently the total multiyear dollars awarded in that year, as opposed to annual operating budgets, which are of course, lower.
- The rate of increase in funding awards to the center is quite remarkably positive over the last three years.
- The annual externally supplied funds which can be expended this year apparently exceeds $203,000, which was the total budget for the center before Unlu came.
- A person from Veterinary Medicine stated at the last meeting that a new faculty member is joining them who was attracted by the Ward Center.
- The LAC report states that "...its research base has grown somewhat across campus, and signs for the future are generally positive."
- The LAC has pointed out that few if any young faculty will devote their own careers to building or improving the facility. The Senate resolution placed the responsibility for building the facilities on a non faculty director, not on young faculty.
- What are the other on-campus instruments that could replace most of the analytical measurements now done on the Triga?
- An opinion that Cornell's research funding will remain flat for the next decade is not a relevant reason for closing the Triga.
Minutes of Faculty Senate Meeting  
March 14, 2001

Speaker Howard Howland: "There are no photos or tape recorders allowed during the meeting. We have one Good and Welfare speaker. I call now on Provost Biddy Martin for remarks and questions."

1. REMARKS BY AND QUESTIONS FOR PROVOST MARTIN

Provost Biddy Martin: "I just talked to Bob Cooke a few minutes ago about what sort of remarks I should make today. We concluded that I should talk just briefly about the Freshman Reading Project that we have been working on this past year. I'll just describe it briefly since our time is limited, and I'll come back to talk to you all about it later on. As you know, last year there was an effort with the North Campus Initiative underway, placing all freshmen on North Campus, to try and come up with what was referred to a common academic experience for freshmen for orientation week and for the beginning of their freshman year. There were suggestions that we institute what were at that time considered to be practical ethics courses that would begin in orientation and run for the first several weeks of the semester. That idea actually went down. I don't know if in flames, but it went down for lack of support. We came up with a different idea this year. It was actually part of my effort to enhance and expand the amount of intellectual exchange we have on campus generally.

"Here's how the two things converge—that is my effort generally to promote more intellectual exchange and the Freshman Reading Project. In December I asked the academic deans to read four books over the holiday break and to come back to the next academic deans' meeting prepared to discuss the four books and to think about which, if any of them, might be appropriate as a reading for freshmen. The four books they read were chosen by the deans based on some ideas they had generated in the group. The deans did read the four books. The deans who couldn't attend the next meeting actually sent book reviews. The academic deans and the Director of the Knight Writing Program attended and selected a book to discuss.

"The book that they chose is Guns, Germs and Steel written by Jarod Diamond. It's a book that was recommended at first in that group by faculty through the Dean of Computer Science. It was also recommended to me as a good read by two of our geneticists on campus and later by one of the members of Neurobiology and Behavior. It's a very ambitious, interdisciplinary book, a very substantial book. It has a number of problems in the views of most people who have read it, as well as great strengths, and for that very reason seems to be a good book to present to freshmen if it's framed correctly. So our intent at this point is to provide freshmen not only with the book to read during the summer, which we will pay for, but also to provide them with materials prepared by staff and teachers, faculty teachers in the Freshman Writing Program, as guides to the reading of the text. We have managed to convince orientation staff to carve out
two prime times for academic events for freshmen. We have on the second day
of orientation a two hour slot for a Faculty Forum on the book, and the next day
of orientation a two hour slot for faculty discussion in small groups with
students about the book. I hope you all will be among the faculty who volunteer
to participate in the forum and lead the discussions. You are not obligated to do
so, obviously, but if you are at all interested, I hope you will contact me. If you
don’t contact me, I’m sure I’ll be contacting you to try and convince you that this
will be a not only a good way to interact with new students but also a good thing
to do for the university culture as a whole.

"It’s part of our effort on North Campus, beginning with the North Campus
Project, to provide in orientation and in the beginning of the Freshman Writing
Seminars, academic experiences that the students will have in common that they
can then discuss in their residence halls and living situations, and that they can
discuss with a range of faculty on campus and in a range of courses. If you have
any questions, I would be glad to answer them. It’s a very sketchy overview. As
I said it’s an experiment, one about which there has been a great deal of
excitement already generated. I have already had a number of faculty volunteers
to lead some of the discussions—several from the Vet School actually—faculty
who don’t get to teach undergraduates all that much. In any case, I’d be happy
to try talk about it with any of you at any time."

Professor Nick Calderone, Entomology: “Question. What were the other three
books? And will you consider making the book and study guide available to us
so that we can also prepare for the discussions?”

Provost Martin: “The answer to the second question is a definite yes. We are
going to prepare reading guides to go out when the book goes out, framing the
whole exercise for the students so they understand that the point is not to elevate
this book or any particular book to any valued status, but simply to give them a
common academic experience and to teach them from the beginning that there
will be no one perspective on any book of that sort, etc. Yes, those things will be
available to everyone who wishes to participate, especially faculty, because we
want faculty to lead these discussions. I would like to lead one, as I don’t get to
teach right now. The President would like to lead one. If enough of you
volunteer we could also defer to you and not teach one.

"The first question—what were the other three books? One of the deans had
suggested Oliver Sacks’ The Man Who Mistook His Wife for a Hat, because
Oliver Sacks will be an A. D. White Professor-At-Large in the fall, and we
thought that it would be an interesting book to have freshmen read, because they
could then attend the lectures that Dr. Sacks will give when he is here. A second
book, Diane Ackerman’s A Natural History of the Senses, was suggested
because she is a local author. The third one suggested was Robert Frank’s
Winner Take All Society, which was suggested because of its significance, and
also because he is a Cornell author. In the end, the group thought that having a
Cornell author is probably not the best way to start, because there are so many
Cornell authors we could choose. You didn’t ask me why we didn’t choose the
others and I probably couldn’t reconstruct the conversation. The only thing I
will say is that Guns, Germs and Steel, for all its strengths and all its weaknesses, has a scope which suits Cornell well. It is so concerned with the development of agriculture, food production, and the development of tools, in addition to the development of culture. Although as a humanist I would say its views on the development of culture are among the most problematic, but nonetheless that’s no reason not to discuss it. In any case, the book has a scope that is very representative of the kinds of interests and concerns of Cornell faculty and also of the students that we’ll be bringing here. For that very reason it seemed like the best choice.

“In future years, if this works well, we would like to use a different process for the choice of the book; in fact get faculty to develop a process whereby faculty could suggest and then they would help make the decision about what would work. There are reasons to be skeptical and concerned about whether this will work well. I’m hoping that as many of you as possible will be willing to give it a try and see how it works. I actually think it has already generated quite a bit of excitement and it will. We have a couple of emeritus faculty who have heard about it who wish to be involved. As I say, we need a lot of faculty to be involved, so I hope you will get in touch with me. Any other questions?”

Unknown: “Could you clarify the timing of the forum?”

Provost Martin: “Yes, the second day of orientation week. It’s the day after the students’ parents leave. There’s convocation . . . look, I can’t say when the parents will leave, but they typically leave at the end of the day of convocation. So the very next day from 3:00 until 5:00 in the afternoon, the orientation staff has given over to an academic program. That would be the day on which we would have the faculty forum where faculty would present a range of views and approaches to the reading of this book. The next day, which is actually the third day of orientation, there is another 2-hour slot between the hours of 3:00 and 5:00 for the small group discussions. Those of you who plan to be back on campus, as I’m sure you all plan to be, at the beginning of orientation week or at least the second day of that week, come forth. I think it will be enjoyable.”

Speaker Howland: “Thank you for those remarks. I would like now to call on Dean Cooke for remarks.”

2. REMARKS BY DEAN J. ROBERT COOKE

Professor J. Robert Cooke, Dean of the University Faculty: “Thank you, Mr. Speaker. I have two items briefly just to mention to you. One is on process (Appendix A - overhead) and one has to do with content. First on process—we are going to be dealing with a resolution coming in a few moments and in case you haven’t looked at the process for dealing with the substitute motion, let me just quickly run through that. First there will be a motion coming from CAPP that will be introduced. That will be followed by a substitute resolution, and each one of those can be debated in turn. There is also an amendment to the substitute resolution that is being proposed by the sponsors of the resolution and we’ll ask for your consent to make that amendment. Then the floor is open for
debate on both resolutions. Then there will be a vote to decide which resolution is before the body. Then it will be opened for further debate and eventually a vote will be taken on whether to adopt.

"There is one additional thing. We have considered this item now for two consecutive meetings. This is something that we adopted on May 10 of last year (Appendix B - overhead). It has to do with our giving a prompt response. This will in fact be the second regularly scheduled session at which this issue is considered, so we will be obliged to come to a decision.

"Now for the question on content. A few observations on distributed learning (Appendix C - overhead). This is based on an essay that is printed in the current issue of the Cornell Magazine. It’s available at that web site address if you want to read it in detail. But I thought it would be appropriate for me to offer some opinions and I could take questions now, but I will also gladly take questions later. I’m proposing we use the word ‘distributed’ learning rather than ‘distance’ learning, because it represents things that happen here on campus as well as remote. I heard one Trustee say that if the student is seated more than eight rows back, it’s distance learning. I believe that it has importance for us at Cornell, a profound importance, that it is not a passing fad, that we really are going to be a changed institution at some point in time not too far in the future. We will still protect the right for individual initiative, but I’m urging that if we can, we come to some consensus on the general direction which we think that effort ought to be moving towards. You know we are trying to give everybody a better chance of getting there. Those conversations are still under way, and it’s clear from last Thursday that we still have quite a bit of conversation ahead of us before we reach a common point of view.

"We are a research university and I believe seek to be actively engaged with society, and we have done that largely through our research and dealing with students on campus, but in the future we are going to be dealing with a broader class of students. I believe this is going to be an important piece of that puzzle. We need to develop the on-campus infrastructure in a significant way, including sufficient high speed communications so that the classrooms can be used without making a special project out of it, so that it can become a routine part and so that it serves the dormitories, the faculty offices and the people related to Cornell who are off campus here in Ithaca. We should do the best we can to complement the current commitment to our undergraduates and our graduate students. Residential education should be seen and developed as a supplement not as a competitor for that. I think we should decide that our residential students are the primary audience and that as one member of this body said at the forum last Thursday, ‘Think not just of courses but of complements of courses.’ A major secondary audience I think should be the alumni of this university. We have a reason to be connected with them, to help with their continuing education, and as one person suggested, we ought to have a maintenance contract with people who want to maintain their intellectual livelihood throughout their careers. In addition to alumni we ought to also allow these materials to be used by the faculty, by Cornell staff and by families so that we are addressing a much broader audience and notice that I’m suggesting things that are not on a credit
basis. We actually can defer for some significant period of time the discussion of how to deal with credit.

"As soon as possible our existing formal outreach program should be focused on human resources to get the faculty and staff that will participate in this revolution. Faculty should focus attention upon content and appropriate pedagogy needed for this paradigm to work where the human is more remote from the individual. Then we should focus upon the necessary parts of technology. The technology should be secondary not primary is the point. A third one is that the faculty really should organize its own educational efforts. The forum last Thursday suggested that there is still quite a bit of learning that needs to take place before we can have a really good community discussion of what distance learning does and could be. And it probably should be done on a college-by-college basis. Finally, we should decide on the financial models after we have figured out what it is we want to do, not before we have figured out what we want to do. I see I'm out of time. I will respond to questions by e-mail."

3. APPROVAL OF THE MINUTES OF THE FEBRUARY 14 AND FEBRUARY 21 SENATE MEETINGS

Speaker Howland: "Thank you very much. The chair would now like to call for approval of the minutes of the February 14 and February 21 faculty senate meetings. I ask for unanimous approval. Any corrections? Thank you. The minutes are approved. I would like now to call on the Associate Dean and Secretary, Professor Charles Walcott for a Nominations and Elections Committee Report."

4. REPORT FROM THE NOMINATIONS AND ELECTIONS COMMITTEE

Professor Charles Walcott, Neurobiology and Behavior, Associate Dean and Secretary of the University Faculty: "We have a double barrel. I'd like to show them both at once. While you digest this interesting information, you have all received in your mail an opportunity to suggest folk for the various university committees which the Nominations and Elections Committee appoints people to or offers them for your approval. Please, please, offer some suggestions. We are constantly in need of people for this great variety of committees. We would be most grateful for your suggestions and we would be especially grateful if you would suggest yourself for any of these committees. That's my report."

Report from N&E Committee, March 14, 2001

Faculty Committee on Program Review
William Schulze, CALS

Nominations and Elections Committee
Sandra Siegel, A&S

Curriculum Committee on Diversity
Melissa S Hu
*Michael Charles Kelley
*Maria Cristina Garcia
*Michele M. Moody-Adams
Daniel Henry Usner Jr.
Susan Hills Murphy
*Kathryn Abrams
Uzodinma Enyinnaya Asonye
Thomas Mendez
Nicole Guidotti-Hernandez
Malik Omar Dixon
Marc Edward Rivera

*Faculty Senate Appointments

Search Committee for Dean of Graduate School
*Barbara Baird
*Kaushik Basu
*Joel Brock
Patrick Carr
*Steve Ceci
*William Goldsmith
Harry Greene
Sarah Hale
*Maureen Hanson
*Kevin Kornegay
*Tom Owens
Danuta Shanzer
*David Shmoys
*Dean Robert S. Smith

*Faculty Senate Appointments

Assemblies Committees

Committee on Dining Services
Craig Lundberg, Hotel
Joe Regenstein, CALS

Speaker Howland: “Thank you very much, Professor Walcott. I call for unanimous consent to approve the report. Hearing no objections, the report is approved. You have all seen the outline of the procedure we are going to follow. I would like to now call on Professor Terrence Fine, member of the senate and member of the Committee on Academic Programs and Policies to move the CAPP resolution.”

4. COMPLETION OF WARD CENTER DISCUSSION
(RESOLUTION FROM CAPP ON DECOMMISSIONING OF WARD LABORATORY REACTOR AND SUBSTITUTE RESOLUTION REGARDING WARD CENTER FOR NUCLEAR SCIENCES)

Professor Terrence Fine, Electrical Engineering: "So moved."

Speaker Howland: "Thank you. I would like now to call on Professor Jery Stedinger, CAPP Chair, for a resolution on decommissioning the Ward Laboratory Reactor and he'll describe the resolution."

Professor Jery Stedinger, Civil and Environmental Engineering and Chair Committee on Academic Programs and Policies: "CAAP is a Committee on Academic Programs and Policies of the Faculty Senate. We were asked to look at this issue and we came up with a resolution (Appendix - CAPP Resolution). The Local Advisory Committee (LAC) was asked to review the issue and provide a recommendation. They researched the issue and they reported and listed the key individuals that they interviewed. They invested a great amount of energy and thought in the effort and eventually agreed to a unanimous recommendation. The Faculty Senate had a special meeting to hear a debate. The Local Advisory Committee at that time defended their report and provided additional information and responded to questions. Supporters of the Ward Center provided their rebuttal and they offered data and information related to the Center, including a discussion of possible funding from the Department of Energy.

"CAPP, in reviewing the situation as a body, did not see how it could easily resolve the conflicting claims that occurred. They were based on a lot of details and issues, interpretation of data, and intent of the Department of Energy. To weigh in and support one side or the other would require a large effort and special expertise and research to resolve some of the issues. Such an effort on the part of CAPP and we felt on the part of the Faculty Senate did not seem justified. A qualified and essentially a disinterested committee had already provided a report, done a lot of research and that effort and their report has been supplemented by the public debate held at the faculty meeting. The Faculty Senate does not need to nor should it try to develop a position on every administrative issue upon which it has the opportunity to comment. At this point, I think we felt that the Ward Center issue was primarily an administrative issue as what to do, given the information, what to do with this particular senate. The Faculty Senate can leave it to the administration to weigh the arguments that have been laid out, to consider the costs of decommissioning the reactor, moving the gamma source or re-licensing the facility and continuing operation for some length of time. These do not reflect major policy decisions upon which the Faculty Senate needs to concern itself. We have provided a forum for debate so the public record is complete and the administration is informed. With that rationale, our recommendation is that the Faculty Senate receive the Local Advisory Committee report together with the written and oral responses from that committee and members of the Ward Center in the expectation that debate sponsored by the Senate will inform the judgement of the administration."
Speaker Howland: "The Chair would like now to call on Professor Francis Kallfelz for a substitute resolution."

Professor Francis Kallfelz, Clinical Science: "I would like to move a substitute motion if I may and I will read it for the benefit of those who may not have seen it. The substitute motion is:

"'Whereas the WCNS is accomplishing and expanding its mission to provide safe analytical and testing facilities for the education and research activities of faculty, staff, and students at Cornell,

'Whereas the WCNS is an open center available to users from all departments and colleges,

'Whereas its resources are also available to users outside Cornell as part of the public service functions of the University, symbolized by its status as the Land Grant University of the State of New York,

'Whereas the WCNS has an increasing financial base and proposes to reduce its University subsidy from $200,000 per year to zero effective July 1 of this year,

'Whereas there is an expectation that additional operating revenues for the Center will be forthcoming from the U.S. Department of Energy and NSF,

'Whereas the cost to Cornell University’s endowment is estimated to be a least 4 million dollars or more if the TRIGA reactor were to be decommissioned,

'Whereas the Gamma Facility of the WCNS is also heavily used by Cornell researchers, and would cost approximately an additional 3.0 to 4.0 million dollars to relocate:

'Therefore be it resolved that the Faculty Senate reaffirms its 1996 recommendation that Cornell University operate the nuclear reactor, gamma cell, and associated analytical facilities as the Ward Center for Nuclear Sciences, and that effective immediately, Cornell University actively support the U.S. Senate authorization bill, S.242 'Department of Energy University Nuclear Science and Engineering Act.'"

Speaker Howland: "Is there a second to the motion?"

Unknown: "Right here."

Professor Francis Kallfelz: "Mr. Speaker, could I move the amendment to the motion?"

Speaker Howland: "Yes."

Professor Francis Kallfelz: "I would like to move an amendment to my motion. Sorry for . . . and the amendment is to delete the second clause after 'therefore be
it resolved.' So the motion would therefore be as it was before except it would end after the first clause after 'therefore be it resolved,' in other words 'that the Faculty Senate reaffirms its 1996 recommendation that Cornell University operate the nuclear reactor, gamma cell, and associated analytical facilities as the Ward Center for Nuclear Sciences.'" (Appendix E - Substitute Resolution)

Speaker Howland: "So the motion is to delete this last paragraph?"

Professor Kallfelz: "That is correct."

Speaker Howland: "Is everybody clear? Do we have unanimous consent to delete? We do."

Professor Kallfelz: "I would just like to speak to the reason for making the substitute motion. Creating the Ward Center, including the mission for it, was recommended to the university administration by the Faculty Senate in 1996. Thus the faculty has a specific connection to and perhaps even a stake in the Center because it was created as a result of the resolution of the faculty. Several times during the past few years the faculty has expressed concern regarding the significance of its role in university governance and has taken steps to try and strengthen its voice in this arena. Given the faculty's role in the creation of the Ward Center and its desire for a stronger voice in university governance, it would seem that the faculty should desire to express its opinion on the continuation of the Center since it is the faculty whose motion created the Center. By adopting the original motion, i.e., to accept the LAC report together with the written and oral responses to it, but to take no further action, the Faculty Senate appears to be in a sense abandoning its already established position relative to its role in the Ward Center. A substitute motion would provide the Faculty Senate with an opportunity to fulfill its original role in the establishment of the Ward Center by either affirming or deciding not to reaffirm its original decision to establish the Center. By its action on this motion, the faculty will be asserting its rightful role in making a recommendation on the issue which therefore in our opinion will better inform the administration as to the sense of the faculty on this issue rather than just receiving the LAC report."

Speaker Howland: "So both motions are now open for discussion."

Professor James Burlitch, Chemistry and Chemical Biology: "I would like to just take a couple of minutes to try to answer a question that was raised early on in this discussion, namely how it is that people of good conscience and well-meaning efforts can come to such differing conclusions about this matter. First, I would like to just remind you of the objectives of the Ward Center for Nuclear Sciences. They come in three parts, but let's just take them one at a time. This one is the main one 'to provide safe analytical and testing facilities' and I stress here 'in support of the research and education activities.' The 'in support of' is the crucial clause, whereas an excerpt from finding six of the LAC report it says that 'no tenured or tenure track faculty member expresses a willingness to expend time and energy to expand the capabilities of the reactor.' Now it seems to me that there is a great difference in using such a facility and expanding it in
some way, which really requires the skills of a nuclear engineer. The users of the facilities are varied. As you can see from a page taken from the recent report, it goes all the way from geological sciences to art history and material science, and most of these people are not nuclear engineers. They are simply users of the facility. They would not be expected to change the facility or make a major change in it, no more than somebody would change the electron microscope facility. We have a director for the facility to make these changes, and that director has been busy with a variety of efforts to raise funds to bring in new capabilities to that facility. As you can see in just this last year there's a very large increase. These will have major impacts.

"The second issue has to do with the resources available outside. The LAC report doesn't really address this issue; it wasn't charged with that issue. Does it matter to you or to anyone here whether these many companies that use this facility and I list a few of them here and many of them have written strong support letters, does it matter that Cornell matters to them? It does to me. It should to you. It apparently didn't to the committee, because they weren't charged with looking at that issue.

"Finally, 'faculty, research staff, graduate and undergraduate student will have access'—will have access—that means you can come in with your problem. You don't have to be a member; you don't have to have any money; you can come in with your problem, and you will be helped with it. There is a cultural difference here in this Center than in virtually any center that I know of. You don't have to be a card-carrying, paying member to use these facilities and that's the way we want to keep it.

"So, I submit that the reason we came to very different conclusions is because that committee was looking at first only a very small portion of the problem, namely the effect on the academic program, part one, and secondly, I think the committee ignored the culture and did not place, as I would, a high value on the diversity of activities that go on at the Center."

Speaker Howland: "Thank you. Another speaker?"

Professor William Arms, Computer Science: "I'd like to support the CAPP motion. It's a remarkable motion, because CAPP is proposing that the faculty should trust the administration. I think this is exactly why we have an administration that looks at the university as a whole. The issue here is much too complex for me personally to understand it. There is plainly a facility that has some academic value. There is clearly a facility that uses some resources and takes opportunity costs from other parts of the university. I think this is why we have a provost and why we have a president and why we make sure that they are people with academic backgrounds and academic understandings, so that they may weigh these things, take the evidence in balance and make decisions on behalf of the university. So I do not know what the right thing for the Ward Center is, but I do think the people best placed to make the decision are the central administration."
Speaker Howland: “Thank you.”

Professor Alan McAdams, Johnson Graduate School of Management: “I trust the administration; I’m from the Johnson School. (LAUGHTER) I sat next to Terry Fine; I trust Terry, but I think that the faculty has a responsibility here. We’ve got a problem. If I were in the administration I would have great difficulty. There is a formally constituted committee that unanimously voted to do something. That is a faculty input to the administration. If we follow the CAPP motion, I read it as a de-facto support of decommissioning of this facility. I’m puzzled by the same things that others are puzzled by and that is how can we have two such differing interpretations of the facts. I’m also puzzled by why Cornell University would want to turn down what looks like a very large amount of money and an activity which is widely used by the university and by people outside. I really do worry if we follow the CAPP motion, that in effect what that is doing is supporting the formal committee that has been commissioned. One of the reasons I say that is because I’ve heard the informal discussions that my fellow faculty members have carried on at lunch. They say, ‘Since I don’t know and since there is a formal committee, then I would go with the formal committee.’ Well, I think we’ve learned an awful lot that is very different from what the formal committee said, and I think that we are abdicating our duty if we don’t take a position that says one way or the other. Frankly, I think that the evidence that I have seen suggests to me as someone from the School of Management that it’s in our interest to continue the operation of this facility.”

Speaker Howland: “Thank you. Professor Baer?”

Professor Richard Baer, Natural Resources: “I had a somewhat similar reaction. Obviously, I’m not competent to weigh the technical factors, but just the materials that have been presented, particularly the costs of decommissioning or relocating as over against the annual budget, there seems to be an enormous disconnect in the report between those costs and what we’ve heard and the recommendation. It just does not quite figure. I’ve been trying to ask myself—is there some hidden agenda, is there something going on here that hasn’t been shared, is this to some extent ideological? I started out leaning in favor of closing it and have changed my mind as I’ve heard the debate and seen the reports. So far, it seems to me there is very little in the formal report, looking at all the figures and looking at the possibility that nuclear things may become more important in terms of energy and all sorts of things, but again I’m not competent to judge that. I just don’t follow what has happened. There is a kind of disconnect, and so far the arguments in favor of keeping it open have seemed much more persuasive.”

Speaker Howland: “Perhaps someone from the other side of the issue? Professor Stein?”

Professor Peter Stein, Physics: “I’d like to address a couple of things. First, the question of faculty governance, which is closest to my heart in this matter. I think that the 1996 resolution, which I remember quite well, as it is being
presented by Professor Kallfelz is not quite the way I remember it. Let me try to
give you my story. I don’t think there was any enormous sense in the body that
passed that of support for the Ward Nuclear Lab Center. This was brought to the
Senate by the administration, I believe by Norm Scott, as a way of operating
because the Dean of Engineering decided that he didn’t want to have a
department of nuclear engineering. When he brought it to the faculty committee
at that time, there was a lot of skepticism about it. A lot of people on the faculty
committee said, ‘No, I think we should close it. You have to close things
sometimes when we’re not doing it anymore.’ The issue was that it was only
with some reluctance that the CAPP committee recommended this to the Senate.
The reluctance was because people felt this would be a drain on resources which
was not appropriate since the Dean of Engineering who had the fundamental
responsibility for deciding about those things had decided he did not want to
keep this facility going any more.

“What happened then is that the resolution that got passed said (I should have
brought it with me, but I didn’t) that we support the continued operation of this
Center under the condition that, it was very firm, under the condition that it not
cost the university any money after three years time.”

Professor Robert Kay, Earth and Atmospheric Sciences: “That’s not right.”

Professor Stein: “Well, I remember that.”

Speaker Howland: “Please let the speaker finish. You will have your
opportunity.”

Professor Stein: “Well, actually I looked it up so I would welcome a correction
on it at this point. I did look it up and it said that after three years that it would
not require any more financial contribution from the university other than that
that was provided by the deans of the colleges in order to support it. OK? That
was my memory of it. I do remember that this was a compromise between
people who wanted to close it and people who wanted to give it a chance to see if
it could be made self-supporting. So that time period expired some time ago, a
year and a half ago or something like that. I don’t think it’s fair to say that this
Senate took a strong position for the long-term continuation of the Ward Nuclear
Laboratory. That’s number one.

“Number two, about faculty governance. I don’t know anything about this, but
I’ll bet you I know the words better than most of the people in this room and I sat
and listened, and I couldn’t tell one thing or the other. People put up
transparencies, then people put up other transparencies, and even if you
understand it, it doesn’t make any sense. (LAUGHTER) I know a lot of the
people on that LAC committee, and they are people who are scientists, people
whose judgement I have respect for, people I have worked with, and they spent a
lot of time on this. Frankly, I think that the future of faculty governance is not
done any service by asking a committee of valued faculty members and experts
to spend a lot of time looking at an issue and then come back with a report. . .
and we have no particular reason to believe that the people who wrote that
report had any bias. It's obvious that the people who want to continue it have a bias; they have an interest in it, so they want to argue to continue it. That's clear; that's fine. But, nevertheless, they do have that bias. So I think it's a little bit dangerous to actually make a decision. I find it hard to believe that people on the LAC would want to go into another issue of importance to the university if in fact we overturn their judgement without really having substantial reasons to do so."

Speaker Howland: "Thank you, Peter. Here and then here."

Professor J. S. Butler, Policy, Analysis and Management: "I'm in Policy, Analysis and Management; I'm not even an actual scientist. No, I'm not involved in research on that. I have a couple of points I want to make. First of all, many speakers have referred to the committee working hard on the report and thinking about it. That's correct. Now I have been at Cornell only two years, but I have been in faculty governance at the university where I was before for fifteen years before that. Committees work hard on issues, but they are instrumentalities of the body. Their recommendations may be rejected. It happens from time to time. It is not a rejection of governance. It is the nature of the legislative process. Committees do the best they can. Their recommendations may be rejected. That is OK. I feel it is my responsibility to think about whether I wish to reject this recommendation. The answer is that, having listened to everything, I do wish to reject the committee's recommendation, and I support the substitute motion. I think it would be difficult for the Senate to evaluate overall whether the Philosophy Department or the research on disability programs in which I am involved in my department on net would be a good thing to do; this is always a complicated issue. But we have a committee report that says that it should be decommissioned and to fail to respond to that I agree would come too close in my opinion to supporting decommissioning. I support the substitute motion."

Speaker Howland: "Professor Kay."

Professor Robert Kay: "Professor Stein did correct the wording that he initially said no university support. He stated it correctly the second time, so I'm satisfied."

Speaker Howland: "I'm trying to be fair with the little time we have. Does anyone from the CAPP committee side want to speak?"

Professor Barry Carpenter, Chemistry and Chemical Biology and a member of the LAC: "I want to address Professor McAdams' questions about the cost, because this keeps coming up. People keep saying, 'What about this 4 million dollars for decommissioning? Why on earth didn't the LAC consider that?' The answer is because that's the cost that's going to have to be paid anyway. Whether it's paid now or twenty years from now, when it may be more than 4 million dollars, didn't seem to be material. As far as the great windfall of money coming from Washington—first of all, we thought the probability of that actually materializing was very low, but even if it did, many of us thought that Cornell
had an explicit policy against pork and it seemed to be oinking as loudly as anything that any of us had heard. I, at least, would not want to accept something just because it was in a Senate bill rather than because it made any scientific sense to the university. Would you?"

Dr. Kenan Unlu, Director of the Ward Center: "Just to point out that right now on the Senate floor, there is not just one, but two bills. One was just introduced March 7 by Senator Domenici and eleven of his colleagues from both parties. This is a nuclear education and research fund. This particular one is named the Nuclear Energy Supply and Assurance Act of 2001 and the other one is the Department of Energy Nuclear Science and Engineering Act. These two bills have not mentioned one single university. This is open to all universities, and these are all peer-reviewed research grants or other grants available for these two bills. So therefore I don't know how we define 'pork.' I'm not familiar with that terminology much, but certainly this is not 'pork' at all. This particular bill that has been introduced has not just the 4 million dollars coming to university programs, but an additional three more sections under which we could get funding. The Nuclear Energy Research Institute, $60 million, this is for fiscal year 2002, and Nuclear Energy Technologies Study for Generation for Nuclear Research Reactors. Certainly our colleagues in Mechanical and Aerospace Engineering will get some funding from this one. Also the last one which is the research support written for the Nuclear Regulatory Commission, that's certain that we are eligible and we will get some funds. These are all peer-reviewed and open to all universities, not just Cornell, Michigan or MIT."

Speaker Howland: "Next?"

Professor Manfred Lindau, Applied and Engineering Physics: "I would like to say something very specific to this point, because I think Cornell does not have any more a core in nuclear science and engineering. There are very specific reasons for this, but if there is a new situation, then I think Cornell might reconsider that point. That's not something that I think is going to be discussed by the Senate - whether Cornell should have a program in nuclear science and engineering. I think that's a situation that we have here. So I think I will support the CAPP motion because those sorts of considerations are not up to the Senate to make a judgement."

Professor Joseph Ballantyne, Electrical and Computer Engineering, At-Large Member: "I think I understand a little better why there is so much polarity on this issue. I think it comes down to the fact that the people in the Ward Center have been going from the Senate resolution of what their mission was, and I think the LAC was working primarily with the charge that we see from the Vice President's office, which did not necessarily intersect with what the Senate proposed. I think everybody is trying to be honest and so forth, but I do think there is a major disconnect between what the Senate envisioned and what the committee looked at. It's evident from what the Senate envisioned that there would not be a Nuclear Engineering Department; there would not be professors appointed in the reactor, but that would be given to a director. Yet, the
committee placed major emphasis on that. In the letter that the administration sent to DOE, it was mentioned that the site of the reactor is a prime piece of real estate that could be used for other purposes. That was obviously not a concern of the Senate in establishing this facility. So I think there were different kinds of considerations. I agree that there was an intersection on the financial issues, which I think was in both parts. As I look at the Senate resolution, it seems to me that the people in the Ward Center have done a very good job of trying to follow what they thought their mission was from the Senate. I feel comfortable about supporting the alternative resolution, because I believe that they have worked to satisfy the original Senate intent. It may well be, however, that other considerations which concern the administration, such as the real estate and so forth, would cause the administration to decide 'no.' After all, they can make any decision they want, no matter what the Senate decides.”

Speaker Howland: “I want to close this in about three minutes. Do we have one on the CAPP side?”

Professor Subrata Mukherjee, Theoretical and Applied Mechanics: “I speak in favor of the alternative resolution, because of the following reasons. I think it’s an open center; it’s of interest to Cornell and upstate people; it doesn’t need any more money from Cornell from July 1; it’s on a growth curve; it expects substantial addition to outside funding, and I do not agree that it’s pork, because it will be peer-reviewed. Their activities are not immoral or dangerous, and I think creating something is always harder. Destroying something is easier. So I am in favor of keeping it.”

Speaker Howland: “Thank you. Professor Fine?”

Professor Terrence Fine, Electrical Engineering: “This issue has vexed me greatly for a while now. I’m particularly concerned about the standing of the Senate in this. In this, I probably agree with Professor Stein, even though I’m having a little problem with his ‘even when you understand it, it doesn’t make any sense.’ (LAUGHTER) I wrote it down, and I’m going to have to think about that too. It’s true that this issue came through CAPP originally. It was for that reason that I was one of the people who thought that it should go back through CAPP again. That is—we were there recommending its creation; we should be involved with any attempt to destroy it. However, I have become more and more convinced from the debate that the issues are really not within our scope. When I see things about the funding, when I see things about the technology, this is not what this body is about.

“It’s true CAPP has brought recommendations. I mean I remember bringing you a recommendations about Asian religions of which I knew nothing, and I’m not sure how much more some of you know about that, but the fact was, CAPP had done its job to see if there was controversy on that issue. It had been proposed to us; we asked if there were other opinions opposing it; there were not; we brought it forward. This is another matter altogether. We’re in a welter of issues on which I personally don’t know what the answer is. I’m not sure that at this point it’s our concern. Now what have we done? I think we have done more than just
put a rubber stamp to the LAC report, because I think there has been a lot sound criticism of the LAC report. I think we have heard in detail from people who are opposed to it in its conclusion and on this matter. I would hope that that is in fact part of the record that we generated, and that is part of the record that I hope the administration (and by the way, I don't think they are particularly my allies in most things), but in this case I think we have contributed to their education in a very significant way. I don't think it is an open and shut matter one way or the other, and I hope that they would not think that at this point, that they've seen enough argument in front of this body that says keep it open. On the other hand, I do not feel that it is our role to make a decision of that kind at this point, so in that sense, yes I am begging off. I'm saying we've done our job in the Senate. We have illuminated the issue, but now let us pass it on. I don't think we are ready to make that decision."

Speaker Howland: "One last comment here."

Elizabeth Earle, Plant Breeding and At-Large Member: "I would like to support the kinds of comments that Terry Fine has been making. I see in a letter that senators got from Professor Kuniholm there is a remark that 'there has been faculty concern in the past several years with the top-down management style from Day Hall, and I think it is high time that the Faculty Senate stand up for a program that has merit.' I feel that if we allow the administration to make the decision in this case, it is not accepting a top-down management style, but rather that the faculty, through the Senate, has illuminated the issue substantially for the administration and that we can expect that they will have considered these points. It's not a case where they make a decision and then we hear about it afterwards and have to respond."

Speaker Howland: "Thank you. Due to the limitations of time, I would like now to ask for a vote on Professor Kallfelz's motion. His motion is the substitute motion, which you have seen, for the CAPP motion. So if you vote yes on this motion, you are voting for Professor Kallfelz's motion, to make it the pending motion. Is that all clear? All those in favor of Professor Kallfelz's motion, raise your hand. I think we are going to need a count here. All those opposed? Professor Kallfelz's motion passes as I see it, but if anybody wants a count . . ."

Unknown: "I'd like a count."

Speaker Howland: "OK, again. All those for Professor Kallfelz's motion, raise your hand. Bob, would you help count? OK, now all those opposed to Professor Kallfelz's motion, please raise your hand. I remind you that you should be a senator to be voting. Abstentions please. So we have 34 for Professor Kallfelz's motion, 23 against and 8 abstentions. Professor Kallfelz's motion is the main motion on the floor. We have a minute or so if anyone wants to add something to it and then we'll pass to a vote."

Professor Robert Kay, Geological Sciences: "I would just like to answer a question that came up from Professor Lindau having to do with productivity at the Center, and this is follow-up on what was said at the second meeting from
last month. I have actually a publication that just went out to 17,000 members of the Geological Society of America. I have not opened it up, because I just received it in the mail today. This has over 500 analyses in it, of course not listed, but graphed, that were done at Ward Center, and I submit that this an important aspect of Ward Center to put data in support of papers that go out to the world."

Speaker Howland: "Thank you. Back to you, Sir."

Professor Eugene Madsen, Microbiology Department: "I would like to come up in favor of Professor Kallfelz's motion. It's simply based on philosophical issues. I listened to both sides and came away completely convinced by each of them. I couldn't resolve the impasse. In my personal life, the only way I can resolve such impasses is to make a choice to either wait to get more information so that the balance will tip or choose the one that does the least damage. I think that the Ward Center has been here for a long time. It has a positive tradition on campus. It might as well continue, given the difficulty of making the case.

Speaker Howland: "Thank you. Are you ready now to move to the vote?"

Professor Barry Carpenter: "I'd like to respond to that last point, because it seems to me that that is the very reason that faculty are not taken seriously. That if one says let's take the comfortable decision, that means the faculty cannot be trusted to take difficult decisions. That is not a direction in which I want to go."

Speaker Howland: "Thank you. We must move now to the vote. The main motion is Professor Kallfelz's motion. So you have the motion before you. All those in favor of the motion, which is Professor Kallfelz's motion, raise your hand. All those opposed? I think Professor Kallfelz's motion passed, but we had better count. For Professor Kallfelz's motion, raise your hand please. Against the motion, raise your hand please. Abstentions, please. We have 36 for the motion, 19 against and 8 abstentions. Thank you very much everyone for that very orderly discussion. The Chair would like now to call on Vice Provost Robert Richardson for a report on Cornell's Compliance Initiatives.

6. REPORT ON CORNELL'S COMPLIANCE INITIATIVES

Professor Robert Richardson, Vice Provost: "I have come to the Senate to bring up what will be everybody's favorite subject—compliance with federal regulations, and I apologize for having to do that. There are issues that come to us that we ultimately have little choice but to agree with. Many of you have told me that the primary purpose of the central administration is to protect the university from egregious federal regulations, and in fact we put a lot of effort into that. Let me get closer to the point. There is increasingly a climate (and I don't think it has anything to do with which party is in power) of careful scrutiny of activities at universities. For example, we have had eight audits in the last fiscal year. And at any time there is a group of auditors on the campus examining things that are going on. And most of them we pass very well, with flying colors, because of very careful work done in both Sponsored Programs and the Division of Financial Affairs."
"There is a new set of regulations, some of which you are aware of and have been in effect, but are modifications related to training of faculty, students, post-docs and the research community. They primarily come from the Public Health Service. What we have coming down the road, and thankfully we have had a reprieve on exactly how we have to go about doing this, is a requirement that we offer to all researchers a series of courses in the responsible conduct of research and keep records that everyone has completed the courses. There are nine of them on their original list. They have one on data management and acquisition, a second one is mentor-trainee relationships, a third on publication practices and responsible authorship, a fourth one on peer review, a fifth on collaborative science, a sixth one on human subjects, a seventh on research involving animals, an eighth on research integrity (or misconduct), and a ninth one on conflict of interest and commitment.

"The original discussion on this was quite draconian. All faculty, staff, post-docs, graduate students and undergraduate students would have to take these courses, and we would have to have records of it. There have been gradual softenings of how this set of regulations will be enforced as a consequence of interaction with the university community. Then because the Office of Research Integrity did not completely follow the rules on a public comment period, the enforcement is suspended for a while. (LAUGHTER) For those of you who get NIH grants, there are already courses that are taken and you can't get the money unless you have a certificate that you have completed the course on research involving animals and on human subjects. All of you should be familiar with some of the conflict of interest and commitment regulations that we have and that we would have to move in the direction of courses. We have gotten a reprieve, but something of this sort is down the road and faces us. In addition, the Environmental Protection Agency and OSHA are requiring health and safety courses and many of you have taken some of the health and safety courses in research buildings.

"The most straightforward way of doing something that could be useful for all of us is to figure out a way to be able to take the courses with computers and keep the records with computers. There is a committee that is a sub-committee of the University Conflicts Committee that Bob Cooke has helped appoint. This is a group that has graciously considered, and has met several times to consider, these issues—to figure out what is the most effective way Cornell can respond to this in a real sense, so that it isn't just sitting through some objectionable sort of regulations and going through the motions if we have to do it. I'm very grateful for these people who have agreed to serve on the committee, Klaus Beyenbach, Biomedical Sciences, Ken Birman, Computer Science, Joe Calvo, Microbiology, Bruce Ganem, Chemistry and Chemical Biology, James Garbarino in Human Development, Mike Isaacson in Applied and Engineering Physics, and Vicki Meyers-Wallen in Biomedical Sciences. That's the early warning, and I think that when we face it, we want to have a [plan]. I would like to solicit your suggestions as much as possible on the most effective way of doing this.
"We have some hope that the regulations will be written so that we can determine who the target audiences are for taking these courses, but we will have to keep records of it. We want to think of the most useful way it can be done. I want to point out that on these subjects—these courses—many departments cover all these issues in graduate student orientation courses. Bruce Ganem pointed out a very elegant course that I think I would like to sit in on that Roald Hoffmann offers to chemistry graduate students on essentially the issues of the data acquisition and mentorship and publication practices, etc. These subjects have not been widely neglected on campus, but we have to figure out a sensible way to institutionalize it.”

Speaker Howland: “Thank you very much Professor Richardson. The Chair would like now to call on Vice President Susan Murphy to discuss in general terms the administration concerning faculty involvement in the living and learning environment now under construction on campus.

7. GOOD AND WELFARE

Susan Murphy, Vice-President, Student and Academic Services: “Thank you very much. Dean Cooke asked if I might come and respond to a question posed by a faculty member about how we are seeking involvement of the faculty in the Residential Initiative. Five years ago when the Residential Initiative was launched, we set as a goal for ourselves. The goal was to provide a range of activities for our undergraduates to support the central mission of educating students in the broadest sense by creating an environment where the lives of students inside and outside the classroom form a cohesive experience with each part positively reinforcing the other. At the core of that is the Residential Initiative, which is looking for ways to bring the life of learning into the place where students are living as well as the life of living into the world of faculty. We did not start at this discussion at the point of zero. When I first became Vice President five years ago we did a survey across the Division of Student and Academic Services to see how many members of the academic community were involved with students outside of the classroom. We came up with almost one third of the academic community that were either advising an organization, serving as team advisors in athletics, faculty in residence, or faculty fellows involved in a variety of ways with career services, religious life, etc. What we are trying to do within the Residential Initiative is to find ways to formalize that in the lives of students as well as within the lives of the faculty. I would like to touch just briefly on the three parts of the Residential Initiative.

The first is North Campus. That is under construction; we are on time and under budget for the new residences to open, and also the new community commons. For those of you who are dining discussion leaders, you will be happy to know that within the community commons we will be providing private dining spaces to try to encourage student and faculty groups to come together as part of an exchange program. Many of you do that now in the Market Place Eatery in Robert Purcell, but it’s difficult given the noise and the general activity level. We are looking for you to think about ways you can use the many facilities on North Campus. The Freshman Writing Seminar will be offering seminars in conference
rooms in North Campus. We would welcome faculty freshmen advising to take place on the site of North Campus. Within the year we will be creating a freshman resource center in the space that was once occupied by Balch Dining, which will be used as a place for both teaching and advising and to provide a center for faculty to locate themselves if they wish on North Campus, which will be the home of the students. You have heard today from Biddy Martin talking about changes that we are trying to bring to bear on orientation. Those of you who are freshman advisors and are faculty fellows and faculty in residence, we welcome your presence as early as Friday of move-in day. It sends a very strong message to our parents and our students when the faculty are here to greet them, not just the students who are helping them unload the car. In the North Campus we will be continuing to evolve ideas, as we continue to think about some of the changes in the freshman experience that will engage faculty. We welcome any of your suggestions as we move along.

"On West Campus you have heard discussion about the development of a 'house system'—the conversion of our existing structures, which were built as prototypical freshmen residences on a temporary basis in 1950 and of course are still with us in the year 2001. Isaac Kramnick has chaired a committee that has recommended a transformation of West Campus. We have appointed a West Campus House Council on which there are eleven faculty members serving. I have the names from the nomination process from the Faculty Senate. That group now has four different sub-committees; one focusing on academic programs, one on student services, one on the house operations and one on the transition as we move to that. Those sub-committees involve another eleven faculty. Isaac and I would be delighted to come and speak to any of your departments or in any of your colleges about the changes we envision in West Campus, because this will be a faculty-led residential experience with staff support. This is a very different model than we have had traditionally at Cornell, which has been staff-led with faculty support. Of course, student self-governance will be critical.

"The third part of the Residential Initiative speaks to the Greek system. The Greek system preceded all of our formal residences at Cornell because we had a founding president who didn't believe in residence halls. So upon our opening, we had six fraternities. It continues to involve about 30% of our students; it houses 15% of them. The Greek system developed a strategic plan that actually preceded the Residential Initiative. That strategic plan calls for every fraternity and sorority to have a faculty advisor. We are not there yet, but we are working toward that and would welcome any of your participation in that activity. Kent Hubbell is now chairing a committee that is revisiting the Greek strategic plan to try to position it now in light of the residential initiative. So my brief message to you today is that we are looking for ways to continue conversations in smaller groups about the changes that we see. I dare say over the next five to seven years, the residential experience for Cornell undergraduates will be fundamentally changed, and for that to work, the faculty need to be engaged with us in a serious and substantive way. I am pleased to say that they have been and continue to be through the many task forces and committees that we
have underway. With that if there is time, I would be happy to address any questions.”

Speaker Howland: “There is indeed time. Any questions for Vice President Murphy?”

Professor Charles Walcott, Neurobiology and Behavior: “Do you envision courses taking place in the residence halls?”

Vice President Murphy: “Yes, we do envision courses taking place. As I mentioned, on the North Campus we already have some of our rooms that are being built scheduled for the Freshman Writing Seminar, and we would hope that that would continue on a go-forward basis. We look forward to working with some of the key departments that teach freshman courses about how we can use our facilities on North Campus, in particular for the review sessions that may occur at night as a way of making it more convenient for students to access those. On West Campus, in each of the five houses . . . . The vision for West Campus is to create five living-learning houses that will be led by a faculty dean, have a house director, and have a dining facility within each house, very much like a college model that many of our peers have had in one form or another. Also in those houses will be seminar rooms where we would expect courses to be offered, either for students who are of the house, if that seems to be appropriate, or of that broader community in using that facility. There will also be study space, computer space, a mini library kind of space in those houses and we will also be providing an apartment for visiting faculty members in the house system. We have already begun formal conversations with Porus Olpadwala and the A.D. White Faculty Program in hopes that we can formalize that process.”

Professor Peter Loucks, Civil and Environmental Engineering: “Susan, do you have the money for the West Campus Initiative?”

Vice President Murphy: “The West Campus Initiative, Peter, is not all identified. We did receive, as you may remember, a $100 million anonymous gift a year ago fall, so that is in place. We don’t have the final budget for the West Campus, although we anticipate that it will be in the $200 million range—that is facilities and program—to help support the academic initiatives as well. That second 100 million would be a fund-raising priority for the institution. The North Campus Initiative, which is the $65 million investment, has been fully funded by Campus Life and so will be its own financing. The Greek system will be paying its own bills for any physical changes that they would be making to their facilities.”

Speaker Howland: “Additional questions? Yes, over here.”

Professor Joseph Ballantyne, Electric Engineering and At-Large Member: “Just a quick question on the last one. I thought Cornell owned most of the houses.”

Vice President Murphy: “No, on the fraternities and sororities, there are 65 chapters in the system, 55 of whom have houses. We own 17 of them, so the vast majority are privately owned. One could look at that as saying that we give a lot
of free beds for students by that ownership. There is a plus factor in that many of them take very seriously their responsibility for the houses. The down side is that we don’t have control over them. One of the intents of the strategic plan was to set some standards for what a fraternity or sorority must do from the physical upkeep of their house, a fiscal management as well as a program, for them to continue to receive recognition from the university. We know they have some work to do on some of their houses.”

Professor David Delchamps, Electrical and Computer Engineering: “‘Greek autonomy’ is a phrase that a lot of the student assembly and trustee candidates were running on this year. I would like to know what your interpretation of that phrase is and whether you think it might mean that a lot of the Greeks want faculty out of their homes?”

Vice President Murphy: “What do I think they mean by ‘Greek autonomy’? I have not had a direct conversation, so I will give you my supposition. The philosophy of self-governance has been at the heart of our Greek system from, if you will, the beginning. It is something that we believe quite strongly in. There are some universities that have taken over their Greek systems, own all the properties and tell them exactly how they should live their lives, very similar to a residence hall setting. There are other universities that have pushed the Greek system entirely to the side, saying they are independent organizations. We don’t even recognize them as student groups; we want nothing to do with them—sort of out of sight out of mind. Cornell has taken a middle position—more of a partnership. We, you all recognize, have a bit of an ethical responsibility, because we have a third of our students involved in them and 15% of our students are living in those houses. So we don’t tell them exactly how to do everything, but we also don’t ignore them entirely.

“I think where the students were preaching for Greek autonomy, they still chafe at the strategic plan that they were part of writing, because it has set standards and we do now measure every single chapter, every year against those standards and grade them. Those that do well actually will get monetary recognition. Ultimately, if we have chapters over a period of years that fail, haven’t figured out or have a strategic plan, they risk losing recognition. That does have some impact on their access to resources on the campus. There has also been much conversation when you hear that phrase related to the alcohol policy. The Greek system has written a socially responsible use of alcohol policy. The national sororities have taken a very harsh line that is making lives fairly difficult for our students right now in terms of places to have parties. I think the fact that we are concerned about having safe environments—we require them for example to have a caterer; we require them to have sober monitors; we require them to live within the rules of how many people they can have at an event—they see as a violation of Greek autonomy. I don’t frankly think it has to do with the faculty out of their lives. I think it’s really more the administrative control, not the faculty fellow at all.”

Professor Jonathan Ochshorn, Architecture: “I can understand the idea of having freshman courses in an area where all the freshmen are living. Can you explain
the rationale for having courses or seminars outside the central campus in residences where only a certain portion of students are living, say West Campus?"

Vice President Murphy: "I think there are two rationales for it. One would be as I mentioned in the first description of courses for courses that in fact may engage students within that house. The structure of the houses will not be college specific, and it may be that there will be a faculty dean as well as a series of faculty associates. They may wish to offer a course that, because they have gotten to know the students, those students are particularly interested in taking that course, and it sort of brings the academic experience right in the heart of where they are living. That course would not be restricted to other students but might have a particular target that you would end up attracting those students.

"I think, secondly, while we housed by the 1800's students in the residences on West Campus, when you take the Greek community that literally surrounds the West Campus as well as several of the apartments that go down from West Campus, the student presence in that area is actually quite a bit larger. So while it's away from the academic part where faculty offices may be, in fact again for the faculty who will be house deans or faculty associates, they will have office space down there that they will wish to use. It may be a natural extension.

"The third point would be to just try to introduce the academic experience where they live so the metaphor of the gorges and Libe Slope become a little less as demarcations of their lives."

Professor Peter Kuniholm, History of Art: "I wouldn't mind seeing the university take more of a hand in the running or management of those dormitories. I speak as a member of the Cayuga Heights Fire Company. I'm probably one of the few male faculty members who spent an entire night at a sorority. Somebody threw some cigarette butts into a mattress at Sigma Delta Tau, and it took us nine hours to put it out. Some of those things are firetraps, folks, and they are pigpens. They may get them all fixed up for guest day and all that sort of stuff, but if you walk into Sigma Tau or some of these others without warning—my God, what a mess! They have short-circuited the fire alarm system and turned things off and all kinds of ridiculous things. It is just plain sub-standard, and I think your being proactive in this would be wonderful for the kids."

Vice President Murphy: "Well, we are trying to move in that direction. You should know that when we have alumni on the campus, we are trying to encourage their engagement with their houses. We often will do house tours, and we affectionately call it 'the good, the bad and the ugly'. We can show them all three kinds. You are absolutely right. Some of the houses deserve to be condemned; we are frankly working with Cayuga Heights and the city for them to take more proactive roles in monitoring the houses for certificates of occupancy, because as non-university property we don't have the authority or control but the city does. Yet the reality is if we kick those students, if you will, out in the street, we have to worry about them. So the basic structure of the strategic plan is designed to do that—to put some of those parameters. I dare say
that the overall initiative around West Campus will raise the bar for the Greek system. We will end up seeing that they will have to compete or they will not be able to fill the houses, that they will close. In fact, that makes the Greek system nervous, but that's OK."

Professor Joseph Ballantyne: "Just a clarification. Will the courses that are offered by the house deans and their faculty associates be approved by some process in their departments and colleges?"

Vice President Murphy: "Absolutely. They would go through the entire regular academic process. I was giving it as a suggestion, but we would expect no separate course approval process at all for that. We do look forward to any ideas and participation, and if you invite us to come into your departments, we will be happy to do so. Thank you very much."

Speaker Howland: "The Chair will entertain a motion for adjournment."

SO MOVED

Speaker Howland: "Adjourned."

Meeting adjourned at 5:52 p.m.

Respectfully Submitted,

Charles Walcott, Associate Dean and Secretary of the University Faculty
Section of a Statement Ratified on May 10, 2000

VI. Meaningful faculty governance requires adequate time for consideration of issues and development of recommendations. To that end, the President or other members of the Administration will not reach final conclusions or take action on major multi-college educational policy issues until the normal steps for securing faculty input, including a reasonable period for relevant Faculty Senate Committees to act and for subsequent deliberations by the Faculty Senate to occur, have been completed. Adequate time for deliberations by the Faculty Senate on such issues will include at least two consecutive regularly scheduled Faculty Senate meetings, unless the Faculty Senate completes its deliberations in fewer meetings. The President and the Faculty Senate acknowledge that there may be occasions when it will not be possible to plan months in advance to bring an issue to the Senate. In such cases, the President and/or Provost will inform the Dean of the Faculty and seek his/her advice about how to provide for input from the Faculty Senate.
- CAPP Resolution
  Fine (a Senate member) moves, No second required because from a Committee, Stedinger presents

- Substitute Resolution
  Kallfelz moves.
  After second, Kallfelz presents

- Amendment to Substitute Resolution
  Kallfelz, after second presents
  Take vote on amendment

- Debate on both main resolution and the Substitute Resolution, including comparisons

- Vote on whether to replace the CAPP resolution with the Substitute Resolution
  If motion to substitute wins, allow further debate on the substitute resolution (including amendment if that was adopted.)
  If the motion to substitute fails, allow further debate on the original CAPP Resolution

- Vote on pending motion.
Comments on Distributed Learning
http://cornell-magazine.cornell.edu/CurrentIssue/LetterFromIthaca.html

- **Distributed learning** should and will become an important dimension of higher education, including at Cornell, even if we do not have clarity at this time.

- Although individual initiative will remain the hallmark of innovation at Cornell, we should attempt to develop a common vision of the general direction of change that we wish to embrace, i.e., try to develop a widely held strategic intent to guide our collective efforts (without impairing individual initiatives)

- This strategic intent, when we define it, should reflect our basic values and our dynamically evolving mission as a research university that is actively engaged with society.
• We must develop our on-campus infrastructure, but we must also provide technical assistance to faculty wishing to participate in this revolution.

• We should assure that our efforts complement – not compromise – our commitment to residential education.

• We should decide that our residential students are our primary audience. In most cases in the near future this will consist of components of courses – rather than entire courses.

• As a major, but secondary audience, we should make components of our courses available to our alumni, and Cornell faculty, staff and families (and then to a broader audience) on a not for credit basis.
• As soon as possible, our existing formal outreach programs should re-focus their human resources to participate fully in this revolution.

• The faculty should focus its attention upon content and appropriate pedagogy for this paradigm – and only as necessary upon the technology.

• The faculty should organize its own educational efforts – probably on a college-by-college basis.

• We should decide upon financial models only after we have agreed upon a strategic intent.
CAPP Motion

Decommissioning of Ward Laboratory Reactor and the Ward Center

Whereas,
the LAC has exercised due diligence in the preparation of its report (LAC Review of Ward Center), presented and defended it in the Senate meetings of February 14 and 21, and affirms its support for this report after rebuttal by Director Kenan Ünlü and members of the Ward Center.

Whereas,
members of the Ward Center and its Director, Kenan Ünlü, have been encouraged to address the issue at two Senate meetings, to distribute printed materials at those meetings, and to post material on the University Faculty web site, thereby providing an opportunity for arguments for the continuation of the reactor and Center to be heard and considered.

Therefore, Be It Resolved that
the Faculty Senate receive the LAC Report together with the written and oral responses from LAC and Ward Center members (as recorded in the Senate minutes), in the expectation that this debate sponsored by the Senate will inform the judgement of the administration.

Rationale
We believe the presentations at two Faculty Senate meetings have provided a forum for a discussion of the LAC report on the Ward Center. It is important that such a public debate take place so that other points of view may be heard and debated. However, at this point there is little that CAPP believes it or the Faculty Senate can add to that discussion.

Faculty Senate Committee on Academic Programs and Policies
February 28, 2001
WARD CENTER FOR NUCLEAR SCIENCES (WCNS)

WHEREAS the WCNS is accomplishing and expanding its mission to provide safe analytical and testing facilities for the education and research activities of faculty, staff, and students at Cornell,

WHEREAS the WCNS is an open center available to users from all departments and colleges,

WHEREAS its resources are also available to users outside Cornell as part of the public service functions of the University, symbolized by its status as the Land Grant University of the State of New York,

WHEREAS the WCNS has an increasing financial base and proposes to reduce its University subsidy from $200,000 per year to zero effective July 1, 2001,

WHEREAS there is an expectation that additional operating revenues for the Center will be forthcoming from the U.S. Department of Energy and NSF,

WHEREAS the cost to Cornell University's endowment is estimated to be at least 4.01 million dollars if the TRIGA reactor were to be decommissioned,

WHEREAS the Gamma Facility of the WCNS is also heavily used by Cornell researchers, and would cost approximately an additional 3.0 to 4.0 million dollars to relocate;

THEREFORE BE IT RESOLVED

THAT the Faculty Senate reaffirms its 1996 recommendation that Cornell University operate the nuclear reactor, gamma cell, and associated analytical facilities as the Ward Center for Nuclear Sciences.

Respectfully Submitted:

Francis A. Kallfelz
James Law Professor of Medicine

Robert Kay
Professor, Earth & Atmospheric Sciences

John Hermanson
Associate Professor, Biomedical Sciences

Robin Gleed
Associate Professor, Clinical Sciences
Minutes of Faculty Senate Meeting
April 11, 2001

Professor Howard Howland, Neurobiology and Behavior and Speaker: "There are no photos or tape recorders allowed during the meeting. We have one Good and Welfare speaker. I call now on Dean Cooke for remarks."

1. REMARKS BY DEAN COOKE

Professor J. Robert Cooke, Dean of the University Faculty: "I have two announcements and then a brief introduction to a topic that you will have a chance to debate later in the afternoon. One is that the Conflict of Interest forms have been sent out. You can respond to Part I online. If you are required to do Part II, that's being done on paper. If you haven't received information already (you should have), but if you haven't and don't in a week or so, please let us know, because the scheduling of this was to overlap with the income tax dates so that when you had your records together for one purpose you could use it for another. I have a second announcement which is that we have a streaming video tape of the University Faculty Forum on Distributed Learning that we held in Alumni Auditorium, and it is posted on our web site if you would like to see it. If you missed it and would like to get a summary of the presentations—the video of the presentations and an audio of the questions from the audience are available online.

"Let me very quickly deal with the discussion of Senior Professor to give you some sense of this. This is an initiative that started with the faculty; namely it is something FAC initiated as opposed to something initiated by the university administration. It is intended as an approach to a problem that will be sympathetic and constructive for both the faculty and the administration by providing an additional option, and it would be discretionary so that it is not anything that will be imposed on anybody who does not choose to do it. The administration would not have the right to impose it nor would the individual have the right to impose it; it would have to be by mutual consent that you think it is a constructive step in your career.

"I sent you an e-mail, and I will just quickly highlight some of those. We have a long tradition of growing our own faculty. Some institutions, in contrast, hire senior people. Most of the Cornell faculty hired are young Ph.D's, who are then developed. This produces a degree of bonding with the university, but it also has a lot of other valuable attributes. There are several things that are going on at one time that have to be reconciled. One is that we have a need for continual self-renewal for the institution. That is, as new fields emerge, we need to have people who have trained more recently and in other fields as they are emerging. We have a sabbatical program that allows some people to make transitions from areas, but there are many pressures for people not to do this. Once you have an established grant program going it is so much easier to stay in the same area than
it is to switch mid-career. Financial realities—the size of the university faculty has been set as fixed for the foreseeable future because of the cost involved. Uncapping of the retirement age—the federal act that the universities were given had a late implementation period because of the tenure system, but that has kicked in now, and I'll show you the data very quickly which indicates that uncapping the retirement has had an impact on the age profile of the faculty. The other thing that we value greatly is the institution's commitment to tenure for an indefinite period. I think we are on a collision course, and I'm urging us to take some initiative to figure out what should be done to correct the problem before someone else decides to correct it for us.

"A proposed solution is for active full professors having some extended period of association with the university to be able to go on active part-time appointment. I say after some substantial period, because it is not a recommendation for younger faculty, who might be tempted to go off and create companies and become entrepreneurs and do other things that would be disruptive if done in mid-career. So that was the reason for that limitation. We value tenure and do not wish to forfeit it, and this proposal provides a scheme that will allow you to continue to have tenure for its protection and for the status that it confers. It would be optional for both parties, not an entitlement and not a mandatory rank, so it is something you could easily ignore with impunity. Also, if you encourage people to go part-time at some point in their career, it would allow the university to then commit that money for hiring young faculty for a longer-term commitment. In order to do that you need be assured that the money doesn't go away, because those are long-term career commitments.

"Here is the most disturbing part. Here is the number of faculty under 35 years for age from 1982—17 years worth of change (Overhead - Appendix A). Both the endowed and statutory have gone down in a rather marked trend. The endowed had a lift and a drop again. Statutory has started up but I have reason to believe that is going to turn around, and that is a trend that is going to continue, either remain stable or flatten. Here is a list of the number of people, trends of faculty age 60 and over (Overhead - Appendix B), and this shows that indeed the endowed university is on an upper trend. It may at some point plateau and there is some hint that it might. But at the moment, it is a very significant upper trend. The statutory, on the other hand, has a drop, and that was due to a very aggressive buy-out program. The State of New York mandated a reduction in the number of faculty who have long-term commitments on the budget of the state. It also shows up, and under the young faculty; it is not only older faculty, but younger faculty are also being clipped. This is for 70 and over (Overhead Appendix C), so that despite the phased retirement program, it has not stopped the expected growth in that category. Finally, here is putting older and younger on the same page (Overhead - Appendix D), the same axis, so you've got some sense of scale. The trends are going in directions that are not compatible in the long run. I'll stop at that. The actual debate on this item will occur during the agenda items."

Speaker Howland: "Thank you, Dean Cooke."
Professor Subrata Mukherjee, Theoretical and Applied Mechanics: "A quick question. When you say 60 in that year . . .?"

Dean Cooke: "Sixty or older in that year. And one other thing I should say, this is not an attempt to address non-productive or low productivity faculty. This is totally discretionary; it does not have a secondary, hidden motive. This is to provide options."

Speaker Howland: "Thank you. The Chair would like to call on Provost Biddy Martin for remarks and to answer questions."

2. REMARKS BY AND QUESTIONS FOR PROVOST MARTIN

Provost Biddy Martin: "My remarks consist primarily of updates. You know that we are in the midst of a search for Dean of Engineering; we had several candidates on campus. We currently have the last outside candidate, at least we believe so, on campus today. The search for a new dean of the graduate school is also ongoing. We are now beginning the process of interviewing the candidates. It is an internal search, as you know, so it will obviously be one of your colleagues. The search committee will meet late into the night tonight and early tomorrow morning in our effort to speed up the process and get the initial interviews done by the end of this week. If you have any questions about either search, feel free to ask.

"There are a number of other things which concern those of us who are in this room, and I can say, for example, regarding the decision about the Ward Reactor only that we haven’t yet received the final recommendation of Vice Provost Richardson, and when we do, we will begin to see what we need in addition in order to proceed to a decision. By we, I mean the President and I. You got an update in the mailings to this group, an announcement or follow-up to an announcement about the Qatar program which we will discuss a little bit more today.

"What I would like to stress as my concluding remark or emphasis—excuse my inarticulateness; it has been a long day already and it is about to get a lot longer. I would really like to urge you to volunteer to participate in the entering student book project. All the deans are out trying to get faculty to agree to lead discussions during orientation week about Guns, Germs and Steel by Jarod Diamond. I think it is an excellent idea, even for those people who don’t like this project, who don’t like the idea of it, to lead the discussions. We are going to subject ourselves to your ideas after we try this in the fall—your ideas, your criticisms potentially, or your support for this particular project. So those of you who think it might not be a great idea should also subject yourselves to the possibility that it could be a good idea by agreeing to lead the discussions. Does that seem rational to you? Good. It would cost 2 hours of your time on the third day of orientation between 3:30 and 5:30. You would be leading a discussion that involves 15 new students and you will have an upper class student, because a lot of our upper class students have declared themselves interested in participating in these discussions. You would have an upper class student to
help facilitate the discussion and get the students organized. You would be
paired with such a student, and we already have a lot of student volunteers. We
don't have enough faculty volunteers, but I know we will have, probably after
this meeting. You can send word of your willingness to participate to your dean
or you can send it directly to me or both. I really will appreciate it if you will
agree to participate. Peter Stein has a question.”

Professor Peter Stein, Physics: “Just a comment and a suggestion. At various
times I have heard these exhortations and said, ‘Hey, that sounds like a good
idea,’ and have gone away and forgotten about it. May I suggest that you send
an e-mail to all faculty members telling them exactly what the dates are and what
the commitment is, so that it’s right there in front of you and all you have to do
click and say ‘OK.’”

Provost Martin: “Well that’s good. I sort of automatically implied that since ‘yes’
would be good . . . (LAUGHTER) . . . Yes, that’s a good idea, Peter, and actually I
have sent such an e-mail to the deans who are going to be sending the
announcement to you all. Have you all heard from your deans? Some have and
some have not, but you will be hearing from your dean with precisely that
information and the possibility of a simple reply saying ‘yes’ to this idea. I really
think we are going to enjoy it. We are going to enjoy it even if we enjoy it
because we argue with each other about its merits. Even Herb Deinert and I,
from the same wonderful German Studies Department, disagree, and that’s not
going to prevent Herb from doing it. Is it Herb?”

LAUGHTER.

Provost Martin: “All right. I’m sorry. I just needed to allow myself a little humor
today. Obviously you don’t have to do it, but I would really appreciate it if you
would give it a try. I’ll take questions if you have any?”

Professor Christopher Minkowksi, Asian Studies: “I wondered if the Provost
could update us on what the Board of Trustees has been up to with the athletic
program which I read about in the latest communication regarding funding for
athletics on campus which was a subject we discussed in the Senate last year and
made some recommendations.”

Provost Martin: “What are the Board of Trustees up to? Gee, let me just say
something that will sort of answer your question, but not directly in those terms.
There is a sort of mini campaign to raise funds for athletics—athletic facilities
primarily. The campaign had a sort of quiet building phase which met to some
extent the goals that had been set for that phase and is now about to go into a
more public phase. What I can say about the decision to do such a campaign,
especially given the faculty sentiment about it, is that it was decided before I
came on. That would have the virtue of being true, but it’s a cop out.

“There is an enormous need to improve some of our facilities, both for
intramural and varsity sports. However, those of us who read the Bowen and
Schulman book or heard James Schulman speak yesterday about the game of life
and the problem of athletics, not only in our Big Ten sports (out of which some of us came) but also in the Ivy League. We have pretty strong feelings about the problems of over emphasizing athletics. What we have done this year in response to the fact that at least a relatively small campaign in athletics is going forward, what we have done is ensure that the fund raising priorities for the next five years are heavily weighted on the academic side. The development staff assures us that those donors interested in supporting athletic facilities are not the same donors to whom we would go by and large for the academic priorities. I can't say too much and wouldn't want to say too much at this moment, except that I think the over-emphasis on athletics in the culture generally, even in the Ivy League and even at Cornell, where we don't compete all that well in some sports with our peers in the Ivy League, is a serious problem that the faculty, administrators and trustees all need to begin discussing in some depth, using the Bowen/Schulman book or other materials. That would be my view, though I am a big sports fan. I am a major sports fan, but everything has its limits."

Professor Martin Lindau, Applied Physics: "I was wondering on the dean search. It is my impression that there was one spectrum of candidates which would present distinct strengths and some of these have gone out. Is there any intent to replace them with additional candidates?"

Provost Martin: "Well, Martin, what a good question. It's not yet entirely clear. For those of you who don't know, we had one prospect, one candidate, who had agreed to come to campus for an interview, and the minute he announced his interest in Cornell to his Provost at Illinois, which has one of the biggest engineering colleges in the country, the Provost made him Dean of Engineering at Illinois. So it's plain that at least we have good taste, and the other candidate who withdrew, withdrew for reasons that are still not clear to us, and we have not been able to have a discussion with Larry McIntire. Will we therefore include more candidates? We are considering it. The search committee is not going to reach a decision until the last candidate of that initial group chosen to come to campus has come through, and we have had a chance not only to meet and talk among ourselves but also to get feedback from Engineering faculty. I'm still looking for those cards and letters to come through from the Engineering faculty. I'm getting a few more. I know a lot of you were going to wait until the end, when you have seen all the candidates and then write, but it's always also a good idea to record your views about the individuals as they come through."

3. APPROVAL OF THE MINUTES OF THE MARCH 14 SENATE MEETING

Speaker Howland: "Thank you. The Chair would like now to call for approval of the minutes of the March 14 Faculty Senate Meeting. Hearing no objections, they are unanimously approved. The Chair would now like to call on Associate Dean and Secretary Charles Walcott for a Nominations and Elections Committee Report."

4. NOMINATIONS AND ELECTIONS COMMITTEE REPORT
Professor Charles Walcott, Neurobiology and Behavior, Associate Dean and Secretary of the University Faculty: “Mr. Speaker. Before I present these to you, I would like, first of all, to thank everybody here who kindly sent in suggestions for nominations for all the various and assorted committees. The Nominations and Elections Committee is working hard trying to fill the veritable plethora of faculty committees that there are. These are the slate of candidates for At-Large members of the Faculty Senate from the tenured ranks, from the non-tenured ranks, some suggestions for Nominations and Elections and then, quickly, for the University Faculty Committee. This then gets sent around in a mail ballot as I recollect to the faculty to be considered. So you will have a chance to elect or not these folk.

REPORT FROM THE COMMITTEE ON NOMINATIONS AND ELECTIONS

SLATE OF CANDIDATES
(All terms commence July 1, 2001)

AT-LARGE MEMBER, FACULTY SENATE (tenured) - 2 vacancies, 3-year terms

Donald Farley, J. Levis Preston Professor of Engineering
John M. Guckenheimer, Professor, Mathematics
Risa L. Lieberwitz, Associate Professor, Industrial and Labor Relations
Timothy D. Mount, Professor, Applied Economics & Management

AT-LARGE MEMBER, FACULTY SENATE (non-tenured) - 1 vacancy, 3-year term

Bernd Blossey, Assistant Professor, Natural Resources
Jocelyn Rose, Assistant Professor, Plant Biology

NOMINATIONS AND ELECTIONS COMMITTEE - 2 vacancies, 3-year terms

Anne V. Adams, Associate Professor, Africana Studies and Research Center
Robert Connelly, Professor, Mathematics

UNIVERSITY FACULTY COMMITTEE - 3 vacancies, 3-year terms

Elizabeth D. Earle, Professor and Chair, Plant Breeding
Douglas B. Fitchen, Professor, Physics and LASSP
Risa L. Lieberwitz, Associate Professor, Industrial and Labor Relations
Danuta R. Shanzer, Professor, Classics and Director, Medieval Studies
Katherine V. Stone, Law, and A. E. Estabrook Professor in Dispute Resolution, ILR
Winthrop Wetherbee, Avalon Foundation Professor in the Humanities

Next we come to the matter of the Speaker of the Faculty Senate who is to be re-appointed for a two-year term. I am pleased to report that Professor Howland has been prevailed upon in strong ways to continue his yeoman service, and however we do invite additional nominations which can be made from the floor, if anybody would like to so make them, and then this too will be submitted to a mail ballot.”

Speaker Howland: “Are there any nominations from the floor.”

Professor Walcott: “Hearing none I’m afraid it will be a tight election.”

LAUGHTER.

Speaker Howland: “Thank you, Professor Walcott. So we are now going to have a preliminary discussion about creating a Senior Professor title. I would like to call on W. Donald Cooke, Chair of the Subcommittee of the Professorial Titles Committee. There are additional people who may wish to contribute to the discussion with Professor Cooke—Professor Robert Foote, Professor Richard Schuler, Professor Danuta Shanzer, and Professor Kenneth Torrance.”

5. PRELIMINARY DISCUSSION ABOUT CREATING SENIOR PROFESSOR TITLE

Professor Emeritus W. Donald Cooke, Chemistry and Chair of the Subcommittee of Professorial Titles Committee: “I don’t think Howie is going to have to worry about time, the Dean has already told you everything I was going to tell you and then some more. In fact, Howie even introduced my committee, which was another thing I was going to do.

“One thing that hasn’t come up is some of the background on part-time appointments. There are about 65 tenured faculty members on part-time appointments. Thirty of those are a wide variety of part-time appointments for different purposes, usually as faculty members, and the other thirty-five are in phased retirement. Of those thirty-five, thirty-three have appointments half-time, and there are only two that have more than half-time, none less than half-time. Seventy-five percent of those on phased retirement teach one term and have the other term off. That raises some difficulties because it’s hard to apportion things like undergraduate advising and graduate advising if the professor is only available one term. That is a problem; also department committee work doesn’t work well with a person on one term.

“We do not have a proposal at the moment. We have met with the deans; we have talked to department chairs to get input. The one input we are missing before we move ahead is the faculty’s, and that’s why we are here today. Here again, I’m just going to repeat everything that Bob said. Just again to emphasize
that this is a faculty endeavor. Bob already told you that. Here is what we are trying to do. We are seeking ways to make part-time appointments more attractive for senior faculty in order to release funds for new appointments. Now we cannot guarantee that funds that will be released will go to new faculty. It's hard for us, the faculty, to establish priorities. For example, in Engineering, the funds will revert to the department, but they have their own priorities, new faculty may not be it, but that's what we hope will happen. (Overhead - Appendix E).

"Even though we have no proposal, we have certain ground rules. Here are the ground rules. The proposals will come from the faculty and have to be faculty initiated. They do require the approval of the department and the college. Once agreed upon a certain percentage of time, that cannot be increased, because hopefully the money is committed to new faculty. I hope you will give us some of your advice, your feelings about part-time appointments in general, and that's why we are here. My committee is here to listen to you, and I hope that you will tell us something."

Speaker Howland: "Professor Stein."

Professor Peter Stein, Physics: "Just a piece of institutional memory. I'm surprised that you say that the Faculty Senate has not spoken on this matter, because they have spoken on this matter. Approximately five years ago, Professor Ehrenberg can correct me, but it was about five years ago when he was Vice President, he brought to the faculty a proposal and part of that proposal... actually it didn't come from his committee, but it went through a faculty committee, and the faculty committee then recommended to the full Senate that we create a part-time tenured appointment for the very same purpose. That was passed, I think, overwhelmingly by the Senate, and the Senate, to my knowledge, never received either an acknowledgement or a rejection or any comment from the central administration. So this body has in fact expressed itself on this issue."

Professor Cooke: "I don't know what I said to lead you to think that. I'm well aware of what happened. I think we haven't gotten input from the faculty on what we are about—to look at new ways of doing this sort of thing. We are not going to change the phased retirement at all. For example, there is a five-year limit on phased retirement. That may be a problem."

Professor Stein: "I'm sorry, just to correct the record. The Senate approved precisely the proposal that you are suggesting, namely that in addition to phased retirement, that there should be an option for tenured faculty members to go half-time without any limit of period, retain their tenure, and that they wouldn't step back up to full-time again. Ron, am I right?"

Speaker Howland: "Professor Ehrenberg."

Professor Ronald Ehrenberg, ILR: "I was not sufficiently placed in the administration that I was ever allowed to make public statements about proposals which were not forthcoming, but I do want to say that there was a
specific reason why there was the fixed limit. That is that the fixed limit is less attractive than not having the fixed limit. When you set up a program in which people can go part-time (which by the way anyone can do now at any time in the university, so all we are doing here is calling attention to it to senior faculty and saying you should push for this), there are three things that can happen.

“The first thing that can happen is that people who would stay on beyond age 70 or other ages full-time can now go part-time, and that’s a benefit to the university. On the other hand, the numbers that you have just given me about the number of people who are on phased retirement suggest, when I compare with Bob Cooke’s statistics in his report, that most of the people above age 70 are on phased retirement. So the line in Bob’s report that phased retirement isn’t working doesn’t seem clear. So the first thing that can happen is that you can encourage people who would have stayed full-time to go part-time, and that can free up some funds. The second thing that can happen is that you would encourage people who would have retired earlier to stay longer, because now they can do that for a longer period of time. The third thing that could happen is that you could encourage people who took phased retirement or who were thinking of taking phased retirement, and instead say, ‘Why do that? This other option clearly dominates.’

“So in thinking about this, it is something that the administration is going to have to think very, very carefully about. The other point that I would make is that the demographics of the faculty both here and nation-wide is such that there is going to be an enormous state of retirement. It’s not just at Cornell, but all over this country, and the real problem is where are we going to find young faculty to replace them. Part of the benefit, now speaking on the other side of the proposal that you have put forth, is that I think, and I’ve written on this, that we may want to encourage older faculty to stay around for longer than would otherwise be the case, because we are going to need them for teaching.”

Dean Cooke: “To respond to Professor Stein’s question. There is a fundamental difference. The previous speaker just indicated that the previous program, phased retirement, had a coercive nature. It was intended to have people leave. This program is not trying to coerce anyone; it is trying to make options available, and second that the other program, which is not being proposed for change, has a five-year limitation, and you must give up your tenured status within the five-year period or you’re not allowed in the program. This would not have that restriction.”

Professor Kay Obendorf, Textiles and Apparel: “I’m not sure that we know how effective the phased retirement that we have in effect is, and I think before we do this, we should talk with the various people who are in the dean’s office negotiating these phased retirements. I was given instructions to speak against this, because there is at least one dean that thinks this will hamper the effect of the previous program in negotiating these phased retirements. I think I was supposed to say three things and I only remembered two. The second one is that some of the things that are in the programs are not allowed by SUNY, and so these programs need to be checked for the contract colleges.”
Professor W. Donald Cooke: "We have talked to the two deans who represent thirty-two of the thirty-five phased retirements, so we have done that part."

Professor Obendorf: "Well, at least you have one dean asking her colleague to speak against this. I think you should speak to all the deans who are negotiating things to see how this proposal would affect their ability to negotiate the phased retirements."

Professor Danuta Shanzer, Classics: "One thing that we were also exploring in this suggestion that's important and I think distinguishes it from the other program is the nature of the title itself. I guess, particularly for scientists, it can be a problem getting a grant if you are labeled emeritus professor, so we were exploring having a different title. There is a title 'Graduate School Professor' that you can get in your graduate field if your field votes it for you, but that's for five years, but it's apparently not an official title. So this would provide another flexible option that would allow you to continue your research, not get a possibly debilitating title of emeritus or emerita but be called Senior Professor instead."

Professor Naomi Altman, Biometrics: "I really only have a question. Is this meant only for people who are already eligible to retire, and if not, then how does moving to this title effect one's eligibility to retire?"

Professor W. Donald Cooke: "I don't see any effect at all, unless I'm missing a point somewhere."

Professor Altman: "I don't know what the contracts say at Cornell, but in many places the contract says so many years of full-time appointment in the position prior to retirement or the maximum of your salary over some time."

Professor W. Donald Cooke: "That certainly is not true at Cornell."

Professor Gary Rendsburg, Near Eastern Studies: "In the phased retirement program, that we just heard, many faculty members choose to teach one semester and have the second semester off. Is it the understanding that in this proposal that that would not be an option, at least not on a regular basis, that you would be teaching as a regular faculty member with your sabbaticals? If you had had two courses, you would teach one? Instead of advising ten students, you would advise five, or would that other option still be there?"

Professor W. Donald Cooke: "I think that deans would have to be conscious of those kinds of difficulties in these negotiations. But we have not formulated what the conditions will look like. We want to hear what the faculty has to say."

Professor Richard Schuler, Economics and Civil and Environmental Engineering: "I think it's fair to say that the one thing we learned, something that the administration knows all along, is every corner of this university is different. What satisfies the needs and particular desires of faculty and administrators in Engineering may be quite different from the Humanities. So if there is one
bulwark that seems to be guiding us, it is to try and provide as flexible a set of guidelines as possible. I think that's one reason why we haven't come up with a final recommendation to give you at this early stage. We feel a need to talk to an awful lot more faculty, so that we can accommodate the interests as flexibly as possible."

Professor Elizabeth Earle, Plant Breeding: "What isn't clear to me is why anyone would elect to go on phased retirement if this option were available. Could you clarify that?"

Professor W. Donald Cooke: "Yes, it may be that the one possibility would be that they could not teach one term only."

Professor Douglas Fitchen, Physics: "Just a related comment. There is a little different policy on fringe benefits I think for phased retirement."

Professor W. Donald Cooke: "Yes, there is."

Professor Douglas Fitchen, Physics: "Your retirement and other things are covered as if you were at full-time salary."

Speaker Howland: "There, and then Professor Stein."

Professor Muawia Barazangi, Earth and Atmospheric Sciences: "As you know, many universities in the nation tried different approaches to this problem. The bottom line is that without financial incentive, it's not working. Are you thinking of specific financial incentives to make this program work?"

Professor W. Donald Cooke: "That is not in the charge to the committee. A buy-out program is not something that we feel that we can discuss."

Professor Stein: "I'm a little confused about what would be accomplished if you did make such a program and it was passed by this body and agreed to by the administration, because in the end as you say it's not an entitlement. It's mutual consent, so one could do this now by mutual consent. There is nothing that would forbid a dean and a faculty member from agreeing mutually that they would do this, and in fact that has taken place apparently with some people on the campus. I just don't quite understand how it fits in."

Professor W. Donald Cooke: "It may have to do with benefits. In phased retirement people have full-time benefits for half-time service. With ordinary kinds of part-time arrangements that's generally not true."

Dean Cooke: "Comments to the two previous speakers. One is that there are people who have the energy to do entrepreneurial activities, so it's not a matter of the university buying them out, but a matter of people having the opportunity in their career to do other things. The other question was why isn't what we have now sufficient? The answer is look at the number of young, assistant
professor appointments, and that’s the problem that has to be dealt with. What we have now has not allowed us to overcome that problem.”

Speaker Howland: “About 30 seconds.”

Professor Kay Obendorf: “That does remind me of the third item which is the age being used for the category. There is some belief that many people after they are finishing post-docs and so forth may already be 32 or so. You should look at the assistant professor ranks and change that age range for that younger group because of the number of post doctoral associates and people coming into the pool later.”

Speaker Howland: “Thank you very much. The Chair would like to now call on Provost Biddy Martin again for a discussion of the medical college initiative.”

6. DISCUSSION OF A MEDICAL COLLEGE INITIATIVE

Provost Biddy Martin: “I don’t have a lot to say about this, and I will pass the buck to three of my colleagues. You have probably read in one newspaper or the other by now that the Weill Cornell Medical College has opened or will open a medical college in Qatar in the Middle East. That is a project on which the Provost of the Medical College and the Board of Overseers of the Medical College have been working for some time, with some assistance from the University Counsel’s Office.

“I have asked Jim Mingle to be here today so that he can answer questions that I couldn’t possibly answer, because I haven’t been involved in the way he has. It affects Cornell concretely only insofar that we may be asked to approve and provide teachers for pre-medical courses that will be offered in Qatar. Those courses will be approved through the same mechanism we use for all extramural granting of credit, that is through the Office of Continuing Education, with approvals of instructors and courses having to be granted by specific departments and then by the Educational Policy Committees of the relevant college. We are not inventing any new mechanism for the purpose of helping the Medical College provide pre-medical courses in Qatar, but we will cooperate in the same way we would cooperate were we asked to approve extramural credits in some other venue. I’ve asked Glenn Altschuler, as I often do for various issues, to be here today to answer any questions you might have about that, but I think most of you probably understand adequately how extramural credit operates here at Cornell. David Robertshaw is here from our Vet School. Professor Robertshaw is going to be located in Qatar as the Associate Dean for pre-medical education. Dan Alonso who is currently Associate Dean at the Medical College is going to be Dean of the Medical College in Qatar, and he has been up here to talk with members of the administration, with Bob Cooke. Tony Gotto, the Provost and Dean of the Medical College, came to meet with the UFC, as you read in your notes, to talk about the project and to explain how the project originated which was actually Tony Gotto’s own interest in international medical education and a discussion he had, I believe, with a congress person who encouraged him to get interested in the efforts in Qatar to build an education
city. Some people have compared what the Qatarees are interested in doing to what is going on in Singapore where higher education for an entire region is being provided in a particular locale in that region. I'm going to have David Robertshaw, Jim Mingle and Glenn Altschuler answer any questions you have unless you decide for some reason you wish to address them specifically to me. I think you will be able to get better answers from the other three, but I would be glad to respond to any concerns that you have that you would like to address to me. As I said to the UFC several times, this is the business of a different Provost, the Provost of the Weill Cornell Medical College and not this Provost."

Professor Ehrenberg: "I was just curious if the payment of the undisclosed sum of money is going to go to the Medical College or the university as a whole?"

Provost Martin: "For the record, what do you think? The Medical School."

LAUGHTER.

Provost Martin: "Jim and David, do you want to come and Glenn do you want to come to the front and be ready for . . ."

Prof. Altschuler: "I think we should scatter, so the shots can't get to us all at the same time."

Unknown: "Does anybody know the correct pronunciation of the country?"

Unknown: "It's called 'cutter'. I would refer to it a 'Ka-tar', but with the emphasis on 'ka' and not 'ar'."

Prof. Altschuler: "I know in Yiddish it's pronounced 'cutter'."

Professor David Robertshaw, Biomedical Sciences: "I'll give you another one—it's 'cat-are'. That's the way the English say it, and since the English had a presence there 1971, I asked specifically at dinner the other night how the locals pronounce it and they said 'cat-are.'"

Unknown: "Make sure it makes it into the minutes."

Professor Richard Durst, Food Science and Technology, Geneva: "Irrespective, of how it is pronounced, Why was this particular country selected for this program?"

James Mingle, University Counsel: "Well, the country through Congresswoman Kelly who represents the area of West Chester, New York. She was over presiding with another congresswoman as an observer of municipal elections where for the first time women participated in Qatar elections. Anyway, while she was over there the Sheika, who is the wife of the Emir and chair of the Qatar Foundation which we are going to be dealing with, asked if she would be an intermediary and approach Dean Gotto to see if Cornell Medical College would be interested in this undertaking, and that's how it got started."
"Then we went over to Qatar last May, a contingent including Dr. Robertshaw and I, Dean Gotto and Dean Alonso. We had an initial meeting with them to examine the basic outline of what the proposal was and to really pin down assurances on their part, before we conducted an examination of due diligence whether we would indeed be interested, that there were some fundamental principles to which they would agree. They are committed to devote a good portion of their natural gas and oil wealth to building educational programs, and not surprisingly they felt that to import something that American universities excel at, to import educational programs under an agreement of this sort, would be the way to go. They could afford it; they were interested in it, and Dean Gotto was interested in exploring it."

Professor Martin Lindau, Applied Physics: "From all I read it wasn’t clear to me what the incentive was for Cornell to actually get into this activity, and I would like to hear something about this. In many cases, when you have money available, you try to convince yourself that it would be in the interest of Cornell to expand in the direction you think that you want to go in, and from what I’ve read so far, I didn’t get a picture of that. Can you give me any idea?"

Professor David Robertshaw: "One of the most significant components to this was what we call nowadays ‘globalization.’ That is with modern communications, the whole world has contracted and this affords an opportunity for the Medical College now to have a presence in another country, to extend both its teaching and its research and have access to another region of the world. This isn’t just that country, it’s that region of the world where there are unique and specific medical problems which provide the setting and material. Other than the fact that they can afford to pay for it, there is this extension of higher education on an international basis. It’s part of something that is just emerging. If you look in the Chronicle of Higher Education on the web page today, they focus on that. So it’s part of a movement in that general direction."

Professor Terrence Fine, Electrical Engineering: "I have known about this for several months, at least a little bit of it, because the University Faculty Committee was given some information about and I hope the people on the UFC will share their opinions. It’s hard to argue against the expansion of medical education. It is hard to argue for the feeling of having been sold to any buyer who has sufficient money. It has led me to have very negative feelings about our Trustees. I understand much of this was done in secrecy. Much of it was done by the Executive Committee of the Trustees without the full Board being involved in the negotiations. Between their desire to distort our system with eCornell, because they thought they would make some money, which apparently is not really the most successful venture in the world, and now this effort to extend our hand into a part of the world where there are probably all sorts of political issues, our name has been sold; our name has been transferred. What we have here is that this is really the Medical School, it’s not us. In so far as I can divorce myself from the Medical School, I feel good. In so far as I feel that it’s still part of Cornell University, I feel quite bad about this. I think it’s basically a matter of having the money and buying a piece of Cornell."
Speaker Howland: "Professor Walcott?"

Professor Charles Walcott, Neurobiology and Behavior: "One of the issues, it seems to me, that the University Faculty Senate needs to have some concern about, needs to understand perhaps a little better, is how the two-year curriculum is going to be managed and how we can be assured as faculty members that the quality of the instruction is comparable to that which we would expect of Cornell-Ithaca or extension pseudo-pods in various directions, like the Isle of Shoals and other places. In many of those cases we approve through all the usual channels the courses and then often faculty go and have a look and make sure that they really are up to snuff. That becomes a little more difficult due to the logistics of this one. I just wondered if you would comment a little bit about how you see recruiting faculty to come in and teach these basic science courses and how it will interface with what the departments here in Cornell-Ithaca are doing."

Professor Altschuler, American Studies and Dean, Continuing Education: "Let me speak to that, Charlie, if I might. As you know, there are quite a number of examples of courses that are taught outside of Ithaca that carry Cornell credit. The procedures that are always followed involve a departmental evaluating both the course itself and its suitability to be taught in a particular site and explicit approval of the faculty member who is teaching the course, either through the identification of a Cornell faculty member or through the appointment of an adjunct or other faculty member to do so. All of these kinds of courses go through the School of Continuing Education and Summer Session when it is extramurally given, and that will certainly be the case with the courses in Qatar.

"It is my expectation and David Robertshaw can speak to this, that the departments that are likely to be involved in a pre-med program (we know it will be biology, physics, chemistry, and perhaps mathematics) will have an opportunity to inspect the facility, to look at the labs that are going to be utilized for these courses, and no appointment of faculty will be made outside of the existing process of departmental vetting and approval and no course will be offered that is not pre-approved by that faculty member. So it's likely, unless a department is not exercising due diligence that both the facilities will be inspected and then re-inspected after a period of time to make sure that they are still up to the quality that is desired, and the approval of faculty will be an ongoing process.

"I read through the comments of the Faculty Senate Committee, and I think there are some very important concerns that have been raised about the impact on campus to departments of recruitment of existing faculty and what that will mean and so forth. Here we really need to look to departments to be the ones and they should be—to be the guarantors both of the quality of instruction outside of Ithaca and the maintenance of quality, diversity and depth of offers on campus. There is nothing, at least procedurally, presented by this proposal that is different from the kinds of things that we do fairly routinely right now. I've looked at it from as many angles as I can and at the moment have not been able
to see anything that would give me a concern around those kinds of things. It seems to me that it’s very important to monitor the activity over time, and just make sure that both the quality is maintained and the impact, should there be an impact, on instruction in Ithaca is noted and assessed.”

Professor Barazangi, Earth and Atmospheric Sciences: ‘I think we have, my group, the largest Middle East, North Africa earth science program in the United States. We deal all the way from Morocco to Algeria to Egypt to Saudi Arabia to Oman, Kuwait, Syria, Lebanon, Turkey, and Iran. I’m certainly against this move. I will tell you why. This region is not a haven of democracy, and Qatar will certainly use this to their advantage. Obviously I echo what Terry Fine said. It is clear why it happened in Qatar not in Bangladesh, for example. Let me say the following. You will not be able to control the quality of undergraduates entering the program. You will have major difficulty in putting the quality that you demand from, say, a person like my daughter who went to Ithaca College. You will have a hard time.

“I know the University of Qatar and other university systems in the whole region extremely well, and I know what I am talking about. More importantly, what you want is de facto now, so let it be, but please listen to the following. Do not let them use this as another oppressive means for women. Use it in your statement or published articles that 70% of the student body will be from Qatar. I can predict, if you are not careful, that most of these will be women. These countries will not allow women to go abroad for higher education for different reasons, a rationale that I will not go into here. I predict this will be a mechanism to keep Qatar ladies so that they are trained as a doctor to benefit their people and keep it there. This Sheika that you mention, that’s the kind of mentality they have there. I really strongly advise you to be careful about this point and not to use this move as part of the oppression of women in the Middle East.”

Professor Risa Lieberwitz, ILR, and University Faculty Committee: “I want to follow up some of those comments as well. I have two main concerns I want to address, and I think it would also be good to hear some responses in terms of some of the thoughts that perhaps the people who looked into this program, a positive thing, have had about this. I also want to assert first that regardless of the undergraduate degree, or the undergraduate credit issued, we have an interest in this for some of the reasons that have been stated already. That is—what happens with Cornell in other parts of the world or in the U.S. reflects on us, and we are concerned about the reputation of this university.

“My two concerns have to do first with regard to human rights questions. I believe there is a real problem of irresponsibility with regard to placing Cornell students, faculty and administration into a setting that may endanger their rights and potentially their safety. Second, the point with regards to the conflict of interest question, that is, a conflict of interest on the part of the Medical College that results from complete dependence of Cornell on the Qatar Foundation for its funding.
"Let me make just a couple of comments on the first issue. This is Cornell University in another country; this is not simply sending students abroad to study at another university. This is Cornell in Qatar. Doing that means that Cornell holds out to the students and the faculty who will be going to Qatar that this is a Cornell sponsored program, one in which they should expect to have the rights and the experience similar to what they would have here at the Medical College. However, the reality is that Cornell is doing this in a country that has human rights abuses. My evidence on that is from the U.S. State Department report from February 2001, so that's virtually yesterday. With regard to religion, for example, there's no constitutional protection for freedom of religion. The government officially prohibits public worship by non-Muslims. It tolerates services conducted privately with prior notification to the authorities, and this is a particular concern for Jews, Hindus and Buddhists, because the government has given de facto official recognition for religious worship by Catholic, Anglican and Orthodox churches. With regard to speech and assembly and association, there is no legal provision for academic freedom in Qatar. The government severely limits freedom of assembly. It does not permit political demonstrations except for ones against Israel. It does not allow political parties or membership in international professional organizations critical of the government or any other Arab government. There is more on that which I don't have time to go through. With regard to women, the legal system is lenient for a man found guilty of so called crimes of honor, a euphemism, as the State Department says, that refers to violent assault against a woman for perceived immodesty or defiant behavior, even though they say such honor killings are rare. There is no independent women's rights organization, nor has the government permitted one to exist. So Cornell is holding itself as establishing Cornell in another country, but it cannot meet the expectations of the university experience that will provide the same rights to students and faculty that they would find in the U.S. They can expect much less in relation to religious freedom, peaceful assembly and political demonstrations, women's rights, and given the legal prohibition on women's rights, faculty, students and administrators in Qatar will be placed in a dangerous situation with regard to their rights and safety.

"Quickly, on the second issue. Cornell Medical College in Qatar is fully funded by the Qatar Foundation, that is tantamount to being the government of Qatar, given that the Qatar Foundation is funded completely by the Emir's wealth. The Qatar Foundation will have a role in governance, including participating in appointing members of the Joint Advisory Board, along with the Board of Trustees and the Board of Overseers appointing the members of the Joint Advisory Board. You have a conflict of interest created. It's simply there. If you have total economic power in the Qatar Foundation in relation to the funding of this program, when conflicts come up between academic issues and economic issues that is a very real issue with regard to compromising and really giving up independence of the college. So I would like to hear some responses to those problems."

James Mingle, University Counsel: "Well, I'll start. On the conflict of interest issue, the last one, the Joint Advisory Board which will be jointly comprised of four members selected by the Qatar Foundation and four by the Trustees and
Overseers, and they in turn will select the additional ones, is just, as you had in your background notes, strictly advisory. There is absolutely no governance surrendered or transferred to that group. It’s quite clear in the agreement, and this was from the start when we met last May, it was a fundamental principle among many, that the university would have full operational autonomy.

“The second point, and it relates to another question, is full financial coverage. We also addressed up front issues of assurances of academic freedom and non-discrimination. That from the start, even before we looked at due diligence, was committed to by them, and it’s embodied quite explicitly in the agreement. The Joint Advisory Board just provides guidance. The budget is not only formulated by Cornell, but the ultimate judgement of how much will be in the budget is by the Trustees and the Overseers. We have extraordinary legal protections to assure that there are five-year rolling budgets. We would love to have something like this in another comparable contractual relationship, and that is the contract with the State of New York, where we have built in a five-year rolling budget that they have committed to, that we formulated (the Medical College formulates), secured by a letter of credit on a London bank that we select and approve. The protections financially . . . and they are good questions. The questions you raised were questions that we raised up front. We built in to protect—you can say its operational autonomy, but you have to back it up. It’s backed up and protected. That’s a fundamental precept that we have control. Academic freedom is a fundamental precept. They have assured, up front and in the agreement, that the same type of academic freedom that faculty and students and staff enjoy, particularly in dealing with instruction and research, is also going to be respected at this branch of the Medical College.”

Professor Lieberwitz: “What about demonstrations?”

James Mingle: “Now, the issue you are raising is not academic freedom, as a legal matter. It’s first amendment protections. It’s unique, and this is to say when you are a faculty member or a student, you can go to a program abroad in Nepal, or in Singapore, or a visiting professorship in England, and these countries do not have first amendment protections of the range of liberties that we have anchored in our constitution. If there is an objection to particular policies that are promulgated on that branch campus over there, the same way it’s done here, there can be voicing of criticisms of that by students, faculty and staff and that will be protected. However, to the extent that there are local laws that govern here in Ithaca, in Nepal, in Singapore and in England, which says no first amendment, we have to comply with the local laws and restrictions. So academic freedom, if you think it means you can go downtown and demonstrate on the Commons, that’s first amendment protection, but there may be rules of the city of Ithaca, permits, that we have to comply with that will be different than demonstrating on Ho Plaza. The academic freedom principles were critical; non-discrimination principles were critical, and they fully agreed to them.”

Professor Michael Todd, Operations Research and Industrial Engineering: “I’d like to comment on the sort of indecent haste I see in this proposal. The comment was made that one of the advantages of this was globalization and
spreading our knowledge around. One of the great advantages of globalization was meant to be that it would spread democracy around. I noticed again in this same report that I think in 1998 a commission was set up to work towards some sort of constitution, and I'm sort of suspicious a little bit of the timing. This was a nice move to try to get some nice agreements set up with the West and so on. I don't see that there would be any great problem in holding back this agreement until such a constitution or some progress towards it had been in place. In particular, there was another note in there about how much academic freedom for foreign residents exist. Visas need to be obtained. You know you can have all the academic freedom but if you are held there against your will, it's not a whole bunch of good. I would have really hoped that democracy would have been the first thing before this agreement had Cornell's name put on it.”

James Mingle: “The State Department report that the professor mentioned. I do commit it to your attention. We certainly read it. We consulted with the State Department about this. The State Department and other government officials, because of the globalization issue, were very supportive of this; they think it is educational diplomacy. That was one out of many factors to consider. As far as the many restrictions that they may have on liberties. It's true there are various restrictions. There are also, what wasn't pointed out is, that if you look at the index of the degree of liberties, we are unique in the United States. You look at a place like Qatar vis-à-vis other places in the Middle East, their range of more relaxed restrictions, and this report, by the way, chronicles how they have relaxed over the past several years since 1995, including rights for women to run for office and to vote. The other thing that is important is that they have a cable television over there and that has the full range, almost mimics the range, of press freedom that we have here and is extraordinary in the Middle East region.

“So there are elements, there is obviously a mixed report there, it notes that they are moving more towards democratization, but it is a conservative regime. It is, if you look at the spectrum, over here versus the United States, but a lot of folks are over here from the United States. There is a movement there, and what's important is that we have pinned down in the agreement the critical principles that are near and dear to us, and academic freedom is one of them. Non-discrimination is one of them. Autonomy is one of them, and that coupled with the risk protections we have in there of safety and security for faculty and staff, we have covered and addressed that. So the questions that you raised, they are very cogent questions, a lot of these questions we had, Trustees had, and Overseers had. In the process of examining this and the due diligence and in getting to the agreement stage, we addressed as much as possible, retaining our control and having financial coverage.”

Speaker Howland: “Ladies and gentlemen, I'm sorry but our time for this discussion is over. We pass to the next agenda item. The Chair would now like to call on Francille Firebaugh, Director of Special Projects, for the Faculty Gender Equity Salary Study.”

7. FACULTY GENDER EQUITY SALARY STUDY
Professor Emeritus Francille Firebaugh, Policy Analysis and Management and Director of Special Projects: “Good afternoon. I have been asked to give a bit of background and then describe where I think we are today in the review of Gender Equity Salary Analysis. Some of you know that there was an MIT review on the status of women faculty in science and they issued an interim report as early as 1995, and they addressed individual issues of space, resources, equipment, previous underpayment of pensions, and responses to outside offers. Then by 1999, Lotte Bailyn, who is faculty chair of their Senate, wrote the key conclusion and I quote from her, ‘Gender discrimination in the 1990’s is subtle but pervasive, and stems largely from unconscious ways of thinking that have been socialized into all of us, men and women alike.’ Things continued at MIT; their report came out, and the faculty and administrators suggested that this was a model that could be used in other than the science department; this was not all women faculty at MIT.

“I came on board, I should say I couldn’t decide which of those titles, the debilitating Emeritus title that I hold or what, but I came to this position in January of 2000. The MIT report was under great discussion. It was concerning to the President’s Council of Cornell Women, to the members of the Affirmative Action Committee of this body and it was a concern to the deans. After various meetings, as we are wont to do at Cornell, it was agreed that we would conduct a university-wide set of analyses of salaries for gender equity. I should point out that over time colleges have used regression analyses and other tools for assisting them in looking at the salary equity. This happened to be a decision to be a bit more proactive with the university-wide analysis. Along the way, Ms. Bailyn came to Cornell, saw some of us here, made a speech, and I had known her before, lots of us have known her. I’ll come back to that. More recently there was a conference that was comprised of presidents, chancellors, provosts, twenty-five women professors from ‘nine top research universities,’ and we were not among them. We were not invited, and it wasn’t that we didn’t read the mail. So they met to discuss equitable treatment of women in science and engineering. In the call I asked why were we not invited, so Lotte said, ‘Well, our hope is that this initial effort will go well beyond these few universities and will encourage all universities to take this problem seriously and try to combat these continuing barriers just as Cornell is doing.’ Some of you read this weekend in the April 8 New York Times, an article titled ‘The Reluctant Feminist,’ which describes this MIT study in considerable detail.

“So what is going on here at Cornell. A Methodology Committee for examining this gender equity and salaries was appointed by Provost Martin with Francine Blau, Frances Perkins Professor of Labor Economics, as consultant to this Methodology Committee. The Provost had visited with the Associate Dean of the Faculty, and Professor Blau was mutually agreed on as someone who could be key in this planning for the methodology and the analysis. Under her leadership, a regression model was developed, and from the start it was clear that the analyses would have to be at the college level, college based, because each of us here knows that salaries are determined at the departmental and college level and not by any university level. Colleges and departments, of
course, have additional information that would be critical factors that were not included in the regression analyses.

"Each college reviewed the data for accuracy. Now the regression analyses have been run; the colleges are now examining them. The colleges will give particular attention to the salaries for women, where the actual salary is 5% or more below the predicted salary from the regression analysis. After this review process, they will make recommendations for any appropriate changes as part of the annual salary improvement process. A small faculty panel, to be appointed by Provost Martin, will review the recommendations with the deans for fairness and general consistency in the attention given by the deans across the campus. A panel member, for whatever college that person is from, that panel member would not be involved in their own college. Efforts will be made to absolutely ensure the privacy of individual salary information, to respect that is part of Cornell's continuing policy. We are trying like crazy to schedule those reviews in May, and when the salary program for 2001 - 02, the one we are coming into, when that is completed and the data are available, we will run the regression analyses again. Differences in the results may or may not occur—this is not an effort to bring all salaries to the predicted level, but to assure fairness in the review. But it is the purpose of this review to assure that there is fairness and consistent consideration. In the future, I must say, we may want to give more attention to the subtle factors that Lotte Bailyn suggested. Mr. Chairman, I am open for questions."

Speaker Howland: "Yes, we have seven seconds."

Professor Firebaugh: "Oh, no. I can't be that slow."

Professor J. S. Butler, Policy Analysis and Management: "Different from all the other times I've spoken here, I actually know something about the subject I'm talking about here. So I have an econometric question. If you estimate the model as it was specified and for men and women and include a 'gender dummy', do you get a significant coefficient on it, controlling for all the other factors included?"

Professor Ehrenberg: "This is not the first time that this type of study has been done for the university. In fact, at the behest of a group of female faculty I did such a study in 1996-97, however, I was never allowed to tell the results to the university faculty, and I'm still sworn to secrecy. What I can say is that results were very, very favorable towards Cornell. In any case where significant differentials showed up, either in terms of salary differences or differences in promotion probabilities and time of promotion, we went and spoke with the deans, and they looked very carefully and either came up with an explanation that satisfied Don Randel, or they fixed the problem."

Speaker Howland: "We have time for a couple more questions."

Professor Danuta Shanzer: "I was wondering whether the results are going to be made public."
Professor Firebaugh: “Indeed. Remember the part that I said ‘Cornell’s continuing commitment for privacy’, so anything that’s done will do that, will protect the privacy. We hear different suggestions for how we might do it that would protect privacy. I don’t see Michael Kelley here, but Michael is on the Methodology Committee and has suggested ways that they have been doing it in Engineering that he thinks are fair, so I hear the concern.”

Professor Harry Kaiser, Applied Economics and Management: “I guess my question is for Ron. How do you control for quality, other than I can see a regression of salary and on gender and rank, but how do you control for quality differences such as in research and teaching?”

Professor Firebaugh: “You can ask Ron, but I want to quickly answer what we are expecting. That’s the college-based nature, so when we visit with the deans and the deans report 18 years since this person has published, that’s what we . . .”

LAUGHTER.

Professor Firebaugh: “That’s it. Ron, do you think there is any other way to say it? I mean, in the model we have ‘named professorship,’ but it will have to be at the department and college level to give this performance indication.”

Professor Kaiser: “You use the model to raise red flags.”

Professor Firebaugh: “Absolutely. Then we go, and then they will....”

Speaker Howland: “Thank you very much, Professor Firebaugh. I would like to pass now to Good and Welfare. I’d like to call on Lynette Chappell-Williams for an announcement on the Moving Wall.”

GOOD AND WELFARE – MOVING WALL ANNOUNCEMENT

Lynette Chappell-Williams, Director, Workforce Diversity, Equity and Life Quality: “Good evening. I’m with the Office of Workforce Diversity, Equity and Life Quality. About a year ago we worked with a group of students from ROTC and some of the local veterans from the Ithaca area to bring the Vietnam Moving Wall to Cornell, and we found out in January that our application was accepted. The wall will be here May 1 – 5. The opening ceremonies will begin on May 1 with a closing ceremony being on May 5. We are asking your assistance in terms of letting students know about the event. We ask faculty to assist in terms of doing presentations to talk about the Vietnam War, and we will have more information later in terms of what those particular programs are. We do want to thank Dean Henry, who has agreed to allow us to use the Ag Quad for this, so that we have as many students passing through as possible to see. We are really excited about this. We have been getting calls from individuals throughout Ithaca and the State of New York who are coming in to see this. We are really delighted to see that Cornell is hosting something like this. I just wanted to share that with you.”
Speaker Howland: "Thank you very much. We've come to the end of the agenda. I will entertain a motion to adjourn."

Provost Martin: "Could I...? I just wanted to make one point about the Gender Equity Salary Study. When somebody asked if the results would be made public, I think the appropriate answer is something will be made public. I mean something about how we do it needs to be made public, the question is what level of detail and how to do it in a way that does protect the privacy of individuals and the salary information. But will anything be made public? Yes. Otherwise, why do it? No, there is a reason to do it and that is to try and find inequities and correct them, but the other reason is also for the community to have a sense of how we are doing overall. So something will be made public. We have really excellent people like Fran Bau helping us determine the best way to make information public, so the answer to that is yes."

Prof. Anton: "Move to adjourn."

Unknown: "Second."

Speaker Howland: "Meeting adjourned."

Adjourned 5:56 p.m.
Respectfully Submitted,

Charles Walcott
Associate Dean and Secretary of the University Faculty
Number of Faculty Under 35 Years of Age
Statutory and Endowed
1982-83 through 1999-2000

Year
1982-83
1983-84
1984-85
1985-86
1986-87
1987-88
1988-89
1989-90
1990-91
1991-92
1992-93
1993-94
1994-95
1995-96
1996-97
1997-98
1998-99
1999-00

Number
0
10
20
30
40
50
60
70
80
90
100
110
120
130
140

endowed
statutory
Appendix B

Number of Faculty Aged 60 and Over
Statutory and Endowed
1982-83 through 1999-2000

<table>
<thead>
<tr>
<th>Year</th>
<th>Statutory</th>
<th>Endowed</th>
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<td>1999-00</td>
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Appendix C

Number of Faculty Aged 70 and Over
Statutory and Endowed
1982-83 through 1999-2000

Year

Number of Faculty

endowed

statutory


11

31

25

20

15

10

5

0
Faculty Ages Under 35 and Over 60 Years
Statutory and Endowed
1982-83 through 1999-2000

Appendix D
1 Subcommittee is a faculty initiated endeavor

2 Objective - Seeking creative, flexible ways to make part-time appointments more attractive for senior faculty in order to release funds for new appointments.

3 Conditions - Individual proposals would be at the discretion of the faculty member and require the approval of the department and the college.

Once agreed upon, the percentage part-time could not be increased except by mutual consent.

The committee will not recommend changes in the current programs.
Minutes of Faculty Senate Meeting  
May 9, 2001

Professor Howard Howland, Neurobiology and Behavior and Speaker: “There are no photos or tape recorders allowed during the meeting. We have no Good and Welfare speakers that we know of at this time. The Chair would like now to call on Professor Charles Walcott.”

1. REMARKS BY CHARLES WALCOTT FOR DEAN ROBERT COOKE.

Professor Charles Walcott, Neurobiology and Behavior, Associate Dean and Secretary: “Bob Cooke is suffering from a ghastly illness, very much like what I went through. I hope I did not give it to him. Anyway, he is not with us this afternoon, so I am the official substitute, therefore, which is a hard role to play. There are two basic items he wanted to bring to your attention. The first is that there is an issue which is going to be discussed this coming fall having to do with grades and grade inflation and such matters at the Law School which is going to require some discussion. The second is the result of Slope Day, and here are the casualty figures as it were. Comparative figures for the two years; it’s not much different this year (Appendix 1). There is an increase of one that had severe alcohol intoxication on Slope Day. This is an issue which I think disturbs some of us, because the borderline between this state of affairs and an irreversible state of affairs, the possibility of there being a death, is something that is very real and is of great concern. So there will be a faculty committee which will work with Susan Murphy’s office this coming fall to try and see if there are some constructive suggestions we might make to try and reduce these numbers in the future, because they really are, it seems to me, quite serious. That’s the essence of what Dean Cooke would have said, just in a more eloquent form than I.”

Speaker Howland: “The Chair now calls on Provost Biddy Martin for remarks.”

2. REMARKS BY AND QUESTIONS FOR PROVOST MARTIN.

Provost Biddy Martin: “Good afternoon. First of all, I would like to thank all of you, since this is the last meeting of the year, for your cooperation. I want to thank the entire Senate, Bob Cooke, and the UFC and the Local Advisory Committee in particular for what, it seems to me, has been a very cooperative year. I want to just give you a quick update on the searches that are still ongoing. We will be able to announce the interim Dean of the College of Engineering at the beginning of next week. For those of you who don’t know, we have decided to continue searching for a Dean of Engineering, but we will make an announcement about an interim Dean probably on Monday, but certainly at the beginning of the week. The search committee for the new Dean of the Graduate School has come up with a list of two candidates that they wish to send to the President for a decision. I guess those are the two primary searches for which you might wish to have an update. Our dean reappointment
reviews and decisions are ongoing, but will be concluded soon. So if you have questions about any of those matters, I'll be glad to respond to them or any other matter.”

Professor Peter Stein, Physics: “In the many years that I have been watching and following the faculty salary progression from year to year, I don't remember it ever having been May and not having an official report from the administration as to what the Endowed Faculty rate pool was going to be or what the policy was. Generally, we have had some presentation by the administration and the Provost before this stating what, in fact, decision had been made. I just wondered why that was.”

Provost Martin: “I'm thoroughly confused, Peter. You mean the results now that the improvements have been made?”

Professor Stein: “No, we have just never heard anything. I mean, we used to hear early in the year. We used to hear what the faculty raise pool was going to be. We have not had any such report.”

Provost Martin: “Well, I'm surprised you haven't heard about it through your college, but on the endowed side, the faculty raise pool was 7% in the colleges with the expectation that the colleges contributed an additional 1%.”

Professor Stein: “That has not been reported as far as I know.”

Provost Martin: “Speak to your deans and department chairs. They have already implemented it. They certainly should have announced it in some form or another. That, of course, doesn't mean that everyone will receive that amount in salary increase, but that is the largest pool we have been able to provide for a very long time.

Professor Stein: “Let me express concern again. In fact, I knew that number some time ago, because I happen to be the faculty trustee and was also a member of the Financial Policies Committee. Roughly a month after the Trustees had made that decision, I sent a letter to you and the President indicating some concerns I had. I asked to circulate that letter to the Financial Policies Committee, and I was told I may not do that because of the vows of confidentiality and that that number you just quoted was a secret and was not to be released to the campus. On a number of occasions, I have asked for permission to tell the committee that I was on, the FPC, that that had been the decision and that was denied. I express some concern about that and the communication between the administration and the FPC and the Senate on that matter.”

Provost Martin: “Well, I have to admit I don't exactly know what you are talking about. There is an agreement and it's also legally binding that we not announce our intentions in advance. We're not allowed and our peers are not allowed to do that. So that is true that up to a certain point the amount of the pool had to remain secret. We are now beyond that point, and in fact we are so far beyond it
that the salary program has been implemented, and we are now getting back from the colleges the results of that implementation. So it certainly is no longer secret. As to your having been told that you couldn't tell the FPC what you knew as a trustee, that was probably accurate information you were given at the time at which you requested to be permitted to give the information out. But it would not have been true for a very long time, so perhaps you should have checked back or somebody should have alerted you. I just don't know enough about it, but it is the case that we are not permitted to announce in advance what our salary increases will be. That is true of all other institutions, not just here. So at the point at which you learned about the pool at trustee meetings, it may well be the case that at that point it was still too early for you to announce it to other groups. I just don't know. I think you should check it out with Barbara Krause and Jim Mingle.

Professor Stein: "It's not the Trustees I'm concerned about. I mean I have been watching this for a long time, and there generally has been discussion between the administration and the FPC about the size of the pool, that number that you just quoted. This year there had not been any discussion of that either with the FPC or the size of the pool was not publicly announced."

Provost Martin: "Well, you know, here is what I would say about it. Perhaps there have been announcements in the past at a point in time which we didn't follow exactly this year for whatever series of reasons. I have to confess I don't see this as a serious concern. When you make a request that we make an announcement to the Senate at a particular point what the pool is for that year, absolutely fine. Once it goes out; that's the pool; everybody knows; it will be announced here as well as in the colleges. It doesn't matter to me; no one is hiding anything. What we did was give out the highest pool humanly possible. That's what the faculty asked us to do; that's what we did. We convinced the Trustees to increase the pay out on the endowment, and we raised tuition in keeping with what the faculty requested in order to make salary increases as high as we could. This is the first year of the program; it's also going to be the highest. We put as much money into the faculty pool as we possibly could and the result on the endowed side was 7%, with 1% expected from the college deans. There is no secret about it. In fact we are proud of it. So that's my response."

3. APPROVAL OF THE MINUTES OF THE APRIL 11 SENATE MEETING.

Speaker Howland: "I would like now to call for approval of the minutes of the April 11 Faculty Senate Meeting. Any addendum remarks? Hearing none, the minutes are approved. The Chair would now like to call on Associate Dean and Secretary Charles Walcott for a Nominations and Elections Committee Report."

4. REPORT FROM THE NOMINATIONS AND ELECTIONS COMMITTEE: CHARLES WALCOTT ASSOCIATE DEAN AND SECRETARY OF THE UNIVERSITY FACULTY.
Professor Walcott: "This is a big one, because we have a substantial number of new nominations to the various and assorted committees (Appendix 2). We still have a few people to find, but by and large, our success has been good. I am very grateful to all of you for your suggestions and your willingness to serve. One committee that we have had a particular difficulty and are still having a particular difficulty with is that of Faculty Representative to University Assemblies. It has proven very difficult to get people to be willing to serve on that committee. I think it is an important one, because that is where general university issues come up, things that are of some slight importance and interest to some of us, as for example, parking and things like that often come through the Assemblies, rather than the faculty side of things. So if anybody here is possibly willing or able to serve on the University Assembly, I would love to know your name and I will do what I can to see that you go through the nomination process with all deliberate speed. (LAUGHTER.) That's my report."

Speaker Howland: "The Chair now calls for unanimous consent of the acceptance of the report. Hearing no objections, it is accepted. Thank you very much. The Chair would like now to call on Professor Abby Cohn and Professor Mike Kotlikoff, members of the Task Force on Professorial Titles for a discussion on Professorial Titles.

5. DISCUSSION OF PROFESSORIAL TITLES: PROFESSOR ABBY COHN AND PROFESSOR MIKE KOTLIKOFF, MEMBERS OF THE TASK FORCE ON PROFESSORIAL TITLES.

Professor Abby Cohn: "Thank you. We are here today to really just give a progress report (Appendix 3). I wanted just to touch on where we have been, where we are and where we are going. You'll remember that Bill Fry, who is Chair of the Task Force, presented the charge to the Task Force at the February 14 meeting. Bill, in fact, is in Brazil right now, and that's why I am here representing him. I think there is some injustice in that, but ... (LAUGHTER.) OK, so the actual charge to the task force is on the faculty web site. I brought the most relevant part (Appendix 3) which is what we are supposed to be doing, which is consulting with deans, faculty, the Faculty Committee on Academic Freedom and Professional Status of the Faculty, review the current professorial titles and their history and formulate recommendations. The expected timetable is one you'll see that we have not kept.

"We have had biweekly meetings since November, and we have considered two main issues. We have considered the question of long-term, non-tenured professorial appointments, and we have also been considering the possibility of additional options for faculty approaching retirement. You heard about those issues most recently at the April 11 meeting when the sub-committee presented the possibility of a proposal along the lines of Senior Professor. That sub-committee is now being chaired by Danuta Shanzer and Don Cooke, who is also very active and an important member of that committee."
"What I want to focus on for a couple of minutes is the question of the appropriate set of professorial titles. In fact, the question of the appropriate set of professorial titles is a perennial issue that comes up. I understand that it last had university wide consideration in 1982. This is an issue for which the impetus for discussion often comes from the deans. Since we are a faculty committee, and we take that very seriously, we have been moving both very carefully and deliberately in considering this very complex set of issues. That is what accounts for the apparent slow pace of our progress to date. Two of the central questions we have looked at are the appropriate titles in terms of employment both for individuals who are carrying out teaching and service functions in clinical studies and also individuals who find themselves in a wide array of research functions at the university. We have been considering in, I would say, excruciating detail the situation both at Cornell as well as our peer institutions.

"What I want to do now is talk briefly about where we are at and where we are going. One of the main constituencies that finds issues around these two titles is the Vet School, since they have very large clinical programs as does the Law School, the Business School and some of the other programs. In fact, the issue of clinicians comes up primarily in the professional schools. The Vet School also finds itself in the situation of being one of the colleges where this issue of research titles is also quite important. In fact, we have been working in parallel with the Vet School as they have been considering some hypothetical proposals along the lines of these two titles. I am going to ask Mike Kotlikoff if he would just briefly update us on what has been going on in the Vet School, and then I will tell you where we are going."

Professor Michael Kotlikoff, Biomedical Science: "Thanks, Abby. I'm here because Rob Gilbert is in Albany."

Professor Cohn: "Mike is a member of the committee, so he doesn't get off scott-free."

Professor Kotlikoff: "I think there is a W. C. Fields line there some place. I just want to talk about what we have been doing at the Veterinary College. Almost two years ago now, a faculty committee was empowered to look at this issue, and they issued a report in December 2000 calling for establishment of a Clinical Track, and that came with a document describing various aspects of that proposal. Shortly before that time, the University Task Force that Abby has talked about was constituted and we were discussing similar issues, and we developed a homologous proposal for a Research Track for individuals that are primarily single function, soft-money individuals in research. We have met, as Abby said, in the Task Force quite a bit and have discussed a lot of these issues. At the same time, in the Veterinary College, we put forward two specific proposals and have begun discussions about those proposals. First there was a meeting with the General Committee, which is a committee of the faculty of the Veterinary College, and that led to discussions of the proposals and modifications of the proposals. We then went to all of the departments, that is members of the Task Force, Rob Gilbert and myself as well as Rick Hackett who
is chairing the Veterinary College Committee on the Clinical Professorships, met
with the departments and discussed these and again modified the documents.
Then we have had two open faculty meetings where we have discussed these
issues in detail.

"So where are we currently? At those meetings a number of issues were raised
that addressed concerns about the issues that I have listed here (Appendix 4).
They were concerns about the impact on future faculty makeup of specific
departments, concern about how this plan for these proposals would be
implemented, potential effects on gender equity, issues about financial impact,
and concerns about why can’t we just solve this with more faculty positions.
There were specific requests for some kind of implementation plan. So at this
point, what we have decided to do is, rather than call for a vote on a very
important, a very critical issue, is to try and get together data that would look at
how this would be implemented and have a kind of impact study. That will take
some time; we’ll then come back to the Veterinary College faculty and then re-
engage this issue in the fall and either bring a proposal forward to the Task
Force of the Faculty Senate or not, depending on the outcome of those deliberations."

Professor Cohn: "So, while we do have some specific proposals that the
committee is working on, we see working in parallel with the Vet School and any
other colleges that may become engaged in this issue as very, very crucial. If
there is not broad based support, the committee will not move forward with a
proposal. The committee has agreed to continue next year; that was not our
original plan, but we will. Assuming there is impetus for further discussion, we
are anticipating having a faculty forum in the fall. Based on the input from that
forum, then we would bring any possible recommendations that grow out of the
process to the Faculty Senate sometime in the fall."

Speaker Howland: "Thank you very much. This report is open for discussion."

Professor Stephen Vavasis, Computer Science: "I’m just curious whether this
issue is best settled at the level of the Faculty Senate or maybe individual colleges
would have more flexibility and more choice?"

Professor Cohn: "In fact, we have given a lot of consideration to that issue, and
we are thinking that probably a one-size-fits-all solution may not be the way we
want to proceed. Any modification of Professorial Titles does have to be
approved by the Trustees. So it really is a university wide faculty matter for
those reasons, but in fact what seems right in a particular college indeed may be
quite different. That’s one of the central factors we have been weighing."

Professor Manfred Lindau, Applied Engineering and Physics: "Can you briefly
explain what the rationale is to various specific professorial titles or specific
kinds of professors rather than the general professorial title as we have now?"

Professor Cohn: "The crucial factor is that on the endowed side both teaching
and research are considered to be a central component of any tenure track
appointment, and on the state side, depending on the appointment, extension can also be a component. There are no single function tenure track or tenured appointments at this university. What is at issue with both the research positions and the clinical positions is that the kind of work these individuals do and the demands that they meet make a standard sort of tenure track (tenurable) appointment very problematic in many cases. So what has happened, historically, is that individuals playing these very, very central and important functions for the university have in some ways been marginalized. In the case of these clinicians who are carrying out these functions, they typically are in Lecturer or Senior Lecturer positions, because teaching is a very central component of what they do, but that doesn’t address all of what they do. On the research side the titles that are typically used are Research Associate and Senior Research Associate. These titles, first of all, are perceived, and I would agree with this perception, not to carry the prestige that should go with that and often are even misunderstood as titles. They cause problems on the research side because of competitiveness at some of our corporate and federal funding agencies, since there are some restrictions on the P.I. on grants and so on. They also cause very serious competitiveness issues with respect to some of our peer institutions. The idea of what Michael mentioned is that it is not just enough to say, ‘Should we have more FTE’s?’ It’s really a question of having job categories and both hiring and retention policies that are a good fit with the duties and expectations that go along with those positions.”

Professor Francis Kallfelz, Clinical Sciences, College of Veterinary Medicine: “With respect to some of the comments you made, my feeling is that all faculty should be actively involved in the creative activity of academics. The direction that creativity takes can vary among various faculty members, just as it does between English, Physics, Chemistry and so forth and so on. As far as Clinical Professors are concerned, I feel that it is perfectly acceptable for Clinical Professors to be conducting clinical research, which, when conducted using the scientific method and using appropriate approaches, should be every bit as valuable and as important as more basic types of research and should equally qualify Clinical Professors for consideration for indefinite tenure, as do more basic positions. So I basically disagree that there is a fundamental difference in the types of activity that should be done by clinical faculty and other faculty.”

Professor Cohn: “I think I would just comment that, in fact, precisely those sorts of issues are very much college internal issues. That is—what constitutes the set of duties and responsibilities with what we take to be the multi-faceted nature of the tenure track, tenured appointments (and I would hark back to the comments made earlier) that is in fact at the level that we expect to see variation across the colleges. Our understanding, both from the deans who reported to our committee as well as a number of faculty that we have consulted in a number of colleges, is that not everyone shares your particular assessment of that situation. But we would expect that it would be at the college level that those sorts of matters would be discussed. There is not an easy answer to that question.”
Vicki Meyers-Wallen, Biomedical Sciences, College of Veterinary Medicine: "I attended at least one of the forums. I was away for the other. My perception of the faculty sentiment at that forum was not that we actually asked for this and that there is actually a large body of opinion that is not really in favor of this at this time. I don't think that is a matter of small changes in the proposal. I think there is a fundamental question of whether professors deserve tenure for doing clinical work and clinical research just as if they were an English professor or whatever. I think this is not going to be an easy road."

Speaker Howland: "Is there anybody who hasn't spoken who wishes to speak?"

Professor Lindau: "I would think it would be important for example to keep some consistency with the Medical School in New York. If here at the Veterinary School you have faculty members who are conducting research and doing quantitatively not as much teaching as they would in other colleges, I think that is appropriately comparable to what you have in any kind of medical school. So I wonder if inventing new titles for this really makes a lot of sense."

Professor Cohn: "In fact, the Medical School makes use of a much, much wider array of titles than the Ithaca campus has available to it. In fact they have a large array of non-tenure track professorial titles that we do not have. So, in fact, this is one of the things we looked into—is to what degree should this parallel hold. All of these points are precisely the kinds of points that we have been deliberating at great length. In fact, if the Vet School and the other colleges that have shown (at least individuals from these groups have shown) interest, such as the Law School where there is also evidently quite a bit of interest, if there is not a constituency among the faculty, that is one or more colleges that really are pushing for these things, it will not go anywhere at the level of the faculty. And we as a committee have no interest in promoting a proposal that is not representative of least a significant constituency of the university faculty. I do hope if it does continue that all of you will come and discuss precisely these points at a faculty forum."

Speaker Howland: "Thank you very much. We have exhausted our time on this subject. The Chair would like now to call on Professors Kay Obendorf, Risa Lieberwitz and Peter Loucks, members of the University Faculty Sub-committee for a resolution to establish a Standing Committee of the Faculty Senate on the Campus Climate. Professor Obendorf."

6. RESOLUTION FROM THE UNIVERSITY FACULTY COMMITTEE TO ESTABLISH A STANDING COMMITTEE OF THE FACULTY SENATE ON CAMPUS CLIMATE: PROFESSOR KAY OBENDORF, PROFESSOR RISA LIEBERWITZ, AND PROFESSOR PETER LOUCKS, MEMBERS OF THE UFC SUB-COMMITTEE.

Professor Kay Obendorf, Textiles and Apparel and member of the University Faculty Committee Sub-committee: "What I am bringing today is the proposal to establish the Campus Climate Committee as a committee of the Faculty Senate.
Now many of you will remember that this was started as an ad hoc committee across the campus to deal with some of the climate issues that were being experienced, I think about two years ago. This was on an ad hoc basis, and what we are bringing to you now is a resolution to establish the committee as a permanent, ongoing, standing committee of the Faculty Senate (Appendix 5). I want to talk a little bit more about that when I get to some of the structure.

"The role of this committee is to really address climate and to have broad discussions to encourage, support and facilitate the dialogue, to facilitate communication between the governing bodies of the campus and the various offices that have responsibilities that deal with climate and these various issues and then it would also act to facilitate and publicize some of these things. This is a much broader discussion of campus climate rather than taking a policy or kind of governance type of approach.

"The structure is very difficult when you are looking at something as broad as the campus climate, because that really deals with the structure of the entire campus. So as we were thinking about how to structure this, looking at the structure of the existing Campus Climate Committee. We have various groups involved in this. We have all the governing bodies, the Faculty Senate, the Student Assembly, the Graduate and Professional Student Assembly, the University Assembly and Employee Assembly. So all the governing groups are involved and also a variety of offices. We have the Vice Provost for Diversity and Faculty Development, the Dean of the Faculty has been involved; the Vice President for Student and Academic Services, the Dean of Students, the Director of the Office of Assemblies, the Director of Minority Education Affairs, the Office of Workforce Diversity, Equity, and Life Quality, the Lesbian, Gay, Bisexual, Transgender Resource Center, the Student Affairs and Diversity Section of Campus Life, the Director and body of Cornell United Religious Work, Gannett Clinic and its psychological and counseling services, and the International Students and Scholars Office. It is a very wide array, so in thinking about how we might approach this, we really discussed two things. One, should it be a Faculty Senate Committee or should it be a more administrative committee and come under the Vice-Provost’s Office and be under Bob Harris? We thought that we would propose to you that the Faculty Senate take this responsibility and to do it collaboratively with the assemblies and linking it to the offices that have these designated responsibilities. So, really as Pete Loucks said, we are bringing to you the proposal. Do you want the Campus Climate Committee to be a Faculty Senate Committee? And it is one in which you take the leadership, but we do it collaboratively. We don’t make up the whole committee; we just provide a link in working with the Assemblies. The various Assemblies are very enthusiastic about doing this with the Faculty Senate. They accept that premise.

"Membership becomes very complex in how we try to deal with membership, because it wouldn’t have the usual membership of a Faculty Senate committee which would be drawn from the faculty. We are drawing some members from the faculty, some from the Student Assembly, some from the Graduate and Professional Student Assembly, some from the Employee Assembly and so on.
Then we need faculty from the Faculty Senate, and representing that we also need to link it to the administrative offices. So we have some of the offices there, for example, the Vice Provost for Diversity and Faculty Development and linking again with the Office of the Assemblies, and then we need some link to the Vice President of Student and Academic Services or Dean of Students or someone from that arena. We also need to create a link to the Human Resources in the Office Workforce Diversity, Equity, and Life Quality. We wanted to get this diversity plus keep the committee small enough that it could function, so we have arrived at this membership. In fact, the Student Assembly is so enthusiastic they have already named their members for next year. They are thinking about summer and closing this out. Needless to say, the Assemblies are on board with this if you so decide. This is the proposal. A lot of the details are there, but I think the basic thing I’m bringing to you is - does the Faculty Senate want the Campus Climate Committee to be a Faculty Senate Committee in collaboration with the other Assemblies and with linking it to the various offices that have responsibilities?"

Speaker Howland: “Thank you. This is the resolution before the house. It is now open to discussion.”

David Grubb, Material Science: “From the way you describe it, its functions and membership, I don’t see why it shouldn’t be a University Assembly committee. If it is so wide, the broadest possible reach of the university, that’s what the University Assembly is supposed to do with members from all the Assemblies. You mentioned in the very beginning that you were wondering whether to have it a Faculty Senate committee or an administrative one, but you didn’t mention having it an Assemblies committee.”

Professor Obendorf: “Yes, we did have those discussions with the Assemblies, and the representatives for the Assemblies are, it is my understanding, in agreement with this. But your proposal is a valid one. There are more ways to do this than the one I’m proposing. This is the one I’m proposing for the consideration of the Faculty Senate.”

Professor Joe Ballantyne, Electrical and Computer Engineering and At-Large Member: “I have very uncomfortable feelings about the proposal, because if I read the first sentence, it implies that at Cornell we do not have a respectful, inclusive, diverse community where we learn through reasoned, sustainable, and civil discourse and therefore, we need to do something about it. I see on the second page that we have quite a number of people who spend their full time apparently looking at these issues. I note that four of the fifteen members are probably members of the faculty and I don’t see why it should be a faculty committee or I wasn’t aware that we were in such a bad state of affairs, that we do not carry on civil discourse.”

Professor Clare Fewtrell, Molecular Medicine: “I chair the Faculty Senate Affirmative Action Committee and I’m also a member of the current Campus Climate Committee. My question concerns the co-chair of the committee. From
the first proposal that I saw, I understood that the co-chair would be selected from the membership of the committee and wouldn’t necessarily be a faculty member. As we discussed, I think this is a committee for the whole university and Bob Harris is there in his position as Vice Provost, but he is also a faculty member. So I wonder if you could tell me what the rationale is for limiting the second chair position to a faculty position?”

Professor Obendorf: “I can dare say that I have so many versions of this on my computer I might have to add to my hard drive. It has evolved over time, and this is one of the things that was evolved, and it was one of the things to strengthen it as a Faculty Senate committee. I don’t think we had any amendments for this proposal, so it’s open for you all to discuss it.”

Professor Steven Shiffren, Law School: “It seems to me as you presented this that there is a communitarian civil – civility aspect of this committee which is captured by the concept of climate which does make me a little nervous in part, because I like unreasonable dissent. Another theme seems to be to promote campus dialogue among groups that are housed in different places and so forth, and that theme I think is enormously valuable, and I could care less what administrative structure is used to do it just so long as it works. I wonder whether I am right in worrying that concerns about campus climate is the thrust of this committee or whether it’s more in the direction of just trying to facilitate dialogue and encourage people getting together in various kinds of ways that would be constructive.”

Professor Obendorf: “You’re right; climate is important.”

Professor Richard Talman, Physics: “I have more nearly a point of order. It looks to me as though this is to be a committee of fifteen people of which only two it looks to me are members of the Senate, so it’s really not in order for the Senate to be establishing a committee in which it forms such a tiny minority.”

Speaker Howland: “Point of order caught my attention. (LAUGHTER.) I think the Senate can do as it wishes.”

Professor Talman: “The Senate cannot form a committee of the vice presidents for Human Resources. We can respond to the request of some other university body to cooperate with the formation of such a committee, but we cannot form such a committee.”

Speaker Howland: “I will ask our parliamentarian, but I do believe the Senate can make any motion it pleases and pass that motion whether or not it’s enforced or enforceable is another thing.”

Professor Stein: “I’m not sure if I agree or disagree with my esteemed colleague from Physics that this is unconstitutional, but it certainly does seem a tad unusual to have a committee of the Senate where only two of fifteen members are members of the Senate. It seems odd, and I wonder why you decided to do
that. It seems much more natural for this to be an Assembly committee or perhaps it would be more appropriate that the committee report directly to the President. I don’t understand the significance of it reporting to the Senate or in what sense you think of it as a committee of the Senate. Why that particular structure and not, say, reporting to the President or reporting to the University Assemblies? I address that question to the person who was presenting it."

Professor Obendorf: "There are many ways to do this, several of which you all have proposed and have been thought about. I believe that the Dean of the Faculty, Bob Cooke, started this Campus Climate Committee ad hoc and Bob Cooke feels that it is appropriate for the faculty to provide leadership. The Assemblies feels that it is appropriate for the faculty to provide leadership if we so wish. This is your opportunity to make that decision."

Speaker Howland: "One more."

Professor Richard Baer, Natural Resources: "I would think that it might be more appropriate for the Senate to deal with lack of diversity of ideas at the university. I have written and spoken about this before. Incidentally, the long memo that I sent out to our previous Provost, the President and the Deans, I didn’t even have an acknowledgement that it was even received after writing about a 20 to 30 page double-spaced memo. I think we ought to as faculty sometime discuss the fact that, for instance, our Government Department looks more like an outpost of the left wing of the Democratic Party. Diversity of ideas—Human Development and Family Studies doesn’t want diversity."

Speaker Howland: "Sorry, I have to . . . ."

Professor Baer: "What? This is a very serious issue and I would like just to finish, please. I think that would be within the domain of the faculty to think about is that we don’t seem to really welcome diversity of ideas at this institution. We like political correctness a great deal. I like what we have done on diversity in other areas. But I think we ought to give some serious attention to a lack of diversity of ideas. That is what would make this a better university and help us live up to our motto of being non-sectarian.”

Speaker Howland: "I’m afraid we have exhausted the time for discussion. We should move now for the vote unless I hear some motion to the contrary. Fine. The motion is before you. Is it clear?"

Professor Terrance Fine, Electric Engineering: "What is the motion?"

Speaker Howland: "The motion is contained in the text that was distributed beforehand. There are several handouts and there are the set of overheads that we have seen for the motion to create such a committee."

Professor Fine: "What is the motion?"
Professor Obendorf: "I move to establish the Campus Climate Committee with the leadership of the Faculty Senate as described in the document that you have seen."

Speaker Howland: "It's a motion from the committee. It needs no second. Are you ready for the vote? All those in favor say 'aye'."

AYE.

Speaker Howland: "All those opposed?"

NO.

Speaker Howland: "We are going to have to have a count. Would you count this side, and I'll count this side. All in favor please raise your hands? All those opposed? The motion passes 27 to 22. The Chair now calls on Professor Susan Piliero, Chair of the Educational Policy Committee for a discussion of evening prelims and compression of the academic calendar."

7. EDUCATIONAL POLICY COMMITTEE—DISCUSSION OF EVENING PRELIMS AND COMPRESSION OF ACADEMIC CALENDAR: PROFESSOR SUSAN PILIERO, COMMITTEE CHAIR.

Professor Susan Piliero, Education and Chair of the Educational Policy Committee: "Thank you for giving me some time to discuss an issue that you've never discussed before," which is evening prelims. We have had long discussions in the Educational Policy Committee this semester on evening prelims, and the overall concern that we think it's embedded in, namely, the compression of the academic calendar. You hopefully have had an opportunity to read the discussion document that was sent to you in the materials last week (Appendix 6). Since there may be visitors to the meeting today, I am going to review some of the big ideas in the discussion paper.

We first took a look at the ad hoc Committee on Student Stress that was chaired by John Ford, who was the Dean of Students, as you know. A couple of years ago he chaired the Committee on Student Stress, and in June 1998 the committee published a report in which it said that, 'Of all the class and exam scheduling factors contributing to unusual student stress, evening prelims seem to place the heaviest burden on students.' We started with that as perhaps an unexamined assumption or at least one that might need further explication. So we took a look at that and what we found was that it is not a simple fact that evening prelims in themselves are stressors for students, but that the issue is a little bit more complicated than that. I'll go into those issues in a minute.

"As a committee we saw that there were indeed some very good reasons for having exams in the evening. Some are purely logistics, because we happen to be a campus that has large classes and multiple section classes and so forth. There are also good reasons pedagogically, at least, that we felt we needed to
explore and put forth and make clear. Some of the pedagogical reasons for having the exams that are longer than a class period would be to allow extended time to have open-ended or higher order questions and especially problem solving. This is a campus that has a high number of courses in engineering, in the sciences and mathematics where high level questioning is valued. As one faculty member who wrote in the faculty forum said, 'Unless we are training future jeopardy winners, we really want to have students who can actually think and have time to formulate the problem, as well as formulate the solution and perhaps argue the merits of the solution.' That was certainly one good reason for having the evening prelim.

"Another reason was test anxiety, and this is in some of the feedback we got from students whom we surveyed. Having extended time to take a test without having the burden of watching the clock so much, as would happen in an in-class exam, is very important to many students, and while they don't love evening exams, they tolerate them because they can have the extended time. The number of students with disabilities, and I should also mention (I didn't have it in the report) the increasing number of international students who may take a longer time to appropriately decode the instructions and the contextual language of a problem is something that needs to be considered. They shouldn't be burdened with a time constraint that could alter the construct validity of the exam. Obvious logistic reasons are you've got 800 people and all these sections and where are you going to give the exam? We have a lot of lecture halls, but not many of them are available for extended periods; they have classes coming in right after your 50 minute period. So what are you going to do?

"One of the things we did was to take a look at the number of evening prelims, because there is, I think, a perception among many on campus that the number of evening prelims is growing without bounds every year. It turns out that that is a misconception. It's actually remarkably constant. It's about 550 exams per academic year, and that has been true over the last several years. However, that having been said, if you take a look at who is the beneficiary of this kind of scheduling, it seems to fall disproportionately on certain students, notably Engineering. It's more than 28% in Engineering that courses have evening prelims or evening prelims are engineering prelims. If you take engineering and math and sciences; it's over 70%. Also most of them are at the 100 or 200 level. So if you are a freshman engineering student, you have a lot of evening prelims. Not to pick on Engineering, I teach math and all my exams are evening prelims. But it is kind of interesting.

"One thing that does appear to be growing, although I can't provide you with hard facts, because the printout is about this thick, but it does look like more and more students are taking advantage of courses that are being offered in the evening (Appendix 7). During this particular semester, the total student enrollment in classes ending after 4:30 is over 3,600 students. So that's a lot of evening time, and that's, of course, Mondays and Wednesdays. Another data point is that current scheduling has minimized conflicts for many students but has not eliminated them, so there still are some conflicts. I am sorry that Bob
Cooke is not here, because he has done yeoman's work, crunching numbers, night after night, weekend after weekend. I said, 'You act like a graduate student. You're working on all these numbers.' But one of the things he has been able to do is take all the freshmen schedules for this year. I think this is for the fall 2000 semester [Appendix 6 - Evening Prelim Report]. He took a look, and what this means is how many students had no days between two exams. In other words they had two exams scheduled exactly the same night. OK? It turns out there are only 98 evening prelims who have that conflict.

NINETY-EIGHT STUDENTS.

Professor Piliero: "Ninety-eight students, right, who had two evening prelims scheduled on the same night at the same time. That doesn't sound bad when you think about how many thousands of students you have. Over half of those were in Engineering, I should point out, but fewer than 100 had the conflicts. If you start now to look at the number of students that have one day, and I'm not even sure how they could have one day between two exams, since you are only supposed to give evening prelims on Tuesdays and Thursdays, now you are over 100. If you look at two days, so I assume that's the Tuesday/Thursday split, now all of a sudden you are at over 800 and so on and so forth. So one of the things that we were interested in looking at is how many have that kind of problem and it turns out there are a lot more students who have hectic weeks during the semester. From the feedback we have gotten from students, it's not simply having an evening prelim, but it's when you have two or three in one week, where havoc is caused in your schedule and you drop everything else to prepare for these exams and then you never catch up. In terms of outright conflict, Dean Cooke is fairly certain that we can work on that and we can actually get that down to zero or near zero. That is encouraging. We might be able to think of how to avoid some of these situations with some negotiation between the parties. The certain weeks that we were looking at - it seems that there are a couple of very bad times, like late September and mid-November. We all know these weeks, because we feel the stress as well. Those are some areas where some rethinking about that kind of schedule one has every single semester could be useful.

"As I said, in the surveys that we did which were fairly informal and mostly limited to math, engineering and science, there were very mixed feelings about evening prelims. Some students really like evening prelims. A huge issue for some students is the fact that they have to work as part of their financial aid package, and they need to work during the day. They need to work between 8:00 and 4:30 so for them, evening classes and evening exams are very useful for them to sort of manage their world. That is something that, to be honest, we hadn't really considered in a serious way. Some students feel more alert and focused in the evening taking their exams. That's easy to do if you get up at 10:00. Not all students felt that way. Some students... I mean this was very mixed, about half-and-half. Definitely most of them said that they would tolerate evening exams to have the extended time, but if there were a way to
figure out how to have longer exam periods and not have to have them at 7:30 at night, they would be thrilled to have that.

"Several students wrote that there should be consistency between what you state in your course objectives and how you assess, and this is course design. If you are emphasizing problem solving and higher order thinking, but you are giving the multiple choice tests- get it all done as fast as you can in fifteen minutes- there can be a perception of a disconnect between the assessment method and the stated objectives of the course. Other students actually said that they really liked the in-class exams, because you couldn't go in deep on anything, so that was actually a real plus for daytime exams.

LAUGHTER.

"I don't really want to go with that. Another point is that evening exams should be substitutes for in-class exams and not an addition to the course schedule. If you are giving three evening prelims, and they are 90 minute prelims. We'll do the math. That's 3 x 90; that's 270 minutes. Well, if you are meeting four times a week for a 50-minute period, that's 200 minutes. So by giving your evening exams and then teaching in those classes that you have freed up, you've added a week to the schedule, but it's during the same time, so it's like this. You are cramming 15 weeks of instruction into 14 weeks. That could create some stress for students and for faculty. We know about the free time scheduling, and so we have that problem.

"The overall problem of compression to the calendar is something that we really feel needs to be addressed. The number of days already is at the minimum number of days required by the Board of Regents. In the spring I think we actually have a couple of extra days, but the fall term is at its minimum; we cannot go any lower. We have very few Friday afternoon classes except for the valiant efforts of some science departments. Saturday morning classes are very rare now; there are very few 8:00 and 3:35 to 4:25 classes. I think that fewer than 10% of all classes on campus are in this time slot and at 8:00 it's fewer than 5%. I think I've got that right. So when are you supposed to give your exam is the problem. So let me stop at this point and ask for some discussion before we talk about recommendations that we came up with."

Professor Stein, Physics: "I have a question. I don't see how there could be. . . . It seems to me-can we have the chart that shows the mean time between classes and the distribution of the time between prelims?"

Professor Piliero: Of the prelim?"

Professor Stein: "Yeah. The one before those."

Professor Piliero: "Oh, the table."
Professor Stein: "Yes. I'm at a loss to see how there could be anything except zero, two, five, seven and nine. We have a rule that you could only give prelims on Tuesday and Thursday."

Professor Piliero: "Unless there is an exception made. You can get an official approval."

Stephen Vavasis, Computer Science: I believe that CS100 typically has an evening prelim scheduled for Monday during the fall semester by special arrangement with the registrar.

Professor Stein: "OK, thank you."

Professor David Delchamps, Electrical Engineering: "My question is do prelims tend to cluster anyway, whether they are evening or daytime prelims, and I'm wondering why the report focuses on evening prelims as being stressful? It is not the evening that is the stress factor. In fact, evening may be a stress alleviator."

Professor Piliero: "Right. That's one of the reasons we wanted to have the discussion, because in the re-accreditation report, one of the factors that was being examined in the report was the notion of evening prelims and whether they should exist at Cornell. If they cause stress, it would be important for us to get rid of them. However, the point here is that they are not necessarily stressful just by the fact that they are in the evening, and secondly there are some valid logistical and pedagogical reasons for giving prelims in the evening. So, to make a rule that says that you can no longer be giving evening prelims, we might want to tread carefully there. I would like to just present the recommendations, if I could.

Professor Subrata Mukherjee, Theoretical and Applied Mechanics: Most students in my sophomore math classes like longer (1.5 hour) prelims. They would rather take a 1.5 hour evening prelim than a 50 minute prelim during class. I think ideally they would like a 1.5 hour prelim during the day, but they know that this is practically impossible to schedule.

Professor Piliero: "These are the recommendations that we came up with and I encourage you to think about them for yourself and discuss them amongst your departments. There are alternatives to standard 90-minute exams. That's certainly one thing to think about. Giving short in-class exams more frequently might take the stress and weighting off of any particular evening prelim. We will be looking to further minimize conflicts, but we are also going to see if we can work with the clustering issue that we brought up. The calendar compression phenomenon may be something that we need to explore further. Just the number of contact hours that courses meet is an issue - that contact hours are at a minimum, and lectures are very full, with faculty trying to cram more things in to each lecture; it seems to be a problem and the committee would urge no more compression of the academic calendar for the time being. If reviews are
important, since we already have the evening prelims, maybe if faculty look at other times to have the reviews, and reviews at 8:00, or 3:30 to 4:25 may be viable for some students."

Speaker Howland: "Thank you very much. The chair would like to call on Provost Biddy Martin and Vice Provost Robert Richardson for a report on the decision concerning the Ward Center."

8. REPORT ON DECISION CONCERNING WARD CENTER: VICE PROVOST RICHARDSON.

Vice Provost Robert Richardson: "Mr. Speaker, thank you very much, and I also want to thank Bob Cooke for giving us an opportunity to discuss this. This is the first time actually that there has been an opportunity for me to discuss the Ward Center with the Senate. Last Friday morning the President and Provost met with Dr. Kenan Ünlü and told him that the university's decision was not to apply for re-licensing of the TRIGA reactor in the Ward Center, and that we would be moving to decommission. In part of the conversation, the President said that we would extend his contract for three more years and he would be expected to supervise the decommissioning process. Immediately after that meeting the President and Provost contacted some of the faculty whose research would be most immediately affected by the shutting down of the TRIGA reactor and followed through on the recommendation of the LAC Committee that there be support given for the transition period, assistance in the transition period, for the people who are affected. We also will have Mary Opperman, Vice President in the Human Relations Office, find positions for all the staff in Ward who will be affected by the decision.

"Now after the March Senate Meeting, we thought a great deal about the issue of the Ward Center and paid close attention to that discussion, but I was surprised to discover that there are a lot of people that think the whole issue was part of a hidden agenda by the President and Provost to create space for a particular department or unit. Let me assure you that that is absolutely untrue. The TRIGA reactor and Ward Laboratory was not on the radar screen of the President or the then-Provost, Don Randel, when John Silcox and I first started considering the issues related to re-licensing. I insist that the responsibility is mine. The blame or the credit associated with the decision must fall on me. It's not part of any grander plan that is involved. If the issue then whether or not Paul Craven and the rest of the dedicated staff in Ward who have been working with Dr. Ünlü these years have been doing their job, I wouldn't be here today, because that would not have been the decision. They, in fact, have done a wonderful job of serving the Cornell community. They have been very user friendly, and Dr. Ünlü has served the Cornell community well. I find that the issue that is most important is related to re-licensing because that is a 20-year decision we are making at that time. When we apply to re-licensing we have to go through all the conditions for the reactor itself and its equipment and its control system and control electronics. They have to have a structural engineer
study the condition of the facility itself and when, and I have no question about whether it will be an if, the community requires an environmental impact statement, and you only have to look at the Op Ed page of yesterday's Ithaca Journal to be most assured that there will be a request, a demand, by the community. This is the article, if you haven't read it yet, by Fred Elmer. I disagree with most of the article by the way, but he is a local, reactive, Green activist. One will be required and it will be controversial. Controversial-and that environmental impact statement, such as the Lake Source Cooling, cost $1.5 million. Simpler ones like the North Campus dormitories cost $1 million. We also might be required to have an environmental impact statement even if we decommission, because there are environmental issues related to removal of the fuel.

"In thinking about the question in 2003, which is coming up pretty close so at the re-commissioning John and I talked at length. John made a number of phone calls to various other reactor sites and ran across what was just going to be I think the worst nightmare an institution might have and that is an unlicensed reactor sitting on the campus with the fuel in it. And there are places where that has happened. The nearest one is SUNY Buffalo, which has had fuel in an unlicensed reactor since 1994. Because it requires a high level of security, we have a choice of either having to pay for not doing any research or having a chain link fence and 24 hour security on the property. So before deciding whether or not it was even an option to re-license, we had to find out whether or not there is a path for removal of the fuel at that point. Dr. Ünlü and I disagree on the results of looking at that. I can assure you that SUNY Buffalo isn't just voluntarily holding that on their campus now. There is a rate that is limited at which the fuel can be transferred to the facility at INEEL in Idaho. At the present time, we were in a queue on the waiting list for the year 2011 to remove what now is 40 years worth of spent fuel that sits in the reactor in the ground. By then it will be 50 years worth of spent fuel underground. We discovered it would be possible to write to INEEL to apply to advance the date. After finding that out, John Silcox visited Dr. Ünlü and told him the likely outcome was going to be that we would be closing the reactor. They discussed issues such as the placement of the staff there and his own personal issues. He has children that are going to finish at Ithaca High School, and we indicated that we would do everything that we can to find another position for him on the campus. After that conversation, I sent the letter to Dr. Dirkmatt in Idaho, and also in order to have an independent source of technical information, hired Howard Aderhold, former reactor operator and he served as an interim director of another lab, to obtain technical information.

"A few weeks later at my request Howard Aderhold, tried to get information about the facility at INEEL and was told that they had been instructed by someone from Cornell that they were no longer to talk with him that he had no standing in the University and that my letter was a forgery, that I had not signed it and had not sent it. I then contacted them and sent a to whom it may concern letter saying that Howard Aderhold is a consultant working directly from my office. Also last spring before this action was taken I told Persis Drell that we
would be asking the LAC to conduct a review of the Ward reactor. In September I delivered a charge to the LAC. I want to put a list up here (Appendix 8/Richardson overheads) - these people deserve an enormous amount of credit, because that’s one of the hardest working committees I’ve ever seen on this campus. They met a minimum of 30 hours each with everybody they could think of, everyone who wrote letters to them, people that were on the list of the users that are there. I indicated the ones who are engineers in blue, because it is not the case as reported in the Cornell Sun last week that is was all engineers. Only four of them had their appointments in the Engineering College. It is true that there are engineers and other people in the natural sciences, so that we might be (I say we because I fall in the category of natural scientists) considered cultural barbarians. Anyhow, it’s not all engineers. This group met for more than 30 hours each, and many spent a lot longer time than that. I went to many of their meetings, but any time when it appeared that my presence would constrain or distort the conversation, I absented myself from the meeting. In the month of January when they were putting in a lot of work and thinking about the report, they kicked me out. In no sense were they beholden to me or was my hand in this. If you note, Persis ..."

Speaker Howland: "You are running out of time."

Richardson: "OK. Let me do one important thing, because one of the issues that happened since that meeting was that there was a group from an advisory panel for the division of DOE that supports this, called NERAC, and it was widely discussed and this is, in fact, their report. They came to see me, called themselves a tribunal, and in that discussion (there is a serious distortion of the conversation I had with them in that report) they said 'Look, we can solve all your problems. We want to declare Cornell one of the five regional centers, and you will have substantial support to cover everything that you want to do to pay for the services that you would be offering and expand your base of operations. And I said, 'What are the other requirements associated with it?' And I have outlined in yellow, because this is in the report; this is still there: 'Provide training and educational experiences for undergraduate and graduate students in nuclear engineering and in applications to nuclear science and technology.' At that point in the conversation I said, 'We can’t agree to that. We do not have enough faculty to offer courses in nuclear engineering. And this would be a regional facility; they would come from all over. 'And there is not a single department in the Engineering College that intends to make any appointments in this field. I have, discussed with chairs of various engineering departments and with the Dean, the long-term plans of the Engineering College. It’s just not in the cards, and it’s not in the authority of the central administration to say yes, we will teach those courses. That’s the major hang-up that is associated with that.' They said, 'Well, what do you have against having a facility? You have CHESS and Arecibo. These are user facilities.' And I said, 'Yes, they are user facilities. CHESS is supported by our synchrotron, and we have on our faculty seven of the world’s best accelerator designers that keep it current. It logs between 10 and 20 thousand user hours a year. Ward logs 226 faculty user hours and a little over 300 external user hours a year. Arecibo is the world’s largest radio telescope.
Once again, we have seven faculty members actively involved in it. It has just completed a remarkable upgrade that has increased the bandwidth of the detector by 100 MGHZ. It’s not in the same scale. Ward is 40 years old. I cannot fathom any upgrade path for the reactor itself. We can do some improvement in the instrumentation.

"Therefore, my conclusion is that the reactor has far too little use. I think there is small chance that demand will increase significantly in the next decade and for me significantly would be a doubling or tripling of the number of users. The possession of the nuclear fuel is a significant liability to the university if we are not using it effectively. This is the stuff that is central to international treaties. It's what my counterpart at Princeton, who is a former director of the Office of Science at DOE, Will Happer, says, 'Oh, you mean you've got the weapon's grade stuff.' That's what in the pool there. I think the space occupied by the Ward Center is too valuable to justify its current use. 'I urge that we decommission the reactor and shut down the Ward Center.' This is the final paragraph of my letter to the President. And my proposal for that use (and I don't know how many years it is going to take) is that as soon as it is possible that it be used for storage space so that we can go to the south side of the engineering quadrangle and renovate those buildings one at a time, because they are in need of renovation."

Speaker Howland: “Thank you. Since we don’t have items in Good and Welfare, we have time for discussion.”

Professor David Hammer, Computer Engineering: “I would like to respond to a couple of the points there (Appendix 9). I believe and many other people believe that this decision ought to be reconsidered or considered further, because it is based on a whole collection of incorrect and misleading information, such as that there is a window of opportunity for the elimination of the fuel; such as there is inadequate utilization and issues concerning cost. Then I would ask, if the surge space is really the issue as the Vice Provost is now telling us, is it worth having in the near term a few dozen extra desks in order to deprive people in four colleges on this campus of the use of a very valuable facility? I am going to skip this U graph because of the short time, but will just say that yesterday we received a letter from someone at INEEL that says that there really is no such things as a window of opportunity.”

Vice Provost Richardson: “And my consultant today called up, and we will have to disagree on that.”

Professor Hammer: “I think we ought to discuss it. You ought to let us come and talk with you and the Provost.”

Vice Provost Richardson: “I am willing to talk with you.”

Professor Hammer: “Facility utilization: there were 718 undergraduates who used the facility in the last academic year. Now for the price, so to speak, that's a pretty good utilization. In particular, there were 300 Physics 208 students who
came and did experiments in that facility. There may or may not be a lot of other facilities in the university that invite undergraduates in in large numbers, and there may or may not be a lot that would have undergraduates performing experiments in a facility at the university, but very few of them cost someplace between $200,000 a year and zero to run. There is also research going on. There are a dozen faculty members from four colleges doing research in the area, some of which is acknowledged by the Provost to be excellent research. There are also a lot of New York State Corporations involved who are... in fact we got a phone call this morning – ‘Are you still going to be operating next month. We want to come in.’ There is really a lot of intended use for this facility. So the real question that I would like some consideration of is - the fact that the Dept. of Energy is prepared to accept all of the operating costs, take on all of the operating costs, and if so the cost of continuing the center will be zero or close to it. Whereas, the cost of implementing this recommendation is estimated to be something like $7 million over the 10 year period that it might take to completely decommission the facility and enable the space to be used over again.

“What is it good for? It’s good for an awful lot of research that is going on in there now and research that could be going on in there, if it survives and if certain facilities that are in progress now are finished. The Nuclear Energy Research Advisory Committee has said that the diversity and quality of research is really excellent at this facility. It is the broadest and most attractive of their facilities and is one that they are especially interested in keeping. Even the decommissioning contractor in his letter to Jack Lowe, saying what it would charge for the eliminating the fuel, said the quality of the WCNS operation was readily apparent. Nobody is arguing that it is an excellent facility.

“I’m not going to get into the discussion of whether there may or may not be a resurgence for nuclear power, but I would like to bring up this question of the use of the surge space. In the short term, there may be a half dozen or a dozen desks that could be used because of the requirement to change the license, even during decommissioning the license would have to be changed, using more of the space. It seems to me that it makes no sense at all to sacrifice an outstanding facility for 6 to 12 offices for a couple of years. You may go on 4 years and you may get some more space, and then in 10 years you may get a lot more space. But we don’t know what is going to happen with that space, and it seems to me again that it is unreasonable for the university to be eliminating a facility which is used by faculty when we don’t know what we are going to do with it. Thank you.”

Speaker Howland: “Any response?”

Professor Hammer: “Excuse me, I think there should be a response to some of the new things that were added.”

Speaker Howland: “We have a response here.”
Vice Provost Richardson: "The NERAC commission's report is just a recommendation. It is not money. It is not true that we would receive the $250,000 check. I do not doubt though that in the coming year the $250,000 would come, but it's still not ... I want to plot this because its very important relates to the part that I agree with. This is a plot of the number of university research reactors in the United States since 1980, and in 1980 there were 65 of them; in 2001 according to the Ithaca Journal, there's 26, but we think there are only 21 of them in going through our count. You'll notice that's a perfectly straight line and it's one that has followed the student interest and the funding in the field. The data there is almost too small. You don't have to be a social scientist to know that there is something that is governing the smoothness of that. It's two per year. That's the rate at which reactors have been shut down. And I'm going to guarantee you that there are not 40 empty reactor buildings across the country. In most of the places those building are now in active use again. And the reason for this slow-down, this steady rate, is that's the rate at which the fuel casks for transporting the fuel become available. You have to use an approved fuel cask to make that move. There is no such thing as a window of opportunity at INEEL itself, there are just only so many casks that are approved to transport it and that's what the issue is, and that's why SUNY Buffalo is still waiting."

Speaker Howland: "Professor Ünlü."

Dr. Kenan Ünlü: "I would like to make just three comments, because I know that time is limited; I know other people would like to make some comments as well. First of all, the NERAC committee report is approved April 30, just this past Monday, and now they are ready to give us $250,000 if we apply at the end of this month. The money will start this July. That's one fact. The second fact is that we have a letter from DOE and two sources one from the headquarters and the other one from the INEEL indicating that there is no concept like the window of opportunity. They can receive fuel anytime, starting 2002 or 2003. And third, with all due respect to Professor Richardson, I wish that you would ask and listen to me instead of listening to a contractor, and we will get the papers for the proposals, for the reports I have given to you ..."

Vice Provost Richardson: "I've read them."

Dr. Ünlü: "... which all of them are backed by either NRC or DOE or the exact sources."

Speaker Howland: "Ladies and Gentlemen, I am sorry. We have reached the hour of adjournment."

Respectfully Submitted,

Charles Walcott
Associate Dean and Secretary
Appendix 1

Number of students treated for severe alcohol intoxication on Slope Day

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Appendix 2

REPORT OF NOMINATIONS & ELECTIONS COMMITTEE

May 9, 2001

Academic Freedom and Professional Status of the Faculty

Cornelia Farnum, Vet.
Jonathan Ochshorn, AAP
Donald Rutz, CALS

Academic Programs and Policies

George Hudler, CALS
Christine Ranney, CALS

Affirmative Action Committee

David Henderson, A&S
Thomas Hirschl, CALS
Shelley Wong, A&S

Educational Policy Committee

Lynne Abel, A&S
Rosemary Avery, CHE
Dotsevi Sogah, A&S

Faculty Advisory Committee on Admissions and Financial Aid

Bruce Anderson, CALS
Chris Wien, CALS

Faculty Advisory Committee on Athletics and Physical Education

Jeffrey Haugaard, CHE
John Hermanson, Vet.
Judith Reppy, A&S

Faculty Committee on Program Review

Murray McBride, CALS
Rachel Weil, A&S

Faculty Committee to Advise the Provost on all Tenure Decisions (FACTA)
David Brown, CALS

**Financial Policies Committee**

David Owen, A&S

**University Lectures Committee**

Howard Evans, Vet.
Stephen Sass, Engr.

**University Faculty Library Board**

Gerald Combs, CALS

**Minority Education Committee**

Hector Abruna, A&S
James Lassoie, CALS
Henry Ricciuti, CHE

**Music Committee**

Martin Hatch, A&S

**University Assembly**

Alan Mathios, CHE

**University Conflicts Committee**

Kenneth Birman, CS
James Houck, A&S

**University-ROTC Relationships Committee**

John Weiss, A&S

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**ASSEMBLIES COMMITTEES**

**Transportation Hearing and Appeals Board**

Roberto Sierra, A&S
David Stipanuk, Hotel
Appendix 3

Task force on Professorial Titles: Progress report

I. What we have been doing:
   Charge for the Task Force - presented to the Faculty Senate February 14, 2001, by Task Force Chair Bill Fry (attached)

• biweekly meetings since November
  -- consideration of need for additional titles for long-term non-tenure track professorial appointments

  -- consideration of additional options for faculty approaching retirement – possibility of introducing the title of "Senior Professor"
  - as presented to the Faculty Senate by the Subcommittee on 4/11/01, currently chaired by Danuta Shanzer

• Appropriate titles and terms of employment for
-- teaching and service functions in a clinical setting
-- research functions

• Consideration of situation at Cornell University, as well as peer institutions

II. Where we are at:
• Update on the actions in the Vet School:
  Mike Kotlikoff

• Draft proposals in committee

III. Where we are going:
• Anticipate continued discussion and vote in Vet School on proposals that could serve as prototypes (in early fall)

• Continuation of Task Force deliberations

• If there is impetus to move forward, Faculty Forum on ideas that have grown out of the Task Force deliberations (in early fall)
• Based on input from the Faculty Forum, possible recommendations to the Faculty Senate (mid or late fall)

**Charge for Task Force on Professorial Titles**

From Cornell’s founding, a strong and independent professorate has shaped the character of this institution. Historian Carl Becker has described with eloquence Cornell’s ‘freedom with responsibility.’ This cherished tradition of academic freedom is dependent upon free and open inquiry and mutual respect in exercising that inquiry. Our most durable structural guarantee of freedom of inquiry has been the institution of indefinite tenure. The high standards for the awarding of this unique protection and the equally high standards for its revocation have served well the interests of the university.

A number of emerging pressures in the contemporary research university suggest that we examine whether the traditional tenure-track professorial titles should be augmented with any carefully defined non-tenure-track professorial titles. If so, what additional titles might be appropriate, if any? What relationship (and transitional paths) should exist between the existing professorial titles and any new titles? What pathways, if any, should exist between these new titles and the traditional ones?

Stimulated by inquiries from some of the college deans, the Dean of the Faculty appointed an *ad hoc* committee to discuss these issues and possibilities with the college deans. Associate Dean Walcott’s synopsis of those discussions identifies the needs the deans find the current array of titles does not at present adequately address. Their suggestions include professorial titles without indefinite tenure, but with a defined single function responsibility, in particular, teaching, clinical practice, or scholarship and research. These would not change the current and traditional tenure-track professorial appointments that carry dual responsibilities for two among teaching, scholarship/research, and outreach.

Federal law has uncapped retirement age. This presents an especially challenging situation in higher education because of our valued tradition of indefinite tenure. Should we create a new professorial title that recognizes the right of a tenured faculty member to participate in the legally allowable extension while permitting a reduced workload and correspondingly reduced salary and benefits? This would legitimize the retention of one’s professional identity and institutional and collegial relationships while allowing the university to reduce its financial commitments.
The Dean of the Faculty has appointed a Task Force on Professorial Titles to develop proposals appropriate to the issues and questions described above. Because any proposed additions to the current professorial titles and roles will surely be of deep interest to the entire faculty and likely to have long-term implications for the university, the Task Force should:

1. consult with the deans, faculty, and the Faculty Committee on Academic Freedom and Professional Status of the Faculty;
2. review the current professorial titles and their history in the context of tenure;
3. formulate recommendations and engage the community in dialogue, e.g. a University Faculty Forum early during the spring, 2001, semester; and bring recommendations to the Faculty Senate for debate at its March 2001 meeting so that any changes endorsed by the Senate might be considered by the Board of Trustees in May 2001.
Appendix 4

(Faculty Senate Meeting: 5/9/01)

REPORT ON VET COLLEGE DELIBERATIONS

Process at Vet College:

1. Faculty Committee formed to consider issue of Clinical Professor titles at College of Veterinary Medicine. Issued Report December 2000 calling for establishment of a Clinical Professor Track.

2. Homologous Research Track proposal developed with consultation and suggestions from University Task Force.

3. Meeting with General Committee of the Vet College to discuss Clinical and Research Proposals. Documents modified following these discussions.

4. Meetings with all Departments and Baker Institute faculty to discuss documents. Documents further modified following these discussions.

5. Two open Faculty Fora in April, 2001 to discuss general proposals.

Current Status

Issues raised at Faculty Meetings and Fora:

1. Impact on future faculty makeup of specific Departments

2. Request for specific implementation plans

3. Potential effect on Gender Equity issues raised

4. Financial impact
5. “Why can’t we just get more FTE’s”

Decision made to respond to the specific requests for more information, rather than to vote on an issue of this potential impact without full deliberation. Current plans are to prepare an impact report for faculty consideration.

Project that we will have a vote in the Fall of 2001 by the full Veterinary College faculty.
Appendix 5

Resolution to Establish a
Standing Committee of the Faculty Senate on
Campus Climate

Mission Statement:

The Campus Climate Committee will facilitate efforts on campus to create and to institutionalize a respectful, inclusive, diverse community where we learn, through reasoned, sustainable, and civil discourse. The committee will pursue actively the challenge of breaking down barriers and promoting greater interaction across the campus community. Diversity and collegiality among students, staff, and faculty are central to maintaining the high standards of excellence that characterize Cornell. The principal task of the Committee is to actively engage members of the Cornell community in a campus-wide effort to create a respectful, inclusive environment in which to live, learn, and work.

Role:

1. Encourage, facilitate, and support dialogue across ability, age, class, family status, gender, nationality/ethnicity, race, religion, sexual orientation, veteran status, political positions, and other differences on issues of diversity. Where appropriate the committee will draw on the expertise of the various academic units that have special expertise.
2. Facilitate communication among self governance bodies and university offices and committees.
3. Facilitate and recommend actions based on assessments of climate reflecting the broad campus community.
4. Publicize efforts to improve climate and increase diversity on campus to the broader community, highlighting progress and successes.

Structure:

The Campus Climate Committee, which is a committee of the Faculty Senate, draws on the self-governance structure across the campus. This includes the following self-governance bodies:
- Faculty Senate
- Student Assembly
- Graduate and Professional Student Assembly
- University Assembly
- Employee Assembly

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- Faculty Senate
- Student Assembly
- Graduate and Professional Student Assembly
- University Assembly
- Employee Assembly
The Campus Climate Committee links to and provides advice to administrative offices. Positions involved are:
- Vice Provost for Diversity and Faculty Development
- Dean of Faculty
- Vice President of Student & Academic Services
- Dean of Students
- Director of the Office of Assemblies
- Director of Minority Educational Affairs
- Director of the Office of Workforce Diversity, Equity and Life Quality
- Director of the Lesbian, Gay, Bisexual, Transgender Resource Center
- Director, Student Affairs and Diversity, Campus Life
- Director of Cornell United Religious Work
- Director of Gannett Clinic (Psychological and Counseling Services)
- Director of the Office of Workforce Diversity, Equity and Life Quality
- Director of the Office of Student Affairs and Diversity, Campus Life
- Director of the Lesbian, Gay, Bisexual, Transgender Resource Center
- Director, Student Affairs and Diversity, Campus Life
- Director of Cornell United Religious Work
- Director of Gannett Clinic (Psychological and Counseling Services)
- Director of the Office of Workforce Diversity, Equity and Life Quality
- Director of the Lesbian, Gay, Bisexual, Transgender Resource Center
- Director, Student Affairs and Diversity, Campus Life
- Director of Cornell United Religious Work
- Director of Gannett Clinic (Psychological and Counseling Services)

This list is not exclusive of other offices, organizations or groups with whom the committee may need to work. The committee should develop those links necessary to accomplish their work and to be inclusive of all aspects of the campus community.

The Campus Climate Committee will report on a regular basis (at a minimum annually) to the Faculty Senate and the respective Assemblies.

Committee members are selected through the self governance structure of the campus community combined with members from the administrative structure of the university. Each constituent governance group selects designated representative(s) on this committee by its usual processes. The committee may have a subcommittee structure that draws on persons beyond the Campus Climate Committee membership. The membership structure is as follows:

**Membership:**

1) Member selected by the University Assembly
2) President of the University Assembly or designated member
3) Member selected by the Employee Assembly
4) President of the Employee Assembly or designated member
5) Member selected by the Student Assembly
6) President of the Student Assembly or designated member
7) Member selected by the Graduate and Professional Student Assembly
8) President of the Graduate and Professional Student Assembly or designated member
9) Member selected by the Faculty Senate
10) Chair of the Faculty Senate Committee on Affirmative Action or designated member
11) Dean of Faculty
12) Vice Provost for Diversity and Faculty Development
13) Director of the Office of Assemblies
14) Vice Pres. of Student & Academic Services, Dean of Students or designated member
15) Vice President for Human Resources or designated member (Office of Workforce Diversity, Equity, and Life Quality)

Members selected by the student assembly or by the graduate and professional student assembly will serve one-year renewable terms. Members selected by the Faculty Senate, the University Assembly, or the Employee Assembly will serve three-year terms, with a lapse in service required before reelection to the committee. Terms of members from each constituency should be staggered. Designated member will serve for at least a period of one semester to provide for full involvement in on-going discussions of the committee. Using the option of designated members, the various administrative offices should set up a rotation process so that various members of these offices have an opportunity to serve at various times. This rotation should occur after continuous service on the committee for three years. Each office would establish the procedure for rotation and selection of the designated member.

The committee will have co-chairs with the Vice Provost for Diversity and Faculty Development being one co-chair; the other co-chair will be selected from the faculty according to the normal procedures of the Faculty Senate Committee on Nomination and Election. The elected co-chair should serve no longer than two years without a break in service in this role.

This committee and its accomplishments will be reviewed by the University Faculty Committee after two years, reporting to the Faculty Senate within the third year.

Submitted by UFC, Subcommittee
Professor Kay Obendorf
Professor Risa Lieberwitz
Professor Peter Loucks
5/1/01

Faculty Senate Approval
5/9/01
Appendix 6

Discussion of Evening Prelims and the Compression of the Academic Calendar
Susan C. Piliero, Chair
Faculty Senate Educational Policies Committee
May 3, 2001

In June 1998 an ad hoc committee chaired by John Ford, Dean of Students, published a report on the topic of Student Stress. The committee sought to identify the common sources and types of stress, and develop strategies for reducing its harmful effects.

One recommendation of the Committee to prevent or reduce stress was the limiting and regulating of evening prelims. According to the report, "Of all the class and exam scheduling factors contributing to unusual student stress, evening prelims seem to place the heaviest burden on students."

The Senate Educational Policies Committee has explored further the issues surrounding evening prelims, and submits that the issues may be more complicated than the mere existence of evening prelims.

9. There are valid pedagogical and logistic reasons for having examinations that are longer than a class period. Pedagogical reasons include the assessment of creativity and/or problem solving, especially "real world" problems; reducing test anxiety by offering extended time; and accommodating students with disabilities who require extended time. Logistic reasons include testing multiple sections of a large course at one sitting; and reserving large lecture rooms to schedule extended testing.

10. The number of evening prelims scheduled through the Registrar's office has remained relatively constant over the last several years. From 1995 to 1999, the number of evening prelims in the academic year has totaled 525, 545, 568, 547, and 554, respectively. The majority of these prelims are for engineering, science, and mathematics at the 100- and 200- level. The number of evening courses and subsequent student enrollments in such courses has increased. During the current semester, the total student enrollment in classes ending after 4:30 p.m. is 3,654.

11. There is a growing body of "best practices" associated with evening prelims that can help to reduce the stress associated with evening prelims, such as published make-up dates early in the semester, and cooperation among those faculty who teach large courses.

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1 This does not include 875 students enrolled in physical education classes ending after 4:30 p.m.
12. Current scheduling has minimized conflicts for many students, but has not eliminated them. This is the case for more disciplines than for others: for example, while an analysis of freshman schedules showed that 98 students had scheduled evening prelim conflicts, more than half of these conflicts were for students enrolled in the College of Engineering.

13. The real stress associated with evening prelims may not be that they occur in the evening, but that they cluster during the semester, and some students have two or three evening exams in one week. For the Fall 2000 term, of those freshmen who were registered for courses that held scheduled evening prelims, here is the number of days between prelims for individual students:

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14. During the Fall 2000 semester, the number of students sitting for scheduled evening prelims peaked on 9/28 and 11/16 (between 2700-2900 on each evening). Nearly one month elapsed between the start of the semester and the first scheduled evening prelim, indicative of the compression of workload that occurs as part of the academic cycle.

15. The disposition of students to evening prelims is mixed. An informal written survey of 200+ students enrolled in Chemical Engineering, Physics, and Mathematics courses during the spring 2001 semester revealed that, while some students dislike evening prelims, others find them essential for juggling the demands of classes and work. Some students feel they are more alert and focused in the evening, while for other students, the opposite is true. Many students surveyed preferred having extended time for testing, and therefore tolerate evening prelims. Some like the kind of testing that can be conducted during extended periods, and find that such exams are more consistent with stated course objectives than are exams that can be adapted to a 50-minute class period.

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2 Analysis by J. Robert Cooke, Dean of Faculty
3 Ibid.
4 Surveys conducted by Professors M. Duncan, R. Galik, and S. Piliero.
16. One clear outcome from the results of the surveys conducted this spring: students view prelims as valuable checkpoints that enable both instructors and students to assess their progress and focus on problem areas, and prefer prelims to final exams only. Overall, it appears that Cornell students value early, frequent, and varied assessment.

17. Evening examinations should be substitutes for in-class exams, not additions to the course schedule. For courses with 3 evening 90-minute prelims, the net gain in contact hours is 270 minutes. For a 4-credit course with four 50-minute lectures per week, this can be translated as more than one extra WEEK of classes compressed into the regular semester.

18. Faculty legislation requires that review sessions CANNOT be scheduled after 4:30 p.m. on any day unless an alternate session is made available for those with conflicts, except as approved by the College Dean.

19. Finally, it should be noted that the semester has undergone a considerable amount of compression, which has created a stressful schedule for the entire academic community. The number of days in the semester, for example, is at or close to the required minimum. Friday afternoon or Saturday classes are increasingly rare, resulting in a horizontal compression of the school week. Furthermore, classes offered at 8:00 and 3:35 account for a small percentage of the 3,000 classes offered each semester. With the free time policy eliminating the hours of 4:30 – 7:30 for undergraduate instruction, the academic day is compressed vertically. It is little wonder that conflicts have become ubiquitous.
Recommendations

1. The Faculty is urged to weigh the potential advantages of evening examinations versus the stress these exams may cause for many students. Alternatives to evening prelims, such as more frequent in-class assessments, could both relieve some of the stress of taking heavily weighted evening exams and provide more frequent feedback to students.

2. Efforts to minimize conflicts for students with evening prelims should be increased. As well, analysis of common course loads for students in engineering, mathematics, and the sciences may identify areas where adjustments in the evening prelim schedule could relieve some prelim clustering.

3. Much of the analysis is based the official evening prelim schedule. Additional data to capture evening exams, including make-up exams, that are not on the official evening exam schedule should be collected and included in the ongoing analysis.

4. A guide on best practices for courses with evening prelims should be developed and made available to the faculty.

5. Further exploration of the "calendar compression" phenomenon should be encouraged. At a minimum, the Committee recommends that any further compression of the semester should be discouraged.

6. If review is considered an important aspect of instruction, the Committee encourages the faculty to schedule reviews as part of the course design, and hold them during normal class meeting times, thus ensuring that conflicts are eliminated and faculty and students are not burdened with additional evening meetings. Alternately, the faculty is encouraged to explore other time slots during the day that are known to be under-scheduled, such as 3:35 - 4:25 p.m. and 8:00 - 8:50 a.m., to hold review sessions.
“Of all the class and exam scheduling factors contributing to unusual student stress, evening prelims seem to place the heaviest burden on students.”
- Committee on Student Stress, June 1998

Pedagogical reasons for having examinations that are longer than a class period:
- To allow time for open-ended/higher order questions, problem solving
- To reduce test anxiety
- To accommodate students with disabilities

Logistic reasons for evening prelims:
- To test multiple sections at one sitting
To reserve large lecture rooms for extended testing periods.

The number of evening prelims (~550) scheduled through the Registrar’s office has remained relatively constant. Primarily Engineering, science, mathematics 100- and 200- level courses

During the current semester, the total student enrollment in classes ending after 4:30 p.m. is 3,654.

Current scheduling has minimized conflicts for many students, but has not eliminated them
# Number of Days between Evening Prelims

For Freshmen Students, Fall 2000

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Peaks for scheduled evening prelims were 9/28 and 11/16 (~ 2,700-2,900).

The disposition of students to evening prelims is mixed:
• Can help with the demands of classes and work.
• Some students feel more alert and focused.
• Extended time is a plus
• Extended testing format may be more consistent with stated course objectives

• Cornell students value early, frequent, and varied assessment.

• Evening examinations should be substitutes for in-class exams, not additions to the course schedule.

• Faculty legislation requires that review sessions CANNOT be
scheduled after 4:30 p.m. on any day unless an alternate session is made available for those with conflicts, except as approved by the College Dean.
The semester calendar has been compressed:

- the number of days is at or close to the minimum.
- Few Friday p.m. or Saturday a.m. classes
- Few 8:00 a.m. and 3:35 p.m. classes.
- Free time from 4:30 to 7:30
3. The Faculty is urged to weigh the potential advantages of evening examinations versus the stress these exams may cause for many students. Consider alternatives.

4. Efforts to minimize conflicts AND prelim clustering should be increased.

5. A guide on best practices for courses with evening prelims should be developed and made available to the faculty.

6. The "calendar compression" phenomenon should be explored further.

7. Any further compression of the semester should be discouraged.

8. Schedule reviews as part of the course design, and hold them during normal
class meeting times, or underutilized daytime class periods.
Appendix 8

Local Advisory Council
Members 2000-2001

Barry Carpenter  Chemistry and Chemical Biology
Joseph Burns  Theoretical and Applied Mechanics, Astronomy
James Gossett  Civil and Environmental Engineering
Susan Riha  Earth and Atmospheric Science
Dale Bauman  Animal Science
Persis Drell  Physics (Chair F99-F00)
James Thorp  Electrical and Computer Engineering (Chair S01)
Charles Walcott  Neurobiology and Behavior
Larry Walker  Agricultural and Biological Engineering
Robert Buhrman  Applied and Engineering Physics
The LAC unanimously recommends that Cornell move to decommission the TRIGA reactor and phase out the Ward Center activities. We recommend that the administration be proactive in addressing the transitional inconvenience of current users as they transfer their research to other facilities, and in helping the staff whose jobs will be affected. The LAC recommends that Cornell maintain the Co\textsuperscript{60} source at an appropriate local facility. These recommendations are independent of any proposed schedule for fuel removal from the reactor.
Richardson's Summary

- The reactor has far too little use.
- There is small chance that the demand will increase significantly in the next decade.
- Possession of the nuclear fuel is a liability to the university.
- The space occupied by the Ward Center is too valuable to justify the current use.

I urge that we decommission the reactor and shut down the Ward Center.
The URR proposals to become a regional user facility should request and DOE should fund:

- Capital outlay spread over the 5-years to bring the URR and its research instrumentation capabilities up to state-of-the-art in selected areas of specialty
- Base support for a technical staff to construct, operate and maintain the equipment that is needed by prospective reactor users
- Base support for reactor operations and maintenance.

Each regional URR facility should:

- Provide regional and national, as appropriate, universities, hospitals, other non-profit entities and industrial users with state-of-the-art neutron sources for nuclear engineering research and research applications of nuclear science and technology
- Provide training and educational experiences for undergraduate and graduate students in nuclear engineering and in applications of nuclear science and technology
- Provide reactor users with all equipment and staff support needed to perform their research
- Actively seek enhanced linkups with other URRs and reactor and neutron source facilities at national laboratories
- Provide public outreach education for non-collegiate groups and professional organizations.

The regional URR user facilities would be expected to work with staff and researchers from other URRs to identify research and educational opportunities that could begin at the lower power URRs and feed into regional user facilities and/or national laboratory reactors.

**Regional University Training & Education Reactor User Facilities**

The DOE should provide funding beginning in FY02 to initiate establishment of up to three geographically distributed regional university training and education (T&E) reactor user facilities. By virtue of their lower power levels and 8-hr/5-day operating schedules, the T&E reactors are somewhat less expensive to operate. The support funds needed for three facilities should be about the same as for one regional URR research facility.
The DOE should provide funding beginning in FY02 to initiate establishment of five geographically distributed regional URR user facilities. These facilities should be selected from peer-reviewed proposals submitted by universities having the following qualifications:

- An acceptable operational and safety record for the URR over the past five years
- Core faculty using the URR for research and training and education
- An operating steady-state power level of at least 500 Kw
- Capability (with staff augmentation, as needed) to perform extended 24/7 operations as required for experiments
- Established or indications of willingness to establish collaboration/service agreements with educational institutions, national laboratories and industrial users
- Many or all of the following
  - multiple beam ports
  - in-core irradiation access
  - ex-core irradiation access
  - beam port filters/instrumentation for
    - neutron activation analysis
    - neutron scattering
    - radiography
  - medical applications
  - isotope production with receiving, handling and shipping capabilities
- Capability (with staff augmentation, if needed) to provide assistance and support to facility users
- Desirable (but not necessary) to have gamma irradiation and hot cell facilities.

DOE should provide a 5-year commitment of support to each of the selected regional URR user facilities. The host universities must be committed to operation of the URR through the 5-year program support period, and must demonstrate that substantial institutional support comes from the university and will continue through the program support period. This university support can be in the form of faculty and staff salaries, student scholarships and fellowships, and research dollars obtained from other than DOE to pay for URR services.
budgets (this includes fringe benefits and indirect costs and excludes the University of Missouri-Columbia research reactor). These expenditures are specifically for the operational aspects of these nuclear reactors at each university site as well as safety and licensing activities; i.e., staff salaries as well as materials and supplies related to operation.

![Graph showing the population of university research reactors in the US from 1975 to 2000](image)

**Figure 4:** Population of University Research Reactors in US (Source - Office of Nuclear Energy)

The panel believes that university reactors:

- Are vital for advancement in knowledge in the nuclear science and engineering education at the graduate level and provide powerful tools for the advancement of many other disciplines;

- Provide undergraduate and graduate students with an otherwise unobtainable 'hands-on' educational experience, allowing for discovery of nuclear fission reactor processes, understanding of critical nuclear systems and interaction of radiation with matter, which enriches their general and technical education (as well as providing for professional nuclear reactor operators with advanced certification);
The Decision to Decommission Should be Reconsidered

The decision to decommission the TRIGA was made on the basis of incorrect and misleading information.

2. "Window of Opportunity" for fuel removal
3. Inadequate utilization
4. Cost

Is “surge space” really the issue?
WINDOW OF OPPORTUNITY FOR FUEL REMOVAL

There is no such thing*

• However, this appears to have prompted the initiation of the decommissioning decision process in spring 2000.

FACILITY UTILIZATION

• **Undergraduate Instruction** in AY 00-01 (718 total)
  - 300 Physics 208 students (experiments)
  - 155 Art, Archeology and Analysis
  - 235 Engr 150 + Geology 302 + Others
  - 28 full semester course students with labs (NSE 403 and NSE 121)
  (AY 99-00, 561 students participated)

• **Research:** Robert and Suzanne Kay, Peter Kuniholm, Kenan Ünlü, Bing Cady, several others; 3 grad students (+2 in Fall)

• "Extension"/Service: Many NY corporations
  Corning, Kodak, Imaging and Sensing Technologies, Westinghouse, Northrop Grumman.
  GE- Reuter Stokes, Etc.
FINANCIAL CONSIDERATIONS

5. This year’s operating cost will be fully assumed by DOE out of FY01 funds if we are allowed to apply by May 31, 2001

4. Additional research reactor infrastructure funds are being pushed in both houses of Congress for future years

- If so, the direct cost of continuing WCNS is close to 0

- The cost of implementing the recommendation to decommission the TRIGA but retain gamma cell is estimated to be at least $7M over 10 years.
THE FUTURE FOR WCNS

• Nuclear Science – The diversity & quality of research lauded by the nuclear energy research advisory council - April 2001

1. The decommissioning contractor hired by Cornell, NAC International, wrote to Jack Lowe that "The quality of the [WCNS] operation was readily apparent."

• Nuclear Engineering - There appears to be a resurgence of interest in nuclear power. Cornell can play a role in training the best nuclear engineering students only with a facility to attract them
SPACE

- Short term "surge space" (Duffield) is evidently the real motivation for trying to close WCNS.

- It makes no sense to sacrifice an outstanding, valuable facility for 6-12 offices for 2 years.

- Long Term

Plans are currently unknown except for the suggestion that "the next major building of the Engineering College" could be placed behind Upson & Kimble.

Cornell Faculty and the New Engineering Dean should participate in such plans. WCNS should not be eliminated on the basis of uncertain plans, if at all.
Decommissioning Decision should be reconsidered

- Faulty basis

- Poor timing

- Final decision should be delayed for time to have
  
  Proper peer review of research
  Full internal review of space use options
  Involvement of all stakeholders
Minutes of Faculty Senate Meeting
October 10, 2001

Professor J. Robert Cooke, Agricultural and Biological Engineering and Dean of
the Faculty: “Good afternoon. Undoubtedly our change in location is going to
cause some people to arrive a bit later than they normally would. We’ll start
without calling the meeting officially to order, so that we can determine that we
have a quorum. We’ll proceed with matters that do not require a vote. Let me
suggest that if you are a voting member of the group that this front section is
reserved for the voting members of the Senate, which would give us some sense
of whether we have a quorum. You may sit where you wish, but I invite you to
sit at the front. There is a microphone, so anytime you are addressing the group
I would urge you to use the microphone.

“We have had an election for a Speaker Pro tem, and Professor Melissa Hines,
Chemistry and Chemical Biology has been given that honor, and I now turn the
program over to her.”

Professor Melissa Hines, Chemistry and Chemical Biology, and Speaker Pro tem:
“OK. I would like to remind you that no photos or tape recorders are allowed
during this meeting. We have one Good and Welfare Speaker, who will come at
the end, so ten minutes will be allocated to that speaker. First I would like to call
on President Rawlings for remarks and to answer any questions.”

1. REMARKS BY AND QUESTIONS FOR PRESIDENT RAWLINGS.

Thank you very much, Melissa. Let me welcome all of you here to this north
campus venue and say how delighted I am with your selection of this as the first
place of meeting this year. The north campus, as most of you know, was
completed on time, within budget (barely on time and barely within budget),
and it’s a good thing because if truth be told we had no back-up plan if the north
campus residence halls were not ready on time. We were operating in a very
tight window, only sixteen months from start to finish for this project, which, I
think, makes it all the more remarkable. The quality is very high and the
workers were able to complete the entire project, with two very large new
residence halls and this Commons, within a sixteen-month period. If any of you
have built houses in the last few years, you know that sixteen months is pretty
good for something like this.

“I think the freshman class so far received it very positively. As you know, it’s
all freshmen now living on the north campus, other than some of the members of
the program houses, RAs and other upper division students who are working
with the freshman class. A number of faculty members are teaching classes,
especially freshmen writing seminars, here in the residence halls of north
campus, which I think is a very healthy thing, especially for those classes offered
very early in the morning. At least for the students it’s a very healthy thing. We
also had another innovation this fall and that was the assigning and reading of a
book for all freshmen, *Guns, Germs and Steel* by Jared Diamond. I would like to
thank faculty members who volunteered to participate in that project. We had
well over 200 faculty members volunteer to teach sections of the freshman class
in that book. That experiment, I think, worked so well that we are quite
convinced that we should continue it, not necessarily with that book. We think
Jared Diamond now has made his fortune on the basis of Cornell’s choosing his
book, and we should turn to someone else, perhaps even a Cornell author,
although I’m sure that’s fraught with peril. In any case, during the course of this
fall, Provost Martin, who certainly gets the credit for this assignment and this
very good project, will be working with deans and faculty members to choose a
book for next year’s freshman class. I think overall it was a wonderful opening
to the semester and a lot of freshmen feel very good indeed with the new
arrangements we have.

"We are now turning our attention and you will be turning your attention this
afternoon to the second phase of this renewal of undergraduate education at
Cornell and that is to the renovation of the west campus. I know that is a report
item on your agenda this afternoon, and I look forward to listening to that
discussion. I think Professor and Vice Provost Isaac Kramnick will be here to
give you the benefit of the thinking that he and his large faculty, staff and
student committee have been doing over the past two years and this would be a
good opportunity to discuss the report of that committee and see where they are
in their planning the renovation of the west campus. We have, of course,
devoted a great deal of attention over the last few years to undergraduate
education at Cornell.

"We are turning a lot of attention and focus to faculty hiring, faculty retention
and faculty compensation. As all of you know, this past year we began the
formulation of a new faculty compensation plan at Cornell. It is a six-year
program to bring us up to a highly competitive position across the country with
the best research universities in the U.S. This current year is the first year of
implementation of that plan, and we made extra efforts, as all of you are aware,
to work on compensation for the faculty, as well as for the staff. I’m happy to
say that I think we have made some significant results and progress in our
competition with other universities in faculty compensation. We’ll be continuing
that focus over the next few years, because we want to complete the six-year
program to bring faculty salaries up to the place where they should be. We are
quite confident that we will be able to do that. Having said that, however, let me
just remind all of us that we are in very tight economic times right now, not only
because of the tragedy of September 11th but also because the economy generally
has been slipping even before September 11th, and it’s quite clear with the
markets down and the general economy slowing, it’s going to be harder for us to
manage the same increase in revenue that we’ve been able to create in the last
several years. Cornell has been blessed with a very generous alumni body, with
very fine financial markets, which have helped the growth of our endowment
quite a bit, and with an overall approach to revenue enhancement that has given
us strong balances and also the opportunity to undertake special programs such
as the faculty compensation program I just mentioned. What we are seeing now
is an erosion of those sources of support, just about across the board. First of all
the financial markets are well down from six months ago and from a year ago. That affects our endowment certainly. It also affects fund raising, because those individuals who in the past have been able to think about very large gifts now have to think twice or three times before they can commit to such large gifts, because they have seen their own stock portfolio deteriorate. We also felt after September 11th that we needed to take a few weeks to let people catch their breath and undertake whatever they needed in the way of relief from their families and friends. So I do see impacts from the tragedy of September 11th as well as from the general economic decline upon Cornell’s budget, and we are working very hard now, Provost Martin and Vice President Carolyn Ainslie, to determine just what this means for next year’s revenue picture, but it is quite clear that we are going to have to focus a lot of attention upon our costs as well as upon the revenue side. That is we are going to have to find ways, if we possibly can, to save some money in order to balance our budget, given the overall economic picture.

“I don’t want this to sound too gloomy, because overall we are in a good, strong position at Cornell. We have had much more demand for our freshman class as well as for our graduate student body than we have ever had before, very strong demand and very high quality, and that enables us to continue to bring in a very strong class and because of the success of the fellowship campaign we can meet the financial need of our undergraduate students very well. We should be able to continue to do that, and we are also quite confident, as I said earlier, that we can maintain momentum in the faculty compensation plan we announced last year. I am not concerned that we are going to have to back off of any of those goals, but I do think that overall we are going to have to look harder at our budget to ensure that we save as much money as we can in order to be able to favor those projects that have risen to the top of the agenda.

“Just another word on the freshman class. It’s the strongest freshman class we have had at Cornell. We had almost 22,000 applicants to Cornell, which is a big increase from the previous year, which had been a big increase over the year before that. We admitted as a result a significantly smaller percentage of the applicants than before, and our yield rate once again went up. A higher percentage of the students we accepted chose to take our offers. All of that puts us in a very strong position in admissions. I think Cornell is a very hot university right now for high school seniors who look at this as a place that has emphasized undergraduate education, that has faculty that is strongly devoted to undergraduate education and that has also spent a considerable amount of resources in the last several years improving its undergraduate education program. For all these reasons, I’m very bullish on Cornell as a place that attracts the best and brightest students from all across the country and indeed from around the world. I also just wanted to signal to all of you that with the downturn in the markets and the economy we are going to have to be very careful about the way we spend our money certainly over the next 12 months. I would be happy to take any questions you might have before you move to the next part of your agenda.”
Speaker Pro tem Hines: “There are about 2 minutes reserved for questions. Are there any questions for President Rawlings?”

Professor Christine Ranney, Applied Economics and Management: “President Rawlings, you discussed the salary improvement program. Does that include the statutory side?”

President Rawlings: “Yes, it does, and I’m glad you raised that because I should have mentioned our concern over state funding. As you might imagine with the tragedy in New York City, the finances of the State of New York have also been very heavily affected. It’s quite clear that New York City needs help not only from the federal government but also from Albany, and that the politicians in Albany will in fact be devoting a lot of their attention to helping New York State weather this financial crisis in addition to the physical crisis that New York has gone through. That’s going to impact the budgets at Cornell and other institutions that depend on Albany for state funds. We don’t yet know what that impact is going to be. We do know that the budget for this current year is intact and it came out reasonably well. Barring any mid-year take-backs, which we are not anticipating, this year should be OK, but next year’s state budget is going to be a real problem, not only for Cornell, but for other institutions across the state. It behooves us to recognize that now, and while we will certainly be making the strongest possible pitch for funding that we can, we are going to have to, I’m sure, face some belt tightening in terms of state funds. Now, you may recall that this past year one of the strong strategies for improving faculty compensation in the contract colleges was in fact a tuition strategy. That is we took a more assertive position on undergraduate student tuition than we had, because we felt we needed to do that given that ineffectiveness of state support. We will continue with a program, I am sure, that uses tuition as well as state funding to try to help with faculty salaries on the contract side. I’m glad you raised that because I think New York State’s finances are going to be under really severe strain.”

Speaker Pro tem Hines: “Thank you very much, President Rawlings. The speaker would now like to call on Provost Martin for remarks and to answer any questions.”

2. REMARKS BY AND QUESTIONS FOR PROVOST MARTIN.

Provost Biddy Martin: “Hi. I want to echo Hunter’s note of gratitude to you and begin by thanking you for your participation in the book project or thank you as representatives of the faculty for your participation in the project, and also for your assessments of it, which we are reviewing now as we plan for next year. I would also like thank those of you who volunteered or were drafted to participate in the teach-in that Isaac Kramnick organized after September 11th and those of you who volunteered to participate in the second teach-in, which we have organized for next week. Your participation is critical and I think at a time such as this, a sense of community as well as the intellectual exchange is vital. Your contributions are very deeply appreciated.
"As Hunter said, we are anticipating a good year this year. We are in good financial and certainly good intellectual and educational shape. We are working hard on how we'll manage in the out-years with the expectation of problems with the state budget and with reductions in revenues. On the academic front we are working hard with the deans to try and come to terms with the appropriate balance between our investments in the strategic enabling areas of the sciences in which we have invested a great deal and will continue to invest a great deal, on the one hand, and the need on the other hand to shore up our core disciplines in the sciences, social sciences and humanities. It is true here, as it is elsewhere that our focus on science and technology and the excitement that they bring often means relegating the social sciences and the humanities too far into the background. I hear from a couple of my colleagues that now I too have been accused of being a humanist who is overly infatuated with science. I plead guilty, and I have been heard to say that if I were to go back to school now, I would probably be a scientist.

"Nonetheless, I'm a great supporter of the humanities. I want to call your attention to a series of articles that will begin appearing in the Chronicle starting either next week or the week after. Remember that last year—I hope you remember, I'm sure you all read the Chronicle every week—and you'll remember that last year we had the Public Affairs Office develop a series of articles on the new sciences of life, which focused primarily on the genomics initiative and also on interdisciplinary life sciences across the campus. We then turned that series of articles into a glossy brochure, which served very well for a number of purposes, including the recruitment of new faculty at Cornell. We are now doing the same thing with the humanities for this semester and we will then do something similar with the social sciences. I ask you to look out for those issues, which will be coming out in a week or two, although obviously you should look out for all of the Chronicle issues. I'm sure you will, but I want to draw your attention in particular to the overview, assessment and highlighting of the humanities that will occur beginning in two weeks I believe.

"So right now, as I said, with the deans and with faculty leaders in various areas, I am engaged with the ever challenging effort to find the right balance, both in terms of financial and budgetary investments and also in terms of time. Between them, the various foci that we have to keep, that is sustaining and enhancing our core disciplines, our core liberal arts education, our professional schools, our graduate school, and at the same time funding and learning about the new initiatives in which we continue to invest quite heavily and will continue to do so, despite the economic downturn. I'm happy to take questions. That's a very sketchy overview of how I'm spending my time, and it probably accounts for about one thousandth of how I'm spending my time, but you wouldn't want to know how I'm spending the rest, I'm sure. Please feel free to ask any question you wish."

Professor Risa Lieberwitz, Industrial and Labor Relations: "This actually relates to something that President Rawlings said and I didn't get the question in, but maybe Provost Martin can answer it as well as President Rawlings. It has to do with the vocabulary of the use of 'contract college.' I've seen this in things that
come out of the fiscal office as well, and I'm sure other people might be wondering about this, where we have seen in parentheses from the fiscal office 'formerly called statutory colleges' and this shift from 'statutory college' to 'contract college'. Could you explain what the change in this usage is, what the origins were and what it means?

President Rawlings: "Yes, I would be happy to. Biddy may want to say something as well. We have in the past few years had several challenges to Cornell's dominion, if I can put it that way, over the statutory colleges, to use the term that is more familiar. We are very much concerned about the assertion of Cornell's right to consider these colleges our own. We do think that in the mind of some, these colleges are seen as being 'state colleges.' The word 'statutory' seems for many to imply that. So we are using the term 'contract colleges' more commonly now to emphasize the point that Cornell University, a private university, contracts with New York State to deliver certain services and in return receives funding for those services. The point, in brief, is that you can call them 'statutory' or call them 'contract' as you like, but we want to be emphasizing the fact that these are Cornell colleges, that they have deans who report to the Provost just as the deans of the endowed colleges do, and that they are fully under the Trustees of Cornell University as opposed to being some kind of hybrid, you might say, which in essence is a public entity not quite under the control of Cornell's Trustees. That's a very candid response to your question. Does it answer your question?"

Professor Lieberwitz: "Well, in part it answers my question. My understanding is that the term 'statutory' does have a meaning that is very specifically public, that is that a school like ILR where I'm from or the other statutory colleges are created by statute. It is a public act, and that there is . . . . I know for me, working in a college that I am very pleased to think of as both public and private, the public aspect is very important in terms of being able to deliver education to students at a lower tuition. I would like to see it lowered. I'm sure we would all like to see it even lower, which means that we can also bring in students from a background which is perhaps more working class than might be possible where the tuition is even higher, that we actually do have a link to the state wings that are viewed as public service, that there really is a very distinctive substantive meaning to public that does not get captured in my view as just saying we're contracting to deliver a service, the way you might deliver, let's say, food service."

President Hunter Rawlings: "Yes, I understand your point very well. Since you, in fact, think about these things all the time, you are very clear in your understanding of the status, you might say, of these colleges, but it turns out quite a few people in the public and even in Albany are not as clear. So this is why we have begun to use a different vocabulary at times for this, but I agree with everything you said about the role of the statutory/contract colleges. That has not changed at all, because of the change in this usage."

Speaker Pro tem Hines: "Are there any questions for Provost Martin?"
Professor Peter Stein, Physics: "Before I ask my question let me say I'm always a skeptic and always ask skeptical questions, but I want to congratulate you. I was a skeptic when you unveiled the book review projects; I didn't think it was going to work, but I did it, and it was a magnificent experience. I think it was the best interaction I've had with fifteen students since I've been here—I think it was really good. Now back normal way of asking questions.

"Exactly five and a half years ago the Senate passed a motion called the Median Grade Policy. We said that the transcripts would show not only the grade the student received in the course but the median grade that was given to all students in that course. There were two aspects to that. One was that the registrar would immediately publish a list of the median grades of all courses given at Cornell. The registrar argued that it was not technically possible at that particular moment in time to change the transcripts to reflect the median grade, but that as soon as it became possible to do that, it would be done. That was five and a half years ago. Nothing has happened as far as that goes. Well, in the first place I know of no motion to in fact publish the median grades, and secondly the registrar stopped two and a half years ago publishing median grades of courses taught at Cornell. I asked him why, and he said well, that some faculty members thought it was a bad idea, so it wouldn't be done except at a time when it wouldn't affect anybody, in retrospect by several years. It was in fact a very contentious debate. I think the Senate devoted three meetings to it; there were very vociferous statements made on both sides of the issue, but in fact there was a vote at the end. The vote, if I remember properly, was substantially in favor of committing Cornell to do this and put it on transcripts and towards publishing them. The way that the Senate resolution is written, it requires four years notice in order to actually put the median grades on a transcript, so you have to give the students notice that their median grades will appear. Therefore, we could only do that now for the class of 2006, and then only it would be done in 2006. I would like to remind you of this history. I think that one might in fact consider deciding at this point, ig it will be possible four years from now to make that change to the transcripts and then announcing it so that it can happen and furthermore, that the resolution passed by this body about publishing the median grades on the web should be respected, even though some faculty members think that it's poor policy."

Provost Martin: "So noted."

Speaker Pro tem Hines: "I'm afraid we're out of time for this portion of the meeting. I would like to announce that we have reached a quorum so the meeting is now formally called to order. I would like to call on Bob Cooke for some remarks."

3. REMARKS BY DEAN J. ROBERT COOKE

Professor J. Robert Cooke, Dean of the University Faculty: "Let me follow up to Peter's question with an additional comment. My understanding is that the Registrar's Office answer to the first request was that they were working on Project 2000 and that was the reason it couldn't be done, and now we're in
another phase to try and go back and address the computer system. The second part that really should have been addressed to me instead of to the Provost. Grades were posted on a web site. The university registrar came to me and said, “Do you realize that that site gets enormous activity and only gets activity when the students are registering?” What has happened is that the students have figured out how to turn this on its head. It was to try and make the transcript more intelligible to an employer, but students were using it to inflate their grades, to choose courses that had the high marks given. So I agreed that it was OK to delay the posting of that information, so it didn’t synchronize with the registration period which still serves the faculty purpose. I would like the speaker to put that on the record that I had some role in it. The question remains it hasn’t been implemented as far as I can tell and it’s not on the horizon.

“I’m required by legislation to give you a report (Appendix 1) each year on the results of the committee that reviews all the promotions to tenure. This is from September through May; it does not take place in the summer, so that's an annual cycle. The elected committee of fifteen or so faculty spent enormous time carefully reviewing the folders. They had fifty-one cases in that twelve-month cycle. Fifty of them resulted in endorsements of the college deans’ recommendations, having already been approved at the department level, and one was recommended against promotion at that time. I am happy to report that the Provost concurred in all cases. So there is the feedback. I think we are greatly indebted to the people who serve on that committee. I would share it, but I did not play a role in making any decisions or actually reading the folders.

“There is a second thing I want to call your attention to very quickly, and that is the Cornell September 11th Disaster Relief Fund. You have received a letter from David Call, former Dean of the College of Agriculture and Life Sciences, Sy Rizvi and Jonathan Monroe, who are chairing this. The Senate Executive Committee asked that we put together a fund for September 11th that would relate to addressing Cornell extended family needs. There is a web site included in that e-mail, http://www.alumni.cornell.edu/howyoucanhelp.html indicating where you can make a contribution should you wish to do so.

“I have one other topic that I would like to like to introduce and have a conversation occur over the months ahead, and it has to do with distributed learning, and I use that term as opposed to distance learning, which implies that it’s remote. The President of EDUCAUSE suggests that we call it distributed learning because it could as well apply to studies the students do in the dormitories and residence halls, and the class could be done other than in lecture format. So I have adopted that stance to call it distributed learning. We have now dealt and spent a considerable amount of emotional energy as well as university resources on creating a for-profit eCornell, which in my judgement is making good progress. It’s being operated responsibly. It is beginning to deliver products; it has one from the Hospital of Special Surgery in New York City, and this semester they have put on line some ILR courses, and they have some other things of that sort. They are not at this point and don’t plan in the foreseeable future to ask us for giving Cornell transcript credit for any of their offerings. Their focus is quite different, and I think the larger dot-com world has come to
understand what is going to turn a profit and what is not. MIT in one bold stroke decided to raise $100 million and give away all of its courses for free. I think that probably, aside from being a good thing for MIT, it probably is a warning shot across the bow for the rest of the universities who think that they can sell their courses in an entrepreneurial fashion. But if you are competing with a good quality product that is free, you are going to have to be pretty darn good to succeed.

"The by-product of our discussions, at times contentious discussions, about distance learning is that the price we've paid is that we have not talked about the rest of the story, the other kinds of things that this technology might offer. I would like us to consider the possibility of focusing on our own Cornell students, producing parts of courses that would be available and would use of the infrastructure that we have, and Cornell has better than average infrastructure for doing this. We should also consider another possible audience that would be treated as a by-product, and that is if those who were interested would develop one lecture or two lectures or some small module that would be of a broad nature, that we might give it away to the high school students. Perhaps we could partner with the advanced placement program of the nation and give away a Cornell version of enhanced, enrichment course material. This would serve the needs of the high school teachers who wouldn't have access to the libraries or say the genomics literature or the library that we have or the faculty that we have. It can be done with fairly marginal additional effort, and especially if we do it for our own students and just happen to give it away. We would not then be obligated to actually teach something or answer their e-mail, to offer credit for it or to give a Cornell degree for it, but we would be partnering and helping extend the university's reach out into the world.

"It has another good attribute in that it would apply to every academic department of this university; it would not be restricted to a subset of the university. It does not involve printing paper, so it would be marginal additional effort of the part of the faculty, but it would require that we be willing to give away, without trying to claim any copyright royalty, some of this material. I think, incidentally, we could do this as a recruiting effort. If we do really good work with this and students become familiar with the quality of Cornell faculty's work, it might have some payoff indirectly through the admissions program. I think we really ought to do it as a service in a way that would effect the rest of the world. It need not necessarily be New York State, it could be the United States, because once you have it in the form for distributed learning it could just as well be used anywhere. I will share with you by e-mail a further description of this and will invite your feedback as to whether it makes sense to you as something you would be willing to try and do."

4. APPROVAL OF THE MINUTES OF THE MAY 9 SENATE MEETING.

Speaker Pro tem Hines: "Thank you Dean Cooke. I would now like to call for approval of the minutes of the May 9 Faculty Senate Meeting, and I ask for your unanimous consent. Are there any objections? Hearing none, the minutes are
approved. I'll now call on Associate Dean and Secretary Charles Walcott for a report from the Nominations and Elections Committee.

5. REPORT FROM THE NOMINATIONS AND ELECTIONS COMMITTEE: CHARLES WALCOTT ASSOCIATE DEAN AND SECRETARY OF THE UNIVERSITY FACULTY.

Professor Charles Walcott, Neurobiology and Behavior, Associate Dean and Secretary of the University Faculty: "My report (Appendix 2) consists largely of a set of overheads of people that have. . . . First this is a result of the election of May 2001. This has happened and these people have been elected. The various committees of which there seem to be an endless supply have had various people recommended and nominated by Nominations and Elections. These people have agreed to serve; that's one. Here's another. There will be a test at the end."

LAUGHTER.

"And here is a third. I ask for your approval."

Speaker Pro tem Hines: "OK. Thank you Dean Walcott. I ask for unanimous approval of this report. Are there any objections? Seeing none, the report is approved. I would now like to call on Professor Elaine Wethington of Human Development and chair of the Committee on Human Subjects and Professor Charles Walcott for a resolution on expanding the size of the University Committee on Human Subjects."

6. RESOLUTION ON EXPANDING THE SIZE OF THE UNIVERSITY COMMITTEE ON HUMAN SUBJECTS: PROFESSOR ELAINE WETHINGTON, HUMAN DEVELOPMENT AND CHAIR, UNIVERSITY COMMITTEE ON HUMAN SUBJECTS AND PROFESSOR CHARLES WALCOTT.

Professor Walcott: "I think I simply have to suggest that this motion is in order or some such."

Professor Wethington Human Development and Chair of the Committee on Human Subjects: "Are there any questions about the resolution? Of the reasons for the resolution?"

Speaker Pro tem Hines: "Why don't you state why?"

Professor Wethington: "Ever since the suspension of human subjects research at Johns Hopkins University, the University Committee on Human Subjects and particularly myself as chair of the University Committee on Human Subjects has been engaged in a process to determine whether or not we at Cornell are in 100% compliance with the agreement that we currently have in place with the Federal government to enforce regulations governing the use of human subjects in research. Following our review this summer of those procedures that we have in place, we came to the conclusion that we needed to make substantial
improvement in the way in which information about the University Committee on Human Subjects and its regulations are promulgated across the university and the efforts that we as a committee make to ensure that those regulations are applied properly. So since July, we have been updating—those of you who have submitted proposals for human subjects have yet to see the fruit of this—since July, we have been continuously updating our educational material on the use of human subjects in research at Cornell and have been researching what other major universities do to ensure that regulations are kept.

"To give you an example of some of the areas in which the committee and I have been engaged in producing new educational materials, which will soon be released to the university community, we are developing standard procedures for how students in classes are used in research, for how extra credit can be assigned for the use of students in classes, for how classes that use research as a form of instruction can be conducted at Cornell and the types of human subjects procedures that have to be followed, additional procedures involving education, additional procedures involving secondary analysis of restricted data (most of which comes from the federal government and comes with strings attached to how it can be used by certain types of investigators and so forth), and increased protection for vulnerable populations, who are often the subject of research at Cornell, specifically minors under the age of 18, cognitively impaired older people, prisoners, pregnant and nursing women and people who are technically under the jurisdiction of someone else and for whom it is very easy to suggest undue coercion in assuring their participation in the studies. Because of what we have construed to be the new educational demands on our committee to provide more information to you and also some communication that we have had back and forth unofficially with the Office of Human Research Protections, we have decided that our current committee size is inadequate to the task and moreover that it does not fully represent all the different areas of research at Cornell where we believe that new educational programs have to be available for complying to regulation of research. Hence, we are moving that the current membership of Human Subjects be expanded from twelve members to eighteen, which will include an additional community member, bringing the number of our community members on the committee to three rather than the current two." (Appendix 3)

Speaker Pro tem Hines: "Is there any discussion on this resolution? Are you ready to vote? Seeing no objections, the body of this resolution will increase the membership of the UCHS from twelve members to eighteen members. Everyone in favor please raise your hand. All opposed? The motion is passed unanimously. Thank you.

"Now I will call on Professor Brian Earle for a report on the Carpenter Memorial Advising Awards."

7. REPORT ON CARPENTER MEMORIAL ADVISING AWARDS: DR. BRIAN EARLE MEMBER OF THE CARPENTER MEMORIAL ADVISING AWARDS COMMITTEE.
Brian Earle, Senior Lecturer, Communication: "First I would like to say that Bob Cooke invited me to serve on this committee and did it in his marvelously successful salesman like way. We passed in crossing somewhere on the Quad and he asked me some questions about advising, and then he said he had an opportunity to make an advising award. I made a few suggestions and remarks, and sure enough, two or three days later I get an e-mail from Bob asking me to serve on the committee. I arrived at the committee and lo and behold the name on the committee (he mentioned Stephen Ashley who I didn’t recognize at all, other than being a Trustee) . . . I graduated in 1968, and I had Ken Carpenter as a faculty member when I was an undergraduate here. So I was really quite pleased to be able to serve on the committee that recognized that one of my mentors and was part of a college that accepted me as a transfer student from the College of Engineering as a real person and really guided me. As a result of that guidance, including the gentleman sitting over here (Russ Martin) at the table next to Bob, is one of the reasons that I’m here as a teacher now. I can truly trace it to the kind of advising I received as an undergraduate.

"The committee (the names are here in the back of the report)(Appendix 4) . . . it was a wonderful committee. We met several times; the conversations were lively and Lynne recorded them and got them in print for us quickly. What I would like to say is that this is indeed a proposal. This has now been sent back to Bob and Isaac, and they are to discuss this with Steve Ashley and determine whether or not he is pleased with it. What we have done is model this to some degree on the Weiss Awards. Two are for $5,000 one-time awards to faculty advisors, and one is a $10,000 program award. Stephen Ashley has given $30,000 a year for five years to start this program. I think there is a hint there that this money might be endowed or something else later down the road. You can ask Bob about that as to where this goes.

"So this is again a proposal that we have put together. We wanted to make advising as broad a task as possible, so as not just to be course advising or what folks sometimes think about as advising, but everything that touches the life of a student in advising with a sort of small ‘a’. That might be working with students on committees, or as advisors to organizations, advising honors theses and materials like that, so any manner in which a faculty member might touch a student’s life. The program awards we felt would be a way to put seed money out there that might improve advising in an even broader form. Our goal with this money is to make advising as strong as possible throughout the institution. I think this is in keeping with Hunter Rawlings’ remarks at the start - that we really do have a focus on undergraduate education, and Stephen Ashley as a member of the Trustees has picked up on this. The program awards can come from any program in the institution; we have a need for some funds that might serve students in an advising capacity. Our goal would be that this would be seed money and a successful program could then be picked up by whatever institution it may be a part of here on campus. So that’s our goal. If you have any questions for the committee, I would be happy to answer them. If you have any questions for Bob, I’ll turn it over to him."

Speaker Pro tem Hines: "Is there any discussion?"
Professor Richard Durst, Food Science and Technology, Geneva: "Have you set a deadline for the nominations?"

Brian Earle. "I think we have to wait until the proposal is approved, and then the approach would be that these would be done in the fall. The committee would meet early in the second semester. We would like to have these announced by mid or the end of the second semester, so students would be aware of who has been nominated and who has been recognized as part of that. I think one of the suggestions also is that this be announced as part of the graduation process as well, so that the faculty members involved and the nominees, not just the ones who have won the award but all of the nominees as well, be recognized and serve as a model for others."

Speaker Pro tem Hines: "Are there any more questions or comments? Seeing none, thank you very much. Now I would like to call on Professor Isaac Kramnick, Vice Provost for Undergraduate Education, for a dialogue on faculty role in the future of the West Campus House System, and I understand that Professor Kramnick also has some invitees, but I don't have their names. Would you please introduce them?"

8. DIALOGUE ON FACULTY ROLE IN THE FUTURE WEST CAMPUS HOUSE SYSTEM: PROFESSOR ISAAC KRAMNICK, VICE PROVOST FOR UNDERGRADUATE EDUCATION AND OTHER FACULTY FROM THE WEST CAMPUS COUNCIL.

Professor Isaac Kramnick, Government, and Vice Provost for Undergraduate Education: "I'm glad we got here early; you are whipping through your agenda. Let me talk a few minutes, then we'll all stand. We have twenty minutes, is that right?"

Dean Cooke: "Total time, discussion included."

Professor Kramnick: "Oh, I . . ."

LAUGHTER.

Professor Kramnick: "I'm intending to talk for three minutes, Bob. That leaves seventeen minutes for discussion.

"The Dean of the Faculty invited me and other members of the West Campus Council to simply give you an update on where we are and primarily to talk about the faculty role in the West Campus House System. My job will be to quickly remind you about the projected future of the West Campus House System. I'll say a little bit about the role of the faculty and then invite four other faculty members who, along with me, have been working on this West Campus Council."
"Quickly, first, to remind you about the future West Campus House System. In the wake of all the freshmen moving here to north campus and partaking in these wonderful facilities, plans are afoot to transform west campus over the next seven to eight years. So we assume this process will take until about 2008—2009, into a five-house system. Houses will be named after legendary Cornell faculty who are, alas deceased. That is a necessary qualification to have a house named after you."

Professor Kramnick: "I do want to say something about the fact that the houses are going to be named after faculty members, because it's a testimony to the cooperation and the support given this project by the administration, for example the Development Office. As you can imagine, the naming of these houses would be a wonderful opportunity for funding, and yet the West Campus Council feels it's symbolically very important to indicate the new role of the faculty in undergraduate education by having these houses bear the names of distinguished Cornell faculty from the past. In a nutshell, by 2008 it is hoped that there will be five residential houses on the west campus for about 350 students each. Each of these houses will have faculty leadership; they will be lead by a senior faculty member who with her or his family will live in the house. There will be associated with the house a fairly substantial number of house affiliates who will be part of the programming and social and cultural and intellectual life of the house. Each house will have its own dining room; each house will have its own library; each house will have its own academic facilities as well as cultural and social facilities; each house will be run and governed by a house council which will be primarily student led. In the course of developing these plans over the last year, there have been thirty faculty members who have been working in four different committees making plans for how this will work when we hope it begins when the first house comes on line in 2004. The process by the way is a house coming on line every eighteen months. This involves a dramatic architectural transformation on west campus with the new halls coming down, Noyes Hall ultimately coming down, the goths of course remaining and becoming part of the new House System.

As I say, the work up until now has been primarily planning, and that planning has been done by four committees, each of which has a faculty head and a staff co-chair. These committees, as I say, have involved some thirty faculty. The whole process has been presided over by West Campus Council, which was appointed by the President and includes eleven faculty members, five staff and five students. So with that very rapid overview, I would like to invite four of my faculty colleagues from the West Campus Council to come up here. (I see that just entering was Kent Hubble, Dean of Students and Professor of Architecture, who is also on the Council, and if he would like to come up, he could as well. I see Susan Murphy, the Vice President, who has also just come from a meeting with the architects for the future west campus.) If the four of you, if you will come up, I will introduce you. Then the five of us are here for however much time the Dean of Faculty says we are here to answer questions. We have here Ross Brann from Near Eastern Studies in the Arts College, Nick Salvatore, the
ILR School, Ann Margaret Esnard, School of Art and Architecture, and Cindy Hazan from the College of Human Ecology. All five of us have been working for the last year as part of the West Campus Council preparing the ground rules.”

Speaker Professor Hines: “OK. The floor is open for discussion. Are there any comments or questions?”

Professor Richard Durst, Food Science and Technology, Geneva: “Are there any plans for setting up a web site so that we can see what the architectural plans will look like?”

Professor Kramnick: “A web site does exist already, and we have been indeed making choices now between two alternative architectural plans. As soon as that works its way out, they will indeed be put on the web site, and there will be, in fact, outreach ventures to the various colleges (I’m not so sure to Geneva) to present these architectural plans to get your advice and thoughts about it. But a web site already exists about the House System.”

Professor Charles Walcott: “Could you tell us a little bit about how you view the role of faculty in these west campus residences? What kind of programming are you thinking about?”

Professor Nick Salvatore, ILR: “We envision something we are currently calling Faculty Fellows, where the faculty members would be associated with each of the houses, would be participating with students in a variety of programming. I think what we are thinking about in terms of types of programming, in terms of intellectual programming or a variety of things, both in terms of some credit courses that could be brought into the individual houses as well as non-credit courses that might be offered by anybody with the expertise (maybe we could have a process that would make certain that that would be valid) that students themselves would be interested in, and they would be largely student generated. So there would be a lot of different ways for faculty to interact.”

Professor Ann Margaret Esnard, Architecture, Art and Planning: “We also have the governance of the house, the house council. Each house will have a structure which will include faculty, students and staff working together, really to talk about programmatic issues—not having students talk about social events and cultural events and having faculty deal with academic issues, but really trying to bring these three together in terms of governing the house.”

Professor Ross Brann, Near Eastern Studies: “To this kind of a group I think it’s safe to say that we all know that Cornell has a first-rate faculty. What we are lacking in some respects is some variety of structures in order to enable faculty to interact with students more broadly then most of us do at present. So what this whole project is about, at heart, is creating a different kind of model than Cornell has historically followed. It will co-exist with the present model in other places on campus, one in which our typical role—in which staff run the programs of residence life and faculty were there sort of as an add-on or to assist or to be a
presence. We are flipping that. This program will be entirely faculty led with staff and students associated, and that’s the key principle behind it.”

Professor Kramnick: “And at minimum one involvement will of course be over meals. Faculty affiliates will all have dining privileges. We are going to call them house affiliates as opposed to faculty affiliates, because we think that there should be a broader group from the community. We envision senior administrators—conceivably the President and the Provost might be members of a house and get free dinners—seriously, I mean the football coach, the head of the theatre, etc. So there are those informal mealtime connections, as well as language tables and things of that nature.”

Professor Alice Pell, Animal Science: “Is there any thought in the long run of having a non-residential house whose students opt to live off-campus and who still might want the same interactions?”

Professor Kramnick: “That’s a very good question. Don’t forget the House System is being created as one option. It’s assumed that there will still continue to be a number of sophomores, juniors and seniors, those who want to live in a traditional dorm context, and they can live in Cascadilla and Sheldon Court in college town. But since this is seen as heavily sophomore driven, about three quarters of the 1800 students on west campus in the five houses we see as sophomores, maybe another 15% as juniors and another 10% as seniors, what we are hoping will evolve is that when you leave the house in your junior year to go to that sort of obligatory apartment in college town or out at the lake, that you remain an affiliated member of the house and come back, as in fact is often the case with fraternities, one night a week for the house dinner and as often as you wish for house programming. So we do, in fact, still see it as a three-year membership in the house in which perhaps your second and third year or maybe just your third year you would still live out in the community but would still be a member of the house. We also recognize that this is not going to be everybody’s cup of tea. It presumes that 40% of the sophomore class will still go off to fraternities and sororities and that large numbers of juniors and seniors, as is part of the Cornell culture, will still go off to the firetraps of college town, although perhaps the high-rises of college town are fast replacing the firetraps. In other words, there are no additional beds being created, it’s just changing very dramatically what the university is providing on west campus.”

Professor Peter Stein: “House systems at universities are not a new idea. I wonder if you have set up a working model that you are copying? Is there a successful model or is this a unique program that is unlike any other, or what? Could you comment on that?”

Professor Nick Salvatore: “I would say both in the sense that there is no model, but indeed there are experiences to learn from because Cornell has its own very peculiar and unique traditions. We just had a conference a week and a half ago with representatives from Princeton, Penn, Yale and Rice, representing four really distinctively different experiences with house systems. I’ll just say that I
think for myself I came away realizing that while we can learn from all four of them, we have to create our own, because of the very particularities of Cornell.”

Professor Cindy Hazan, Human Ecology: “That’s the impression that we got from the visitors that came representing each of these programs. It was that they had played around a little bit in developing their own programs to find what worked best for their institution, and there was lots of overlap and lots of differences. We felt that we got some really good ideas from them and also saw ways that they do things that we wouldn’t want to. It was very helpful.”

Professor Kramnick: “I think most dramatically what makes this a unique Cornell plan as opposed to a Harvard, Yale, Princeton, Rice and indeed Penn, now Duke, soon Stanford, what will make this uniquely Cornell is that this is a choice. Students can choose this or not. Harvard, Yale, Princeton, Penn, all of those, it’s a requirement at some point. For Harvard and Yale it’s required of all students and at Penn it’s required for those who want to live in. Some live out. At Princeton it’s required the first two years. At Cornell it fits right in to what is uniquely Cornell, that is we give the students a choice, and this will be an important feature of what will make it a Cornell plan.”

Speaker Prov tem Hines: “A question way in the back?”

Professor David Delchamps, Electrical and Computer Engineering: “Presumably this is going to enhance the appeal of living on campus for third and fourth year students. I know there is a Cornell culture moving people into the college town high-rises, however, I think it will enhance the appeal of living on campus for upper classmen, and I know this is a bridge that is a long way from now to be crossed, but I am just wondering if you have thought about the numbers long and hard and the kind of marketability. Another thing is, have you thought about how students select which house they want to live in, whether you want to allow houses to develop personalities the way the Harvard houses used to?

Professor Isaac Kramnick: “I’ll begin. There will be no college specific house; there will be no theme house. I’ll pass on in a moment to my colleagues to explain how we are beginning to think about the assignments, but as to your first question about the marketability, we have indeed thought about it, and sometimes we think no one is going to buy this idea, sometimes we think everyone is going to buy it. What will happen? Well, there is in fact a safety valve, which I already mentioned, which is if this is incredibly successful then there is Cascadilla and Sheldon Court, which could fairly easily be converted into another house. There are basic constraints, which is why the fraternity system need not worry. The basic constraint is that there are only so many beds on campus, but my colleague will talk a little bit about our early thinking about the selection.”

Professor Ann Margaret Esnard: “Well, the House Operations and Transitions Committee, which I am the co-chairing with Don King of Community Development is working to flesh out different house selection options. Several of the twenty-two members are very familiar with the current selection process and
lottery process over on North Campus and so we are have a good handle on what elements would or would not work well for what we are envisioning for West Campus.

On the issue of allowing houses to develop personalities ..... This is not about theme houses or setting out with specific tones. We believe that the actual physical design and inter-relationship between the houses on West should allow for individual houses/ house segments but within the broader West Campus. In fact, that's probably going to come alive when the architects make the physical plan, which is why we are really having to look at the physical and the house system together.

Professor Ross Brann: "We are looking for the interaction of the particular faculty in the house and the particular staff and the particular student body at any one time. The driving force together behind the personnel will be the house, so these are going to change over time. What they will retain is the names of the august deceased Cornell faculty members. Over a period of time they are going to evolve. They will be different but they will also interact with one another and with the wider west campus community beyond the campus, namely into college town and the fraternities and sororities.

Dean Robert Cooke: "Presumably your focus has been on the west campus and not on the rest of the campus, and presumably we will still have not a predominance of students living in university housing, and presumably you will put state-of-the-art information technology into this facility. As a professor, though, if part of your students had this high tech access and the others don't, the part you are creating won't be used as well if you don't pay attention to all the students having access to fit it into the curriculum."

Professor Kramnick: "Well, all of the students who are living in university housing will probably end up having the same kind of access. I don't think there will be greater state-of-the-art facilities . . ."

Dean Cooke: "How about the other half?"

Professor Kramnick: "Students living off-campus?"

Dean Cooke: "Yes."

Professor Kramnick: "Well, that is an issue that we have not yet confronted, and it is a broader issue for Campus Life and the Dean of Students and for the faculty as a larger body to think about."

Dean Cooke: I know it's outside your purview, but I . . . ."

Professor Kramnick. "No, No, but I think it's very good advice to us, and we will take it. Thank you."
Professor Elizabeth Earle, Plant Breeding and At-Large Member: "Are you hoping for an increase in the number of faculty involved with residential houses or is this going to be a kind of redistribution of the numbers that are already involved?"

Professor Kramnick: "With a chorus, we will say—increase! In this past year the West Campus Council has been preoccupied eternally with its sub-committees developing plans for the entire project. This coming year we are going to go outside and take the House System to the colleges through the academic deans, the associate deans, meeting with college faculty in faculty meetings. Our intention is to involve literally hundreds of faculty in this. Each of the houses, don't forget, will have a resident House Head. We are calling that person House Professor and Dean, and the second person in command, who will handle more administrative details, the Assistant Dean, but we are assuming that there will probably be some thirty plus house affiliates. The bulk of these will be faculty. So if you multiply that by five by the year 2010, we're talking about a much larger group than the fifteen faculty who are now living in residences or Faculty Fellows who come to the dining halls. We are hoping, in a sense, not only to change student culture, we are also hoping to change faculty culture in which everyday involvement with undergraduates outside your classroom in informal ways becomes a normal part for many of us, not for all. With 1500 faculty, it's safe to say that not everybody is going to want to do this, but we're thinking beyond the fifteen to twenty who are now involved in residential programs. We are talking about 100 to 150 faculty who would be involved."

Professor Hazan: "Beyond this more formal affiliation with houses, what we also envision is that students will invite faculty members to come back for a meal or to talk with small groups, that the House Professor would invite some colleagues to come into the house, that the graduate students who are involved would do the same thing. So the faculty will be continuously being invited, even ones who are not more formally affiliated."

Professor Salvatore: "In addition to what Cindy said, let me add that each House Professor and Dean will have a budget to do programming. For example, an interesting novelist is in New York, and through connections you can bring the person up relatively cheaply. Each house will not only have money to do that, but also there will be a suite in each house, a Fellows Suite, where the individual can be put up, where A. D. White Fellows could stay or other people who come to campus for other reasons. Also, there will be an attempt to create for each of the houses a named speaker series, where there will be other money to bring in speakers at the discretion of both the House Dean and talking with students, etc., about interesting types of people. Not just academics, but it could be a wide range of people, because the fundamental issue it seems to me about this, and Isaac's really right, is not just changing undergraduate culture, it's really changing faculty culture and really trying to end the divide that occurs at 4:30 as all the students, certainly past sophomore year, come down the slope and find another world that they live in, and that's a world that often has been disassociated from what goes on before 4:30 in the classrooms around campus. In a sense, if you have to put it into words for us, as faculty I think what this
whole effort is really saying is that we don’t have to live in that divide. We have lived in it as well as the students, and we don’t have to live in that divide.”

Professor Kramnick: “Not that all students are going to what to do this.”

Professor Salvatore: “Right. Exactly.”

Professor Kramnick: “Not even all the students in the houses are going to want to do this. They may still want to go back to their rooms and not have anything to do with the faculty.”

Professor Salvatore: “That’s true, and that’s fine.”

Professor Esnard: “Let me just add quickly, that’s the beauty of having the committees and having student and staff involvement, because this may seem like some kind of vision out there, but we have been able to get feedback and there are a lot of things we have to really struggle with. So it has been very important to get the information from the staff who are involved in this day-to-day, Campus Life and Community Development, and the students—what’s going to work for them or what’s not. It has really been a team effort.”

Professor Manfred Lindau, Applied & Engineering Physics: “You mentioned these invited speakers and teaching also taking place, I was wondering how this will be paid for? Will this increase the price of housing substantially, particularly in those houses or in general?”

Professor Kramnick: “We are very keen on keeping the price of the West Campus House System at parity with college town housing and things of that sort. The enrichment that you are talking about, which is obviously going to cost money, is part of the $200 million price tag of this project, which includes $177 million of construction and $23 million of program endowment. So the enrichment that you are describing is to come out of that program endowment, and as some of you know $100 million of that $200 million has been given in a very generous anonymous gift. Between now and 2009 the university will be engaged in raising the other $100 million.”

Professor Stein: “I’d like to raise a subsidiary question about the cost of this and how it is going to be paid for. This is not a dollar cost but a cost in what I think is our most fundamental asset, and that would be the time and effort of 1600 faculty. You are talking big numbers in 2009. I have forgotten them already, but …”

LAUGHTER.

Professor Stein: “… but our basic asset is, we’ve got 1600 FTE faculty years that we work and we spend some fraction of those times doing scholarly work, and we spend some fraction of them in the classroom teaching, and we spend some fraction collectively advising graduate students, and we spend some fraction of them watching TV or whatever else it is we do when we are not working. Now, if you are talking about a significant increase of time of faculty, then somehow
I'm wondering which of these pots is it going to come out of? Is it going to come out of the research pot, or the classroom teaching pot, or the watching TV pot, or what?"

Professor Kramnick: "I'll take a first crack at it, Peter, and then I'll let my colleagues in. You have a vision of 1600 faculty members, all of whom are the same, all of whom are the same throughout their careers here at Cornell in terms of their priorities. What we are assuming is that, first of all, the numbers are not so big. We are talking about one tenth of the faculty at most, if we are lucky, 150 out of the 1500. We are also assuming that out of 1500 faculty we are dealing with people who are different at different stages in their career. Junior faculty have certain concerns; they are raising families and worrying about tenure. They may also be interested in a free meal."

LAUGHTER.

Professor Kramnick: "Or to bring their children with them, so they don't have to make dinner that night. We are also talking about faculty who have just finished an important book and want to take a couple of years from doing their important research and are suddenly rejuvenating themselves with interactions with faculty. We are assuming that faculty members go through different aspects in their career life cycles here and that at any one time we will probably be able to capture 150 who will think this is exciting and not part of their 'load,' which is the way we refer to our teaching 'load.' This is not going to be a 'load.' It is not going to be an obligation or responsibility; it's going to be fun and exciting, Peter!"

LAUGHTER AND APPLAUSE.

Speaker Prof tem Hines: "So on that note, I'm afraid that we are out of time. I would now like to call on Professor William Lesser, Applied Economics and Management, and Professor Charles Walcott for a resolution on response to the September 11th tragedy."

5. RESOLUTION ON RESPONSE TO SEPTEMBER 11 TRAGEDY: PROFESSOR WILLIAM LESSER, APPLIED ECONOMICS AND MANAGEMENT AND PROFESSOR CHARLES WALCOTT.

Professor Walcott: "The University Faculty Committee at one of its most recent meetings felt that the situation of September 11th, and in particular the administration's response to it, demanded some recognition from those of us that feel that President Rawlings and the administration did a wonderful job of leading this whole community in an appropriate response to that tragedy. Therefore, we drafted this resolution, which you can read as well as I, but it's short, so I will read it. 'The University Faculty Senate commends President Hunter R. Rawlings, III and the other members of his administration for their leadership following the events of September 11th. We thank all of you for the care and concern you have shown for the entire Cornell community, family and
friends.' I would like to propose this as a resolution from the body.” (Appendix 5).

Speaker Pro tem Hines: “OK, and I would like to ask you to please join me in thanking President Rawlings for his efforts.”

APPLAUSE.

Speaker Pro tem Hines: “I would like to move on to the Good and Welfare section of the meeting. I would like to call on LeNorman Strong, Assistant Vice President, Student and Academic Services and chair of Cornell’s United Way Campaign.”

6. GOOD AND WELFARE. UNITED WAY CAMPAIGN, LENORMAN STRONG, ASSISTANT VICE PRESIDENT, STUDENT AND ACADEMIC SERVICES AND CORNELL UNIVERSITY CAMPAIGN CHAIR.

LeNorman Strong, Assistant Vice President, Student and Academic Services and chair of Cornell’s United Way campaign: “Good afternoon. I would like to ask if Roger Sibley from the United Way Board is here?”

Professor and Speaker Pro tem Melissa Hines: “He is actually outside in the hall.”

LeNorman Strong: “OK. If you will give me just a second. Thank you. As Roger comes forward, I would like to introduce him as this year’s county campaign chair. Many of us know him as the Director of the Franziska Racker Centers. Roger and I stand before you today to say that the Cornell United Way Campaign for 2001 is underway. I hope that you have noticed the campaign signs around the campus. One of the pieces of advice that Dean Cooke offered, as we thought about ways of informing and involving the faculty, was to let you know what we were doing in as many ways as we can. The signs are the first initiative along that line. We are also working with the Dean’s office to get on the web site pertinent information, the written correspondence as well as the pledge cards. So for those of you who are inclined to interact with us electronically, we hope to make that as easy for you as we can, but more importantly to let you know that I’m here on campus representing the Cornell United Way Campaign. We will do what we can to answer questions, to provide support, but also to let you know that our theme this year, ‘Now More Than Ever: Working Together to Care for One Another,’ is exactly that, as we think about the pressures put upon our human service agencies in Ithaca and Tompkins County, especially in responding to the events of September 11th. You will notice in your campaign information a way to contribute to the September 11th Funds that are available. With that, Roger and I stand here to see if there is a question or two before we take our seats.”

Professor Elizabeth Earle: “Can you clarify this year’s interaction of United Way and the Boy Scouts?”
LeNorman Strong: “Surely. This year the United Way has determined that the Boy Scouts, the local council, will not be one of the nearly 30 United Way member agencies, though they can still receive donations through the United Way Pledge Designation, which will be indicated on your pledge form. That’s a compromise that was reached in a collaboration between the Boy Scouts Council and the county United Way offices, and this will be a departure, as some of you might have heard last year, as everyone was wondering how the partnership would go forward. I think United Way has recognized that there are some programs that are important to this community, and we would like to provide opportunities for community members to donate if at all possible. Roger, I don’t know if you have any further clarification?”

Roger Sibley, United Way: “Yes, I think that clearly last year there was a lot of discomfort from both United Way and Boy Scouts about how it was left and so they have been working very hard this last year and have through communication come up with an accommodation. Clearly, there is an investment from the Scouts to make sure that the United Way is effective, and United Way is concerned about the effect on kids in our community. I think that this arrangement will allow people who wish to write all or part of their gift to Boy Scouts to do and also support the other organizations through the community fund, either solely or in addition to your Boy Scout gift if you choose to.”

Professor and Speaker Pro tem Melissa Hines: “Do you have a question?”

Professor Earle: “No, thank you very much.”

LeNorman Strong: “Thank you.”

Speaker Pro tem Hines: “Since we still have a few minutes left in our meeting, I would like to ask if there are any questions or comments about Dean Cooke’s suggestion for Distributed Learning that he talked about earlier on in the meeting.”

Professor Richard Durst: “Actually, it’s an associated question. You mentioned about MIT providing the courses free on the web. I was wondering maybe the President or Provost could answer how this will affect eCornell?”

President Rawlings: “I would be happy to. We were quite interested in the MIT announcement, and we’ll see how they do at raising the funds to offer that, but I think what eCornell has chosen to do is to establish a very narrow niche for its program in those professional schools at Cornell that have an outstanding reputation in their field and in program areas where we think we have an opportunity or eCornell thinks it has an opportunity to develop a particularly rich programming that other universities frankly cannot match. I think, for example, of the first ones that have been mentioned already—the Hospital for Special Surgery Program and now the ILR program—are examples of programs that other universities will simply not be able to match. I think the next program
that eCornell has scheduled to come on line will be a Hotel School program. Again that seems to be one where eCornell has a very strong competitive advantage over other institutions. So that seems to be the strategy that eCornell has applied in its early offerings.”

Professor Jonathan Ochshorn, Architecture, Art and Planning: “I recall debating eCornell as a for-profit entity, and I’m wondering is it showing a profit, and if so are there any benefits coming back to Cornell as a result?”

President Rawlings: “It’s much too soon for them to show a profit. In fact, they have just begun to offer the first courses through the Hospital for Special Surgery. It remains to be seen whether they will be able to show any profit, especially now where the economy has deteriorated so rapidly. I think it’s going to be a little while before they have any indication at all of whether or not they’ll show a profit. But the rules specify for the eCornell formation make it clear that should they show a profit, the returns will come back to Cornell University and to the units that generate the programs. So yes, that is set up very clearly that way.”

Professor Martin Lindau: “I wanted to ask about the form of this Distributed Learning material distribution, is that similar to what happens now when you put course material on the web site, which means and implies that it is only accessible to the students and that is necessary in such that we can resolve concern and include some copyright material that we would include in class as handouts. Is that the same thing or would this be something different?”

Dean Cooke: “I think it would be different. I think it would more nearly resemble the Cyber Tower, which is a magazine format focused on alumni, where you consciously decide that you want to offer your resource to a larger audience. You would have to be sure that you were not including copyright materials that you didn’t own. It would be picking broad-based stuff; it would be talking to advanced placement students, probably, so that you would use the same vocabulary. You wouldn’t have to dumb it down to make it useful to a different audience. It would be CD-ROM; it would be movies on-line, a whole range of things. Mainly, what I need to know is whether that strikes you, whether serving that audience would be something you would be willing to participate in, because I think the potential benefits to us could be rather substantial and to society.”

Professor Lindau: “Copyright issues might be quite some concern in many cases.”

Dean Cooke: “What are you going to make available? I was thinking of it not being the Cornell current web sites but doing something that would be apart from that. You may still use it on the Cornell web site, but it would be a piece that you have delivered and designated as something that you are willing to share. If you are going to share it, you have to go through a copyright clearance if using material that is not yours.”
Speaker Pro tem Hines: "Are there any other questions? If there are not questions, I would entertain a motion to adjourn."

SO MOVED.

Professor and Speaker Pro tem Melissa Hines: "All in favor?"

AYE.

Meeting adjourned at 5:59 p.m.

Respectfully submitted,

Charles Walcott, Associate Dean and Secretary
REPORT OF FACULTY ADVISORY COMMITTEE ON TENURE APPOINTMENTS

September 2000 - May 2001

51 files were reviewed
(ten of which were reviewed by full committee)

• 50 positive recommendations
• 1 negative recommendation

The Provost concurred with all FACTA recommendations.
Appendix 2

REPORT OF NOMINATIONS AND ELECTIONS COMMITTEE
October 10, 2001

Academic Freedom and Professional Status of the Faculty Committee

Alan Bell, CALS, Chair

Academic Programs and Policies Committee

Martijna Briggs, A&S

Cornell Wireless Commission (Information Technologies)

Jennifer Gerner, CHE
Paul Velleman, ILR

Educational Policy Committee

Kenneth Brown, A&S
Michael Gold, ILR
Susan Piliero, CALS, Chair

Faculty Advisory Committee on Admissions and Financial Aid

Winthrop Wetherbee, A&S, Chair

Faculty Advisory Committee on Athletics and Physical Education

Jonathan Macey, Law, Chair

Faculty Advisory Board on Information Technologies (FABIT)

Geraldine Gay, CALS
Richard Moore, Hotel

Faculty Committee on Program Review

Susan Christopherson, AAP

Faculty Programs in Residential Communities

Graeme Bailey, CS
Financial Policies Committee

Deborah Streeter, CALS
David Lipsky, ILR, Co-Chair
L. Joseph Thomas, JGSM, Co-Chair

Library Board

Mariana Wolfner, A&S
Gerald Combs, CALS, Chair

Local Advisory Council

Robert Buhrman, Engr., Chair
Paul Houston, A&S

Minority Education Committee

Anthony Ingraffea, Engr., Chair

Nominations and Elections Committee

Tove Hammer, ILR
Lorraine Maxwell, CHE
Norman Scott, CALS
Steven Shiffrin, Law

University Assembly

Jane Mt Pleasant, CALS

University Benefits Committee

Anil Nerode, A&S
Ronald Ehrenberg, ILR

University-ROTC Relationships Committee

D. Peter Loucks, Engr., Chair
Ronald Seeber, ILR
Barry Strauss, A&S

ASSEMBLIES

Cornell United Religious Work Advisory Board

Kenneth Reardon, AAP
University Hearing Board

Michael Thonney, CALS
Michael Walter, CALS

Report Of University Faculty Election
May 2001

Faculty Senate-at-Large, Tenured

Donald T. Farley, Engr.
Timothy D. Mount, CALS

Faculty Senate-at-Large, Non-Tenured

Jocelyn Rose, CALS

Nominations & Elections Committee

Anne V. Adams, Afr. Ctr.
Robert Connelly, A&S

University Faculty Committee

Elizabeth D. Earle, CALS
Douglas B. Fitchen, A&S
Risa L. Lieberwitz, ILR
Resolution to
Expand the Number of Members on the
University Committee on Human Subjects

Whereas, the recent suspension of human subjects research at Johns Hopkins University, the UCHS has been conducting a thorough review of its procedures and how well current procedures hold to provisions in the Multiple Project Assurance that CU has signed with the federal government to assure compliance to federal regulations for the protection of human subjects in research,

Whereas, continual improvement of those procedures has increased the work load of the current committee, and threatens to increase the average turnaround time on applications to use human subjects in research,

Whereas, the federal agency overseeing protection for human subjects in research is in the process of updating and extending human subjects regulations and prescribes that in order to comply with new and upcoming federal regulations, the UCHS must add members who represent areas of research and expertise that reflect a wider range of areas than can be represented on the committee at its current size.

Whereas, failing to expand UCHS at this time will increase the average turnaround time on applications to use human subjects in research at Cornell,

THEREFORE BE IT RESOLVED that the membership of the UCHS be increased from 12 members to 18 members.

Prepared by Elaine Wethington (Associate Professor, Departments of Human Development and Department of Sociology) Chair of UCHS and submitted by the University Faculty Committee

10/3/01

Senate Approval
10/10/01
Appendix 4

Kendall S. Carpenter Memorial Advising Awards
Proposal from an ad hoc faculty committee
appointed by Dean of the Faculty J. Robert Cooke
October 2, 2001

Steve Ashley, A&LS ’62, Johnson School ’64, and a member of the Board of Trustees, established the Kendall S. Carpenter Memorial Advising Awards to honor his extraordinary advisor, a professor of business management at Cornell from 1954 until his untimely death at the age of 50 in 1967. Dean of the Faculty J. Robert Cooke appointed an ad hoc committee of faculty members to recommend criteria and procedures for making the awards.

Introduction

First, the committee thanks Trustee Ashley for establishing these awards, which reinforce Cornell University’s tradition that advising undergraduates is a shared responsibility of faculty members. Faculty advising, when accomplished with care, contributes significantly to individual students’ undergraduate experience. An advisor communicates passion for intellectual life and values, helps design adventurous individual courses of study, encourages use of Cornell’s many resources, helps solve problems when necessary, and provides personal connection to Cornell. At its best, advising is an extension of classroom teaching in fostering intellectual and personal development and consideration of the relationship between undergraduate education and life outside the academy.

The committee assumes an annual disbursement of $30,000 for a five-year experimental period and recommends two kinds of awards: individual and programmatic.

Individual Awards

Four $5,000 awards will be made each year. Professorial faculty and senior lecturers are eligible. Nominees must be active contributors to college teaching and to their field, as appropriate to their appointments, and not have won the award previously. The awards will be paid into a departmental account, which each winner may use to support her/his own research, travel, books, or other professional activities.

Criteria for selection

Because superb advising, like teaching, emerges from individual faculty members’ values and interests, the criteria for selecting the awardees should be as broad as possible. These include considering the distinction of:
Advising individual advisees, students in one's classes, and other undergraduates who happen to find their way into the faculty member's office about courses of study, academic options, and professional life

Informal advising and out-of-classroom interaction about issues – personal or other – about which students are troubled or care deeply

Supervision of independent studies, undergraduate research, and undergraduate honors projects

Leadership in broad curricular reviews or designing and implementing undergraduate programs

Leadership in structured institutional advising efforts

Contributions to career development programs

Serving as faculty advisors to student clubs, athletic teams, community work, or other extra-curricular activities

Contributions to intellectual liveliness and support of student development in Cornell's residential halls and elsewhere outside the classroom

**Soliciting nominations** is a responsibility of the provost or designee (or the dean of the faculty, if the provost prefers). In this document, this person will henceforth be referred to as the executor.

One of the difficulties in identifying outstanding advisors is their often unsung influence among a small and dispersed number of undergraduates. Consequently, the executor should solicit nominations through as many routes as possible and from all of the following:

- Student groups that are also called upon to nominate candidates for the Weiss Presidential Fellows (Cornell Ambassadors and holders of Cornell Commitment scholarships) and in addition college peer advising groups
- University staff, especially directors of residence halls, coaches, and the dean of students
- College deans and associate deans, including advising staff (who know which faculty advisors are particularly diligent)
- Alumni/ae – how to solicit nominations from alums will have to be considered with staff from alumni affairs, but often good advising becomes apparent only upon reflection.
- Department chairs, who should ask their faculty and staff colleagues for suggestions (often faculty colleagues know who is most effective in advising undergraduates and supervising independent projects and departmental staff know who helps students informally and beyond the call of duty)

**Letters of Nomination**

The nominating letter, submitted to the executor, should describe the candidate’s virtues relevant to the above criteria and include names of at least four others – students, faculty, or staff -- willing to write on behalf of the candidate.
Compiling the Dossier

The executor will forward persuasive nominating letters to the nominee’s department chair and ask the chair, if s/he thinks the nomination a strong one, to compile the dossier and return it to her/him. The dossier should include:

- Description of candidate’s advising activities, including numbers of students affected, as described by the criteria listed above
- Any available evaluations of the candidate’s advising
- Letters from formal advisees and other students the candidate has advised (the relevant college or university office will be asked to supply the names and addresses of students involved so the department chair can solicit letters from them)
- Summary of the candidate’s scholarly engagement and productivity

Selecting the finalists is also the responsibility of the executor.

The executor will constitute a committee of 6 faculty members and 3 juniors to review the dossiers and compile a short list of finalists. In the committee’s first iteration, the faculty members should be nominated by college deans; in subsequent iterations, the faculty members should include the previous year’s winners plus additional members nominated by college deans. The students should be recruited from the student groups solicited for nominations (by recommendation of the directors of those programs) and from college peer advising groups (by recommendation of college associate deans). In forming the committee, the executor should be attentive to college representation.

The president selects the winners from the short list presented to him.

Program Awards – $10,000 a year

Although the value of faculty advising is universally acknowledged, the success of faculty advising is variable. Indeed, Cornell undergraduates find advising more problematic than any other aspect of their undergraduate education. Knowing that this is true at most other colleges and universities is cold comfort. Consequently, in addition to honoring exceptional individual advisors, departments, colleges, and other relevant university units (for example, athletics, residence life, and the dean of students) need incentives for systematic improvements.

The executor will solicit proposals from relevant units for systematic projects and decide how best to review and decide upon them. Departments, for example, might propose improvements in advising pre-majors or majors or in developing stronger departmental communities. Colleges might propose experimental projects. Funding for both departmental and college projects must, however, be seed money. If they work, the relevant unit must assume responsibility for them after an initial trial period, as set forth in the original proposal.
Colleges may also propose a small pool of funds for dispersal to individual faculty members who make requests. For example, individual faculty members may ask their college for support for special activities with their advisees (attending a play, eating pizza together before or after a lecture or concert, taking a local field-trip, etc.).

**Maximum Publicity**

In order to impress and inspire the Cornell community about advising, both the individual and program awards should receive maximum publicity. Nominations and proposals should be solicited in fall or early in the spring semester so dossiers can be compiled during the spring and awards announced in one of the academic year's last issues of the *Cornell Daily Sun*. The winners should be feted along with the Weiss Presidential Fellows at the October meeting of the Board of Trustees. The selection committee can decide how to publicize the awards and honor awardees further.

**Continuing Inspiration**

In the year after receiving the award, each year's individual winners should share their experiences, either collectively or individually, with other faculty members in order to improve faculty advising generally.

The executor will inform the college deans and associate deans about the programmatic awards and recommend particularly successful models.

**Members of the ad hoc committee**

*Lynne S. Abel, chair, Adjunct Associate Professor, Classics*

*Associate Dean for Undergraduate Education, College of Arts and Sciences*

George Conneman, Professor Emeritus, Applied Economics and Management
Brian Earle, Senior Lecturer, Communication Arts
Richard Galik, Professor, Physics
Teresa Jordan, Professor, Earth and Atmospheric Sciences
Isaac Kramnick, Richard J. Schwartz Professor, Government
Henry Richardson, Professor, Architecture
William Tomek, Professor Emeritus, Applied Economics and Management
Elaine Wethington, Associate Professor, Human Development and Family Studies

Co-director, Bronfenbrenner Life Course Center
Resolution on Response to September 11 Tragedy

The University Faculty Senate commends President Hunter R. Rawlings III and the other members of his administration for their leadership following the events of September 11, 2001. We thank all of you for the care and concern you have shown for the entire Cornell community, family and friends.

University Faculty Committee
10/3/01

Unanimous approval - 10/10/01
Minutes of Faculty Senate Meeting
November 14, 2001

Professor Howard Howland, Neurobiology and Behavior and Speaker: "I would like to remind the body that no photos or tape recorders are allowed during the meeting, and I would like to ask you to identify yourselves and your department when you get up and speak. We don't have any Good and Welfare speakers this meeting. We can proceed now. Since the Provost is not yet here, I will call on Dean Cooke for remarks."

1. REMARKS BY DEAN J. ROBERT COOKE.

Professor J. Robert Cooke, Dean of the University Faculty: "My report can be very, very short. There is one important event that is occurring on December 10. We are sponsoring a University Faculty Forum for faculty who teach large courses, and before you say what's a large course, it really is any course, but we're trying to cater to the needs of the people who carry such a heavy part of the teaching load. But it is open to everyone on the university faculty. It is on the 10th, which is independent study week. It will start at 11:00; it will be one hour with a large group together. The university will pick up the tab for lunch, and that will be part of the conversation time. Then from 1:00 to 2:00, there will be some break out sessions on topics that you select to work on. I hope you can attend. We have got some really good university faculty, some distinguished members of the faculty, teachers, helping plan it. Patsy Brannon, Dean of Human Ecology, is the person who is going to lead it and is someone who has in fact taught large courses herself at her previous institution. I'll send you information about it, but I hope you will put it on your calendar and attend."

Speaker Howland: "Thank you, Dean Cooke. The chair would like now to call on Provost Biddy Martin for remarks, for a report on the outcome of the Gender Equity Study and to give an update on the Faculty Salary Program and to answer questions."

2. REMARKS BY AND QUESTIONS FOR PROVOST BIDDY MARTIN.

Provost Biddy Martin: "Thank you. Good afternoon. I think we should start with the Gender Equity Study actually. I feel as though I should start with something more general and inspiring, but I have the feeling you will have more questions about salary data than about my inspirational speeches, so I am going to move on to the salary issues.

"First, the Gender Equity Study. I think you were all aware that we were conducting such a study. We had a Methodology Committee to begin, and the names of the members of that committee are now up on the screen (Appendix 1 - Gender Equity Overheads). The expert consultant for the methodology was Fran Blau from the School
Jennifer was of Provost regression analyses, they can be answered by people far more expert than I. You may ask those questions in a second.

"First we developed the methodology with Fran’s generous and expert help, and then we had a three-person faculty panel, which reviewed the results of the regression analyses and then visited with each of the college deans. These are the names of the members of the three-person faculty panel, with Francille as the coordinator. What you are going to see now actually are the results, so I have this in the wrong order. What I have are the faculty salary equity variables. Just so you see something of the methodology we used. These were the salary equity variables that were taken into account in the multiple regression analyses. Let me leave that there for a second for those of who want to get a good, firm look at what the variables were.

"OK? Ready to move on? The results of the multiple regression analyses are extremely positive, I’m happy to report. We can now say there is no statistical significant difference by gender in salaries in any college at Cornell. There was one college in which there was a statistically significant difference by gender when the analysis was first run last November—small difference. But when we rechecked in July for the new salaries going forward, there were no colleges with a statistically significant difference by gender. That’s the good news. I don’t suppose there will be many questions about that simple fact, but if you have any questions about methodology or about that very succinct summary of the outcome, you should feel free to ask it."

Francille Firebaugh, Dean Emeritus of Human Ecology and Vice Provost: "Let me add that when the panel did the initial work, we looked only particularly at women whose actual salary was more than 5% below the projected salary. When we gave our report to the deans and to another group, they said why not look at those that were 10% below? So this is the result of looking at both men and women who were 10% or more below and 10% above on the actual versus the projected salary levels."

Provost Martin: "Can you see the distinctions well enough? There are slightly more women than men who are more than 10% below the predicted salary. There are also a higher percentage of women who are more than 10% above. Any questions?"

Professor Vicki Meyers-Wallen, Biomedical Sciences: "How did you come to the projected salary determination? How was that decided?"

Provost Martin: "Based on the regression analysis that were run using the variables we listed."

Professor Vicki Meyers-Wallen: "Right, so the question I have is - the variables in the regression analysis, but are these all the things that were used or did you use them independently?"

Provost Martin: "Say that again. I’m sorry."
Professor Vicki Meyers-Wallen: "Did you use these independently or did you somehow combine all the variables and look at . . . "

Provost Martin: "Fran will explain it to you."

Professor Fran Blau, Industrial and Labor Relations: "We considered all these variables at the same time. It's a multiple regression analysis."

Provost Martin: "Any other questions?"

Speaker Howland: "Please identify yourself."

Provost Martin: "Let's go back to the faculty panel. The faculty panel with Bik Tye from Molecular Biology and Genetics, CALS; Dorothy Mermin from the Department of English, Arts and Sciences, and Jenny Gerner, from the College of Human Ecology, served as the faculty panel. They, with Francille, visited each individual college dean to talk about their policies and salary improvement and to try to sense how the deans do implement the salary improvement programs. One of their final recommendations was that we talk with the deans to see whether or not it would be possible to regularize to some extent the way in which salary improvement works across colleges so there would be less frustration and less confusion about how salary improvement programs actually function. And we are talking to the deans quite a bit more regularly as you can imagine, given our general faculty salary program, about salary improvement programs and their implementation. The three-person panel also suggested that we give continued attention to attracting and retaining outstanding women faculty, and that we also regularly review gender equity questions and salary at the university, and we will work with the deans to do a study every two years, running regression analyses to make sure that no gaps are emerging."

Professor Peter Stein, Faculty Trustee: "Just an observation. That's a pretty impressive regression analysis, with some 15 or 20 variables in there. What I find a little bit odd is that except for one of the variables, which is named professorship, none of the variables address what we would like to think is what salary depends on, namely the accomplishments and merits of the particular faculty member. That strikes me, I'm almost afraid to say this out loud, but it strikes me (I don't mean anything nasty by it) as a labor union kind of analysis that people would make, mainly everything is based on seniority. I have sort of thought that at this university we were supposed to have salaries based on merit. I don't know exactly how to measure merit, but somehow it seems to me that the regression should have had that in it."

Provost Martin: "Well, go ahead. Fran has her hand up, so I'll let her answer you since I'm always responding to you."

Professor Fran Blau: "Let me say that I completely agree with you that we would have loved to have information that could measure merit, but it was not available. So these regressions were essentially designed to identify cases where there was a possibility of underpayment, given these variables, which were the variables available to us. The meetings with the deans were to determine in the individual cases where there seemed to be a large disparity if there was a good explanation for that in terms of these
variables that have to do with productivity and quality at Cornell. So it was just to identify possible cases."

Provost Martin: "So predicted salary is not the same as what we expect to find about various people's salaries. The visits to the deans were, as Fran says, meant to inquire when there were people who were 5% or more below the predicted salary whether that was a merit issue or some other issue. The faculty panel left their meetings with each of the deans satisfied with what they heard."

Professor Richard Baer, Natural Resources: "'Give continued attention to attracting and retaining outstanding women faculty'. Why? My son is just finishing a Ph.D. at Yale in History. The discrimination against white males is huge at present in the job market. I have all kinds of data and stories to confirm that. There are almost 50% more women in grad schools now than men. Why should our attempt to have more women faculty be based on patent discrimination against men, especially white men, who are now in the job market looking for jobs. That seems to me unethical. It seems to me that we're trying to make ourselves feel good about what's happening at Cornell at the expense of discriminating very seriously against white males who are in the job market today. I want no part of that. I think it's unjust, and I don't think it builds a better institution."

Provost Martin: "Ron. Is it OK if I call on him?"

Professor Ronald Ehrenberg, Industrial and Labor Relations and Economics: "First to Peter Stein. Peter, the key assumption in the regression model is that the unobserved variable productivity is un-correlated to gender. So as long as you believe productivity is not correlated to gender, then this type of approach is fine. About the comment over here. Let me say that proportionate representation of new female Ph.Ds on the faculty at Cornell, and in fact at all the major research universities is less than their proportion in the graduating classes, so that there is a problem at research universities in most fields in terms of the hiring and retention of female faculty."

UNKNOWN: "But if you take the . . ."

Speaker Howland: "I'm sorry, gentlemen, but we are not in debate on that right now. Just address your questions to the Provost."

Provost Martin: "Any other questions?"

Professor Vicki Meyers-Wallen: "So, are you going to follow this up with something similar to what was done at MIT, which had to do not only with questions of salary but laboratory space, personnel and those types of issues that are perhaps not easily assessed, but they clearly do make a big difference between the success of women and men."

Provost Martin: "Well, we've had suggestions. Francille has just put up a slide. These were some of the issues that various faculty committees asked us to take into account in some formal way. It's not easy to take them into account in a formal way. The one about which I will have some data, but it will come in slowly, is space. We are doing a space audit college by college anyway, having nothing in the first instance to do with gender,
but as we go, we will also ask the consultants who are actually doing the space audit to take that into account. The audit will begin in the College of Engineering and then move to CALS. On these other items, these are things we have asked the deans to think about, especially in the allocation of certain forms of teaching assignments and advising, in particular. We have asked them to take this into account for all faculty (men and women), that there are faculty members who for various reasons end up taking responsibility for a much bigger advising load than others. That is something for deans and faculty chairs to be especially aware of. We are going to address that in the orientation we have for department chairs. This is something really that requires the attention of everybody. I think it is extremely difficult to study formally. Teaching assignments, I’m not sure. We can continue to consider which of these might be worthy of study, but I’m sure you all realize that teaching loads vary across the university and even across departments in the university so widely that it will not be easy in the course of one year to formulate a salary equity study to take something like teaching loads into account in a systematic and helpful way. So I’m not sure about that one. I think we actually need some focus on teaching loads and their variability across the university in general, and it’s my suspicion that... Who cares what my suspicion is? I don’t even care.”

LAUGHTER.

Professor Risa Lieberwitz, Industrial and Labor Relations: "I care what your suspicion is."

Provost Martin: "I wouldn’t think that gender would be the most significant issue when we look at the variation in teaching loads."

Professor Risa Lieberwitz: "I care about something else, too. In terms of this issue of study. My understanding of the MIT study on gender issues and pay equity is that it wasn’t simply a matter of what is taken into account when giving raises or assigning pay to people, but the question of whether there was a finding of inequity on the basis of the way in which things are meted out. So you have space listed, but it sounds as though there is actually going to be some information coming in as to whether that’s true, whether women are, in fact, given equal space and equipment. But there is one thing that is missing there, in addition to that, which it seems that we need to know more than just saying to deans, ‘Well, when you are making assignments think about these things’ which is the question of having some data about where women are with regard to decision-making power within the university. Obviously there is going to be some disagreement over how to measure that, but I’d like to be able to study this concern with that issue as well in terms of what women are holding what positions, in terms of not only how many deanships but other types of positions within the hierarchy of the administration, chairs of committees, which committees they are chairs on, those kinds of things. They are important. It seems like having an actual report of this is important to have a sense of pay equity broadly defined. Is that what you are going to do?"

Provost Martin: "That’s not anything we had intended to do, but we can certainly do a study. It wouldn’t take long to do a count of the number of women who are in
deanships or provost positions or vice provostships. So we could do that."

Professor Risa Lieberwitz: "I think the colleges and the committees, and my understanding as well at the time that the pay equity study here was started when I raised that issue and other people raised that issue, we were told, 'Well, look it makes sense to go ahead and do the numbers on the actual salary first, because we can get that; it can be measured quickly. That's important to do.' And then we said, 'Well, can we then expect that it is going to be followed up with issues like space, equipment and decision-making powers that women have.' And even though, clearly there was no promise made to us, my understanding was that there would be an attempt to do that. So I think the question is will there be an attempt to do that?"

Provost Martin: "Well, I think I want to address the question of space and equipment and on the question of who makes decisions, I'm not sure about its relationship to salary, actually, because there is, of course, a difference between faculty based salary and administrative compensation."

Professor Risa Lieberwitz: "I'm talking about chairs of committees, too, in terms of one situation in regard to the climate in the . . . ."

Provost Martin: "I think one can safely say, generally speaking, there are far fewer women full professors, in some fields almost none. There is a distinction there between men and women, and that has historical roots. It is changing. At the assistant professor level and the associate professor level, it is not nearly as far of a difference. Are there more men than women in chair positions and chairs of committees? I would think yes, but I must say compared to some of our peer institutions, it appears to me that we are doing pretty well and I'm not convinced that it would have a significant effect on the salary data, on salary equity questions. But we can talk about other things to pursue. Right now, the only thing we are pursuing formally though is space and equipment as we go to the next phase of it generally.

"I think the news is good and I actually think that the kinds of climate issues that concern a lot of women on this campus and men too who support the women who feel the climate is not great for women, I think those are worth worrying about and trying to address, but I don't think formal equity studies of this sort are necessarily the way to address that. You probably disagree about that, but it's hard for me to see exactly how they would serve that purpose. I simply want to say to Dick Baer that wanting to attract and retain strong women candidates I think does not imply, certainly isn't meant to imply, that there will therefore be discrimination against anybody. We want to hire and retain the best faculty, whether they are men or women or some other species, I guess if that ever occurs or cyberlings. I think that the active desire to recruit more women and minorities so that we have a more diverse faculty and more diverse student body need not imply that we would discriminate in our measure of who the highest quality candidates would be. We will not discriminate.

"The news on the salary program for this past year I think is also quite good. The overall increase for continuing faculty for the university is 8.1%. The increase for continuing faculty on the endowed side is 8.4%, and the overall increase in the statutory
colleges is 7.7%. That's our news. The salary program, as I'm sure you have already read, continues despite the economic constraints we face. We plan to continue aggressively to address faculty salary. Are there any questions about the salary program? Yes, Bill."

Professor William Arms, Computer Science: "It seems the biggest salary problem the university has is the difference between the endowed side and the statutory side. Can you tell us of any progress in that area?"

Provost Martin: "I don't yet know exactly. I wish I had better data. It has just come out, and we have to look at whether we have actually made up any ground there, but there are certainly doubts that remain. We simply have to continue working with the deans to do as well as we can over these next few years, to see if we can not only reach the average of the peers that remain for the contract colleges, but also to reduce the gap, to close it, between statutory and endowed. I don't actually think we apply it for six years and close the gap entirely. But, of course, it also differs by discipline. There are some faculty in the contract colleges who are in the same disciplines as their counterparts on the endowed side where the salaries are equal. So to some extent it's also a discipline problem, but that doesn't explain it all. I realize that, and we just have to continue to do that best we can."

Professor William Fry, Plant Pathology: "I just want to say that . . ."

Speaker Howland: "I can't hear you, sir."

Professor Fry: "It was my understanding that the salary program was over five years for the endowed colleges and over six years for the contract colleges. Would that explain the difference?"

Provost Martin: "It explains, um . . . I don't think that explains the difference actually, but what does to some extent explain the difference is the different timing on which the contract colleges and the endowed colleges implement salary increases. The contract colleges, CALS in particular as you know, tend to spread it out over the course of a year, so we don't actually have exactly the figure we might ideally want about what's going on in CALS right now. Whereas, Arts and Sciences, Engineering and Art, Architecture and Planning implement a salary program punctually on the 1st of July, and that's more or less it. Even if people get increases by virtue of outside offers or for any other reason, they typically go into effect the following July 1st. So that accounts for some of the difference in percentage, but it may well turn out that we have a higher percentage increase overall on the endowed side. Keep in mind that the endowed side includes the Johnson School and the Law School where salaries are high already which would have nothing to do with percentages you would quickly point out, but where percentage increases might also be a little higher.

Professor Steven Beer, Plant Pathology: "The figures that you give about 8% overall increase, is that the total money spent on salaries or is that the mean increase in individuals' salaries?"

Provost Martin: "No, that 8.1% increase is overall on continuing faculty salary bases, but
individuals would have gotten a wide range of different salary increases I would guess. Again, the college does the salary increase differently, and I’m sure that some of you got increases that far exceed 8.1%, and there will be individuals who got increases far lower than that."

Professor Beer: "So then that is the overall amount of money going into faculty salaries?"

Provost Martin: "Yes, that’s right. Continuing faculty salaries. Yes, Terry."

Professor Terrence Fine, Electrical and Computer Engineering: "This may be stupid, particularly since Steve already laid it there, but if I take the faculty that are here now, I take the faculty who will be here next year, and take the salaries of this group and subtract the two, subtract my salary next year from my salary this year, if I . . ."

Provost Martin: "I should take your salary from last year?"

Professor Fine: "We have their salary that they are going to get; there’s the continuation of this year; we subtract the two, divide by the number of faculty and come up with 8.4 on the endowed side or 8.1 for the university?"

Provost Martin: "Yes. Of the faculty who were here last year and are still here this year, the increase overall for that group of faculty, excluding the ones who are on leave without pay this year and the ones who went half-time this year, blah, blah, blah, but for full-time continuing faculty there was overall an 8.4% increase on the endowed side, 7.7% on the contract college side, and an 8.1% increase overall. That does not mean that anyone in this room actually got as high as an 8% increase. I realize that and I’m sure that many of us didn’t. It also doesn’t mean that some of us in this room didn’t get 40% increases, because I’m sure there are probably people in the room who did. Well, actually, I’m not sure about that."

LAUGHTER.

Provost Martin: "Somebody had to do pretty well unless everyone got 8%."

Professor Lisa Earle, Plant Breeding: "In many years the people in CALS and the other contract colleges did have delayed implementation of their salary increases, so you got a little in July and some in January and so on. This particular year it’s my understanding that the full salary increase was implemented on July 1st, and so that explanation for the difference between the two parts of the university doesn’t really hold up and can’t really be pointed to as a reason for the differences."

Provost Martin: "I believe you are right formally, but I believe the deans continue to make adjustments in individual salaries which will affect the final count. As I said before, that doesn’t necessarily mean that it will go up from 7.7% to 8 or 8.3, but there will be differences, because even though you are right about the formal salary program—the timing of its arrival from the state and the actual implementation of the salary program, you are right. Nonetheless, the deans tell us and have shown us that they continue to make adjustments in individual faculty salaries on the statutory side."

3. APPROVAL OF MINUTES OF THE OCTOBER 10, 2001 SENATE MEETING.

Speaker Howland: "Thank you, Provost Martin. The chair would like now to call for approval of the minutes of the October 10 Faculty Senate Meeting. Are there any corrections to the minutes? Hearing no objections, let's move unanimous approval. The chair would now like to call on Associate Dean and Secretary Charles Walcott for a Nominations and Elections Committee report."

4. REPORT FROM THE NOMINATIONS AND ELECTIONS COMMITTEE: CHARLES WALCOTT, ASSOCIATE DEAN AND SECRETARY OF THE UNIVERSITY FACULTY.

Professor Charles Walcott, Neurobiology and Behavior, Associate Dean and Secretary: "You have already received I believe this in the call to the meeting, so I will just display them briefly so that you can see them. And there they are (Appendix 2). If anybody would be willing to serve on the University Assemblies, we would be very grateful to hear from you. It has been remarkably difficult to find faculty that are willing to participate on that. So if anybody here has a friend they would like to suggest or would be willing to do it themselves, I would be grateful. That's my report. Thank you."

Speaker Howland: "Thank you. The chair calls for unanimous consent of the report. Hearing no objections, it is approved. The chair will now call on Senior Faculty-Elected Trustee, Professor William Fry, Plant Pathology, for an annual report.

5. ANNUAL REPORT BY THE SENIOR FACULTY-ELECTED TRUSTEE, PROFESSOR WILLIAM FRY, PLANT PATHOLOGY.

Professor William Fry, Plant Pathology and Senior Faculty-Elected Trustee: "I will speak very briefly about first of all the structure of the Board of Trustees, secondly some of my impressions of the trustees and reactions as to how faculty can contribute to the Board of Trustees. Hopefully, this will be very short and subsequently you can ask me questions, and if I can't answer them, Peter probably could. (Overheads - Appendix 3).

"The board is a fairly large board. There are 42 trustees who are voting members, and there are 22 trustee-fellows, who are not voting members of the board. In addition to that, there are also emeritus trustees who attend full board meetings. The board meets four times a year as a full board, and then there are various committees, which meet at different times during the year. The structure of the board is kind of interesting. There are four ex-officio members who I've never seen at a board meeting. Excuse me, there are three I've never seen a board meetings. Hunter Rawlings is always there. There is one life appointed member; that's Ezra Cornell. He has been there a long time and makes points from time to time. Three are appointed by the governor, and the rest of us are elected. Cornell is, I think, unique in terms of the structure. There are two student-elected trustees; they have two-year terms. Khary Barnes will end his appointment this
coming spring, and Leslie Barkemeyer will end her appointment in 2003. There are also two faculty elected trustees—myself and Peter Stein, and we have four-year terms. All the other elected members of the board have four-year terms. There is one employee-elected member, Cindy Tkachuck, eight elected from the faculty and twenty-one elected at large with a proviso that there has to be at least two from agriculture, two from labor and it turns out many are from business.

"Now, most of the activities of the board are conducted in committee, and actually full board meetings consist of reports, information to the board about either the Medical School or about the Ithaca campus. Most of the work of the board occurs in the various committees. The executive committee meets quite regularly. Biddy, I don’t know how often."

Provost Martin: "Many times."

Professor Fry: "Many times a year. Academic Affairs and Campus Life on which I serve meets four times a year. The Investments Committee meets also in addition to the full board meetings. Audit is another committee. Finance is a committee that I’m on. It meets also in addition to the full board meetings. I don’t know why I’m on it; I know nothing about finance, except that I am able to provide some sort of faculty perspective on issues that this particular committee may not appreciate. Membership is another committee. Land Grant and Statutory College Affairs meets at the time of the full board meetings. Buildings and Properties also meets a few times in addition to the times that the full board meets. Alumni Affairs and Development, there are a lot of sub-committees there. They meet with the full board, and then there is an Ithaca based committee, which is the Trustee-Community Communications Committee, and those trustees who are near Ithaca are members of that. It meets when there is an emergency and so far since I’ve been on the board, there hasn’t been one—an emergency that is.

"One thing that is very clear to new board members during the election process or once one is appointed or elected, and that is all members are selected from constituencies. It is very clear that as a trustee one’s first attention is to the university and to one’s constituency second. Therefore, I am not a representative of the faculty to the Board of Trustees. What I would say is that Bob Cooke is a representative of the faculty to the Board of Trustees. He has an agenda item regularly on the board meetings and has brought issues of importance to the faculty to the board with some vigor at times. And I’ve heard that when Peter Stein was Dean of the Faculty, he also brought several issues with some vigor to the Board of Trustees.

"Next, I would like to give you just a few impressions that I have developed during my time on the board. The individual trustees are almost invariably, completely, very successful people from very diverse backgrounds. I expected that. What I didn’t appreciate fully is the remarkable affection and dedication that these people have for this university. It is, I think until you see it, it’s quite hard to believe. They devote a lot of time. Some of them devote a tremendous amount of money. Some of us devote less money. And they devote a tremendous
amount of effort to this university. So there is no doubt in my mind that they desire the very best for this university. Certainly, that would be reflected in different ways because they are a diverse group of people, and there is not always unanimity on the board. Sometimes there is; sometimes there is not. Another observation is that the students are very, very important to this board. I think one explanation is that almost all the trustees were students here. They understand what student life is like at Cornell. They are very concerned about student life at Cornell. They understand what it's like to be a student in 30 degree weather trudging up a 30 degree slope, and getting 30% on a prelim. The faculty, however, are not so clearly understood by the board, and that's because while some of the members of the board are in fact faculty, but most are not. They don't really have an understanding of what our lives are like and the kinds of things that are very important to us or what make us tick. They hear that, but they don't have a real, clear, consistent understanding of that. And therefore I think it is really important that there be faculty members on the board so that there can be conversations, during board meetings, during breaks or whenever, to get faculty views on issues before the board.

"So next I would like to talk about some of the roles that I see for a trustee who is also a faculty member. That is to bring a faculty view not the faculty view to this board. There are many issues where that has come up. When eCornell was debated, there were many conversations on the telephone, during the board meetings and after board meetings concerning this particular issue. Peter Stein and Bob Cooke have been very effective in talking about faculty salaries. Faculty salaries are a priority for the board. They want to see faculty salaries improve. The siting of the Life Sciences Technology Building is an issue for the board. You may have heard that the location of that building is not yet decided, whereas it was thought that the siting might have occurred at the last board meeting, but it turned out that was not the case. The task force was instructed to begin to look at the siting of that particular building. I volunteered and asked quite aggressively to be a participant on that task force, because first of all, genomics is important to me as a faculty member and the university is very important. So I am a member of that task force, and we are meeting now between the last board meeting and the next Building and Properties Committee meeting to begin to address issues for the siting of that building. Another issue that is important to this faculty is undergraduate teaching at Qatar. I sit on the Finance Committee and had some comments when that committee was looking at the total cost for Cornell, and that was important. I also served on the Trustee Committee that helped with the accreditation review this past year. There are some faculty trustees who have made tremendous contributions to specific issues and Dick Schuler, my immediate predecessor, was one of these who had a lot to say about policy and contributed to the way in which Lake Source Cooling was implemented. Finally, I think having faculty on the Board of Trustees is an additional route for information to get to the trustees, to get to the administration, on issues that are of importance to the university in general.

"My final reactions are that I think that it's an honor, and it's very important that
faculty are on this Board of Trustees. My reaction is that the actual time required far exceeds what I expected. There is much more to do than I had expected, and that was a surprise. The experience is also one that I wish all faculty could experience, because it creates in me a sense of optimism about this university and to know that this group of people who are very successful care so much about the university. With that I'll stop. And if there are questions or comments if there is time?"

Speaker Howland: "We have a minute."

Professor Fry: "A minute? And if there's not, we'll get out a minute earlier."

Speaker Howland: "Any questions for Professor Fry?"

UNKNOWN: "Sounds like this was a pitch to get us to be on the Board or something."

Professor Fry: "There will be an election this spring at which time my successor will be elected. The Nominations and Elections Committee will do that."

6. **CAPP MOTION REGARDING WIDESPREAD CONSULTATION ON ACADEMIC UNIT CHANGES TO NAME OR DEGREE DESIGNATIONS, PROFESSOR TERRANCE FINE, ELECTRICAL AND COMPUTER ENGINEERING AND CHAIR, COMMITTEE ON ACADEMIC PROGRAMS AND POLICIES.**

Speaker Howland: "Thank you. The chair will now call on Professor Terrence Fine, Chair of the Committee on Academic Programs and Policies for a motion regarding widespread consultation on academic unit changes to a name or degree designations. (Appendix 4.)

Professor Terrance Fine, Electrical and Computer Engineering: "These last few years there have been a good number of name changes of departments. Some of them were: Geology went to Earth and Atmospheric Science, my own department Electrical Engineering went to Electrical and Computer Engineering. Most of the others have managed to put some form of biology into their name change. One I think has put the word biology in twice. Given that background, given that this would impact on the department, and given information on that and the process for that are usually not well understood and one hears of these things very indirectly, the CAPP Committee is proposing that we recommend to the Provost basically that she just undertake to inform all departments of an impending name change and give them a chance for an informed response back. This does not suggest anything about any legislative force here. This is really just expressing our judgement. If you agree with this motion, that this would be a very good thing to engage in, that is that this information be provided in a timely fashion so that everybody could respond if they felt that the name change had some affect on their unit."

Speaker Howland: "The motion is before you. Is there any discussion?"
Professor Manfred Lindau, Applied and Engineering Physics: "Is it sufficiently clear what an academic unit is?"

Professor Fine: "There are a number of terms in here, perhaps........."

Professor Lindau: "It says 'e.g. departments, schools' that's why I'm asking."

Professor Fine: "Yes, this motion is not an algorithm. You've asked me a good question. It is not an algorithm. We tried to explicate what these things are. We're hoping that we don't have to make an official definition of them, because the sense of the motion I'm sure would be well understood if you—by the Provost—what we are talking about. But we did try to amplify what these terms meant. OK? And things will fall through the cracks. There's a list of deans, directors and department heads. It's not up to date. So there will be issues in bringing this out. What is the process by which this happens? Some name changes went to the trustees, some apparently didn't so far as we are aware. So, yes, this is not an algorithm; there are some things that are not well defined in here, but we hope that the sense that we produce something which will be helpful."

Speaker Howland: "Further discussion? Are you then ready for a vote? Apparently so. So the motion is before you. All those in favor say, 'aye.'

AYE.

Speaker Howland: "Opposed? It passes unanimously. Thank you, Professor Fine. The speaker would now like to call on Professor Peter Stein, Physics and Chair of the Task Force on Appeals and Grievance Procedures for a report and resolution."

7. REPORT AND RESOLUTION FROM TASK FORCE ON APPEALS AND GRIEVANCE PROCEDURES, PROFESSOR PETER STEIN, PHYSICS AND CHAIR OF TASK FORCE.

Professor Peter Stein, Physics and Chair of the Task Force on Appeals and Grievance Procedures: "Well, I guess I can move the resolution on this, right? (Appendix 5 - resolution, rationale and report). I move this resolution, and since it's coming from committee I guess it doesn't require a second. It has been distributed in the mail, and let me describe to you what it is all about. Bob Cooke asked me some months ago in the summer time to chair a small committee, so small it wasn't even a committee. It was a task force, to chair a task force on making some minor changes to the procedures for appealing negative tenure decisions, and also for the document that sets up the ground rules for faculty grievance committees in the university. I agreed to do that. In particular, the focus of this effort was to be the procedures that exist in what are called the small colleges. The small colleges are defined as Hotel, ILR, Law and Business. There were particular problems in the tenure appeals procedures and also the grievance procedures that affected those procedures in the small colleges. So Bob formed a small task force, with myself as the chair, and one member from each of those colleges. Risa Lieberwitz is from ILR, Neal Geller from the Hotel School, Martha Fineman from the
Law School and Tom Dyckman is from JGSM. We were also advised by the Ombudsman on certain problems that had arisen. We met two or three times and wrote a resolution to bring before you - wrote a report, and what we are bringing before you is a resolution to approve that report and send it to the Board of Trustees. These documents that we are describing are trustee documents, so the Senate does not have the power to change them but only to recommend to the Board of Trustees that they be changed. What I would like to do is to take you through our report and the four items that we propose and tell you what the issues are and why we propose them.

"The first item, and this is unnecessarily wordy but we tried hard to make it less wordy and couldn't make it less wordy. Every time we tried hard to make it less wordy it got a little bit more wordy. So item number one has a lot of words in it, but it doesn't amount to a hill of beans. OK? The Ombudsman pointed out that in a document, which has a clock that starts ticking at the date of notification, there ought to be a definition as to what the date of notification is. A verbal notification is hard to pin down, so he suggested that all notifications in the denial of tenure appeals documents be written, and we agreed with that. Secondly, there are a number of places in those negative tenure decision appeals procedures that refer to the terminal year of appointment. Presumably if somebody is denied tenure, then they have another year to complete their work and look for another job. There has been some problem in the past defining what is a terminal year. This very wordy definition I think embodies everything we always thought a terminal year was. The previous wording was less clear. I think that's not controversial.

"The other three items need some more discussion. In item number two, let me tell you what the problem here is—a faculty member who is denied tenure in a large college (a large college are the six colleges that are not small colleges). In a large college if a faculty member is denied tenure by a vote of his or her department, that faculty member has the right to ask the dean to form an ad hoc committee to look at the case. The tenure appeals procedures specifically eliminates the faculty member who is denied tenure in one of the four small colleges from having that right. There has been apparently a fair amount of concern which says that we are one university and should have one set of procedures, and if a faculty member in a large college has a right to have an ad hoc committee look over a decision that a department has made, then a faculty member in a small college ought to have that right also. Of course the notion of the ad hoc committee is an independent set of eyes looking at it that has not had previous contact with the candidate. The reason it was done that way was not capricious but because of the fact that there really isn't a departmental structure in the small colleges. So essentially the faculty votes as a whole and in several of the small colleges, in particular the College of Law, it is not routine procedure to appoint an ad hoc committee, even in positive decisions. In the other three colleges it is. So anyway, we talked about that and the unanimous conclusion of our committee was that if it's a right of a faculty member in the six large colleges, it should also be a right of a faculty member in the four small colleges. So that's item number two.

"Item number three is a change which I will . . . the changes in here are in upper case font. This is just a technical change, but the one down here is not a technical change.
This says something about the composition of ad hoc committees. I think that those of us in large colleges have always assumed, though I’m not sure it’s ever written down any place, that an ad hoc committee follows this set of rules. Namely, that nobody who has taken part in the procedure before that should be on the ad hoc committee. It becomes a little bit awkward in the small colleges were in certain cases all of the faculty have taken part in the procedure. So it doesn’t seem appropriate that somebody who has already expressed an opinion ought to be on an ad hoc committee, since the point of the ad hoc committee is to give an independent judgement. So we add that restriction to apply equally well to large colleges and small colleges, namely that says that the ad hoc committee has to be independent. So that is item number three. That is somewhat more controversial and I will talk a little bit after I’m finished presenting it as to what the points of controversy are, but that’s change number three.

"And now change number four has got somewhat more leeway. It turns out that in 1975 the trustees adopted a document, at whose behest I have no idea, but in 1975 from this Board of Trustees came a requirement to the deans of the colleges, and the requirement to the deans of the colleges was that each college had to set up a procedure by which a faculty member could have a grievance that he or she had and that there would be a committee to hear the grievance and that committee would then report to the dean. It’s not a grievance committee that has any authority necessarily, although a college could give a grievance committee authority, but merely that there be a procedure by which a faculty member can have a grievance heard. It specifically says that a grievance may not be a failure to promote, because that’s a failure to promote or failure to have tenure, but the class of grievances that can be heard is very widespread. It could be salary; it could be lab space; it could be almost anything, or it could even be that the person next door is being mean to them or something like that. And there have been such grievances that I know about, at least one. So the trustees set up a document, and it didn’t say precisely how the grievance ought to be heard, but it gave a general framework for grievances and instructed every college to adopt a set of procedures which conforms to this general guideline. OK? Now, there were some issues that came up in a couple of grievances that took place in the small colleges, and we talked about those. After talking about them, we thought there was at least one point of general equity that ought to apply to both the small and large colleges. So, that is the framework.

"Let me tell you what it is that we want to do. Again, what we are doing is recommending that the trustees change their document for the guidelines for the grievance committees to conform to, and what I’ve done is the text of the trustee document is always small font and in large font is what we are proposing here. We don’t propose to take out anything. First in item ‘e’, this is one part of a long list of things a grievance committee has to abide by. We say what we thought was a reasonable thing to put on a grievance committee. If a grievance committee hears the grievance, nobody on the grievance committee ought to have a stake in the action that is being grieved. OK? So that is just a straightforward—that isn’t said in the document, and we thought that it should be said and that it should be true not only in small colleges but in the large colleges. That seems to be not very controversial.

"The next two are sort of controversial. These are two new paragraphs that we would like to insert, and let me try to explain what this is about. The way that grievances are
handled in most of the colleges, I think in six of the ten colleges, and that’s not necessarily the six large colleges, but in six of the ten colleges, they use a procedure which is I believe a standard procedure in arbitration cases. Namely, that if a dispute comes up (I know this goes on in lots of labor contracts) then a three-person board hears the dispute. The way the three-person board is constituted is that each side to the grievance appoints one person and those two persons appoint a third person, who is then the chair. That’s the way it’s done in six out of the ten colleges if you have a grievance. Indeed, Professor Lesser and I are now serving on a grievance procedure of a faculty member who brought a grievance in a college, and the procedure was handled in that particular way. He was appointed by one side, and I was appointed by the other side. Then we got together and talked about who would be a good chair, and then we agreed on a good chair and we asked that person. That person said they would be happy to do it, and then that person is the chair and that committee is now meeting and trying to come to a conclusion.

"Now, what our small task force felt is that in a case where a dean is on one side of the dispute, where it’s a dispute of a faculty member against a dean, then there is something awkward about a dean appointing as his or her representative somebody over whom the dean has academic power. The feeling was that that this really does not leave a person free to make a decision that is counter to the dean, and since the dean already has the power to simply reject the finding, because the finding is only a recommendation to the dean, it seemed to us that a dean ought not to have the authority to appoint someone who is beholden to the dean to be his or her representative on this grievance committee. That is what this long paragraph says, and I won’t go through it, but I’ll tell you we labored over this, trying to write it in such a way that it said that, so we think that it says that. OK? Also, it’s generalized; it says nobody ought to be able to appoint anyone whom they have power over to a grievance committee to hear a grievance to which they are a part. So that’s that.

"Now ‘g’, this is my last point over here. The four faculty members that represented the small colleges felt the following. Let me go back. The Board of Trustees’ legislation says that you can hear a grievance in any way, either by an ad hoc committee, which is what I just described, or a college can have a permanent grievance committee that’s elected or even appointed, I guess, by the dean, I’m not sure. There are, I think, now three, no four, colleges that in fact have some form of elected committee which hears grievances. Although one of the four colleges in 1975 responded very quickly to the trustees, set up a procedure by which they would elect a grievance committee and never elected a committee for the past 26 years. OK? So it exists on paper, but it doesn’t really exist. But the people on my committee felt that an appointed committee was not a good thing in a small college, that the culture of a small college is different than the culture of a large college, that all the people know each other and somehow it’s hard for a person who is, what shall I say, not in the center of the mainstream to have a fair hearing from an elected committee. They felt that at least one of the people on the committee ought to be a person that is directly nominated by the person who is bringing the grievance. That’s what this says. It mandates that in the small colleges, that this three-person arbitration type committee that I described before be the required way of handling a grievance in the colleges. So that’s what we recommend that this body recommends to the Board of
"After we wrote these recommendations, I went around and talked to the four deans of the small colleges just to see how they would react to it. Three of the deans said, 'Fine with me.' The fourth dean said, 'This is a major change, and I would like to bring it to the faculty and ask the faculty to give their opinion.' Because of the timing, I heard this after it got on the agenda. So what we would like... far be it from us to say that the faculty of a college shouldn't have something to say, so we would like to hear your responses and how you feel about this, and at the end of the discussion if someone wishes to move that we delay it until that college's faculty has an opportunity to give a point of view, we certainly would support that."

Speaker Howland: "The chair is informed that such a motion will be made. So this is open for discussion. Yes."

Professor Tony Simons, Hotel School: "Do I understand from this that if somebody in one of the small schools were to raise a grievance... it sounds like if one of the parties to the grievance were a dean, which seems likely, nothing against our dean, it just seems like most grievances are against deans, would that mean that the entire faculty of that college is excluded from being on that committee that it could only be heard by people outside of that college?"

Professor Stein: "No. You are two thirds right, but not one third right."

Professor Simons: "So the grieving person could bring up someone?"

Professor Stein: "The grieving person could bring up somebody that is a faculty member in the college, but the dean could not nominate someone who is a faculty member."

Professor Simons: "Even though that person is beholden to the dean, even though that person does report to the dean?"

Professor Stein: "Right. That's why the wording is so complicated. OK? The wording is so complicated because it allows, if you read it very carefully, like as some really important document, you will find that it is written in such a way as to allow the grievant—there are these and thats in there—that person rather than any person, which is supposed to say that."

Professor Steven Shiffrin, Law School: "I'll be making a motion later to put it back to committee but not for this reason. I don't think the language you've got up there about reporting directly or indirectly to that party is as precise as it might be. I agree that it can be interpreted the way you interpret it, but it seems to me that you describe it as somebody having academic power over someone."

Professor Stein: "Well it not just academic power, it is economic power, and .."

Professor Shiffrin: "I can imagine the argument, that I'm a faculty member; I don't report to the dean. The administrators report to the dean. I only indirectly report to the dean. So it seems to me if the issue really is power and subordination that you ought to
craft something in terms of that. The second point I would make is I think it’s a very odd procedure that the dean presides in the end over grievances made about the dean, and I wonder if . . .

Professor Stein: "The dean presides?"

Professor Shiffrin: "Well, what you’re saying is this grievance committee reports to a dean about a grievance made about the dean, and I’m wondering if you have considered the possibility that if it’s the dean against whom a grievance has been made, that maybe somebody else should be making the decision. That’s a more ambitious, uh . . ."

Professor Stein: "If I can respond to your first point. We spent a lot of time trying to craft the language so that it said that, and I would be delighted if a legislation writer who is used to writing and understanding English that says exactly what you wanted it to say would help. We would be delighted to receive that. There’s no intention to obfuscate here; this is just the best we can do trying to say that. Number two, I certainly think a case can be made for what you . . . Oh, by the way, about reporting— you may not think you report to your dean, but your dean thinks you report to your dean."

LAUGHTER.

Professor Stein: "In my college I report to my chair and my chair reports to the dean, and that’s what indirectly means. OK? So the word academic power does seem to be a little vague. It’s hard to say who has academic power over who, but ‘reports to’ directly or indirectly, perhaps I’m wrong, but I think it’s a clear way of saying it. Now, with regard to your major objection, I don’t think there is a chance in the world that the trustees would accept something that said what you are saying. In fact, I spoke to the University Counsel who was quite disturbed about the radical nature of what we are proposing now. And I think that . . . I can hardly get the words out of my mouth to say that the dean shouldn’t be able to turn down the recommendations . . . ."

Professor Shiffrin: "There may be some compromise on that."

Professor Stein: "Anyway, that’s . . . ."

Professor Vicki Meyers-Wallen, Biomedical Sciences: "Isn’t it true, though, that if the dean turns down the recommendation of the grievance committee, that the person who is grieving can go to the university level? Isn’t that right?"

Professor Stein: "That’s right. That is certainly correct. Whether or not, I mean it’s not clear, of course, what the university grievance committee—likewise the university grievance committee has no power, it can’t make a ruling. I don’t know who they report to. Who do they report to? Do they report to you?"

Dean Cooke: "You’re right. It’s not binding, unless the parties agree ahead of time."

Professor Lisa Earle, Plant Breeding: "Is it the case that most of these grievances are grievances against the dean or is the more usual case that they are grievances at the
departmental level?"

Professor Stein: "I know of two grievances; I have personal knowledge of two and only two grievances, and one was against a dean and one was against a department chair."

Speaker Howland: "Additional discussion? Yes."

Professor William Arms, Computer Science: "Could I just say that I, like my colleague from the Law School, in looking at this wording didn’t know whether a faculty member is considered to report to anybody. I find that language ambiguous also."

Professor Stein: "Well, again, I invite anyone, since this is almost surely going to be referred back to my committee in just a moment . . . If anybody has any suggested wording to say this better, we certainly would be delighted to hear it, and I’m pcs1@cornell.edu."

Lieutenant Colonel Robert Sova, Military Science: "I just had a discussion, and I want and would certainly also make a motion to refer back to committee, because there is an anomaly, and it’s the Department of Military Science. Certainly we have the URRC Council, but in our department, our grievance would be to the university if we had a department grievance. How would that be formulated here? So I think that needs to be considered in the language as we go back to it."

Professor Stein: "I accept what you say, and I would be lying if I said that we thought about that . . . or the right way to handle that."

LAUGHTER.

Speaker Howland: "Any further discussion?"

Provost Martin: "I think the response to your comment . . . I think I’m right in saying that the provost’s office acts as the dean for your unit."

Lieutenant Colonel Sova: "Vice-Provost, Walter Cohen."

Provost Martin: "But it’s officially the provost. So you are not only an anomaly, but you’re not a college, so you wouldn’t . . . ."

Lieutenant Colonel Sova: "But we are a department; that goes back to the original question—e.g. what’s a department? And do we have a definition?"

Professor Stein: "I am sure that the Department of Military Science has not made a grievance procedure. Remember this is not—the trustees didn’t have a grievance procedure, they just mandated that every unit have a grievance procedure, and I have seen . . . ."

Lieutenant Colonel Sova: "But we may in the near future. We just had a discussion with the Vice-Provost. That’s why I bring it up."

Provost Martin: "Yes. I mean grievances have been brought against the department by
students, for example. I suppose they have gone through a different part of the university."

Professor Stein: "We certainly will think about that. Thank you for pointing that out."

Lieutenant Colonel Sova: "Thank you."

Speaker Howland: "Further discussion?"

Professor Shiffrin: "Seeing none, I'd like to move to refer this to the committee. The Law School Dean particularly would like the Law School faculty to discuss various aspects of this."

Speaker Howland: "Is there a second to the motion?"

UNKNOWN: "Second."

Speaker Howland: "Any discussion on the motion?"

Professor Terrence Fine: "Is there any understanding as to how long this referral is for? I think this should be for a rather limited time."

Professor Stein: "It depends on what you mean by limited time. I think that when I spoke to Dean Teitelbaum, he said the first meeting this spring which will be the first Wednesday of February. That would mean that it could then be on the Senate agenda in March."

Professor Shiffrin: "Yes. That is we have in the next couple of months a number of very significant issues that can't be delayed. So it would be the first meeting this spring which will be the first Wednesday of February. That would mean that it could then be on the Senate agenda in March."

Professor Stein: "I mean just let me say in response that this is not high on the list of the university's most pressing problems to solve, I think, and we as a committee don't have any strong objections to waiting until that time."

Speaker Howland: "Further discussion on the motion?"

Professor Fine: "Can it be a stated time? Can the motion state a time?"

Speaker Howland: "It can be for a stated time."

Professor Shiffrin: "I then make a motion to postpone this issue until the March meeting."

Speaker Howland: "Is that allowed? Any objections to accepting unanimously? OK. So the motion is to postpone to a particular date."

Professor Shiffrin: "The March meeting of the Senate."

Speaker Howland: "Second to that motion? Do I hear a second?"
UNKNOWN: "Second."

Speaker Howland: "All right, that's the motion. Any discussion on that? Hearing none, all in favor of the motion say 'aye'."

AYE.

Speaker Howland: "Opposed? No opposition. We have no Good and Welfare. That brings us to the end of the meeting. Excuse me, Provost Martin?"

Provost Martin: "I've just run across one other piece of information you might be interested in. The overall average increase for full professors at the university is 7.9%, because that was one of your concerns, I believe, that the increase was not to benefit unduly junior faculty or associate professors at the expense of senior faculty. The increase for full professors across the university is 7.9%.

Speaker Howland: "Thank you for that announcement. We are adjourned."

The meeting adjourned at 5:45 p.m.

Respectfully submitted,

Charles Walcott, Associate Dean and Secretary
Members of the Methodology Committee

Carolyn Ainslie, Vice President, Planning & Budget

Cathy Dove, Associate Dean, MBA Program & Administration, JGSM

Kathleen Gemmell, Director, Planning, Policy & Academic Support, ARTS

Jennifer Gerner, Associate Dean & Professor, Policy Analysis & Management, HUM EC

Michael Kelley, Associate Dean & Professor, Electrical & Computer Engineering, ENGR

Mary Opperman, Vice President, Human Resources

Robert Stewart Smith, Associate Dean & Professor, Labor Economics, ILR

Francine Blau, Consultant
Members of the Faculty Panel

Jennifer Gerner, Professor & Associate Dean, HUM EC

Dorothy Mermin, Professor & former Chair, Department of English, ARTS

Bik-Kwoon Tye, Professor, Molecular Biology & Genetics, CALS

Francille M. Firebaugh, Coordinator & Vice Provost for Land Grant Affairs & Special Assistant to the President
Faculty Salary Equity Variables

GENDER
BACHELORS DEGREE
MASTERS DEGREE
VET DEGREE
YEARS SINCE HIGHEST DEGREE
YEARS SINCE HIGHEST DEGREE SQUARED
YEARS IN RANK
YEARS IN RANK SQUARED
ASSOCIATE PROFESSOR >7 YEARS
PROFESSOR
ASSOCIATE PROFESSOR
ADMINISTRATOR
NAMED PROFESSOR
TENURE
CAME TO CORNELL WITH TENURE
TWELVE MONTH APPOINTMENT

FIELD OF STUDY OR DEPARTMENT AS APPROPRIATE.
Total University
Actual v. Predicted Salary Difference by Gender
Faculty Gender Equity Analysis, November 1, 2000

Institutional Research & Planning
October 10, 2001
Recommendations of the Faculty Panel to the Provost & Deans

• Determine if some greater similarity in faculty policies across colleges could lessen confusion and frustration among faculty about salaries.

• Give continued attention to attracting and retaining outstanding women faculty.
Other Considerations

- Space, equipment
- Committee memberships
- Advising load
- Teaching assignments
- Response to offers
- Recommendations for awards
- General climate
REPORT OF NOMINATIONS & ELECTIONS COMMITTEE
November 14, 2001

University Faculty Library Board
George Boyer, ILR

Faculty Committee to Advise the Provost on All Tenure Decisions (FACTA)
James Jenkins, Engr.

Local Advisory Committee
Martha Haynes, A&S

University Faculty Committee
Timothy Healey, Engr.

ASSEMBLIES

Codes and Judicial Committee
Kevin Clermont, Law

Financial Aid Review Committee
Thomas Hirschl, CALS

Multicultural Issues
Ileen Devault, ILR

Transportation Advisory Committee
Ronald Minor, Vet.

Transportation Hearing and Appeals Board
Richard Ripple, CALS

University Hearing Board
Timothy DeVoogd, A&S
James Gross, ILR
Birgit Speh, A&S
Trustees of Cornell University

42 Trustees
22 Trustee Fellows
Ex officio: 4
Governor (Pataki),
President pro tem of Senate (Bruno)
Speaker of Assembly (Silver)
President of Cornell (Rawlings)
Life: 1 eldest lineal Descendent
    (E. Cornell)
Governor-appointed: 3
Student-elected: 2 (2 yr terms)
    Khary Barnes (02)
    Leslie Barkemeyer (03)
Faculty-elected 2
    Bill Fry (02)
    Peter Stein (04)
Employee-elected 1
    Cindy Tkachuck (04)
Alumni-elected: 8
At-Large: 21 (labor, bus, agr)
Board Committees

• Executive
• Academic Affairs and Campus Life
• Investment
• Audit
• Finance
• Membership
• Land Grant and Statutory College Affairs
• Buildings and Properties
• Alumni Affairs and Development
• Trustee-Community Communications
Selected From Constituencies

University’s interests paramount to all others

≠ representative of the students/faculty

(Dean of the faculty represents faculty, report on the agenda)
Impressions:
Very successful, diverse backgrounds
Remarkable affection/dedication
  (most are alumni)

Devote much time/money/effort to Cornell

Sincere, serious desire for best for Cornell

Students are very important
  (most Trustees were students once)
Faculty are important (less understood)
  (most Trustees have not been faculty)

Roles:
Bring a faculty view to important issues:
• e-Cornell debate
• faculty salaries
• siting of LSTB
• undergrad teaching at Qatar
• additional view on genomics to Finance Committee
• Trustee Accreditation Committee

_ expertise to important issues:
  Dick Schuler – Lake Source Cooling

_ an additional route
  for administration – faculty communication
Reactions:

Important to have faculty representation
Improves understanding (all ways)

Actual time/effort >> Expected

- optimism for Cornell
CAPP Motion Regarding Widespread Consultation on Academic Unit Changes to Name or Degree Designations

6 November 2001

Whereas, academic boundaries are shifting and departments across the University seek to change their focus, their department name, and often the title of their degree to reflect new realities and interests.

Whereas, these moves are often related to the areas of interest of other units in different colleges in ways that may not be apparent to the unit proposing the change.

Therefore, be it resolved that the Faculty Senate requests that the Provost require all academic units (e.g., departments, schools, centers, programs), seeking to change their name or the designation of their degree awarded, to so inform (e.g., via the Deans, Directors, and Department Heads list) the heads of all other academic units, with notice sufficient (e.g., perhaps two months) for timely and informed response prior to the contemplation of final approval for these changes. The unit heads are then requested to inform their faculties of the contemplated actions, elicit discussion if appropriate, and share with the Provost, Dean of Faculty, and College Deans any concerns their units may have about the impact of these contemplated changes.

Adopted by Faculty Senate
11/14/01
Resolution to Modify Appeals and Grievance Procedures

Whereas, there is a need to clarify certain ambiguities in the procedures for appealing negative promotion, tenure and reappointment decisions, and

Whereas, in the smaller schools the existing procedures deny one level of appeal to faculty who are denied tenure, and

Whereas, committees hearing grievances should maintain a degree of distance and independence from the parties to the grievance,

THEREFORE, BE IT RESOLVED THAT the Senate approves the recommendations of the Task Force on Appeals and Grievance Procedures, and asks the Trustees to adopt these recommendations and incorporate them into university procedures accordingly.

Submitted by Task Force on Appeals and Grievance Procedures
11/7/01
Rationale

The task force was asked by Dean Cooke to make recommendations to address a number of small issues that have arisen in the application of the policies for the appeal of negative tenure and reappointment decisions and consideration of academic grievances particularly in the schools and colleges lacking a conventional departmental structures.

If the Senate approves the report of the task force, it must then be adopted by the Board of Trustees before it becomes effective.

Recommendation 1. The ombudsman reports that problems have arisen with the definition of "notice" and "terminal year" in appeals by faculty who have been denied tenure or reappointment. These changes will eliminate existing ambiguities.

Recommendation 2. Faculty who have been denied tenure in the Johnson School, the Hotel School and the Law School do not have the opportunity to have their files reviewed by an ad-hoc committee, as do faculty in the other schools and colleges in the same situation. This recommendation gives faculty in all schools and colleges the same procedural rights in appealing negative tenure decisions.

Recommendation 3. In implementing recommendation 2, it is necessary to establish clear procedures for determining when colleges lacking a departmental structure must appoint such an ad-hoc committee, and who is eligible to serve on it.

Recommendation 4. This recommendation will help ensure that members of a committee hearing a grievance are neutral and unencumbered by a previous obligation to one of the parties. The task force further believes that the culture of small colleges and the close familiarity that faculty have with each makes standing committees inappropriate for hearing grievances.
1. In the documents "Procedures for appealing a decision not to renew a non-tenure appointment", "Procedures for appealing a decision not to conduct a tenure review at the end of the ordinary tenure probation period on the basis of factors other than the candidate's merits", and "Procedures for appealing a negative tenure decision":

In the first sentence of I.A, add the words "in writing" after the word "notified".

In the first paragraph of I.B, add the word "written" before the second occurrence of the word "notification".

In the first paragraph of I.B, remove the footnote on the word "terminal", and insert the following as the second sentence of the paragraph.

"Notice of a terminal appointment must be given in writing to an individual, which allows that individual to serve two full academic terms following receipt of the first written notice of the negative decision. An academic term [i.e., semester] is the period of time beginning two working days before registration and ending on the last day of final exams. For those notified of nonrenewal before the start of the final year of appointment, the final year fulfills the requirement of two terms of notice."

2. In the document "Procedures for appealing a negative tenure decision", delete the entire second paragraph of III.A, which now reads "[Note: In the Graduate School of Management, the Hotel School, and the Law School, III.A. shall not apply.]".

3. In the document "Procedures for appealing a decision not to renew a non-tenure appointment", amend III.A. by adding the text shown below in upper case font. III.A would then read:

A. Review by a Dean's Committee
If the department's (OR THE COLLEGE FACULTY'S IN THE CASE OF THE JOHNSON GRADUATE SCHOOL OF MANAGEMENT, THE HOTEL SCHOOL, AND THE LAW SCHOOL) final decision is negative, the dean shall, at the request of the faculty member, appoint a committee of CORNELL tenured faculty members to review that decision, if the dean has not already done so on his or her own initiative. NO ONE WHO HAS PARTICIPATED IN THE DECISION OR HAS TAKEN A POSITION ON THE REAPPOINTMENT MAY SERVE ON THE COMMITTEE. 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.

4. Recommend to the Trustees the following changes in the document "Guidelines for College-Level Academic Grievance Procedures"

In Part IV.2.e, add the text in upper case font. Part IV.2. would then read in its entirety

2. Committee Organization and Structure:

a. Designation by appointment or election of responsibility for handling grievances to either an existing committee or committees or especially created committee or committees.

b. Adequate notice to all college academicians of such assignment and provisions concerning the assignment.

c. Charge to the committee(s) regarding responsibilities, mandate, discretion, limitations, etc., for the handling of grievances under the established procedures.

d. Adequate representation on the committee(s) of the various components of those with academic appointments by e.g. rank and/or discipline and/or department and/or nature of appointment.

e. Exclusion from participation as a committee member any individual who is a directly affected party to the particular grievance at issue OR WHO HAS TAKEN PART IN THE DECISION WHICH IS BEING GRIEVED.

f. TO MINIMIZE THE POSSIBILITY OF A CONFLICT OF INTEREST ON THE PART OF MEMBERS OF GRIEVANCE COMMITTEES, NEITHER PARTY TO THE DISPUTE MAY SELECT AS A MEMBER OF THE GRIEVANCE COMMITTEE SOMEONE WHO
REPORTS DIRECTLY OR INDIRECTLY TO THAT PARTY. FURTHERMORE, SOMEONE WHO ACTS IN LIEU OF A PARTY MAY NOT SELECT AS A MEMBER OF THE GRIEVANCE COMMITTEE SOMEONE WHO REPORTS DIRECTLY OR INDIRECTLY TO THAT PARTY.

Minutes of Faculty Senate Meeting  
February 13, 2002

Professor Howard Howland, Neurobiology and Behavior and Speaker: “I would like to call the meeting to order. I would like to remind the body that no photos or tape recorders are allowed during the meeting, and I would like to ask speakers to identify themselves and their department when they speak. We don't have any speakers for Good and Welfare today. I would like now to call on Provost Biddy Martin for a report.”

1. REPORT BY PROVOST MARTIN

Provost Biddy Martin: “Good afternoon. I am pleased to be here. It seems as though it has been a long time since we met. That’s actually true. Today I just want to make a few remarks and then actually ask if you have questions that I can answer, which I would be glad to do. First of all, you will have received or you will soon receive a memo from the Financial Policies Committee of the Senate (Appendix 1). It is a memo that outlines the work that Carolyn Ainslie, our head of Planning and Budget, and I have been doing with the Financial Policies Committee. We are extremely pleased about the help we have gotten from the FPC and the cordial relationship that we have developed. They will continue, that is those who are on the FPC, will help us as we pursue the financial policies that are enumerated on this handout. If you have any questions about those, specifically about the faculty salary program or any of the other policies that are listed here, please feel free to ask. I won’t go through them simply because most of you are shaking your heads that you’ve received them and that’s unnecessarily redundant.

Professor Martin Lindau, Applied and Engineering Physics: “I wanted to ask you about the endowment. As I understand it right now, it’s more or less that the money is held and spent centrally, and for the endowed chair this is very different from what is done in other departments at other places. Is there any consideration of changing that, to give those directly to the department so they can do what they want?”

Provost Martin: “Well, there are a number of assumptions embedded in your question that I think are probably not entirely accurate. So we had better take it apart. The university’s endowment itself is held centrally, is that what you are asking?”

Professor Lindau: “Yes.”

Provost Martin: “No, it isn’t actually. That’s one of Cornell’s strengths and its weaknesses. The endowments are not held centrally. I mean we do get a yield from the endowment that comes to the general purpose budget and fuels the general purpose budget, so a certain amount of it gets yielded and is then received centrally, but we have endowments in every college actually, not just the endowed colleges, so the endowment is held in a relatively decentralized manner.”
Professor Lindau: “What I’m talking about is the endowed chair.”

Provost Martin: “Oh, endowed professorships. That’s right. The endowed professorships are pooled, and that funding is held centrally and the salaries are paid from the endowment. Are you asking whether we might start paying salaries directly out of the individual endowments?”

Professor Lindau: “Yes, I am asking if that would be possible.”

Provost Martin: “No. It wouldn’t be a good idea, because many of the endowed professorships don’t actually yield enough money to pay the salaries of the faculty who hold them. Pooling is the way that we are actually able to spread the funding across the different professorships in the way that we need to do. So we would have a bigger salary problem were we to align the endowments with the individual professorships and their salaries. I don’t know if that’s entirely clear.”

Professor Richard Durst, Food Science and Technology, Geneva: “In their memo it indicates that they are supporting the 8% overall salary increase.”

Provost Martin: “That was for this amount here.”

Professor Durst: “OK, and for the future are they still supporting it? I’m curious—with the flat or declining budget, something has to give. And if you are going to give an 8% salary, that’s quite a large sum of money. What is going to be lost in the process?”

Provost Martin: “Can everyone hear the questions? The question was they, by they you mean the Financial Policies Committee, I assume?”

Professor Durst: “No, I mean Cornell University.”

Provost Martin: “OK. The memo was sent by the Financial Policies Committee, which supported the 8% increase that we were able to deliver this past year in faculty salaries. I think the question that Dick Durst is asking is whether or not we are going to continue to be able to raise faculty salaries at that level, given the constraints on our budget. The answer is we don’t yet know at what level we will be able to increase faculty salaries for this next year, but we hope to be—we will continue to be aggressive. Will there be an 8% increase overall in any particular college or across the university? We simply don’t know yet. It will depend on what we and the individual colleges need to do and can afford to do, but are we sticking to our faculty salary goals and an aggressive program? Yes. In short, the 8% number is accurate only for this past year. What the number will be in the individual colleges and for the university as a whole for this next year, we yet don’t know. Will it be aggressive despite budget constraints? Yes. Something has to give. What will it be? Pretty soon my sanity I would think, but aside from that I don’t have a concrete answer for you at the moment. You do know . . . and I didn’t get to these remarks, because you had questions immediately, which I think are more important than my remarks, so I will say this very quickly. You know that we have a workforce-planning group in place to work out long-term strategies for reducing costs at the university, specifically on the administrative staff side. We are hoping to reap
savings adequate to meeting some of our other needs, which, frankly you’re right, we can’t continue to meet while pursuing the aggressive salary program and all the capital projects we have (and need to have) underway without doing something about our costs.”

Professor Douglas Fitchen, Physics: “The faculty salary program is partly a catch-up program to try and bring averages up to peers. Do we have any feedback yet on what peers did last year, whether 8% puts us way out in front?”

Provost Martin: “Well, we don’t yet have the feedback. The survey results will come to us probably sometime in March, and as soon as we get them we will report to the FPC and to the Senate and to the rest of the world whether the news is good or bad. Will we have gained enormous ground? I would doubt it. Will we have been more aggressive on salary improvement than some of our peers? I would expect yes, but whether that will permit us to catch up and make up as much ground as we would like, I just don’t know yet. But as soon as we get some word, we will pass it along. We do feel like we are all in this together, this effort to catch up on faculty salaries, and so whether the news is good or bad, you’ll hear it right away. Any other questions? There were some other hands up. No? No other questions? I don’t think my time is up, is it?”

Speaker Howland: “No, please . . . .”

Provost Martin: “Well, if not, then I would like to give a speech. I would like to just make a few comments about the clinical professor title. I have a strong opinion about it, and my opinion is that we need an additional title at Cornell. Why do we need an additional title at Cornell? This is my own opinion. I have a keen sense of the obvious in saying that, I guess. But why do we need an additional title? For many reasons, which I’m sure you will hear from the people who are bringing this forward; it’s not my initiative, nonetheless I would simply like to express an opinion about it.

“Why do we need additional titles? Because I’m convinced that we need to move away from the pattern, which we have had here historically at this major research university of having peoples’ workload distribution have a quite small research component. I think that it is not appropriate at a top research university to have faculty workload distribution or effort distributed in such a way that research represents a relatively small, sometimes almost minimal portion, of what faculty are expected to do here. What is the solution to that particular problem of having faculty workload distributed in such a way that a very minor part of it at a research university for tenure-track faculty is devoted to research? I think the solution to it is to create an additional title or perhaps more than one additional title. Other universities have them. I think some people hear that this could be a potential slight against tenure or tenured professorships. I think it would actually be a strengthening of the significance and the meaning of the tenure-track professorship, because it will preserve the possibility that research makes up a significant component.

“But there is a humane reason, and that’s the one I want to emphasize, because other people here can give far better explanations for why this title might be useful in specific schools than I can. The humane reason is this. We have a lot of people at this
university in different colleges who are just as qualified, sometimes more qualified, to teach or to do the kinds of technical work that they are doing than those of us who hold tenure-track professorships, and they are in positions, almost across the board, known as lectureships or senior lectureships. These titles don’t at all accurately reflect the level of their expertise, their training, and their skill. This uniformity imposes on our workforce. They are often insulting to the people who hold these titles. They don’t accurately distinguish between those people on our teaching or faculty core who primarily teach courses and don’t do research and don’t have special expertise gathered somewhere other than in research as it’s traditionally understood, but nonetheless gathered in ways that deserve our respect and deserve to be acknowledged in the kinds of titles we award them. It is for that reason that I think it is important to have more accurate titles, to have a different title, like Professor of the Practice or Clinical Professor, to represent accurately what many faculty at this university do that is distinct from what lecturers and senior lecturers do. None being more or less valuable necessarily than the other, but being quite different. For what I am going to call humane reasons, and perhaps I can say for reasons of accuracy in advertising, I hope that we will not permit cynicism about administrators wishing to have titles so that they can decrease the numbers of tenure-track faculty or degrade the significance of a tenure-track position, I hope we won’t let that stand in the way of doing what would be right as a way of acknowledging the forms of expertise and the kinds of work that some of the faculty at this university do.

“As I said in the chairs’ meeting last week, I think we have got enough bright minds here to be able to figure out how we can construct a new title in such a way as not to in any way threaten what the tenure-track professorship means or should mean or how they will be used in the various colleges. So you will forgive me, I hope, if you are sorry that I have expressed an opinion on this subject, but I have lived quite closely with the problems involved in calling everyone who has not got a primary research appointment on a tenure-track line a lecturer. I think we do some of our colleagues a disservice not to create titles that recognize the experience, the training, the expertise and the enormous quality that they bring to their work. Thank you for letting me go on.”

Speaker Howland: “Thank you, Provost Martin. The speaker would now like to call on Dean Cooke for remarks.”

2. REMARKS BY DEAN COOKE

Professor J. Robert Cooke, Dean of the University Faculty: “I just want to call attention to the conversation that is scheduled to occur in this room a week from today, a forum on the topic that we will begin discussion on today. The forum is to give everyone in the university an opportunity to be heard. It will have a few speakers who will present previously prepared remarks, and then will be open for anyone for three minutes, and then you can speak a second time after everyone who wishes to speak has had a chance to do so. I think this is one of the most important conversations that we have had in quite a long time, because it has a lot of implications for how well we function, as well as how we treat people. It has ramifications that are probably not at all obvious to the
bystander, so I hope for us to have a serious and real conversation about an issue of real importance.

"I'm pleased to say that the Faculty Handbook (Judy Bower revised it) is almost ready for distribution. It's not yet bound, but it will be out. We have made a small number of copies this time, because it is 'on demand' printing, so we can make other copies. We have several issues pending that will immediately affect that manuscript. The last one lasted ten or twelve years, so we now can do this on demand and we will add another addition within a year with modifications that we know are in progress. We also have an on-line version coming, a PDF file. That will be on our web site, and you can download it and it is readable in Adobe Acrobat. You simply take the mouse and touch one of these items, and it will take you to that entry or you can turn to the table of contents. Instead of leafing pages, it will turn the pages for you. If you go to the index at the back it will do the same thing. One last thing I'm adding before we release it is that when you click on one of these, there will be a marker on that page so that you can find all of the related entries without flipping back and forth to the index. I hope that will be something useful, and it will make it readily accessible for the whole community. In some of the issues we deal with timeliness is important. For example, if you have a case of academic integrity, you want to see the rules now, not in two or three days when the campus mail reaches you.

"You know already that we have a task force, a second one, on Appeals and Grievances Procedures for the Small Schools. The problem that we are addressing is that in the larger colleges there is a level of review at the department, and the dean has not already been a party to the conversation and has not already taken a position. In the four smaller units in the university, the dean is involved from the get-go. So we are trying to find a way that will remove that level so that persons in those units would still have a level of appeal that the rest of the faculty have.

"We also have just mounted a Task Force on Suspension Policies. The idea is that we have given enormous attention and detail to dismissal of tenured faculty or non-reappointment and so on, but much to my dismay, the rules on suspension, including suspension without pay, seem to have not been thought out. So I am asking a group to look at those rules that we currently have for dismissal and see which ones that pertain to academic freedom ought to be transferred over to cover this other case, because putting someone on suspension without pay for some of us would be tantamount to dismissal. I don't see any serious objection with the university, it is just a hole that has not been filled yet. There's also a Task Force on Academic Integrity Code. Their main task is to bring it before the student body and the faculty, make it more real to us. They may also look at some of the issues that have come into play since some of the technology has changed as far as getting information around. Here are the names of the chairs: Michael Gold and Martha Fineman on the first one, Peter Stein on the second, and Lynne Abel on the third, in the event that you wish to communicate with them before it shows up on the schedule.

"Finally, a couple of notes about things that are also underway. Here are some issues on scheduling that we are trying to address—evening prelims, evening courses, in-class prelims, final exams, and other activities (Appendix 2 - Overheads). We are trying to
look at how the 24-hour day is used by students. A cursory look at the schedule says that 8:00 classes are not that popular and Saturday classes are not that popular, so we are squeezing the effective week, and that puts more pressure to put things at night. The Educational Policy Committee is going to use this data that we gather, and we will share it with you in due course. We are also going to look at some support services for the faculty. This again is trying to look at some issues that were started earlier but have not come to completion. We want to do parallel things that we have done for the courses in getting photographs to the teachers; we want to get photographs for the advisors, because these people see the student less frequently than the instructor, so we think that could have a humanizing dimension.

"We have tried in the past to have a campus-wide database for seminars and other academic events, so that you could file a personal profile that would say that anytime some speaker on campus for next week is speaking on genomics, I would like to know about it this week so I can put it on my schedule. The richness of what’s available here largely goes untouched unless you are really keyed in with a particular group, and given this era of interdisciplinary work, it really is important for us to be able to talk across department boundaries.

"We also want to look at the question of digital distribution of course lists, of matching the course grades in digital submission. Some people, many people, have repeatedly complained about the "mark in the bubble" forms that are time consuming, but more than that, they are also error prone. We will look for something with that. We will also look at the question of e-mail support for enrolled students, so that that can be provided on an institutional basis, so as the drop-add list changes, you don’t have to keep updating your list of people getting e-mail from you. And some other ideas that have come from the forum we had last December 10."

3. APPROVAL OF MINUTES OF THE NOVEMBER 14, 2001 FACULTY SENATE MEETING

Speaker Howland: "The speaker would now like to call for approval of the minutes of the November 14, 2001 Faculty Senate Meeting. Any amendments, changes? Hearing none, I presume we have your unanimous approval. The speaker would now like to call on Associate Dean and Secretary, Charles Walcott, for a Nominations and Elections Committee report."

4. REPORT FROM THE NOMINATIONS AND ELECTIONS COMMITTEE: CHARLES WALCOTT, ASSOCIATE DEAN AND SECRETARY OF THE UNIVERSITY FACULTY

Professor Charles Walcott, Neurobiology and Behavior, Associate Dean and Secretary: "Thank you Mr. Speaker. I have for your consideration, and I think you also got it in
your handout of the meeting, the list of people appointed to various and assorted committees (Appendix 3). While I show you this, I would like to remind you that we are still collecting nominations for faculty elected trustee until this Friday, until tomorrow. We are particularly interested in nominations for the Nominations and Elections Committee; self-nominations are gratefully received. Perhaps as a threat, by being on the committee you avoid being nominated to another committee, so perhaps that would be an incentive. In any event, if you have ideas please let me know, and that is the second of my transparencies and that is my report.”

Speaker Howland: “Thank you, Secretary Walcott. I ask now for... yes, questions. I’m sorry.”

Professor Steven Shiffrin, Law School: “I think we are also looking for self-nominations or other nominations for At-Large members to the Faculty Senate with the same deadline.”

Speaker Howland: “Any other comments? The chair asks for unanimous consent for acceptance of the report. Hearing no objections, it is accepted. Thank you. The chair would now like to call on Professor Elaine Wethington, Human Development and Chair of the University Committee on Human Subjects for a resolution on the composition of the University Committee on Human Subjects.”

5. REOLUTION ON COMPOSITION OF THE UNIVERSITY COMMITTEE ON HUMAN SUBJECTS: PROFESSOR ELAINE WETHINGTON, HUMAN DEVELOPMENT AND CHAIR, UNIVERSITY COMMITTEE ON HUMAN SUBJECTS

Professor Elaine Wethington, Human Development and Chair, University Committee on Human Subjects: “I’m back on one of my increasingly frequent visits to the Faculty Senate. We live in a very fluid environment in regard to federal regulations for human subjects research, and that has made it necessary for me to come back again and ask for revision of faculty legislation that establishes the Committee on Human Subjects. The Office of Human Research Protections in DHHS is the regulatory body over committees on human subjects research, and we have learned that there will be guidelines coming soon requiring that universities, in important ways, change the membership of those committees. Our current legislation dates from 1967 and was written in a very different era of human subjects protection, and it is not flexible enough to respond to a couple of different things.

“Our current legislation allows us to seat only one member of the community on the committee. One of the changes that we anticipate is that we will be asked to increase community representation on our local institutional review board. University legislation also makes it more difficult for us to recruit a sufficient number of experts in health to serve as expert reviewers on various types of proposals that we are seeing in ever increasing numbers, and finally our current legislation proscribes the number of faculty sitting on the committee in a way that will allow us not to be able to add non-
faculty to the committee who may either be community members here in the Ithaca area or areas of expertise in health. The current description of the committee is that it has eighteen members, thirteen to fifteen members (of the university faculty, with one of them being from the faculty of law, two physicians representing the university health services and at least one member not otherwise affiliated with Cornell University. We have asked that this be replaced with “The Committee shall consist of eighteen members, two physicians representing the university health service, a representative from Cornell Environmental Health and Safety, at least two members not otherwise affiliated with Cornell University (those are the community members), and the remainder members of the university faculty, with one being from the faculty of law.”

Speaker Howland: “Thank you. So that is the motion before you. Do we have discussion on it? Yes.”

Professor Tony Simons, Hotel School: “I’m curious, given the increasing workload that is going to be placed on you, why you are not asking that the committee be enlarged?”

Professor Wethington: “That’s a very good question. We enlarged from twelve to eighteen last semester.”

Professor Simons: “OK. It’s already been.”

Professor Wethington: “It has already been done. That is when I discovered that the language was relatively inflexible given what we know is coming in the regulation revisal.”

Speaker Howland: “Additional questions or discussion? Seeing none, I think we are ready for a vote.”

Professor Robert Bland, Operations Research and Industrial Engineering: “I do have one question. There is an implicit lower boundary of at least one faculty member, because there has to be someone from the Law School. There is no expression that the number of faculty has to be any greater than that.”

Professor Wethington: “That’s deliberate. It would take me more than five minutes to explain it, but one of the proposals that is now being floated is that IRBs would have to consist of 50% members from the community, non-university faculty. I don’t think it will go that high, but I wanted flexible language for that reason. We are committed to maintaining a majority faculty presence on the committee, and I think that’s how it will be done.”

Speaker Howland: “Yes, a quick reply and then over here.”

Professor Douglas Gurak, Rural Sociology: “Just a query. Is it intended in the new wording that no more than one representative from the Law School ever be on the committee?”

Professor Wethington: “No, we can have more than one. That’s not intended.”

Professor Gurak: “There should be ‘at least one’, then.”
Professor Wethington: "At least one.' Can we amend that? I'm not sure of the rule here."

Speaker Howland: "Does anybody object? No, then the wording is 'at least one.' Thank you."

Professor Andrew Ramage, History of Art: "I would like to propose an editorial amendment in the third section where 'proscribe' be replaced by 'prescribe.'"

Professor Wethington: "Oh, that would be fine."

Speaker Howland: "Unanimous consent? No objections?"

Professor Wethington: "I'm sold on that one."

Speaker Howland: "Are we now ready for the vote? I think we are. All those in favor of the motion so amended, say 'aye.'" (Appendix 4 - amended resolution.)

"AYE."

Speaker Howland: "Opposed? No opposition. Thank you very much. The speaker would now like to call on Professor Alan Bell, Animal Science and Chair of the Task Force on Professorial Titles for a presentation on the creation of a new, non-tenure track professorial title – Clinical Professor."

6. PRELIMINARY DISCUSSION ON CREATION OF A NEW (NON-TENURE TRACK) PROFESSORIAL TITLE – CLINICAL PROFESSOR: ALAN BELL, PROFESSOR, ANIMAL SCIENCE AND CHAIR, TASK FORCE ON PROFESSORIAL TITLES

Professor Alan Bell, Animal Science and Chair, Task Force on Professorial Titles: "Thank you, Mr. Speaker. I am going to be very brief, extremely brief in fact, because I will yield the floor to two of my task force colleagues who have put in an enormous amount of work over the last sixteen months or so. I just want to get your attention focused on two or three things here. First of all, you should all have received mailings of beautifully color-coded materials. There are three stapled pieces that I want to call your attention to. The first is a brief report from our task force (Appendix 5) that outlines background, the membership, which I think is broadly representative of our community, the charge and our activities. It is by no means an exhaustive report, but I hope you have read it and it does give you some perspective on what we have been up to.

"The second, which is much more specific to the topic we are going to discuss today, is titled 'Proposed Enabling Legislation.' (Appendix 6) It has been pointed out to me that this is perhaps not quite a correct title in that this is not in legislative form; this is more background and rationale for the legislation that may be brought to the Senate, perhaps as early as next month. With that piece, there are two appendices. One is simply a list of currently available academic titles, which was certainly the consideration that we
began with when we started our work back in the fall of 2000. There are two individuals in the group today who can speak with some authority and knowledge of this appendix—Professor Lynne Abel and Professor Don Cooke have a lot of historical knowledge and functional knowledge of this, if there are questions for them. Then the dark yellow piece, the Appendix B, here is central to the discussion we are going to have today and at the faculty forum next week. This is specific to the clinical professor title that the Provost also gave comments on. The third piece (Appendix 7) that was in your mail is not something produced by our task force; it was a discussion piece that was used in the considerations of the Vet College when they were wrestling with the issue of a clinical professor title last fall.

"I remind you that our task force went into hibernation for two or three months, because we were waiting for the Vet School, as a major unit with a specific interest in the clinical professor title, to provide some direction on what faculty sentiment might be. Once the Vet School had considered and voted on this, we felt that we were in a position to bring this to the Senate. Those are the pieces that you have. I'll now call on Professor Abby Cohn who has put much effort into what I am still calling enabling legislation, who will speak to us for perhaps eight or ten minutes, and then Professor Mike Kotlikoff who will provide some background on issues more specific to the title. Then there will be lots of time for general discussion. Some of the other information here in my last overhead has already been represented, but just to get together information about how the task force hopes things will proceed here. We will proceed with our discussion today without vote. The faculty forum has already been arranged for next Wednesday at 4:30 p.m. and there was a notice that the Dean of Faculty had on the board, and, although this is not set in stone, I guess the task force is hoping that a formal resolution can be brought to this body as early as next month’s meeting. I now call on Professor Cohn."

Professor Abigail Cohn, Linguistics and member of the Task Force on Professorial Titles: “The central question that the task force has addressed is, ‘Is Cornell’s set of available academic titles adequate?’ (Cohn overheads - Appendix 8.) We have actually considered a wide range of issues including temporary positions, status of non-tenured faculty positions in general, and the status of faculty close to retirement. These questions will be addressed in the task force’s final report. What we want to focus on today is the specific question of long-term, non-tenure track appointments. These are term appointments that meet specific functions, and these are renewable without restriction. This is a slightly rearranged version of Appendix A. What I have done is put the tenured and tenure track titles together and the temporary titles down at the bottom. The question we are really asking is, ‘Is this set of long-term, non-tenure track appointments adequate?’ Academic titles at Cornell are approved by the Board of Trustees, and any proposed additions to this must be approved by the trustees. However, this is an academic matter and not an administrative one, and that’s why we have this task force.

“There are two areas of inequity that we discussed at great length within the task force, and the first is within the clinical sphere. These are individuals carrying out essential teaching and service functions in a clinical setting. These are found primarily in professional colleges, and these individuals are typically in lecturer or senior lecturer
positions. The second sphere is the research sphere where there are individuals carrying out certain research functions usually on soft money, primarily in the laboratory sciences. These individuals are typically in research associate or senior research associate positions. Both of these categories are positions that are largely single function and do not include the full range of teaching, research, extension and service associated with tenure-track professorial lines. In fact, we find that the current set of available titles is not sufficient.

"There are a number of problems. I might mention that Biddy has spoken to some of these problems in her remarks. The guidelines for hiring and promotion of individuals in these positions do not fit well with the actual duties and responsibilities of these individuals. Many aspects of the employment of these individuals serving these functions are ad hoc, leaving both the individuals and the institution vulnerable. Cornell finds itself at a serious competitive disadvantage in trying to attract and retain the most qualified individuals. Our strongest peer institutions make use of a richer array of job categories, and finally, individuals in these roles at Cornell find themselves at a disadvantage when competing for external funding resources.

"We would like to suggest that what is needed are appropriate career paths that have the potential to be long-term and include clear guidelines for hiring and promotion, as well as grievance procedures. It is crucial to define these positions with appropriate rights and responsibilities as well as respect for those individuals who play an integral role in the academic endeavors at Cornell, but who find that they do not fit in the canonical tenure track categories. Appropriate new titles and corresponding policies and procedures would address the problems that we have outlined above. In the proposal that we are presenting today, we are actually addressing only the clinical sphere. The crux of the proposal is that this should be on a college by college basis. These issues are much more pressing in some colleges than others. So we believe that an across-the-board enrichment of professorial titles would not be the most effective solution. Rather we suggest offering the option of introducing a limited set of new professorial non-tenure track titles for the clinical sphere on a college-by-college basis. The proposed legislation would not dictate the availability of these titles but rather enable individual colleges to develop proposals meeting the set proposal guidelines for use of these titles within a particular college. In particular, we are proposing the titles clinical professor, associate clinical professor and assistant clinical professor.

"If the proposed enabling legislation is supported by the Faculty Senate, the steps involved would be as follows. A college would develop a proposal for the creation and use of the title clinical professor, which would be presented to the full tenure track faculty of that college. If the proposal is supported by the majority of the tenure track faculty voting by ballot, the college would consult the appropriate Faculty Senate committee to be sure the proposal fits the proposal guidelines and then submit the proposal to the Provost for consideration. What we are now presenting to the Senate is at least the concept of the enabling legislation, that if approved by the Faculty Senate and subsequently by the Provost and the Board of Trustees would allow implementation of the titles clinical professor at the assistant, associate and full ranks on
a college-by-college basis, and a specific proposal approved by the majority of tenure track faculty of the Vet College to implement this set of titles. We present these two in tandem since if the Faculty Senate was asked to approve the general approach and enabling legislation but without a substantive proposal from a specific college, there is no compelling motivation for the Senate to endorse such legislation. For this reason the task force has worked in parallel with the Veterinary College where such a proposal was already in an incipient stage when the task force was constituted. I should mention as well that the Law School has begun to consider this question but does not yet have a formal proposal. The task force endorses the Veterinary College’s proposal for implementing these titles. More generally, we endorse the selective expansion of current academic titles to include the use of these titles by specific colleges when so approved by their faculty and conforming to the general guidelines of these positions. The question that we would like to bring to you then is, ‘Should this legislation be enabled?’

Professor Michael Kotlikoff, Biomedical Sciences and member of the Task Force on Professorial Titles: “I’m here on the part of the Veterinary College and also on the part of the task force, and my task is made easier by the comments of Provost Martin and Professor Cohn. (Kotlikoff overheads - Appendix 9.) Let me start by summarizing quickly the process that we have gone through in the Veterinary College and reported on this to the Senate about six months ago. A committee from the Veterinary College developed a proposal for a clinical professorial track. That committee met for about two years. At the end of that, they brought forward a proposal that was also in sequence with a proposal that came out of the task force. We took that proposal to every department in the Veterinary College and met with the faculty of every department. We also met with the General Committee faculty and modified the proposal based on comments by both the faculty in the departments and comments in the General Committee meeting. We then considered the proposal at a faculty meeting and decided on rules or guidelines by which we would consider this proposal. That is we decided, for example, that we wouldn’t have just a faculty meeting and then vote on it, but that we would that we send out a ballot and have all tenure track faculty vote on this proposal. We also decided we would have two college town meetings, and we did have two town meetings. Then we had yet another faculty meeting where we discussed the proposal prior to a vote. So there was ample opportunity for all of us, including me, to be multiply redundant. At the end of that time, the Veterinary faculty voted 52 in favor and 30 opposed to this proposal, with one abstaining.

"Let me just briefly outline the problems that we see, and these have been outlined, so I’ll go very quickly. First, the competitiveness. Apparently nineteen out of twenty-six veterinary colleges have a clinical track, and we are in the constant situation of recruiting faculty to come to Cornell where they have been offered positions as professor or associate professor or assistant professor at another veterinary college, and we are offering them the title of lecturer. So we are at a distinct competitive disadvantage, and I believe over time we will not get the best individuals that we are seeking. Secondly, fairness, which was brought up by the Provost and Professor Cohn, I would make two points. First, we have individuals in tenure track lines that have substantial clinical responsibilities far in excess of the 50% guideline that the Provost has talked about for research that would be a target as a minimum for a great research
university. Those people are competitively disadvantaged at time of tenure. Secondy,
we have individuals who substantially contribute to the reputation and professionalism
of the college. Those individuals really have a passion for clinical work and teaching,
and they really support the mission of the college. Those people, I would assert, are
treated unfairly in the sense that they know that they could be titled otherwise, a
professor, at another institution and they are not at that title at Cornell. Thirdly, I
would just point out two facts of life. One is that medicine has expanded dramatically
over the last two decades. This has resulted in the creation of areas in medicine that
didn’t exist before. That has required new faculty and expansion of our faculty. At the
same time we have a fixed amount of tenure lines. So what can we do? We can take
lines from another part of the college. That would weaken another part of the college,
and I would argue would not be the solution to this problem. The suggestion is to
increase flexibility and not try to fulfill that need through a cadre of lecturers or senior
lecturers who should be otherwise titled.

"Going very quickly, two more overheads. The Veterinary College has had a vigorous
and extensive debate about this matter. Many faculty that I respect and admire have
argued passionately in opposition to it. Those individuals have brought up many
points, but those arguments have not been compelling to the veterinary faculty. I
would therefore suggest that the relevant issue for the Faculty Senate be not whether
this is a good thing for the Veterinary College but rather whether the Veterinary College
should be so enabled to do what it has decided it should do. Or stated another way,
whether such a proposal or title in some way violates the core principles of the
university. Lastly, I would argue that the current range of titles may not serve the best
interests of all the colleges at Cornell. These colleges may determine an expansion of
professorial titles to include non-tenure clinical professors would enhance their
competitiveness and would be fairer. The proposal does not undermine fundamental
principles of the university. I would argue, thirdly, as the Provost said that in fact the
proposal will result in more consistent policies relative to tenure at Cornell."

Speaker Howland: “Thank you, Professor Kotlikoff. The topic is now open for
discussion, and the committee is particularly interested in receiving feedback on this
particular issue of clinical professors. I see several hands. We’ll go across here.”

Professor Christine Ranney, Applied Economics and Management: “Do other
universities that use these positions, are they all non-tenure track positions at the other
universities?”

Professor Kotlikoff: “The nineteen out of twenty-six that I mentioned are all non-tenure
track.”

Professor Stephen Vavasis, Computer Science: “The proposal right now seems to be
sort of limited to veterinary medicine. Most other departments don’t have clinical
positions. I’m wondering about the other part of the proposal. The research
professorship would have it seems a much broader impact, and why is that not part of
the current proposal? Will it be part of a proposal coming up very shortly?”
Professor Bell: “We have considered the research title at some length, and at one point we had hoped that the proposal, there was also considerable interest in this title in the Vet College, that the clinical and research titles might be considered in tandem. People in the Vet College can say very well why that didn’t come to pass. It was a sufficient challenge I think to consider this first clinical title. However, I guess in the expectation that our task force work is not yet done, we expect that if this particular proposal has legs, then we will turn to the research proposal. I agree with you that it does have broader applications. I should also point out that there is interest outside the Vet School in the clinical title. The Law School has already begun at least to consider this particular title. Whether it would be called clinical professor or professor of the practice or something similar, I don’t know, but the concept at least has interest for that school and I think a couple of other units have also expressed interest.”

Professor Bud Tennant, Clinical Sciences: “I just want to point out that the schools that have these non-tenure track titles, they don’t all use ‘professor.’

The University of Minnesota that has more than half their faculty in non-tenure positions, at least the Small Animal Medicine and Surgery Department has less than half of their faculty as tenured faculty. They use a specialist title; you’re an assistant specialist. And professor, which is really one of the key issues as far as I’m concerned, is unrelated. Our peer institutions, the University of California, as I understand, have three of these people out of a faculty that exceeds 150.

Professor Manfred Lindau, Applied Physics: “I would like to get a clarification regarding the research aspect of this. As I understand it, this is intended to be something which has been discussed in the Vet School, in particular for those individuals who are strongly involved in clinical work. I understand this means primarily dealing with patients. On the other hand, there is this aspect of research, talking about those who at present have other sorts of titles and work mostly on soft money and so on. I’m not exactly sure how important it would be to have those people in a group where you offer a non-tenure track sort of option. I think the idea is probably that you have faculty members who do a lot of research and a little teaching, and much of this is on soft money, and it would compare with what happens a great deal in the medical schools. Those colleagues would usually, or in many cases (all I know) would be in tenure track positions. Would that be excluded in this way, and I would like to hear about it?”

Professor Kotlikoff: “Sure, I would be glad to respond. The first thing is that the issues were different enough. Both issues were brought before the Veterinary College, but the issues were different enough that we felt that we ought to deal with them separately. So the clinical issue was of most immediate import, and that was brought forward. The point that you raised about research professors - there are at Weill Medical College non-tenure research faculty. Those are faculty that are on soft money; they are primarily single function; they are primarily research, and they are non-tenure track. There are also, I’m sure as you point out, tenure track faculty that do mainly research and don’t do too much teaching. The feeling was that these issues are separate enough that they should really have separate Faculty Senate consideration. That is, the Faculty Senate might decide that clinical professors are something that they feel should be enabled;
they might feel that research professors are also something, but they may not feel that both should be enabled at Cornell.”

Professor Lindau: “So this title is not intended for research professors at the Vet School, because that’s what it sounded like.”

Professor Kotlikoff: “Not at all.”

Professor Tony Simons, Hotel School: “I come at this with some ambivalence. I understand my school is quite interested, or at least the Dean has told me that they are very interested in the titles. At the same time I’m hearing concerns from faculty. There are concerns about diminution of intellectual capital. There are concerns about what is the professionalism requirement of that position. Are we going to start hiring a manager, someone who was a general manager of a hotel and say, ‘OK, we’re now going to call you a ‘professor?’ If that’s the case, some people are worried that it makes the word professor not mean very much any more. I just wanted to throw that out. What has been the thinking in terms of professionalism requirements of someone who is going to be called a professor?”

Speaker Howland: “Is anyone ready to respond? Professor Kotlikoff?”

Professor Kotlikoff: “Yes, we spent a lot of time thinking about those issues, and felt that the current notion of the proposal is an improvement in that regard, in the sense that we outline guidelines in this proposal for national and international searches for these positions, departmental approval for these positions, guidelines for promotion for these positions to associate level, etc. So all of those things that are meant to provide the quality control that would I think address some of the concerns that you are raising, I would point out that currently none of those seem to be—well, I shouldn’t say none of those, but the way the current titles are handled are very diverse across colleges.”

Professor Joseph Hotchkiss, Food Science: “I’ve heard a similar discussion at other universities and read of that. In part eventually that discussion gets around to concern that their administration, certainly not ours, their administration might use this as a way to bring in a different kind of person who would have many of the responsibilities that normally you might dedicate to a tenure track line, therefore as a way of really diluting or decreasing the tenure track lines and bringing in people to do similar jobs in non-tenure track lines. I’m wondering if the committee discussed this concern. Administrations change, and a new administration might not be so willing to support the tenure track system. In essence move this slowly. What safeguards are in your proposal to assure that this kind of movement not happen?”

Professor Cohn: “There are a number of very important issues that you have raised, many of which we have discussed at length. The assumption that we have been working with is that there is indeed a cap on the number of tenure track lines at Cornell. We have been told that by the President and other members of the central administration. We understand implicitly that there is no intention in reducing that number of lines, but of course we have no guarantees, and whether or not we pursue this particular path, we have no guarantees in that regard. In fact, when we started to look at these problems closely, it turns out that in many cases what is more at issue is
not the risk of diluting the tenure and tenure track faculty, but really addressing how we treat the existing quite large cadre of non-tenure track personnel at Cornell who serve very important academic roles. While there are no guarantees with respect to the first point, we really do feel that this issue is much more about the second point, which is supporting and regularizing the individuals who are already in the non-tenure track roles. In addition, each college that chooses to pursue developing a proposal has to establish for themselves the guidelines under which these positions would hold. In the Vet proposal for example there is a cap—is it twenty-five percent?"

Professor Kotlikoff: “Twenty-five percent of tenured faculty.”

Professor Cohn: “...in any given department, which particularly in the case of the Clinical Department is going to greatly restrict how extensively that title is used. With individual colleges putting those kinds of safeguards and controls in place, there would at least be a mechanism by which there shouldn’t be wholesale shifts. Of course there are no guarantees.”

Professor Richard Durst, Food Science and Technology, Geneva: “I apologize for yelling so loudly with people sitting right in front of me. Well, first of all, I am fully supportive of this enabling legislation, based on what I read in the documents and what I heard today. However Professor Kotlikoff indicated that there were fairly large number of faculty in the Veterinary College who had arguments against this legislation, but these were not compelling. I think to give a balanced picture, I would like to hear some of the concerns that this faculty had.”

Professor Bell: “Could I just make a comment? Yes, we would like to hear, and I know there are voices in this room who I’m sure will be heard. I also should comment that we are structuring the faculty forum next week to include some balance in this consideration. Of course once the invited speakers get their pieces said quickly, there will be plenty of time for all voices.”

Professor Steven Shiffrin, Law School: “The Law School met last week. It was the general sense of the faculty that they wished to support the enabling legislation. I just want to say a word about what clinical professors do as opposed to tenure and tenure track faculty. The clinical professors in the Law School are attorneys of record in cases in which students help represent the clients, and they teach the students how to represent the clients. I would say that the overwhelming majority of tenure and tenure track faculty in the Law School would be utterly incompetent to do that, simply because my colleagues, with some very conspicuous exceptions, would be very good at writing briefs in appellate courts but would be terrified at the prospect of representing a live client from the beginning and just don’t have the experience. They have been hired after a couple of years out of law school. They were hired on the theory that they could write and that they could teach, and many of them can, but the clinical faculty have skills that the tenured and tenure track faculty do not. They are called lecturers. They don’t lecture. It is an utterly inappropriate title."
"Having said that, I am interested in the arguments in the Vet School that were opposed to this proposal. In the Law School I am quite confident that if the proposal were changed, it would be an exercise in humanity not an attempt to expand non-tenured faculty at the expense of tenured faculty and so forth. At the moment I'm agnostic on the Vet School, but I suspect I am going to favor it. However I would like to know—were the arguments against this proposal, 'This deems the... I am a professor, and I don't want somebody else to be called a professor?' And my answer to that is, 'Why don't you write some good books, and then you'll get dignity.' If the claim was that somehow this is working to the disadvantage of the very people that are claimed to be helped, then I would like to hear those arguments."

Speaker Howland: "That is the second appeal that we have had for that. Is there anybody from the Veterinary College who hasn't spoken before who wishes to speak?"

Professor Robin Gleed, Clinical Sciences: "There have been several arguments against this proposal in my department. Most of them seem to focus around the issue of tenure. I think there is no question that this proposal provides a mechanism whereby the university can expand its academic core without addressing tenure. I hope that the discussion today and the discussion next week will focus a little bit on that context, whether expansion of the academic core without tenure is good or bad."

Professor Alice Pell, Animal Science: "Did the task force actually speak to the people who are currently in the senior research associate positions or the inappropriate lectureship positions to ask what their reactions to these title changes were? My experience is that they are mightily unhappy with their current titles."

Professor Bell: "Not directly. We do have one senior lecturer on the task force but not from the Vet College. He is from Arts and Sciences. One of the early considerations of the task force was the situation of folks in these positions. I think we will be considering that issue later and separately. But it is a significant issue, a campus-wide issue. In the Vet School itself I'm not quite sure how this was addressed, if at all."

Professor Kotlikoff: "Well, I can answer briefly. I have spoken to such individuals and tried to recruit individuals, and my own impression is that the culture of the young people coming in is such that they are more interested in an appropriate job description that allows them to do what they want to do, than whether they have tenure or not. That would be point one. The second is that they very well know that they could go someplace else and be a professor, and that Cornell is telling them they are not."

Professor Richard Baer, Natural Resources: "The equity thing of having titles that fit the seriousness of the work and the ability and so on makes sense. I'm a little more concerned about why society wants tenure. It seems to me the major argument we can defend is academic freedom that you have a certain ability to say what you think without pressure from colleagues or the administration to do otherwise. It seems to me that varies a great deal with disciplines. In some ways I think you could argue there is probably much less need for that in math or certain areas of physics or chemistry, say, than in political science and philosophy and areas like that. I'm concerned about - do we want a sizable amount of the teaching and or research in controversial areas done by individuals who do not have the protection of academic freedom? This is an age of
political correctness, and I don’t like the thought that a lot of faculty in some of the departments where there is a lot of controversy and a lot of conflict over ideology will not be protected in what they say. We have that now, so this doesn’t make us any worse off, but I think in that sense; the issue is really, really important in terms of the nature of a university in a free society. We really value academic freedom very, very highly, and in certain areas of research, in certain areas of teaching it’s unusually important. I’m uneasy having too many current instructors without tenure, and if that somehow gets institutionalized with a professor title that they still don’t have that protection. I think we ought to think very, very carefully about doing that. The other part about equity and treating people fairly for similar work, I think is very, very persuasive. I would support it there, but the academic freedom component of it, which I think is almost the only persuasive argument we have for tenure, we ought to think pretty carefully about that.”

Professor Ronald Booker, Neurobiology and Behavior: “I think that’s a consideration, a serious one, a concern of mine in terms of academic freedom that derives from the tenure system. It gives you a certain degree of protection, but we actually have a fairly large number of individuals that are already in a position of teaching and doing research, but they are not on the tenure track. So what we need to do is address the situation of those individuals. In a sense de facto, although I have heard people argue against it, de facto we are already doing the very thing that everyone is speaking against, except we sort of lie to ourselves and say, ‘Well, because we don’t use the term professor, we are covered.’ I don’t think that’s fair to those individuals. I think that’s the real problem that we need to address. We need to be honest about what we are doing in this particular case, and I don’t think it’s honest to say that the term professor is somehow protected, and we’ll deal with these people some other way. Lecturers, senior research associates, senior extension associates, we need to be fair to those individuals.

“To be honest, I’m a little bit disappointed that the committee in actually putting together this package didn’t really involve those individuals in that effort. Now, I would hope that in the faculty forum that is held next week that an effort is made to make sure there is fair representation of those individuals on the panel, so we can actually find out how they feel, because in a way I think Provost Martin is correct. This is about how they feel, their perceptions of what we think the role they play in this community is, and we need to make sure that they are treated fairly. We have considerations to make in terms of academic freedom. Tenure is a really nice system, but we also have to think about a manpower issue and how the individuals that are employed by this university—how are they treated and is that treatment fair?

“It’s a complicated issue, which means that we have to do some self-policing here. That, in the long run, will always be the case. Now the fact that the administration at some point wants to try to take advantage of this situation in some way, as some people have said, to try to manipulate it so that they can actually reduce the number of faculty FTE’s that we are using, the tenure track for non-tenure track, it’s our responsibility to make sure that that doesn’t happen. We cannot be asleep at the wheel on this.
"I favor this. I'm also disappointed that we don't have the research professor position being considered in this case, because I think in this particular case I feel as though this is just something to satisfy the needs of the Vet College. If we are really concerned about individuals in the workplace, then we can't try to structure our legislation to only handle subsets of that employee base. We need to be fair to everyone, and I can't see most colleges taking advantage of the title; it's restricted because of the phrase 'clinical.' If it is possible, I would like us to try to debate the full issue of the range of titles we need to have, and it's going to be hard. I mean, I know partly it's probably because there is some fear that individuals might try to block it for the Vet College, but I think this is something that the university needs to address, openly and fairly, being honest about it."

Professor Kay Obendorf, Textile and Apparel: "We've talked a lot about clinical and professor of the practice and research professor. I want to know what is the consideration for the extension/outreach mission of the university, the extension associates the senior extension associates?"

Professor Bell: "That has been discussed, but not explicitly addressed by the task force. I applaud the comments that were made here a moment ago. I think all I can say is that (this isn't completely addressing your question, Kay) the task force found as we wrestled with so many different particular issues here that the only way we could make progress was to do one thing at a time. We recognize that we will, I think, have to address all of the issues that have been raised here in the last few minutes."

Professor Obendorf: "I think that this is very encompassing, so I hope that we can address that in the forum."

Professor Bell: "I think there is a danger that if we broaden this too much, next week for example, that it will be very easy to get this thing sidetracked."

Professor Risa Lieberwitz, Industrial and Labor Relations: "It seems to me that we are talking about two separate issues at some level. First, we have heard, as we all know, against the background nationally that there has been an erosion of tenure track lines, and that has come from the administrations at different universities. I don't think it's being cynical to recognize that that is the national background that we are looking at and to have concerns for that, because of the issues of academic freedom. That's our background, but then we have the current situation being raised that I think is very important in terms of dealing with employees who are currently employed here in positions which do not recognize, either through their titles or the rights that they are given, the actual work that they do and the kind of recognition that is deserved. I think everybody seems to agree that that should be addressed. The question is how to address it.

"I would endorse the sentiments that I have heard from some people here today, that one way to address it would be to increase the scope of tenure track lines and to give tenure to people who do clinical work, recognizing that as the position of professor with all of the bundle of rights that include tenure and full academic freedom and full job security that go along with it, rather than saying somehow certain types of professors
deserve tenure and academic freedom and the job security that go with it, but other types, those clinical types, don’t deserve that. Well, I would go just the full way and say, ‘Look, let’s just expand tenure to everybody in the position of professor.’ If you get the title, you should get the tenure too. So that’s one issue that we have to deal with—those who are currently in those jobs.

“But then the issue that’s raised by the Vet School proposal seems to me to be different, because as we heard Professor Gleed from the Vet School say (I thought I heard you say) that in fact some of the concerns had to do with the fact that this would grow the academic positions, which have been tenure track to be non-tenure track positions. If you read the Vet School proposal, I think it’s quite clear from reading that and what I’m hearing that this is to add a new layer of non-tenure track positions in the Vet School. That seems to me to raise all of the questions that have already been raised which is why not, instead of growing those positions as non-tenure track positions in the clinical practice, why not have them get the promotion process that looks like tenure? Have academic freedom fully connected to a tenure position. In fact, have clinical tenured positions if you need them, rather than making them second-class positions. Who is going to hold those second class positions at this new layer? I’m afraid it will probably be primarily women in these jobs. In fact, I have seen some statistics, which I’m sure you people have seen, at the University of Pennsylvania where when they added a new layer of clinical non-tenure track positions, it was overwhelmingly held by women, I think sixty some percent. So it seems to me that’s a real issue of adding yet another layer of non-tenure track jobs and we should I think oppose that and at the same time address the issue of under evaluation of people who currently hold instructor or lecturer positions.”

Professor Terrence Fine, Electrical and Computer Engineering: “I have a great deal of difficulty with this proposal, as you might have expected Provost.”

Provost Martin: “I didn’t actually.”

LAUGHTER.

Professor Fine: “I sense almost a sea change here, because there is a huge whale under the surface, which is about to breach on us. I think the tenure thing is a very important issue and the impact of this on tenure. I don’t hold the title of professor lightly, not at all. But I don’t even think that that’s the major thing. I think there is an issue here about tenure. I have been reading Frank Rhodes’ book on The Creation of the Future and realize that tenure is not secure and well in the United States of America. There is a management view, which says it increases flexibility if you don’t have all these long-term commitments. What we have here is a little like something I heard recently, Amos Oz was speaking about tragedy as being good versus good. It’s very simple when it’s good versus bad, but we’ve got good versus good here. We have people taking a position which says that maybe something needs to be done for a class of people who have been teaching and doing research in the university, that their situation needs improving. But somehow I would like to see a very strong wall built between doing that and doing damage to the other side. All right? Doing damage to the tenure system, doing damage to our ability to hire tenure faculty that is the core of the university, not these peripheral things. It’s the multi-function appointments.
“Now, in fact I’m not even at all clear—in this proposal, whereas on one page they talk about largely single function, in the actual Vet School proposal, depending on how you read it, they are talking about people doing clinical research, teaching or administrative activities. Basically, this sounds like a multi-function appointment. On a very small scale, I’m surprised that anybody would want to do this by a majority vote. Is this an issue that is so mundane, so everyday, that you just decide it by a majority vote? It seems to me that this is something a lot more like changing your by-laws or your constitution. If you are going to make a change in a college about how you construe faculty, how you construe professors, what you do with your resources, where you spend them, you don’t spend them on tenure lines, you spend them on all these rolling tenure lines, then I think that ought to be decided by more than a simple majority. In fact, I notice, I would have said two thirds, except that may seem maybe in some sense self-serving for my argument, because it would have failed in the Vet School if you had had to have two thirds. I’m mostly curious whether there are only 83 tenure track faculty in the Vet School. Was that a complete vote?”

Professor Kotlikoff: “There were 115 eligible faculty.”

Professor Fine: “OK. So we are not even talking about a majority of the tenure track faculty, but everyone that was sent a ballot. So let me then call attention to the fact that they talked about the majority of those voting. You can have a rather strange thing here, it seems to me, to decide to change very much how you do business on the basis of the majority of those voting. I would much rather see two thirds, a much higher threshold to make a change as important as this. If the Law School is of as like a mind as has been indicated to us, no problem, you will have your two thirds. All right? This is not a minor matter, just a sort of little procedural thing you do by majority vote.

“I think this is a step in two directions at once, trying to do something that is right for a group of people but something that has implications that are very wrong to the very heart of this university. I would like to see somehow, in the time before this comes to the floor, a much stronger wall built between these two functions; that you don’t impair the critical function of the university carried out by the tenured faculty, by some device like this being run by majority rules. You’ll notice that at the moment you need the trustees to approve this. Once you have done this by majority vote in any college, you can get anywhere you want. To this point it’s considered to be a very significant move, we can’t sit here and decide that, we need the trustees to do that. Once you have done that, no, it’s completely just ordinary business. I think that is completely wrong.”

Professor Stephen Barr, Clinical Sciences: “The proposal that is appended here as being the proposal that was voted on by the Veterinary College, I would ask this body look very closely at that proposal. Now, I personally voted against it, because I think if you look at what the Veterinary College actually voted for, or against, you will find that it contains a considerable research, albeit scholarship, component. I would ask this body to look very carefully - if you are going to make a decision and sort of isolate the Vet School and say, ‘It’s fine. If they want it, they can go ahead and do it.’ But on the basis of not even twenty votes out of the college, you need to make sure that what they were voting on was the correct proposal. So I would ask you, this body, in fact the whole
faculty of this university, to be given a draft, Draft Nine as it is called at the Vet School.”

Speaker Howland: “This may be just a point of order, but Professor Kotlikoff?”

Professor Kotlikoff: “I’m frankly confused, Steve. I think that the appendix here, unless there was some secretarial computational mistake, was the proposal that we voted on in the faculty meeting. It was the last proposal that was presented; it was modified based on comments from the faculty at our meetings, and I believe that that was the last draft that we voted on at the Veterinary College Faculty.”

Professor Shriffrin: “I have a point to make and a question. First, the point I would make is I did not represent that the Law School was going to pass a similar proposal by some unanimous vote. What I did represent was that the Law School supports, that it was the sense of the faculty to support, enabling legislation to allow us to consider the question. I would never predict what my colleagues would do. The question I would like to ask is this - I’m sure that there is a reason, and I could even give you the answer that I would like to hear, for having colleges decide independently what they are doing and then have it sent to a committee and then Provost, as opposed to adding this title to the list of titles, and I’m curious as to why you did that. One possibility, the answer I would like to hear, is that the Provost, in examining such proposals, will be looking to make sure that this is not a matter of exploitation, of adding a whole lot of untenured faculty at the expense of tenured faculty with disadvantages. I don’t know what your thinking was, and I’d like to.”

Professor Steven Beer, Plant Pathology: “I just wonder whether the task force considered in their deliberations whether or not tenure should be attached to the newly proposed position. Even if they did or did not, is it crystal clear in the collective mind of the task force, what the criteria are or should be that separate a tenured position from a non-tenured position?”

Professor Bell: “I think the Provost spoke eloquently to part of this. We considered multi-functionality. We considered a major research component as being necessary for a tenured faculty position, and yes, we did discuss the first issue you commented on, in the sense that much of our discussion was predicated on the belief that the number of tenure track positions in this institution are capped.”

Professor Lindau: “On this same issue, maybe I’m repeating a question in a different manner. Multi-functionality is probably also associated with these positions since if we call them professor positions, I assume there is some minimal teaching obligation associated with it. So could you more clearly define why these particular positions would not be suitable for offering tenure track?”

Professor Kotlikoff: “Let me answer two questions, yours and the other hanging question. The first is that these positions are predominantly clinical or teaching/clinical, so they are appointments that far extend beyond the guidelines of a 50% research component to an appointment. So that in itself makes them substantially different, and in the absence of making a different track it seems to me what it does is it changes tenure as some have suggested here we ought to do. But it certainly puts a
pressure on what you consider tenure at the time of that evaluation. The other hanging question that I would respond to is that the task force considered that one, that what is the solution for every culture might not be a solution for other cultures, so it might not be appropriate for us to impose on the university (on other colleges) a title that they may or may not want. This was represented by some of the members of the task force that said, 'Look this works fine in our context. Everybody understands it; it works fine. It's not a competitive problem; it's not any kind of problem.' However, we did put in—it is not something that anything goes once this is passed. Once the title is enabled, it allows the separate colleges under the guidelines in the proposal to develop a full proposal that is considered by a committee of the Faculty Senate that decides, 'Does it conform with this enabling legislation?' And, then it is considered by the Provost.'

Speaker Howland: "We are down to about three minutes. Yes, in the back."

Professor Michael Shapiro, Communication: "Like a lot of people here, I find myself with several minds on this, but I also find myself very nervous about adding large numbers of non-tenured people. I would just like to point out that this may very well be an opportunity for us to enhance what we feel about teaching and enhance teaching by forcing us to define much more clearly what excellence in clinical practice and excellence in teaching and scholarship in those areas means on the road to getting tenure in those situations."

Professor Tennant: "I appreciate all the active discussion on this subject. I did not have any difficulty understanding what side of the fence Provost Martin is on on this issue. I hope none of you will leave here wondering where I stand. It's pretty much the reciprocal of the position taken by the task force and the administration. I have objections that are objections in fact.

"It has been said that these titles exist at the Medical School, but nothing else about the way those titles are used there. The Medical School has five or six tracks—tenure track lines. All assistant professors are appointed with tenure track. After a six-year probation, some go on and have tenure and some go into one of these several other tracks, including the tracks where the title is clinical professor, clinical associate professor or clinical assistant professor. When those titles are used, the people are almost all volunteers. They almost all have their own private practices and the idea that these titles are used . . . . For example, in this proposal it says, 'Stanford University, Harvard University have these titles and use them as we would use them.' The clinical assistant professors and clinical associate professors at Stanford, again, are almost all voluntary people that volunteer, work in hospital, and do teaching but have their private income. I'm not sure about all of Harvard, but certainly at Massachusetts General Hospital that is the case as well.

"The introduction and background justification for this says, 'The College of Veterinary Medicine at Cornell University has a tradition and reputation of producing world-leading clinicians and clinical educators. Our recent emphasis on bench laboratory research . . . ' (I'm not sure what laboratory would be without a bench.) ' . . . is seen as discouraging the development, recruitment or retention of leading clinicians of the future.' The idea that research, somehow, in the Veterinary College (bench research)
discourages the development of clinically qualified faculty members doesn’t make any sense to me. If anything, it ought to improve the likelihood that these distinguished people would want to come here. But, I would like to ask that if I just change this phrase and I say, ‘Our recent emphasis on legal scholarship is seen as discouraging the development and recruitment and retention of leading attorneys,’ what would the Law School think about that? If the same thing were said for engineers doing research, would this discourage the development of leading engineers? I don’t think it would, and I don’t think . . . I have practiced veterinary medicine for 35 years, and I don’t think it has had a negative impact on Cornell or the clinicians at Cornell.”

Speaker Howland: “Gentlemen and ladies, we are out of time. I entertain a motion to adjourn.”

SO MOVED.

Adjourned at 6:00 p.m.

Respectfully Submitted,

Charles Walcott, Associate Dean and Secretary
Appendix 1

Memorandum

To: Cornell University Senate
From: Financial Policies Committee
Date: February 13, 2002
Subj: Cooperation between the FPC and the Administration

The Financial Policies Committee appreciates the many challenges, financial and otherwise, the University faces in the wake of the tragic events of September 11 and pledges its commitment to working with the Cornell Administration in the search for solutions to these challenges. The members of the Committee are pleased that Provost Martin and Vice President Ainslie have shared information about the financial status of the University with the FPC and have sought our views on matters of financial policy. We share their commitment to cooperation as the best means of serving the interests of the University and all its members.

At a meeting with Vice President Ainslie last fall, the members of the FPC thought it would serve a useful purpose to convey our endorsement of several of the administration’s current and prospective financial policies:

1. The administration’s continued implementation of the salary improvement program agreed upon by the administration and the faculty in the spring of 2000. The average salary improvements for 2001-2002 were announced last fall in the Cornell Chronicle and at the Senate. The FPC understands the effort that was necessary to achieve the 8% overall average. We recognize the difficulty involved in staying on track to the main goal of moving both statutory and endowed salaries up to at least the middle of the agreed on peer-group ranking in the next five years, and we appreciate the Administration’s resolve to continue to address this important issue.

2. The administration’s commitment to maintaining the number of tenure-track faculty lines.

3. The administration’s plan to launch a “Campaign for Faculty Excellence,” a fund-raising effort designed to provide additional endowment income for faculty support.
4. The Administration’s continuing commitment to improve staff compensation with a view toward reducing the gap between Cornell salaries and the median salaries earned by employees in comparable positions elsewhere.

5. The administration’s emphasis on workforce planning as a means of avoiding layoffs, to the extent feasible, and, instead, relying on attrition, redeployment, early retirement, and other means to manage workforce reductions.

6. The long-term policy of closing, but not eliminating, the gap between out-of-state tuition for students in the contract colleges and tuition for students in the endowed colleges.

7. The long-term policy of gradually increasing the proportion of out-of-state students in the contract colleges.

This list of financial policies is not intended to be a definitive one, and the Committee reserves the right to express its concerns about these or other policies the administration elects to pursue. For example, the members of the Committee continue to be concerned about the steady and continuing increase in the levels of tuition paid by students in both the endowed and the contract colleges, and we encourage the administration to seek alternative revenue streams to finance the costs of the University’s operations.

The Committee believes that the administration’s financial policies are often not well understood by the faculty, the staff, the students, or other members of the Cornell community. Accordingly, the Committee recommends that the administration develop a strategy for communicating more effectively with all members of the Cornell community regarding its financial policies. Furthermore, the FPC expresses its desire to work with the Administration on the development of such a strategy. In furtherance of its desire for more effective communication, the Committee has approved this memorandum and endorsed its circulation to the Faculty Senate and other members of the community.

Cc: Provost Martin and Vice-President Ainslie
• Study of scheduling issues –
  evening prelims,
  evening courses,
  in-class prelims,
  final exams,
  other activities

• Support services for faculty:
If you wish to recommend improved or expanded support services for courses, let me hear from you!
(We’ll begin conversations on Friday, so write soon.)

  • photographs of advisees
  • campus-wide database of seminars and other academic events with capacity for personalized summaries
  • better support for digital distribution of course lists, management of course grades and digital submission of course grades
  • automated support for e-mail communication with enrolled students
  • other ideas from the Dec 10th Forum for Faculty Who Teach Large Courses
REPORT OF NOMINATIONS & ELECTIONS COMMITTEE

February 13, 2002

Faculty Committee on Program Review
Josephine Allen, CHE
Locksley Edmondson, Africana Ctr.
Nelly Furman, A&S

Nominations and Elections Committee
Theodore Clark, Vet.

University Committee on Human Subjects
Michelle Campo, CALS
Linda Williams, CALS

University Faculty Library Board
Matthew Drennan, AAP

ASSEMBLIES

University Assembly
Ellis Loew, Vet.

Board on University Health Services
Cutberto Garza, CHE

Campus Planning Committee
Andy Ruina, Engr.

University Hearing Board
George Hay, Law
Resolution to Change Composition of

COMMITTEE ON RESEARCH ON HUMAN SUBJECTS

Whereas the Office of Human Research Protections in the U.S. Department of Health and Human Services has guided university Institutional Review Boards to include a larger number of community members and health experts in their membership;

Whereas current university legislation proscribes the University Committee on Human Subjects (designated as the Cornell University institutional review board) from seating more than one community member on UCHS;

Whereas current university legislation prescribes a specific number of faculty members to serve on the committee;

Whereas current university legislation creates a committee structure that could not respond flexibly to changes in federal regulations regarding the conduct of IRBs;

Therefore, it is proposed that the following change be made to the legislation regarding the composition of the committee:

Delete: The Committee shall consist of eighteen members: thirteen-fifteen members of the University faculty, with one of them being from the Faculty of Law; two physicians representing the University Health Services; and at least one member not otherwise affiliated with Cornell University.

Replace with:

The Committee shall consist of eighteen members: two physicians representing the University Health Services; a representative from Cornell Environmental Health and Safety; at least two members not otherwise affiliated with Cornell University; and the remainder members of the University faculty with at least one of these from the Faculty of Law.

Elaine Wethington, Chair
UCHS Committee

Unanimous Senate Approval - as amended
2/13/02
Task Force on Professorial Titles
Report to the University Faculty
January 25, 2002

Background
The Task Force on Professorial Titles was appointed by the Dean of Faculty in October 2000 and met frequently through the academic year 00-01. Its formation was stimulated by enquiries from several college deans about the possibility of non-tenure-track professorial titles at Cornell, and ensuing discussions between the deans and a small ad hoc committee appointed by the Dean of Faculty. The deans’ suggestions included professorial titles without indefinite tenure, but with a defined single function such as teaching, clinical practice, or scholarship and research. The additional question of a title that would recognize the professional identity of retiring professors who wish to remain active was also raised.

Membership
Lynne Abel, Associate Dean, College of Arts & Sciences
Alan Bell, Chair, Department of Animal Science
Abigail Cohn, Chair, Department of Linguistics
W. Donald Cooke, Professor Emeritus, Department of Chemistry & Chemical Biology
Stuart Davis, Senior Lecturer, Department of English
William Fry, Professor, Department of Plant Pathology (Task Force chair)
Robert Gilbert, Associate Dean, College of Veterinary Medicine
Jere Haas, Director, Division of Nutritional Sciences
Michael Kotlikoff, Chair, Department of Biomedical Sciences
Stephen Mutkoski, Professor, School of Hotel Administration
Danuta Shanzer, Professor and DGS, Department of Classics
John Siliciano, Vice Dean, Law School
Robert Smith, Associate Dean, School of Industrial & Labor Relations
Charles Walcott, Associate Dean, University Faculty
Charles Williamson, Professor, Department of Mechanical & Aerospace Engineering
Charge

Because any proposed additions to the current professorial titles and roles will surely be of deep interest to the entire faculty and likely to have long-term implications for the university, the Task Force should:

1. consult with the deans, faculty, and the Faculty Committee on Academic Freedom and Professional Status of the Faculty;
2. review the current professorial titles and their history in the context of tenure;
3. formulate recommendations and engage the community in dialogue, e.g. a University Faculty Forum during the spring 2001 semester; and
4. bring recommendations to the Faculty Senate for debate at its March 2001 meeting so that any changes endorsed by the Senate might be considered by the Board of Trustees in May 2001.
Activities

During the period November 2000 – May 2001 the Task Force met every 2-4 weeks. Existing professorial and other academic titles were reviewed and examples of current flexibility were noted. Implications of adding new professorial titles for existing academic, non-tenure-track titles were discussed. It was decided that further consideration of this important issue should be deferred until specific proposals for new professorial titles were developed. The full Task Force then chose to focus on the titles “Clinical Professor” and “Research Professor”, each of which recently had been suggested by several colleges.

A subcommittee, chaired by Professor W. D. Cooke, worked separately on the title “Senior Professor” during the Spring of 2001. Its central concern was the documented graying of our faculty. It aimed to formulate a title that would allow senior faculty with considerable service to retain their professional identity, teach part-time without giving up tenure, and thereby free up university resources to hire younger faculty. Professor Cooke regularly reported to the full committee on the progress of his subcommittee. The subcommittee presented its findings to the Senate on April 11, 2001. Professor Danuta Shanzer took over as Chair of the subcommittee at the end of the Spring Term. Despite considerable effort and some progress, the subcommittee was discharged by the Dean of Faculty in October 2001. The Benefits Office seemed resistant to exploring changes necessary to implement the proposed title successfully and the central administration seemed uncommitted to the idea. However, a recent revival of interest shown by the Office of Planning and Budget suggests that the subcommittee may need to be reactivated.

A general proposal for a framework to offer the option of new professorial titles available on a college-by-college basis was developed, with the leadership of Professor Cohn. More specific proposals for the establishment of the titles of Clinical Professor and Research Professor were developed, with the leadership of Professors Gilbert and Kotlikoff, respectively. Deadlines for faculty discussion in the Senate and elsewhere during spring 2001 were missed because of the Task Force’s decision to proceed deliberately, and to not bring a proposal to the whole faculty before it had been thoroughly considered and endorsed by at least one college. Because of the prior interest and expressed need for the Clinical Professor and Research Professor titles by the administration and some faculty in the College of Veterinary Medicine (CVM), Task Force activities were suspended during summer and early fall 2001 until CVM faculty had reviewed and voted on proposals for these titles.

After lengthy discussion during fall 2001, CVM faculty decided to defer consideration of the Research Professor title until after they had reviewed and voted on the Clinical Professor proposal. In early December 2001, they voted in favor of the latter. This led to reactivation of the Task Force and the decision to proceed with bringing the proposed enabling legislation and the specific Clinical Professor proposal before the whole faculty.

The Task Force has proceeded deliberately and painstakingly with development of the Enabling Legislation document, understanding that it will require very careful consideration by the entire faculty. There is a strong consensus among Task Force members that this legislation is important for certain colleges to advance their
competitiveness and to offer improved opportunities for career advancement of their non-tenure-track faculty.

Plan of Action

1. Post the following materials on the Faculty On-line Forum website (http://www.cornell.edu/UniversityFaculty/index.html):
   - Task Force Report to the University Faculty
   - Enabling Legislation for Creation of New Professorial Titles Available on a College-by-College basis
   - Appendix B: Proposal for the establishment of the title of Clinical Professor, by the College of Veterinary Medicine
   - Discussion piece, October 21, 2001: Non-tenure Track Professorships in the College of Veterinary Medicine

2. Consult with the Faculty Committee for Academic Freedom and Professional Status of the Faculty

3. Present to Faculty Senate on February 13, 2002

4. Schedule faculty forum if there is interest

4. Table formal motion to Faculty Senate on March 13, 2002
PROPOSED
Enabling Legislation
for Creation of New Professorial Titles
Available on a College-by-College Basis
1/25/02

Cornell’s set of available academic titles (as listed in Appendix A, detailed in the Academic Appointments Manual, and summarized in the Faculty Handbook) may no longer be adequate for all academic appointments. The current titles include tenure-track and non-tenure-track appointments and both long-term (potentially a career path) and temporary appointments. In what follows, we address the question of long-term, non-tenure track appointments only and propose adding to them certain options that individual colleges could choose to implement by a vote of its faculty. These titles could be highly beneficial to some colleges and hence to Cornell and afford important employment protections for the individuals carrying out certain crucial functions at the University. On the other hand, colleges that are satisfied with the current range of academic titles would not be directly affected by college-specific implementation.

Over the years, the set of available titles has proven overly restrictive to some colleges. The issue of appropriate terms of employment and titles has proven particularly problematic in the following two areas: a) individuals carrying out essential teaching and service functions in a clinical setting (found primarily in the professional colleges) and b) individuals carrying out certain research functions (usually on soft money, primarily in the laboratory sciences). Those in the clinical settings are typically in (senior) lecturer positions, while those in research positions are typically in (senior) research associate positions. In each case, these titles are not a good fit. Lack of appropriate job categories leads to problems internal to Cornell in that the guidelines for hiring and promotion of individuals in these positions do not fit well with the actual duties and responsibilities of these individuals. Many aspects of the employment of individuals serving these functions are ad hoc, leaving both the individuals and the institution vulnerable. This lack of appropriate categories also results in a serious competitive disadvantage for Cornell in trying to attract and retain the most qualified individuals; our strongest peer institutions make use of a richer array of job categories. Finally, individuals in these roles at Cornell find themselves at a disadvantage when competing for external funding resources.

These positions are largely single function and do not include the full range of teaching, research, extension, and service associated with tenure-track professorial lines. What is needed in each of these cases are career paths that have the potential to be long term and that include clear guidelines for hiring and promotion, as well as grievance procedures. It is crucial to define positions with appropriate rights, responsibilities, and respect for those individuals who play an integral role to the academic endeavors at Cornell, but who do not fit in the canonical tenure-track categories. Appropriate new titles and corresponding policies and procedures would
address the problems outlined above. First, such arrangements would strengthen existing guidelines where currently ad hoc arrangements abound in the appointment and renewal of individuals carrying out these functions. Both the institution and individuals would benefit from clear, fair, and systematic procedures. Such procedures would also ensure a balance between the interests of individual departments or labs and the broader interests of a particular college. Second, use of these titles would rectify the current situation where Cornell finds itself at a serious competitive disadvantage in attracting and retaining the most qualified individuals and enabling these individuals to compete most effectively for external funding resources.

Since these issues are much more pressing in some colleges than others, we believe that an across-the-board enrichment of professorial titles would not be the most effective solution. Rather we suggest offering the option of introducing a limited set of new professorial job categories—at present, non-tenure titles for the clinical sphere—on a college-by-college basis. The proposed legislation would not dictate the availability of these titles, but rather enable individual colleges to develop proposals (meeting the proposal guidelines set out below) for use of these titles within a particular college. If in the future a similar set of non-tenure track titles seems appropriate and necessary for the research sphere, these could be enabled by similar legislation.

If the proposed enabling legislation is adopted by the Faculty Senate, the steps involved would be as follows: A college would develop a proposal for the creation and use of the titles "Clinical Professor" (Assistant/Associate/Full), which would be presented to the full tenure-track faculty of that college. If the proposal is supported by a majority of the tenure-track faculty voting by ballot, the college would consult the appropriate Faculty Senate committee to be sure the proposal fits the proposal guidelines and then submit the proposal to the Provost for consideration.

Developing enabling legislation to support college-specific proposals poses something of a chicken and egg problem: The Faculty Senate is asked to approve the general approach and enabling legislation; but without a substantive proposal from a specific college, there is no compelling motivation for the Senate to endorse such legislation. For this reason, the task force has worked in parallel with the Veterinary College, where such a proposal was already at an incipient stage when the task force was constituted. Over the period that the task force has deliberated and developed this enabling legislation, the Veterinary College has developed a specific proposal to expand its job titles in the clinical sphere. This proposal, consistent with the guidelines of this proposed enabling legislation and approved by a majority vote by the tenure-track Veterinary Faculty, is presented in Appendix B, with background material "Non-tenure Track Professorships in the College of Veterinary Medicine", October 21, 2001, available on the web at http://www.cornell.edu/UniversityFaculty/index.html.

At the present time, no college has submitted an approved proposal for the research sphere. If submitted, the Faculty Senate would have to pass enabling legislation such as for the clinical sphere. If passed, the particular college proposal would then follow the approval process stipulated in the legislation.
We endorse the Veterinary College's proposal for creating the titles "Clinical Professor" (Assistant/Associate/Full), which are currently utilized by Weill Medical College and are the titles used most widely by our peer institutions. More generally, we endorse the selective expansion of current academic titles to include the use of these titles by specific colleges when so approved by their faculty and conforming to the general guideline of these positions set forth below.

At this time, we are asking the Faculty Senate to act on the enabling legislation. Approval of this legislation by the Faculty Senate, and subsequently by the Provost, and the Board of Trustees would enable individual colleges to implement the titles "Clinical Professor" (Assistant/Associate/Full). Thus the Veterinary College, which has already approved a proposal that meets the stated proposal guidelines, could put forward their proposal to the appropriate Faculty Senate committee. If the proposal is deemed consistent with the stated guidelines (as the task force finds it to be), upon approval by the Provost, the Veterinary College could then proceed to institute these new titles. Similarly other colleges could develop such proposals for clinical professorships and upon approval by the majority of their tenure track faculty, followed by review by the appropriate senate committee and approval by the Provost, could institute these new titles.

Below are the proposal guidelines that any college must observe in formulating a specific proposal:

**Proposal guidelines for specific proposals:**

Such proposals need to include the following elements.
- Background and justification for the proposed new title(s)
- Description of the positions that will bear the title(s)
- A summary of the terms on which candidates will be appointed and reappointed to those positions. These should include: the nature of the search by which applications will be elicited; the credentials considered appropriate for holding those positions; the levels (department, college, university) at which approval for individual appointments is necessary; the length of appointments; the possibilities open to appointees for movement between non-tenure-track and tenure-track paths; and procedures for renewal and promotion open to appointees.
- A statement restricting the creation of positions in the proposed title(s) not to exceed a certain percentage of the tenured and tenure track faculty of the proposing college.
- A statement of the rights and responsibilities of appointees in the proposed title(s), including their voting status in departments and colleges.
- An appraisal of the impact of creating the new positions on existing non-tenure-track academic titles and their holders. This appraisal should indicate whether and in what ways current holders will be eligible for appointment to the new positions and whether their current positions will be protected against elimination by the new positions.
Appendix A: List of currently available academic titles (not including those for the library)

professor
associate professor
assistant professor
instructor
senior lecturer
lecturer
senior scholar
senior scientist
senior research associate
research associate
University professor
professor emeritus
professor-at-large
senior extension associate
extension associate
postdoctoral associate
postdoctoral fellow
teaching associate (endowed only)
visiting fellow
visiting critic (endowed only)
visiting scientist (endowed only)
visiting scholar (endowed only)
Appendix B: Proposal for the establishment of the title of Clinical Professor, by the College of Veterinary Medicine

CLINICAL PROFESSORS AT
THE COLLEGE OF VETERINARY MEDICINE,
CORNELL UNIVERSITY

Background and Justification.

A clinical track professorial title is proposed to enable recruitment of leading veterinary professionals for the major role of teaching through the provision of professional services. Such appointments are common in medical schools and many leading veterinary colleges. In the absence of a suitable title for this function, many current appointments have been made as Lecturer.

Clinical professors are seen as essential to the College of Veterinary Medicine for several reasons.

1. The College of Veterinary Medicine at Cornell University has a tradition and reputation for producing world-leading clinicians and clinical educators. Our recent emphasis on bench laboratory research is seen as mitigating against the development, recruitment or retention of the leading clinicians of the future. A job category that encourages this kind of professional development and allows experiential learning to be directed by such clinical leaders will be beneficial to our educational mission. We wish to emphasize that we envisage a career path, as opposed to junior level appointments characterized by continuous turnover.

2. The interaction between clinical professors and more research-oriented individuals is seen as an advantage, expected to result in enhanced clinical research and teaching.

3. Currently available non-professorial job titles (Instructor or Lecturer) often are not competitive with those offered by other institutions. Furthermore, "Lecturer" simply does not accurately describe the functions of clinical track professors.
**General description.**

The major responsibilities of clinical professors will be teaching through professional service and applied research. The teaching may be directed toward registered students or an external constituency. Typically, professional service responsibilities would account for 50 to 75% of the responsibilities of a clinical professor. The remainder would be devoted to work of a productive scholarly nature.

Clinical professors will:

1. Be voting members of Departmental and Veterinary College faculties.
2. Be eligible to serve on appropriate Veterinary College and Departmental committees.
3. Be eligible for various leadership positions in the Veterinary College.
4. Be appointed after rigorous national / international searches, and for fixed, renewable terms.
5. Possess academic and clinical credentials that qualify them as leading exponents of their disciplines.
6. Be expected to make scholarly contributions that contribute to the progress of their disciplines.
7. Be limited in number such that the combined number of Clinical Professors and Research Professors will not exceed 25% of the number of tenure track professorial positions in any Department.

**Proposal:**

This committee recommends:

1. Institution of Clinical (Assistant / Associate / Full) Professors as additional academic titles.
2. Adoption of guidelines for promotion of clinical professors.
3. Appropriate modification of the *Faculty Handbook* and *Academic Appointment Manual* to reflect procedures for appointment, promotion or termination of Clinical Professors.
Proposed Modification Of The Faculty Handbook

CLINICAL FACULTY

Description

The purpose of the proposed faculty designation is to enhance clinical and teaching programs at Cornell College of Veterinary Medicine by allowing the appointment of scholars to the faculty who will participate in these programs. Faculty appointed in this track will have major commitments to clinical or professional service activities, clinical research, teaching, or administrative activities. Such individuals will be expected to exhibit scholarly achievement in these areas. Specific duties are determined by the Chair of the Department in which they hold their appointment.

Terms of Appointment

Members of the Clinical Faculty are appointed in the Veterinary College on a full-time basis following a national search and the recommendation of the search committee. Appointments must be approved by the Department Faculty and by the Dean of the Veterinary College, must be in compliance with affirmative action guidelines of the University, and appointed individuals must hold a terminal degree. Appointments are at the rank of Clinical Assistant Professor, Clinical Associate Professor, or Clinical Professor, as appropriate, for the term of appointment. Appointments may be for terms of up to 5 years and individuals may serve without limit with the exception that Clinical Assistant Professors may not hold that rank for more than 7 years. Following an initial appointment as Clinical Assistant Professor, the faculty member will be evaluated for reappointment at 3 years and for promotion to Clinical Associate Professor at 6 years. In the 3rd year the department conducts a thorough performance review. If the outcome is positive a renewal for a second three-year term to be recommended for approval by the dean. If the outcome of the review is negative the faculty member must be given a terminal appointment that allows him or her to serve two full academic terms after the notice of nonrenewal. If the faculty member clearly is not meeting expectations, the notice not to renew the appointment may be given earlier than the third year. In that case the third year of the initial appointment serves as the required two terms of notice. At the 6th year, evaluation procedures for promotion to Clinical Associate Professor will be as for tenure-track faculty (including internal and external letters of evaluation, Departmental vote, formation of an ad hoc promotion committee, and College and University Administrative approval), with the exception that the review criteria shall emphasize clinical or professional activities, teaching performance, and applied or clinical research, rather than basic research performance. Failure to secure promotion to Clinical Associate Professor by the end of the probationary period will result in a terminal appointment of one year duration. All funding obligations for these positions are the responsibility of the Veterinary College. Promotion to Clinical Professor from Clinical Associate Professor will similarly follow guidelines established for promotion in the tenure track. After promotion to Clinical Professor, appointments will be for up to 5 years, with review
Clinical track professors may apply for advertised positions in the tenure track. If a Clinical Assistant Professor moves to a tenure track position, the length of the tenure probationary period will be set by the Department Chair in consultation with the Dean to establish the appropriate probationary period for tenure review. Under no circumstances should the appointment to the non-tenure track position be used as a device to extend the tenure probationary period. If a tenure track faculty member chooses to shift to the Clinical track during the probationary period, the decision must be reached by the end of the 4\textsuperscript{th} year following initial appointment. Clinical track appointments should not be used as a means to continue the appointment of a tenure track faculty member who has failed to obtain tenure during the probationary period.

Rights and Responsibilities

Colleges and Departments may grant Clinical professors voting rights, but they may not vote on matters relating to tenure track faculty appointments. Individuals in the clinical track enjoy all the rights, privileges, and responsibilities of academic freedom and have access to University grievance procedures. Procedures for appealing a decision not to reappoint a clinical faculty member who holds an initial probationary-status appointment will be modeled after those in Appendix Three of the Faculty Handbook (Procedures for Appealing a Decision Not to Renew a Non-tenure Appointment).

Sabbatic leave
Clinical associate professors and clinical professors will be eligible for sabbatic leave under the conditions described in Section 3.2 of the Faculty Handbook.

Emeritus status
Clinical associate professors and clinical professors will be eligible for emeritus status under the conditions described in Section 2.1 of the Faculty Handbook.

Consulting
Clinical associate professors and clinical professors will be granted consulting privileges under the conditions described in Section 5.0 of the Faculty Handbook.
Appendix 7

Non-tenure Track Professorships in the College of Veterinary Medicine.
October 21, 2001

Introduction:
During the Spring 2001 semester, the advisability of introduction of non-tenure track professorships (clinical and research tracks) was considered by the faculty of the College of Veterinary Medicine. Several issues were raised and discussed, and a need for additional information and clarification was expressed. This document aims to address these questions as a component of the faculty discussion leading to a vote on non-tenure track professorships in the College during the Fall semester.

Background:
Cornell University’s set of available academic titles may no longer be adequate for all academic appointments. The current proposal seeks specifically to address the titles of some individuals carrying out essential teaching (through patient care or other professional service) primarily in clinical departments, and others carrying out certain research functions (usually on soft money) primarily in basic science departments. Those in clinical settings are currently typically in (senior) lecturer positions, and those in research positions are employed as (senior) research associates. In each case, the title may not be adequately descriptive of the responsibilities, may hamper our ability to hire the best individuals, may diminish our competitive stance with funding agencies, and may limit career development and professional satisfaction of those pursuing these activities as a career option.

In a sometimes overlapping processes, the advisability of introduction of non-tenure track professorships was discussed by a committee within the College of Veterinary Medicine and by a Task Force assembled by the Dean of Faculty to address the question on a University-wide basis. The latter task force has developed a proposal for a framework allowing the option of new professorial titles on a College by College basis. The Task Force is planning to sponsor university-wide discussion groups and, if the proposals have sufficient support, to ask the University Senate to consider adoption of a motion supporting such overarching legislation. As a prelude to these activities, the Task Force is anxious to secure an indication that at least one of the Colleges of the University is in support of the proposal.

Procedure:
After a positive vote by the Faculty of the College of Veterinary Medicine, the Task Force on Professorial Titles would initiate campus-wide discussion opportunities and introduce a motion to allow enabling legislation to the Faculty Senate. Should the proposal secure the support of the Senate and of the central University administration, it would be forwarded to the University Trustees. Trustee approval is required for introduction of new academic titles.

Even after approval by the trustees, the legislation would only allow adoption of the new titles on a College-by-College basis. That means that each College would have to frame its own
legislation for approval (presumably by the Provost) before being authorized to recruit and hire individuals into the new non-tenure track positions.

Appointment of individuals already employed at Cornell to new titles

The situation is likely to arise in which individuals already at Cornell University apply for and are considered for transfer to new titles. It is certainly not proposed that all, or even most, individuals currently employed as (Senior) Lecturers or (Senior) Research Associates would be considered as Clinical or Research (Assistant / Associate / Full) Professors; rather it is anticipated that a relatively small subset would be considered for such reappointment.

Individuals currently serving as (Senior) Lecturers or Research Associates wishing to be considered for appointment as Clinical or Research (Assistant / Associate) Professors would make that application to their department chairs after consultation with the chairs. The applicant would then compile a dossier documenting academic accomplishments similar to dossiers prepared for current appointment and promotion decisions as appropriate for the level of appointment. The application would be considered, discussed and voted upon by the tenure track faculty (and, as they come into being, the clinical / research professors) of the appropriate department. The Department Chair would then write a recommendation to the Dean. At his (her) discretion, the Dean may appoint an ad hoc committee for advice on each case. The Dean would then make a decision regarding appointment of each individual as a Clinical or Research (Assistant / Associate) Professor. People whose applications for appointment to the Clinical or Research Professor track are unsuccessful will retain their current titles without modification of their appointments.

Impact of new titles on faculty in clinical departments:

During faculty discussions earlier this year questions arose as to the impact of Clinical Professors on the structure of the faculty. The College remains committed to filling the full complement of allowed tenure track positions (137) as funding allows. The number of tenure track appointees with significant clinical responsibilities in the Department of Clinical Sciences (adjusted to exclude faculty in the Ambulatory and Production Medicine Section, transferred to Population Medicine and Diagnostic Sciences) peaked in about 1990, followed by a drop in the next several years. The number has grown steadily since 1997. With current commitments to searches, it is expected that this number will exceed the 1990 number within 3 years, after which some additional growth is anticipated, contingent on funding availability following projections. The number of Lecturers in DCS has also risen since 1995. Recently, this has occurred in parallel with the increase in professorial appointees. It is anticipated that introduction of a Clinical Professorial track will slow down the growth in Lecturer appointments, but that tenure track appointees will continue to grow at the projected rate. These trends are depicted in Figure 1.
Effect of Clinical Professors on Gender Equity

Concern was expressed during debates regarding a potential negative effect of a new professorial track on equitable appointment of women into tenure track positions. Data were presented from a veterinary school with a clinical educator track demonstrating that recent appointments of women tended to be in non-tenure track positions. While the data are not disputed, they are open to other interpretations. Throughout the country, universities hired many new faculty members during the 80s. Financial exigencies at the end of that decade and removal of mandatory retirement meant that hiring in tenure track lines slowed considerably. This phenomenon was observed in many universities and is not limited to clinical or medical centers. The fact that relatively few hires into the tenure track were made in the early 90s means that most new hires, in general, were in nontenurable positions. Since this coincided with a period in which many institutions were increasing efforts to attract women, this inevitably meant that women were over represented in clinical professor ranks and at lower levels.
This is not to deny that there are real barriers to appointment and career progression for women in academic (veterinary) medicine, but merely to aver that the roots of this malady should be sought elsewhere. Indeed, there is much evidence for obstacles in the career paths of women in academic medicine (Colletti et al., 2000; Foster et al., 2000; Fried et al., 1996; Nonnemaker, 2000; Tesch, et al., 1995). Employment, retention and promotion of women at appropriate levels are priorities for the College of Veterinary Medicine. The experience of some medical schools is encouraging in this regard. For example, a relatively simple, but comprehensive and vigorously implemented policy at Johns Hopkins University School of Medicine resulted in substantial improvement appointment, retention and promotion rates for women on the full time faculty (Fried et al., 1996).

Impact of non-tenure track professors on research productivity

Concern has been expressed that appointment, particularly of clinical professors, has the potential to diminish overall research productivity of the College, especially in clinical departments. There already exists a cadre of non-tenurable faculty in clinical domains – principally in the rank of lecturer. In general, the requirements for scholarship from this group are limited. Clinical professors, as described in the proposal before the faculty, would have clearly stipulated responsibilities for scholarly productivity. In this sense, their appointment could even be seen as enhancing the capacity for original scholarship above that provided by the current range of titles, particularly when viewed in the context of appointments that do not replace the aggregate tenure track positions in a department.

The appointment of research professors is motivated primarily by the need to attract and retain talented scientists and to enhance their competitive stance with funding agencies. This strategy, too, should enhance rather than impair, institutional research capacity.

The limit on the numbers of nontenurable professors in departments is a further protection against undue dilution of the professorate or the research mission.

Distinction between tenure track and non-tenure track professorial appointments

The establishment of veterinary colleges within universities was a major step in veterinary education and science. In North America it took place about 100 years ago, and Cornell University was a leader. Integration of veterinary faculty with university faculty meant that veterinary colleges adopted the values of discovery and teaching common to all professors. Especially in the environment of a leading research university like Cornell, it is fair to expect significant original scholarship from tenure track professors. The corollary is that these professors should have a profile of responsibilities that makes significant original scholarship possible.

Recent years have seen a proliferation of clinical specialties. Very strong arguments can be
made for their inclusion into the veterinary curriculum; our students will be required to have knowledge and expertise in these fields to function competently after graduation. However, it is not feasible to hire sufficient professorial faculty in each domain to allow each individual substantial protected time, free of teaching responsibilities, for satisfaction of tenure requirements. It is, however, possible to attract leading professionals, who by their training and enthusiasm provide excellent education and clinical innovation, published or otherwise disseminated in a relatively small proportion of their time. Incorporation of such faculty as part of the team strengthens our ability to provide a comprehensive education at an affordable cost, and achieve excellence in other aspects of our mission in a more efficient manner.

In other cases, teaming clinical track with tenure track professors allows the institution to pursue accomplishment across a spectrum of teaching and discovery components of our mission. This also allows maintenance of a consistent clinical presence – something appreciated by students, clients and referring veterinarians.

The clinical track will facilitate recruitment of exceptional clinical faculty, and more appropriately recognize the contributions of some already in our community.

Research professors are envisaged as substantially or entirely supported by soft money, without an automatic claim on independent space or other resources. In general, they are envisaged as directly supportive of existing programs or as directing core facilities in support of a range of programs. While such an arrangement does not address all concerns of existing (senior) research associates, it does provide enhanced status and competitiveness.

Assault on tenure / Erosion of professorial prestige
Some are concerned that expansion of the range of professorial titles might erode the prestige of professors. After all, it is unquestionably a significant achievement to become a professor at Cornell University. The appointment of people to non-tenurable professorial positions will require approval of the existing faculty, just as addition to the professorial ranks currently does. This check, coupled with the quality of individuals targeted for appointment as clinical or research professors establishes procedures that will ensure that those appointed will be worthy of the title and even enhance our reputation.

The College remains committed to filling the allocated number of tenurable lines available to it as funding allows. This means that no reduction in tenure track lines, and an increase above current numbers of tenure track professors is envisaged. The Dean has also given assurance that tenure track lines will not be migrated from clinical domains to other areas of the College. The recent increase in tenure track faculty with significant clinical responsibilities, to equal the heights achieved in 1990 (Figure 1) and additional increases projected, provides reassurance.
Practices of other Colleges of Veterinary Medicine

Clinical professor tracks are common in medical and veterinary schools. In 1987, 61 of 112 medical schools in the USA had a non-tenurable clinician educator pathway. By 1997, 66 of 115 had either a separate promotion track or separate promotion criteria (Levinson and Rubenstein, 1999). Leading medical schools, including Stanford University, Johns Hopkins University, Harvard University, the University of Michigan and the University of Pennsylvania are amongst those utilizing a clinical track. For veterinary colleges, 19 of 26 (excluding Cornell) utilize the clinical professor title. In 4 colleges, the introduction of this category has occurred within the last few years. Of the 7 Colleges that do not use the clinical professor track, one is Tufts University, which has no tenure appointments in the veterinary school. Three other schools indicated that they were developing plans for a clinical professorship. Current practices of USA veterinary colleges are summarized in Table 1.

Table 1: Use of Clinical Professor track by Veterinary Colleges in the USA.
(Data collected by Ms. Jill Short, Department of Clinical Sciences)

<table>
<thead>
<tr>
<th>Veterinary Colleges (alphabetical order)</th>
<th>Clinical Professor Titles</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Comments</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Auburn University</td>
<td>Yes</td>
<td>3/71</td>
</tr>
<tr>
<td>University of California – Davis</td>
<td>Yes</td>
<td>2</td>
</tr>
<tr>
<td>Colorado State University</td>
<td>Yes, special appt faculty</td>
<td>&gt;10%</td>
</tr>
<tr>
<td>University of Florida</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>University of Georgia</td>
<td>Yes (new)</td>
<td>1</td>
</tr>
<tr>
<td>University of Illinois – Urbana</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Iowa State University</td>
<td>No</td>
<td>8/44</td>
</tr>
<tr>
<td>Kansas State University</td>
<td>No</td>
<td>6</td>
</tr>
<tr>
<td>Louisiana State University</td>
<td>Yes</td>
<td>6/99</td>
</tr>
<tr>
<td>Michigan State University</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>University of Minnesota</td>
<td>Yes (new)</td>
<td>32/82</td>
</tr>
<tr>
<td>Mississippi State University</td>
<td>Yes</td>
<td>8</td>
</tr>
<tr>
<td>University of Missouri</td>
<td>Yes</td>
<td>27/100</td>
</tr>
</tbody>
</table>
North Carolina State University  Yes  10/111
The Ohio State University  Yes  10/100
Oklahoma State University  No  developing a plan for clinical educator
Oregon State University  Yes (new)  0
University of Pennsylvania  Yes  36/104
Purdue University  Yes  2/39
University of Tennessee  No  4/80
Texas A&M University  Yes  7/180
Tufts University  No  no tenure system
Tuskegee University  No
Virginia-Maryland Regional College  No  instructor (clinical)
Washington State University  Yes (new)  4  advertised for 1 or 2 more
University of Wisconsin – Madison  Yes  29.7/96.7

Summary:
- There are 19 Veterinary Colleges that utilize the clinical professor titles, this is out of 26 Veterinary Colleges surveyed.
- Four of the colleges indicated that the use of these titles is a new program with the last few years.
- Of those that do not use the clinical professor titles, they use instructor (clinical) or assistant professor (temp) or that type of system.
- Of the 7 colleges that do not use the clinical professor titles, Tufts University has a unique system of no tenure appointments; 3 colleges were developing plans for clinical professorships when polled.

Voting rights
The current proposal is that clinical professors would have full voting rights at departmental and college levels, except in matter pertaining to tenure and promotion of faculty in tenure track appointments. This is justified on the basis of the anticipated level of participation of clinical professors in essential components of planning and delivery of the professional curriculum. Research professors are expected to be granted voting rights in departments, but not automatically in the college faculty. (The college faculty have the right to grant such privileges on an individual basis).

Number Limits
The current proposal suggests that the total number of non-tenure track professors (Clinical or Research) in any department be limited to 25% of the number of tenure track positions in that
References:


Presentation to Faculty Senate 2/13/02
Abigail Cohn

Is Cornell’s set of available academic titles adequate?

focus:

long term,
non-tenure-track
appointments
List of currently available academic titles
(not including those for the library)

tenure and tenure-track
professor
associate professor
assistant professor
University professor
professor emeritus

long term non-tenure track
senior lecturer
lecturer
senior scholar
senior scientist
senior research associate
research associate
senior extension associate
extension associate

temporary
instructor
postdoctoral associate
postdoctoral fellow
teaching associate (endowed only)
visiting fellow
visiting critic (endowed only)
visiting scientist (endowed only)
visiting scholar (endowed only)
professor-at-large
Two areas of inadequacy:

1. The clinical sphere: individuals carrying out essential teaching and service functions in a clinical setting (found primarily in the professional colleges), typically in (senior) lecturer positions.

2. The research sphere: individuals carrying out certain research functions (usually on soft money, primarily in the laboratory sciences), typically in (senior) research associate positions.

These positions are largely single function and do not include the full range of teaching, research, extension, and service associated with tenure-track professorial lines.
Problems:

- The guidelines for hiring and promotion of individuals in these positions do not fit well with the actual duties and responsibilities of these individuals.

- Many aspects of the employment of individuals serving these functions are *ad hoc*, leaving both the individuals and the institution vulnerable.

- Serious competitive disadvantage for Cornell in trying to attract and retain the most qualified individuals; our strongest peer institutions make use of a richer array of job categories.

- Individuals in these roles at Cornell find themselves at a disadvantage when competing for external funding resources.
What is needed:

Appropriate career paths that have the potential to be long term and that include clear guidelines for hiring and promotion, as well as grievance procedures.

The following proposal addresses these problems in the clinical sphere only.

Enabling legislation to make available on a college-by-college basis use of the titles:

- Clinical Professor
- Associate Clinical Professor
- Assistant Clinical Professor

NB: These titles are already used by Cornell's Weill Medical College.
What we are now presenting to the Senate:

1. enabling legislation that if approved by the Faculty Senate, and subsequently by the Provost, and the Board of Trustees, would allow implementation of the titles "Clinical Professor" (Assistant/Associate/Full) on a college-by-college basis

2. a specific proposal approved by the majority of the tenure-track faculty of the Vet College to implement this set of titles (appendix B)

Should this legislation be enabled?
Proposal guidelines for specific proposals:

Such proposals need to include the following elements.

- Background and justification for the proposed new title(s)
- Description of the positions that will bear the title(s)
- A summary of the terms on which candidates will be appointed and reappointed to those positions. These should include: the nature of the search by which applications will be elicited; the credentials considered appropriate for holding those positions; the levels (department, college, university) at which approval for individual appointments is necessary; the length of appointments; the possibilities open to appointees for movement between non-tenure-track and tenure-track paths; and procedures for renewal and promotion open to appointees.
- A statement restricting the creation of positions in the proposed title(s) not to exceed a certain percentage of the tenured and tenure track faculty of the proposing college.
- A statement of the rights and responsibilities of appointees in the proposed title(s), including their voting status in departments and colleges.
- An appraisal of the impact of creating the new positions on existing non-tenure-track academic titles and their holders. This appraisal should indicate whether and in what ways current holders will be eligible for appointment to the new positions and whether their current positions will be protected against elimination by the new positions.
PROCESS AT THE VETERINARY COLLEGE

1. Development of a proposal by a faculty committee over a two year timeframe

2. Meetings to discuss the proposal with every Department in the Veterinary College

3. Meeting with the Faculty General Committee

4. Consideration of the proposal at a Faculty Meeting and development of appropriate rules (vote not to be held at a faculty meeting but ballot to be sent by General Committee to all faculty

5. Two College “Town Meetings”

6. Faculty meeting devoted to discussion prior to vote
Results of Vote by Tenured Faculty:

52 in Favor, 30 opposed, 1 abstention
PROBLEMS

1. Competitiveness
   19 of 26 Veterinary Colleges have Clinical Professors

2. Fairness
   a. Individuals in tenure track with clinical responsibilities in excess of 50%

   b. Appropriate recognition of individuals whose passion and interest is clinical work and whose expertise (and value to the College) requires a major commitment of time to the development and maintenance of clinical skills

3. FACTS OF LIFE

   Expansion of Medicine

   Tenure Lines Fixed
The Veterinary College has had a vigorous and extensive discussion of the proposal. Many faculty opposed the proposal and argued that it would negatively impact their Department and/or the College. In the end, these arguments were not persuasive to a majority of their colleagues.

Therefore the relevant issue for consideration by the Faculty Senate should be not whether the proposal is beneficial for the Veterinary College, but whether individual colleges should be enabled to utilize the Clinical Professor title under the described guidelines, or otherwise stated, whether such a proposal or title in some way violates core principles of the University.
Summary Argument in Support of the Proposal

1. The current range of titles may not serve the best interests of all Colleges at Cornell. These Colleges may determine that expansion of Professional Titles to include non-tenured Clinical Professors would enhance their competitiveness and would be more fair.

2. The proposal does not undermine fundamental principles of the academy and will not negatively impact Colleges that do not wish to make use of the titles.

3. The proposal will result in more consistent policies relative to tenure within the College and therefore within the University.
Minutes of Faculty Senate Meeting
March 13, 2002

Professor Howard Howland, Neurobiology and Behavior and Speaker: “I would like to call the meeting to order. No photos or tape recorders are allowed during the meeting, and I would like to ask speakers to identify themselves and their department when they speak. I would like to remind presenters that they must not utilize more than half the allocated time for that item for their presentation. I will try to enforce that limit because we have a very busy schedule. We have only one Good and Welfare speaker today, Professor Stein. I would like now to call on Provost Biddy Martin for remarks.”

1. REPORT BY PROVOST MARTIN

Provost Biddy Martin: “Good afternoon. First, I am delighted to announce we have two new deans or we will at least be nominating for approval to the Board of Trustees this week, two names. A new Dean of the Graduate School, Alison (Sunny) Power, was endorsed by the group of faculty who attended the meeting held by the President and I this afternoon of the Graduate Faculty. As I think most of you know, Alison (Sunny) Power is a Professor of Ecology and Evolutionary Biology and of Science and Technology Studies, and her research focuses on insect transmitted plant diseases. I can’t say that I know the specific types either of insects or plant diseases. In any case, she belongs to four graduate fields at Cornell; she is currently serving as the interim Dean of the Graduate School and is doing an outstanding job, and I’m delighted to be able to nominate her to the Board. For the College of Engineering, we will nominate to the Board of Trustees, Kent Fuchs, who is currently the Birck Distinguished Professor at the Purdue University. He is head of the Department of Electrical and Computer Engineering at Purdue, and prior to heading the department at Purdue, he was in the Department of Electrical and Computer Engineering at the University of Illinois, also a fine engineering school. Kent Fuchs will join us on July 8, 2002, this summer. We are delighted to have him, and I believe faculty in Engineering are delighted to have made this selection and to have gotten his acceptance.

“Secondly, the solicitations about the book project will be coming around to all of you. That is the effort to try and get you to volunteer to lead discussion groups of new freshmen on Frankenstein, and I hope you will all agree in the same numbers you did last year or in even greater numbers and join the new students in a discussion of this book. Thank you very much in advance.

“Finally, I have on my desk a report from a task force charged with coming up with recommendations for the Einaudi Center for International Studies, and I have now sent that report out to the deans of the various colleges and the directors of the area studies programs. I have asked the deans to be sure to share it with any of you who do work in international studies or might have an interest in the report, and I hope to get feedback from you in a couple of weeks so that
we can make decisions about the Einaudi Center. But if any of you are interested and want to contact your deans for copies of the report, they now have an electronic copy.

"Have I taken up my four minutes? Finally, let me say a couple of things about the Department of Computer Science and the faculty of Computing and Information Science during the time I have now, and then I would be glad to answer questions later if it becomes necessary or desirable. What has occurred over the past year and three quarters, as you know, is a search for a new Dean of Engineering. I was asked to explain again why we didn't make any decisions about the ambiguous status of the Department of Computer Science during that time, and the answer now is the same one I gave some time ago though some of you are new and will not have heard it. And that is, I did not want the status of the Department of Computer Science or the future of the College of Engineering or of the faculty of Computing and Information Science to be an item for negotiation with the dean candidate. It seemed to me that the issues were too serious and the stakes too high to make that a matter that would be negotiated with someone from the outside coming in to accept a deanship.

"Now what has occurred, of course, is that the search for an Engineering Dean took longer than we had hoped, although not so extraordinarily long, despite the feelings of many of us on the Search Committee that it seems to take a long time, but it has now ended successfully. And now that is has ended successfully, the question of the status of the Computer Science Department and the future of the FCI can be addressed more directly. I spoke with the new Dean of Engineering, Kent Fuchs, yesterday by phone, and he prefers to be a part of the solution to this—one could call it problem—or opportunity to make a decision. Some had suggested that the new dean might prefer to have the ambiguous status of the Department decided before he arrived so that he wouldn't have to be involved in the decision. He understands that argument but prefers to be part of the solution, and I will honor his request to be part of the solution. Let me say that I stand strongly behind the notion that departments should belong and follow the administrative and procedural guidelines of colleges. We don't need any new colleges at Cornell University. We can stand to have fewer colleges; not that we are going to, but that would be the direction in which to go, not the opposite direction. I think those are the quick answers to most of the questions on the list, but if they don't address everything, I'll be glad to come back to any of these items later."

Speaker Howland: "Questions for the Provost?"

Professor Kevin Clinton, Classics: "At the meeting on October 10, Peter Stein asked you about any progress you could mention on the Median Grade Policy. This was a policy that was passed by this body six years ago as actually two parts—one is to publish at the end of each semester the median grades for the entire community to look at, and the other is for the median grades to be included on the student transcripts. The last set of median grades that was published was for spring 1999. So far the median grades have not been included on student transcripts. In October, you responded, 'So noted.' So I am
wondering if you can tell us now about what is being done on these two policies or if you can’t tell us now, would you be able to report back at the next meeting?”

Provost Martin: “OK. Sure, Kevin. Actually, Bob Cooke can tell you more about it than I simply because on the basis of discussions Bob and I have been having about it, he has approached the Registrar, David Yeh, about how quickly some of these things could get done given the status of our systems projects. And actually the news is not good on that front, and Bob has more specific information he could probably give you when he makes his remarks, but we are still working on it. It is just not going to happen quickly.”

Professor Clinton: “What about the publication on the web at the end of each semester?”

Provost Martin: “Of median grades?”

Professor Clinton: “That’s right.”

Provost Martin: “I don’t know about that; Bob does. He will give you the latest on that. I’m sorry that I don’t know all the specifics. Any other questions?”

Speaker Howland: “Thank you very much. The Speaker would now like to call on Dean Cooke for remarks.”

2. REMARKS BY DEAN J. ROBERT COOKE

J. Robert Cooke, Dean of the Faculty: “Let me first respond to the question about the Registrar’s Office. The issue was brought to the attention of the UFC, which discussed it, and I have had a conversation with the Registrar’s Office. And as you point out, there are two parts. The part that deals with changing the computer software to add something new—frankly it is my judgement that the system is so unstable that if I were sitting in the position of the Registrar, I wouldn’t tamper with it in this fashion either. It is a discretionary change, and it is simply foolhardy to go in and do something now. You will recall the famous word ‘Project 2000’ that was going to be the best managed university—it wasn’t clear whether it was going to take 2000 years to become a best managed university or if it was going to happen in 2000. Anyway, that’s where that stands, and if you direct us to do otherwise, we will continue to press the issue.

“The second part is posting the grades. The UFC did discuss it and decided that we would bring it to you as soon as we had an opening on the agenda that was not so full and so heavy with other issues. It was not something that we felt should usurp our conversation about professorial titles or the Department of Computer Science and so on. So I assume it will be in front of you at some point. Frankly, my personal view is doing anything that allows students to exercise a grade-grabbing trend, the tendency is already there. The Registrar reported that the only time this site is used is just before registration for courses. I don’t think, in reading the minutes, that was the intent of this group to allow students to
compete on the basis of the grade they would get instead of on the intellectual content of the course. So I frankly admit that I have some misgivings about it, but we will see that it emerges, and you can then decide to rescind the previous position or to enforce it, and we certainly can implement that without any instability in the operation of the Registrar’s function. So those are two separable items.

"I will make my comments quite brief, because we do have a heavy agenda, and I want to emphasize the Garza agreement as the item that the UFC and I have been interested in bringing to the fore and having a public discussion about. The position I have taken to the administration on your behalf is that it is an agreement not a recommendation, not even a considered recommendation, but something that was discussed extensively over many months by this group and others, and it was agreed to. A policy was issued at the hands of the Vice Provost with the full blessing of the President and Provost, and so in the words of one of the popular commercials, my advice is, 'Just do it.'

"What we are doing today is giving you an opportunity to react to what has been presented and the history, so that you can decide whether in fact you agree that we are headed in the right direction or you wish us to go in some other direction. The direction we are pushing it is that it is an agreement, and we are not asking to reopen all that conversation of many months from two years ago. Instead we are saying that was an agreement arrived at in good faith by all parties and now is the time to go ahead and get real about that. There are no motions today; it is simply for discussion, and you will decide after this conversation whether we need to go the route of motions."

3. APPROVAL OF MINUTES OF THE FEBRUARY 13, 2002 SENATE MEETING

Speaker Howland: "Thank you, Dean Cooke. The Speaker would now like to call for approval of the minutes of the February 13 Faculty Senate Meeting. Any amendments? Objections? Hearing none, the minutes are approved.

"The Speaker would now like to call on Associate Dean and Secretary, Charles Walcott, for a Nominations and Elections Committee report."

4. REPORT FROM THE NOMINATIONS AND ELECTIONS COMMITTEE

Professor Charles Walcott, Neurobiology and Behavior, Associate Dean and Secretary: "I believe that you have all received the report (Appendix 1) in your call to the meeting. It is a great long list of people who have very kindly agreed to do a variety of different things. These are the usual faculty committees and a series of land grant panels to which people have been appointed with the advice and consultation of a variety of folks including the Committee on Nominations and Elections. So I bring those matters to you for your approval."
Speaker Howland: “Thank you. The report is before you. I would like to ask for unanimous consent to approve the report. Hearing no objections, the report is approved.

“The Speaker would like now to call on Professor Peter Stein for a resolution to modify appeals and grievance procedures.”

5. RESOLUTION TO MODIFY APPEALS AND GRIEVANCE PROCEDURES

Professor Peter Stein, Physics, and Chair of the Task Force on Appeals and Grievance Procedures: “This resolution (Appendix 2) was placed before you at the November Faculty Senate Meeting, and at the November meeting the representative from the Law School asked us to defer until this meeting, until the Law School had an opportunity to examine it and make recommendations about it. And this body decided to do that. The Law School has now looked at it, and we bring it back to you. We bring back to you the original motion. We have made a couple of small changes in the procedures, which I would like to discuss with you based on the conversations that we had.

“I'm not going to go through the whole thing. I am going to assume that you recall it or have read about what the issues are, but I think the issues are pretty well stated in the ‘whereases’ of this resolution. The committee talked with a number of people after the last meeting. Once again, we talked with the deans and/or policy committees of the Law School, the Hotel School and the Johnson School. We spoke to the University Counsel at some length, and we spoke to at least one other faculty member that had an interest in it. As a result of those discussions, we can now say that none of the deans or policy committees oppose this recommendation that we are making to you, and they support it with various levels of enthusiasm.

“We made two changes. The first one was suggested by the Dean of the Law School. We are suggesting now that in the small colleges, like in the large colleges, if a non-tenured faculty member is denied tenure that that non-tenured faculty member has the right to ask the dean to confer an ad hoc committee to look over that decision. The Law School had not done that previously. In fact the Law School does not regularly use ad hoc committees. Their concern was that since it comes at a point when all the members of the Law School had voiced an opinion on that, they were concerned that there may not be enough other faculty members on the campus who would be competent to form an ad hoc committee. The argument is that the Law School is a particular sort of academic organization, which is dissimilar from other academic organizations in its notions of teaching and research and that only a Law School professor can understand that. So we added a clause simply saying that the ad hoc committee that they appoint could be tenured members of the Cornell faculty or tenured faculty members from an appropriate academic institution outside of Cornell. So that in fact, the Dean would have the freedom to add law school faculty members from outside of Cornell. I think that is probably not a major change.
"The other change is a major change or at least major in the context of the Grievance Procedures document. It has to do with a paragraph, which is practically incomprehensible, but I am going to tell you what it means. In particular, it is the last sentence of 2.f., which has been added: ‘However, if a school or college adopts a procedure as described in 2.g. below, the members selected by each of the parties may select any individual holding an academic appointment at Cornell as a chair irrespective of any existing reporting arrangements.’ That has been added. And if you read it, you may not be able to decipher it, so let me tell you what it means. The committee had a concern that when there was a grievance filed by a faculty member against the dean that the notion of allowing the dean to appoint as one member of a grievance committee someone who reported directly to that dean might be seen as giving the dean too much of a hand in the outcome of the deliberations of the grievance committee. Namely, that someone who reports to the dean is not as independent of the dean as someone should be on a grievance committee. So we made a recommendation on the first half of this that there be a general exclusion from a grievance committee of anybody who reports to one of the parties of the grievance. Then the question came up, ‘Well, what about if you have a grievance committee where side A appoints one member, side B appoints one member, and then the two members appointed by side A and side B together choose a third person to be the chair?’ That is a standard grievance committee in labor circles, I understand. Then the question is how do you interpret the above exclusion? Namely, since the dean’s appointee has got half the responsibility for appointing that person, does that mean that someone who reports to the dean should not be able to serve on that committee? Well, you could decide that either way. It was ambiguous in the way we had written it. After discussions with the Hotel School, they were particularly concerned that the Hotel School is a special place that is unlike other colleges in a variety of ways. They felt it would be unfortunate if two members of the grievance committee had to be by definition from outside the Hotel School. So they said, ‘How about this compromise—that you not exclude that possibility? The persons jointly appointed by parties to the grievance may decide that a person in the college is sufficiently independent and detached from the dean, and if they mutually agree to that, there is no particular reason why that person shouldn’t serve as the chair. That is the argument, and I don’t think I am capable of saying it any clearer or that I have anything more that I want to say about this document. So I present it to you for your consideration.”

Speaker Howland: “Good. The motion is open for discussion. Does anybody wish to discuss the motion? Evidently not. I think you may be ready for a vote. All those in favor of the motion say, ‘aye.’”

“AYE.”


“We have now a resolution to recommend that each course syllabus include a reference to the Cornell University Code of Academic Integrity. I call on Professor Abby Cohn.”
6. RESOLUTION RECOMMENDING THAT EACH COURSE SYLLABUS INCLUDE A REFERENCE TO THE CORNELL UNIVERSITY CODE OF ACADEMIC INTEGRITY

Professor Abby Cohn, Chair, Linguistics: “I will speak very, very briefly since we have a sort time, and I would be happy to take any questions. This resolution (Appendix 3) grew out of a dialogue between the chairs of the Academic Integrity Hearing Boards of the various colleges and the Educational Policy Committee and a general concern for supporting academic integrity at Cornell in all of its senses. We see this resolution as being a vehicle for educating students, strengthening academic integrity and taking also a preventive step where, hopefully, we will have fewer violations of academic integrity that have to be dealt with, and also as a vehicle to foster dialogue. So I am happy to address any questions.”

Professor Robert Kay, Earth and Atmospheric Sciences: “I move this resolution.”

Speaker Howland: “Thank you. The motion is open for discussion.”

Professor David Grubb, Materials Science and Engineering: “I feel that this motion is very well meaning, but I find it very difficult to support it. I would support an alternative suggestion that every instructor of any course for which academic integrity is not to be invoked should mention it specifically.”

Professor Cohn: “The practical problem is that the Code of Academic Integrity as it is currently stated says that anyone who deviates from the Code as defined has an obligation to put in writing how it deviates. The experience of the EPC in their discussions and the experience of the chairs of the Academic Integrity Boards in our discussion is that every course frankly deviates in some fashion or another, and the best way to address that is to call upon everyone to be explicit. We also feel that this is one of the most effective ways of both educating the students and frankly encouraging better compliance among the faculty. We can’t think of a better way to do that than just ask that people to put it in writing so that it is there explicitly and available for discussion.”

Professor Manfred Lindau, Applied and Engineering Physics: “I think to say that what students’ own work is and what collaboration is might be difficult to define in some cases. I don’t know if I would say there is a lot of sense to this unless we know exactly what it means.”

Professor Cohn: “Let me assure you that it is better for each instructor to attempt to define that before an apparent violation takes place.”

Professor Elaine Wethington, Human Development: “I had a similar question. In the Academic Integrity Code, it is also forbidden, unless the professor gives explicit permission, that the same work be handed in for more than one class. I was wondering if you had discussed what the possible implication might be of ending the sentence as ‘will be the student’s own work’ without mentioning that part of the Academic Integrity Code?”
Professor Cohn: “Since it is an explicit part of the Code, I don’t think by just saying ‘it will be the student’s own work’ and not adding reference to that particular place, that that is necessarily a problem, but if there was a sense that that needed to be added, I don’t have a strong.”

Professor Wethington: “If I could just briefly follow up, I have found that to be one of the least known aspects of the Code and one of the most frequently violated.”

Speaker Howland: “Yes.”

Professor Susan Piliero, Education and Chair of the Educational Policies Committee: “One of the ideas that we tried to consider in looking at various statements was to have sample syllabus statements on the web. Our concern was that no one statement might be comprehensive enough to apply universally in every situation. So what we tried to do was to include a general statement about the Cornell University Code of Academic Integrity, and reference that and say that is the ultimate source. We didn’t need to define every single bell and whistle of that code. Students, therefore, having that in writing would be held to the Code of Academic Integrity in all its parts.”

Professor Steven Shiffrin, Law School: “I think before speaking I should say that I disassociate myself at least in part from the position that the Dean took on the capacity of other faculty members to evaluate material from the Law School. I do have a concern about this, which is prompted by one of the questions that was raised. If each individual faculty member gives their interpretation of the Code of Academic Integrity with respect to collaboration, one might expect that they will be giving different interpretations. So when a student is accused in some course of violating the Code, the student will be able to say, ‘Oh, well. I took Professor Somebody three years ago who told me that collaboration meant X.’ By not having uniformity and asking professors to spell it out, this could lead to some significant problems down the road. Also, the language here—it started off saying you are strongly urged to do it and you are strongly urged to do it in writing as opposed to talking about it in class. Why, I’m not sure. Then in lieu of writing, faculty may use the generic comprehensive statement. That speaks in terms that there is more obligation involved here. I am not sure how to fix that, but I’m more concerned about the collaboration and multiple definitions.”

Professor Cohn: “I think that you have to consider the current state of affairs, which first of all is that we do have a code, and the code is fairly explicit in a number of areas. So that is what the Academic Integrity Hearing Board and other people fall back on when asked to interpret whether something is or isn’t a violation, and that doesn’t change in any way. But the range of practice currently at Cornell is very, very wide. If indeed we were successful in getting the vast majority of faculty to include such a statement, then the students would be hearing about it every semester and it would be extremely obvious to them that it didn’t matter what Professor X said three years ago, because what
mattered was the statement here. In lieu of a specific statement there still is the code to fall back on.”

Professor Danuta Shanzer, Classics: “Have you thought of publicizing sample illustrative cases in the Sun? I don’t know how often academic integrity cases come up, but some universities do this. It is not a stupid idea, and it gives them some idea of the range of different types of things that go on.”

Professor Cohn: “That discussion has taken place at two levels. We have certainly had that within the Arts College, and we have had some brief discussion among the chairs of the boards. I think there are a number of reasons why it is somewhat problematic. Even though we have a uniform code, how we do things across the colleges has some range. And there is an incredible variation in terms of the nature of the course what kinds of violations we see. While one can imagine there being a benefit in doing that, what we like about this approach is that it is a much more constructive and positive one, rather than emphasizing the punitive and negative.”

Speaker Howland: “Thank you. I think we have exhausted even our expanded, shared time on this. I would like to move to a vote. Are you ready for the vote? Good. All in favor of the motion as presented say, ‘aye.’”

“AYE.”

Speaker Howland: “Opposed?”

“NO.”

Speaker Howland: “I think we had better have a count. Let’s raise hands, please. All in favor, raise your hand. Mr. Secretary, will you help count that half of the house? And I’ll count this half. And opposed, please. It passes forty-one to twenty-two.

“The Speaker would now like to call on Professor Terrence Fine for a resolution to rename the Laboratory of Nuclear Studies.”

7. RESOLUTION TO RENAME THE LABORATORY OF NUCLEAR STUDIES

Professor Terrence Fine, Electrical and Computer Engineering, and Chair of the Committee on Academic Programs and Policies: “This is a request, as you can see, to rename the Laboratory of Nuclear Studies to Laboratory of Elementary-Particle Physics. The rationale is that that is what they have been doing for the past thirty years. A careful examination suggested that there was no other department at Cornell University that could lay claim to elementary-particle physics. If they are here, they can announce themselves. So unlike biology, we thought that this was a fairly clear matter.”
Speaker Howland: "The resolution is before the house. Any comments? Professor Stein."

Professor Peter Stein, Physics: "I have a comment about the hyphen. That's not common usage is it? The word elementary particle without the hyphen is the way it is mostly written."

Speaker Howland: "There should be no hyphen?"

Professor Fine: "We defer to Professor LePage."

Professor Peter LePage, Physics: "The hyphen was introduced when people were concerned that the name would be read as elementary physics of particles."

Professor Stein: "It's called the 'dumbing-down of titles.'

Speaker Howland: "Thank you. I think we are ready for the vote. All in favor of the motion say 'aye.'"

"AYE."

Speaker Howland: "Opposed? The motion (Appendix 4) passes. Thank you, Professor Fine."

"And I would now like to call on Professor Fine again on progress made in fulfilling the terms of the agreement presented to the Faculty Senate by Vice Provost Garza on May 10, 2000."

8. CAPP REPORT ON PROGRESS MADE IN FULFILLING THE TERMS OF THE AGREEMENT PRESENTED TO THE FACULTY SENATE BY VICE PROVOST GARZA ON 10 MAY 2000

Professor Fine: "Well, the title just about presents what I have to say. Dean Cooke made reference to this. Provost Martin made reference to this. We have a discussion of background. It was the abrupt removal of the Computer Science Department from the administration of the College of Engineering, and then the task force report, which came in two parts in June and November, encouraging university-wide instructional and scholarly engagement with computational thinking practices.

"Out of those two main issues, there arose a desire for an agreement for a policy, if you will, a plan. The 1999-2000 Senate, of which some of you may have been a member, met to discuss this in September and met twice in October; they had a special meeting in October. They met in December; they met in February, and it was also on the agenda in May. It was discussed fully by the Senate; it was discussed repeatedly by CAPP with various people, Vice Provost Garza, Dean Constable, I see here Dean Hopcroft. A number of people were invited to attend those meetings of CAPP. CAPP, in the words of Vice Provost Garza, brokered the agreement on behalf of the Senate. It was presented to the Senate in
February. There was an opportunity for consideration, and then it was announced at the May meeting that it had been accepted. The exact language is in the report that you have (Appendix 5). It was accepted by the President and Provost to be pursued for implementation. This was a very thoroughly discussed matter and it involved many hours of people’s time throughout the period. I remember meeting around Christmas time on this thing in Garza’s office. So this was not done lightly. It was done with great due and I think careful deliberation. The status of the agreement, as Dean Cooke pointed out, is that it was issued by the Vice-Provost, and accepted by the President and Provost. It is not really a recommendation, something that one accepts or doesn’t accept at one’s whim.

“That is the background. There are some issues with the implementation. In some areas, there has been good progress. A Faculty of Computing Information was created. It is functioning. And by the way, as I walked in, I also received this document (Appendix 6) which discusses me in not particularly favorable terms. Some people say even unfavorable recognition is better then none at all, so I will accept it in that spirit. But I think it helps to understand that there is a distance, a distinction, between the CS department and the FCI. In other words, I think there have been good productive activities on the part of the FCI, which is a group of faculty members, led by Dean Constable and the CS Department. One third of the committee, I believe, are members of the FCI. So to better understand that what we are addressing is not so much the FCI, which I think is functioning somewhat as planned, but the role of the CS Department. With respect to that, there has been no progress and I would say indeed resistance. I presume that will be demonstrated to us after I stop speaking. The Computer Science Department will be located in one or more of the existing colleges based on the recommendations of the five-year academic plan. I’ve heard debates about the word ‘located’, ‘college’, what have you.

“Our position at CAPP at the moment is that we are not rearguing the whole case ‘de nova.’ We spent enough time arguing the case, coming to an agreement, coming to a plan. The idea is to implement that agreed upon plan. We include some comments from Dean Lewis and Dean Craighead that say that this is still a live issue. The location of the CS Department is still one of concern and still of importance to the College of Engineering and of interest to the College of Arts and Sciences. We are concerned by evidence of lack of commitment by the Provost to carry out some of the terms of this agreement and by evidence that the CS leadership continues to resist the reinstallation of CS. We did hear something, I think, in the right direction from the Provost at the start of this meeting on that matter. I’ll return to that briefly. It is further evident from remarks made by Computer Science faculty that I have been party to that Dean Constable and Provost Martin have been remiss in the past year and a half in not preparing the CS faculty to meet the terms of this agreement.

“I’m going to cut this short, because I want to leave some time for discussion. What I believe is necessary at this point or shortly is concrete evidence of a firm commitment to carry out the statement in this report—that particular statement. We are not saying that it needs a detailed budgetary, administrative plan, but I
think that it needs concrete evidence of a firm commitment to carry this out, meaning the words to mean what they usually mean. I talked to Vice Provost Garza. I believe I can quote him fairly. He believes it to mean what you meant it to mean. It was not meant to be a devious document; he is not a devious person. So it is meant to be interpreted pretty well as it stands. And I think what we would need is some concrete evidence towards that. And failing that, we will have to come back to the Senate to see what is your will in that matter. None of this is a challenge to the importance of Computer Science both in the College of Engineering and in the university. If they were not important, this wouldn't be worth the time we have spent on it. They are a very important unit of the university and of the college. However, I don't think they can fairly lay claim to 'exceptionalism.' You may hear some such claims, I think, in their defense that they are somehow different from all other departments. I don't think that they are."

Speaker Howland: "Thank you, Professor Fine. So this report is open for discussion. Yes."

Professor William Arms, Computer Science: "I am one of the senators from Computer Science. I asked if I could have just a few minutes in front of you, because this is so important to the department. First, and I actually prepared some slides (Appendix 7), first of all, we all should thank Bert Garza for his efforts in defusing an extraordinarily complex and bitter situation. Unfortunately in doing so, he left behind some ambiguity and conflicting promises for today's provost. And I don't envy you having to sort out the mess that others left you.

"The department is really quite concerned about this report, and it suffers from what we call 'Randelism,' which is discussions about an academic unit, you've just seen part of them in front of you, without even letting the academic unit know the discussions were going on. I think it is really sad that CAPP didn't talk to anybody in Computer Science; they didn't seek to talk to the chair; they didn't talk to the deans; they didn't talk to the FCI. If they had, they wouldn't have so many small mistakes of facts in their report. In particular, however, what I last ask the Provost to do is not dwell on the past but take a look at what has happened in the last two or three years.

"There are three questions here that I think you might pay attention to. One is what has happened to the Computer Science Department in the last two and a half years. The reason for the rush was because the department was imploding. In 1999, six good faculty left, and there were offers on the table to many more. Since the changes, the department has thrived, and there is good solid evidence for that. I think you should look at why that happened and whether it was more than coincidence. Remember this happened in the 'dot.com' boom when other departments were in real trouble. Secondly, a question that I think it would have been nice if the report addressed, was how has the role of the Computer Science Department within FCIS helped the initiatives that are going on across the university? I have named some of them. Many of them are happening in CALS. I have just come back from a meeting in the Law School, and so forth. Thirdly,
there is innuendo in the report suggesting that interactions between Computer Science and Engineering are in bad shape. I think the evidence is exactly the opposite. They are in supremely good shape, both education, research and in doing recruiting. I hope you look at those and try to understand as you do your study.

“So the department has really got two requests—one is a recommendation to the Faculty Senate. I think we should ask CAPP to withdraw the report. It is basically just a sloppy report, and it is impolite to have a report about an academic department that the department didn’t even know was under discussion. The second request is to the Provost, and you really have answered this already, please resolve the current uncertainty. We, all of us, want to have it. And please do it in an open way that we can all be proud of. You will hear strong arguments that the current situation is working well for the university, and many of us would argue that that should be the permanent relationship, but fundamentally the decision is yours and I hope that you do that in a way that we can all sign up to and accept.”

Speaker Howland: “Thank you, Professor Arms. There seem to be two opinions about this report, so I would like to alternate speakers if I could. Would anybody like to speak for the report? Fine. Would anybody like to speak on the other side again?”

Professor Stephen Vavasis, Computer Science: “I would just like to ask the question—why now? Why the rush? If you look at the report, there seem to be two concerns of the authors. One is that the Provost wasn’t consulting the CAPP, and I think the Provost in her opening remarks gave a very clear explanation, at least clear to me, why she didn’t do so. I don’t really see the problem there. The second issue raised in the report is more like innuendoes. Innuendoes that the current situation is creating problems for Engineering.

“What do I mean by innuendoes? I’ll be specific. If you have the report in front of you, you look at the bottom of page one and you see in the last line the word ‘presciently’ preceding a quote. It says the heads of the Engineering departments ‘expressed themselves presciently as follows,’ and then there is a quote which says that ‘The creation of an autonomous unit, as suggested in the presentation, in our view would have significant adverse impact on the college of Engineering’s reputation’ etcetera, etcetera. OK? When you see that word ‘prescient’ you are thinking that, ‘Oh, well, later in the report there is going to be a big shocker about what happens in the College of Engineering and how these guys foresaw it.’ But if you actually look at the rest of the report, it is not there. There is no evidence in the report of problems in the College of Engineering caused by the creation of the CIS. The reason it is not in the report is because it didn’t happen. There hasn’t been any negative impact on the College of Engineering documented that I know of. And it certainly is not presented in this report from CAPP. So this is another instance of the sloppy presentation that Bill Arms was referring to in his talk. In fact, if I were trying to counter the argument that the creation of CIS has had a negative impact on the College of Engineering,
I shouldn’t have to work too hard, since no evidence has been presented for the other side.

“But I will tell you that I did gather some evidence to show that in fact the creation of CIS has helped the College of Engineering. I’ve gathered some facts, which I guess I won’t present because there doesn’t seem to be any opposition. But for instance, just so you know, in the current graduating class of the College of Engineering of about 800 seniors, 137 of them are Computer Science majors, and we also have our major in the Arts College, too, with another comparable number of students. So as far as we are aware the collaboration between CS and Engineering is going fine, and Engineering is not being hurt by the current situation. So we are left wondering—why the rush? Why now? Especially since the Provost explained quite clearly that the new Dean of Engineering would like to play a role in this, and he is not even here until July. This is yet an additional reason to ask CAPP to withdraw this report.”

Dean Cooke: Do you believe it is alright for the Provost to ignore the duly arrived at agreement that resulted from extensive consultations?

Professor Arms: “I believe fundamentally that administrative questions are the responsibility of the Provost. I think that agreement in which many people settled on and came to this shared conclusion, the natural thing is to get the successors to those people together and make sure that they can reach the conclusion. However when the chips are down, I think this is the responsibility of the Provost.”

Dean Cooke: “Not the President, who is still the President?”

Professor Arms: “Of course, the President. The President through the Provost.”

Speaker Howland: “Professor Fine?”

Professor Fine: “I can’t answer why the rush, because to me a year and a half, almost two years, doesn’t seem like it’s too hasty. We are obviously on a different time scale. So those of you who feel that waiting passively for a year and a half for something to happen is now rushing can feel that way. Why was the CS Department not consulted on this? Because it isn’t about consulting the CS Department. It is about implementing the agreement. The agreement has a clear English sentence that states what should happen. It is not up to the CS Department to decide whether that in fact should happen or shouldn’t happen or what their opinions are. I think their opinions are that they are quite happy where they are. That is not the issue. There was an agreement. There were a lot of things that were given over and some things that went another way. It is a matter of accepting the agreement. Now if you would like to argue that any agreement that took over a half year to reach, countless hours of time and people, can be set aside at the whim of the people involved, then I think we are in a very difficult position with respect to the administration. I certainly expect the kind of integrity and consistency from them that says a hard-won agreement will be
honored. It is not fully honored at this point. I would like to see a commitment to completing that implementation.”

Professor Shiffrin: “I am curious as to how long this agreement is frozen in stone. I have no opinions on its merits. But if ten years from now there were a new Provost and a new Dean of the Engineering College, would this agreement still be locked in place? And if not, we have a new Dean of Engineering, a new Provost, who didn’t negotiate this agreement I take it, so I don’t understand what the principle of longevity and change underlying this conception of the agreement is.”

Professor Fine: “It is my belief, and we have a little debate with the Provost on this, that when she took over, she asked for a year, and I remember the word ‘moratorium,’ in which this would not be resolved. So in some sense the clock—was in fact, marked. There was cooperation with that. Now, in a hypothetical ten years, I think it is hypothetical and I can’t address that; it’s not the case. But the ink was hardly dry on this agreement in May before we had a suspension of part of it, at least a suspension of reaching a decision. We are now only a half year beyond that first year. That’s where we are. It’s the soonest we can go—for some people it’s a rush.”

Speaker Howland: “Provost Martin?”

Provost Martin: “Well, I would simply like to make one slight modification of what you said, Terry. What I said was that I didn’t want to make a decision for at least a year. And the reason had to do with the Dean of Engineering search, which took longer than a year. If you read the agreement carefully, you’ll also see that one of the purposes of moving CS out of the college was to permit it to flourish in its efforts to build interdisciplinary programs, which it has done. I took it from my predecessor that that would take some time however one interprets the notion that it should belong in a college.

“I think that I am caught in a bind, and that’s fine. That’s my job. The bind is making good on agreements as they were understood by predecessors and the people who continue to be here, who participated in the making of that agreement on the one hand and on the other hand feeling absolutely obligated to do what seems best for this university. My ardent hope is that we can work together to come to a solution that respects the actual complications involved in this issue. And the issues are extremely complicated, even more complicated I think than the substantive issues that could emerge in a discussion here. If you looked at some of the details of the administrative ambiguities and problems, you, I think, would be shocked and not want to participate very much in the discussions about how to deal with those.

“So it is a very complicated issue and for the good of the University my hope is that we can work with Kent Fuchs and work with the people who have been involved in these discussions in an open and consultative way, certainly, but also in a way that avoids acrimony. I don’t think the good of the university will be served by great antagonisms about this. I think there are probably ways of
insuring that both the College of Engineering and the FCIS and Computer Science can continue to thrive, and I hope to come to such a conclusion with help. As I say, I think the Garza agreement is very important; I don't take lightly the notion that I would do something that seems opposed to what my predecessor intended. The only thing I can say there is that there is a lot of ambiguity in the way various people who worked with the previous administration understood that agreement. Though I agree with Terry, that the one line about belonging to a college is pretty unambiguous.

"On the other hand I want us to look at what is going on right now as well as agreements that were made in the past and decide what is best for the university now and also in the future. Because let us remember that making structural decisions or decisions about institutional structure are decisions that will be with us and have implications long into the future well beyond the point where the individuals involved now are here. That's really all I have to say. What matters to me is making the right decision, not appearing to take lightly an agreement made by my predecessors. I don't believe there is any commitment made by my predecessor to this point that I haven’t failed to honor, but [I am] also looking at what would be best for the university and what could possibly benefit all parties concerned, trying to avoid an antagonistic relationship where we do harm to a number of parties involved because of the antagonisms, and hoping for some wisdom both from this group and the people more directly affected. That's my statement.

Speaker Howland: "Thank you everyone. I think we have exhausted our time on this topic and should pass to the next one. I would like now to call on Professor Jennifer Gerner."

9. DISCUSSION OF COMPUTER NETWORK COSTS RECOVERY

Professor Jennifer Gerner, Policy Analysis and Management, Associate Dean, College of Human Ecology, and Chair of Faculty Advisory Board on Information Technology: "I'm reporting to you in conjunction with Professor Tom Dyckman about a meeting that was held mainly between some representatives of the Faculty Advisory Board on Information Technology and the Senate Financial Policies Committee with Polley McClure about pricing of technology that comes to us because of various proposals for changing that pricing. We solicited your comments and comments from the other faculty about what the pricing issues were and asked Polley to give us some insight into what the thinking of CIT was in their pricing decisions and where this was all going and also to express concern about the impact that some of these pricing decisions have on faculty research and faculty work. So let me just say that we, in soliciting these comments, got sort of three or four different types of comments that we could broadly define.

"One is some discussion about the bandwidth and limiting the bandwidth and bandwidth issues, particularly with regard to the residence halls and I should tell you that one of the things that CIT is doing is limiting bandwidth availability and also imposing some penalties on students, on a very few students. Actually,
it's only a very small number of students who are absorbing an immense amount of bandwidth in their downloading activities. So there is some work going on in trying to limit that and also trying to find ways that are acceptable for those students. So I think you should feel reassured that that is being addressed.

"There is also a discussion about the hubs and hublets policy which I think actually got many people really concerned about this. FABIT has discussed this a couple of different times, and one of the things I think we came to understand in our discussions with Vice President McClure was that the hub and hublets policy which, although CIT believed it was in place, and I'm sure it was in place, nevertheless had not been articulated in quite such a clear way ever before. One of the things that became clear is that the impact that the enforcement of that policy has on faculty research and also on departments was probably not well understood by anyone, because I think hubs and hublets had been invisibly multiplying. So one of the things that did happen is now a much clearer understanding of how many hubs and hublets are out there and what impact that has. FABIT actually has sent a statement to the Provost and Dean Cooke and also all the other deans concerning more general pricing, but also including this, which I will read to you. It says, 'FABIT members are concerned by the lack of broad discussion about the philosophy underlying cost recovery for the network at a major research institution like Cornell. The conclusions of the Network Recovery Task Force (which recommends a new pricing structure for CIT) allocate the costs to users—embodies one philosophy. But one might also argue that the network is a 'public good,' like a library, and thus should be funded centrally. Without a community agreement on a philosophy, it seems premature to be debating detailed mechanisms.' So I want to come back to that in a minute, and when I do that we will switch partners. 'Second, the new charging structure, while arguably 'fair,' has the potential to introduce discontinuities in units where needs for the network are significant but resources to pay are not.'

"And let me just say that it is the piece that FABIT is most concerned about and that we raised with Polley, and I think the Provost has now issued a continuation of the treaty on hubs and hublets (Is that fair?) for the coming year until some of these issues are actually better understood, because I think that was something that was not clear. The outcome of this meeting, among other things, was to ask the Financial Policies Committee if they would address this issue about philosophy and for that I will turn it over to Professor Dyckman."

Professor Thomas Dyckman, Johnson Graduate School of Management: "I am here. Knowing this group, I am prepared. A faculty member does not come without an overhead. The problem is to get it so you can see it. I'm going to move over here, so hopefully out of the way of what's going on. It's not my picture; it's Polley's, but I have usurped her ideas here. One of the things that we have is Web Report, by the way, which some of you ought to read. This report, which I scribbled on, just so you know it's out there, is on the Cornell faculty web page. So you can find it and look at it."
"This is the report (Appendix 8) that was made by a committee to advise Polley as to how charges might be done if they used what we might call an indirect method. Basically, that means an enterprise method where the costs are attempted to be allocated to the user. Now even that process is not fully a direct method because in particular the backbone, which you see up there, will not be done that way. It will be done in an indirect approach. So it's a mixed bag even at that. But the point that Jenny raised, and which I actually dealt with when I served as Acting Vice President for CIT a long time ago now, is that they have not addressed the more basic issue as to whether the whole affair ought to be basically an indirect approach. I don't particularly like the library simile, but it means basically a totally indirect approach or whether it ought to be a user-based approach as far as it is possible to do so, where in particular the Internet part would be user-based. So that is what we are going to look at on the FPC level.

"Now the report to Polley. This one is an advisory report. It was attempted to be written clearly; it's not necessarily true that everybody will understand it. It wasn't meant for the faculty. What we want to do in the FPC is to address the more basic question as to whether this ought to be a totally indirect approach or a mixture, which is more like what they have proposed here, and whether at a point there ought to be some subsidies on that. Jenny indicated there would be no change for a year. I believe that they are not planning to institute this until 2003 or 2004. That's the really important time, so there is a lot of time to deal with this particular issue, and in the process it may be necessary to assist those, if indeed the decision is to move to a hub-based approach, to allow some sort of subsidies to be made to those groups while they move from their current position to that new position. One should also remember that if indeed we got away from the hublet approach, each hub that is available would be less expensive because there would be more of them. There are an awful lot of them out there. We don't really know how many. That's one of the pieces of information that needs to be gathered. So we are going to meet to do that.

"Let me make an indication that when we get done, we will have a report by a committee which we will send out to all of you. We will find ways in which to introduce you into our process so that we get your input, and we will come up with a recommendation ultimately that goes to the administration. Remember they make the decision. We do not, but we certainly want to recommend based on more knowledge than we have now. In the process, let me be sure that you understand that this is a revenue neutral thing. We are not going to create new revenues this way. It is a cost allocation process, and we have to worry about the incidence of these costs, who subsidized who, what the effects are on graduate education, students and what are some of the behavioral issues. There is a lot of this that hasn't been considered. How you doin' old man? Do you want me out of here?"

Speaker Howland: "Yes."

Professor Dyckman: "OK. I will stop."
Speaker Howland: "Thank you. This topic is open for discussion. Are there any questions, comments?"

Professor Joseph Hotchkiss, Food Science: "Vice President McClure came and talked with the CALS Faculty Senate about this issue and has unintentionally pressed a lot of hot buttons, as you might expect. One of the questions that I was asked several times about this was the make up of the committee. Many people are wondering why there is apparently no one from CALS on the committee, even though I assume CALS is a large user of computing services. More importantly, it seems as though the primary make up of the committee were administrators, whose responsibility it is to collect money indirectly or directly from faculty resources. There weren't any faculty on that committee whose livelihoods and research programs are heavily dependent on computing. Specific examples in CALS are people doing meteorology. The very nature of their work requires them to download large amounts of information, make no sense out of it, and then send it back out to us."

LAUGHTER.

Professor Hotchkiss: "They are worried that those kinds of people are not represented on your committee. Your committee is deciding how to charge these people for resources that they need for their job."

Professor Dyckman: "Be careful about what you call my committee. This is not my committee. This was a committee set up by Polley. I'm actually a faculty member. I'm back in that role again. If you don't count deans, there were no faculty members on this committee. As far as deans, there were a couple and I'll let you decide what you want to do about that one. You are certainly right in your observation about the make up of the committee. And the FPC believes that the basic question of where the money ought to come from is still open. We need to discuss it widely amongst the faculty, and our committee has taken over the job of trying to make that happen. Our committee is all faculty and includes faculty from all parts of the university. So I think that we can do what you are concerned about, and we recognize the limitations of what you spoke about. It is certainly true, if you look at the members of the committee, they are all either in administrative positions related to the topic or there were a couple of deans who served on it as well who are very much interested in what happens. I hope I have answered your question. If I haven't, please follow up."

Speaker Howland: "Professor Gerner."

Professor Gerner: "I should just say that the Faculty Advisory Board on Information Technology has representatives from CALS and everywhere else on campus. I think we are all faculty."

Professor Dyckman: "This report has gone by FABIT. FABIT has discussed it and looked at it closely, and they are faculty people. And they are of course the ones that raised this basic issue that we are now going to address. I don't want to speak for the committee itself, but it is my impression, and they can certainly
correct it because some of them are here, that if you go to a direct method, as much as this is a direct method, that they find the approach is not necessarily all that bad. They have been pretty comfortable with it, but that doesn’t mean that we are done with it.”

Professor Gerner: “Right.”

Professor Hotchkiss: “So what I’m hearing is that their interests are being represented here.”

Professor Gerner: “While I think it is fair to say, correct me if I’m wrong, Fred, that FABIT does think this isn’t a bad pricing mechanism, nevertheless there are disruptions and discontinuities that will result.”

Professor Shiffrin: “Sorry to be so loquacious today. I was interested in your comment about the library analogy. Schools are not charged by the numbers of books that their faculty read or the amount of time that is spent in the library. I notice you said that you are not very happy with the library analogy.”

Professor Dyckman: “I don’t think it’s totally appropriate. There are similarities.”

Professor Shiffrin: “But I’m interested in what are the arguments against the library analogy?”

Professor Dyckman: “Well, the arguments against the library analogy are it’s sort of like a road. You have a road built and you use it when you have to, and it doesn’t matter what the charge is. A library is like that, too. In this case, however, we have a resource that, if it is essentially a free good as perceived by faculty, will be used extensively. Perhaps there will be additional costs over what there might be under a use basis. So we have to worry about what the total cost of activity will look like as well as simply its allocation. So the library doesn’t quite fit perfectly. Most analogies don’t fit quite perfectly. It’s not a bad one; it’s just that you have to be careful when you use analogies.”

Professor Hotchkiss: “This is the other question that people have asked me to raise. Have you surveyed any of what could be considered our peer institutions? Others have told me that they have done that and find Cornell, in using this enterprise model for its computing services, is quite alone in this amongst both land grant and Ivy League institutions.”

Professor Dyckman: “Well, I can comment briefly. Somebody else may wish to speak on this same point, so you can call on him or her in a minute. My comment is a little bit indirect. My understanding from Carolyn, who has been very close to this issue throughout, is that they spent a lot of time talking to other universities, and all of them are dealing with this same problem. This is not unique to us. None of them have an ideal solution at this point in time, and I think that she would say that whatever data you have is not the kind of data that
she has. There isn’t an agreement on what models to use, and people are wrestling with the issue. There may be somebody else who wishes to speak.”

Speaker Howland: “I’m sorry but our time is up for this discussion. Thank you. I would like now to call on Professor Alan Bell for a continuation of the discussion on professorial titles. Professor Bell, you have five minutes.”

10. CONTINUATION OF DISCUSSION OF PROFESSORIAL TITLES
DISCUSSION

Professor Alan Bell, Animal Science and Chair, Task Force on Professorial Titles: “Thank you, Mr. Speaker. At the last meeting you will recall we had our first somewhat lengthy discussion of a proposal to enable the creation of a new professorial title, that of clinical professor, to be implemented on a college by college basis. That meeting was followed by another quite extensive discussion a week later in a faculty forum. Some of you were here and many of you were not. The result of that discussion is 35 pages of printed transcription, which is posted on the faculty forum web site. For those of you interested in this question and considering how you might vote if we ever get it to a full resolution, I would encourage you to look at that material. I have tried to distil this into four major arguments in favor and four major arguments against (Appendix 9). I will post this also, hopefully to assist those of you who don’t have time to wade through everything here.

“The arguments for the first two points were made a number of times, particularly by those of us representing the collective opinion of the task force that has worked on this for quite some time. They basically boil down to issues of fairness to non-tenure track appointees. I emphasize that does not necessarily mean existing non-tenure track appointees, for example in a lecturer or senior lecturer position. I think there is some confusion about this—that we are looking at a device of substitution. This is not necessarily the case at all. The second issue, a pragmatic one, relates to the ability to attract and keep good people in such positions. This is less an argument than an assumption, the third point here, that the number of tenure track positions at Cornell will not increase in the future, and you can take that where you will. Finally, we would hope, although I think we have had some flaws in our wording here pointed out, that the cap on the fraction of total faculty in a department that could be non-tenure track combined with close monitoring by bodies, particularly this body, would to some extent allay fears that you will see in the negative arguments for possible substitution or drift in the direction of more non-tenure track positions at the expense of tenure track positions. A point that has been raised since then, which I think we as a task force need to consider, is should this cap include not only the new appointments if they are ever implemented but existing appointments? In other words, should the cap include, for example, the total number of we’ll say clinical professors plus lecturers or other non-tenure track appointees?

“I have to do justice to the arguments against. The first point I have alluded to already that a number of professors do believe that this would ultimately represent an attack on the tenure system. You can read faster than I can speak, I
am sure. There is a more philosophical point here—why shouldn’t all clinical professor positions, and we could by extension say all professorial positions, be tenured? And why just because some of the work people do in these positions is a little different from the classical 50/50 research and teaching should not these functions be elevated in value? Some lack of clarity in distinction between the definition of responsibilities and expectations was pointed out to us, and I think the task force will have to deal with that. Then we have had a suggestion that this new title could lead to the creation of what somebody referred to as a ‘pink collar ghetto.’ I’ve had my time.”

Speaker Howland: “Thank you, Professor Bell. This topic is open for discussion.”

Professor Bud Tennant, Clinical Sciences: “Professor Bell talked about the hypothetical issues related to tenure with the proposition that the task force is bringing forward. What I would like to do is present an example of how this proposal is going to impact on my department, the Department of Clinical Sciences. There are two overlays here (Appendix 10). The first is from the document which is part of the web site presentation called ‘Non-tenure Track Professorships in the College of Veterinary Medicine,’ dated October 21, 2001. In that is a graph showing the distribution of tenure track faculty and lecturers, during the period from 1985 until projected 2004. In red with the diamonds is the tenure track faculty; below in pink squares are the lecturers, which shows that in 1995 there were 29 tenure track faculty and 3 lecturers. In 2001, that had gone up substantially and remains in this particular graph flat but shows in blue the proposed clinical professor titles that would be added during the next two years. This is a bar graph that summarizes the impact of the changes between 1995, the year 2001 and then in 2004. It shows that the tenure track faculty in our department is projected to rise about 10% during that period of time, and the non-tenure track, which includes both the lecturers and the clinical track faculty, would increase by something just short of 700%. So when people say this has nothing to do with tenure, it simply is not borne out by the facts. It is a tenure issue of substantial proportions. And that is all I have time for.”

Speaker Howland: “Thank you. Additional comments?”

Professor Vicki Meyers-Wallen, Biomedical Sciences: “What I heard at the faculty forum was what Dr. Bell has put up, but I think that there is a university-wide issue that isn’t being brought out in what he said. And I think that university-wide issue is that the legislation doesn’t solve any problems, and it creates new ones. Particularly, it doesn’t do anything to change the condition of lecturers and senior lecturers as you said and as was said in the forum. Second of all, it creates a new, alternate faculty, which was brought out. So the central question is—what other differences, such as presence or absence of scholarship, would justify classification into a non-tenure rather than a tenure track position? If they are not distinctly different positions, then why does one have the opportunity to achieve tenure and the other does not? If they are truly so different that tenure would not be reasonable for these positions, then why would they merit the title of professor? And I agree with Professor Fine who
spoke, and I hope you will read what he said, at the faculty forum; he said that there is a reason that there is meaning behind the title professor. 'I don't think it is a question of fairness that one gives it out. It might be generous, but I don't think it is a matter of fairness. I think it would be unfair to give it to people who have not gone through the same process, who have not met the same standards.' I will stop there."

Speaker Howland: "Thank you. I'm sorry the time for this discussion is up. We pass now to Good and Welfare. I would like to call on Professor Peter Stein who will present a report on the Statler Club.

11. GOOD AND WELFARE: REPORT ON DISCUSSION ABOUT THE FACULTY CLUB

Professor Peter Stein, Physics and Faculty Trustee: "When I came to Cornell, lo these many years ago, something like forty, there was a Faculty Club here. Let me describe it to you very briefly. It was in the basement of Statler Hall; it was called the Rathskeller. It served three meals a day for seven days a week. It was full all the time; there was a place for faculty members to come and meet other faculty members. There was a library; there was a bar. There was a large coffee room upstairs. It had programs that people gave talks to; it had dances three times a year and parties. That was what the Faculty Club was. Oh, and the food was absolutely first rate, by the way. It was very, very good. It is now reduced to a small corner in the basement that has a salad bar that is competitive with Wendy's, I think probably somewhat better than Wendy's, but in that same league. And it has a couple of soups that are actually quite good.

"Everyone who has been around here for a long time knows this. The usual reason that is given is that there has been a steady attrition, because faculty members have changed. It used to be in the 'old days' that we faculty members were sort of pipe smoking, tweed clothed old guys that sat around talking, telling old prelim stories compared to today's prototypical faculty member who is a young woman eating lunch at her desk, chewing an egg, writing a grant proposal with one hand, reading Frankenstein with the other and bouncing a baby on her knee. She has no time to go and tell these old prelim stories. That's the general conception.

"Well, we on the Faculty Club Statler Board decided to look into this. The argument was that is the case at every major university. Let me show you that the preconceptions that you have are not necessarily true. Here is the first plot (Appendix 11) that shows you what the membership, the dues paying membership, of the faculty club was as a function of time. When I'm talking about the 'good old days,' I'm talking about days way back over here someplace. What happened was that ten years ago—it had its ups and downs as you see—then all of a sudden something seems to have happened roughly eight years ago. Unfortunately, the date that is of interest is missing, but that is all the data that we were able to collect. What happened was that there was a precipitous drop from 900 down to its current value of 200. One wonders why. That is to say this replacement of the old pipe smoker by the new grant writer, if
it has taken place, did not take place in seven years. OK? If you look at it, you can get some clue as to what these ups and downs are about. This is when the Rathskeller was closed; it dropped. The Rathskeller was reopened; it bounced back up to its most healthy point there. Then at this point here—unfortunately we don’t know whether this is a straight line or if this goes across and down, we just haven’t got the data—coincidental with the vast downgrading of the experience, the Statler Club membership went to hell.

"Whenever we talked about that, people said, ‘Well, you know that happens everywhere. That’s just the way of the world today.’ We decided in sort of an unusual idea to try and see if in fact that was true. What we did was we commissioned a survey of peer institutions. You can get whatever answer you want by choosing whatever you want for the group to survey, but we decided to take a group to survey that had no connection with faculty clubs, namely the nineteen universities that we use for salary comparisons. Ten on one side and ten on the other, and that adds up to nineteen for some peculiar reason which I won’t tell you about. We added up these nineteen institutions. We had a professional survey done by a group in ILR, the Computer Assisted Survey Team, which developed a questionnaire and then administered it to the managers or presidents of the faculty clubs. We found something that was extremely surprising, namely that this picture that faculty clubs are dead or near death everywhere simply was not true. Let me tell you what the highlights of the surveys were.

“In the question about what services are offered we found—I should say of these nineteen institutions, all but two had faculty clubs. The two that didn’t have faculty clubs turned out to be Yale and Michigan. But everybody else that we did the comparison with had faculty clubs. We found that of the services offered Cornell was at an extreme, and it actually was not a good extreme, it was a bad extreme. Those are the answers to our questions (Appendix 12). Sixty-three percent served dinner; eighty-four percent offered table service at lunch; some eighty percent have parking available. You can guess what the answers were for Cornell. The cost to the members—you could say, ‘Well, OK, the Cornell Faculty Club is pricing itself out of the market,’ and it turns out that is not true either. If you look at the cost to members, you find that Cornell was at the bottom end. It costs $5.00 to eat lunch at Cornell and $10 at the peer groups; dues—$74 at Cornell compared to $169. I think the conclusion from this is inescapable. Either at Cornell nobody likes socializing with other faculty members, (I think that is not true; I mean that’s a possible conclusion) or another conclusion is that when the faculty take a perception of the value they get for the price that they pay at Cornell, they find that ratio much lower than they do at peer institutions.

“The finances were interesting. We expected to find that healthy faculty clubs were financed by subsidies from the university. Not true. Only half of the peer group clubs receive a subsidy. Cornell’s Faculty Club has a subsidy from the administration. As a matter of fact, it a subsidy that reminded me of Blanche DuBois. The Cornell Faculty Club is like Blanche DuBois. She exists on ‘the kindness of strangers.’ Eight percent of the Statler Club’s revenues come from dues and ninety-two percent come from contributions from the administration.
So it is at death's door. We found that all the other faculty clubs found that the lunch business was a money looser, and that they made up for it by functions, by lunches for colloquium speakers, by recruitment teams and so forth. At Cornell you can't do that; the Hotel School does that business, and the Faculty Club is reduced to waiting for handouts.

"Just as a summary question, we asked the summary question, 'On a scale of one to ten, where a one is nearly moribund and ten is healthy and thriving, how would you rate your club?' One club said 'one' for that question. Cornell's manager said 'two,' and some of us thought that was generous. The next lowest response was 'six,' and the median was 'eight' for that group. So our conclusion was that Cornell's Faculty Club is an anomaly rather than typical with the ratio for what they have. We went and talked to the administration, and we told the administration that we thought that a functioning Faculty Club was an important contribution to make to the morale of the Cornell faculty; that there was no reason why we couldn't do it at Cornell. We think that the problem has to do with the relationship between the Faculty Club and the Hotel School, and we asked the administration to take the leadership in putting together a committee to figure out what to do to bring us a Faculty Club. It's not money that's needed; it's a new plan, and we believe it's a commitment to make it happen that is needed. So that is our report."

Speaker Howland: "The meeting is adjourned."

Adjourned: 6 p.m.

Respectfully submitted,

Charles Walcott, Associate Dean and Secretary
Appendix 1

NOMINATIONS & ELECTIONS COMMITTEE
Report of March 13, 2002

Faculty Senate (At-Large)
John Guckenheimer, A&S (spring replacement for E. Earle)

Local Advisory Committee
John Lis, CALS

University Appeals Panel
Harold Bierman, JGSM
Tove Hammer, ILR
Martin Hatch, A&S
Mary Beth Norton, A&S
Winthrop Wetherbee, A&S

University Benefits Committee
John Kuder, CHE

Codes and Judicial Committee
Brian Chabot, CALS
David Holmberg, A&S

CORNELL UNIVERSITY LAND GRANT PANELS

1. President's Oversight Commission
Hunter R. Rawlings, III, Chair
Biddy Martin, K-12 Panel Chair
David W. Butler, Outreach/Extension ILR, Panel Chair
W. Ronnie Coffman, Technology Transfer, Panel Chair
Hank Dullea, Ex-officio
Ronald Ehrenberg, Outreach/Extension CALS, CHE & Vet Medicine, Panel Co-Chair
Francille M. Firebaugh, Liaison
Mal Nesheim, Outreach/Extension CALS, CHE & Vet Medicine, Panel Chair
Chris Ober, Engineering Outreach Economic Development, Panel Chair
Clifford Pollock, Engineering Outreach, Economic Development, Panel Co-Chair
2. Outreach/Extension: College of Agriculture and Life Sciences, College of Human Ecology and College of Veterinary Medicine

Mal Nesheim, Chair & Ron Ehrenberg, Co-Chair
Ruth Allen, CCE Executive Director, New York City
Carole Bisogni, Professor, Nutritional Sciences
Donna Brooks, CCE Executive Director, Otsego County
Steve Ceci, Professor, Human Development
Helene Dillard, Professor, Plant Pathology, Assoc. Dean, CALS
David Galton, Professor, Animal Science
Robert Gilbert, Associate Dean, Veterinary Medicine
Joe Laquatra, Professor, Design and Environmental Analysis
Polley McClure, Vice President for Information Technologies
Marvin Pritts, Professor, Horticulture
Scott Peters, Assistant Professor, Education
Szonja Szelenyi, Associate Professor, Sociology
Paul Trader, CCE Executive Director, Rockland County
Trustees: Peter G. Ten Eyck II and Craig Yunker
Liaison: Michael Matier, Dir., Institutional Research & Planning

3. Outreach/Extension: Industrial and Labor Relations

David Butler, Chair
Ann-Marie Adams, University Relations
Sam Bacharach, Organizational Behavior, ILR
David Brown, Professor, Rural Sociology
Richard Burkhauser, Professor and Chair, Policy Analysis & Management
Michael Hostetler, Assoc. Dean, Executive Education, Johnson School
Tom Maloney, Senior Extension Associate, Applied Economics and Management
Ken Reardon, Associate Professor, City & Regional Planning
Marty Wells, Professor, Social Statistics, ILR
Trustee: Paul F. Cole
Liaison: Mary Opperman, Vice President for Human Resources

4. Engineering Outreach: Economic Development

Chris Ober, Chair & Clifford Pollock, Co-Chair
Antje Baeumner, Assistant Professor, Biological & Environmental Engineering
Joel Brock, Professor and Director, Applied & Engineering Physics
Geoffrey Coates, Associate Professor, Chemistry & Chemical Biology
Sheila Hemami, Associate Professor, Electrical & Computer Engineering
Sidney Resnick, Professor, Operations Research & Industrial Engineering
Michael Walter, Professor & Chair, Biological & Environmental Engineering

Trustees: Thomas J. Clark and Kevin M. McGovern
Land Grant Committee Member: Edward M. Cupoli
Liaison: Richard Duell, Senior Policy Advisor, Planning & Budget
5. **K-12 Education**

Biddy Martin, Chair  
Richard Bonney, Jr., Director of Education, Lab of Ornithology  
Charlotte Coffman, Senior Extension Associate, CCE, Textiles & Apparel  
Robert Constable, Dean, Computing and Information Sciences  
Marianne Krasny, Associate Professor, Natural Resources  
Sondra Lazarowitz, Professor, Plant Pathology, Howard Hughes Program  
John Silcox, Vice Provost for Physical Science & Engineering,  
Professor, Applied Engineering & Physics  
Charles Trautmann, Adj. Associate Professor, Civil & Environmental Engineering  
Deborah Trumbull, Professor, Education  
Leonardo Vargas-Mendez, Executive Director, Public Service Center  
Karen Vogtmann Professor, Mathematics  
Trustee: Roy H. Park, Jr.  
Liaison: Anna Bartel, Consultant, Special Academic Programs & Services

6. **Technology Transfer**

W. Ronnie Coffman, Chair  
David BenDaniel – Johnson Graduate School  
Harold Craighead, Interim Dean of Engineering, Professor, Applied & Engineering Physics  
Jay Steven Gross, Professor of Pharmacology, Weill Medical Center,  
Member, Cornell Research Foundation Board  
Jim Hunter, Dir. of Administration, Geneva, Professor, Plant Pathology  
William Lesser, Professor, Applied Economics & Management  
Suzanne Loker, Professor, Textiles & Apparel  
James Macleod, Professor, Baker Institute  
James Mingle, University Counsel  
Porus Olpadwala, Professor and Dean, Architecture, Art & Planning  
Dotsevi Y. Sogah, Professor, Chemistry & Chemical Biology  
Trustees: John E. Alexander and Paul A. Gould  
Liaison: Charles Fay, Vice Provost for Research Admin.  
Consultant: Norm Scott, Professor, Biological & Environmental Engineering
RESOLUTION TO MODIFY APPEALS AND GRIEVANCE PROCEDURES

Whereas, there is a need to clarify certain ambiguities in the procedures for appealing negative promotion, tenure and reappointment decisions, and

Whereas, in the smaller schools the existing procedures deny one level of appeal to faculty who are denied tenure, and

Whereas, committees hearing grievances should maintain a degree of distance and independence from the parties to the grievance,

THEREFORE, BE IT RESOLVED THAT the Senate approves the recommendations of the Task Force on Appeals and Grievance Procedures (report below), and asks the Trustees to adopt these recommendations and incorporate them into university procedures accordingly (revised procedures below).

Rationale

The task force was asked by Dean Cooke to make recommendations to address a number of small issues that have arisen in the application of the policies for the appeal of negative tenure and reappointment decisions and consideration of academic grievances particularly in the schools and colleges lacking a conventional departmental structures.

If the Senate approves the report of the task force, it must then be adopted by the Board of Trustees before it becomes effective.

Recommendation 1. The ombudsman reports that problems have arisen with the definition of "notice" and "terminal year" in appeals by faculty who have been denied tenure or reappointment. These changes will eliminate existing ambiguities.

Recommendation 2. Faculty who have been denied tenure in the Johnson School, the Hotel School and the Law School do not have the opportunity to have their files reviewed by an ad-hoc committee, as do faculty in the other schools and colleges in the same situation. This recommendation gives faculty in all schools and colleges the same procedural rights in appealing negative tenure decisions.

Recommendation 3. In implementing recommendation 2, it is necessary to establish clear procedures for determining when colleges lacking a departmental structure must appoint such an ad-hoc committee, and who is eligible to serve on it.
Recommendation 4. This recommendation will help ensure that members of a committee hearing a grievance are neutral and unencumbered by a previous obligation to one of the parties. The task force further believes that the culture of small colleges and the close familiarity that faculty have with each makes standing committees inappropriate for hearing grievances.

Submitted by Task Force on Appeals and Grievance Procedures 11/7/01; Task Force Report Revised - March 4, 2002

Report of Task Force on Appeals and Grievance Procedures

1. In the documents "Procedures for appealing a decision not to renew a non-tenure appointment", "Procedures for appealing a decision not to conduct a tenure review at the end of the ordinary tenure probation period on the basis of factors other than the candidate's merits", and "Procedures for appealing a negative tenure decision":

In the first sentence of I.A, add the words "in writing" after the word "notified".

In the first paragraph of I.B, add the word "written" before the second occurrence of the word "notification".

In the first paragraph of I.B, remove the footnote on the word "terminal", and insert the following as the second sentence of the paragraph:

"Notice of a terminal appointment must be given in writing to an individual, which allows that individual to serve two full academic terms following receipt of the first written notice of the negative decision. An academic term [i.e., semester] is the period of time beginning two working days before registration and ending on the last day of final exams. For those notified of nonrenewal before the start of the final year of appointment, the final year fulfills the requirement of two terms of notice."

2. In the document "Procedures for appealing a negative tenure decision", delete the entire second paragraph of III.A, which now reads "[Note: In the Graduate School of Management, the Hotel School, and the Law School, III.A. shall not apply.]".

3. In the document "Procedures for appealing a decision not to renew a non-tenure appointment", amend III.A by adding the text shown below in upper case font. III.A would then read:

A. Review by a Dean's Committee

If the department's (OR THE COLLEGE FACULTY'S IN THE CASE OF THE JOHNSON GRADUATE SCHOOL OF MANAGEMENT, THE HOTEL SCHOOL, AND THE LAW SCHOOL) final decision is negative, the dean shall, at the
request of the faculty member, appoint a committee of CORNELL tenured
faculty members OR TENURED FACULTY MEMBERS FROM AN
APPROPRIATE ACADEMIC INSTITUTION OUTSIDE OF CORNELL to review
that decision, if the dean has not already done so on his or her own initiative.
NO ONE WHO HAS PARTICIPATED IN THE DECISION OR HAS TAKEN A
POSITION ON THE REAPPOINTMENT MAY SERVE ON THE COMMITTEE.
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.

4. Recommend to the Trustees the following changes in the document
"Guidelines for College-Level Academic Grievance Procedures"
In Part IV.2.e, add the text in upper case font. Part IV.2. would then read in its
entirety

2. Committee Organization and Structure:
   a. Designation by appointment or election of responsibility for handling
grievances to either an existing committee or committees or especially created
   committee or committees.
   b. Adequate notice to all college academicians of such assignment and provisions
      concerning the assignment.
   c. Charge to the committee(s) regarding responsibilities, mandate, discretion,
      limitations, etc., for the handling of grievances under the established
      procedures.
   d. Adequate representation on the committee(s) of the various components of
      those with academic appointments by e.g. rank and/or discipline and/or
      department and/or nature of appointment.
   e. Exclusion from participation as a committee member any individual who is a
directly affected party to the particular grievance at issue OR WHO HAS
TAKEN PART IN THE DECISION WHICH IS BEING GRIEVED.
   f. TO MINIMIZE THE POSSIBILITY OF A CONFLICT OF INTEREST ON THE
PART OF MEMBERS OF GRIEVANCE COMMITTEES, NEITHER PARTY TO
THE DISPUTE MAY SELECT AS A MEMBER OF THE GRIEVANCE
COMMITTEE SOMEONE WHO REPORTS DIRECTLY OR INDIRECTLY TO
THAT PARTY. FURTHERMORE, SOMEONE WHO ACTS IN LIEU OF A
PARTY MAY NOT APPOINT, AS A MEMBER OF THE GRIEVANCE
COMMITTEE, SOMEONE WHO REPORTS DIRECTLY OR INDIRECTLY TO
THAT PARTY. HOWEVER, IF A SCHOOL OR COLLEGE ADOPTS A
PROCEDURE AS DESCRIBED IN 2.g BELOW, THE MEMBERS SELECTED BY
EACH OF THE PARTIES MAY SELECT ANY INDIVIDUAL HOLDING AN
ACADEMIC APPOINTMENT AT CORNELL AS A CHAIR IRRESPECTIVE OF ANY EXISTING REPORTING ARRANGEMENTS.

g. IN THE SCHOOL OF INDUSTRIAL AND LABOR RELATIONS, THE GRADUATE SCHOOL OF MANAGEMENT, THE SCHOOL OF HOTEL ADMINISTRATION AND THE LAW SCHOOL, THE GRIEVANCE WILL BE HANDLED BY AN AD-HOC COMMITTEE OF THREE MEMBERS SELECTED FROM THOSE INDIVIDUALS HOLDING ACADEMIC APPOINTMENTS AT CORNELL TO HEAR THE GRIEVANCE. EACH PARTY TO THE GRIEVANCE WILL SELECT ONE MEMBER (SUBJECT TO THE RESTRICTION IN 2.f) AND THOSE TWO WILL SELECT THE THIRD, WHO WILL CHAIR THE COMMITTEE.

Revised
3/4/02
Resolution Recommending that Each Course Syllabus Include a Reference to the Cornell University Code of Academic Integrity

WHEREAS it is in the interest of instructors and students alike for students to fully understand the requirements and obligations for successful completion of a course;

WHEREAS adhering to academic integrity, as specifically defined in Cornell's Code of Academic Integrity, is a fundamental requirement for all students at Cornell.

WHEREAS there is course-specific interpretation as to when students may work together and so forth;

Be it resolved that all instructors are strongly urged to include an explicit statement on their syllabi or other course organizational material, regarding the interpretation of academic integrity in the context of that particular course.

The Code of Academic Integrity and Acknowledging the Work of Others is found in the Policy Notebook for the Cornell Community and also on the web at http://www.cornell.edu/UniversityFaculty/docs/main.html).

In lieu of writing their own syllabus statement, faculty may use the following generic, comprehensive statement on academic integrity, with an optional extension for courses that incorporate collaborative work:

"Each student in this course is expected to abide by the Cornell University Code of Academic Integrity. Any work submitted by a student in this course for academic credit will be the student's own work. [Optional: For this course, collaboration is allowed in the following instances: list instances.]

Educational Policy Committee
3/5/02
Request from the Cornell's Laboratory of Nuclear Studies to:

Rename the program currently called the "Floyd R. Newman Laboratory of Nuclear Studies" to the new name of "Floyd R. Newman Laboratory for Elementary-Particle Physics".

EXPLANATION: The current name is seriously out of date: the laboratory stopped doing nuclear physics more than thirty years ago. The current name is misleading and confuses both the funding agencies and the public. In addition, it has created bureaucratic problems when, for example, trying to obtain visas for visiting particle physicists from Russia and China.

Reviewed and Approved, Committee on Academic Programs and Policies, March 5, 2002.
Appendix 5

CAPP Report to the Faculty Senate on Progress Made in Fulfilling the Terms of the Agreement Presented to the Faculty Senate by Vice Provost Garza on 10 May 2000
(6 March 2002)

Abstract

This document is the report of the Committee on Academic Programs and Policies pertaining to the progress that has been made to implement the terms of the agreement negotiated by Vice Provost Cutiberto Garza and announced to the Senate on 10 May 2000. We begin with a review of the background that led to the need for this agreement, continue with a summary of key elements of the agreement, and review the progress made towards implementation. A key element that is still unfulfilled is the development of a plan to guide the re-installation of the Department of Computer Science into one or more of the existing colleges. We are concerned by evidence of a lack of commitment by the Provost to carry out the terms of this agreement, and we close with several questions for the Provost.

I. Brief Background to the Agreement

In June 1999 a preliminary Task Force Report Cornell in the Information Age was issued that addressed the need for computational thinking and the availability of computational resources across Cornell. This document identified a central role for the Computer Science Department (CSD) in promoting this thinking. On 19 August 1999, in response to rumors and after requests that Provost Randel clarify matters, the Provost issued a memorandum, “Computing and Information Sciences.” This memorandum informed the Cornell community that the Provost has appointed

"...[Robert Constable] to the position of Dean for Computing and Information Sciences....The charge to him and the task force is to identify how computing and information sciences can best be advanced throughout the University; it is not to invent, on whatever pretext, the way to do nothing.

Secondly, I have asked Dean Constable to work with Vice President Carolyn Ainslie and Vice Provost Cutberto Garza to develop pilot management procedures for the new Office of the Dean for CIS. I have asked that these pilot procedures encompass administrative responsibilities for the present Department of Computer Science....In the meantime the Department of CS remains a department of the College of Engineering and the College of Arts and Sciences,...In order to ensure that, as new resources are committed, these resources constitute neither a drag on the College of Engineering nor an indirect subsidy for others of its programs, the Office of the Provost has assumed responsibility for the oversight of the Department's finances.”

The removal of the Computer Science Department (CSD), by Provost Randel, from the administrative control of the Engineering College and therefore from the administrative control of any college, occurred in the Summer of 1999. This action was taken against the expressed wishes of the Dean of Engineering and of the other department heads in the College. On 24 May 1999 the heads expressed themselves presciently as follows:
"The creation of an autonomous unit, as suggested in the presentation, in our view would have significant adverse impact on the College of Engineering's reputation and, ultimately, upon the reputation of the University...Without consideration of these issues, the report could be seriously divisive."

Many of the issues raised by this unprecedented administrative action and by the Task Force Report of June provoked strong debate for much of the 1999-2000 academic year.

The Senate met to discuss the implications at its September, October, December, and February meetings. The December meeting contained a discussion of the now completed final report of the Task Force.

Vice Provost Garza worked diligently to complete his assigned task of developing management procedures, and in this he consulted frequently with Dean Constable, Dean Hopcroft of Engineering, Dean Lewis of Arts and Sciences, Dean Cooke and with CAPP and its chair Prof. Fine. After about a dozen revisions, Garza presented a draft to the Senate at its 7 February 2000 meeting that was entitled, "Faculty and Office for Computing and Information Science: Administrative and Management Structure", and he solicited reactions.

On 10 May 2000, Vice Provost C. Garza announced to the Senate that, "I'm pleased to say that the President and Provost have agreed to pursue the proposal that I presented to the Senate in February." The document that was approved was unchanged from the draft of 7 February that had been presented for information and discussion by Vice Provost Garza to the Senate at its 7 February meeting.

II. Elements of the Agreement

"The Faculty of Computing and Information Science (FCIS) is used to designate a defined university-wide faculty body responsible for advising the university regarding the enhancement of teaching, research, and outreach related to the computing and information sciences and assuring the cohesive development of this area across the university...The position of Dean of Computing and Information Science (CIS) was created to move the University's Computing and Information Science initiative forward in a timely and organized way."

There was created an Office of Computing and Information Science (OCIS), administered by the Dean of CIS. The Dean of CIS was to, "Direct the OCIS and FCIS subject to the policy guidance of an Executive Board."

"The initial charge to the FCIS will be the development of a five year academic plan...

The Computer Science Department will be located in one or more of the existing colleges based on the recommendations of the 5 year academic plan."

"The authority to make primary professorial appointments is reserved to the deans of the university's colleges. The Dean of CIS, however, will appoint search, promotion, and tenure committees jointly with the dean of the candidate's home college for all proposed or current members of the FCIS. Appointment, tenure, and promotion recommendations will be made according to University policies that apply to the candidate's home department and college."

It was made abundantly clear that the FCIS and OCIS did not constitute a college.

A pdf version of the complete agreement is attached to this report.

III. Implementation History
By May 2000 an initial group of 18 faculty was selected to form the nucleus of the FCIS under the leadership of Dean Constable. This group has met regularly since 28 June 2000 to promote the hiring of individuals, the development of majors/minors/concentrations, and encourage the spread of computational thinking and methods in research, scholarship, and undergraduate education across Cornell. The FCIS has had success in attracting excellent faculty to Cornell and in supporting the creation of such undergraduate programs as the one in Computational Biology and in developing plans for one in Information Science. It initiated development of the required five year plan but was careful not to address the issue of the eventual location of the CSD. As of 5 March 2002, there has been no growth in the membership of the FCIS.

The process of formation of an FCI Executive Board was not followed, although in some respects the small FCI acts as the Executive Board.

The most troubling issue has been the failure to address the location of the CSD in “one or more of the existing colleges.” During this time the CSD has made several grants of tenure and numerous faculty tenure-track appointments. Former Dean of Engineering John Hopcroft asserts that there was no Engineering involvement in hiring and promotion in CS, nor in any other administrative matter in the period Fall 1999 through 30 June 2001. Interim Dean of Engineering Harold Craighead reports that this absence of involvement with CS hiring and promotion has persisted to date. There does not appear to have been significant involvement on the part of Arts and Sciences. The anomalous administration and location of CS has been raised several times with Provost Martin, particularly as it impacted the search for a new Dean of Engineering that commenced in mid-2000. However, Provost Martin declared a moratorium on discussions of the location of the CSD and stated that it would not be a matter for discussion with the dean candidates invited in 2000-2001. Provost Martin was reminded of this matter as recently as the UFC meeting of 19 February 2002. At that meeting the Provost said that she was not bound by this agreement, a position that she had advanced on an earlier occasion. Upon being challenged on that position and being shown the sentence quoted above on the eventual disposition of the CSD, the Provost suggested that the sentence was consistent with the way matters stood at the present. She then offered that further discussion on this topic await the outcome of the current search for a new dean of Engineering.

That this issue is of ongoing concern to the Engineering College is evidenced by the following email of 18 February 2002 from Interim Dean Harold Craighead to the chair of CAPP:

"I believe a strong Computer Science department is vital to a modern and highly ranked engineering college and university. Leaving the CS Department in its current unusual and ambiguous position does not seem ideal for the long term health of the department. The Engineering College is ready to work toward locating the Computer Science Department in one or more colleges. The mechanism for implementing this is, however, not clear to me."

Dean Craighead and department chairs in Engineering have had several meetings with CIS Dean R. Constable and Chair C. Van Loan that failed to reach agreement on such a mechanism. Dean Craighead's sentiments are supported by an email of 4 March 2002 from Dean Phillip Lewis of Arts and Sciences which says:
"I do think it would be desirable for the senate to use the Garza agreement as a basis for seeking clarification about the future of CS. While I have my own reasons for wanting to know where we are heading on this front, I think the concerns that really matter and take precedence are those that originate in the faculty of the Engineering college. My interest has of course been rekindled and greatly reinforced by my contacts with Engineering faculty while serving on the dean's search committee. What I've observed is a strong sense on the part of faculty in many departments that the eccentric status of CS causes problems for the college as a whole. Just how true this really is is clearly subject to debate, but since persisting ambiguity makes it hard to develop consensus and move ahead, it's not a debate that should be deferred. In addition, since I was a party to the agreement worked out by Bert Garza and spent long hours in meetings in his office, I'd like to see the agreement respected."

IV. Questions for the Provost

1. What is the status of the FCI-generated 5 year academic plan agreed to in the Garza agreement?
2. What are its recommendations or implications for the location of the CS department in one or more colleges?
3. How have tenure-track appointments and promotions been made in the CS department and the FCI?
4. What is the rationale for delaying implementation pending the selection of a new dean of Engineering?
To the members of the Faculty Senate:

I have been shown a copy of the CAPP report and am sad to say that in the areas familiar to me, it is simply not reflective of the facts.

In particular, the report suggests that the creation of the CIS unit has hurt the CS department (this would seem to be the implication of the "concerns" raised in the section quoting acting Dean Craighead), has been harmful to Engineering (the apparent overall point of the report) and that the "eccentric status of CS causes problems" for many departments in the college. Presumably, the department most implicated in this sense is ECE, and of course as Chairman of CAPP, Terry Fine (an ECE department member) is primarily familiar with the views of that department.

Nonetheless, I feel that no department has experienced substantive problems in conjunction with the FCI, and in particular, I feel that the ECE/CS relationship has improved tremendously since the CIS unit was created. In support of this view, I want to offer a brief summary of the situation in my own area: Computer Systems. More specifically, I'm a researcher in computer networks and systems. In CS there are perhaps 6 or 8 of us in the overall area. Another 6 researchers from ECE are members of the CS graduate field and 4 of these are in my area.

Prior to creation of the CIS unit, relations between ECE and CS were at a low ebb, and this extended to the systems group. Monthly joint luncheons had been ended after several years of lunch-time dialog. The departments were at odds over recruiting, TA allocations within the College, advising loads, vision for the College of Engineering, Duffield Hall, and many other issues. CS and ECE had conflicting goals and overlapping hiring objectives in the systems area.

Today, the ECE and CS systems groups enjoy a closer relationship than at any time since I first joined the CS department 20 years ago. We have a broad dialog, many joint projects and funding proposals, co-teach courses, attend one-another's seminars and have lunch together almost weekly. CS has been active in helping ECE recruit, and the two departments have clarified visions which no longer overlap; on the contrary, they are mutually complementary in a constructive and positive manner.

Infusion of CIS resources has helped calm the advising and TA load issues that were at a head two years ago. Indeed, I'm convinced that the creation of the CIS unit has been the dominant force in calming the tensions that had previously inhibited dialog and cooperation. Meanwhile, CS continues to play the same teaching and advising role it played within Engineering before the Department was moved into CIS. Cornell has just hired a truly outstanding individual, Kent Fuchs, to head Engineering as its new Dean. This is simply not a pattern of "damage"

Let me amplify on some of these points:
CS and ECE co-teach CS314/ECE314, which alternates between a "CS-taught" semester and an "ECE-taught" semester (the curriculum doesn't change). Sometimes a CS and ECE person work together to teach the course jointly in the same semester. We hire ECE TA's for this and other CS courses and ECE hires CS TA's in a like manner. Indeed, ECE TA's have worked for CS in many courses over many years. Prior to creation of the CIS unit, CS and ECE had competing but similar courses in this area, taught independently.

- ECE students commonly take CS courses at all levels and make up as much as 50% of some of our upper-level courses. CS students often take ECE as a minor and while I don't know the statistics, I am confident that we are equally well represented in many of the upper-level ECE course offerings. Prior to the unification of the 314 course this was less common because the students in each program lacked basic prerequisites for courses in the other.

We run a joint weekly research seminar series, on Friday, meeting in the CS systems lab, which houses some experiments that are joint with the ECE folks in the area. Lunch is provided and we cover a paper each week. Some topics are picked to stress ECE areas of interest, some stress CS topics. A great number of faculty and students are thus exposed to both ECE and CS interests in a single weekly setting.

We are active on the ECE faculty recruiting committee and have attended talks by their candidates, met with candidates one-on-one, etc. They reciprocate: Ravi Ramamoorthi, a recent visitor who is a candidate for a faculty position in graphics, visited with Rajit Manohar during his interview here and was introduced to several other ECE systems faculty. Ravi later commented that his lunch with Rajit, who he knew as an undergraduate at CalTech, was a very positive and interesting one.

ECE faculty members help make up and grade the systems graduate qualifying ("Q") exam in CS, providing 20% to 25% of the exam material in this exam, which is required for CS PhD students. Indeed, some six ECE members have become CS graduate field members. Prior to the formation of CIS, I believe that only two or three had this status.

We jointly supervise students who work in the areas of wireless and mobile computing. For example, Zygmunt Haas and I meet at least once or twice each semester for a graduate A or B exam lately! Toby Berger and I are also on many student committees together. Indeed our joint advising extends beyond the graduate program: this past summer, we were approached to help the Swiss EPFL in Lausanne plan a form for merging their communications and CS departments and hire a new dean. Toby and I attended a one-week meeting on this topic in Lausanne last July and another meeting is planned for this coming summer. EPFL specifically requested that I give a talk on the CIS concept during this meeting; one might surmise that the Swiss admire and hope to imitate our innovation in this area.

- I have held several joint grants with the PSERC consortium in ECE (headed by Jim Thorpe and Bob Thomas) and, most recently, we are looking at teaming up to form a bi-
coastal institute for critical infrastructure protection research. At Cornell, Wicker and Schneider (ECE and CS respectively) would lead the effort. At Berkeley, Shankar Sastry would lead the West Coast counterpart. The level of potential funding is immense. But this simply builds on existing successful funding collaborations -- plural, and not just involving me. Several of my colleagues have similar collaborations.

These collaborations are quite meaningful. Jim Thorpe and I discuss research fairly regularly, and have traveled together to Washington at least 4 times in the past two years. Bob Thomas organized some of these trips. In other settings, Bob has covered for me when I was unable to attend and given a talk on my behalf -- he knows my work well enough to do this in a high level manner. In others I've covered for him and Jim. Jim and I also jointly supervise one CS PhD student, Ken Hopkinson, who splits his interests between CS and ECE -- one of my five current PhD students.

The above is of course focused on just my own research and my own relationship with ECE. Within the CS department as a whole, I'm certain that at least five or six of us could tell similar stories. More broadly, looking at CS dialog with Engineering as a whole, I suspect that as many as half of us have some form of direct dialog or joint research interest with someone else in Engineering, sometimes in ECE, sometimes in ORIE, sometimes in MAE, etc.

Obviously, not all of the above are direct consequences of the formation of CIS. Yet broadly, I credit CIS for creating the atmosphere within which much of this dialog has become possible. Far more of these things have happened since CIS was formed than previously.

Is it reasonable for CAPP to characterize this as an atmosphere in which CIS and CS are causing "problems" elsewhere in Engineering?

Now, I've focused on the ECE / CS dialog, but elsewhere in the College, CIS resources are permitting us to hire people like Hod Lipson in MAE, who plans to establish close ties to CS faculty members in the AI area. CIS is in discussion with ORIE to assist in filling an opening in data mining within that Department. CIS has seeded new programs in Computational Biology (clearly an emerging Engineering discipline), and in Information Science (likely to be very popular with Engineering undergraduates). And as a member of the CIS Founding committee, I can say that CIS would welcome proposals from interdisciplinary groups within Engineering, just as we welcome such proposals from other parts of Cornell.

As I look again at the CS/ECE interface, it seems to me that while prior to the formation of CIS the two entities were at odds, today, very few sibling departments in the University as a whole could point to stronger or more vibrant ties. Yes, there are sometimes areas of friction, but I think that on the whole, these are rather minor.

The CAPP report quotes Dean Craighead in a manner as to suggest that the CS department has suffered a loss of quality and stature since the CIS unit was founded. Yet
I believe that the opposite is true. CS itself has gone from a serious retention problem (six faculty departures immediately prior to formation of the CIS unit, with many citing friction within Engineering as their reason for departure) to a very positive growth, with the highest quality of incoming faculty members in my memory. Two years ago, CS graduate admissions had the remarkable experience of seeing 50% of our admitted PhD students select Cornell over peer institutions such as Stanford, MIT, Berkeley and CMU. This year we may be poised for a repeat success.

We all know that rankings are suspect (especially rankings conducted by popular magazines). Nonetheless, it is worthy of note that CS at Cornell is nationally ranked among the top five departments, both by US News and World Report and by a more scientific ranking, conducted by the National Academy of Sciences. Moreover, since the CIS unit was founded, it seems to me that the ranking of Engineering and of the ECE systems group has actually risen. None of this is consistent with the CAPP report.

I could go on, but hopefully, the point is clear. This is simply not the pattern of a department (or a CIS unit) taking actions damaging to the ECE department or to the College of Engineering as a whole. With the help of CIS, much past friction has been eliminated and the two departments are working constructively for the good of Cornell, for their own good, and certainly for the good of the College as well.

Before closing this note, I do want to comment that I am particularly troubled by the last paragraphs of the CAPP report. Here, among other points, one finds the comment that the FCI membership "has not grown" subsequent to the founding of the unit, and also an admonition that the Senate investigate CIS tenure and hiring practices.

These and other remarks in that section surprise me, because Terry Fine, Chairman of CAPP, has participated in precisely those FCI actions related to faculty appointments. Terry already knows a great deal about these matters, yet the CAPP report omits relevant information and seems to hint at nefarious doings.

For example, on the question of "membership", the CAPP report is poorly informed. The FCI unit has no formal notion of membership – there are no FCI "members". We do have the founding committee, on which Fine serves – whose membership was carefully determined by the University leadership, in negotiation with many units including the Senate, and is not open to casual expansion.

CIS has assisted in hiring quite a number of very impressive faculty members over the past year, so membership in the sense of CIS-funded faculty is clearly growing. Indeed, I can think of no meaningful notion of membership that has not shown growth. If CAPP wishes to recommend that the CIS unit institute some other form of membership or affiliation, we would welcome their ideas. Quite possibly, a graduate field will soon be needed for CIS affiliated faculty; it is not clear that CS field membership is a suitable long-term option (although this is the near-term solution we've used in several cases during the past year). At any rate membership, at least up to the present, has not been a primary concern of the committee.
On the contrary, the committee has focused on defining the kinds of multidisciplinary programs into which CIS resources should be directed. By and large, these are undergraduate educational programs that cross domain boundaries in innovative ways to create opportunities for Cornell students which would not otherwise be available. Examples include our new program in Computational Biology and Genomics, and our program in Information Science. Others are being developed in areas such as Digital Arts and Graphics, e-Business and Commerce, and Computational Science and Engineering. CIS is helping to structure such programs, to recruit faculty members into them, and to fund the necessary course development. They are characterized by an emphasis on undergraduate education, by their cross-disciplinary nature, and by the importance of the opportunities they represent. These programs are offering Cornell a way to achieve immediate visibility in some of the most exciting emerging disciplines without disrupting its traditional unit and departmental structures. I view them as great successes.

This raises the second matter on which CAPP is implicitly critical. In part at Terry Fine’s urging, and with his participation, and ultimately with his supporting vote, FCI has developed a written policy on appointments governing the precise rules under which FCI resources can be expended and spelling out the policies for FCI involvement in tenure and other review activities. FCI has adopted the College of Engineering tenure and teaching policies. All of this occurred with Professor Fine’s active participation. Again, it seems that CAPP has failed to inform itself of policies and information readily available.

In the case of the CS department itself, tenure is being evaluated under the same policy as was used previously, when CS was a part of the College of Engineering. Ad-hoc committees are formed by the Dean for CIS through dialog with the Deans of Arts and Engineering, and have membership drawn from outside CS and from both colleges. The process is one that demands the highest standards for scholarly and instructional accomplishments. It is as difficult to gain tenure at Cornell in CS today as it would be at MIT or Stanford.

I should perhaps comment that the CIS policy on appointments responds to one of the charges put to the Founding committee in the original Garza report. Pursuant to that report, we are now waiting for review and comments by the various units with which CIS has been in dialog. All of this is entirely above board, subject to normal academic control and review, and all of this is well known to Professor Fine, who has attended CIS Founder’s Committee meetings. He has taken on responsibilities for the FCI and offered constructive input.

The Senate should be critical of subcommittees such as CAPP which place biased and narrowly researched material before the body as a whole. While a broadly written consensus report would have some value, the Senate should reject the current report and may wish to reconsider the nature of the charge to the CAPP subcommittee. This is a poorly researched report, replete with hints of intrigue and innuendo, but short on facts and inaccurate in significant ways. CAPP’s report serves all of us poorly.
With respect to the CIS unit as a whole, I believe that if the Senate were to look closely at what has been accomplished, the body could only applaud the effort. Details of the placement of CS within one part of Cornell or another may seem to be a matter of great importance to a few individuals, but I think it is actually a minor issue in the larger picture. The significant point, and the one I hope the Senate would note with approval, is that CIS is helping Cornell step onto the world stage as a leading institution where Information Sciences and Computation can play a significant role in every part of the University, rather than been concentrated in the CS department. Through the CIS unit, Cornell's CS Department has emerged as a leader in building interdisciplinary programs and bridges. Some of our highest profile hiring successes of the past two years have been concentrated in CIS.

In a very short period of time, CIS has had a dramatic and positive impact on Cornell, on CS and indeed, on the College of Engineering and ECE. Given more time, CIS can help lead Cornell to historic heights and help transform the University into the kind of institution able to demonstrate international leadership as we jointly confront the challenges of a decade within which the role of computation in science and the arts will surely continue to surge.

I urge the Senate to set the CAPP report to the side and to join the CIS unit in tackling this important and exciting challenges.

Ken Birman
The Garza Report

- Defused a bitter confrontation between the Faculty and Administration.

- but... left behind ambiguity and conflicting promises for today's Provost.

Weaknesses in the CAPP Report

- Failure to consult with interested parties. None of the following were consulted in preparing this report:

  Members of Computer Science Dept.
  Chair of the Computer Science Dept.
  Dean, Computing & Information Science
  Faculty of Computing and Information

- Little analysis of what has happened since 1999.
1. What has happened to the Computer Science Department under CIS?

- During 1998/99 Computer Science was in bad shape.
  [6 faculty left in one year.]

- Since Summer 1999, Computer Science has thrived.
  [Excellent recruiting; no faculty left; splendid students; major research grants.]

2. Has the location of Computer Science in CIS stimulated interdisciplinary activities across the university?

- Computer Science faculty, working with the Dean of CIS, have been part of numerous initiatives.
  [Genomics, Graphics, Communication, Physics, Science and Technology Studies, etc.]
3. Have interactions between Computer Science and Engineering been harmed?

- Strong educational cooperation, especially between Computer Science and Electrical and Computer Engineering. [Undergraduate and graduate level]

- Numerous joint research activities, notably in computer systems, networking, etc. [At least 20% of Computer Science faculty]

- Collaboration in recruitment.
Recommendation to the Faculty Senate

_ Ask CAPP to withdraw the report because of lack of consultation with the academic units concerned.

Request to the Provost

_ Please resolve the current ambiguous situation of the Computer Science Dept. -- in an open and consultative manner.

[You will hear strong arguments that the current situation is working well for the university and should be made permanent, but the final decision must be yours.]
Network Cost Recovery

Task Force Report

November 2001
Contents

This report provides detail and recommendations of the Network Cost Recovery Task Force, including:

- Executive Summary
- Members
- Background
- Mission
- Guiding Principles
- Recommendations
- Associated Conditions and Notes
- Sample Bills
- Appendices:
  A. Scenarios Considered by the Task Force
  B. Current Enterprise Network Costs
  C. Proposed Academic/Administrative Cost Recovery
  D. White Paper: Network Service Billing Strategies at Cornell
  E. White Paper: Cornell Data Network Futures
Executive Summary

The Task Force was formed to evaluate how best to charge users of Cornell's data network resources. Since the user population's consumption patterns vary greatly, there is no simple solution.

After studying various options, the Task Force developed a rate structure recommendation for academic and administrative users with four components:

- **Network Access Fee**: There are two flavors of Network Access Fees.
  - **Network Port Access Fee**: for access to the Cornell backbone and the Internet. The fee covers access for a single user.
  - or
  - **Single Port Gateway Fee**: for access to the Cornell backbone and the Internet for schools and departments that provide their own Local Area Network service. A port access fee, higher than the single user fee, covers access for many users.

- **Backbone/Wireless Service "Tax"**: Recovers the cost of the Cornell's backbone network since a portion of the traffic remains within the Cornell network. This headcount-based tax is intended to cover part of the costs of maintaining and improving the Cornell network. It is recovered by assessing a tax to departments and units based upon the number of employees and students.

- **Public Port Access "Tax"**: Public network ports would have the cost of their use recovered through a student headcount-based tax assessed to the departments or colleges to whom the students using these public ports are accountable.

- **Tiered Wide Area Network Consumption Fee**: Based on actual incoming and outgoing usage that crosses the border between Cornell network and the larger Internet. There would be a tiered-fee structure to support those users (or groups of users behind a single port gateway) who generate a much higher volume of traffic. The needs of more than half of the users would be met by the terms of the lowest tier.

Taken together, these four components cover all of the academic and administrative network infrastructure cost.

The Task Force recognizes that the ResNet recovery mechanism may require modifications to the recommended structure. The operational strategy to implement the spirit of this report may be different for ResNet in comparison with general campus network services.
Members

The Task Force and invited participants met seven times over three months and included the following Cornell University Members:

Rohit Ahuja  Director, Finance, Budget, and Planning, Office of Information Technologies (Task Force Chairman)

Michael D. Anthony  Manager, Indirect Cost (Representing Joanne M. DeStefano, Acting Vice President, Financial Affairs & University Controller), Division of Financial Affairs

Richard J. Duell  Associate Director, University Budget Office

Edna R. Dugan  Assistant Vice President, Student & Academic Services

Marge H. Ferguson  Associate Dean for Business Administration, Hotel Administration Accounting Services

Ray G. Helmke  Director, Computing Facility, Laboratory of Nuclear Studies

Charles W. Kahle  Customer Services Director, Cornell Information Technologies

Dean B. Krafft  Computing Facilities Director, Computer Science Department

Joe M. Lalley III  Business Operation Director, Facilities Services

Kellie A. Page  Business Services Director, Campus Life

Jason Rhoades  Communications Products Director, Cornell Information Technologies

Robert J. Swieringa  Dean, Johnson Graduate School of Management

R. David Vernon  Director, Information Technologies Architecture, Office of Information Technologies

Network Cost Recovery Task Force Report, November 2001
Background

Polley McClure, Vice President, Information Technologies, formed a Network Cost Recovery Task Force to evaluate specific mechanisms by which Cornell recovers the costs of providing data network services on campus. Cornell Information Technologies (CIT) incurs a cost of providing network services to the Cornell user community, and the general guidance from central administration has been for CIT to recover all enterprise network costs. The Cornell user community includes employees, students, and visiting scholars. The current rate structure focuses on data ports and assumes that there is one user for each network connection and that each port uses the same amount of CIT "services." However, this is not the case. Many subscribers have increased the number of users and devices per data port via "hublets" or wireless access points and a few users consume a vast majority of available Wide Area Network (WAN) resources. This complicates cost recovery, undermines notions of fairness, and results in network fragmentation. The Task Force was asked to recommend a rate structure that is fair to all and promotes scholarship.

Mission

The mission of the Network Cost Recovery Task Force is to recommend a network cost recovery process at Cornell University that will support Cornell's mission as "the best research university in the country for undergraduate students" and as an institution "where any person can find instruction in any study."

Guiding Principles

The Task Force identified the following principles as the base conditions to judge the value of any given network cost recovery process:

- Cost should be assigned to the unit incurring the cost.
- Rate structure should support a unified campus network architecture.
- Users should have an opportunity to select from multiple levels of service:
  - Universal and affordable access to basic services; and
  - Premium levels of services to allow world-class research and education.
- Network that is competitive in features, performance, and cost with
  - Our peer institutions; and
  - Commercial service providers.
Recommendations

It was the consensus of the Task Force that the guiding principles could be best met by a hybrid network cost recovery process segmented into four components.

These components are:

1. Network Access Fee: either
   a. Fixed Network Port "Access" Fee
   or
   b. Single Port Gateway (SPG) Fee
2. Backbone / Wireless Service Headcount "Tax"
3. Public Port Headcount "Tax"
4. Tiered Wide Area Network (WAN) Consumption Fee

1a. Fixed Network Port "Access" Fee

To assure the best network architecture, the fees which departments pay for edge Ethernet port access should not encourage the ad hoc use of multi-port repeaters (hublets). The Task Force recommends that the network port fee reflect only the barebones edge costs. In addition, to assure fair use of backbone resources, only one user will be allowed access to any one port contracted from CIT. For example, a single contracted port cannot be used to support more than one user, but can be used to support more than one device. If more than one user wants access to a single port, the contracting party would need to purchase an "SPG" class port, outlined next (component #1b).

1b. Single Port Gateway (SPG) "Access" Fee

Some colleges or departments at Cornell elect to provide their own Local Area Network Service. These colleges or departments require Cornell's backbone and WAN services only. For these patrons there would be a monthly SPG access port fee plus a tiered rate-based WAN fee for the aggregated use of WAN resources by represented users. SPG port cost should only reflect cost associated with supporting SPG ports. The tiered rate-based fees for SPG ports and single user ports could be the same, although the lowest tier appropriate for an SPG port would be at a significantly higher volume of traffic.

As with fixed network port charges, all SPG users' colleges or departments will be assessed backbone (component #2) and public port (component #3) taxes.

2. Backbone / Wireless Service Headcount "Tax"

Backbone:

Currently 40 percent of the backbone is consumed by client access to the Internet; the remaining 60 percent is consumed by local client/server traffic. As there is currently no
way to associate the cost of Cornell-to-Cornell backbone use to individual users, and as there is little correlation between total port count and backbone costs, a "headcount tax" for allocating local use of the backbone was seen as the best solution. This tax would be billed to each school or department based on the percentage of total "heads" (faculty, staff, and students) attributable to each department. The remaining 40 percent of backbone costs will be linked to WAN consumption fees outlined later (component #4).

Wireless:

The Backbone / Wireless tax should be computed to include all costs for the Red Rover wireless service. All users who have paid a fixed network port access fee or SPG access fee may use Red Rover services without additional fees. A Red Rover user who has no "wired" connection should be charged a port access fee. It is important to note that the CIT Red Rover wireless service is not intended for fixed-location use or for high-bandwidth server and client applications, but targeted to provide limited mobile network client access for the Cornell Community.

3. Public Port Headcount "Tax"

There are many public ports that provide services not easily associated with any one sponsoring college, academic department, or unit. The Task Force recommends that these facilities costs be recovered through a student headcount tax. This process would be similar to the backbone / wireless tax but would only use the student headcount as the denominator and would only be billed to colleges or academic departments to whom these students are accountable.

The Task Force recommends that a committee with appropriate campus representation be created to assure proper identification of ports to be covered by this tax by reviewing and approving any public port classification requests.

4. Tiered Wide Area Network (WAN) Consumption Fee

Internet network access costs are high and consumption can vary greatly from user to user, and the Task Force concluded that it was important to provide users cost "feedback" for WAN resource consumption. In order to allow stable budgeting at the department or individual level, it was considered critical that users be allowed to purchase tiered service based on their expected level of need. In turn, CIT would track the WAN usage for each contract, and if consumption exceeded the contracted level, the patron, within a reasonable time, would be required to reduce their consumption or "upgrade" the existing service contract and pay any new applicable fees. Where technologically feasible, CIT may jointly develop an arrangement with the departments and units which would like to limit their consumption.

Inherent in the tiered service is the notion of a universally affordable base service contract that would address the needs of 50 to 80 percent of users.
**Associated Conditions and Notes**

The Task Force considered the following conditions.

**Campus Rewire Costs:**

The Task Force generally believes that any expense associated with the campus wire plant should not be reflected in network costs charged to colleges or departments. This belief is based on the following three observations:

- Some colleges or departments on campus have already capitalized upgraded wire from alternative funding sources and therefore any general network cost associated with the backbone or WAN rates would unfairly "double bill" them.
- Including wiring costs associated with selected building fixed network port fees would inflate port costs and encourage the proliferation of "hublets."
- It is difficult to predict applications that would require an enhanced physical infrastructure in the future. Hence the re-cabling of the campus buildings falls into the category of "future-proofing" or investing in future capability. Given this, many colleges or departments believe that they should be allowed to set their own cost priorities relative to any rewiring project.

If it is determined that the campus will move forward with a campus-wide rewiring project, the Task Force recommends that a new committee be formed to consider cost allocation options, i.e., the potential for the building wire to be recovered through a central source or incorporated back into the network rate.

**Cost-to-Cost Causer Relative to ResNet Services:**

It was the consensus of the Task Force that ResNet expenses should not be recovered through inflated general campus network cost recovery charges. CIT should continue to adjust ResNet rates to the point of market acceptance. The remaining deficit should be covered by the central administration and other mechanisms identified by EBG.

**Implementation of Headcount Tax:**

The Task Force acknowledged that some members are concerned about the implementation of headcount tax for employees who have no direct access to or need for network resources. The Task Force further noted that it is important to recognize that every employee indirectly consumes network resources through our administrative systems. A majority of Task Force members supported an equal headcount tax charge across all employee classes. The Task Force recommends that CIT make every effort to ensure that implementation of the headcount tax is fair and no one is counted twice.

**Operational Complexity:**

The Task Force recognizes that tiered rate billing will require additional operational overhead and associated costs. The Task Force also recognizes that the operational strategy to implement the spirit of this report may be different for ResNet than for general campus network services. Information about current costs and the recovery of those costs under this proposal can be found in Appendices B and C.
### Sample Bills

The following hypothetical charges depict the above network cost recovery process. These are for illustrative purposes only. The actual charges will reflect the network cost and consumption at the time the network cost recovery process is implemented. However, it is important to recognize that the Task Force shaped its recommendations in the context of these and similar hypothetical charges.

#### Standard Network Service Bill

<table>
<thead>
<tr>
<th>Sample number 1:</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Account number: XXXXX</td>
<td>Department: YYYY</td>
<td></td>
</tr>
<tr>
<td>Monthly port fee: $7.50</td>
<td>Tier one WAN service agreement: $5.50</td>
<td></td>
</tr>
<tr>
<td>Total monthly bill: $13.00</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sample number 2:</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Account number: XXXXX</td>
<td>Department: YYYY</td>
<td></td>
</tr>
<tr>
<td>Monthly port fee: $7.50</td>
<td>Tier three WAN service agreement: $60.00</td>
<td></td>
</tr>
<tr>
<td>Total monthly bill: $67.50</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### SPG Service Bill

<table>
<thead>
<tr>
<th>Account number: XXXXX</th>
<th>Department: YYYY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monthly ISP port fee: $45.00</td>
<td>Tier eight WAN service agreement: $650.00</td>
</tr>
<tr>
<td>Total monthly bill: $695.00</td>
<td></td>
</tr>
</tbody>
</table>

#### Public Port Tax Bill

<table>
<thead>
<tr>
<th>Account number: XXXXX</th>
<th>Department: YYYY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total student headcount applicable: 250</td>
<td>Cost per head: $1.90</td>
</tr>
<tr>
<td>Total monthly bill: $475.00</td>
<td></td>
</tr>
</tbody>
</table>

#### Backbone Tax Bill

<table>
<thead>
<tr>
<th>Account number: XXXXX</th>
<th>Department: YYYY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total headcount applicable: 300</td>
<td>Cost per head: $4.35</td>
</tr>
<tr>
<td>Total monthly bill: $1,305.00</td>
<td></td>
</tr>
</tbody>
</table>
Appendices

A. Scenarios Considered by the Task Force
B. Current Enterprise Network Costs
C. Proposed Academic/Administrative Cost Recovery
D. Network Billing Strategies at Cornell
E. Cornell Data Networking Future
## Appendix A — Scenarios Considered by the Task Force

<table>
<thead>
<tr>
<th></th>
<th>Advantages</th>
<th>Disadvantages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full recovery via</td>
<td>• Operational simplicity</td>
<td>• Creates economic incentive to install multi-port repeaters (Hublets) and thereby fracture network</td>
</tr>
<tr>
<td>Fixed Network Port</td>
<td>• Continuity with current practices</td>
<td>• Erodes CIT revenue stream over time</td>
</tr>
<tr>
<td>Port Access Fee</td>
<td>• Fixed port counts provided near term revenue and cost predictability</td>
<td>• No feedback to customer for excessive consumption</td>
</tr>
<tr>
<td>(Current process at</td>
<td></td>
<td>• Obfuscates relation between consumption and needed resource investment over time.</td>
</tr>
<tr>
<td>Cornell)</td>
<td></td>
<td>• Only partially documents and justifies expansion of CIT resources (e.g., purchase more Internet</td>
</tr>
<tr>
<td></td>
<td></td>
<td>bandwidth)</td>
</tr>
<tr>
<td>Full recovery via</td>
<td>• Operational simplicity</td>
<td>• No feedback to customer for excessive consumption</td>
</tr>
<tr>
<td>Headcount Tax</td>
<td>• No economic incentive to disconnect ports and thereby fracture the network</td>
<td>• Obfuscates relation between consumption and needed resource investment over time.</td>
</tr>
<tr>
<td></td>
<td>• Provides revenue and cost predictability</td>
<td>• Does not document and justify expansion of CIT resources</td>
</tr>
<tr>
<td>(Fixed monthly charge to departments based on number of faculty, staff, and students associated with the department)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Full recovery via</td>
<td>• Feedback to customer for excessive consumption</td>
<td>• Unpredictable revenue stream</td>
</tr>
<tr>
<td>Usage-based Billing</td>
<td>• No economic incentive to disconnect ports and thereby fracture the network</td>
<td>• Operationally complex and expensive</td>
</tr>
<tr>
<td>(Variable charge to</td>
<td>• Fully documents higher fees based on use</td>
<td>• Limited ability to reduce cost due to decline in consumption in the short term.</td>
</tr>
<tr>
<td>departments that is based upon users’ consumption)</td>
<td>• Allows demand to justify expansion of CIT resources</td>
<td></td>
</tr>
<tr>
<td>Full recovery via</td>
<td>• Provides some revenue stability</td>
<td>• More operationally complex than fixed network port fee or headcount tax based systems but less</td>
</tr>
<tr>
<td>Hybrid of the above</td>
<td>• Minimal economic incentive to disconnect ports and thereby fracture the network</td>
<td>complex than a pure usage-based billing system.</td>
</tr>
<tr>
<td>solutions</td>
<td>• Feedback to customer for excessive consumption</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Mostly documents increased charges based on use</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Allows demand to justify expansion of CIT resources</td>
<td></td>
</tr>
</tbody>
</table>
### Appendix B — Current Enterprise Network Cost ($ 1000)

<table>
<thead>
<tr>
<th>Cost Category</th>
<th>FY02 Forecast</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wiring</td>
<td>$ 74</td>
</tr>
<tr>
<td>Edge</td>
<td>1,869</td>
</tr>
<tr>
<td>Backbone</td>
<td>2,471</td>
</tr>
<tr>
<td>Internet</td>
<td>1,007</td>
</tr>
<tr>
<td>Network Operations Center</td>
<td>634</td>
</tr>
<tr>
<td>Maintenance</td>
<td>1,631</td>
</tr>
<tr>
<td>Administrative &amp; Billing</td>
<td>866</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$ 8,552</strong></td>
</tr>
</tbody>
</table>

Note: these figures include ResNet costs (~ $2.6M), which are not depicted in the recovery chart Appendix C). The Task Force recognizes that the ResNet recovery mechanism may require modifications to the recommended structure to address ResNet-related items.
Appendix C — Proposed Academic/Administrative Cost Recovery

Note: This chart does not include ResNet costs.
NETWORK SERVICE BILLING STRATEGIES AT CORNELL

Introduction
As part of the IT Architecture Initiative, the Office of Information Technologies (OIT) is producing a series of papers outlining directions in information technology architecture. In the spirit of RFCs, the papers are intended to facilitate understanding of and open dialogue about information technology trends at Cornell, with the ultimate goal of improving the utilization and interoperability of information technology services throughout Cornell.

Synopsis
This document outlines the Cornell network design and related costs to provide context for an exploration of network cost recovery strategies. It includes:

- Network elements overview
- Network resource consumption relative to the elements outlined
- Client impact on network resources as a function of application type
- Cost modeling alternatives
- Closing thoughts and observations

Network Elements Overview
In order to explore and develop funding models for network services at Cornell and have them broadly supported by the patron base there must be a common understanding of the elements that drive the cost of network services. For the IP data network at Cornell there are many elements that contribute to the cost of the services. In addition, there is a great variety in the impact that client applications have on the network.

In order to model costs it is helpful to view the network as being comprised of three integrated network services, each with its own cost ramifications. These network services are:

- Local Area Network services (LAN)
- Campus Area Network services (CAN)
Appendix D — Network Service Billing Strategies at Cornell
• Wide Area Network services (WAN)

Local Area Network:

Though there is a fair amount of variation in how people define "LANs," for the purposes of this paper LAN services are defined as all client equipment interconnected by "switching" hardware. Switches are low price devices with limited "intelligence" that operate at very high speeds to interconnect devices within a single ethernet broadcast domain. Though it is beyond the scope of this paper to go into great detail about network hardware, the nature of the network data traffic movement "switches" perform is fairly finite when compared to network "routers." Therefore switches are much less expensive to build per port and per aggregate network capacity provided. Switch cost is also driven down by their "commodity" nature. They are a product sold in massive volumes by multiple hardware vendors. Most building intraconnections of hardware at Cornell are supported by low cost, very high speed (up to 100 Mbs), "commodity" switch network hardware. Often people define switches as "level 2" devices and routers as "level 3" devices. These "levels" are references to the OSI model for network services at large.

In brief review, LAN's are comprised of "level 2," low cost, high speed, switched interconnected clients. Patrons of network services can think of switched LAN's as "cheap," "dumb," and "FAST" when compared to the network cost associated with level 3 devices often utilized in CAN and WAN network provisioning.

Campus Area Network

The Campus Area Network at Cornell is comprised of level 3 "router" hardware interconnected by very high speed data links that in turn interconnect campus switched LAN's. The cost per "port" on routers is orders of magnitude more expensive than the cost per port on network switched devices. This high cost is a function of lower product demand and the additional data manipulation routers perform. These advanced router functions require powerful processing engines to assure fast interconnection — thus driving up the price of these core devices.

While there is some variation in the number of level 3 devices deemed critical in Campus Area Network design, the use of routers in the Campus Area Network to interconnect LANs instead of low cost switches is driven by the administrative and operational control routers enable. In addition to others, these controls include improved security and limiting the ability of users within one LAN broadcast domain from stealing the IP numbers of a user in another domain.

In brief review, Campus Area Networks at Cornell are comprised of "level 3," interconnected, high cost per port routers. Routers are desired because they enable administrative control over the campus network not enabled by low cost network switches. While there is a bit of debate on the number of these devices needed at Cornell, to date CIT has elected a conservative approach that maximizes the number of router ports required in order to provide high operational control over the larger network.

Wide Area Network

Like the Campus Area Network, Cornell's connection to the "Internet" is provided by a routed interface. However, the primary element that drives cost in the wide area is the expense of the data links that Cornell leases from Internet service providers. The cost of "internet bandwidth" is orders of magnitude more

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1 Broadcasts from one host are seen by every other host in a given "broadcast domain."

2 Seven layer model for networking protocols and distributed applications developed by the International Standards Organization (ISO).
expensive than the aggregates cost of data services provided by the Campus Area Network hardware. For example a dedicated 100Mbs switched port in a LAN, if capitalized over 3 years would cost ~ $30 a year. In turn, a 155 Mbs Internet link currently costs ~ $800,000 per year!

Base Costs Associated with All Network Services

There are two additional classes of costs associated with network use: media and general service costs. These are described in the two sections that follow.

Media (Copper/Fiber) and Costs:

Implied in the above outlines of CAN and LAN hardware costs is the additional cost associated with the media used to transport the signal from and to devices. On the Cornell campus LAN connections to clients are based primarily on TP copper, and CAN interconnection is done by fiber. Generally fiber is capable of carrying larger amounts of data longer distances than TP copper and therefore is ideal for interconnecting distant locations. In turn, copper is excellent for horizontal building distribution where distances tend to be less than 100 meters. The cost of provisioning and maintaining these media plants are part of the larger network service delivery costs. Fortunately the usable life span of fiber and copper is very long so the capital costs can be spread out over an extended period (in excess of 15 years). Unfortunately at Cornell the building wire installed is very old (more than 15 years) and limited in the total speeds at which it can carry data to ~ 10 mbs. In addition, despite the relatively long life and low cost per port when capitalized over 15 years, network services fees have not reflected any media expense to date. Given these facts, Cornell is faced with the quandary of how to best replace the existing older “cat 3” wire. If this were to be done en masse the total one time costs could be significant and would impact any final rate structure. For additional information about campus rewire directions please see http://www.cit.cornell.edu/oit/Cornell_Network_Futures.pdf.

Other Associated Costs

In addition to media expenses, it can be argued that there are general service costs directly associated with network service delivery. These often include:

“Middle Ware” such as:
- Traditional network Name Services (DNS).
- General directory access tools such as LDAP.
- Network authentication and encryption tools – such as Kerberos / PKI.
- Dynamic IP number allocations tools such as DHCP.

General support services such as:
- Network Operations Services (NOC).
- Security / incident response.
- Network Help Desk Support.
- Network Research and Development
- Maintenance

While some may debate what should or should not be included as a general network cost, once defined the final list is universal and must be reflected in any network costing model along with CAN/LAN/WAN hardware and media expenses. Clearly a failure to maintain currency in evolving middle ware applications or evolving network service demand will impact Cornell's ability to participate in larger "global" exchange

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1 Port fee does not reflect media and associated costs such as middle-ware, etc.
of information with peer institutions. For example, unless Cornell participates in the development of "standards" based inter-domain authentication schemas, Cornell will not be a "trusted" peer allowed to exchange "authenticated" information. The ongoing research and development of these tools and related expense is an assumed part of the larger middle-ware base universal expense of Internet service provision at Cornell.

Estimated network port provision element costs as a % of total expense is as follows:

With the above outline of the nature of LAN/CAN/WAN deployments, it is self evident that the cost of a given network services at Cornell is a function of the path a given data communication takes, plus any other associated networking costs. If a patron of Cornell's network only communicates within a switched LAN, the cost of service can be VERY low, however, the same amount of data pushed across the CAN and WAN will be much higher.

Conceptually these cost zones can be modeled as follows:

4 Graph represents % total cost associated with deployed hardware not % of "capacity" for WAN/LAN/CAN resources.
Client Impact on Network Resources as a Function of Application Type

In addition to the varying costs based on network zones, not all clients with the same connection to the campus network impact the network equally. The point is not to belabor the obvious notion that a "video" application running on a computer connected to the network would use more than the same computer simply running a mail client, but to note the fact that a computer with a "100 Mbs" connection to the network viewing a video from a remote location, may often use fewer WAN resources than a "server" or multi tasking computer connected to the network with only a 10 mbs connection. TCP communications across high latency Internet links may actually penalize connections attempting to run a single large bandwidth tasks.

In short, due to the nature of TCP/IP, compounded by a given Internet latency and Non QoS enabled network hardware, when it comes to a client's ability to consume WAN resources, the number of unique network connections per client can often be more important in determining impact on WAN resources than the size of the LAN port connected to the client. A wonderful example of this phenomenon is the impact of "shared" 10 Mbs connected "Napster" servers in the residence halls and their consumption of outbound Cornell WAN resources.

Top Campus Departments For Incoming and Outgoing Traffic On 3/29/01

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zSzton97.pdf/lakshman96performance.pdf

6 See: http://www.cit.cornell.edu/oit/videodistribution.html
Multiport Repeater Impact on CAN and WAN Resources

Adding complexity to modeling data transmission costs is the growing use of multi-port repeaters, or "hublets" by departments to increase the number of connections within an office to support additional devices. Hublet impact on a given network WAN/CAN resources parallels that of multitasking vs. single tasking clients. If hublet installation enables multiple communication connections across the campus CAN/WAN the impact on campus and Internet resources will be high. However, if the hublet is used to interconnect devices within an office, such as a computer and printer, then the traffic is local and there is no additional impact on the larger campus resources. However, it is arguable that every device connected to a hublet, regardless of local vs. remote data paths, still consumes "base line" service, i.e., DNS, Security, Helpdesk support, etc. And data network connections connected to hublets consume more resources on average than data network connections connected to single clients. But of course, like single clients, the nature of the use can dramatically change the quantity of CAN and WAN resources hublets consume.

Cost Modeling Alternatives

As is apparent from the above overview, determining the true cost of a given network connection at Cornell is not as simple as charging based on the quantity and size of a given LAN connection. Network consumption or cost per user is a function of network port speed, datapath, application type, the technical nature of the IP Wide Area Network resources used to transmit IP plus any universal base support costs.

Summary of Current Average Cost Model

To date, cost recovery at Cornell has been rooted on a simple average cost model that takes the total number of network users and divides that into the total cost of the network service to determine the network "bill" per connection. Clearly this does not reflect actual consumption -- it does not attempt to do so, it only reflects the average cost of the larger service per activated jack. Some patrons are getting a great deal, others are paying far more than they are utilizing. OIT and CIT are exploring refinements to the current average cost model, but the fundamental premise remains the same.

Complications in the Average Cost Model

One of the first challenges of setting up an average cost recovery process is the attempt to find the best measure for total user count. This is not as straightforward as one might initially assume. To date CIT has elected to use active ports as the base number (divisor) to determine average cost. However, with the growing use of hublets in departments to connect additional resources to a single "billed" port, the average cost derived income is gradually becoming threatened. To aggravate matters, the use of average "port" charge has placed a false economic incentive for departments to lower their total network costs by accelerating the installation of hublet and wireless repeaters7 to lower total port counts they are billed for. Clearly the continuation of this practice will prove unsupportable by Cornell at large as it undermines the ability to deliver advanced network services such as e2eQoS8 and required funding streams to maintain base, wire, CAN, & WAN network infrastructure.

Other Average Cost Models

Given the failings of the use of ports to determine the divisor for average expense, thought has been given to alternative average cost schemas. These include:

7 See (need link to wireless paper when online)
8 See http://www.cit.cornell.edu/oit/videodist.html
• Total IP number count
• Total MAC address count
• Total head count

Each has weaknesses as outlined below:

Total IP Number Count: While using IP numbers may well be a better current measure than port counts it is easily subverted by the use of NAT enabled hublets. NAT or "Network Address Translator" enabled devices\(^9\) would present only one IP number to the larger campus resource while supporting multiple hidden IP numbers to the installing departments. Again, as the port count schema seems to have stimulated the installation of hublets, using IP numbers as the base count would likely stimulate the use of NAT devices. For an IP count process to be effective there would have to be a university policy that made it illegal to use NAT devices and a process to police network installations.

Total MAC address count: Each hardware device on an Ethernet network has a unique identity, known as a MAC address. It is possible to write applications that "sweep" or "police" the network and to get a total device count. However, you can only assure sweeps through routers are controlled by CIT. In addition, MAC addresses could be hidden by NAT devices. Therefore to be effective CIT would have to mandate access and control of all network routers on campus and have the authority to sweep networks within departments to get accurate device counts.

Total Head Count: This process is based on the assumption that on average the cost per person is a good measure of average network consumption at large. The advantage is creating a process that does not encourage "cheating" or false economic incentives to hide total network utilization. The disadvantage is this billing process is often perceived as a central "tax" on departments for a service they may argue they do not use or that does not provide enough value to justify the tax. In addition, head count or tax systems often encourage abusive consumption, as there is no direct economic consequence for excessive utilization.

Though alternative divisor count strategies are still being actively considered, at this time it is not clear that changing to MAC or IP count strategies would offer enough value to justify the operational expense incurred.

In the near term CIT and OIT has elected to address the proliferation of hublet installation and the higher average cost per network port they create by advocating a higher fee for ports supporting hublets. This has been referred to as a "single circuit gateway" rate. This higher fee is based on the assumption that on average hublets will consume more network resources than a single client does. Unfortunately as with clients, there is tremendous variation in the actual consumption of resources by hublets and, in turn the proposed "ISP" fee for hublets and or wireless repeaters has been meet with considerable community angst. This angst is not, per se, unjustified as many higher performance servers supporting multiple WAN sessions connected to a single port can and will use the same amount of network resources as a hublet supporting multiple "average" clients. This fact is not lost on many departments.

But, somewhat antithetically it is also true that multiple departments have installed hublets precisely to connect "average" clients with the sole purpose of lowering local networking costs. This process violates the fundamental fairness of average rate based billing fees to the larger Cornell community.

The bottom line is that all average rate based cost models are fundamentally limited and in turn subject to legitimate criticism. However, it is also clear that departments have been installing hublets and wireless systems simply to avoid legitimate network fees. If any average cost system is to succeed, Cornell must face the realities and limitations of this billing strategy and in the spirit of a larger community "play fair" and pay their fair share, once a process is adopted.

Alternatives to Average Cost Models

Despite all hope and good will, history at Cornell has taught us that departments will go to extraordinary lengths to figure out how to pay the lowest network fees possible regardless of the impact on the larger community. This is not meant to be a derogatory comment about departments, it is natural for departments to attempt to lower costs, and average cost billing based on ports, IP numbers, and MAC addresses creates a clear incentive to do so. Given this, short of a mandated head count based average cost system, Cornell may have to enable a non-average rate based system or a system that penalizes or limits collective abusers of the inherent weakness of a given average rate fee.

Proactive Identification of High-Use Users and Departments

In order to provide fairness within an average cost based billing system, there is active consideration of policing connections and if abuse is found, restricting access to broader CAN and LAN resources. An alternative but similar theme would be to average the "income" associated with a given LAN and then allow access to CAN and WAN resources reflecting that % of the total income. For example RESNET patrons would be allotted CAN and WAN resources to reflect the % of the total CAN and WAN expense RESNET subscriptions cover. This same model could be applied to all Cornell departments. If departments persist in the deployment of hublets or use excessive amounts of CAN and WAN resources, the larger department connection to the campus could be limited to the share funded via official port subscription.

Of course this is a rather draconian approach to network cost recovery. It implies an active policing process and would punish all members of a given "department" regardless of individual use. Alternatively there is a growing belief that short of a head count based cost recovery system, only a true "consumption based" or "rate based" approach to network fees will be viable in the long run.

Rate-Based Billing Applications

Cornell has recently entered into an agreement with Apogee Corporation\(^{10}\) to acquire Apogee's rate based billing application. Once fully deployed this application will allow CIT a fine tuned understanding of network traffic flows on campus. In turn, this information could be the basis for generating usage based network "bills." Depending on the final configuration, usage charges can be a function of:

- Time of day
- Class of users
- Data Type
- Prorated utilization of the three network cost zones (outline earlier in this paper)

An advantage of rate based billing not enabled by average based billing schemas is the proactive feedback it provides to consumers. It is empirically clear to all who bother to dig beneath the network covers a bit at Cornell that a significant percentage of networking costs are related to activities that departments may not desire to fund. For example, with rate based billing, departments would be empowered to encourage users who stream audio content across the Internet to "buy a CD player" as the CD player cost far less than the network resources used to provide the same. A little proactive communication within a department might have a dramatic effect on a given departments network bill. In turn as departments rationalize their network use, CIT could rationalize its future network development and optimize its investments.

There is a recognized concern that a rate based billing model might exacerbate the notion that "rich departments" will be able to consume all resources needed while "poor" departments access to Internet

\(^{10}\) See: www.apogee.com
resources will be stifled. In addition, some members of the community have expressed concern that a rate based billing model might have a "chilling" impact on the scholarly use of network services at Cornell. This general debate over the network as a "common good" vs. a more capitalistic approach of allocation is sure to cause interesting dialog. Regardless, it is also clear that the existing models for network billing based on average rates have failed to assure long-term funding for this critical Cornell resource. Possibly, if the Cornell community is unwilling to move to a more inviolate "head count" billing process, rate-based billing, despite the impact it may have on given departments access to internet resources, may be the only viable alternative.

Closing Thoughts and Observations

There is a spectrum of approaches that could be applied to network cost recovery systems. These range from simple and effective fees derived from total headcount, to the implementation of a rate based billing application. It should now be clear that given the nature of IP networking and the great variation in network consumption by given applications, average port fee models may always be challenged by individual users.

Pragmatically, if Cornell elects to maintain an average rate billing system, only a total head count (or general "tax") model may be immune from the enterprising individual attaching additional ports or hiding IP numbers in an attempt to lower network costs. Alternatively Cornell could embrace an empirically defensible rate based billing system for network service delivery.

For any funding system selected it is important to understand its inherent limitations and ramifications. Traditional port/IP/Mac count based systems encourage ad hoc deployment of network hardware by departments that in turn threaten required income streams and future advanced network services. In addition, loss of income diminishes Cornell's ability to underwrite the cost of middle-ware and general support requirements of all network users. Simply stated, attempts to avoid paying legitimate costs impact advanced network services development--services that will be commonly delivered at every other major research university.

To avoid a failure to maintain prudent investments in the network infrastructure at Cornell, OIT, CIT and departments must work together to forge and fund an advanced network that has the potential to deliver new services and has a fair and supported process for cost recovery. Once network costs, application use, and the limitations of alternative models are understood, the best cost recovery system may well be limited to either rate-based billing or a simple "head count" based fee.
Appendix E — Cornell Data Network Futures
Background Information:

The current campus network services close to 110 buildings and interconnects over 700 local area networks supporting in excess of 23,000 end user work stations and desktop computers. Access to commodity Internet service is provided by an OC-3 link. In addition, a second OC-3 connection provides access to the NYSERNET 2000/Internet II research infrastructure.

Deployment of a ubiquitous ethernet data network infrastructure began in the mid 1980's with the installation of Proteon routers and edge hardware manufactured by David Systems.

Through the end of 1996, bandwidth growth was primarily driven by new connection demands. Now, increasingly, the need for additional bandwidth is tied to the changing nature of the information that is being exchanged. Frequent access to Worldwide Web resources, large electronic mail files, larger file size transfers within fixed time windows, digital library services, distributed learning requirements, and high quality audio, telephony and video services; all these uses and more now drive Cornell's growing demand for aggregate and peak bandwidth provision and assured quality of service.

In response to growing demand for bandwidth, Cornell Information Technologies (CIT) reengineered the campus backbone in 1999. As a result of this upgrade, backbone infrastructure is now much better positioned to meet projected demand within the life cycle of the hardware. In addition, Cornell has acquired additional bandwidth from Internet Service Providers over time to meet patron demands.

(Fig 1)

Commodity Internet Usage Trends & Capacity

1 "Edge hardware" is a term commonly used to describe equipment placed in building phone closets to provide individual connections to the network service. The Cornell campus network is comprised of "core" backbone routers and "edge" phone closet ethernet repeaters.
2 GartnerGroup projects peak user traffic demand increase by a factor of 100 between 1999/2001. R-08-9117
3 Current campus backbone use is ~3% of capacity.
Nevertheless, providing ample core backbone capacity to a wide array of Internet resources has not removed fundamental constraints imposed by the aging edge equipment and obsolete twisted pair "Category 3" media plant.

**Three scenarios for data networking investment at Cornell and their service level implications:**

Investment Scenario #1: No new investment.

Context:

Over two thirds of the installed edge equipment is antiquated shared 10Mb/sec ethernet hardware. More than half of the installed edge equipment is over five years old. Recent data collected by CIT indicates that the demand for bandwidth exceeds the capacity of over half of the installed base of shared networks during peak periods of usage.

Service Ramifications of Investment in Scenario #1:

**BENEFITS:**

- None.

**LIMITATIONS:**

- Without any additional investments, users on 10Mb/sec shared connections will see increasing number of service failures due to the aging equipment. In fact, the vast majority of the currently installed edge equipment is long past the industry standard replacement cycle for such equipment.

- Service quality will diminish exponentially as a function of increasing demand. Multiple classes of commodity desktop workstations now have the ability to saturate a shared 10Mb/sec network. Projected growth in aggregate network loads over time will exacerbate this trend.

- Insufficient bandwidth — along with no predictable or assured quality of service — effectively eliminates the network’s ability to support new voice or video services. (see Ethernet Data Rate/Service Table on page 4)

- Highly insecure default broadcast of data packets to all participants on such a shared resource.

- Limited data acquisition tools to fine tune and adequately predict future use demands.

- Over half of the campus wire plant phone closets are insecure, often allowing public access to equipment.

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4 Current networking engines provide “switched” or dedicated non shared services at rates up to 1,000 Mb./Sec. On a “shared” ethernet multiple users share a single 10Mb/Sec connection. In a switched environment each user has a dedicated ethernet link – non-shared.

5 CIT has limited resources for short-term “remediation” to replace critical but highly congested shared networks.

6 Depending on information source, recommended network replacement cycles range from 12 months to 3 years.
Conclusions and summary statement for investment scenario #1

Failure to invest additional funds will not only limit the network's ability to deliver or receive new services such as voice over IP and packet video but will relegate users to decreasing service levels on an inherently insecure technology provided over an insecure wire plant.

Investment Scenario #2: Replacement of edge hardware. No new investment in wire plant.

Context:

Replacement of shared edge equipment with commodity 10/100Mb/sec, Level 3-aware switching gear would eliminate the vast majority of bandwidth limitations, and, at the same time, create an infrastructure capable of prioritizing bandwidth based on service need. The cost per port is extremely favorable when compared to the original investment per port for David Systems hardware, the port price dropping from well over $100/port to less than $100/port while enabling a 100+ increase in capacity delivered to connected user.

While the replacement hardware would support switched 10Mb/sec or switched 100Mb/sec rates to the desktop, the installed Category 3 wire plant will only support 10Mb/sec data rates. As there is no significant price advantage to purchase 10Mb/sec only switched hubs, ports will be configured to provide 10Mb/sec only services.8

Service Ramifications of Investment Scenario #2:

BENEFITS:

➢ New hardware will replace aging edge infrastructure equipment, eliminating projected increases in equipment failures and associated downtime.

➢ Installation of a switched 10/100Mb/sec edge hardware limited to a switched 10Mb/sec rate is predicted to meet 99% of network service demands within a CIT-targeted three year equipment replacement cycle of the installed hardware. Where new twisted pair “Category 5” wire runs allow, potential 100Mb/sec rates will provide utility well beyond the average network equipment life span standards.9

➢ Switched 10Mb/sec rates are of sufficient bandwidth to support high quality audio and good quality video services.

➢ Level 3 capabilities of switching gear will allow the development of integrated quality of service (QoS) mechanisms to prioritize data transfer on campus. QoS infrastructure improves the look, sound and feel for latency and jitter-sensitive applications such as audio and video. Other critical data transfers for security or e-business applications would also benefit.

7 “Level 3 aware” implies technology capable of allocating bandwidth priorities as a function of service level flags within IP packets.
8 100Mb/sec rates over Category 3 wire will cause unpredictable results and network service errors.
9 It is difficult to predict campus bandwidth requirements over extended periods of time. 100Mb/sec services will allow multiple HDTV streams. Unless there is an unforeseen “killer” application, 100Mb/sec rates as a base standard for Cornell may be sufficient well into the future.
## Ethernet Data Rate/Service Table

<table>
<thead>
<tr>
<th>General Internet Use</th>
<th>General Internet Use</th>
<th>General Internet Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>File/Server Transfers MB</td>
<td>File/Server Transfers GB</td>
<td>File/Server Transfers TB</td>
</tr>
<tr>
<td>Limited Audio</td>
<td>Audio / QoS</td>
<td>Audio / QoS</td>
</tr>
<tr>
<td>Limited Video</td>
<td>Video / MPEG 2, 4 / QoS</td>
<td>Video / MPEG 2, 4 / QoS</td>
</tr>
<tr>
<td>Teleconferencing / QoS</td>
<td>Teleconferencing / QoS</td>
<td>Video HDTV / QoS</td>
</tr>
</tbody>
</table>

- 100Mb/Sec service rates implied for locations with Category 5 or better wire installed.
- Limited default broadcast of data improves security.
- Improved data collection tools for performance and service growth projections.

**LIMITATIONS:**

- Installed wire plant remains insecure and limits service rates to switched 10Mb/sec.

**Conclusions and summary statement for investment scenario #2**

Replacement of edge equipment whether driven by increasing demand for bandwidth or the requirement to replace the aging infrastructure will create a robust and moderately enhanced campus-wide data service for a minimal capital investment.

**Investment Scenario #3: Replacement of edge hardware. Replacement of wire plant.**

**Context:**

Nearly a fifth of the current campus wire plant fails to meet the minimum specifications for Category 3 wire installations. Over half of the “phone closet” locations are shared with non-CIT equipment and custodial supplies, etc. While to date creative wiring and equipment placement has allowed CIT to work around the distance limitations for installed Ethernet hardware, And, while misplaced broom handles disrupting service from a shared custodial / data networking closet are annoying – the security ramifications should not be underestimated.

The integrity of Cornell’s intellectual and administrative information, from genomics research to student records is at risk. The monetary value and liability for the information exchanged at Cornell during any given day is enormous. Although it is true that encryption offers a means to navigate an insecure infrastructure, it is not widely leveraged by our patron base. And there is a common misunderstanding that information exchanged between locations on the Cornell campus is reasonably secure. The gravity of this problem was recently highlighted in the Cornell Audit of CIT’s services and remains a concern of the...
Office of Information Technologies (OIT). However, quantifying the value of a comprehensive campus rewiring project at this time is difficult as it is dependent on timing and the "strategic" potential seen, vs. the alternative costs and limited data-rate ramifications of simply securing the existing phone closets.

Service Ramifications of Investment Scenario #3:

BENEFITS:

➢ All benefits outlined in Scenario #2.

➢ Secure wire plant.

➢ Enables switched 100Mb/sec and future higher data rate services. Large utilization of individual 100Mb/sec Ethernet connections is not expected within 3 years. Large utilization and demand for 100Mb/sec links to support server and backup engines within departments / colleges is projected in the near term. 100Mb/sec will be required for point to point HDTV video conferencing and high bandwidth visualization applications.

➢ Strategically positions Cornell to quickly respond to unforeseen application demanding very high bandwidth delivery.

➢ Wire plant utility is estimated to be 15 years.

LIMITATIONS:

➢ Cost. (Total wire plant replacement will increases data service cost by ~ 10%)

➢ Limited initial utility for the vast majority of patrons.

Conclusions and summary statement for investment scenario #3

Replacement of edge equipment and twisted pair wire plant would be a strategic investment for Cornell University at this time, creating an enhanced network infrastructure that would be among the best in the nation. The installed network will provide a secure, manageable, and non-restrictive campus resource capable of supporting the most aggressive new uses of information technology as envisioned by Cornell faculty, students, and administration.

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10 Audits office report # 00020 Network infrastructure and operations audit report.
11 A formal cost benefit study of Category 5 wire plant investment timing is planned.
Appendix 9

Faculty Discussion on Creation of a New (Non-tenure Track) Professorial Title

A proposal to enable creation of a new title, clinical professor, to be implemented on a college-by-college basis, was discussed at the Faculty Senate meeting on 2/23/02 and at a Faculty Forum on 2/20/02. Major arguments for and against the proposal are briefly summarized.

Arguments for:

1. Highly accomplished non-tenure track appointees would have significantly improved and regularized terms of appointment, and greater opportunities for professional recognition and advancement.

2. Better employment conditions and status would improve recruitment and retention of clinical professionals of the highest quality.

3. The number of tenure track positions at Cornell will not increase appreciably in the foreseeable future, but demands for clinical service and teaching of the highest quality continue to increase.

4. The cap on fraction of total faculty within a department that can be non-tenure track, together with close monitoring of administrative practices for faculty hiring, is intended to allay fears of substitution of non-tenure track for tenure track professors.

Arguments against:

1. The tenure system will be weakened because administrators cannot be trusted to adhere to proposed guidelines for maintaining appropriate balance between the number of tenure track and non-tenure track appointments.

2. All clinical professorial positions should be tenure track and the value of functions other than research should be formally enhanced.

3. The distinction between responsibilities and expectations of non-tenure track versus tenure track professors is unclear and would be unfair to non-tenure track appointees.

4. Adoption of the proposal would lead to exacerbation of existing gender inequities by increasing the opportunity to appoint women to non-tenure track positions.
Figure 1. Graphs comparing numbers of tenure track and non-tenure track faculty of the Department of Clinical Sciences with significant responsibilities for patient care in the Cornell University Hospital for Animals. The figure is derived from Figure 1 of the document entitled "Non-tenure Track Professorships in the College of Veterinary Medicine, October 21, 2001," which was provided by the Task Force on Professorial Titles as background material for its Proposed Enabling Legislation dated 1/25/02 and which was presented by the Task Force to the Senate on February 13, 2002. Figure 1 is identical to the figure in the October 21, 2001 background material except that to improve visibility, the green, red and blue points have been connected with identical colored lines rather than black lines and the yellow points and connecting lines have been changed to fuchsia.
Figure 2. Bar graphs showing the changes in tenure track and non-tenure track faculty numbers in the Department of Clinical Sciences that are projected to occur between 1995 and 2004. Non-tenure track data are derived from Figure 1. The total number of tenure track faculty of the Department of Clinical Sciences are represented by the other set of bars. Between 1995 and 2004, the number of tenure track faculty is expected to increase by 10 percent while the non-tenure track faculty is projected to increase by 667 percent. By 2004, the size of the non-tenure track faculty will reach 38 percent of the tenure track faculty.
DUES-PAYING STATLER MEMBERSHIP

- Old Rathskeller closed
- Terrace restaurant opened to Statler Club
- Statler Facilities downgraded


Survey Findings

Services Offered:
63% of peer group faculty clubs serve dinner. Cornell’s does not.

84% of peer group clubs offer table service at lunch. Cornell’s does not.

79% of peer group clubs have parking available. Cornell’s does not.

Cost to Members:
Median annual dues at peer group clubs is $169. At Cornell, annual dues are $74.

Median lunch check at peer group clubs is $10. At Cornell, it is $5.

Faculty Perception of Value/Price:
35% of eligible faculty in the peer group belong to their faculty club, as opposed to 12% at Cornell.

Finances:
Operating losses in 90% of peer group clubs are offset by revenues from functions. Cornell’s club is excluded from this opportunity.

Only half of peer group clubs receive a subsidy.

Summary:
To the question "On a scale from 1 to 10, where 1 is nearly moribund and 10 is healthy and thriving, how would you rate your club", the median answer by the peer club managers was 8. Cornell’s manager’s response was 2.
Conclusions

1. The quality of services offered by Cornell's faculty club as so low that despite low price levels, it cannot attract the level of participation of peer faculty clubs.

2. 18 out of 19 peer faculty clubs are considerably healthier than is Cornell's.

3. The relationship between the Hotel School and the Statler Club is probably at the root of the Statler Club's difficulties.

4. Small incremental changes will not solve the problem.

What's Needed

1. Administration resolve to create a Faculty Club consistent with the quality of Cornell's faculty.

2. The Administration should appoint a committee (with sufficient support) to examine the problem, and propose a solution.
Minutes of Faculty Senate Meeting
April 10, 2002

Professor Melissa Hines, Chemistry and Speaker Pro-Tem: “I would like to call the meeting to order. First, I would like to remind you that no photos or tape recorders are allowed during this meeting. Also, if you get up to speak during the meeting, I’d like to ask that you identify yourself and the department you are affiliated with when you speak. At this time we have no Good and Welfare speakers, so that will give us an extra ten minutes off the schedule. First, the speaker would like to call on Provost Biddy Martin for a report.”

1. REPORT BY PROVOST MARTIN

Provost Biddy Martin: “Good afternoon. I’m going to take this opportunity to report on faculty salaries. Can you hear me in the back? Dean Cooke is going to help me with the transparencies (Appendix 1). This is really an update on the faculty salary plan, a program in which we are all engaged. We were able to get preliminary data from the AAUP, and so we have the results of our goal to meet the average of our peers in five or six years, depending on the side of the college. Let me remind you of the institutional goals - to reach the average of the peer groups that were selected by the Financial Policies Committee of the Faculty Senate by the end of a five-year period for the endowed colleges and the end of a six-year period on the contract college or statutory side. The first year of the multi-year plan is 2001-02. Is Peter Stein here?”

Professor Peter Stein, Physics: “Yes.”

Provost Martin: “Does that answer your question, Peter?”

Professor Stein: “Yes.”

Provost Martin: “OK. Cornell’s results in 2001-2002—now I’m going to start with continuing faculty, and I actually already gave the Senate this information earlier in the year. For continuing faculty, the university increase is 8.1%, which is, of course, better than our goal which was 8% overall. That is for continuing faculty. The endowed continuing faculty salaries increased by 8.4% on average, while the statutory continuing faculty salaries grew 7.7% on average. Again, let me repeat, this is the information I gave you earlier in the year. For all faculty, including the external survey, which is not a survey of continuing faculty (which is going to explain the disparity here), the average salary grew 7.0% in the endowed and 6.5% in the statutory colleges. So for the purposes of the survey that we are using, the salaries grew by 7% in endowed and 6.5% in the statutory colleges. What would account for the discrepancy between the 8.4 and the 7.7% in the survey? You see on the bottom here, the survey excludes less than full-
time faculty; all faculty who are on leave without pay, and faculty administrators at the assistant dean level or above.

"The compensation of faculty and staff, as you know, has been a priority for the past six years. In partnership with the Senate, we agreed on these benchmarks. You remember these peer groups. The Financial Policies Committee and the administration agreed to these. The average five-year change for the peer group was 4.6%, given the data we just received. Cornell's five-year average is now 5.3% over a five-year period. Let me repeat that, the average five-year change for the peer group was 4.6%; Cornell's was 5.3%. On the statutory side, the peer group average five-year change is 4.9%, and the Cornell average five-year change is 5.6%. I hope I'm being clear."

Professor Douglas Fitchen, Physics: "Is the number you mean the average yearly change averaged over five years?"

Provost Martin: "Averaged over five years. So on the statutory side, the peer group 4.9%, Cornell 5.6%. We actually moved up one spot on the endowed side and the statutory side from 9th place to 8th place. And you can see that from the slides. The actual percent increase is better than the improvement in relative standing. We are pleased with the way we did based on this information. For 2002-03 the college deans and I worked together on college specific goals, and the college specific goals in the aggregate will constitute a university goal of a 7.8% average increase across the university for continuing faculty. Is that clear enough?

"I have to apologize to you. I had a little surgery yesterday, and I still have an anesthesia hangover. You shouldn't worry about my surgery, and I don't think I'll faint on you, but I realize that I'm not being as lucid as I usually try to be. So if you have questions, just ask them, and I, with the help of my colleagues, will try to answer them."

Professor Tony Simons, Hotel School: "It's interesting to see that the average raise is 8%, and I'm a little bit curious because I know that the deans of my school, when they were giving out raises, they said the average raise for our faculty this year will be 4%. And I'm just a little bit curious about how that worked."

Provost Martin: "Are you talking about for this year that we are in now?"

Professor Simons: "This past summer."

Provost Martin: "Oh, this past summer, they told you the average increase was 4% in the Hotel School?"

Professor Simons: "In the Hotel School. That might have been the merit salary raise pool, and they had something else that they were doing."
Provost Martin: “Well, it gets very confusing, because when we say, for example, that the average increase, let’s just take the endowed side, was 8.4% for continuing faculty, the actual pool used in the endowed colleges, for the most part, was an 8% pool on average for all the endowed colleges. When they send out pools to the individual departments, those pools are based on the dean’s estimate of what is needed in the departments; what’s needed for counter offers; what’s needed for equity adjustments. So the pool that actually goes out to individual departments might be, let’s pick an example at random, 5.5%. What the dean holds back for counter offers, equity adjustments, for chairs’ salary increases and other increases will, in the end, be used in a way that brings the average in the aggregate up to 7.8%, as we say, across the entire university for next year. But that doesn’t mean that any individual or even every department will have as a pool 7.8%.

“I know it gets complicated. What we have to remind people all the time, and I realize that we probably under emphasize this when we announce the good news, which is that in the aggregate we will have increases this next year of 7.8%. That’s the good news. For any individual that increase could be anything from 0% to 15% or 20%, I suppose. Just to be blunt. The college deans have made a commitment to making increases based on merit and equity considerations. That’s why when we say that there will be an average increase of 7.8% doesn’t tell you as individuals very much about what you can expect to get once the pools are allocated to departments. Does that help?”

Professor Brad Anton, Chemical Engineering: “Is that average pool number that’s given to every dean identical? So you were describing how within a college a dean could make adjustments based on different situations in different departments. Are there adjustments made at your level for different situations in different colleges, or do all colleges get the same number?”

Provost Martin: “Well, last year on the endowed side, which is the only side that counts when it comes to the Provost giving allocations for salary increases, the endowed colleges were given the same amount. This year, however, we worked with the college deans on college specific goals, so not every college necessarily got the same amount from the Provost’s office, although the range, the variation, is very small. ”

Professor Anton: “So the FCIS, for example, would be close to that mean number also.”

Provost Martin: “Right. Every unit would be close to that mean number.”

Professor J.S. Butler, Policy Analysis and Management: “I’m not familiar with the word ‘statutory.’ Is that a contract college that you are talking about?”

LAUGHTER.

Provost Martin: “You’re very funny. Do you want to elaborate?”
LAUGHTER.

Professor Peter Stein, Physics: "Biddy, the numbers went by me a little fast. What was the average raise of the peer group of the endowed colleges last year?"

Provost Martin: "In the endowed peer group 4.4%. That's the average for the peer group excluding Cornell."

Professor Stein: "So that was a real big improvement on the peer group."

Provost Martin: "Right. That's according to the survey. We're at 7%; on average our peers were at 4.4% for the increase. I'm sorry. The slides went by too quickly. On the statutory or contract side, depending on which term you prefer, and it doesn't matter to me, the average excluding Cornell was a 2.6% change over the past year, which is obviously very low, primarily due to the problems with increases at public institutions. So Cornell's average of 6.5% was a quite a bit better than the average excluding Cornell of the peers which was 2.6%.”

Professor Stein: "And the average this year rather than 8.1% in the endowed colleges will be what?"

Provost Martin: "We are not giving college specific numbers. What we have done is do aggregate figures across the entire university, 7.8%. If our peers continue to increase salaries at this rate, obviously, which is quite a bit lower than we estimated, both on the endowed and statutory sides, or even if they actually do what our model predicted, which is raise salaries at a 5% level, and we continue to do as well as we've done in relation to them, we'll make the goal."

Professor and Speaker Pro-tem Melissa Hines: "I'm sorry, but we are out of time and have to move on. I would now like to call on Dean Cooke for some remarks."

2. REMARKS BY DEAN J. ROBERT COOKE

Professor J Robert Cooke, Dean of the University Faculty: "My remarks will be rather brief. You have received the request for submission of the Conflict of Interest Form. It happens to coincide on purpose with the dreaded income tax date, and it ends on May 3. You can do Part One on line and that's about 90% or so of the faculty. You can complete it on line by answering two questions. Those who have additional complications, submit Part Two, and that's done in paper.

"The Financial Policies Committee asked that I report that they have been busily at work since the last Senate meeting looking at the cost for networking on the campus. They are looking at the financial model as to how to allocate the costs. The costs are real and have to be allocated among various different units. They will submit their report to you through our office within the next week. I've seen
a rough copy of it. They invite comments, and then we'll respond a month from now with their final report. So I urge you, if you have concerns when you see it, to communicate with Joe Thomas who is chair of the committee.

"The main topic of discussion today is the administrative location of the Computer Science Department. Here is what we believe (Appendix 2) to be the nub of the issue. In the Garza Report, the part that remains outstanding, is that the Computer Science Department will be located in one or more of the existing colleges. We took that to mean an agreement that was made, was struck, was ratified, but has not been properly implemented in our view. Just to clarify, we are not talking about the Faculty of Information, which was formed at the time of this report. We think that there is a lot favorable to be said about that and that is not part of our conversation. So it's the location of the academic department. Later today I expect you to hear a request that we extend the conversation even further. I just want to simply remind you that we have had two years now in which to have this conversation, so I would assume that people who wanted more time to think about it would have been working on it before today. But that is a judgment call that you will have to make at the end of the session.

"I did share with you a description of what one possible remedy would be, which was basically to treat Computer Science in the same manner that we treat the biological science departments and Nutrition. There would be a lead dean associated and faculty could belong to one or more colleges. That was the proposal that I shared with Dean Constable hoping that, if he found it palatable or within the ballpark, the conversation with the various college deans, the Provost, and the Dean of CIS could occur over the summer and out of public view. Some of you have seen Dean Constable's response. I took it to mean that he was not responsive to the question that would have allowed the UFC to withdraw this topic from the agenda. I didn't have his permission to distribute it, so I didn't, unfortunately. Let me leave it at that, and we'll return to this topic momentarily."

3. APPROVAL OF THE MINUTES OF THE MARCH 13 SENATE MEETING

Professor and Speaker Pro-tem Melissa Hines: "I would now like to call for approval of the minutes of the March 13, 2002 Faculty Senate Meeting. I think those are now on line. I ask for your unanimous consent to approve these minutes. Are there any corrections? Seeing none, the minutes are approved. Thank you. I would like to call on Professor Steven Shiffrin, member of the Nominations and Elections Committee for a Nominations and Elections Committee report."

4. REPORT FROM THE NOMINATIONS AND ELECTIONS COMMITTEE, CHARLES WALCOTT, ASSOCIATE DEAN AND SECRETARY OF THE UNIVERSITY FACULTY

Professor Steven Shiffrin, Law and member of the Nominations and Elections Committee: "Professor Walcott could not be here today, because he is involved
in a loon watching project. He assures me that these are birds and not lunatics. Here is the Nominations and Elections Committee report (Appendix 3)."

Professor and Speaker Pro-tem Melissa Hines: "I would like to ask for unanimous consent to approve this report. Are there any objections? Seeing none, this report is passed. I would now like to ask Professor Shiffrin to present the slate of candidates."

Professor Shiffrin: "Here is the first part of the slate. And here is the second part of the slate (Appendix 4)."

Professor and Speaker Pro-tem Melissa Hines: "Are there any more nominations from the floor? I would like to ask your unanimous consent to approve this slate of candidates. Are there any objections? Seeing none, this slate is approved. Now I would like to call on Peter Stein, Professor of Physics, for a resolution concerning the new faculty club."

5. RESOLUTION CONCERNING A NEW FACULTY CLUB: PETER STEIN, PHYSICS

Professor Peter Stein, Physics: "I spoke to you at the last Senate meeting during Good and Welfare about what the Statler Club Board had been thinking and the visit we had with the Provost and the President where we asked them to form a committee to find a way that a faculty club could be successful. After that meeting, two days later I learned that the President was going to retire in a year and a half. It occurred to me, and I wrote an e-mail to most of you, that this really was a very propitious time to have such a committee to try to think through how we could have a faculty club at Cornell, because it would be, I think, very important to have such a plan to await the new President to enable him or her to decide to move on this matter. There will be many new proposals presented to the new President and to have one in place at that time I think would help immensely. Therefore, a group of individuals agreed to sponsor this resolution which essentially asks you to endorse this notion and to join in asking the President to form this committee. One hears periodically, not from the present administration but from the previous Provost with whom I used to discuss this matter now and then, the general feeling that 'Well, there is no faculty club at Cornell, but on the other hand the faculty at Cornell don't want a faculty club.' I don't know how pervasive that view is, but I certainly know I had heard it from Don Randel. It does seem that it's a question that the President might very well raise. One way of answering that question is to have the representative body of the faculty agree that this was something that was worth looking into. So with that I present it to you (Appendix 5)."

Professor and Speaker Pro-tem Melissa Hines: "The resolution is now open for discussion."

Professor Stein: "I think it's a good idea."
LAUGHTER.

Professor and Speaker Pro-tem Melissa Hines: "Are you ready for the vote? Is there no discussion? Would someone like to move the question?"

UNKNOWN: "So moved."

Professor and Speaker Pro-tem Melissa Hines: "The resolution before you is up on the transparency. All of those in favor, please raise your hands. All of those opposed, please raise your hands. And the resolution passes. Thank you. I would now like to call on Professor Tony Ingraffea, Civil and Environmental Engineering and Chair of the Committee on Minority Education for a presentation regarding Recommended Best Practices for Recruitment, Retention and Addressing Concerns of Students from Under-Represented Minority Groups."

6. DISCUSSION AND RESOLUTION REGARDING "RECOMMENDED BEST PRACTICES FOR RECRUITMENT, RETENTION AND ADDRESSING CONCERNS OF STUDENTS FROM UNDER-REPRESENTED MINORITY GROUPS"

Professor Anthony Ingraffea, Civil and Environmental Engineering and Chair of the Committee on Minority Education: "Thank you. Good afternoon. For those of you who don't know, there has been a faculty committee on minority education for a number of years but prior to the 2000-2001 academic year, the committee was relatively inactive. During that academic year, the committee was reconstituted and re-energized, and over the past two academic years we decided to tackle some of the key issues with respect to minority education at Cornell, those being recruitment, retention and resolution of conflict. So I want to report to you today the results of two years of deliberations on those issues (Appendix 6).

"Those deliberations included panel discussions that were set up with interest groups; that is students themselves, admissions officers from the various colleges and representatives of the various minority programs that have been set up by us, the faculty, in those colleges to assist in recruitment, retention and resolution of issues. As a result of those panel discussions and deliberations among the members of the committee and also discussions with other people around the university who have very strong interests and responsibilities in these issues, we then solicited and have compiled a list of best practices. We went to the admissions officers and those responsible for special minority programs in the colleges and asked them to list for us their best practices in recruitment, retention and conflict resolution. That is because we had observed during our discussions that there were somewhat large differences among the colleges with respect to in-place programs. There was an inconsistency in the application of those programs, and there was a general lack of knowledge about the efficacy of many of those programs. Many of them are vestigial and have been going on for years
under the assumption that they are good and that they work, but there really isn't any documentation to prove that they do or they don't work.

“So we decided that the best thing we could do with our two years of effort at this point is to bring forward to you a document that you have received, which summarizes the three categories that I have mentioned—recruitment, retention and the addressing of student concerns—those practices that the colleges themselves have identified as best. Those that they think are working. Just in outline form here, they are three specific ones in recruitment that are found (at least thought) to be very effective—hosting, follow-up contacts with prospective students and outreach programs. In retention—mentoring, student associations, early intervention and undergraduate research. In the area of addressing student concerns—safe-haven programs.

“We have presented to you anecdotal information in the form of books supplied to us by admissions officers or representatives of minority programs about each of these recommendations. We have also supplied to you some specific recommendations that we as a committee are making to you as a Faculty Senate that we would like you to move to adopt so that the next phase of this equilibrating of best practices across the university can occur. That is that all the colleges would become knowledgeable about the best practices, and, where necessary, they would seek resources from the appropriate places to implement such practices. We have no doubt that the implementation of these practices uniformly across the colleges would require creation of new programs, specification of new responsibilities for existing staff, perhaps hiring of additional staff and certainly resources in the form of money to help some of these programs occur in places where they currently are not occurring.

“So with that I would just like to summarize our request to you as a Senate. We would like you to endorse the recommendations for best practices as have been distributed (Appendix 7) to you and adopt a resolution (Appendix 8) that does three things: urges all the colleges to implement all applicable recommendations (and we think that all the recommendations we made are applicable in all the colleges); requests that the University supply the resources required for all colleges to implement these recommendations in a timely manner (I think it is safe to say that one of the other things we learned as a committee over the past two years is that all issues having to do with minority education at Cornell are volatile); and third, calls for establishment of a mechanism for follow-up and evaluation of the responses to these recommendations within 3 years. We don’t want to just throw money at a problem and hope that it is working. We really would like to see some sort of scientific investigation as to the efficacy of these programs. Thank you.”

Professor and Speaker Pro-tem Melissa Hines: “I’m told that Wilfried Brutsaert, committee member and member of the Faculty Senate, is going to move this resolution.”
Professor Wilfried Brutsaert, Civil and Environmental Engineering and member of the Faculty committee on Minority Education: "Move adoption of the resolution."

Professor and Speaker Pro-tem Melissa Hines: "The resolution is now before you. Here is a copy of it. Is there any discussion on this resolution?"

Professor Ronald Ehrenberg, Industrial and Labor Relations and Economics: "One can be in favor of part one of the resolution without knowing whether one should vote for on part two of the resolution, because you haven't told us what the cost would be. Apparently, we are now going to ask the University to provide funding for a faculty club, we are asking the university to provide funding for this. I think it would be very useful to have some numbers."

Professor Ingraffea: "Good point. We do not have those numbers. As a committee we felt that it was not within our purview to find out those costs. All I can reiterate is what I said before. There will be a necessity of perhaps hiring additional staff, and the transporting of existing programs to colleges where they are not in effect will require additional responsibilities and perhaps financial resources. It could be taken as a job for this committee for the remainder of this academic year and next academic year to investigate that if you would like us to."

Professor John Guckenheimer, Mathematics: "If you don't make recommendations about money, ineffective programs last. Why not?"

Professor Ingraffea: "Because all the recommendations we have made are for programs that in the best judgement of at least two colleges are effective. Again, I repeat there is no scientific evidence. We have not in our hands documentation that says that recruitment or retention was increased or decreased by certain percentages. We don't know, but we chose not to highlight, not to indicate to you, programs that we felt are really questionable. Those that are questionable I think die their own death."

Professor Stein: "Just a comment with regard to Professor Ehrenberg's remark about the . . . . we just asked the University to spend money to build a faculty club. That, in fact, is not what we asked. We haven't done that yet. We asked the University to provide a plan, and then that plan, of course, presumably depending on the price, may seem like a good plan or not seem like a good plan. But all we have asked to do with that was to develop a plan, not to fund it."

Professor and Speaker Pro-tem Melissa Hines: "Are there any other comments or questions?"

Professor Locksley Edmondson, Africana Studies: "The use of the term conflict resolution in the first paragraph confused me. Maybe because I was a political scientist, but your explanation did not seem to match the term. Is it conflict
resolution among students that we are addressing? Or are you speaking about resolving conflicting departmental practices regarding minority programs?

Professor Ingraffea: "If I get the sense of your question correctly, you are wondering why we as a committee chose not to use exactly the same terminology to apparently describe the same phenomena in a number of different places in our paperwork. Yes, because we ourselves are uncomfortable with 'conflict resolution' as a phrase; we are uncomfortable with 'addressing the concerns' as a phrase, but we are absolutely sure about what we are talking about. We know what it is."

Professor Edmondson: "Yes, you do. But would the meaning be that obvious, say, in ten years time, to someone reading a record of today's proceedings?

Professor Ingraffea: "The best explanation that I can give you and one that we are reasonably content with is this one. We have found that the colleges themselves, the people in the minority programs offices in the colleges, really don't feel that minority students need a special program to have their special conflicts resolved. They are students like all other students, and they have a myriad of conflict resolution measures available to them. However, what differentiates the minority student from the majority student is on the personal level, on the conflict that occurs every day around the campus when a faculty member, perhaps inadvertently, says something stupid, or when a teaching assistant does something stupid, or when a fellow student does or says something stupid. What the students told us, the students that we had in our panel discussions, they don't know of an adequate way of getting redress to that. It doesn't rise to the level of conflict, but it is certainly an issue of concern that needs to be addressed. There needs to be an avenue for that. And that's why we chose to focus on the safe-haven program, where students can go to a trained professional for advice on what to do next, with the expectation that something will happen, that it is not a dead end."

Professor Edmondson: "I obviously misunderstood your meaning. I thought you had been explaining your mission primarily in terms of conflicting departmental practices. That's what I thought I heard. But I now understand that you are speaking about conflict resolution at another level. I merely wanted some clarification since I seem to have misunderstood what you said initially."

Professor Ingraffea: "I don't know how you want to define conflict."

Professor Edmondson: "No, I don't want to since I now understand the context for use of the term conflict resolution"

Professor Ingraffea: "At the interpersonal level."

Professor Edmondson: "OK, fine. Initially I had not understood that."

UNKNOWN: "There is a typo on the second line."
LAUGHTER.

Professor Ingraffea: "You are all the saints."

Professor and Speaker Pro-tem Melissa Hines: "Are there any more comments?"

Professor Subrata Mukherjee, Theoretical and Applied Mechanics: "You alluded to problems in the college situation. Are there severe problems with regard to retention, for example? Do you want to elaborate?"

Professor Ingraffea: "The answer is yes. I'm not sure I can elaborate very much in the time allotted, but varying across the colleges there are large differentials in the retention rates between majority and minority students. Some colleges have severe problems in that area. We think that the set of recommendations that we make here in the area of retention address to a substantial degree those problems. Are they a sufficient set? No."

Professor and Speaker Pro-tem Melissa Hines: "Any more comments? Are you ready to vote on the resolution? Will someone move the question?"

UNKNOWN: "So moved."

Professor and Speaker Pro-tem Melissa Hines: "We are going to vote now on this resolution that stands before you right here. All in favor, please raise your hands? All opposed? And the resolution carries. Thank you. I will now move to the next item on the agenda, which is going to be a resolution concerning the implementation of the Garza Agreement. Let me tell you how this is going to be handled. We have a resolution that was put forth, and there is also a substitute resolution that we are going to discuss after that. After the two resolutions have been described to you, there is going to be a discussion about both resolutions, and then we will vote on which resolution will move forward. There will then be discussion on the resolution that will move forward, and then we will vote on the final resolution. So to introduce the first resolution, I call on Terry Fine, Professor of Electrical and Computer Engineering and Chair of the Committee on Academic Programs and Policies.

7. CAPP RESOLUTION CONCERNING IMPLEMENTATION OF THE GARZA AGREEMENT

Professor Terrance Fine, Electrical and Computer Engineering and Chair of the Committee on Academic Programs and Policies: "Let me first show you the motion (Appendix 9). It's a rather complex and charged situation. I put up the first page on 'whereases'. And 'whereases' are background information; we have been through this before; we are going to be through it again before the day is out, but I really don't want to dwell on the 'whereases'. I would rather get at this point to the motion itself, that is the 'be it resolved' rather than the
'whereas'. Putting that aside. You have copies of that. Let me just put up the content, if you will, the action, the 'be it resolved' part.

"You can see that there are three elements here. One is to put a timeline for a suggested deadline of the resolution of approximately six months from now. It would allow time for negotiations to occur during the summer, allow time for discussions with the faculty in September and bring it to a close after an additional six months. This would mean that the overall process, since the Computer Science Department was detached from a college, would have taken about three years. Since the Garza Agreement, it would have taken somewhat over two years. We are making the case very slowly here. The second item is an attempt to explain what was meant in the Garza Agreement by the phrase 'locating the CS Department in one or more of the existing colleges.' It was maintained that that was ambiguous, and we attempt to explicate it. The third thing is just a fairly standard thing to say that the Senate has an ongoing interest in this. It is not just a flash in the pan issue, and that we request the Provost to report to us on the progress made towards resolving this issue. So that is the motion. I will leave it up for the moment.

"I would suggest that there are two principles (Appendix 10) here that are going to come into play. One of them is this one that after careful consideration the Senate and the Administration mutually undertake (whatever they do means to undertake) must be accorded a high level of respect and attention by both sides to ensuring that these obligations are met. The Garza Agreement, which is the operative thing here, went through a very long process of development. It went through a very long process of being considered in the Senate, being discussed in the Senate. Months went by. We are not talking on a time scale of days or weeks but months in the development of this agreement. It was a very deliberate process. All sides were heard as much as they could be heard. In the end a document was prepared. That needs a great deal of respect. It needs respect on the part of the administration to faithfully carry out the terms of the agreement. And I have to say it needs respect from the Senate as well, that we have to maintain consistency with ourselves. I know many of you were not here in that wonderful year 1999-2000. Some of you were, but the fact that you weren’t here doesn’t mean you haven’t some connection to this on-going process. So it isn’t just starting again with a new group of members. This is in some sense a responsibility of the Senate to see to the conclusion something that was very carefully considered by the Senate two years ago.

"A second principle is that we accord great respect to academic due process by providing ample opportunities for dialogue and debate. And that, of course, we do and that is one of the functions of the Senate. This respect is often abused for the sake of delay. That is one of the problems that we face when we honor such a principle, and we do continue to honor it. I will say that in all respects this has been honored. There has been extensive conversation. We will maybe say something a little bit more about the history, but there have been conversations going in all directions. There has been no lack of discussion. What there has
been is a lack of progress in essential details. So we will come back I guess to
this, keeping this one in mind.

"What do I identify as the problem? The first thing—what is not the problem is
what Dean Cooke also mentioned is not the problem. Part of all that was
happening in 1999-2000 had to do with the development of the Faculty of
Computing and Information, had to do with an outreach function, had to do
with spreading computational methods and thinking, trying to encourage its
spread throughout most of the departments of the University. That is not what
we are addressing here. That is being accomplished largely by the FCI and
under the direction of the Dean for CIS, Robert Constable. We are not
addressing his role in that matter. That was spelled out in the Garza Agreement,
and that is not what is at issue here. The outreach function was supported and
continues to be supported, at least by us, here. We are addressing a specific
matter addressed in the Garza Agreement, this sentence, the location clause:
'The Computer Science Department will be located in one or more of the existing
colleges based on the recommendation of the five-year academic plan.' That plan
was supposed to be the first priority of the FCI. It was not the first priority of the
FCI. At my urging they finally did get around to it. It is in a partial state of
completion. The FCI does not, I believe, take responsibility for assigning the
Computer Science Department one way or the other on this thing. It is currently
under the academic management of the Dean for CIS, Robert Constable. He
seems to determine budgetary matters. Hiring, promotion and tenure matters
largely go through him as a lead dean. There were a number of tenure and
promotion cases in the intervening two years since this was created. This is
something of some moment. I will say that the Engineering College was not
consulted. At least the administration was not consulted on any of those
promotion cases or tenure cases.

"We would like to point out the clause that it should be located in one or more of
the existing colleges (particularly in Engineering and Arts and Sciences) from
whence it came in 1999, in conformity with the Garza Agreement and with
uniform academic practice. That is that departments are in colleges. The current
situation has had unfortunate consequences for the Engineering College, has
damaged collegiality. Collegiality, I could say more about this, but collegiality is
our lubricant and is our foundation. No one department, no matter how good,
no matter how important, can be a university unto itself. We need all of us. We
don’t have students who take all their courses in one department. We need the
breadth. We need the work of our colleagues. No one of us stands out beyond
that, and if I were to put one department or two departments that stood out from
the rest in terms of their outreach, there are many candidates for that, many more
before you get to computer science. It’s important, no question about it. This
would not be an issue if it was not an important department, but we don’t get
very far without English at least in this university. We don’t get very far without
mathematics in much of this university. You can fill out the list to suit yourself.
There are many contenders for departments that are woven into the fabric of
many of our efforts. And finally, this contradicts well-established patterns of
academic governance.
"There was a charge at the last meeting by Professor Arms, I take from the minutes, that there is innuendo in the CAPP report that gave you a heads up on this last month that interactions with Computer Science and Engineering are in bad shape. 'I think the matter is exactly the opposite. I think they are in supremely good shape.' I believe I take that as faithfully as I could from the minutes. I would also give you an extract of something that I think will be introduced today; a letter that has just been written by the chairs of the Engineering College which rebuts this. 'It was alleged that all is well between Computer Science Department and the Engineering College despite the separation of Computer Science from the College. Nothing could be further from the truth.' So our report was not that far off the mark.

"Let me just tell you about the history. There is no time to do the history. The history cannot be done in real time. It is extensive. Two years went by. I have piles of papers on this thing. Everybody was talking to everybody. Everything was fairly considered. Does that mean that everybody was happy in the end? Of course not. There were strong and conflicting opinions on this thing. I'm not telling you everybody was satisfied at the conclusion. All I'm telling you is that everything was aired thoroughly and over a long period of time.

"Difficulties that we have encountered in resolving the problem. It was suggested, as recently as the February meeting of the UFC, that either the agreement brought with good faith and wide participation can be set aside unilaterally or that a statement of location is sufficiently ambiguous as to accommodate to the current situation of the CSD. It was put on hold for a year, where you would not make a decision about it. That was accepted. That brings us to this year. Negotiations, work adopted by Dean Craighead of Engineering with the leadership of Computer Science, to see if there could be an agreement with the Engineering College. Those negotiations, I believe, were terminated. We now need to make progress.

"And what is the sticking point? The substitute motion to come actually accepts point seven, that there is basically a deadline of October 2002. So that is fine. The important thing is what is meant by location. I didn't realize that was such an ambiguous word. I first heard it and really thought it was not credible, but I have since heard that it is shared by people that this is a very complex term. I talked with former Vice Provost Garza about what his understanding of that meaning was, and he gave me something in writing, which I shared with the UFC.

"Let me just state then what our motion is. This is largely, but not completely, the language of Vice Provost Garza. It is abstracted a little bit from his language—for example putting in the word 'salaries', but this attempts to specify what might be meant by location. And I assure you this is a sticking point. The substitute motion, the whole force of that is to remove that notion of location. And if that is not what we mean by location in a college, if location in a college does not mean that the department enjoys the usual administrative assistance of
a dean with regard to matters of hiring, promotion, tenure, salaries, what have you, then I don’t know what we mean by location. This is certainly what was meant by a large number of us when this legislation was accepted, when the Garza Report was accepted. So the critical element here is this. What the tactic has been is to deny this, has been to try and turn it into something else, has been to postpone discussion on this. But this I assure you is the crux of the issue. If you think this is really what being located in a college might mean? And it might vary from college to college; we don’t have an algorithm here. There is certainly a lot of room for negotiation between the relevant college dean, the Provost, and the Dean for CIS as to how you actually bring this thing to a conclusion. We do not micromanage this, but this has to be the sense of what we mean by location. The details, they will be carried out later.”

Professor and Speaker Pro-tem Melissa Hines: “I will now call on William Arms, Professor of Computer Science, to present a substitute motion.”

UNKNOWN: “Point of order. Madam Chair, was the substitute motion distributed to members of the Senate by e-mail?”

Professor and Speaker Pro-tem Melissa Hines: “I believe it was.”

Dean Cooke: “Yesterday.”

Professor William Arms, Computer Science: “Here is the substitute motion (Appendix 11). You’ll see that it is section seven of the CAPP motion, the initial words deleted for continuity. My aim is to have a resolution that everybody can vote for, which will get this resolved. I hope that in a few months from now, we’ll have a situation in which there is an execution of the Garza Agreement that satisfies everybody’s legitimate academic concerns. We have heard a lot of the background today from Dean Cooke, from Professor Fine. I think one has to emphasize what bad shape the relationship, the decision making, between the administration and the faculty was three years ago. Dean Cooke has modestly not talked about his role in sorting things out. And we owe him a vote of thanks. We also owe Vice Provost Garza thanks for taking a very ticklish situation and very tactfully, with great dignity, negotiating the carefully crafted agreement which contained some deliberately vague language. The language was vague within a boundary, and we all want to live within that boundary, within the wording of the boundary and the spirit of the boundary. I think we should also thank the Provost who a month ago stood up and explained the process and the timetable about it. You explained the timetable, and you explained the process that you were about to follow. I understand the President recently also made a commitment on this.

“I think we all want this resolved. Certainly, the Chair of the Computer Science Department wrote some time ago to the Provost urging a resolution of this, and I know Dean Constable (who is out of town, or he would be here today to defend the, I think, totally unfair criticism he has received) also wants it resolved. So the aim is to get a resolution of this administrative structure within the boundaries of
the Garza Agreement which satisfies all the requirements. Clearly, as a member of the Computer Science Department, I want a resolution that enables that department to function. As a person very active in the Faculty of Computing and Information, I clearly want a resolution that will see that organization flourish. And I think, actually, Dean Cooke that you are wrong. There are certain resolutions within that boundary that would much help the academic agenda of the Faculty of Computing and Information, and there are other things within that boundary that could have a bad effect.

"Certainly, Engineering has a very important consideration. I agree with most of the things in the note by the chairman of the departments, particularly the academic, the promotion and the tenure type issues. That's my opinion. For Arts and Sciences—the same thing. There is a major in Arts and Sciences. We increasingly are doing more work with CALS, and I think the dean there needs to be considered. We need an intensive period of collegiate discussion, a word that is thrown around more often than it is observed. We need intense collegiate discussion. There is going to be some give and take. There's going to be a little bit of, 'OK, I can live with that,' or maybe 'that's not quite what I had in mind.' But I believe there is a resolution that we can all live with.

"So what have I got against the CAPP resolution? Well, first of all, I think the 'whereases' are very abrasive, and I also think they are very selective. If, for example, I look at number six which says where the Dean of Arts and Sciences and Interim Dean of Engineering 'have expressed dissatisfaction with the current state of affairs', one should add all the people who want this changed. Certainly, the Chair of Computer Science is dissatisfied with the current state of affairs. Certainly, the Dean of CIS is dissatisfied. What have I got against number eight? Well, you just heard Terry Fine say that. He said he contacted Vice Provost Garza for his interpretation of the language, got Vice Provost Garza's interpretation of his own language, and then CAPP added some more words. We don't want everybody adding more words. We want collegiate consensus building discussion within that carefully crafted boundary. What have I got against section nine? Well, it seems to me that it is rude to the Provost. It says you've been a naughty girl and please report continually until we say we're happy with it. And I don't think we should say that to the Provost. So I propose this resolution as a courteous, polite, neutral resolution with the emphasis on timetable and the choice between faculty is quite simple. If you want to be abrasive, aggressive, if you really want to give the Provost a jab in the ribs, go with the original resolution. If you want to try to find a consensus, well, I think a little nudge is more fitting, and the substitute resolution is the match."

Professor and Speaker Pro-tem Melissa Hines: "Thank you. I would like to now call on John Abel, Director of the School of Civil and Environmental Engineering, to read a statement from the chairs of Engineering."

Professor John Abel, Director of the School of Civil and Environmental Engineering: "Thank you. Actually, I have been wisely advised that perhaps time doesn't permit my reading the entire statement (Appendix 12), and I think it
was distributed to all members of the Senate and copies were available to everyone. We saw the first paragraph that Professor Fine submitted. I just want to point out that I'm speaking on behalf of all of the chairs and directors in the College of Engineering who have signed this letter and have taken a position that you can easily read herein.”

Professor and Speaker Pro-tem Melissa Hines: “Someone has walked off with my folder of transparencies, so if you could look around and bring it back please. These two resolutions are now open for discussion.”

Professor Steven Shiffrin, Law School: “It seems to me that there ought to be a strong presumption in favor of the Garza Agreement, both from the side of the Senate, including members of the Senate who weren’t here when the Garza Agreement was signed, and from the side of the Administration. I agree completely with Professor Fine about that. I favor the committee’s report. It strikes me that the phrases about implementation and location with traditional roles played by the deans, whatever Garza’s interpretation was is a quite sensible interpretation of the language, and the substitute motion would leave the interpretation of the language absolutely ambiguous—to have the Senate not take a stand on what that language means. If you look, where should it be located and what does that mean? It means that it ought to be in a college and the deans ought to be doing what they do in colleges. So I don’t find anything controversial about that, and I find the effect of the substitute resolution to be problematic. Next, is there an insult to the Provost? I didn’t see the word ‘naughty’ in the resolution, let alone the term ‘girl.’ All this asks is for the Provost to report. The Provost is asked to report at almost every meeting we come to. Somebody gets up, asks a question, and says, ‘Hey, could you report on that at the next meeting?’ And the Provost says, ‘Sure, I’d be delighted to do that.’ So I don’t see the insult in the resolution. I favor the committee’s report.”

Professor David Delchamps, Electrical and Computer Engineering: “When I first read the substitute motion and rationale, it seemed perfectly harmless to me. And I agree somewhat with Professor Arms’ assessment of the tone of the original motion. However, having heard both Professor Arms’ and Professor Fine’s presentations, now I am definitely in favor of the original motion, because when I looked at the substitute motion, I thought there could be no doubt in anyone’s mind what location means, that number eight, that is what it means for sure. Hearing Professor Arms’ remarks leads me to believe that there is some doubt in some people’s minds as to what location means. I want to make sure that we as a Senate say what we think location means, and I think it means item eight.”

Professor Harold Craighead, Applied and Engineering Physics and Interim Dean of Engineering: “I just wanted to go on record regarding the kinds of things I support. So I support civil discourse as mentioned. I also support the terms of the Garza Agreement that we have seen here, and that includes welcoming Computer Science into the College of Engineering or supporting its location in one or more other colleges. So anything we can do to move forward on that, I’ll
be happy to discuss. I think the clarification of the definition of location, silly as it may seem, is actually helpful. And anything else that helps us move forward, I would encourage.”

Professor Peter Stein, Physics: “I agree with most of what the previous speakers have said, but I have a question to Professor Arms. ‘Whereases’—some people like them and some don’t. I generally don’t like ‘whereases’, but it’s the tradition of the house to have ‘whereases’ that reflect the sentiments of the people who bring something to the Senate. With regard to the action items, seven, eight and nine, I agree with Steve Shiffrin. There is absolutely nothing insulting to this ‘girl’ or ‘woman’ or whatever she is in the front row here. Congress constantly demands the President of the United States to report to them annually on various, many, many items, and I don’t think there is anyone who considers that anything other than the legitimate role of the Congress to have some degree of oversight over the actions that the Administration takes. With regard to number eight, I think Professor Arms ought to explain why it is he wants that deleted. He did not really address that. He didn’t really say what was it about this wording of location, which to me also sounds like a reasonably broad definition of what is meant by location, why is that unsatisfactory? Why do you want that not in there? What is inconsistent with your idea of location?”

Professor Arms: “Let me respond to two of the comments. First of all, I feel that I have been a naughty boy, and I apologize for that. I have had a lot of experience over the years. I spent too many years in universities negotiating, trying to reconcile and find common ground in difficult situations, and I have found that by keeping the options open, not explicitly nailing down the options in advance, helps everybody converge on agreement. It’s just the principle of redefining language before the Provost has brought the people together or whoever the Provost delegates, I find that principle makes it more difficult to come to an agreement that everybody can reach. And the agreement may well be within this language, but I think we should not be doing that just now. I think we should be encouraging people to have a chance to talk about their concerns. Remember, during the dean search there has not been open discussion of these things. We have a new dean who has not been a part of these discussions, so it’s not the language. It’s by taking the boundary of the Garza Agreement, very carefully crafted, and trying to redraw that boundary makes it more difficult to reach agreement.”

Professor Brad Anton, Chemical Engineering: “I don’t care so much about the tone of the language and so forth. I was particularly disturbed to learn that there have been six promotions in the CS Department without the quality assurance check that comes with the college level promotion review, and I consider this an emergency situation.”

UNKNOWN: “Clarification. There has been a review. There has been a dean’s office involved, but not a college dean.”
Professor Anton: "That didn’t clarify anything. Without a college level promotion review, I consider this an emergency that must immediately be mitigated, and for this reason I support the CAPP motion as originally stated."

Professor Jery Stedinger, School of Civil and Engineering and member of CAPP: "The background you have to understand in the motion is that on the committee we were really just sort of surprised when suddenly people were saying, 'What do you mean by located?' 'Does that mean in the building?' That clarification comes out of the fact that people were acting like what does located mean? So there is this frustration. OK. People don’t understand what located means. What does it mean to be located. Garza gave us some words that he read off to Terry, I think on the phone. Then we polished them up, looked at it and said, 'Yes, that's what you mean by located.' We think everybody will understand that. One way you stop arguing is when you write things down so everybody knows what’s going on, so you don’t have to keep struggling over the same terms. We thought that by clarifying what we thought people meant by located, we could resolve that issue. I, particularly as a member of the Engineering College, am delighted that we have a new dean who is going to be coming in the fall. I really hope he can come in to a well-structured university and college and take over and not become embroiled in fighting this fight that we have been fighting for three years. The colleges and the University have other things to do. So that is one reason it is very nice to have a timetable for October to say, 'Let's solve this and let the dean come in and enjoy a honeymoon and not immediately enter into a lose-lose and bloody situation.'"

Professor Winthrop Wetherbee, English: "I just wanted to ask Professor Arms, do you see any possibility that the text of item eight might be constraining action to one of various possible alternatives? Is it doing anything other than simply defining a standard practice which is certainly going to remain in place?"

Professor Arms: "Yes, I do think it constrains and that there are some very sensible options within the Garza agreement which might find that this language causes problems.”

Manfred Lindau, Applied and Engineering Physics: "I believe it does constrain it, and that's probably the intent. I think the alternative between two motions which we have here in front of us is that one would say that location means what everybody thinks location means in traditional terms, whereas the alternative motion would rather leave this open and might include the possibility that location means something very different from what it usually means. I think we will probably want to vote in the specific way, and that's why I support the CAPP wording.”

Professor Danuta Shanzer, Classics: "I was on CAPP when we were working on this problem in 1999, and as far as I remember, 'location in' definitely meant within a power chain of a college, with a dean at the head of the college. So I think 'location in'—that preposition is very important—and it looks to me very clearly as if the other wording leaves open the possibility of Computer Science
staying as a kind of separate kingdom, maybe, or whatever you want to call it, underneath the Provost. I guess it would be good to hear from people in CS whether they want that option and also is that really what we are after here? Also what other possibilities are in interpreting the word 'location'? I assume this does not mean moving Computer Science over to middle of the Arts College, so it's under Dean Lewis."

Professor Ronald Booker, Neurobiology and Behavior: "I guess it's like a lot of issues. There is quite a lot more here than we probably realize if we are not in Engineering and not in Computer Science. One danger that I see with actually defining the term is the following. What we are trying to do is get a party of people together to come to some sort of negotiated settlement. If you define the in-gate more or less, what you are going to do is tell one party that the cards are in their hand. They are going to have to actually give up less in the negotiation process than they might otherwise. So in a way, to be honest, I guess I can see some advantage in a difficult situation to not define what 'in' means, because the reality is that we have individuals that I would guess, based on what is going on here, disagree as to what those terms should mean. Would it be fair, in essence, to tie the hands of one of those two groups, such that they come into the negotiation with the in-gate already determined? I don't know if that's what I want. I would like to hear what Engineering might come up with, the chairs and the deans in some creative manner. What sort of creative solution can they come up with that might actually satisfy some of the other parties? But I don't have to do that if you tell me that I need to go here. You are going to go here or there; that's it. I don't have to negotiate with you at that point. At least that's how I see it. Do we really want that to be the case? The outcome is supposed to be a negotiated outcome. I don't see how you do that by telling the parties what the outcome will be ahead of time. I just don't understand how that would work. I'm sorry, and I know the Engineering departments are probably concerned about that."

Professor Christine Ranney, Applied Economic and Management and member of CAPP: "I have two points and then a motion. I am a member of CAPP. I wasn't a member when the Garza Agreement was written. I can't help but think that the use of the word 'location' implied what we traditionally think. The fact that others have raised it, and the particular side that is raising what location means, has suggested that they want to change the agreement that was set in the Garza Agreement. That agreement set the parameters of further negotiation. You are saying, 'Let's open it back to where they were before.' I just want to make it clear what that agreement did. It kind of took off the table certain parts of negotiation and left some things unresolved, like where, which colleges. Which colleges, not by yourself off somewhere. I think the point made that there was no college dean oversight or ad hoc review of those promotion decisions is extremely troublesome to CAPP. It was to me and other members of CAPP. That went outside the academic policy towards tenure in the Faculty Handbook, but I would like to call the question on the substitute motion."
Professor and Speaker Pro-tem Melissa Hines: "OK. The question has been called."

Dean Cooke: "I would just like to share some information. There is a misunderstanding on the promotions. The promotions have all been done properly. What is at stake is that the College of Engineering has six new members of the faculty in which the Dean of Engineering had no role in shaping those tenure decisions—not a direct role, a very indirect role. I want to be sure it is not casting aspersions on the individuals."

Professor Ranney: "No, not at all. I don't mean that."

Professor and Speaker Pro-tem Melissa Hines: "OK. The question has been called, and we need to vote on whether you are ready to vote on this or not. All in favor of taking a vote now, please raise your hands. All opposed? So, the vote is to call the question, and now we vote on which one of these two resolutions you want to proceed forward with. We have the original resolution that was introduced by Professor Fine, and then we have the substitute resolution that was introduced by Professor Arms. This vote will decide which one we go forward with. All of those in favor of going forward with the original resolution, please raise your hands. All of those in favor of going forward with the substitute resolution, please raise your hands. OK, we will go forward with the original resolution. Is there any more debate on the original resolution?"

Professor Walter Mebane, Government: "I share the sentiment of Ron Booker's comments. I think that the content of point eight is something to which probably no reasonable person, and I imagine no one here, objects. So I don't think that the point is about content and meaning of location. I think the point of including that is to bring the authority of first CAPP and then this body to sort of endorse that one side is more reasonable than another side or more cooperative than another side. So it's about labeling the parties and associating authority. It's a very well known standard political maneuver, so I am now in a pickle as to whether I am going to support this amendment, as I don't see that I know enough to choose sides in this debate, particularly since it's not two sides but multi-sided. So I guess my bottom line is that I think it is very risky to proceed with this labeling of one side as kind of the good side as opposed to the other."

Professor Subrata Mukherjee, Theoretical and Applied Mechanics: "I am very glad personally that you picked this one. With due respect to my colleagues from the Law School, I was getting a bit tired of trying to be Clinton's lawyer on Miss Lewinski advising the word 'location'. I am a simple engineer, I just believe in the meaning in the usual sense."

Professor Theodore Clark, Microbiology and Immunology: "This question is really to Dean Cooke. I am a bit confused about the fact that you said that those tenure decisions were made correctly when I'm led to believe that they didn't undergo the scrutiny of college review. So could you address that?"
Dean Cooke: "I want to make a distinction between the quality of the outcome of the decision and the process. The process did not involve any of the six being through the College of Engineering, although the letter of appointment from the Trustees says that they have tenure in the Arts College and in the College of Engineering. My normal assumption is that if you are going to have membership in a college, that dean should have had a significant role in the process, but I have no reason to have any qualms or cause you to have any misgivings about the quality of those candidates. That is not the question. The question is process."

Professor Clark: "Yes, I'm sure all those people deserve tenure. The question is whether or not the correct practices were put into place for tenure review in those cases, because people were up for tenure in other colleges and did those people have..."

Dean Cooke: "I took it to mean that they were suitably constituted committees, but there was not a lead dean other than the Dean of CIS. The Dean of CIS was behaving in what I regard as the lead dean. If you are going to be a member in a faculty, that faculty ought to be responsible for the funding for you; they ought to be responsible for mentoring you, so when the tenure decision comes, you know that you are talking with the one who is going to make the decision eventually. What I am proposing is that you clarify and have one of the college deans be the lead dean."

Professor Fred Schneider, Computer Science: "Perhaps I am speaking a bit out of school, but I thought the facts of these promotions might be of interest to you. In this case, these are computer scientists. They were recommended by a vote of the tenured faculty to the Dean of CIS. The Dean of CIS appointed an ad hoc committee without consulting with the Computer Science Department, but I believe consulting with one or more deans at traditional colleges. The ad hoc committee was constituted and they then met, so the real issue is the last point that Dean Cooke made, which is whether the lead Dean was Dean Constable or the lead dean was the dean of a traditional college. In each case, then, these promotions went on to the administration, and as we know Dean Cooke saw them, and there is faculty committee that saw them. So they were not all that unusual."

Professor Fine: "I would like to move the question."

Professor and Speaker Pro-tem Melissa Hines: "The question has been moved. All of favor of ending the discussion now, please raise your hands. All opposed, please raise your hands. OK, it carries. The discussion is limited. We are now ready to vote on this resolution. All in favor of this resolution, please raise your hands. All opposed, please raise your hands. And the motion carries. Thank you very much.

Professor Fine: "Can we have a count?"
Professor and Speaker Pro-tem Melissa Hines: “Sure, we can have a count. All in favor, please raise your hands. All opposed, please raise your hands. How many abstained? Thank you very much. The vote is 63 in favor.”

Provost Martin: “I just wanted to say that I thought there was little bit of an odd exchange about me earlier. Peter, I prefer ‘woman’ to ‘girl’ or ‘whatever’.”

Professor Stein: “I just thought you might.”

Provost Martin: “Yes, and I didn’t feel insulted.”

Professor and Speaker Pro-tem Melissa Hines: “I would now like to call on Professor Alan Bell, Animal Science and Chair of the Task Force on Professorial Titles for a continuation of discussion on professorial titles.”

UNKNOWN: “Point of order. Would you tell us the numbers?”

Professor and Speaker Pro-tem Melissa Hines: “Yes, it was 63 in favor of the resolution, 1 opposed and 3 abstentions.”

8. CONTINUATION OF DISCUSSION OF PROFESSORIAL TITLES

Professor Alan Bell, Animal Science and Chair of the Task Force on Professorial Titles: “In a perverse way it’s sort of encouraging to me to know that there is a major issue out there that has been around longer than the one that I am going to talk about today. A brief document (Appendix 13) that came out of the only meeting that our task force had since the last Senate meeting has been circulated to the senators. The purpose of that was to address some of the concerns that we heard a number of times in the longer Senate discussion that we had two meetings ago and in the faculty forum that was held soon after that. I would remind those of you who haven’t had a chance to look at the transcripts of those meetings that they are still on the web if you want to peruse them, all the gory details. Again, in this document there is an attempt to distill the items for and against the proposal, particularly the enabling proposal for the clinical professor title. Then there are a number of bullets that summarize, I think, the clarifications and modifications that we considered at our meeting, and that which I anticipate will be addressed hopefully to your satisfaction at our next meeting with a view to preparing a resolution, I hope, that will be approved by the UFC for the agenda of the next meeting. To give us maximum time for discussion—the points of clarification and modification are very briefly summarized here. I would ask for questions or comments.”

Professor Simons, Hotel School: “I would like to offer one of my concerns. I guess it doesn’t pertain so much to the Law and Veterinary proposals, but as a general policy, it occurs to me that tenure track professors at Cornell are selected very carefully as world class. However you define it, the top few hundred in their field or something like that. I would like to see some form of quality control on clinical professors. I am concerned that there are some schools that
would opt for anyone who has mastered a practical skill to be eligible for a clinical professorship. I'm opposed to that level of openness in who we call a Cornell professor."

Professor William Fry, Plant Pathology: "At one time almost all the funding for a professor was via the university, and that is clearly no longer the case. In my college only a third of our funding comes through New York State, and it seems to me that this enabling legislation would just recognize reality that a lot of our funding does come from sources that are not stable. It would be nice for us to appoint more tenure track people, but I think that is just not feasible in the current climate. You can't appoint faculty to positions for which there is not assured, stable funding over which the college has control. So, for that reason, I would support the enabling legislation."

Professor and Speaker Pro-tem Melissa Hines: "Other comments?"

Professor David Pelletier, Nutritional Science: "We had an extensive and very good discussion about this in our faculty meeting about a month ago where I laid out the pros and cons of the argument as best I understood them. The sense of my department was overwhelmingly in favor with respect to our own interests and with respect to our concern about issues of equity as well. The one sticking point, and it become a real sticking point, was the question of the possibility of erosion of the tenure system as a result of this. There were two suggestions that came forward, and I would like to share them and see if these can be worked on in some fashion before the vote is taken.

"One is the astounding lack of information, comparative information, from other universities which have gone this route and have had experience for five, ten, fifteen years or more. We were altered to the experience of the University of Pennsylvania, not very many details, but it wasn’t a very positive result from what we were told. So one question is could we get more comparative information from other universities as to what has happened to the number of tenure track positions over time as a result of taking these decisions?

"Secondly, the faculty suggested that we put in some amendments to the enabling legislation to somehow limit the possible erosion of the tenure track lines when budget cuts from the state become a reality as they already are. Clearly, we probably cannot and should not tie the hands of the deans by saying that there should be no change from the present numbers of positions, but are there other things we could do? The suggestion was let’s put some creative energy into thinking about how we could mitigate what my department felt was a major potential negative consequence of this. And that was the only sticking point in our department."

Professor Peter Stein, Physics: "This question of the erosion of the tenure system, I don’t really understand what that means. I like to think of the tenure system as being something more than job security for the people that happen to hold it. What I thought was good about the tenure system was that it produced high
quality people as teachers and as researchers and that the protection, the long-term commitment of those to that enable the University to hire very good people. I mean that's what I thought the tenure system was about. It's not really a protection for malingerers or something like that. In a sense, it seems to me that by definition that this is erosion of the tenure system. What it means is that there will be people hired who will in this case educate students who will not have all of the perks of being a tenured faculty member, and therefore, they, almost by definition, must not have had the scrutiny, and they are not being offered as an attractive position as tenured people. 'The very nature of it, I think, means some sort of an erosion of the tenure system.'

Professor Pelletier: "Let me clarify, because I think this is a serious misunderstanding if that's what was interpreted from what I said. What we feel is at stake is the very essence of academic freedom. Precisely because only a third of CALS budget, and I don't know about the others, comes from New York State now as the secured lines, and the rest is coming from increasingly corporate sources, the ability for faculty to disclose problematic findings, to raise voices about problematic directions of society, of the research, of the implications of the research is critical. That's what we are trying to defend. We are afraid that if the dean is facing a $400,000 or $4,000,000 budget deficit in the coming year, and he or she can say, 'Well, we have some vacancies. We'll let you fill them with non-tenure track lines so you can keep your functions going in that unit,' that's a very, very tempting thing to do in the face of a budget cut."

Professor Risa Lieberwitz, Industrial and Labor Relations: "I think that you have raised some really important points, and that the job security that comes with tenure is there largely to enable people to do the kind of work they do freely and to do it with the full rights of academic freedom. So that if you have something to say that is either controversial in your work, your research or your teaching, or if you have some criticism perhaps that one might want to voice with regard to faculty governance matters and criticize your institution, including your dean, including senior colleagues, including the central administration, that academic freedom is broadly defined not only to be with regard to your particular discipline, your particular teaching and research but also with regard to the kinds of speech that comes outside of that in commenting on the way the university is run, as well as commenting on issues like whether US policy is a good idea, whether I teach about US policy or not. I think that we have to remind ourselves sometimes of the scope of academic freedom and why the job security is here—to protect us from retaliation.

"That said then, it sounds like what the clarifications are coming down to is very much a sense of there is an economic reality that requires non-tenure track jobs for jobs that otherwise would deserve a tenure track status. If that's the case, then that is simply the faculty saying 'uncle' and saying, 'We're just lost. It's a problem. We're not getting the funding that we need.' With the shift to corporate funding then, we will have non-tenure track jobs opened up, which of course makes it harder to criticize not only the university, and controversial things in your writing and research, but also not biting the hand that feeds you.
So it seems to me what we should be spending our energy on is not how to devise non-tenure track jobs that fit a certain title, but we should spend our time on saying how do we break out of these assumed economic constraints, to say what jobs are non-tenure now that we should make tenure track jobs, taking the people in those positions and moving them up.”

Professor William Arms, Computer Science: “I speak as somebody who is not tenured, has no interest in tenure. I have been there, done that years ago. I also speak as somebody who is protected by the academic privilege of speaking my own mind, as you may have noticed on one or two occasions. There are two things that really matter in academic life—the ability to do research and to study in the areas that you want to study, and the other is the ability to speak in public and to say those things. The flip side of it is demanding standards for appointing and promoting people. These to me are the heart of the system, and I feel very strongly that nobody should bear the title of professor or assistant professor or whatever who doesn’t have those privileges and pass those tests. Beyond that I have a very simple test. I think that if somebody quacks like a professor, they should be called a professor. I actually agree very much with the person who said that really strict standards for appointment and promotion are the heart of this matter. I think that’s where we should draw our line.”

Professor and Speaker Pro-tem Melissa Hines: “Are there any more comments?”

Professor Nicholas Calderone, Entomology: “This is all very confusing. Why do we have two positions, which have the same rigor, the same requirements for being hired and for being retained, why is one tenured, and one may be not tenured? What is the origin for this if the demands for quality are identical?”

Professor Bell: “OK. Nobody else wants to speak to that. I think among the early confusion, which is perhaps a little self-inflicted on our part in terms of the wording or a discrepancy between the language in the enabling document and the language in the document that the Vet School faculty voted on, and that revolved around this first bullet. What would distinguish tenure track appointees from these proposed non-tenure track appointees? I think that . . . the Provost is gone now, but she has strongly affirmed the expectation of strength of a research program in a tenure track faculty member’s portfolio. I think the expectation of research was fuzzy in the definition of the clinical professor title, but I think above all other things, the distinction was between multi-functionality and perhaps a major single function in the non-tenure track position, which does not mean that that function might not be truly excellent. It would not have the breadth or expectations.”

Professor and Speaker Pro-tem Melissa Hines: “It is now six o’clock, so we are now adjourned.”

Respectfully Submitted,

Charles Walcott, Associate Dean and Secretary
CORNELL UNIVERSITY

Update on Faculty Salary Benchmarks and Planning
April, 2002
Institutional Goal

• To reach the average of the peer groups (selected by the Financial Policies Committee of the Faculty Senate) by the end of a five-year period for the endowed colleges and by the end of a six-year period for the statutory colleges.

• 2001-02 is the first year of the multi-year plan.
Cornell Results for 2001-02

- For continuing faculty, the university increase was 8.1% compared to our overall goal of 8.0%.
- Endowed continuing faculty salaries increased 8.4% on average and statutory continuing faculty salaries grew 7.7% on average.
- For all faculty included in the external survey, the average salaries grew 7.0% in endowed and 6.5% in the statutory colleges.
  - *(The survey excludes less than full time faculty, faculty on leave without pay, and faculty administrators at assistant dean level or above.)*
# Endowed Ithaca Faculty Salaries

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<tbody>
<tr>
<td>1</td>
<td>Stanford University</td>
<td>$88,924</td>
<td>$92,599</td>
<td>$97,793</td>
<td>$100,841</td>
<td>$106,547</td>
<td>$111,077</td>
<td>4.3%</td>
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<td>2</td>
<td>University of Pennsylvania</td>
<td>84,674</td>
<td>87,890</td>
<td>91,466</td>
<td>97,332</td>
<td>102,606</td>
<td>109,473</td>
<td>6.7%</td>
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<td>3</td>
<td>Cal Tech</td>
<td>91,451</td>
<td>93,436</td>
<td>96,887</td>
<td>100,068</td>
<td>104,305</td>
<td>109,214</td>
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<td>Princeton University</td>
<td>85,494</td>
<td>88,000</td>
<td>92,166</td>
<td>96,103</td>
<td>102,889</td>
<td>108,248</td>
<td>5.2%</td>
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<td>5</td>
<td>University of Chicago</td>
<td>84,777</td>
<td>88,125</td>
<td>93,512</td>
<td>98,607</td>
<td>103,098</td>
<td>106,711</td>
<td>3.5%</td>
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<td>6</td>
<td>Yale University</td>
<td>83,387</td>
<td>85,425</td>
<td>89,682</td>
<td>94,201</td>
<td>98,598</td>
<td>104,058</td>
<td>5.5%</td>
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<td>Columbia University</td>
<td>83,360</td>
<td>84,460</td>
<td>89,237</td>
<td>92,619</td>
<td>98,257</td>
<td>103,598</td>
<td>5.4%</td>
</tr>
<tr>
<td>8</td>
<td><strong>Cornell (Endowed)</strong></td>
<td>73,891</td>
<td>77,179</td>
<td>80,568</td>
<td>84,700</td>
<td>89,584</td>
<td>95,833</td>
<td>7.0%</td>
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<td>UCLA</td>
<td>72,567</td>
<td>77,030</td>
<td>83,766</td>
<td>87,602</td>
<td>93,714</td>
<td>95,801</td>
<td>2.2%</td>
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<td>University of Michigan</td>
<td>75,635</td>
<td>78,172</td>
<td>81,738</td>
<td>85,558</td>
<td>88,959</td>
<td>92,220</td>
<td>3.7%</td>
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<td>11</td>
<td>UC-San Diego</td>
<td>70,478</td>
<td>73,762</td>
<td>80,539</td>
<td>82,869</td>
<td>86,708</td>
<td>88,194</td>
<td>1.7%</td>
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Average Excluding Cornell: 82,075, 84,890, 89,679, 93,580, 98,568, 102,859
Cornell as a Percent of Average: 90.0%, 90.9%, 89.8%, 90.5%, 90.9%, 93.2%

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<tr>
<th>Cornell Endowed Relative Rank</th>
<th>9th</th>
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<th>10th</th>
<th>9th</th>
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As reported to AAUP adjusted for the relative mix of Cornell endowed academic ranks
## Statutory Faculty Salaries

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<td>University of Pennsylvania</td>
<td>$82,369</td>
<td>$86,940</td>
<td>$91,100</td>
<td>$96,746</td>
<td>$101,896</td>
<td>$107,413</td>
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<td>UC-Berkeley</td>
<td>71,427</td>
<td>76,409</td>
<td>85,969</td>
<td>89,013</td>
<td>93,509</td>
<td>94,157</td>
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<td>University of North Carolina</td>
<td>69,228</td>
<td>72,727</td>
<td>76,014</td>
<td>79,630</td>
<td>85,426</td>
<td>86,120</td>
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<td>4.</td>
<td>University of Minnesota</td>
<td>62,892</td>
<td>68,583</td>
<td>73,261</td>
<td>75,991</td>
<td>79,384</td>
<td>81,839</td>
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<td>5.</td>
<td>UC-Davis</td>
<td>64,320</td>
<td>68,560</td>
<td>74,608</td>
<td>77,091</td>
<td>80,612</td>
<td>81,424</td>
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<td>6.</td>
<td>Penn State University</td>
<td>66,195</td>
<td>68,790</td>
<td>71,830</td>
<td>74,586</td>
<td>78,264</td>
<td>80,892</td>
</tr>
<tr>
<td>7.</td>
<td>University of Wisconsin</td>
<td>61,588</td>
<td>64,471</td>
<td>68,080</td>
<td>73,881</td>
<td>78,902</td>
<td>79,997</td>
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<tr>
<td>8.</td>
<td>Cornell (Statutory)</td>
<td><strong>60,700</strong></td>
<td><strong>61,497</strong></td>
<td><strong>65,799</strong></td>
<td><strong>68,657</strong></td>
<td><strong>74,804</strong></td>
<td><strong>79,636</strong></td>
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<td>9.</td>
<td>Texas A&amp;M University</td>
<td>58,724</td>
<td>62,496</td>
<td>65,464</td>
<td>68,755</td>
<td>73,419</td>
<td>78,568</td>
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<td>Ohio State University</td>
<td>66,664</td>
<td>68,434</td>
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<td>Michigan State University</td>
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<td>67,137</td>
<td>69,940</td>
<td>73,492</td>
<td>76,460</td>
</tr>
</tbody>
</table>

Average Excluding Cornell: 66,494, 70,156, 74,486, 77,997, 82,268, 84,445
Cornell as a Percent of Average: 91.3%, 87.7%, 88.3%, 88.0%, 90.9%, 94.3%
Cornell Statutory Relative Rank: 10th, 11th, 10th, 11th, 9th, 8th

As reported to AAUP and adjusted for Cornell statutory rank distribution.
Faculty Salary Planning 2002-03

• College Deans and the Provost have agreed on college specific goals for continuing faculty. This results in an aggregate university goal in 2002-03 of a 7.8% average increase for continuing faculty.
• This was based on college-specific, discipline-based market data using at least the selected peer groups.
• Individuals’ increases will be based on college specific measures of merit.
Appendix 2

- The Financial Policies Committee is finalizing a report on 'Funding Models for Computer Network Costs at Cornell University'. The report will be sent to you by e-mail within a week. The FPC intends to present a final report to the Senate in May. Please send comments directly to the Committee Chair, L.J. Thomas.

- The administrative location of the Computer Science Department (pursuant to the Garza Agreement of 2000)

  Current discussion is about proceeding with the implementation of a provision of the Garza Agreement that specifies that ‘...(t)he Computer Science Department will be located in one or more existing colleges...’

Note:
1. The Faculty of Information Science is not at issue.

2. Later today you will hear a request for additional delay. But note that all parties have had already at least two years for thoughtful discussion and analysis – had they really wished to resolve with this.

In an e-mail to you earlier today, I shared with you two statements.

I outlined one approach that I believe would satisfy the Garza Agreement – and indicated that use of the already implemented models for interdisciplinary departments in the Biological and Nutritional Sciences would resolve our concern and make any discussion today unnecessary.

I understand Bob Constable’s reply to mean that he does not agree that these existing models constitute a suitable basis for the College Deans, Provost and himself (and others) to resolve this matter privately summer.

That’s unfortunate, I think, and makes this conversation today necessary.
REPORT OF NOMINATIONS & ELECTIONS COMMITTEE

April 10, 2002

Committee on recombinant DNA Research

Stewart Gray, Plant Pathology, Chair

University Benefits Committee

Sharon Tennyson, Policy Analysis & Management

University Committee on Human Subjects

Douglas Heckathorn, Sociology
REPORT FROM THE COMMITTEE ON NOMINATIONS AND ELECTIONS

SLATE OF CANDIDATES
(All terms commence July 1, 2002)

FACULTY TRUSTEE - 1 vacancy, 4-year term

Elizabeth (Lisa) Earle, Professor, Plant Breeding
Douglas A. Haith, Professor, Biological & Environmental Engineering
Drew M. Noden, Professor, Biomedical Sciences
Maureen O'Hara, Robert W. Purcell Professor of Management

AT-LARGE MEMBER, FACULTY SENATE (tenured) - 2 vacancies, 3-year terms

Louis D. Albright, Professor, Biological and Environmental Engineering
Roberto Bertoia, Associate Professor, Art
John M. Guckenheimer, Professor, Mathematics and Theoretical and Applied Mechanics

AT-LARGE MEMBER, FACULTY SENATE (non-tenured) - 1 vacancy, 3-year term

Quinetta M. Roberson, Assistant Professor, Industrial and Labor Relations
Kathleen Whitlock, Assistant Professor, Molecular Biology and Genetics

NOMINATIONS AND ELECTIONS COMMITTEE - 3 vacancies, 3-year terms

Elizabeth Adkins-Regan, Professor and Chair, Psychology
Kathleen Long, Associate Professor, Romance Studies
Karl Niklas, Liberty Hyde Bailey Professor, Plant Biology
Benjamin Widom, Professor, Chemistry and Chemical Biology

UNIVERSITY FACULTY COMMITTEE - 3 vacancies, 3-year terms

Martin Hatch, Associate Professor, Music and Asian Studies
Jeremy Rabkin, Associate Professor, Government
Danuta R. Shanzer, Professor, Classics
Steven H. Shiffrin, Professor, Law
Martin T. Wells, Professor, Industrial and Labor Relations
Elaine Wethington, Associate Professor, Human Development
Resolution Regarding Reestablishment of a Faculty Club

WHEREAS, A well functioning faculty club that is able to attract the participation of a large and diverse fraction of the faculty can make a significant contribution to the morale, well-being, and intellectual life of the faculty, and

WHEREAS, The growing interdisciplinary nature of research and teaching will increasingly require a social infrastructure that facilitates cross department, college and discipline interactions, and

WHEREAS, Peer institutions have found it possible to provide attractive and well-run faculty clubs that can attract broad faculty participation, and

WHEREAS, The ambiance and level of services provided by the Statler Club are no longer consistent with the needs and expectations of the Cornell faculty, and

WHEREAS, the Board of the Statler Club has requested the President and Provost to create an ad hoc committee charged with creating a viable plan for a new faculty club,

THEREFORE BE IT RESOLVED that the Senate supports the request of the Statler Club Board, and asks the President and Provost to constitute such a committee before the end of the academic year.

Co-Sponsors

Peter Stein
Terry Fine
Tom Brenna
Robert Kay
Savely Senderovich
Terence Turner
Richard Baer
Stephen Vavasis
Herbert Deinert
Danuta Shanzer
Andrew Ramage
Lourdes Beneria
Vicki Meyers-Wallen
Ted Clark

04/03/02
4. RECRUITMENT

RECOMMENDATIONS: Encourage colleges to continue their support of hosting programs, and to further test their effectiveness by assessing the benefits of expanding programs from once per year to twice where requested. Encourage increased faculty awareness of these programs, and increased faculty participation as defined by those in charge of the programs. Involvement of current URM students should be strongly encouraged.

RECOMMENDATIONS: Encourage colleges to continue these programs, and expand and strengthen after effectiveness has been evaluated. Assess whether more and different faculty want to be involved in such programs. Assess effectiveness of websites for their influence on recruiting students of color.
RECOMMENDATIONS: Encourage colleges to continue to support existing pre-college outreach programs, to leverage external funding to create additional programs of this type, and to institutionalize them in various ways including through extension services where applicable. Other units should consider institutionalization and direct faculty responsibility as an innovative approach to recruitment. Faculty with formal extension appointments in youth development could focus more effort on recruitment of URMs. Cornell University has extension offices in each county of the state and in New York City. The Director of Cornell Cooperative Extension should consider how to work with recruitment staff to better take advantage of our extensive network.
B. RETENTION

RECOMMENDATIONS: Colleges should consider how to more effectively use mentoring for URMs. This might involve mentoring faculty in the ways of mentoring URMs. Appropriate rewards should be given to those who assume the informal responsibility of mentoring and advising large numbers of URMs.

RECOMMENDATIONS: The University should continue to support and encourage existing and new efforts that foster student-student and student-faculty interaction and support.

RECOMMENDATIONS: Course instructors should be alert for students in difficulty and refer them to the Center for Learning and Teaching (CLT) as well as appropriate staff in the colleges. Where not currently done, new students should be informed during orientation of the existence of these resources. Recommend continued
strengthening of strategies for increasing awareness of student needs for particular types of academic or personal support, as well as appropriate methods for providing such early intervention in a timely fashion.

RECOMMENDATIONS: Colleges should evaluate the opportunities for URM involvement in research, and encourage both students and faculty to attend meetings where URMs gather to present their findings. Cornell should have a visible presence at national meetings of this type.
C. PROCEDURES FOR ADDRESSING STUDENT CONCERNS

RECOMMENDATIONS: Each college should develop Safe Heaven-like mechanisms where students, both undergraduate and graduate, can find support and share concerns without fear of retribution, and students/faculty/staff should be made aware of the existence of such programs.
A. RECRUITMENT

1. HOSTING

SUMMARY OBSERVATIONS: Identified by 5 of 6 responding colleges as a very effective recruitment tool. Identified as needing more funding, to expand scope and to include both Fall and Spring hosting periods. Need better identification of more and different faculty willing to be involved in hosting programs. Involvement of current URM students not uniform across colleges.

EXAMPLE USE, College of Engineering: "If we were to pick a single program that we believe makes a difference, it would be our on-campus hosting programs. We know that our success in recruiting a student increases when they have visited campus. We offer two hosting programs for underrepresented minority prospects. The first, offered in the fall, is a recruitment program to increase the number of applicants for early and regular decision. Prospective students, hosted by a current engineering student, visit campus for three days, attend classes, meet faculty, learn about research projects, participate in financial aid workshops and attend information sessions about the college. The second program, offered in the spring, is a similar program that attempts to increase the number and percentage of admitted URM students that choose to come to Cornell (yield). All the students that come to this program have already been admitted to the College of Engineering and have yet to make a decision about which school they will attend."

RECOMMENDATIONS: Encourage colleges to continue their support of hosting programs, and to further test their effectiveness by assessing the benefits of expanding programs from once per year to twice where requested. Encourage increased faculty awareness of these programs, and increased faculty participation as defined by those in charge of the programs. Involvement of current URM students should be strongly encouraged.

2. FOLLOW-UP CONTACTING OF PROSPECTIVE STUDENTS

SUMMARY OBSERVATIONS: Identified by all responding colleges as an effective personalized contact recruitment tool. Many forms used: e-mailing, direct mailing, personal letters, phonathons, contact by current students, staff, faculty.

EXAMPLE USE: "Direct mail contact, including "Holiday Greetings" cards to prospective students. These cards have been an effective way to build a personal relationship between the CALS' Minority Programs and Admissions offices and the prospective students. The cards, mailed in December, also reinforce quickly-approaching application deadlines for admission and financial aid."

RECOMMENDATIONS: Encourage colleges to continue these programs, and expand and strengthen after effectiveness has been evaluated. Assess whether more and different faculty want to be involved in such programs. Assess effectiveness of websites for their influence on recruiting students of color.

3. OUTREACH PROGRAMS

SUMMARY OBSERVATIONS: Summer programs for high school students of many forms being used, but not by all colleges. These programs are cost and labor intensive, but thought to be very effective. These programs difficult to institutionalize: they frequently are instigated by external gifts and grant funding, and end when this funding ceases. In statutory colleges, some faculty have formal extension appointments with programs directed at students in programs for youth (eg. 4H), and junior and senior high school. Increased faculty involvement essential for continued success and growth of these programs.

EXAMPLE PROGRAM, College of Engineering: "CURIE Program -- Based on the need for K-12 outreach, we consider our CURIE Program, a one-week residential project-based summer program for approximately 40 high school girls (with a high percentage of minority participants) to be critical to our recruitment efforts. In the past three years, substantial efforts have been made to increase the number of under-represented students in the program and we have had fairly good results."

RECOMMENDATIONS: Encourage colleges to continue to support existing pre-college outreach programs, to leverage external funding to create additional programs of this type, and to institutionalize them in various ways including through extension services where applicable. Other units should consider institutionalization and direct faculty responsibility as an innovative approach to recruitment. Faculty with formal extension appointments in youth development could focus more effort on recruitment of URM students. Cornell University has extension offices in each county of the state and in New York City. The Director of Cornell Cooperative Extension should consider how to work with recruitment staff to better take advantage of their extensive network.
B. RETENTION

1. MENTORING

SUMMARY OBSERVATIONS: Mentoring is a proven method of building bonds and improving comfort for individuals that find themselves in new situations. Mentoring, although time-intensive, is an effective way of easing transitions. Without formal mentoring arrangements, URMs often seek out a small number of faculty who have a reputation for being good mentors. These faculty are often overwhelmed with this additional responsibility.

EXAMPLE PROGRAM, College of Human Ecology: "Partnership Program - Faculty/student/staff mentor program targeted to support the first year transition for students of color (includes freshmen and transfers). Continuing students (who earn 3 credits) act as mentors in partnership with faculty."

RECOMMENDATIONS: Colleges should consider how to more effectively use mentoring for URMs. This might involve mentoring faculty in the ways of mentoring URMs. Appropriate rewards should be given to those who assume the informal responsibility of mentoring and advising large numbers of URMs.

2. STUDENT ASSOCIATIONS

SUMMARY OBSERVATIONS: Several colleges have spoken of the importance of student associations as effective vehicles for providing mutual support and encouragement among current students as well as alumni groups.

EXAMPLE PROGRAM, College of Human Ecology: "The Association for Students of Color - has an outreach component that keeps new and continuing students connected to one another and services throughout the college. Also sponsors the Alumni/Student Forum which invites alums back to discuss their path through Cornell and how it prepared them for the world of work."

RECOMMENDATIONS: The University should continue to support and encourage existing and new efforts that foster student-student and student-faculty interaction and support.

3. EARLY INTERVENTION

SUMMARY OBSERVATIONS: One of the most frequently mentioned and valued strategies for promoting student retention is the early recognition of points at which students are in particular need of academic or personal support, and the provision of such timely support through a variety of effective means.

EXAMPLE PROGRAM, College of Arts and Sciences: "Early Warning Program for selected minority students. This Program targets a number of students for intensive academic support. Selected faculty and staff advise and carefully monitor the students' progress. Curricula include 00-level support sections for introductory courses, particularly in the first year. Also, these students are referred to the Learning Strategies Center for tutorial support in classes that do not have 00-level sections."

RECOMMENDATIONS: Course instructors should be alert for students in difficulty and refer them to the Center for Learning and Teaching (CLT) as well as appropriate staff in the colleges. Where not currently done, new students should be informed during orientation of the existence of these resources. Recommend continued strengthening of strategies for increasing awareness of student needs for particular types of academic or personal support, as well as appropriate methods for providing such early intervention in a timely fashion.

4. UNDERGRADUATE RESEARCH

SUMMARY OBSERVATIONS: Involving students in research is a proven method of increasing commitment to the field of study and to the institution. Encouraging students to present their research results at meetings provides a higher level of interaction that they would not experience in the classroom. Such meetings exist specifically for URM high school students and undergraduates, and are an effective place for faculty to recruit.

EXAMPLE PROGRAM, College of Engineering: "Learning Initiatives for Future Engineers (LIFE) in the College of Engineering is dedicated to supporting co and extra-curricular instructional and research programs that enhance the engineering educational experience. One of LIFE's goals is to help underrepresented and women students facilitate instruction and research based relationships with faculty. All students should be given the opportunity to engage in hands on experience and scientific inquiry - the process of science. Undergraduate research provides both of these opportunities and helps students see the relevance and application of their core course work. This ability to focus on the outcomes of an engineering education increases student persistence leading to better retention and graduation rates. The College, therefore, is an active participant in the Cornell Presidential Research Scholars Program (which impacts both recruitment and retention) and has its own alumni and corporate sponsored undergraduate research programs.

RECOMMENDATIONS: Colleges should evaluate the opportunities for URM involvement in research, and encourage both students and faculty to attend meetings where URMs gather to present their findings. Cornell should have a visible presence at national meetings of this type.
C. PROCEDURES FOR ADDRESSING STUDENT CONCERNS

SUMMARY OBSERVATIONS: The colleges appear to feel strongly that there should not be a special grievance procedure for minority students. However, we also received clear indications that minority students feel strongly that existing procedures could be risky and might be ineffective. There is fear of retribution, and a feeling that assertion of grievance does not always result in the person in power being asked to correct the problem, or even finding out about it. Formal grievance procedures already exist, but what is needed are mechanisms for resolution of problems related to interpersonal relationships, insensitivity and miscommunication.

EXAMPLE PROGRAM, College of Engineering: "The College of Engineering has implemented a Safe Haven program as part of its ongoing efforts to sustain a supportive environment for college community members. A group of faculty and staff have been trained to serve as resources in situations when members of the college's community (students, staff and faculty alike) feel their ability to work, learn, grow or study is compromised. The safe havens are available to listen to individuals' concerns and discuss possible resources or actions that might help resolve the situation. While not a formal grievance process, the Safe Haven program is meant to prevent potential grievances or, if those efforts fail, to assist community members in finding the appropriate resources to remedy their problem (including the possibility of filing a grievance.)"

RECOMMENDATIONS: Each college should develop Safe Heaven-like mechanisms where students, both undergraduate and graduate, can find support and share concerns without fear of retribution, and students/faculty/staff should be made aware of the existence of such programs.
Resolution from Faculty Committee on Minority Education Regarding Best Practices for Recruitment, Retention, and Addressing Concerns Of Students of Under-Represented Minority Groups

Whereas, the Faculty Committee on Minority Education has completed a two-year study of issues of recruitment, retention and conflict resolution focused on undergraduate students.

Whereas, this Committee has met with students from under-represented minority groups, and with admissions and minority programs staff.

Whereas, this Committee has solicited and compiled in a report with recommendations on the best practices in these areas among all the colleges at Cornell.

Therefore, be it resolved that the Faculty Senate:

1. Requests that all colleges implement all applicable recommendations in the Committee report (Recommended Best Practices for Recruitment, Retention, and Addressing Concerns of Students from Under-Represented Groups).

2. Requests that the University supply the resources required for all colleges to implement these proposals in a timely manner.

3. Urges that the Committee review the responses to these recommendations in three years time.

April 10, 2002
APPENDIX 9

CAPP Motion Concerning Implementation of the Garza Agreement
(1 April 2002)

(1) Whereas, the document "Draft (February 7, 2000), Faculty and Office for Computing and Information Science: Administrative and Management Structure," hereinafter referred to as the Garza Agreement, was drafted by the Administration, in a deliberate process that included many written versions developed through extensive consultation with members of the Senate and other interested parties over a period of several months;

(2) Whereas, the Faculty Senate discussed the issues related to this Agreement at its meetings in September, October, and December of 1999;

(3) Whereas, the Agreement was presented to the Faculty Senate in February 2000 and announced to the Senate in May 2000 as being pursued by the President and Provost;

(4) Whereas, the Agreement represented a compromise between the interests of the University Faculty represented by the Senate, the Computer Science Department, and other academic units, including those represented by the Deans of the Colleges of Arts and Science and of Engineering;

(5) Whereas, while some aspects of this Agreement have been implemented, the re-location of the Computer Science department into one or more of the existing colleges was held in abeyance by the Provost for academic year 2000–2001;

(6) Whereas, Dean Lewis of Arts and Sciences and Interim Dean Craighead of Engineering have expressed dissatisfaction with the current state of affairs;

(7) Be it resolved, therefore, that the Faculty Senate requests that concrete steps be taken to begin immediately the process of locating the Computer Science Department in accordance with the Garza Agreement, with this process to be completed by October 2002.

(8) Be it resolved further, that this implementation will assure that the dean(s) in whose college(s) the Computer Science Department would be located will play the traditional roles in determining Computer Science Department faculty hires, promotions, salaries, etc., i.e., activities that deans normally engage in at Cornell.

(9) Be it resolved further, that the Provost is requested to report to the Senate at its next meeting in May, and again in October, regarding progress made in this regard.
Remarks to the Faculty Senate on 10 April 2002
Regarding the CAPP Motion Concerning Implementation of the Garza Agreement
by
Terrence L. Fine, Chair CAPP

Two Principles:

What, after careful consideration, the Senate and the Administration mutually undertake must be accorded a high level of respect and attention by both sides to ensuring that these obligations are met.

We accord great respect to academic due process by providing ample opportunities for dialogue and debate. This respect is open to abuse for the sake of delay.
The Problem:

- We do NOT raise issues with respect to either the FCI or the position of Dean for CIS as leader of the FCI with a mission of outreach as described in the Garza Agreement.

- We address solely the issue of the element in the Garza Agreement, "The Computer Science Department will be located in one or more of the existing colleges based on the recommendations of the 5 year academic plan."

- The Computer Science Department is currently under the academic management of Dean for CIS Robert Constable.

- CSD should be located in one or more of the existing colleges (particularly Engineering and Arts and Sciences) in conformity with the Garza Agreement and with uniform academic practice.

- The current situation has had unfortunate consequences for the Engineering College, has damaged collegiality, is unwarranted by the nature of the CSD, and contradicts well-established patterns of academic governance.
Brief History:

Spring 1999: Provost Randel creates the position of Dean for CIS and appoints Robert Constable, former chair of the CSD, to this position.

Summer 1999: The anomalous location of the CSD occurs in the summer of 1999, against the desires of the then Dean of Engineering John Hopcroft and against the expressed desires of the chairs and directors of the departments in that college. There is a University Faculty Forum on these matters in Sept. 1999.

The Provost’s actions, and task force reports urging the incorporation of computational thinking and methods across the academic fields at Cornell, led to Senate involvement with these issues in September, October (twice), December of 1999, and February, April and May of 2000.

Vice Provost Cutberto Garza was charged by the Administration with developing a plan to implement task force recommendations.

This plan was presented to the Senate in February 2000 and reported to the Senate in May as having been accepted by the Administration.

The FCI was formed and began operation in June 2000.

Provost Martin declares that she will not decide the location of the CSD in 2000-2001.

In Fall 2001 Dean Craighead of Engineering begins a dialogue with the CSD leadership that is then terminated.
Difficulties:

- It has been suggested, as recently as the February meeting of the UFC, that either this Agreement, developed in good faith with wide participation, can be set aside unilaterally or that its statement of “location” is sufficiently ambiguous as to accommodate to the current situation of the CSD.

- Provost Martin declared that she would not resolve the “location” issue in 2000-2001, nor would she allow it to be a point of negotiation with candidates for Dean of Engineering.

- Negotiations by Dean of Faculty Cooke with Dean Constable have failed to achieve agreement that would have avoided the need for this motion.

Solution:

- Point (7) of the motion before you from CAPP urges activation of the process of location of the CSD and suggests a deadline of six months from now for its completion.

If this plan is followed then it will correct a situation that has existed for the substantial period of three years.

- Point (8) of the motion explicates what the Senate means by “location”, consonant with the intentions of the Agreement. This is critical in view of the resistance to this interpretation.

- Point (9) ensures that the Senate remains informed of progress towards achieving the objectives of the preceding.
Key Issues

Respect for a carefully developed agreement:

The appearance that the Administration can just choose to disregard an agreement once it has served a purpose of quieting the faculty.

The desirability for the Senate to maintain continuity with itself.

Administration of Academic Units:

Departmental and College structures are the norm at Cornell and at our peer institutions.

Computer Science Department:

Issues involving the disposition of the CSD have been discussed at length.

- The numerous debates held on the floor of the Faculty Senate (and documented in its online transcripts) in Sept, October and December of 1999,

- The heated debate on September 15, 1999 at a university-wide Forum (also documented in an online transcript).

- The extended discussions conducted by a Vice Provost that led to a compromise that was presented to the Senate on February 7, 2000. Subsequently that Vice Provost reported to the Senate (May 2000, transcript also online) reported publicly that that compromise had been accepted as university policy by the President and Provost.
Appendix 11

Motion to substitute the following for the CAPP motion under Item 7 of the agenda.

"The Faculty Senate requests that concrete steps be taken to begin immediately the process of locating the Computer Science Department in accordance with the Garza Agreement, with this process to be completed by October 2002."

Rationale

This is Section 7 of the CAPP motion, with the first five words deleted. The aim is to have a courteous resolution that the Faculty Senate can accept unanimously.

The Garza Agreement was written at a time when the Faculty Senate was rightly annoyed by a sequence of academic decisions that were made without consultation of the faculty or the people concerned. The reorganization of Computer Science was one of these decisions. Vice Provost Garza negotiated a temporary agreement that calmed down the situation, but postponed the final decision. To achieve consensus, the agreement included some deliberately vague language. At the last meeting of the Faculty Senate, the Provost announced that she will move ahead to resolve the situation once the new Dean of Engineering joins in July. Everybody, and especially the Computer Science Department, wants to see the uncertainty resolved. We believe that there can be a resolution that satisfies the reasonable concerns of all parties and lies firmly within the boundaries defined by the Garza agreement.

At a time when consensus building is called for, the CAPP motion seems inappropriate and unhelpful. The six introductory sections are unnecessarily assertive and selective in the facts that they present. The two final sections verge on rudeness to the Provost.

William Arms
April 9, 2002
Appendix 12

Statement to the Faculty Senate on the status of the Department of Computer Science:

On the floor of the Senate meeting at its last meeting, it was alleged that all is well between the Computer Science Department and the College of Engineering, despite the separation of Computer Science from the College. Nothing could be further from the truth.

The College, through its Deans and the chairs of its departments, has vigorously and repeatedly protested the separation to the President and the Provost. We have explained that the temporary organizational structure imposed by then-Provost Randel harms Engineering and is simply unacceptable to its faculty. We have made our concerns clear to the Dean of Computing and Information Science and to the Chair of Computer Science in a series of meetings. They can have no doubt of our position.

The harm done to Engineering by removing CS while requiring Engineering to continue to admit and provide services for CS majors has a number of forms. The most elementary is this: the college has no say in the hiring and promotion of the CS faculty who will be teaching Engineering majors and responsible for shaping the curriculum delivered to them. It therefore has no control over the qualifications of CS faculty to teach engineering students.

We value our colleagues in CS, and we have supported the creation of the Faculty on Computing and Information. It is important for everyone to clearly understand that the Department of Computer Science and the FCI are two distinct entities. All departments in the University report to the Dean of a College. This is the fundamental organizational structure of this University. The Garza Report recognizes this, and specifies that the FCI will recommend the placement of CS in an existing College. It states

"The initial charge to the FCIS will be the development of a five year academic plan for the university-wide enhancement of teaching, research, and outreach related to computing and information sciences and of the quality and breadth of faculty appointments in support of its recommendations.

The Computer Science Department will be located in one or more of the existing colleges based on the recommendations of the 5 year academic plan."

The Computer Science Department is not mentioned in the Garza report except for the one sentence above and of the following subsequent statement.

"Existing undergraduate computer science majors will be maintained in the College of Arts and Sciences and Engineering. Admissions for undergraduates will proceed exactly as they do now through those colleges. Student services will continue to be provided as they presently are."

In particular, the Garza report lists the duties of the Dean of CIS, and those duties do not include authority over CS.

We firmly believe the Garza report represents a contract and should be implemented without further delay. We believe CS should be located in an existing College, and prefer that to be Engineering.

Signed by Chairs of the College of Engineering

April 9, 2002

John Abel, CEE; Joel Brock, A&EP; Tim Healey, T&AM; Bryan Isacks, GS; Sidney Leibovich, M&AE; Chris Ober, MSE; Clif Pollock, ECE; Sidney Resnick, OR&IE; Michael Shuler, ChE; and Mike Walter, BEE
Enabling Legislation for the Clinical Professor Title

Task Force on Professorial Titles' distillation of the main points made at the FS and the FF

Aims and Arguments for:

1. To redress an inadequacy in our current range of available titles by adding a non-tenure-track, Clinical Professorial title.

2. To more adequately recognize and reward the status, qualifications, and activities of such faculty-members.

3. To improve recruitment and retention of such faculty-members.

4. If appropriate and possible, to enable reclassification of competitive candidates who are currently doing such work de facto, while employed as Lecturers or Senior Lecturers.

Objections and Arguments against:

9. All teaching staff should have academic freedom as well as job-security.

10. This is the "thin end of the wedge" that ultimately may erode the tenure system. It provides the financial flexibility to permit administrators increasingly to substitute at will untenured for tenurable or tenured faculty members.

11. The Clinical Professor title is an artificial inflation of the Lecturer title.

12. There is a need for more carefully articulated distinctions between what is expected of tenure-track faculty and what is expected of non-tenure-track faculty.

13. Creating the title would contribute to gender inequity. Holders of such titles could create a "pink collar ghetto."

Further Clarifications:

14. Whereas in an ideal world all teaching staff would be tenure-track, in the real world there are severe limitations on the number of indefinite term commitments universities can make. We live within a system where tenure is earned by and granted to those who compete for tenure track positions in which they are expected to research, teach, and perform service. Provost Martin has publicly reaffirmed the expectation of a substantial research component for tenure-track Assistant, Associate, and Full Professors. Those in
largely single-function positions (primarily teaching, research, extension or administration) are not and have not historically been hired on tenure-track lines

5. The Clinical Professor title and other non-tenure-track titles would be largely single function.

6. The appointments, duties, and rights of those holding the Clinical Professor title are intended to be distinct both from those of tenurable Professors and from those of Lecturers.

7. The Task Force wishes to emphasize that present consideration of the Senate should be confined to the Enabling Legislation.

8. A two-thirds majority vote of the tenure-track faculty in a given college would be preferable to the simple majority originally proposed to enable such titles to be used by the college. It is expected that the non-tenure-track vote would be recorded separately.

9. Once such legislation has been approved by the College faculty it will be reviewed by CAPP and voted on by the Senate.

10. The Task Force expects to bring a formal document to the Faculty Senate for approval at the May 2002 meeting.
Minutes of Faculty Senate Meeting
May 8, 2002

Professor Melissa Hines, Chemistry and Speaker Pro-Tem: "I would like to call
the meeting to order. First, let me remind you that no photos or tape recorders
are allowed during this meeting. And I would ask that if you have any
comments during the meeting, you stand up and identify yourself and the
department you come from. We have no Good and Welfare speakers at this time,
so instead there will be debate on the last issue because of that. I will now call on
Provost Biddy Martin to give a report."

1. REPORT BY PROVOST MARTIN

Provost Biddy Martin: "Good afternoon. Thank you very much for my time. I
want to begin by reporting on the question of the location of the Department of
Computer Science, and my report will be brief. I have met with the Department
of Computer Science faculty. I have met with some of the faculty who belong to
the founders group of the FCI, which is the Faculty of Computing and
Information Science, and I have met with the chairs and directors of the College
of Engineering. All those discussions have been interesting, useful and have
contributed to the numbers of questions and considerations that are still on the
table, and I intend to report back to you probably sooner than October. You
probably read in the Cornell Sun, if you read the last issue of the Cornell Sun, that
we hope to make a decision, the President hopes to make a final decision, within
the next month or so. That may be possible, and I hope it is. I hope it is also
understood that if a decision is made within the next month, that it is not one of
those decisions made in summer that counts as a problem. Since it is, I think,
sometimes problematic but also understandable that decisions get made in the
summertime when people have a stretch of time without classes to sit down and
think through these issues. If we are able to make a decision within a month, we
will and we'll announce it then for the good of those people who are anxiously
awaiting some decision. And if you have any questions, feel free to ask me about
the Computer Science issue or anything else in just a moment.

"The only other thing I would like to say is that it seems unusually busy and
active at the moment at Cornell despite the time of year, because of a number of
well known issues and some unannounced. So I hope you feel as busy as I do so
that I'm not alone. Finally, I just want to thank you all for this year of our
working together. I appreciate the tone of our discussions and debates, and I
appreciate the good faith and the sincerity with which, it seems to me, the Senate
has conducted its discussions, not only among yourselves, but also with me. It
has been a long year and quite an interesting one for some good reasons and for
some tragic ones. I mean by tragic September 11th and its aftermath. There has
also been the announcement by the President that he will be stepping down at
the end of next year, and the visits by the Presidential search committee and the
search firm, so it has been an unusual year in a number of ways. I am glad it's
coming to an end and look forward again to next year. If you have any questions, I will be glad to answer them.

"There used to be so many questions for the Provost before I was Provost."

LAUGHTER.

Dean Cooke: "That's a good thing."

Provost Martin: "OK. Thank you very much."

Professor and Speaker Pro-tem Melissa Hines: "Thank you. I would now like to call on Dean Cooke for some remarks."

2. REMARKS BY DEAN J. ROBERT COOKE

Professor J Robert Cooke, Dean of the University Faculty: "I have one brief topic to bring to your attention. An issue that is being discussed by the Educational Policies Committee has to do with the use of the time of day for formal instruction, and it's by time of day and by day of week. And this is an analysis of the last four semesters, including the current semester (Appendix 1a). So two full academic years is an average of the enrollments and across the bottom here is the time of day. And it is enrollments, not number of courses. It shows some things that are probably obvious to you and perhaps one or two that are not obvious. The one that is obvious is that 8:00 is a basically unused time of day. So on the order of a fourth of the morning the classroom space is vacant. The second thing you will notice is that at 9:00 we are still not at full power; it's about 60% or so. Then it is a square wave across the top until the afternoon, and our classes generally stop, except for seminars, graduate courses and so on, at 4:30. We have faculty legislation that says that from 4:30 to 7:30 is a time when we avoid having undergraduate classes so students can participate in clubs and activities and sports and so on. This is undergraduate enrollment; I do not have graduate enrollment included. But the college deans have the authority to make exceptions on courses that would occur during that period of time, if that is the only time the equipment is available and so on or have other sections that would allow someone to work at a different time if they wish.

"Perhaps the thing that is surprising is what happens on Monday and Wednesday evening over on the right hand side. The enrollments in the evening hours are on the order of three to four times as many people in class as at 8:00 in the morning. We began this discussion by looking at evening pre-lims, and those occur on Tuesday and Thursday evenings. They are on the same order as the Monday and Wednesday class participation, but this is every week and the pre-lims are two or three times a semester. Saturday and Sunday are essentially unused. One last comment is that Friday tapers off. Monday and Wednesday are very similar. Tuesday and Thursday are very similar. You had in the past mostly Monday, Wednesday, Friday sequence. You can see that Friday, which is the right hand bar, the tall one, tapers off so that the level of activity all day Friday is less than on Monday and Wednesday, but it drops off substantially."
“So the committee will look at this and see if they can make some sense out of it. No changes, of course, will be made without bringing it back to you and getting approval. This is the lecture course enrollments (Appendix 1b). They also taper off. Here are the section enrollments (Appendix 1c). The section enrollments are much flatter, much smaller, the same vertical axis, so you can see the level of activity is much flatter, and finally here is the lab component (Appendix 1d). It clusters in the afternoon. So we will revisit this later after the committee has had an opportunity to try and make some sense out of it.”

3. APPROVAL OF MINUTES OF THE APRIL 10, 2002 SENATE MEETING

Professor and Speaker Pro-tem Melissa Hines: “I would now like to call for approval of the minutes of the April 10, 2002 Faculty Meeting. Are there any corrections? I ask for your unanimous consent. Are there any objections? The minutes are approved. I would now like to call on Associate Dean and Chair of the Nominations and Elections Committee, Charles Walcott, for a report on the election results.”

4. ELECTION RESULTS FROM THE NOMINATIONS AND ELECTIONS COMMITTEE

Professor Charles Walcott, Associate Dean and Secretary of the University Faculty: “Thank you very much. Here are the results of the election (Appendix 2). Elizabeth Earle was elected Faculty Trustee, and you can read the rest of these. The one addition I would like to make is to thank all of you that contributed suggestions for all the various university committees to the Nominations and Elections Committee. We are working on those at the moment, on getting people onto various committees, and your suggestions were very helpful indeed.”

Professor and Speaker Pro-tem Melissa Hines: “I would like to ask for your unanimous consent to approve. Any objections? If not, the report is approved. I now call on Professor and Senator Robert Kay from Earth and Atmospheric Sciences to introduce a resolution regarding the Ward Center for Nuclear Studies.”

5. RESOLUTION REGARDING WARD CENTER FOR NUCLEAR SCIENCES

Professor Robert Kay, Earth and Atmospheric Sciences: “You may be aware, the Senators among you having received a package of documents, that the Ward Center is due to be closed on June 30 and subsequently the TRIGA reactor decommissioned. This resolution seeks to extend the lifetime of the Ward Center and the TRIGA reactor in it for reasons that will be gone over subsequent to my presentation of the resolution by Professor Kallfelz.

“This slide is the resolution (Appendix 3), and I will just go over it. It is very similar to a resolution that you passed a little over a year ago. It has many
common features. You voted 2 to 1 in favor of this resolution at that time. Whereas the Ward Center continues to fulfill the charter that this body recommended to the Board of Trustees and that included teaching and research and outreach to industries in particular in New York State. I'm paraphrasing here. Secondly, over the past year thousands of students really, hundreds of alumni, many dozens of faculty members, a dozen major companies, three US Senators, the US Department of Energy, several government laboratories, peer institutions, and the Faculty Senate right here have expressed their unqualified support for continuing the work of the Ward Center. Point number three is the next president of the university and the new dean of engineering, the former owners really of Ward Center, should be allowed to learn about and review the mission and potential of the Ward Center. Fourth is to point out that the laboratory was built without university funds and endowed. A year ago there was considerable talk about the financial situation of the Ward Center and that has become clearer and actually much more favorable in terms of funding the nuclear reactor over the last year. So many things that were hypothetical a year ago have actually come to pass and have resulted in greater potential to get funds. Finally, the fifth whereas indicating the need for students with hands-on training in nuclear science and engineering has been recognized by the DOE who has started a new program over the past year. So therefore, be it resolved that the Faculty Senate recommend to the Provost, President and Board of Trustees that the TRIGA Reactor not be decommissioned immediately, that is June 30, but that the Ward Center and its TRIGA Reactor and Gamma Cell should continue to provide services to the Cornell community for a period of five years. That is the end of my presentation, and Professor Kallfelz . . . ."

Professor and Speaker Pro-tem Melissa Hines: "Is there a second?

Unknown: Second

Professor and Speaker Pro-tem Melissa Hines: OK. Now, I believe that Professor Kallfelz will speak to this motion."

Professor Francis Kallfelz, Clinical Science: "As Professor Kay said Ward Center is scheduled to be closed as of June 30 of this year. So one question that you might ask is why is the issue of continuation of the Ward Center for Nuclear Sciences being revisited at this time. The actual date of closure of June 30 is somewhat of an artificial date. It was originally set up a year or so ago to give current users of the reactor a time frame in which to finish up their work before it closed, but in fact nothing really is going to happen as of the closing date. What really will terminate the reactor is the shipment of the reactor fuel, and my understanding is that that has not as yet been scheduled and is not likely to occur even when it is scheduled for at least another year or perhaps even longer. Until that occurs nothing irrevocably unchangeable has occurred. (Overheads - Appendix 4.)

"So what is the issue? Why is the issue of continuation still with us? It is because there are some new things that have happened. Number one, all of the arguments previously made for continuation are still valid. None have been
adequately discounted. Secondly as Dr. Kay alluded to, there are pending changes in the University and Board of Trustee administrations, which suggest the appropriateness of providing the new administrations the opportunity to review the issues before an irreversible action is taken. And this is so particularly since as I indicated there is no disadvantage in keeping the Ward Center for Nuclear Sciences operating until that opportunity is provided. Thirdly, the situation in the nation regarding the importance of nuclear science has improved during the last year. The current situation providing incentives for continuing the operation of the Ward Center.

"You may be interested in knowing what indeed those changes include. One Dr. Kay has already alluded to and that is the announcement of a national energy policy, (sorry, he didn't mention this) which includes anticipated expansion of nuclear power in the United States to a minimum of 20% of electricity production in the United States being from nuclear power over the long haul because of the problems with fossil fuels and so forth. Secondly, which Dr. Kay did allude to, initiation of the DOE program Innovations in Nuclear Infrastructure and Education (INIE) to revitalize the research and education capacity of university-based research reactors in the United States. Thirdly, the Ward Center has been recognized because of the diversity of its programs by a high level review team from the Department of Energy as a top research university reactor during a visit where they were reviewing the reactor programs at colleges in the Northeast, including Cornell, Michigan and MIT. In that report they rated Cornell as the number one program. Indeed, the availability of increased peer review federal funding of university research reactors by this new program (INIE) of $13.6 million for each of the next four fiscal years, beginning in fiscal 2003, which begins October 1 of this year and extending through 2006.

"So these are all new things that are happening on the national level more or less, but our appeal to the Senate is not so much based on national needs and trends as it is to the best interests of Cornell. It is our feeling that closing the Ward Center will result in the loss of a first class nuclear research, not necessarily fission engineering, but a nuclear research facility and will terminate research and education opportunities throughout a broad segment of Cornell’s students, faculty and staff, including folks in the College of Engineering, Arts and Sciences, including the humanities, the College of Agriculture and Life Sciences, and the College of Veterinary Medicine. So in the words of Professor Neil Ashcroft, who is the Horace K. White Professor of Physics and an open letter from whom was included in the packet you all received, ‘Our reactor is a remarkable, but rare and irreplaceable research tool for Cornell, and we urge that you support this resolution to allow a further study of the implications of its closing before the time comes when an irreversible decision has to be made.’ Thank you."

Professor Charles Walcott, Neurobiology and Behavior, Associate Dean and Secretary of the University Faculty: "I normally try to remain silent on these occasions, as Associate Dean I feel it is perhaps not appropriate for me to take a position. In this case, this body has considered the future of the Ward Reactor for some considerable time. The Local Advisory Committee spent at least a semester studying the matter in some considerable detail, trying to weigh the
benefits and uses of the reactor versus the costs and came to the conclusion that it should be shut down. It reported back to this body who also discussed it at considerable length; we had a faculty forum on this subject, and then the body passed a motion recommending to the administration that the reactor be continued. The decision has been made by the administration and by the Board of Trustees that it be shut down, and I worry very much that the voice of this body will be in vain, and it seems to me repetitious to revisit it again, and therefore I move to postpone indefinitely this motion.”

Professor and Speaker Pro-tem Melissa Hines: “The motion to postpone indefinitely is on the table. Are there any comments about that motion?”

Professor Richard Durst, Food Science and Technology: “Along with what Charlie said, I don’t see the need for voting on this since this body has already approved it a year ago, and what is the point of now taking another vote?”

Professor and Speaker Pro-tem Melissa Hines: “Any other debate on the motion? We will now move to vote on the motion. All those in favor of postponing indefinitely please raise your hand? All of those opposed please raise your hand? And the motion is defeated. We will now move on to discuss the original motion. Is there any debate on the motion? Are you ready to vote on the proposal? We will now vote on the proposal. Everyone in favor of this proposal about the Ward Center for Nuclear Studies please raise your hand. All those opposed please raise your hand. And the motion carries.”

UNKNOWN: “Could we get a count on that, please?”

Professor and Speaker Pro-tem Melissa Hines: “Yes. All those in favor please raise your hand again. All those opposed please raise your hand. The motion carries 29 to 18. Thank you. I would now like to call on Professor L. Joseph Thomas from the Johnson Graduate School of Management and Co-Chair of the Committee on Financial Policies for a discussion regarding the FPC’s analysis of network cost recovery.”

6. DISCUSSION REGARDING FPC’S ANALYSIS OF NETWORK COST RECOVERY

Professor L. Joseph Thomas, Johnson Graduate School of Management and Co-Chair of the Committee on Financial Policies: “Thank you very much. You will be getting a report of several things the FPC has been doing, but I want to talk today only about network cost recovery. What we have done over the last couple of months, after we were asked by Dean Cooke to look at this issue, is work with Vice Presidents McClure and Ainslee and their colleagues to understand these costs and proposals. They have changed significantly over the last month, and they are not that easy to understand. We have asked for input from you on direct versus indirect models. We met and we will also write a complete report following on the meeting that we had today. We asked you for input, and several people sent e-mails. First of all, all the e-mails were sent to the Financial Policies Committee members, and we discussed them this morning.
We appreciate your input. This will be in the minutes (overheads - Appendix 5), so I don’t intend to go through those one by one. I want to get on to a couple of things that we did discuss at the meeting. This will be in the minutes, along with a list of all of us on the FPC, so that you can track us down.

"Two more slides and then I’ll be glad to answer questions, and I see several of the FPC members in the room, so we’ll all answer questions. First of all, there is a current proposal, which is related to the material that I sent you but very different from a network cost recovery report that was finished last November if you looked at that. Anticipated cost for 2002-03 is about $8.9 million. That includes ResNet, the residence network. ResNet costs $2.1 million. One important thing, which concerned several people writing e-mails, is that will not be allocated to faculty or staff units or to individuals. There will not be a transfer from faculty, staff and departments to the residence network. ResNet is only, as you can see, about 23% of the total, but it is 50% of the Internet costs. How many of you download movies and records at work? Nobody, OK? Or they won’t admit it. The cost allocation has been reanalyzed. This is important because over half of the costs are fixed costs. It’s like cheese on a pizza. The question is where you sprinkle the cheese. It doesn’t make the cost of the cheese go away. Port costs in the new proposal will be quite low, perhaps going from $28 to on the order of $9. It doesn’t mean the $19 will disappear; our departments and colleges will be charged for that but it won’t find its way to individuals, but that is a significant change. Hublets, an issue of importance, will be allowed. Internet charges will be low, but they can be monitored to watch those of us that have larger Internet costs.

"It’s a work in progress by many people. What we did today (this is the last slide) is that we suggested, after significant discussion but eventually unanimous vote, that some mixed model is appropriate, where some charges are tracked to individuals in the situation where we can affect the total cost. If I ask for ten portals in my office, there should be some charge. If I download a lot of material, there should be some charge. So we were in favor of some method of tracking a portion of these costs, but the charges are much lower than the charges that were mentioned last fall. A method for treating public ports differently is needed. That was what we discussed, and the administration is looking into that. We will follow up, and for the future we said some method of benchmarking university services (there are monopolies) is needed, and the FPC will look into this. This isn’t something we could do in the period of time up to the meeting this morning. So with that, I will be glad to answer questions. And, of course, you can send e-mail to any one of us."

Professor Muawia Barazangi, Earth and Atmospheric Sciences: "I just want to comment that I am quite concerned (as many colleagues) on this issue, because those of us who write the proposal and try to recover funds for a service like this it is very hard. NSF reviewers, and I can show you one example, complain about the present structure, even where we ask for very limited funds and certain main reviewers question that issue. I review a lot of proposals at other institutions where you don’t have as much as you anticipate in the future. There is no question in my mind that this kind of service eventually has to be integrated into
the financial policy of the university like providing electricity or other services within the system. You cannot escape that down the road. If the proposed agenda (I'm glad was shelved) then I would have to immediately stop at least 15 to 20 computers or disconnect my research group from the Cornell Internet overnight.”

Professor and Speaker Pro-tem Melissa Hines: “We now move on to a resolution regarding the Clinical Professor title, and this resolution is going to be a little bit complicated. So let me tell you how we are going to proceed. First, we are going to have someone introduce the resolution, then there is going to be a motion to divide the resolution to make it so that we can vote on two separate parts. After we get through with possibly dividing the motion, then there are three amendments. We are going to work on the amendments in the order that they come, moving from the first page down to the fourth page. After we have voted either to amend or not to amend the resolution, then we will discuss the resolution itself and vote on whether the resolution will be adopted. With that I would like to call on Alan Bell, Professor of Animal Science and Chair of the Task Force on Professorial Titles, for a resolution regarding the Clinical Professor Title.”

7. RESOLUTION REGARDING CLINICAL PROFESSOR TITLE

Professor Alan Bell, Animal Science and Chair of the Task Force on Professorial Titles: “Well, to echo the Provost, it has been a long and somewhat strange year for the Task Force on Professorial Titles, but I hope we are nearing the end, at least for the issue before us. We have been reasonably busy during the last month since the last Senate Meeting, and we do have a formal resolution for you. I hope everybody has read it. It is quite long. I just wish to hit on a few points. Before I do though, since this is probably the last time I will up here speaking to you, I do want to acknowledge the special efforts of several people. During these last few weeks we have received a lot of input. There has been the need for a lot of quick reaction and quite an amount of time in drafting the language in this long resolution. The people who have really put their backs to this are Stuart Davis, English Department, Danuta Shanzer, Classics, and also John Siliciano from the Law School. We have had an English scholar, a legal scholar and a classics scholar, so that makes this an excellent document.

“Bob Cooke has insisted on the requisite amount of whereases. These are summarized here (Appendix 6). I don't even propose to read them. They are on the first page of the enabling legislation document for the Clinical Professor Title (Appendix 7). I do want to draw your attention to some features of the resolution which I must also add have been influenced by quite an amount of input received from outside the task force during the past few weeks from people like Susan Giffen who is director of Academic Personnel Policy, very knowledgeable about these matters, from Terry Fine, chair of the CAPP committee of the Senate, who also made some very useful and insightful comments. We have had comments from University Counsel and several other individuals have written to us.
"As you work through the resolution itself, some of the features here—limited availability. I'm not going to talk through these. There is not anything that is essentially new here, although we have tried to clarify some of the language that bothered people in the past. The proposal process, which is item four, there is a specification of a requirement of a two-thirds majority vote of both tenure-track and non-tenure-track faculty in any given academic unit, which for the most part would be anything as big as or bigger than an academic department, with the specification that at least 50% of the eligible faculty must vote in favor of the proposal. This, in fact, is a clause that has brought an amendment. There will be a requirement for an approval vote by CAPP, and then CAPP will bring any proposal it wishes to approve to the Senate for full approval.

"Items V and VI specify a number of provisions and restrictions. I think the terms are straightforward that these are long-term or indefinite non-tenure-track positions. We would hope, we would expect, although some people told us that they would like to see yet more specifications, that procedures for review, renewal and promotion would be significantly more rigorous than the very diverse, and I think in many ways unsatisfactory, procedures we have for these matters as they pertain to existing non-tenure-track positions. The 25% percent limitation, that has also gone into a proposed amendment.

"Finally, the speaker did mention that the first item of business will be to consider dividing the resolution. Item VII was added by someone from outside the task force, Steve Shiffrin, who is a senator, but I don't think he was able to be here today. Our task force was very pleased with this suggestion, very happy to incorporate it. I think the reason for seeking to divide the issue here should be self-explanatory."

Professor and Speaker Pro-temp Melissa Hines: "Are there any questions specifically for Professor Bell before we get to work on this motion? If not, I think there is a motion to divide."

Professor Risa Lieberwitz, Industrial and Labor Relations: "I would like to move to divide the question (Appendix 8). It is pretty simple. Could you put part VII up? The motion to divide the question is designed to vote in a way where people can most accurately express their views of the two different aspects of the enabling legislation. So prior to part VII there, the resolution deals with the adoption of the use of the Clinical Professor title for non-tenure-track faculty, the kinds of issues that we have talked about prior to this meeting. Then as Alan Bell pointed out, part VII was added based on the view that there should also be a committee to investigate the status of non-tenure-track faculty in a way that goes beyond titles. A committee to look at the substantive issues and include things like job security and right to academic freedom, to look at the substance of these sorts of positions to see if there are changes that need to be made, including the possibility of changing the status to tenure-track faculty. It would be for the committee to investigate whether there are improvements or changes to be made. So there may very well be people who would vote yes on one part of this enabling legislation and not yes on the other. In order to enable people to vote
independently, including to vote specifically independently on this new committee, it makes sense to divide the question.

Professor and Speaker Pro-tem Melissa Hines: “OK. So the motion on the table then is to divide right here, and we would have this as being a separate issue that we would vote on. Then the rest of the motion would be voted on separately. So now we are going to vote on dividing this. All of those in favor of dividing the motion into two please raise your hand. All of those opposed please raise your hand. OK. The motion carries. So the motion is now divided into two. So we move now to the first amendment that deals with page one. I believe this is on a light greenish yellow sheet that was handed out to you, and this will be introduced by Risa Lieberwitz, I believe.

Professor Lieberwitz: “Yes. Professor Shiffrin couldn’t be here today, so I am going to speak on this first amendment (Appendix 9). The idea behind this first amendment was to delete two of the paragraphs in the preamble. If you take a look at those paragraphs you see that the provisions in them deal with what the committee viewed as particular restrictions that we are necessarily living in. That is: ‘In the real world there are severe limitations on the number of indefinite term commitments universities can make,’ etcetera, etcetera and the reasons in the preamble saying ‘The creation and careful definition of the new title would enable fairer and more effective faculty hiring’ etcetera. Well, the reason for deleting these two paragraphs is related to part VII, that is the new committee that is recommended to be appointed to look at the substance of non-tenure-track faculty positions. Steve and I both agree that it makes sense to delete these two paragraphs in order to avoid having conclusions already reached on issues that would be before such a new committee. If the new committee were appointed and said, ‘Well, in the real world we believe that there are not necessarily the kinds of restrictions that people have assumed,’ it seemed to make sense not to prejudge or predispose a new committee. So this was the reason for wanting to delete these two paragraphs.”

Professor and Speaker Pro-tem Melissa Hines: “Is there a second?”

UNKNOWN: “Second.”

Professor and Speaker Pro-tem Melissa Hines: “Is there any debate on this amendment?”

Professor Bell: “The task force members who saw this, which was only this morning, had no problem with this amendment.”

Professor and Speaker Pro-tem Melissa Hines: “Any other comments? If not, we will vote on this amendment. All of those in favor of the amendment please raise your hand. All those opposed please raise you hand. And the amendment carries. Now we will move on to the second amendment, which was handed out on a darker green sheet. It is amending part of page two. I believe this amendment will be introduced by Kay Obendorf.”
Professor Kay Obendorf, Textiles and Apparel: “The proposed change that Vicki and I are proposing to you is to change the wording on the quorum for the vote, taking out ‘in neither case by fewer than half of those eligible to vote,’ and saying, ‘Approval requires that affirmative votes be cast by at least two-thirds of the faculty of the originating college or school who are eligible to vote.’ And that puts it back, because each college has some of its own definitions about eligibility. So it puts the two-thirds of the eligible faculty to vote.” (Appendix 10).

Professor and Speaker Pro-tem Melissa Hines: “Is there a second?”

Professor Ronald Ehrenberg, Industrial and Labor Relations and Economics: “I just have a question for Kay. Is it the intent of this amendment that a proposal could be approved without at least one-half of the tenure-track faculty voting for it?”

Professor Obendorf: “No, this would be two-thirds. I believe that all tenure-track would be voting faculty, and it would depend upon the college how many other voting members they have.”

Professor Ehrenberg: “Right. So if you were . . . .”

Professor Obendorf: “It uses the definition of voting faculty of each of the colleges.”

Professor Lieberwitz: “I think that the intent that I understand from this as well, as one of the people endorsing it, is to actually increase, to make sure that at least two-thirds of the faculty who can vote say yes to any proposal as opposed to having at least two-thirds of at least 50% voting yes. So that it actually is intended to make sure that you have at least two-thirds of those who can vote voting as opposed to at least 50%.”

Professor Tony Simmons, Hotel School: “As I read the first part, it seems to suggest that you need to have both two-thirds of the tenure-track and two-thirds of the non-tenure-track. I don’t have a problem with that. When we start to look at ‘it must be two-thirds of the faculty’ then I envision a scenario where perhaps fewer than half of the tenure-track faculty support it, but the overwhelming majority of the lecturers, which in some schools are defined as eligible faculty, support it, in which case I think that would be a bad vote. So I want to make sure that the wording that we settle on retains the notion that at least a substantial majority of the voting tenure-track faculty support any given decision.”

Professor Walter Mebane, Government: “I don’t read the language in the way that Risa Lieberwitz has suggested, so I would like clarification. I don’t read it as saying that two-thirds of half must approve. I read it as saying that there must be at a minimum half approving with the two-thirds separately within each of the two groups, which I think is substantially larger number than the reading that was suggested. So could I get clarification?”
Professor Obendorf: "I believe Vicki, who wrote this, meant it to be that at least two-thirds of those faculty eligible to vote in that college would have to affirm that."

Professor Walter Mebane: "I'm sorry. I meant an interpretation of the original language that your wording seeks to replace."

Professor Obendorf: "I can't speak to that."

Professor and Speaker Pro-tem Melissa Hines: "Professor Bell, can you comment on that?"

Professor Bell: "I think Professor Kotlikoff will."

Professor Michael Kotlikoff, Biomedical Sciences: "I would oppose this amendment for several reasons. First, I just point out that the task force modified the original proposal with recommendations from the Faculty Senate to require two-thirds of the voting faculty to be in favor of the proposal. So there would be a requirement for essentially a two-to-one ratio of voting faculty. When in fact we voted for this proposal at the Veterinary College the first time, all faculty agreed that we should not vote at a faculty meeting at which attendance could be variable but all faculty were mailed a ballot. In addition to that, I think Professor Fine recommended that to further ensure that we have a quorum and because of differences in quorum cultures within colleges that we require that more than 50% of the faculty actually participate. I think that is also a very reasonable suggestion. The effect, however, of this amendment will be that, as we all know, for any given issue there are always those members of the faculty that are not present, that are not engaged, or are ill or away or for some reason not voting. The effect of this will mean that any college to support that, in addition to having the two-to-one ratio of both tenure-track faculty and non-tenure-track faculty supporting this, will also have to have two-thirds of any non-engaged or non-voting faculty. It presents an unpredictable and I would argue an excessive requirement for the passage of a resolution."

Professor Alan McAdams, Johnson Graduate School of Management: "It's a two-thirds of the grand total of all the faculty voting that must vote affirmatively. That's what that wording says to me. There is no separate requirement if we went with this amendment that relates to what portion of the tenure-track faculty would be voting on these things. I think it's important to make that distinction because your interpretation is inconsistent with the words."

Professor Peter Stein, Physics: "I don't think I've ever heard such a confused discussion in my life. Nobody answered Professor Mebane's question on what the meaning of the statement that is crossed out was. Professor Bell interpreted it differently than I see it, and Professor Mebane sees it. I don't really quite understand what these words mean, but I would like to ask the professor that spoke. I'm sorry I always get your name wrong, and I apologize for this. I'm not even going to try. But who are these disengaged faculty? Obviously, the
point of this is that this is such a major change that you ought to go and make an effort to get the participation of every single faculty member who is eligible to vote. I think it depends on how major a change you think it is. That does not seem to me to be an overwhelming burden. If there are some people away on sabbatical, you can e-mail them and find out what their position is on it. It doesn't seem to me that there are all those number of people who are so far away and so disinterested that they are not participating in the decision. So I don't quite understand what you see as the problem numerically."

Professor Bell: "Perhaps I should clarify the intent of the part that has been struck which reads that 'in neither case by fewer than half of those eligible to vote.' The intent was that that number of positive votes would represent 50% of the total faculty."

Professor Stein: "But that's different than your statement of participation in the election. It means there must be 50% aye votes and the denominator is the total number of voting people."

Professor Bell: "That's the intent of the language. The two-thirds represents those actually voting. There must be a two-to-one majority of those voting, who cast votes. And that must represent 50% of all the total faculty."

Professor David Delchamps, Electrical and Computer Engineering: "It seems very obvious what this means, and . . ."

LAUGHTER.

Professor Delchamps: "The amendment is ratcheting up the one-half to two-thirds. It states that you have to have two-thirds of the tenured faculty. It states that you have to have two-thirds of the others. Now you have to have voting members and you have to have at least two-thirds of those eligible, not just one-half. I'd like to ask a question of the sponsors. Why are we ratcheting it up? Why is this something that we would like to do?"

Professor Obendorf: "I believe it is the seriousness of the decision that you are making. I believe that making the denominator the sum of the two parts explains why there is concern. You are saying you want a majority of tenure-track faculty to vote in the affirmative. In Human Ecology this could not be the case, because our tenure-track and our non-tenure-track are about equal size, so if you add those two together and have two acts, you can have this passed without having a majority of the tenured faculty in the College of Human Ecology. And I do not believe that we are alone on this issue with research associates, extension associates, etc."

Professor Bell: "It says in neither case."

Dean Cooke: "Point of information. I'm not a party to this, so this is just a question to clarify. Normally, in a meeting two-thirds of the vote is decided by the number present and voting. There are very few faculty meetings that have
Professor Fine: “Yes, we cleared that up. I see this, the original, as three separate statements, three separate clauses. The first clause is that you have to have two-thirds of the tenure-track faculty who vote.”

SIMULTANEOUS DISCUSSION.

Professor Fine: “You have a vote in your college and two-thirds of the tenure-track faculty who voted have to approve it.”

IT DOESN’T SAY THAT.

Professor Fine: “Then the second thing says the same thing has to be true about non-tenure-track faculty, of those voting two-thirds must approve it. And then it is amplified. It says, now it deals with the issue of quorum. OK? You might have had a bad turnout. Three people turned out; two of them were tenured and they voted yes, and that was it. It says there has to be a floor on this. There has to be a minimum number participating. It wasn’t just two-thirds of those voting that had to be in favor, but there is a floor. In the original motion that floor was at least half of those eligible to vote in each category. That is half of the tenure-track faculty in the college had to vote yes. At least half of those tenure-track voting yes had to . . . .”

LAUGHTER.

Professor Fine: “If there were fifty tenure-track faculty, then at least 25 of them voted yes and that has to be at least two-thirds of those voting. The last part changes that. It puts together the tenure-track and the non-tenure-track and says just two-thirds of those in the college, which could all be even just the non-tenure-track.”

Professor John Siliciano, Law School: “At great risk I’ll disclose that I was one of the people who drafted the original language. I understand some of the ambiguity, but the last interpretation is, in my view, the one that what was intended at least by the original language. The amendment introduces considerable confusion. The original language was intended (we just discussed it in a meeting to approve it) as we, listening to the Senate in the last time we discussed this, followed the Senate’s suggestion to impose a super majority requirement. Rather than the normal 51%, we imposed a two-thirds vote requirement. That is made clear, and that is a fixed requirement and it must be (and the language is clear I would hope) by the non-tenure-track faculty in a separate vote and the tenure-track faculty. So both faculties have to approve it in a meeting with a super majority vote. The clause that followed that is now excised is attempting the deal with the quorum issue by saying that in both cases the affirmative vote cannot be by fewer than half of the eligible total voters. So that clause is trying to deal with meetings. It’s saying that even if you get a two-thirds vote in a minimum quorum meeting, that two-thirds vote has to be more than half of that particular group’s total voting faculty. The additional language appears to me to impose almost a redundant requirement. I’m not sure whether it’s talking about single votes or if it’s a single vote added together or by two-
thirds vote of the total eligible faculty of each separate group. So I don't understand the amending language, but that is the intent of the original language.”

Professor Linda Nowak, Molecular Medicine: “I'm confused by the very strict standard that says the proposal must be ‘approved.’ I think we are talking about—do we mean the proposal must be voted upon by two thirds of the faculty?”

Professor Bell: “No. It must be voted yes.”

Unknown: “If it must be approved, that means it has to be affirmative. Is that correct? So then why do we have the part that is struck out if it's two-thirds approval?”

Professor Subrata Mukherjee, Theoretical and Applied Mechanics: “I just propose an amendment to the amendment which will probably clear at least the intention of what I see here, which is to say the proposal must be approved in separate votes by two-thirds of the voting tenure-track faculty of the originating college and two-thirds of the voting non-tenure-track faculty. That's what it means, but it isn't clear.”

SIMULTANEOUS DISCUSSION.

Professor Clark: “I would suggest another amendment which is—it says that 'in neither case by fewer than half.' Say that in neither case by fewer than two-thirds that are eligible to vote. That's what the intent is.”

Unknown: No it isn't. That's not the intent.

Professor Ehrenberg: “The way this amendment is now stated it allows for a small vote of tenure-track faculty, two-thirds positive vote but it could be a very small number of them, could add to a large vote of the non-tenure-track faculty, and we would get two-thirds overall but less than half of the tenure-track faculty voting for it in terms of the total tenure-track faculty. Because of that I am going to vote against the amendment.”

Professor Elaine Wethington, Human Development: “At the risk of making this even more complicated I would suggest that in the first sentence the phrase tenure-track faculty and the phrase non-tenure-track faculty that an adjective be added—the eligible tenure-track faculty and the eligible non-tenure-track faculty. So that the very first sentence defines that it must be two-thirds of the people who are eligible to vote not just two-thirds of those who vote.”

UNKNOWN: “I call the question on the amendment.”

Professor and Speaker Pro-tem Melissa Hines: “I recognized him first, actually. So we have a clarification.”
Professor Walcott: "This is a quick re-draft of IV-B by part of the task force sitting here in the front row (Appendix 11)."

Professor Stein: "I’m sorry. Is this within our rules? Don’t we have to have something distributed in advance before we vote on it?"

Professor and Speaker Pro-tem Melissa Hines: "We are allowed to amend an amendment. We cannot put in any new amendment."

Lynne Abel, Adjunct Associate Professor Classics and Associate Dean for Undergraduate Education: "As a member of the task force and the author of this terrible handwriting, those of us on the task force have looked at this, and this is what I think we meant. I will read it to you. I’m not a member of this body, so it’s up to you to do whatever it is legal to do, but at least I’ve tried to write what I think we all meant which is the following: ‘The proposal must be approved by two-thirds in each of two separate votes of tenure-track faculty and non-tenure-track faculty (as defined under Article XIII of the University Bylaws) of the originating college or school, in neither case by fewer than half of those eligible to vote. That’s what we meant, folks.”

Professor and Speaker Pro-tem Melissa Hines: "Let me explain. This is meant as a clarification of the original wording. That is all that is meant. It is not changing anything. So I ask for your unanimous consent to replace this wording here for the original wording. Now we can go on and vote on the amendment."

Alan McAdams: "I do not agree."

Professor and Speaker Pro-tem Melissa Hines: "Don’t agree? OK. So can we vote on whether we would like to replace this or not? All of those in favor of replacing the old wording with this."

Alan McAdams: "That requires unanimous consent to do that, and I just objected to it."

Dean Cooke: "Right. So now we are voting on it."

Alan McAdams: "Voting on what?"

Dean Cooke: "What you objected to."

Alan McAdams: "It requires unanimous consent, and I don’t consent."

Professor and Speaker Pro-tem Melissa Hines: "But now we are going to vote on it since there is not unanimous consent. I was asking for unanimous consent to replace this."

Alan McAdams: "This requires two-thirds vote?"
Dean Cooke: "The rules allow us to make stylistic changes. The body is allowed to decide whether it is a substantive change or not. We are not allowed to do fundamental changes without prior notice, but if the body agrees that it is stylistic, it should be allowed by the Senate procedures to allow this substitution if it is not of content, but style."

Alan McAdams: "I see a content change in this and that's why I object to it."

Professor and Speaker Pro-tem Melissa Hines: "OK. We need to vote on whether this is or is not a stylistic change. All of those people who think that this is not changing the content of the original proposal—just changing the wording but does not change the content, please raise your hand. All of those who think that it does change the content, please raise your hand. OK. The members have voted that it does not change the content. So now we will vote on whether or not to replace the old wording with the new wording. All of those in favor of replacing the old wording with the new wording, please raise . . . . Do you have a comment?"

Professor Lisa Earle, Plant Breeding: "Yes, I would like to know whether voting down the proposed amendment would give essentially the same result as this proposed replacement of the text, because the proposed replacement looks to me as essentially the same as the original material without the amendment."

Professor and Speaker Pro-tem Melissa Hines: "The problem right now is that people don't understand what the original wording was trying to say. This new change is trying to clarify what the original proposal was trying to say."

Professor Earle: "It's back to the original proposal without the amendment."

Professor and Speaker Pro-tem Melissa Hines: "We will vote on the amendment whether this goes or not. We're just trying to vote on whether or not to change the wording."

UNKNOWN: "I call the question on this point."

Professor and Speaker Pro-tem Melissa Hines: "The question has been called on whether or not we allow this new wording to replace the old wording. We are not replacing the amendment. We just want to clarify the wording so we know what we are arguing about. So all of those in favor of taking the new wording . . . ."

UNKNOWN: "Point of order. A calling of the question in my understanding is a motion that has to be voted on."

Dean Cooke: "No, the person was not recognized, and therefore it has no standing. You may express your opinion, but it does not have standing. The person was not recognized, and it is not a formal motion."

UNKNOWN: "So the question can still be called."
Dean Cooke: “You can call it, but you have to be recognized and seconded to deprive people of the right to vote and debate.”

Professor and Speaker Pro-tem Melissa Hines: “We are now voting on this. All of those in favor of replacing and using this new wording, please raise your hand. All of those opposed. The motion carries. So now what you should consider written in this part here, the original part of the motion, is the text that is down there. Now we will go back to this debate on whether or not you want to have the amendment.”

Professor Stein: “I have another clarifying amendment. I’m sure that what the movers of the amendment wanted was to replace that word ‘half,’ where if I had better glasses I could read it, by ‘two-thirds.’ That’s really all they wanted. So I would like to propose that as a clarifying change for the amendment proposed by Kay and Vicki. It’s just to change half to two-thirds in the last sentence.”

Dean Cooke: “You are trying to vote on replacing this with two-thirds?”

Professor Stein: “Yes, with two-thirds. Replace one-half with two-thirds. And if I could, I would call the question on it.”

Professor and Speaker Pro-tem Melissa Hines: “I’m not sure what you are moving, Peter.”

Professor John Guckenheimer, Mathematics: “The issue has been raised as to whether the proposers of the amendment intended that at least two-thirds of the tenure-track and non-tenure-track faculty separately approve the proposal. If that is their intention, that’s not what the amendment says and it should be clarified.”

Professor and Speaker Pro-tem Melissa Hines: “I’m afraid we are really running out of time for debate on this matter, because we have another amendment and we also have the original motion to consider. So we are going to have to close debate on this matter and take a vote on this amendment.”

UNKNOWN: “I object.”

Professor and Speaker Pro-tem Melissa Hines: “We need a two-thirds vote, I believe, to continue debate past the time.”

Dean Cooke: “You should continue. They are not allowing you to close debate, so you should continue debate unless someone moves to close debate.”

Professor and Speaker Pro-tem Melissa Hines: “We’re out of time. We’ll continue the debate? OK.”

Dean Cooke: “Unless someone moves to close the debate.”
Professor Nicholas Calderone, Entomology: “Frankly, this is a terminally ambiguous proposal, either the proposed one or the substitution. I think we’ve made a mistake. I think we should just table this and have it re-written.”

UNKNOWN: “I second.”

Professor Stein: “Motion to table.”

Professor and Speaker Pro-tem Melissa Hines: “There has been a motion to table. Is there a second?”

UNKNOWN: “Second.”

Professor and Speaker Pro-tem Melissa Hines: “It is not debatable, so now we vote on this. All of those who would like to lay this on the table, please raise your hand. All opposed please raise your hand. The motion carries.”

Dean Cooke: “That tables everything, not just this piece.”

Professor and Speaker Pro-tem Melissa Hines: “So we are finished.”

Adjournment 5:40 p.m.

Respectfully submitted

Charles Walcott, Associate Dean and Secretary
Undergraduate LEC Enrollment
All Levels

Time of Day

Four Semester Ave LEC Enrollment

- M
- T
- W
- R
- F
- S
- U
Undergraduate SEC Enrollment
All Levels

Time of Day

Four Semester Ave SEC Enrollment

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8:00 AM 9:05 AM 10:10 AM 11:15 AM 12:20 PM 1:25 PM 2:30 PM 3:35 PM 4:30 PM 5:30 PM 6:30 PM 7:30 PM 8:30 PM 9:30 PM 10:30 PM

Legend:
- M
- T
- W
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- F
- S
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Appendix 2

REPORT OF UNIVERSITY FACULTY
ELECTION OF SPRING 2002

Faculty Trustee
Elizabeth Earle, CALS

Faculty Senate-at-Large, Tenured
Louis Albright, CALS
John Guckenheimer, A&S

Faculty Senate-at-Large, Non-Tenured
Kathleen Whitlock, A&S

Nominations and Elections Committee
Elizabeth Adkins-Regan, A&S
Karl Niklas, CALS
Benjamin Widom, A&S

University Faculty Committee
Steven Shiffrin, Law
Martin Wells, ILR
Elaine Wethington, CHE
Appendix 3

Resolution on the Ward Center for Nuclear Sciences

Whereas

1) the WCNS (Ward Center for Nuclear Sciences) continues to fulfill its Faculty Senate charter to provide, without charge, teaching and research facilities for all students, staff, and faculty, and to provide outreach services to New York State industry;

2) thousands of students, hundreds of alumni, many dozens of faculty members, a dozen major companies, three US Senators, the US Department of Energy, several government laboratories, peer institutions, and the Faculty Senate have expressed their unqualified support for continuing the work of the WCNS;

3) the next president and the new dean of engineering should be allowed to learn about and review the mission and potential of the WCNS;

4) the laboratory was built without university funds, the donor provided money to offset maintenance and utility costs, and the Center can support itself and the salary and benefits of its director, a full-time faculty member; and

5) the need for students with hands-on training in nuclear science and engineering is so great that the US DOE has begun a major new support program for university reactor laboratories called Innovations in Nuclear Infrastructure and Education;

Be It Resolved That

the Faculty Senate recommends to the Provost, President, and the Board of Trustees that the TRIGA reactor not be decommissioned immediately, but that the WCNS, and its TRIGA Reactor and Gamma Cell, continue to provide services to the Cornell community for a period of five years.

5/1/02

Herbert Deinert, German Studies
David Delchamps, Electrical and Computer Engineering
Kathryn Gleason, Landscape Architecture
Robin Gleed, Clinical Sciences
Robert Kay, Earth and Atmospheric Sciences
George Kollias, Clinical Sciences
Subrata Mukherjee, Theoretical and Applied Mechanics
Linda Nowak, Molecular Medicine
Andrew Ramage, History of Art and Archaeology
Appendix 4

WHY IS THE ISSUE OF CONTINUATION OF THE WARD CENTER FOR NUCLEAR SCIENCES BEING REVISITED

1. ALL OF THE ARGUMENTS PREVIOUSLY MADE FOR CONTINUATION ARE STILL VALID AND NONE HAVE BEEN ADEQUATELY DISCOUNTED

2. THERE ARE IMPENDING CHANGES IN UNIVERSITY AND BOARD OF TRUSTEE ADMINISTRATION WHICH SUGGEST THE APPROPRIATENESS OF PROVIDING THE NEW ADMINISTRATION THE OPPORTUNITY TO REVIEW THE ISSUE BEFORE AN IRREVERSIBLE ACTION IS TAKEN, PARTICULARLY SINCE THERE IS NO DISADVANTAGE TO KEEPING THE WCNS OPERATING UNTIL THAT OPPORTUNITY IS PROVIDED.


4. THESE CHANGES INCLUDE:

   A. ANNOUNCEMENT OF A NATIONAL ENERGY POLICY WHICH INCLUDES ANTICIPATED EXPANSION OF NUCLEAR POWER IN THE UNITED STATES TO A MINIMUM OF 20% OF ELECTRICITY PRODUCTION FOR THE LONG TERM.

   B. INITIATION OF THE DOE PROGRAM “INNOVATIONS IN NUCLEAR INFRASTRUCTURE AND EDUCATION (INIE)” TO REVITALIZE THE RESEARCH AND EDUCATION CAPACITY OF UNIVERSITY BASED RESEARCH REACTORS IN THE UNITED STATES.

   C. RECOGNITION OF THE WCNS, BECAUSE OF THE DIVERSITY OF IT’S PROGRAMS, BY A HIGH LEVEL REVIEW TEAM FROM DOE, AS THE TOP UNIVERSITY RESEARCH REACTOR COMPARING THOSE AT CORNELL, MICHIGAN AND MIT.
D. AVAILABILITY OF INCREASED PEER REVIEWED FEDERAL FUNDING OF UNIVERSITY RESEARCH REACTORS BY INIE ($13.6M FOR EACH OF THE NEXT FOUR FISCAL YEARS 03-06 BEGINNING 10/01/02)

OUR APPEAL TO THE SENATE, HOWEVER, IS NOT SO MUCH BASED ON NATIONAL NEEDS AND TRENDS AS IT IS TO THE BEST INTEREST OF CORNELL

CLOSING THE WARD CENTER WILL RESULT IN THE LOSS OF A FIRST CLASS NUCLEAR RESEARCH (NOT FISSION ENGINEERING) FACILITY AND WILL TERMINATE RESEARCH AND EDUCATION OPPORTUNITIES THROUGHOUT A BROAD SEGMENT OF CORNELL STUDENTS, FACULTY AND STAFF INCLUDING THOSE IN ENGINEERING, ARTS (INCLUDING THE HUMANITIES) AND SCIENCES, AGRICULTURE AND VETERINARY MEDICINE.

IN THE WORDS OF PROF. NEIL ASHCROFT IN A LETTER YOU RECEIVED ON THIS ISSUE, "OUR REACTOR IS A REMARKABLE BUT RARE AND IRREPLACEABLE RESEARCH TOOL FOR CORNELL". WE URGE YOUR SUPPORT OF THIS RESOLUTION.
Network Cost Recovery Report
Financial Policies Committee of the University Faculty
Joe Thomas, Co-Chair, 2001-2002

University Faculty Senate Meeting
May 8, 2002
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<th>Name and College</th>
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<td>Carolyn Ainslie, ex officio</td>
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<td>Hal Craft, ex officio</td>
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<td>Charlie Walcott, ex officio</td>
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Network Cost Recovery Update

- Modifications to the Original Recommendations
- Revised Allocation Factors
- Network Cost Components
- Network Cost Recovery Elements
- Definitions of Network Rates Elements
- Frequently Asked Questions
Network Cost Recovery - Modifications

- Realigned cost pools: Edge, backbone/infrastructure, and WAN/Internet
- Recover edge costs via port charges
- Recover infrastructure via administrative charges
  - Includes public ports & wireless (RedRover)
  - Excludes ResNet portion of the infrastructure cost
- Recover WAN cost via usage charge
  - Usage is measured at the IP address
  - Base charge of $X/months per IP address includes Y MBs/month
  - Per MB usage charge above Y MBs
- Recover ResNet edge and infrastructure via port fee and WAN cost is recovered as above
# Allocation of Costs

## Task Force Model

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<td>Maintenance</td>
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<td>13/OC3 charges</td>
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<td>Network Mgmt Tools/Other</td>
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<td><strong>Plant Maintenance and Support</strong></td>
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<td>Staffing</td>
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<td>Service provisioning and maintenance engineers</td>
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<td>Inventory Management and Materials</td>
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<td>Network Development Costs (Video P)</td>
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# Network Cost Components

## FY03 Costs Allocated to Edge, Infrastructure and WAN

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<th>Revised Model</th>
<th>Task Force Model</th>
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<td><strong>Edge</strong></td>
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<td>Academic/Admin</td>
<td>$2,257,851</td>
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<td>ResNet</td>
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<td>$1,130,752</td>
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<td>Public Ports</td>
<td>$632,198</td>
<td>$484,383</td>
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<td><strong>Infrastructure</strong></td>
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<td>Academic/Admin</td>
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<td>$1,134,911</td>
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<td>ResNet</td>
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<td><strong>WAN</strong></td>
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<td>Academic/Admin</td>
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<td>ResNet</td>
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<td>Public Ports</td>
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<td>$33,838</td>
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<td><strong>Summary</strong></td>
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<td>Academic/Admin</td>
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<td>$2,302,326</td>
<td>($181,729)</td>
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<td>Public Ports</td>
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<td>$386,120</td>
<td>($60,192)</td>
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<td>$8,855,098</td>
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# Network Cost Recovery Elements

## Network Cost Recovery

<table>
<thead>
<tr>
<th></th>
<th>Academic and Administrative *</th>
<th>ResNet **</th>
<th>Total</th>
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</thead>
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<tr>
<td>Edge cost via port charges **</td>
<td>$1,333,363</td>
<td>$1,408,009</td>
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<tr>
<td>Infrastructure &amp; public ports via CAM *</td>
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<td>**</td>
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<td>WAN via usage charge</td>
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<td>$6,734,502</td>
<td>$2,120,596</td>
<td>$8,855,098</td>
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</table>

* Administrative charge (CAM) includes $325,928 of costs assigned to public ports
** ResNet port charges include $775,811 of infrastructure cost

## Monthly Port Charges

<table>
<thead>
<tr>
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<th>Current Rate Structure (1) FY02</th>
<th>Revised Model FY03</th>
<th>Task Force Model</th>
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<tr>
<td>Academic/Admin</td>
<td>$28.00</td>
<td>$8.70</td>
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<td>ResNet (2)</td>
<td>$22.78</td>
<td>$44.45</td>
<td>$26.74</td>
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</table>

(1) Basic 10/100 port and usage
(2) Revised ResNet port rate recovers ResNet share of infrastructure
Network Rates Elements

- **Wide Area Network (WAN) Expenses:** All devices on Cornell’s data network that send or receive data over the Internet - that is, using Cornell's external Internet connections - will be subject to a Wide Area Network (WAN) usage fee. The WAN fee is directly associated with the IP number used by a device to send or receive data.

  The base usage fee will be $X_1$/month for an IP supporting a single device or $X_2$/month for IP’s that support more than one device. This base IP fee allows the total inbound and outbound transmission of $Y$ bytes of data. Data use beyond $Y$ bytes will be billed at a rate of $x$/Mbytes.

- **Campus Network Infrastructure:** Cornell Information Technology Services will calculate all expenses associated with maintaining the Campus Area Network (CAN), excluding WAN expenses outlined above or data port expenses outlined below. This network infrastructure expense will be billed based on the Administrative Charge algorithm or Campus Allocation Model (CAM).
Network Rates Elements

- **Academic/Administrative Data Ports:** Individual data ports will be charged at a rate of $X per month. Multiple devices may be connected to a charged port. However, WAN fees as outlined above apply.

- **ResNet Data Ports:** Individual data ports will be charged at a rate of $X per month. This port fee includes ResNet portion of costs associated with Campus Network Infrastructure expenses. It is important to note that ResNet CAN fees are not recovered through the CAM funding algorithm.

- **Public Ports:** The Provost will establish a committee that will designate some ports - that are open to use by a broad segment of the Cornell community - as “public ports.” The committee will address all requests for the designation or establishment of public ports. The University will recover all public ports costs via CAM.

- **Wireless:** At this time, Cornell RedRover wireless service expenses are recovered through the Campus Network Infrastructure funding process. However, RedRover may not be used as the primary network service for campus faculty, staff or residential students.
Appendix 6

Enabling Legislation for the Clinical Professor Title

April 29, 2002

I. Preamble

The current range of available academic titles does not meet the needs of various Colleges at Cornell that stand to benefit considerably from the creation of a new, primarily single-function, non-tenure-track Clinical Professor title. These Colleges are currently experiencing difficulty both in recruiting and retaining faculty members who might bear such a title since, unlike many of their peer institutions, they have only the title of Lecturer or Senior Lecturer available. In addition, there are currently individuals in Lecturer positions who, in effect, carrying out the functions of Clinical Professors without suitable acknowledgment of their status, qualifications, and activities or opportunity for career development.

In an ideal world all teaching staff might be tenure-track. In the real world there are severe limitations on the number of indefinite term commitments universities can make. We live within a system where tenure is earned by and granted to those who compete for tenure track positions in which they are expected to research, teach, and perform service. Provost Martin has publicly reaffirmed the expectation of a substantial research component for tenure-track Assistant, Associate, and Full Professors. Those in largely single-function positions (primarily teaching or research or outreach or administration) are not and have not historically been hired on tenure-track lines.

The creation and careful definition of the new title would enable fairer and more effective faculty hiring, retention, and, in some special cases, reclassification. It is to be hoped that carefully and explicitly articulated distinctions between what is expected of tenure-track faculty and what is expected of non-tenure-track faculty would be beneficial to all concerned.

- Whereas an inadequacy in the current range of available academic titles makes it desirable to create a new non-tenure-track Clinical Professorial Title, and
- Whereas it is clearly important to recognize and reward the status, qualifications, and activities of those faculty members for whom such a title would be appropriate, and
- Whereas units need to improve recruitment and retention of such faculty members, and
- Whereas, where appropriate and possible, units should be able to reclassify competitive candidates who are currently doing such work de facto, while employed as Lecturers or Senior Lecturers,
BE IT RESOLVED THAT THIS ENABLING LEGISLATION BE ADOPTED.

II. Purpose of Enabling Legislation

The purpose of this legislation is to enable individual colleges and schools, in accordance with the process and requirements described below, to use the title of Clinical Professor in reference to a limited and defined group of long-term, non-tenure-track appointments. This title will be available for use at the Assistant, Associate and Full Clinical Professor rank, modifiable by the terms "acting," "adjunct," "courtesy," and "visiting."

III. Limited Availability of Clinical Professor Title.

The title of Clinical Professor is available only for long term, non-tenure-track faculty who serve an essential teaching function in a clinical setting. While faculty of this rank may, depending on specific requirements of the college or school, have additional research, service, or outreach obligations, teaching will be their primary responsibility. The title may not be used for positions whose responsibilities largely replicate those of tenure-track faculty. Similarly, the title is not meant as a wholesale replacement for the titles of faculty now employed as Lecturers or Senior Lecturers.

IV. Proposal Process

A college that wishes to use the title of Clinical Professor must take the following steps:

A. Sponsors must prepare a written proposal for use of the title in accordance with the requirements of sections V and VI, below.

B. The proposal must be approved, in separate votes, by two-thirds of the tenure-track faculty of the originating college or school and by two-thirds of the non-tenure-track faculty as defined under Article XIII of the University Bylaws, in neither case by fewer than half of those eligible to vote.

C. A proposal so approved will come before the University Committee on Academic Policies and Procedures (CAPP) for review of its conformity to the requirements of section V and VI, below. After submission to CAPP, such a proposal will be distributed to University faculty and distributed to or electronically posted for other interested parties for a period of 60 days before action by CAPP in order to invite public comment.

D. At the end of the comment period, CAPP shall review the proposal in order to determine whether it complies with the requirements of this
enabling legislation. In conducting such a review, the committee is not to substitute its judgment for that of the originating college or school as to the need for or wisdom of the college’s or school’s adoption of the Clinical Professor title.

E. If CAPP determines that the proposal meets the requirements of this enabling legislation, it will report the proposal to the Senate, which will approve or deny the proposal by a majority vote based on the Senate’s determination of whether the proposal complies with the requirements of this legislation. If CAPP determines that the proposal fails to meet the requirements of this legislation, it shall furnish a written explanation of this determination to the college or school submitting the proposal.

V. Proposal Contents

The written proposal of a college or school that seeks to use the title of Clinical Professor must include the following provisions.

A. Justification. A proposal for adoption of the Clinical Professor title shall include a statement offering justification for adoption of the title within the originating college or school and explaining why existing titles for non-tenure-track faculty are insufficient for staffing and recruitment. The practices of peer schools and the impact of available titles on recruitment efforts may be of particular relevance in this regard.

B. Description of Position. The proposal shall describe as precisely as possible the functions and responsibilities of positions bearing the title and the anticipated distribution of such positions within the college or school.

C. Terms of Appointment. The proposal shall include a summary of the terms on which candidates will be appointed and reappointed to such positions and promoted from one to another. These terms should include: the nature of the search by which applications will be elicited; the credentials required by holders of these positions; the levels (department, college, university) at which approval for individual appointments is necessary; the length of appointments; the possibilities open to appointees for movement between non-tenure-track and tenure-track paths; and procedures for renewal and promotion open to appointees.

D. Percentage Limitation. The proposal shall include a statement restricting the creation of positions in the proposed titles to a certain percentage of the tenure-track faculty of the originating college and of the tenure-track faculty in those departments or programs where those positions are located.
E. Voting and Other Rights. The proposal shall define the rights and responsibilities of appointees in the proposed titles, including their voting status in their departments and colleges or schools, and their access to grievance and appeals processes available to tenure-track faculty.

F. Impact Statement. The proposal shall contain an appraisal of the impact of creating the new positions on existing tenure-track and non-tenure-track academic titles and their holders. This appraisal should indicate whether and in what ways current holders of non-tenure-track titles will be eligible for appointment to the new positions and whether their current positions will be protected against elimination by the new positions.

VI. Additional Restrictions on the Use of the Clinical Professor Title.

In addition to satisfying the provisions of section V, all proposals for the use of such titles must satisfy the following requirements:

A. The functions of positions bearing Clinical Professorial titles may not replicate the full array of functions (e.g. teaching and research and service or outreach) served by tenure-track positions in the originating college or school. Proposals must indicate how the functions of positions as defined will differ from regular tenure-track positions.

B. Terms of positions bearing these titles shall normally be for three to five years and shall not exceed five years. Unless otherwise specified, they shall be renewable indefinitely. Holders of these titles whose appointments are not renewed must receive a full year's appointment from date of notice of non-renewal.

C. Procedures for review, renewal and promotion of holders of these titles shall be comparable in rigor to those in tenure-bearing positions. Appointment of faculty of this rank shall normally be the result of a national search.

D. The percentage of positions bearing the titles may not exceed 25% of the existing tenure-track faculty positions in the college or 25% of the tenure-track positions in those departments or programs where those positions are located.

E. Except by appointment of the holder to a new position bearing one of these titles or by resignation of the holder, no non-tenure-track faculty position may be eliminated solely as a result of creating such a new position for a function comparable to that filled by the old position.
BE IT FURTHER RESOLVED THAT

VII. Committee to Investigate the Status of Non-Tenure-Track Faculty

A. The Faculty Senate directs the Dean of the Faculty to appoint a Task Force or task forces to investigate the status and conditions of employment of non-tenure-track faculty including their terms of employment, particularly job security, rights to academic freedom, access to appropriate grievance and appeals procedures, eligibility for sabbatic leave, eligibility for emeritus/a status, and voting rights.

B. The Senate is mindful that the Dean of the Faculty may determine that the present Task Force on Professorial Titles should continue to work on the issue of titles.

C. Any body or bodies appointed to study these issues will report to the Senate on the progress reached no later than the second Senate meeting of the Spring of 2003, but may report earlier, if any specific proposals are ready for action.

Trustee adoption of this proposal will require modification of University Bylaws as follows:

ARTICLE XIII: COLLEGE AND SCHOOL FACULTIES

Add "clinical professors, associate clinical professors, and assistant clinical professors" where appropriate, and make them contingent voters along with lecturers and senior lecturers.

ARTICLE XVI: THE INSTRUCTIONAL AND RESEARCH STAFF

Add "clinical professors, associate clinical professors, and assistant clinical professors" in section 1 and amend section 2.d to read

d. Senior scholar, senior scientist, senior research associate, senior extension associate, senior lecturer, and full, associate, and assistant clinical professor shall be appointed by the President for a term of not to exceed five years, renewable indefinitely.
Appendix 7

Enabling Legislation for the Clinical Professor Title

- Whereas an inadequacy in the current range of available academic titles makes it desirable to create a new non-tenure track Clinical Professorial Title, and

- Whereas it is clearly important to recognize and reward the status, qualifications, and activities of those faculty members for whom such a title would be appropriate, and

- Whereas units need to improve recruitment and retention of such faculty-members, and

- Whereas, where appropriate and possible, units should be able to reclassify competitive candidates who are currently doing such work de facto, while employed as Lecturers or Senior Lecturers,

BE IT RESOLVED THAT THIS ENABLING LEGISLATION BE ADOPTED.

Features of the Resolution

III. Limited availability
- long term, non-tenure-track
- essential teaching in clinical setting
- may not replicate tenure-track responsibilities
- not for wholesale replacement of Lecturers etc

IV. Proposal process - requires 2/3 majority vote of both tenure-track and non-tenure-track faculty, plus ≥ 50% eligible voters
- Requires CAPP and Senate approval

V. & VI. Provisions and restrictions
- terms of appointment (3-5 years, indefinitely renewable)
- rigorous procedures for review, renewal, promotion
- 25% limitation

VII. Committee to investigate status of non-tenure-track faculty
- charge to Dean of Faculty
Motion to Divide the Question

VI. Additional Restrictions on the Use of the Clinical Professor Title.

In addition to satisfying the provisions of section V, all proposals for the use of such titles must satisfy the following requirements:

A. The functions of positions bearing Clinical Professorial titles may not replicate the full array of functions (e.g., teaching and research and service or outreach) served by tenure-track positions in the originating college or school. Proposals must indicate how the functions of positions as defined will differ from regular tenure-track positions.

B. Terms of positions bearing these titles shall normally be for three to five years and shall not exceed five years. Unless otherwise specified, they shall be renewable indefinitely. Holders of these titles whose appointments are not renewed must receive a full year's appointment from date of notice of non-renewal.

C. Procedures for review, renewal and promotion of holders of these titles shall be comparable in rigor to those in tenure-bearing positions. Appointment of faculty of this rank shall normally be the result of a national search.

D. The percentage of positions bearing the titles may not exceed 25% of the existing tenure-track faculty positions in the college or 25% of the tenure-track positions in those departments or programs where those positions are located.

E. Except by appointment of the holder to a new position bearing one of these titles or by resignation of the holder, no non-tenure-track faculty position may be eliminated solely as a result of creating such a new position for a function comparable to that filled by the old position.

---

BE IT FURTHER RESOLVED THAT

VII. Committee to Investigate the Status of Non-Tenure-Track Faculty

A. The Faculty Senate directs the Dean of the Faculty to appoint a Task Force or task forces to investigate the status and conditions of employment of non-tenure-track faculty including their terms of employment, particularly job security, rights to academic freedom, access to appropriate grievance and appeals procedures, eligibility for sabbatic leave, eligibility for emeritus/a status, and voting rights.
B. The Senate is mindful that the Dean of the Faculty may determine that the present Task Force on Professorial Titles should continue to work on the issue of titles.
Appendix 9

Amendment to
Enabling Legislation for the Clinical Professor Title
(additions underlined; deletions strikethrough)

Page 1, I. Preamble

The current range of available academic titles does not meet the needs of various Colleges at Cornell that stand to benefit considerably from the creation of a new, primarily single-function, non-tenure-track Clinical Professor title. These Colleges are currently experiencing difficulty both in recruiting and retaining faculty members who might bear such a title since, unlike many of their peer institutions, they have only the title of Lecturer or Senior Lecturer available. In addition, there are currently individuals in Lecturer positions who are, in effect, carrying out the functions of Clinical Professors without suitable acknowledgment of their status, qualifications, and activities or opportunity for career development.

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- Whereas units need to improve recruitment and retention of such faculty-members, and
- Whereas, where appropriate and possible, units should be able to reclassify competitive candidates who are currently doing such work de facto, while employed as Lecturers or Senior Lecturers,

BE IT RESOLVED THAT THIS ENABLING LEGISLATION BE ADOPTED.

Amendment Proposed by Steve Shiffrin, Risa Lieberwitz
5/7/02
Amendment to Enabling Legislation for the Clinical Professor Title

(additions underlined; deletions strikethrough)

Page 2, IV. Proposal Process

"B. The proposal must be approved, in separate votes, by two-thirds of the tenure-track faculty of the originating college or school and by two-thirds of the non-tenure-track faculty as defined under Article XIII of the University Bylaws. In neither case by fewer than half of those eligible to vote." Approval requires that affirmative votes be cast by at least two-thirds of the faculty of the originating college or school who are eligible to vote on this issue."
Committee Rewrite – IV-B

The proposal must be approved by at least two-thirds in each of two separate votes of tenure-track and non-tenure-track faculty (as defined under Article XIII of the University Bylaws) of the originating college or school, in neither case by fewer than half of those eligible to vote.
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