

The President called the meeting to order at 4:30 p.m. with 386 members attending. He called for additions or corrections to the minutes of the regular meeting of May 10, 1967; there being none, the Faculty approved them as distributed. (Subsequently, the Secretary was informed of an error on Page 5; the second paragraph should be revised to read: "The Professor of Art, H. Peter Kahn, alluding to an article in the New Republic in which Vice-President Barlow and others in administrative positions had been quoted, questioned whether the Administration was as firmly committed as had been said. A clearer stand by the University would dispel some of the confusion that now existed.")

The President announced the deaths of the following members of the Faculty:

Foster Lee Gambrell, Associate Professor of Entomology, on April 27, 1967

Fred W. Ocvirk, Professor of Mechanical Engineering, on May 21, 1967

Clarence E. Townsend, Emeritus Professor of Engineering Drawing, on May 28, 1967

Kendall S. Carpenter, Professor of Business Management, on June 13, 1967

Clive M. McCay, Emeritus Professor of Animal Husbandry, on June 8, 1967

G. Eric Peabody, Emeritus Professor of Information and Extension Teaching, on July 3, 1967

Robert F. Chamberlain, Emeritus Professor of Electrical Engineering, on July 16, 1967

Beulah Blackmore, Emeritus Professor of Textiles and Clothing, on July 29, 1967

The President next welcomed the new Dean of the University Faculty.

The Dean thanked the President and the Faculty for their confidence and took the occasion to explain the late calling of the present meeting. Although the Faculty was required to meet regularly in every month except July and August, he and the President had felt that since the only business would be the President's State-of-the-University address, the first meeting could be deferred until October according to the custom of previous years. New circumstances had arisen, however, and it became desirable to belatedly call for a September meeting, when the President could make a full statement about matters of immediate concern.

The President, acknowledging the Faculty's interest in discussing those matters, stated that he would curtail his own account. He began by briefly reviewing his first four years. He spoke of the good fortune he enjoyed in his administrative associates, in the deans with whom he continually consulted, in the seventeen new members of the Board of Trustees. He noted that Walker Cisler had been succeeded by Charles T. Stewart as chairman of the Executive Committee and informed the Faculty that Arthur Dean had but one more year to serve as chairman of the Board: his successor would be difficult to find and the President, describing Mr. Dean's contribution in the highest of terms, promised to do everything he could to help the Board in their search. He noted the success of the Centennial celebration, which the University had survived "with dignity and style" and by way of illustration recalled the "unsung hero" who had kept his finger on a circuit-breaker to keep

the organ playing. He referred to achievements in the accelerating drive to raise Faculty salaries and reminded the Faculty of the children's tuition scholarships. He described the successful effort to control the size of the University and reaffirmed his intention that growth would be dictated by qualitative standards. More Negro students were now at Cornell. When he had assumed the Presidency only an average of four were entering each year; now the number was closer to 65. An ambitious building program had been launched with several new buildings to be dedicated this year, among them the Noyes Student Center and the Space Building, and improvements were being made in the Arts quadrangle and in University Halls.

There had also been noteworthy academic achievements. The Division of Biological Sciences under Professor Morison had attracted men of the highest quality. Undergraduate education had received considerable attention. The Kahn-Bowers report, now being distributed by the U.S. Office of Education as a model of its kind, had led to the creation of the Commission on Undergraduate Education - and here the President especially commended the work of the student members. The role of the School of Education was in the process of being revised to enable it to become a center that would involve all of the University. Self-studies had been completed, or were being completed, by the Graduate School, the College of Home Economics, the College of Agriculture, and the School of Industrial and Labor Relations. The Freshman Humanities program in the Arts College had quickly won approval of both staff and students. The 6-year Ph.D. program, still in the experimental stage,

had attracted good students who had hitherto preferred Harvard, Yale, and Princeton and now those institutions were offering similar opportunities to compete with Cornell. The Society of the Humanities and the Professorships-at-large had given Cornell international reknown. Even the new calendar offered opportunity for educational experimentation. On the whole, morale was good. Civil rights, the war, and drugs had had their impact, but the University, even if it sometimes groped for appropriate ways to respond, had remained free. At the same time, important questions had been raised as to how freedom and stability could continue to be maintained.

Turning to the future, the President listed four matters of immediate concern: the relation of the University to the State of New York, the relation of the University to the Cornell Aeronautical Laboratory, the relation of the University to law enforcement, and the problems of fraternities and housing.

The problem of relations with New York State was that of reknitting relations with Albany, where Cornell had become thought of as a private university opposed to the founding of a state university and without interest in the state's problems. To promote closer relations the President had accepted chairmanship of a Regents Committee on Educational Leadership. Relations with the State University had improved, and that had led to an agreement with SUNY Chancellor Samuel B. Gould to join forces in the development of cooperative programs. For Cornell the problems of divided commitments by the deans of the statutory colleges were very real; however, under Vice-Provost W. Keith Kennedy, ways of improving

relations with the State and SUNY were already being worked out. In this connection the President called attention to the threat posed by the possibility of the Constitutional Convention's adopting a provision for free tuition for higher education. Without such charges Cornell's building programs for the statutory colleges would be destroyed and, in the long run, state support would be lost. The presidents of Columbia and New York Universities were now in agreement with him, and he hoped that perhaps it would become possible to write a more reasonable provision into the proposed constitution. If that proved vain, then members of the Cornell community might find it necessary as individuals to oppose the constitution.

The case of CAL was one of "events overtaking arrangements". When he had assumed the Presidency he had been asked also to assume chairmanship of the CAL Board of Directors, assured that the functions of his office would be in an area quite distinct from those of his Presidency of the University. He had soon discovered that the classified work being done at CAL placed restraints on how much he or the Board could be involved; their supervision was necessarily partial. At the same time there was such rapid growth - the Laboratory was expanding from a one or two million dollar project to one that involved twenty or thirty million a year - that he saw that with the Laboratory at a distance of 150 miles from Ithaca the question of its independence might some day be raised. Moreover, interaction between the Laboratory and Engineering was not fulfilling expectations. He foresaw, then, that new relations might have to be evolved, and the Director, Ira Ross, agreed with him.

In the spring of 1964, however, the centennial had priority, and further consideration was suspended. The Cornell-CAL relationship became a pressing issue in the summer of 1966 when CAL contracted to do research in the area of chemical warfare. This had led to the appointment of the Long and Sack Committees. The contemplated resumption of discussions with the Director had then been complicated by the Faculty's own discussion. The consequence of that had in turn been the appointment of the Trustees' committee, chaired by the Professor of Law, W. David Curtiss. Since then CAL's commitment to a counter-insurgency program in Thailand had been disclosed. That program was, in point of fact, not new. Known as "ARPA Program in Rural Security", it had not hitherto involved Cornell. The Laboratory had been asked for a few consultants, apparently in an area where other work had been completed; but the request was now for anthropologists, economists, and transportation experts. The President's own interest in the development of higher education in the American republics and the Faculty's concern over the University's relationship to CAL's commitment had led to his informing Mr. Ross that he and the Provost would step down from their respective positions as chairman and vice-chairman of CAL's Board of Directors; Cornell's Vice-President Emeritus, Theodore P. Wright, chairman of the Executive Committee of the CAL Board, would then preside pending the completion of the Curtiss Committee's deliberations. He had also, on the preceding day, proposed to the Executive Committee a resolution requiring that thereafter all projects involving possible conflicts of interest with the scholarly and research activities of Cornell

and its Faculty be reviewed by those members of the CAL Board of Directors having faculty status at Cornell. That resolution had been adopted. He had also requested the Director of Latin-American Studies, the Professor of Economics Tom E. Davis, to convene a group heading the programs affected, and he proposed asking the Faculty Council to consider the problem, after that, with a view to its reporting its conclusions to the Faculty. The President emphasized that he was determined that the matter should be looked at carefully and all interests be given attention.

Regarding the relation of the University to law enforcement, he noted that the Sindler Commission was drafting recommendations and that the Commission's report promised to be an imaginative one.

As to fraternities and housing, he expected that the Faculty would wish to discuss the Saperston report and related matters, and if a resolution prepared by the Professor of Ancient History, Donald Kagan, were passed by the Faculty later in the afternoon, he would be happy to carry out the recommendations.

The President concluded his survey with optimistic comments about additional fund-raising activities, faculty recruitment, the extension of fringe benefits, the completion of a new bookstore within two years, the building needs of biology, the plans for a new museum and the social sciences building, the remodeling of Baker, and continuing discussion about undergraduate education, home economics, the role of the liberal arts, and the place of the creative arts. He was aware that inflation, affluence, the mass media, drugs, and violence would produce problems, but felt that ultimately what mattered most was the University's "style" in

handling them. He hoped that the University could remain both attached to issues and detached in permitting their consideration. The style he believed in meant (1) vigorous adherence to the notion of the freedom of speech and the freedom to be heard, (2) continuous preoccupation with the quality of what the University was doing, whether in teaching or in administering, (3) confidence in maintaining a rational island of debate, and (4) a sense of community that must be preserved to provide a place where such style could be maintained.

The President then called on the Dean to make a report in behalf of the Faculty Council.

The Dean explained that at a special meeting during the summer the Council had considered the status of the resolutions of last May concerning CAL. The Council had been informed of the appointment of the Curtiss Committee, been gratified that a member of the Faculty, one of the Faculty Trustees, had been asked to chair the committee, and inasmuch as such a committee was essentially what the various resolutions would call into being, decided not to proceed further at the present time. It accordingly passed the following resolutions:

"In the light of Mr. Dean's appointment of the Trustees' Committee and of the Faculty's expression on the subject of affiliation, and in view of the fact that the outcome of further resolutions by the Faculty would be the appointment of a committee such as the Trustees had already created, the Council was recommending that no further motions concerning CAL be acted upon at the present time."

Subsequently there had been new developments, as the President had explained, but the Council, the Dean believed, would probably not wish to recommend further motions at the present time. The

Dean noted, however, that the Curtiss Committee would welcome communications from individuals or groups. These should be sent to the committee's secretary, Vice-President Franklin A. Long.

The President asked the Faculty to permit the following "scenario": (1) first, the members of the Faculty concerned with international research activities would meet with him next day; (2) next, he would present the outcome of that meeting to the Council the following week for the purpose of the Council's reviewing all resolutions passed and pending. He was fully aware, he assured the Faculty, of what the new CAL commitment implied.

The President then turned to new business and recognized Professor Kagan, who asked the Dean to read the resolution that he had prepared. The Dean read the following:

WHEREAS, After due deliberation and careful discussion, the Faculty approved a resolution proposing "that the University proceed to disengage itself from the fraternity system," and

WHEREAS, The Trustees' Commission on Residential Environment, which was organized as a result of the Faculty resolution, has issued a report which does not respond directly to that resolution, and

WHEREAS, The Faculty believes that its recommendation was in accord with its responsibilities "to consider questions of educational policy which concern more than one college, etc. ... or are general in nature," (By-Laws of Cornell University, Article XIII, Section 3) and, "for the proper regulation of student conduct and extracurricular activities of students." (Delegated to the President, By-Laws, Article VI, Section 4, later delegated by him to the Faculty.),

BE IT RESOLVED, To request that the President ask of the Trustees a statement of their views concerning the above-mentioned Faculty resolution, and to ask him to arrange for discussions among the constituent elements of the University to clarify their respective responsibilities in the areas of student affairs and the nature of the educational environment.

Professor Kagan then explained that the purpose of the resolution was to establish clearer and better understanding between the Faculty and the Trustees; it was not intended to re-open the issue of the fraternities. The Faculty had already expressed itself on that issue after long deliberation and debate. The question was simply how best to coordinate the efforts of the Faculty and of all other interested elements. He reminded the Faculty that the Parrish report had recommended disengagement, and that the Human Rights regulations were seen simply as interim measures. The Faculty had accepted the rationales of the Parrish report, indicating that reforms were not possible, and had after full discussion, voted disengagement and for a Faculty committee charged with seeking the cooperation of all elements. The trouble had begun when the Dean, with the Council's approval, had decided that because of the creation of the Saperston Commission such a Faculty committee should not be appointed. That had been a mistake, Professor Kagan stated, and it had put the Faculty and the Trustees in a wrong relation to each other. The Faculty had thought it had rights, and the President had indicated that he agreed, when on February 22, 1967 he said: "The Trustees and the President have delegated to the Faculty the authority to regulate student organizations, to issue rules for their governance, and to extend or withdraw recognition. No one has any intention of withdrawing or weakening that authority. The ultimate responsibility for over-all university policy and its implementation rests with the Board of Trustees." Although the Saperston Commission was to be commended for the work it had done, it had ignored the Faculty's major motion and had

offered no explanation. Professor Kagan attributed the Commission's thus ignoring of the Faculty to a misunderstanding of proper relations, a consequence of which now was that plans for implementing the report were, according to the Cornell Newsletter, being developed in the office of the Vice-President for Student Affairs, with the Faculty's role reduced to simply that of proposing or providing "input". What the Faculty should have done, of course, was to have sought Trustee help in carrying out the Faculty decisions. Now it was too late to appoint the Faculty committee that had originally been called for, but it was not too late to begin conversations with the Trustees. The consequent understanding would be needed in the trouble-threatening years, for it was the Faculty that was best equipped to deal with matters concerning students.

The President indicated at once that he agreed that important matters remained to be clarified and dealt with. He also stated that there was a value in taking another hard look at the proper relations between Faculty, students, Administration, and Trustees. The Sindler Commission would, he said, deal with some aspects of the relationship. On the present occasion, he said, he wanted to make clear that any statement in the Cornell Newsletter or elsewhere, that the Faculty was only to supply the Vice-President for Student Affairs with suggestions was not a statement of either Administration or Trustee policy. There was no intention of discourtesy to the Faculty or of reducing the Faculty's involvement and responsibility. And he, certainly, had no objection to the resolution proposed by Professor Kagan.

Thereupon the Professor of Art, H. Peter Kahn, moved adoption of the resolution. There was a second. No discussion followed. The question was called for and passed with but three or four "No's". Hearing those "No's," the President said, made him know that he was in a faculty meeting.

The meeting was adjourned at 6:05 p.m.

Robert H. Elias
Secretary

3407
Room 120
Ives Hall
October 11, 1967

The President called the meeting to order at 4:35 p.m., in Room 120 Ives, with 495 members attending. He called for additions or corrections to the minutes of the regular meeting of September 13, 1967, and there being none, declared them approved as distributed.

The President then announced the deaths of the following members of the Faculty:

Robert Carroll Ogle, Professor Emeritus of Poultry Husbandry, on September 9, 1967

Herbert B. Hartwig, Professor Emeritus of Agronomy, on September 16, 1967

Walter L. Conwell, Professor Emeritus of Civil Engineering, on October 7, 1967

There being no communications or special orders, the President next called upon the Professor of Home Economics Education, Kathleen Rhodes, chairman of the Committee on Nominations, for a report from her committee.

Professor Rhodes first presented a slate of six nominees for the position of Faculty Trustee:

Urie Bronfenbrenner, Professor of Child Development and Family Relationships

Howard E. Evans, Professor of Veterinary Anatomy and Secretary of the Veterinary College

Royse P. Murphy, Professor of Plant Breeding

Robert A. Plane, Professor and Chairman of Chemistry Department

Paul P. Van Riper, Professor of Public Administration, Business and Public Administration

George Winter, Professor of Engineering and Chairman, Department of Structural Engineering

The President asked whether there were further nominations from the floor. There were none. A motion to approve the slate as read was made, a second followed, and the slate was approved without dissent.

Professor Rhodes then presented a slate of two candidates for the position of member of the Faculty Committee on Student Conduct:

Gwen J. Bymers, Professor of Household Economics
and Management

Rose K. Goldsen, Associate Professor of Sociology

There being no further nominations from the floor, a motion to approve the slate was made, a second followed, and approval again was accorded without dissent.

The President next called upon the Professor of Government, Allan P. Sindler, chairman of the Commission on the Interdependence of University Regulations and Local, State and Federal Law, for a report from his committee.

Professor Sindler briefly outlined the plan for formal consideration of the report of the Commission. October would be spent in public discussion of its recommendations, especially with student groups, and all members of the Commission would be ready to participate in forensics. Professor Sindler invited suggestions from the whole community and expressed the hope that the report could be on the agenda for the November meeting of the University Faculty. He noted that misinterpretations of the report had already appeared in the press, and wished to reassure the Faculty that many members of the Commission were parents and not ones to contemplate jamming the local jails to overflowing with the children of others. After full discussion had occurred, he said, the

Commission would be reconvened to decide on what final proposals to make - whether in the form of a series of recommendations, a single package, or separate motions.

The President commented here that the Cornell community should be deeply indebted to Professor Sindler and his colleagues for "an excellent statement and a useful basis for discussion in the months ahead." He then called upon the Dean for a recommendation from the Faculty Council regarding unfinished business concerning the relationship between Cornell University and the Cornell Aeronautical Laboratory.

The Dean explained that he would not undertake to review the background of events with which the Faculty was familiar. He would mention only that, in response to a recommendation from the President, both the Chairman of the Board of Trustees and the Chairman of the Executive Committee had agreed that the report of the Trustee Committee (the Curtiss Committee) appointed to examine University-Laboratory relations would be referred to the Faculty for any comment it would care to make before the Board took final action upon the report's recommendations. That Committee was already at work - in fact, was in Buffalo at that very moment, thus regrettably, Professors Curtiss, Long and Sears were unable to be present for the Faculty meeting. He then, on behalf of the Faculty Council, presented the following resolution, stating that all Council members who had been present at the last Council meeting concurred in offering it, save for one member who had abstained from voting:

Whereas, Important new information bearing on the relationship between Cornell University and the Cornell Aeronautical Laboratory has become publicly available since the action of the Faculty last May; and

Whereas, The Board of Trustees of Cornell University has appointed a Committee to examine the relationship between the University and the Cornell Aeronautical Laboratory and that Committee expects to make its report to the Board in January, 1968; and

Whereas, The Chairman of the Board of Trustees and the Chairman of the Executive Committee have approved the President's recommendation that the report of that Committee be referred to the Faculty for any comment it would care to make, either individually or collectively, before the Board acts upon the recommendations of the report; and

Whereas, The Faculty has been assured that the Trustee Committee is including in its study an examination of all possibilities of change and welcomes the opinions of any member or group of members of the Cornell community;

This Faculty

RESOLVES, That it regards the present relationship between the University and the Laboratory as untenable, sees at this time no acceptable alternative to severance, and instructs the Dean of the Faculty so to inform the Trustee Committee; and further

RESOLVES, To defer its final recommendations until the report and recommendations of the Trustee Committee have been received; and finally

RESOLVES, That consideration of the report and recommendation of the Trustee Committee be the first order of Faculty business following their receipt.

There was a second.

The Susan Linn Sage Professor of Philosophy, Max Black, rose to point out that the first paragraph following the preamble was in fact a tri-partite resolution and that since there were two other separate resolutions, the whole should be divided into five parts. He accordingly requested such a division.

The Professor of Industrial and Labor Relations, Isadore Blumen, objected. A division among intimately related parts could not properly be made, he explained, since the separate parts could not stand on their own feet; Professor Black could only request that they be considered seriatim.

Professor Black agreed. Thereupon the Dean moved acceptance of the following wording:

This Faculty Resolves that it regards the present relationship between the University and the Laboratory as untenable, sees at this time no acceptable alternative to severance, and instructs the Dean of the Faculty so to inform the Trustee Committee.

The motion was then seconded.

The Professor of Electrical Engineering, Ralph Bolgiano, Jr., then offered an amendment to the Council's resolution by moving that the following wording be substituted for the paragraph moved by the Dean:

This Faculty

RESOLVES, To express its dismay that the Laboratory has by its recent action exhibited such insensitivity to, and lack of concern for, the well-being of Cornell academic interests and scholarly programs; and further

RESOLVES, That it regards the operating relationship presently in force between the University and the Laboratory to be untenable, and instructs the Dean of the Faculty so to inform the Trustee Committee.

There was a second. Professor Bolgiano then made the following statement:

The central issue to be resolved is the question, Is the ownership, direction, and operation of an applied research laboratory, of which the primary purpose is aiding our nation in all of the various processes of civilian safety and general technological advancement, an appropriate function in which this University should be engaged?

To say there is "no acceptable alternative to severance," is to imply a resolution of this question, in the negative. I am not persuaded, at least as yet, that this is the best answer to this question, especially as I envision the significant positive impact that active guidance by the academic community could have on such a laboratory, and thereby on the welfare of our nation.

Let us be frank. The University, as parent, has made little, if any, effort over the past twenty years to influence the direction in which this stepchild, the Laboratory, has evolved. Now that we find it moving in directions contrary to our interests, is this adequate reason to divest ourselves of it, summarily, thereby evading our responsibilities and forfeiting the opportunity to be of service to our country that reasoned direction would offer?

I am not convinced that it is. While I stand quite ready to censure both ourselves (the University), for allowing such an untenable situation to develop, and the Laboratory, for failing to appreciate adequately the delicacy of the relationships in which much scholarly research is carried forth, I am not prepared to declare in advance of the Curtiss Commission's report that there is no acceptable alternative to severance.

The Professor of Economics, Chandler Morse, responded by calling attention to the wording of the Council's resolution. Professor Bolgiano was misinterpreting it, he said; for the Council's resolution stated that the Faculty "sees at this time no alternative" and then deferred final recommendations. The resolution was not being proposed in a vacuum, but in the context of the Long Committee's report and the Sack Committee's report. The Long Committee had explored new managerial relations, including the possibility of the CAL Board's becoming more active in supervising the Laboratory's activities, of the Laboratory's issuing annual reports, of a Faculty subcommittee's reporting periodically on the Laboratory's projects, although no criteria for guiding or evaluating activities had been proposed. The Sack Committee, for its part, had favored changes in the relationship, with even subcommittee B supporting continued

ties only provided satisfactory Faculty control could be devised - a proviso not discussed in the Long Committee's report. But no definition of what would constitute satisfactory Faculty control had ever been suggested, and Professor Sack had not taken advantage of an invitation to define it. Perhaps because it was difficult or impossible to do so. The Council's resolution said, in short, that the Faculty saw no alternative at present, but it believed that the Curtiss Committee should be given the opportunity to explore all possibilities, including changes in the managerial operations, the development of satisfactory Faculty control, and so forth. In fact, the Committee might find ways of utilizing the proceeds from the sale of the Laboratory's facilities to develop for the Engineers, substitute facilities freed from the difficulties of working through CAL. Thus severance could, in fact, mean no less and even a gain. The Engineers clearly had legitimate interests in the maintenance of research opportunities presently provided by CAL. Professor Morse advocated a reasonable but not a bland accomodation of these interests.

The Professor of Industrial and Labor Relations, Henry A Landsberger, supporting the original resolution, emphasized that to advocate severance in no way implied rejection of the United States Government's duty and right to get help and advice. The question was whether it was appropriate for the University to fulfill such a function. He believed that such functions were incompatible with the University's proper ones. Moreover, he added, such help and advice should be available to the Government without the limitations that the University ought to impose. And in no sense need support of the resolution imply a criticism of CAL.

The Professor of Government and Asian Studies, and Director of the Southeast Asia Program, Professor George McT. Kahin, opposed the Bolgiano amendment. Recognizing the broader academic issues that were at stake, he called attention to pragmatic aspects of the problem as they affected the teaching program at Cornell. He reviewed the development of Cornell's Southeast Asia Program in terms of its size, quality, and reputation, and noted that it had brought the University three million dollars in support, that the students presently engaged in field research represented some eleven disciplines, and that its continued success depended upon maintaining a reputation for impartial, independent, and objective scholarship. The Laboratory's Thai project in operating under the shelter of Cornell's name, would create the belief that all Cornell projects were subordinate to official Government policies, with the result that opportunities for Cornell would rapidly be eroded in Southeast Asia and it would become increasingly difficult to attract outstanding scholars to the campus. Furthermore, Cornell's public service would be impaired. Cornell had contributed knowledge, advice, and well-trained specialists to the Government - as well as detached criticism. These contributions would be seriously curtailed if Cornell did not clear its name. Today's meeting would have a decisive effect in clearing that name. To oppose the Council's resolution would imply in Southeast Asia tacit approval of the Laboratory's counter-insurgency contract.

The Professor of Economics and Director of Latin American Studies, Tom E. Davis, agreed with Professor Morse that Professor Bolgiano was misinterpreting the resolution. Professor Bolgiano's

statement defined the central issue as whether the University should own, direct and operate a laboratory committed to specified purposes; the question before the Faculty concerned the Laboratory - the Cornell Aeronautical Laboratory. Its tradition of independence and "insensitivity" were its peculiar problems; its course of development had led it to its counter-insurgency contract in Thailand. Professor Davis reminded the Faculty that seven days before the Faculty was asked last May to consider a series of resolutions relating to the University-Laboratory relationship, CAL submitted to the Government a revision of the proposal to conduct counter-insurgency research and training in Thailand. That was "cavalier insensitivity" - and did not augur well for successful relations in the future with this particular Laboratory.

Professor Bolgiano replied that Professors Kahin and Davis had in effect supported him. They had both said that CAL had, by its newly undertaken project, brought the University's stance in Southeast Asia into disrepute, and he had proposed stronger wording to express this view. The Faculty Council's resolution sounded contradictory, and moreover was lacking in expression of dismay.

The Professor of Economics, Alfred E. Kahn, disagreed. All that Professor Bolgiano's amendment did was rebuke CAL and state that the relationship was untenable. But the Sack Committee had already by a 5 to 1 majority explained that it was untenable; five out of the six members would have preferred severance to continuing the relationship on the basis of what existed last May. Professor Bolgiano was thus going no further than the Sack Committee had gone. Professor Kahn agreed with Professor Landsberger; it was

not the function of the Faculty to rebuke CAL for doing what it did - and must do to survive. The first paragraph of the Bolgiano amendment was disingenuous. The real question was this: Did the University Faculty wish merely to reiterate what the Sack Committee had said, knowing that without classified work CAL could not survive and that the Long Committee had indicated that effective Faculty control could not be devised? Did the Faculty really want such control? Did the Faculty want control over whether or not the Laboratory should, or should not, make contracts like the Thai contract?

The question was called for, and the President entertained a motion. There was a second, to vote on the amendment, and the motion succeeded by a large majority.

Professor Bolgiano's amendment was now put to a vote and failed by a large majority.

The William Nelson Cromwell Professor of International and Comparative Law, Rudolf B. Schlesinger, now rose to oppose the Council resolution. The Faculty was not yet, he asserted, in a position to decide the merits of severance. It was, in fact, a simple matter of courtesy to the Curtiss Committee to await their report. Therefore, he would vote No, although he had been impressed by Professor Kahin's argument and was aware of the gravity of the issue. The Council resolution's form and timing were heavy-handed, and made no contribution to the Faculty-Trustee dialog. Indeed, if passed, the resolution might lead to permanent deterioration of Faculty-Trustee relations and might conceivably influence some of the Trustees to dig in their heels in order to oppose pressure.

Professor Schlesinger called attention to the fact that a Faculty Trustee was chairman of the Trustee Committee, that other members of the Faculty were on that Committee, and that the Trustees had gone out of their way to show respect for the Faculty by agreeing to refer the report to the Faculty before making a final decision. If the resolution were passed, that would mean that the Faculty's response was: "We've noted all this but are unwilling to await the report." The resolution advanced no argument or reason -- it was a simple, bland, and abrupt resolution: "defer" was only lip service by those who had made up their minds on unstated grounds. Moreover, only a limited number of the Faculty were directly affected -- in the natural sciences and the social sciences -- and those affected could (and did) speak for themselves. To a suspicious mind the thought might occur that the large attendance at the present meeting was due to political motivation, not academic concern. The Trustees could regard the resolution, if passed, only as a rebuff to their attempt to establish orderly procedures for a friendly dialog. In any event, the resolution in its present form would not contribute to a dispassionate examination of the CAL issue.

The Professor of Ancient History, Donald Kagan, objected to Professor Schlesinger's reasoning. He criticized positions taken by Professor Schlesinger in the past, and, called to order, went on to assure the Faculty that the Trustees were not persons to be easily bullied. The Trustees in fact had asked for opinions, and the Faculty was fulfilling its proper role in formulating a position. The Trustees would not be unhappy at this.

The Professor of Industrial and Labor Relations, William F. Whyte, stated that Professor Schlesinger's argument would be convincing except for the action of last May, which, without any further action now or with rejection of the Council's resolution, would still stand as the Faculty's opinion. He could not see how passage of the proposed resolution could be viewed as insulting.

Professor Schlesinger answered that if Professor Whyte were worried about the implication of last May's vote, he would join with Professor Whyte in moving that the vote be rescinded, once the Council resolution was rejected.

The Professor of Aerospace Engineering, Donald L. Turcotte, stated that 90% of the research of CAL was in the aeronautical area and that the association with CAL had been of benefit to graduate work in aerospace engineering at Cornell. What might hurt the Southeast Asia Program helped Aerospace Engineering. This meant difficulties, but there were alternative solutions to severance.

The Professor of Physics, Edwin E. Salpeter, remarked that he found illuminating the analogy between the Southeast Asia and Aerospace Engineering programs. The Southeast Asia specialists, like the Engineers, wanted to do their own work and pursue their interests in Southeast Asia and Thailand but they did not require that Cornell University own and operate Thailand for them. He suggested that something could be done to provide the Engineers with facilities. The problem was when and how to sever ties with CAL without hurting either the Engineers or CAL as an independent organization.

Amid calls for the question, Professor Blumen rose to urge that a reasonable chance for full discussion be allowed. He hoped

that no one would move the question until all who wished to be heard were afforded the opportunity.

Professor Kahn, apologizing for speaking a second time, said that as the only Faculty Trustee present he must reject Professor Schlesinger's consideration as irrelevant. He said that it was more of an insult to suppose that the Trustees, all grown-up men and women, would react in the way imagined. The Faculty had an obligation to discuss and decide educational matters, and all groups would have a chance to present their rationale to the Curtiss Committee.

The Professor of Law, Norman Penney, asked whether the Faculty was being asked to decide everything now, and then to consider it all again in January.

Professor Davis pointed out that the Curtiss Committee was a Trustees' Committee, not a committee of the Faculty as Professor Penney suggested, and that Faculty action in no way undermined the position of that committee or precluded independent action by the Trustees.

Professor Blumen now spoke against the resolution. He expected, he said, that the Curtiss Committee would urge a sharply changed relationship with CAL. The statement at the Faculty's last meeting that the Cornell Administration was not playing a significant role in controlling CAL's course would, of itself, be a sufficient reason for anticipating such a conclusion. Given both the President's arguments and the composition of the Trustee Committee, the Faculty would probably have placed before it this winter "a reasonable recommendation ... which most of us, in an atmosphere of mutual

trust, can support with little modification." He warned against prejudging the issue without adequate evidence. The Faculty could simply say, "We're disturbed." He would then leave it to individuals and not to blocs to supply the evidence, so as to avoid needless exacerbation of inter-college relations. It would be a mistake to allow "hasty and ill-tempered phraseology to become the voice of the Faculty."

Professor Landsberger once again supported the resolution, saying it was perfectly courteous and orderly for the Faculty to approve it. The Trustees would doubtless wish to have such a view in hand.

There were now repeated calls for the question. The President asked the Faculty whether it wished to vote on the resolution. The response was overwhelmingly affirmative, with only three Nay's audible.

The President now submitted for approval the wording of the first paragraph of the resolution offered by the Dean on behalf of the Council. The vote, by a count of hands, was 240 for, 176 against.

Some members asked for a count of abstentions; there was disagreement as to whether that request needed to be voted upon, and an informal request by the President for a show of hands by those abstaining resulted in no more than a dozen raised arms.

Professor Blumen now proposed that Professor Black agree to a vote on the total Council resolution as a package, abandoning the plan for seriatim consideration. Professor Black agreed. The President then submitted the complete resolution as originally

read, containing as an integral part the paragraph that had just been approved. The resolution carried on a voice vote.

Professor Kahin now offered the following supplementary resolution:

BE IT RESOLVED, That this Faculty calls upon the Cornell Aeronautical Laboratory to suspend its counter-insurgency project in Thailand, pending the report of the Curtiss Committee and the Trustees' decision as to the future relationship between the University and the Laboratory.

There was, Professor Kahin explained, an immediate problem that ought not be left to await the Trustees' decision. So long as it was unresolved, the Faculty would seem to be countenancing the Thai contract, and the implications for the effects on Cornell's research activities would be harmful. It was, he felt, reasonable to ask CAL to drop a specific contract so widely opposed, and certainly reasonable to ask that it at least suspend activities while the Trustee Committee deliberated. Accordingly, he moved adoption of the resolution.

There was a second.

The President asked the Dean to assume the chair while he took the floor to say that he had already explored the possibility of cancellation, but that it would not only damage CAL's program, too, but also require the President and the Chairman of the Board of Trustees to bring pressure in the midst of discussions designed to work out solutions to the complicated entanglements. He feared that such a resolution would create complications rather than advance the end sought.

Professor Kahin pointed out that the motion was directed at the Laboratory, not at the President, in the hope that CAL would act upon its own volition.

The President replied that even so, he still remained a Trustee of CAL and was in a pivotal position to assure a satisfactory outcome.

Professor Black then said that he wished that Professor Kahin could have withheld his motion until a time when it could have been debated properly. He feared that some of the Faculty who supported the resolution just passed would either oppose Professor Kahin's resolution or abstain. The consequence would be defeat of Professor Kahin's resolution and serious public confusion as to what the Faculty meant. Accordingly, he moved that Professor Kahin's motion be tabled.

There was a second, and the motion to table carried by voice vote.

The President then entertained a motion for adjournment, and the meeting ended at 6:15 p.m.

Robert H. Elias
Secretary

3423
Room M
Olin Hall
November 8, 1967

The Provost called the meeting to order at 4:35 p.m., with 99 members attending. He called for additions or corrections to the minutes of the meeting of October 11, 1967. The Secretary called attention to two bracketed phrases and explained that they were intended as editorial clarification of what had taken place. There being no further comments or questions, the minutes were declared approved as distributed.

The Provost then called upon the Dean, who, explaining that he hoped to expedite the afternoon's deliberations, moved that the order of business be changed to permit the consideration until five o'clock of unfinished business and new business under the heading of special orders. There was a second, and the motion carried without dissent.

The Provost then recognized the Director of the Southeast Asia Program, Professor George McT. Kahin, who, announcing his desire to withdraw the motion that he had made at the previous meeting and that had been tabled, moved that the motion be taken from the table. There was a second, and his motion carried without dissent. He then formally stated that he wished to withdraw his motion of October 11. There was no objection from anyone who had seconded its introduction, and the motion was, accordingly, declared withdrawn.

The Provost now called upon the Dean for items of new business. The Dean reminded the Faculty that the Faculty Committee on Academic Integrity had recommended that its student members be given full voting rights, and noting that a majority of the Faculty Council supported the recommendation, moved on behalf of the Council

That Section II, Part D, Paragraph 9, of the Code of Academic Integrity be amended by deleting the word "recommended" and that Paragraph 10 immediately following be deleted altogether.

There was a second.

The Professor of Government, Andrew Hacker, chairman of the Committee at the time when the recommendation to extend voting rights to students was made, stated that since students already were able to vote on questions of guilt or innocence and participated in the discussions of appropriate penalties, and since the Committee invariably reached a consensus without a formal division, there would be no practical difference in the work of the Committee. Students had shown responsibility, and the Committee felt that it was appropriate that they be accorded full voting rights.

The Professor of Mechanical Engineering, Richard M. Phelan, declared himself troubled by the Committee's title. Since there were an equal number of Faculty and student members (five each), with an eleventh member serving ex-officio, and since a Faculty member was usually chosen chairman and thus placed in the position of voting only to break a tie, the voting members of the Faculty were not in the majority. He proposed amending the legislation further to re-title the Committee a University rather than a Faculty committee.

There was some discussion of whether other Faculty committees had student members entitled to vote, and whether anything was being changed other than the voting mechanics of the committee in question. When the Provost stated that Professor Phelan's amendment would be out of order, since it could not be presented as an amendment to the Dean's motion but only as a subsequent motion, Professor Phelan

simply requested that the Council be asked to consider the whole question of the appropriate titles of committees whose membership included students with voting rights. The question was then put to a vote, and carried with one audible "Nay."

The Dean next moved on behalf of the Council that, in accordance with the recommendation by the Faculty Committee on Student Affairs that full voting rights be given its student members, a recommendation endorsed by a majority of the Council, Faculty legislation defining membership on the Committee be amended by deleting the headings "Voting" and "Non-voting", thereby according full voting rights to all members of that Committee. There was a second.

The Professor of Child Development and Family Relationships, Henry N. Ricciuti, speaking for the Committee, supported the motion by emphasizing that the student members contributed substantially to the work and that giving them full voting rights would put them in a position to provide effective communication with the student body generally, especially in times of disorder. In addition, if they had to back up their discussions with a vote, they would be encouraged to participate in the most responsible way in the deliberations of the Committee. Any fear that this would lead to domination by student power, was, he said, groundless.

The professor of Veterinary Anatomy, Howard E. Evans, questioned whether the Faculty was not at times burdening the students with too much responsibility. Some of the students, he declared, did not attend every meeting and were not adequately informed of what was going on. Moreover, the committee work claimed too much of their time.

The Associate Professor of Linguistics, Donald F. Solá, remarked that if faithful attendance was to be a criterion, some Faculty members should perhaps be deprived of voting rights. He concurred with Professor Ricciuti that voting rights would help promote responsibility.

The Professor of Mechanical Engineering, Howard N. McManus, Jr., asked how the student members were chosen. He suggested that they should be elected rather than appointed.

Professor Hacker explained that the student members of the Committee of Academic Integrity were appointed by the Executive Board of Student Government, which was in turn elected by the students. Professor Ricciuti added that the student members of FCSA were ex officio members - the president and vice-president of student government - and were thus elected student officers. Of course, if the structure of student government should change, then the membership on the Committee might change.

The Professor of Civil Engineering, Arthur J. McNair, asked whether there was an interest in securing voting rights for students on other committees.

The Dean and others replied that students already had such rights on other committees, among them the Faculty Committees on Music, on Human Rights, and on the Scheduling of Public Events.

The question was now put to a vote and carried with but two "Nays".

The Provost next called upon the Dean for a report from the Committee on Elections.

The Dean stated that for the position of Faculty Trustee, to fill the vacancy created by the resignation of Professor W. Keith Kennedy, for a three-year term, 799 valid ballots had been cast, of which 484 had included a vote for the Professor of Plant Breeding, Royse P. Murphy; 375, a vote for the Professor of Child Development and Family Relationships, Urie Bronfenbrenner; and 348, a vote for the Professor of Chemistry, Robert A. Plane. At its meeting on October 21, the Board of Trustees had elected Professor Murphy from among these nominees. For a member to serve a three-year term on the Committee on Student Conduct, to fill the vacancy created by the resignation of Professor Philip Taietz, 740 valid ballots had been cast, of which 417, a majority, had been cast for the Professor of Home Economics, Gwen J. Bymers.

The Provost next called upon the Professor of Government, Allan P. Sindler, to comment on the report from the University Commission on the Interdependence of University Regulations and Local, State, and Federal Law. [ATTACHED]

Professor Sindler touched on a number of specific sections of the report in order to clarify its implications. He explained that the relation of the adjudicatory machinery proposed in his committee's report and that proposed by the Jensen Committee differed in means rather than in goals. Both committees wished to increase student participation; but where the Jensen Committee proposed two boards, each of which was to be composed equally of students and Faculty, the Sindler Commission recommended an all-student committee and an all-Faculty committee. The Commission felt that commonality of interest would be more effectively served by separating the student

and Faculty roles than by combining them. Joint committees would polarize cleavage, or reduce the students' role. Moreover, if students were consistently in agreement with Faculty members, they might be viewed by their constituencies as unrepresentative. Joint discussion of problems could occur before the Conference Board. Professor Sindler stressed the need to distinguish between the functions to be performed by the students and those to be performed by the Faculty. The students would be responsible for penalty reviews; the Faculty, for policy reviews. The Faculty did have, after all, responsibility and final authority for policy.

Professor Sindler took note of criticism from Ithaca officials who were unconvinced of the desirability of the University's declining to accept remand of students. The Commission, however, rejected the role of the University as a surrogate law-enforcer. The outlook for some students might now become chancier, but it was not clear how often remanding was even now being resorted to - in fact, evidence suggested that the trend was declining and that the Commission was merely making a proposal in harmony with practice. At the same time, Professor Sindler pointed out, there were options between the extremes. A student might be warned, or let off lightly, for a first offense; the choice was not inevitably between acquittal and incarceration.

Turning to the section concerning marijuana, Professor Sindler emphasized that the report did not give that offense unique treatment. The argument in that section generally affirmed that violations of the law that were also Code violations should be under University jurisdiction. The rationale was a practical one. A

University that would turn over every violator to the police would soon forfeit all opportunities to maintain relations with students that were basic to a true educational community. Obviously, the support of local police officials would be required, but it could be expected, inasmuch as Ithaca College was already being permitted to treat the use of marijuana as a health problem. The Commission recognized that the proscription of "use" might be said to muddy the issue. Yet enforcement would be administratively impossible if any category of use were exempted. One would simply hope that prosecution of the occasional user would not be pushed.

Finally, regarding the sense of a police presence, Professor Sindler said that the statement in the report was not intended to set forth specific measures, but simply to call for a review of why the quasi-police should look and act so much like a Police Force.

The Professor of Economics, Chandler Morse, expressing general satisfaction with the report's statement concerning trafficking in marijuana, felt that the discussion of use was weaker. It was unwise, he believed, to pass legislation and then go light on its enforcement. He would recommend saying simply that trafficking was a Code offense, and if an individual user then behaved in a manner detrimental to the educational environment, he would be treated, like a disruptive drinker, as one who violated the Code's provisions concerning disturbance of the academic environment.

Professor Sindler wondered why trafficking should then be proscribed.

Professor Morse replied that it was criminal activity that was detrimental. Emphasis on marijuana was a mistake. Trafficking in

illegal commodities was the offense and was what should be forbidden. Whether free distribution of such a commodity among friends - or distribution at cost - would constitute "trafficking" would, of course, require careful discussion and definition.

The Professor of Industrial and Labor Relations, Henry A. Landsberger, questioned the logic and value of concentrating on an isolated substantive question when many structural problems were thereby being slighted. He mentioned the relation of student responsibility to Faculty authority, the role of the investigator or administrator, the formulation of policy. Were students simply to be asked to administer a code they had not formulated?

Professor Sindler answered that the Commission had not written any code. The intent was only to provide guidelines, and students were, generally, pleased with having those guidelines provided; for, knowing what principles would be insisted upon, they could then generate a specific code.

The Professor of Child Development and Family Relationships, Urie Bronfenbrenner, returned to the discussion of marijuana. He strongly supported Professor Morse's position because the use of marijuana was a very serious problem, a serious psychological problem, and he was opposed to confusing a psychological problem with an offense to be prosecuted by the University. The use of drugs was something of a social disease. To distinguish it as a specific criminal offense under the University code was to complicate the handling of it. Professor Bronfenbrenner also questioned the desirability of separating student and Faculty review boards. He asked whether polarization had in fact occurred on other joint committees.

Professor Sindler here defended the attention devoted to marijuana in the report on the ground that its use on campus had provided one of the occasions for calling his Commission into being.

The Director of the Cognitive Systems Research Program, the Associate Professor of Neurobiology and Behavior, Frank Rosenblatt, declared his sympathy with the preceding speakers who questioned the introduction of substantive statements in legislation of a general character. What the report was saying, he believed, was that students should write the code and be sure to include in it the prescription of marijuana.

Professor Sindler replied that no inconsistency was involved, since other forms of disruption would also be specified.

The Assistant Professor of Agricultural Engineering, J. Robert Cooke, asked whether the University would be obliged to furnish civil authorities with whatever information it had about violations and violators of civil laws.

Professor Sindler replied that this would depend on the details of the prior understanding with those officials.

The Professor of Industrial and Labor Relations, Alice H. Cook, referring to Professor Bronfenbrenner's question, stated that in the two student-faculty committees she had served on, polarization had not occurred. Such differences as there were did not become student-faculty differences. There were, though, other problems. One was the case load, which had become intolerable for the Faculty Committee on Student Conduct. The report provided relief for the Faculty but did not consider the load for the students. The expectation was, perhaps, that civil authorities would handle some cases

hitherto brought before Faculty committees. She thought that some further relief might be found in the form of panels and other devices. She concluded by noting that the Commission did place a limit on Faculty power: the Faculty would not be able to increase penalties, and the Council remained as an ultimate court of appeal, thus reducing tension.

The Dean of the College of Arts and Sciences, the Professor of Philosophy, Stuart M. Brown, Jr., reminded the Faculty that the Undergraduate Judiciary Board was already an all-student board, and suggested that it would be regressive to supplant it now with a Faculty-student board.

Professor Bronfenbrenner called attention to a lack in the report. The University had a role in American society as a preserver and developer of the principles on which a democratic society rested. And it fulfilled this role in a scholarly way, with a scholarly look. Accordingly, he agreed with the proposal to relieve the University of policy responsibility. Nothing, moreover, precluded individuals in the University from concerning themselves with student problems. But he would wish to include in a final document a further positive statement concerning the University's obligation to enter proceedings in behalf of free speech and other moral issues. The effect on students would be salutary. In this way were they taught what it meant to be a responsible member of society.

The Dean of the Graduate School, the Professor of Chemistry, W. Donald Cooke, asked what procedures the Faculty would follow in taking action on the report. Would there be another document?

Professor Sindler said that the Commission would be reconvened and would review all the discussion that had been held and suggestions that had been made. It would then make the adjudicatory machinery the subject of detailed motions to be presented to the Faculty. The rest of the report it would submit for consideration in principle and for subsequent referral to other committees.

The Professor of Economics, Douglas F. Dowd, stated that students with whom he had talked appeared generally to favor the report, save for the provisions relating to marijuana. There he found strong negative reactions, and he feared that prohibition of use would increase the problem. In fact, if use were made punishable, use might increase. Trafficking was a more complex matter, and he recommended caution in reaching a decision about it.

The Professor of Electrical Engineering, Benjamin Nichols, asked what would happen if the Faculty adopted the report and the students refused to include in their Code prohibition of the use of marijuana. Would the Faculty insist it be included?

Professor Sindler said that he would be pleased to have marijuana considered as a separate item.

The Director of the Division of Biological Sciences, Professor Robert S. Morison, said that it was hard to make a case for mentioning marijuana in the code, but if it were not mentioned, what would be the practical consequences? Wouldn't the University then have the police everywhere?

The Vice-President for Student Affairs, Mark Barlow, Jr., asked Professor Dowd whether he preferred last spring's statement that treated "trafficking" as presumptive evidence of disruption and "use" as punishable when it was disruptive.

Professor Dowd answered that it was explicit prohibition that he feared.

Professor Ricciuti pointed out that even if it were not a code offense it would be a legal one.

Professor Rosenblatt noted that if the present report were adopted without reference to marijuana, then the Faculty would be simply defining principles. It would be too bad to lose likely unanimity because of a substantive issue.

Professor Sindler said that the marijuana question could be submitted separately or be referred to the Faculty Committee on Student Activities for their decision.

The Professor of Industrial and Labor Relations, Isadore Blumen, warned against considering the report as one for "adoption". That would mean a lifetime of debate and scrutiny of every phrase. Rather he urged that the report be submitted for "acceptance" with implementation to be considered in the form of very specific proposals.

It was now six o'clock, and the Provost entertained a motion for adjournment. There was no dissent.

Robert H. Elias
Secretary

CORNELL UNIVERSITY

ITHACA, N. Y. 14850

DEPARTMENT OF GOVERNMENT

WEST SIBLEY

September 27, 1967

President James A. Perkins
300 Day Hall
Cornell University

Dear President Perkins:

The University Commission on the Interdependence of University Regulations and Local, State, and Federal Law appointed on May 10, 1967, is happy to submit herewith its report. As set forth in the charge to the Commission, the report is submitted to you, the Dean of the Faculty, and the President of Student Government. It will shortly be distributed as widely as possible within the educational community -- to trustees, faculty, administration, and students -- and to officials of the City and Town of Ithaca and of Tompkins County as well.

It should be emphasized that this report is advisory and recommendatory only. Its release at this time is intended to facilitate the widest discussion of its themes within the Cornell community. These discussions should help shape the formal submission of the report's recommendations, a month or so from now, to the appropriate bodies within the University for their consideration and action.

Respectfully submitted,

Allan P. Sindler, Professor of Government,
Chairman

William W. Austin, Professor of Music

Ralph Bolgiano, Jr., Professor of
Electrical Engineering

Herbert L. Everett, Professor of Plant Breeding,
Director of Resident Instruction,
College of Agriculture

Stuart M. Brown, Jr., Professor of Philosophy,
and Dean of the College of Arts and Sciences

Mark Barlow, Jr., Vice-President for
Student Affairs

Neal Stamp, University Counsel

Thomas W. Mackesey, Professor of Regional Planning
and Vice-President for Planning

C. David Burak, I.L.R. '67 (Graduate Student
in Rural Sociology, 1967-68)

Catherine L. Forrester, Arts '68

Arthur C. Kaminsky, Arts '68

Reeve D. Vanneman, Arts '67

Stanley R. Levy, Assistant Professor of Education
and Associate Dean of Students, Executive
Secretary

REPORT OF
THE COMMISSION
ON THE INTERDEPENDENCE OF
UNIVERSITY REGULATIONS AND
LOCAL, STATE, AND FEDERAL LAW

September 27, 1967

REPORT of the

University Commission on the Interdependence
of University Regulations and Local, State
and Federal Law

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Appraising This Report

The establishment of this Commission reflects incidents at Cornell in 1966-67 that disrupted and divided the educational community. The need was apparent for a self-conscious review of the purposes, bases, and scope of University regulation of student misconduct, with emphasis on its relation to law, law violation, and law enforcement. This Report attempts to satisfy that need.

Once we decided that non-academic student conduct is an appropriate area of concern and regulation by the University, we sought basic concepts to shape the scope, manner, and standards of that regulation. We developed two such concepts, which lie at the heart of this Report: the promotion of responsible student freedom and maturity, and the protection of the special interests of the educational community. We tried to reduce the ambiguity of these concepts by giving them quite specific content.

The remainder of the Report, setting forth guiding principles, operating policies and positions on a wide range of topics, is in a basic sense generated and justified by the two concepts. This is the primary explanation, for example, of our view that University disciplinary authority should be carefully distinguished from law enforcement as such, the latter being the province of public authorities. Again, this is why we urge that the administration of student discipline be more insulated from other order-maintaining functions of the University and that the adjudicatory system be revised.

We do not mean to imply that our positions are the only ones that inexorably flow from the basic concepts advanced. In coming to those positions the Commission members exercised thought and judgment, not just simple logic, and there was no dearth of disagreements. Particular positions could differ from our formulation and still find reasonable shelter in one or both of the central concepts. But we do believe, that when viewed in its overall balance and as a total package of recommended changes, the Report is a sensible and equitable implementation of those concepts. And we do hope that the Report will be seen as an integrated whole informed by a persistent outlook, and not as an aggregation of easily separable items. We respectfully request, therefore, that assessments of any segment keep in mind the interdependency of all segments within the common frame of concepts and overall balance just discussed.

One final point relevant to the Commission's approach and this Report. Although the Commission was composed equally of faculty, students, and Administration, we did not operate in those "roles" in our work sessions and in developing this Report. Rather, we approached our complex task as concerned individuals seeking guiding principles on which we and the Cornell community might agree, and then applied them to the variety of problems contained in the mandate to the Commission. We found it illuminating that our use of the basic concepts as touchstones for working out other principles and policies encouraged abandonment of segmental, role-playing perspectives and facilitated agreement time and again on complicated and controversial matters. Perhaps our experience in this regard may provide a clue to the operation of the University Student Conduct Conference we propose. More generally, it may suggest one way of coping with the inevitable fact of conflict and change on the Cornell campus.

Summary Restatement of Major Themes

The following constitute the principles and the recommendations of the Commission in capsule form. Each is considered fully in the section indicated after the statement, although many are discussed or referred to throughout the Report. The reader is advised that a full sense of the Commission's positions requires a close inspection of the body of this Report; this capsule statement, like any summary, falls short of the accuracy that comes only with completeness of presentation.

Cornell should guide its regulation of student conduct by the principle of responsible student freedom, emphasizing the maximum of student self-determination and the minimum of University rules. We explicitly reject the "service facility" and "in loco parentis" views of a university as unsuitable for Cornell's needs. (II.)

The University should pursue two broad aims for its students: sound intellectual and academic training and the development of mature, ethical, and responsible persons sensitive to the humanity of others. Responsible student freedom, further, implies that each student should have a high degree of personal freedom with full responsibility for his actions and their consequences. (III.)

We recommend that the University neither seek nor support special treatment of its students apprehended for law violation, and that it dissociate its disciplinary authority from community law enforcement. Furthermore, we recommend the provision of University assistance and University accommodation of requests by Ithaca officials for background information on the defendant and for cooperation in programs of probation or rehabilitation. (IV.)

Cornell University should confine its disciplinary authority to the protection of its special interests as an educational community, rather than duplicate general police functions well represented in community law. "University interests," in combination with the Code offenses derived from it, are proposed as the all-inclusive, restrictive basis for University discipline of students. (V.)

We recommend that the function of administering the Code be assigned to major personnel in the Office of the Dean of Students, responsible to the Faculty through the Vice President for Student Affairs. The administrator of the Code would instruct investigation of student misconduct and help determine whether the University or the public authorities have jurisdiction of an instance of misconduct. For cases within University jurisdiction, the Code administrator would adjudicate lesser offenses, with the defendant's consent, and would refer all others to the adjudicatory bodies. (VII, A.)

We recommend revision of the adjudicatory system to provide for a student board of original jurisdiction and a faculty board whose review authority is limited to student board decisions involving suspension or expulsion and to judgments appealed by the student defendant. In no case may the faculty board increase the penalties imposed by the student board. We propose the establishment of a "University Student Conduct Conference"

to serve as a policy forum for the University community. We also propose that the FCSA enlarge its voting membership by including the administrator of the Code and several students, and that it concentrate, with respect to its role in student discipline, on the same policy concerns making up the usual agenda of the Conference. The power to legislate and to enact policy remains with the FCSA; the Conference role is to advise and recommend. (VII, B.)

We believe that the University needs to promote responsible student freedom by assuring greater student participation and influence and to provide mechanisms capable of developing a genuine sense of shared community among students, faculty, and Administration. We believe student responsibility and respect for University justice will be enhanced by changes which enlarge the students' effective role. (VII, B.)

Distinguishing Student Code enforcement from law enforcement requires that we clarify the meaning of "double jeopardy" and demonstrate that our position violates neither its letter nor spirit. (VIII, A.) We show how diverse outcomes for the "same" instance of misconduct are inevitable under any system of double jurisdiction. (VIII, B.)

The fact of illegal activity by a student neither mandates nor precludes University jurisdiction. Cornell's responsibility for student misconduct differs from that of society, and is confined to actions damaging to its special interests as an educational community. University inaction because of lack of jurisdiction over the offense in no way implies University condonation of the offense or of any principle of law violation. (VIII, C.)

When University officials apprehend a student for activity in violation of both the Code and the law, we recommend that all but very serious breaches of law be handled internally within the Cornell jurisdiction. (VIII, D.) Just as soon as University-student relations are case in a law enforcement context, students should be made aware of that context of University inquiry at once. (VIII, E.) Instances of misconduct violating the law but not the Code are likely to be few; by application of the standards we propose here, conduct not within the University's disciplinary jurisdiction should be left to the public authorities. (VIII, F.)

Since medical evidence warrants University discouragement of, not indifference to, use of marijuana by students, and since behavior and attitudes accompanying student use of it adversely affect the interests of the educational community, we recommend that student possession, use, or sale of marijuana be treated as a Code offense. In view of the difficulties inherent in University conduct of parallel investigations with Ithaca officials, we recommend that the University seek to assume full responsibility in handling the student marijuana problem, and in the context of Code rather than law enforcement. (IX.) The Code offense encompasses "mere" use of marijuana; the pattern of enforcement and sanctions can certainly elect to concentrate on the elimination of trafficking and extensive use. (Appendix C.)

We generally endorse the McConkey Committee report on freedom of artistic expression, though we raise serious reservations about the assertion of artistic freedom in so unqualified a form. (X.)

We discuss the constraints on freedom of advocacy, protest and dissent necessary for the effective functioning of the educational community. We define civil disobedience, stipulate explicit standards by which its claim to moral justification may be assessed, and advise its handling as a Code offense. We recommend inclusion within the Code of three specific offenses designed to protect the University community against disruption of the orderly conduct of its operations, and against fundamental threats to its system of justice and to the need for voluntary compliance as the basis for regulation of student conduct. (XI.)

A number of additional themes are briefly discussed, and consideration of them by appropriate University bodies is requested: reducing the sense of a "police presence" on the campus; the problem of University regulation of instances of faculty involvement in student violations of the Code; the need to elaborate student group and organizational offenses in the Code; the problem of improper disclosure of information on students by faculty and staff; protecting the integrity of University justice; regulation of the conduct of students earning advanced degrees; and the need to acquaint Cornell's constituencies, if this Report is adopted, with its principles and policies. (XII.)

I. Introduction

These are times of student challenge in universities across the nation. More and more of today's students are pressing for greater freedom to direct their own lives on and off campus, to shape university policy and to engage themselves in the critical affairs of society. These desires are pursued with vigor and a variety of tactics, promising Cornell and other universities much spirited disagreement and conflict for the foreseeable future. Whether one supports or opposes these student goals, it seems clear that the sensible resolution of disagreement rests heavily on the ground rules governing university and student interaction being as full, clear, persuasive and equitable as possible.

Cornell is among the most liberal of universities with respect to institutional policies promoting student academic and extracurricular freedoms. But, like most universities, Cornell has not operated by a deliberate, internally consistent set of principles and policies designed to guide its regulation of student conduct. Since the study and reforms of 1958, the University community has not explored basic questions on this matter. Hence it is not surprising that, while the prod of crisis and student unrest now places these questions high on our agenda of attention, Cornell was not well prepared this past academic year to respond to the multiple conflicts that emerged. And persuasive and enduring policies are not likely to be developed from hurried reactions to emergency situations.

This Commission, composed equally of faculty, students and administration, was instructed by the President and the Dean of the Faculty, pursuant to the recommendations of the Faculty Council and the Faculty Committee on Student Affairs. The Commission was charged with developing recommendations on basic principles and operating policies to guide the University in its regulation of student conduct relative to law and law enforcement, and on many related matters as well. Though appointed on May 10, 1967, the Commission was asked to report in September - a short time for a complex task. (See Appendix A for the charge to the Commission, its work schedule, taking of testimony, etc.) This timetable suggests the urgency and importance attached to the subject and the need for the University community to come to an agreed-upon position on these matters early during the 1967-68 year.

While this Report is submitted, as requested, to the President, the Dean of the Faculty and the President of Student Government, it is intended for the widest possible distribution within the Cornell community. We regret the length and complexity of the Report, but these directly reflect the breadth of the Commission's mandate and the variety of subjects on which it was asked to deliberate and report. We hope the Report spurs a spirited and wide debate within the University community from which genuine accord will emerge.

II. Extreme Positions on University Control of Student Conduct

There are two polar positions on University regulation of student conduct:

(1) The "service facility" position. A University is properly concerned only with the academic training of its students, not with student conduct in nonacademic matters. The University functions essentially as a service facility, providing through its formal learning resources opportunity for students to earn a higher education. It follows that the University should have little interest in the extracurricular conduct, individual or collective, of its students, and that a handful of campus rules should be adequate to protect the formal academic environment.

(2) The "in loco parentis" position. A University should accept the role of surrogate parent with respect to the total development and welfare of each student. It follows that the University should have an omnipresent concern for all student conduct, expressed through many and varied regulations.

We believe the "service facility" position truncates the meaning of education and impoverishes the concept of an educational community. The likening of a University to an impersonal business producer of academic wares, and of students to consumers of those wares, may be apt for a metropolitan-based institution, but not for Cornell. In the former, students comprise but a tiny fraction of the total area population and reside in private quarters scattered throughout the urban area. Because Cornell is characterized by opposite conditions, we urge that the University stress the maintenance and enrichment of its character as an educational community, one in which students see themselves--and are seen by others--as valued and integral members.

We are no less aware of the deficiencies of operating by a primary reliance on the in loco parentis position. It involves a University in almost limitless obligations of dubious connection with its central purposes, and it demeans students as members of the educational community. Moreover, it offers a blanket justification rather than specific guidelines with respect to control of student conduct. We willingly accept the proposition that the principles governing University regulation of student conduct must be based on grounds other than in loco parentis.

Since students are not likely to dissent from the position just advanced, we should note that an unremitting quest to eradicate every trace of in loco parentis from student life serves ideology better than common sense. A University that is an educational community expresses its concern for its students with its heart as well as its head. We do not mean to elevate our rejection of the in loco parentis principle into a dogma that would preclude the University from extending an understanding hand, in

the manner of a concerned parent or otherwise, to a student in need of humane help. The occasional warmth of familial paternalism provides a respite, after all, from the rigors of freedom.

III. Responsible Student Freedom and Maturity

In capsule form, the key elements of the position for Cornell that we recommend are responsible student freedom and maturity in an educational community. In this section we set forth the meaning of our position and its rationale.

(1) The University's educational purposes make necessary, not merely permissible, its concern with the quality of student conduct and extracurricular life. Even a narrow view of education must concede that a student's activities outside the classroom directly affect his academic capacities and learning, and that the intellectual tone of a campus is set by the character of extracurricular life. In viewing education more broadly, we believe it must involve the goal of developing the whole person and not just his intellect and training skills. The University thus pursues two broad aims for its students: sound intellectual and academic training and the development of mature, ethical and responsible persons sensitive to the humanity of others.

(2) The University can best implement its proper concern for the development of the whole person by adherence to the principle of responsible student freedom: each student should have a high degree of personal freedom, coupled with an acceptance of full responsibility for his individual actions and their consequences. It is our firm conviction that self-development proceeds from the ability to make real choices, and that maturity grows from the intelligent use of freedom. This means, for example, that rules of conduct, sanctions and the exercise of police power should be kept to a minimum. It also means the shared assumption that each member of the University community will respect the rights and integrity of others.

IV. University Treatment of Students Charged with Law Violation by Public Officials

Adherence to the principle of responsible student freedom and maturity requires, in our judgment, that the University explicitly disentangle itself from acting as a substitute mechanism for the law when students are charged with law violation by public officials.

In the past, an informal working relationship between Ithaca and Cornell has permitted public officials to return students apprehended for less serious law violations to the University's jurisdiction, on the expectation that the University will impose through its disciplinary procedures a

substitute punishment for court-imposed penalties. (Comparable arrangements exist, we believe, in many "university towns.") The practice varies, on the one hand depending on the decision of the policeman making the arrest, the prosecutor or the judge, and on the other hand the extent of involvement of the Proctor or the head of the Safety Division.

Much can be said in support of the practice under discussion. Most students prefer University to community justice for many reasons, not the least of which is the sobering fact that a record of conviction for a misdemeanor or felony may handicap a student for life, especially when seeking a career in a licensed profession. Since nearly all students are strangers to Ithaca, without roots or standing in the community, those who run afoul of the law instinctively look to the University for help. Cornell's agreement to impose its punishment in place of society's is one way of acknowledging a responsibility to the local community for having brought to it many thousands of young students who intend no permanent residence.

These are strong defenses of the practice. Our recommendation to discontinue it must therefore rest on compelling reasons. Our concepts of equity are offended by the special position accorded students, but we would not hold against the practice solely for that reason. Nor would we do so because the practice permits the University, even as it helps a student in trouble, to keep its name from being tarnished by publicized law violations of its students. We oppose continuance of the practice for two quite different, though equally important, reasons.

The practice represents, in our judgment, an undesirable application of the in loco parentis tradition. Picture the ordinary circumstances of its exercise. A student has violated the law downtown and has been apprehended by the city police. The obvious jurisdiction for disposition of the case is downtown, but because the University has agreed to assume an in loco parentis role on the matter, civil authorities transfer the student to the University's jurisdiction. The University then imposes disciplinary punishment for the student's infraction of law.

Although well-intentioned and humane in purpose, this practice retards the development of responsibility and maturity among students. Once a student is apprehended by the police, the University's efforts to insulate him from the ordinary consequences of his act undercut the idea of student freedom and unwittingly promote a disrespect for law which is not compatible with Cornell's educational goals or the legitimate needs of the Ithaca community. Students must recognize that they are members of the larger Ithaca community and that they are obliged to behave in accord with the law without special immunity because of their status as students or temporary residents. Our recommendation is intended to move University policy into practical support of a student's community responsibility.

A second consideration of equal importance is that Cornell's educational purposes make inappropriate any extensive and continuous University assumption of varied law enforcement roles in its relations with students. Some University involvement in law enforcement is necessary; later sections of this Report treat of this. But, wherever possible, the University should eschew acting as a general law enforcer or as a de facto "arm" or "agent" of public agencies. The University cannot reject a role as a community law enforcement agency if it agrees to substitute its authority for that of civil officials once the latter have apprehended a student for law violation.

Both the welfare of Cornell students and the ends of justice require a working cooperation between the University and law enforcement officials in the latter's handling of student law violations. In determining what charges to press, for instance, law enforcement officials may want to know something of the defendant's background, reputation and previous behavior. Prosecutors and judges recognize that the imposition of punishment does not inevitably serve the defendant's or the community's needs, or the cause of true justice. Background information on students, unlike that on local residents, is not known to the local public officials. Nor is the student's family available to provide information, to express a concerned involvement, or to facilitate the working out of sentences other than imprisonment or fine.

The University's cooperation with law enforcement officials is thus premised on the need to offset the student's disadvantage associated with his absence of roots and his transiency in the local community, and on its humane obligation to extend assistance to a student in trouble. The purpose of University cooperation is to assure that a student's position before locally-administered law is not worse than that of his counterpart local resident.

We propose that the University adopt the following policies:

(1) The University will neither request nor agree to special disposition of a student's case by police, prosecutors or judges because of his status as a University student. Hence the University will not accept remand of students charged with or convicted of law violations for the purpose of imposing disciplinary punishment.

(2) Should a student charged with law violation request assistance from the University, a University representative will advise him and, if specifically asked, will facilitate the student's employment of suitable legal counsel. If the student defendant consents, the University ordinarily will cooperate with the requests of appropriate law enforcement officials for a) background information on the student, subject to the University's general policy covering release of student information; and b) programs

of probation or rehabilitation.

If adopted as University policy, these recommendations should be publicized throughout the Cornell and Ithaca communities and made known to parents of students and to alumni. The principles underlying the policy also should be communicated in order to avoid any damaging misinterpretation of University purpose. Recommendation (1), taken out of context, could be misconstrued as reflecting Cornell indifference to its students and the Ithaca community. Instead, just the reverse is the case. The various constituencies of the University should be informed that the policy stems jointly from a) the University's desire to encourage students to respect the law as administered by local public officials and b) the University's recognition that its educational aims preclude its extensive involvement in general law enforcement in the wider community.

V. The Concept of University Interests and the Student Code

The University's educational goals encompass a concern for non-academic student conduct, which can best be implemented by promoting responsible student freedom and maturity and by not confusing Cornell's disciplinary authority with the enforcement of general community law. University discipline should, then, be limited to instances of student misconduct which adversely affect the University community's pursuit of its educational purposes. The University should make its sanctioning powers over students serve its educational goals for students, rather than promoting general police functions well represented in general law. Even so general a formulation indicates that student misconduct or student law violation as such are not automatically within the jurisdiction of University sanctions: the test is the narrower one of adverse impact on the University's educational interests.

At this juncture, our first task is to determine what the "special interests" of the University as an educational community are in terms independent of law and law violation punishment. We suggest the following formulation as a statement of "University interests" setting the parameters of student offenses for which the University accepts the responsibility of imposing discipline:

1. The University may apply sanctions or take other appropriate action only when student conduct has an adverse effect on distinct University interests, namely:

- (a) The opportunity of all members of the University community to attain their educational objectives
- (b) The generation and maintenance of an intellectual and educational atmosphere throughout the University community
- (c) The protection of health, safety, welfare and property of all members of the University community and of the University itself.

2. Student conduct subject to University discipline under (1) may also simultaneously be violations of law. This is irrelevant to establishing the boundaries of University discipline which are set forth in (1), but it is relevant to whether the University will choose to exercise its jurisdiction. With respect to student conduct violating the Student Code and the law, the University will adhere to the following practice:

(a) Ordinarily, the University will not impose sanctions if public prosecution of the student is anticipated or after law enforcement officials have disposed of the case.

(b) Exceptionally, the University may impose sanctions for grave misconduct demonstrating flagrant disrespect for the basic integrity and rights of others. Such conduct calls into question the student's membership in the educational community, either because he has grossly violated elemental standards of behavior requisite to the maintenance of an educational community or because his continued presence would adversely affect the ability of others to pursue their educational goals. It is presumed, barring unusual circumstances, that University disciplinary procedures would not begin until public officials had disposed of the case. In each instance the University will review the facts and observe procedural safeguards in making its determination.

3. With respect to student conduct ^{not} involving the University community, and whether or not a law violation is involved, the University position will be:

(a) Ordinarily, the University will not impose sanctions.

(b) Exceptionally, the University may apply sanctions under the circumstances, in the manner, and for the reasons stated in (2 b).

This formulation commits the University to using disciplinary sanctions only to protect specified interests of the University community itself, i. e., to protect the opportunity of all members of the Cornell community to pursue their educational goals effectively.

We intend the preceding formulation to be imbedded in the Student Conduct Code, to generate and control the elaboration of specified offenses in the Code, and to govern the applicability of Code rules to the adjudication of particular cases. We further intend that a student can be subjected to University discipline only when charged with violations of a specific offense as listed in the Code. These proposals are meant to assure that the general statement of "University interests" will be given its proper narrow interpretation and not be so broadly construed as in effect to embrace all student misconduct in all places, i. e., as to become but a thinly disguised in loco parentis principle. In sum, the three-part statement of "University

interests," together with the list of specific offenses derived from those interests, are proposed as the all-inclusive restrictive basis for University discipline of students.

Admittedly, broad language stating the University's interests and responsibilities with respect to student misconduct can provoke disputed interpretation. But the use of broad language is inescapable on this matter. The more relevant test is whether the proposed formulation is coherent and an improvement over the present confused system. If the formulation is fairly read and implemented, it clearly delineates the reach of University discipline. Since the Commission was not charged with drafting a full Student Code, we cite a few examples to explain some implications of our formulation.

(1) The notion of a "University community" presents borderline problems, but generally it provides a useful delimiting standard. A student stealing a book from a downtown store is subject to community jurisdiction, whereas his stealing a book from a fellow student, the University libraries, or the campus bookstore would ordinarily involve University discipline under the Code. Assume the arrest by downtown police of a student for assault in an Ithaca bar. Whoever his victim, the University would not agree to substitute its punishment for the penalties of law. If the victim was not connected with the University community, the University ordinarily would take no independent disciplinary action subsequent to the disposition of the case by Ithaca officials. If the victim was another member of the University community, it would come within the University's jurisdiction though once again the University would not likely take further action in light of the prosecution of the case by Ithaca officials.

(2) Section (3 b) permits the University to bring within its disciplinary authority one category of student misconduct which did not involve the University community and which may not even have involved law violation or prosecution.* The section represents in part a granting to the Cornell community of a right to self-protection from a student whose past misconduct demonstrates that his continued presence on the campus would be a threat or danger to the educational community. Interpreted this way, and with adequate safeguards for its occasional and narrow application, Section (3 b) seems an unexceptionable University power.

*Compare our formulation with the provision in the present Cornell Student Code (I, C): "An individual may also be subject to disciplinary action for conviction of a violation of civil or criminal law: the University maintains the right to consider the standing (status as registered student) of any student who is found guilty by any civil authorities of a serious breach of civil or criminal law." Our position shifts the concern from law violation as such toward the effect on the interests of the Cornell community and also confines University use of this authority by indicating its exceptional nature.

Section (3 b) also represents our attempt to implement an affirmative answer to a question some others might prefer to respond to negatively. May a student's misconduct not involving the University community, whether or not it led to his prosecution, so egregiously violate the standards of an educational community as to warrant his possible suspension or expulsion from that community? Suppose, for example, that a dozen students were involved in statutory rape, downtown, of a willing, but obviously mentally disturbed teenager? Suppose further that no prosecution was possible because the girl's family preferred not to bring the case to court. Cornell could not reach this misconduct by the interpretation given to (3 b) above, i. e., the presence of these students on campus presumably would not constitute a threat or danger. An interpretation of (3 b) in line with the question just raised seems to be required to permit Cornell's jurisdiction to cover this misconduct.

Whether both interpretations are preferred and specified, or just the first, we expect only sparing use of (3 b), probably no more than one or two cases a year at the most. Further, University discipline under this provision should be confined to a choice between no action and suspension/expulsion, because the opportunity to impose lesser penalties provides a standing invitation to make excessive use of the provision of authority. The decision whether to refer a case under (3 b) to the adjudicatory bodies of the University would be made by the administrator of the Code (a new function we discuss in VII, A), in consultation with the Dean of the Faculty and the Vice President for Student Affairs. Section (3 b) needs to be confined by sufficient safeguards to prevent its abuse, and we believe the conditions here imposed should provide for its proper use.

VI. Suggestions on Some Other Essential Elements of the Student Code

In the course of the Commission's deliberations, some concern emerged with respect to several themes relevant to the content of the new Code being drafted. We present these concerns briefly in this section as suggestions for the consideration of the student drafters of a Code and the appropriate committees of the University Faculty.

(1) Offenses permitting application of University discipline should be inferrable without strain from one or more of the three categories of "University interests" and should be stated in specific language to the exclusion of catchall phrases. For example, there should be no clause protecting the "image" or reputation of the University, punishing actions which "discredit" the University, or imposing discipline for "conduct unbecoming a Cornell lady or gentleman."

(2) The introduction of new types of sanctions should be considered, especially with reference to the large distance between disciplinary probation and suspension. Are "work" sanctions or fines possible elsewhere in the range of penalties?

(3) The exclusivity of the Code requires protection so that no "quasi-sanctions" are imposed by faculty or administration without reference to the Code and the regular disciplinary procedure.

(4) Nonacademic penalties should be carefully distinguished from academic penalties. In cases of academic cheating or plagiarism, for example, the instructor should accept the decision of the Academic Integrity Committee on the disciplinary aspect, and confine his own action to penalizing the student just for the particular examination or paper involved. In this connection, the slim number of cases treated by the Committee strongly suggests that not all alleged student violations of academic integrity are being referred to it, as required by faculty resolution.

(5) In nearly all the cases before the Undergraduate Judiciary Board and the Faculty Committee on Student Conduct to date, the student admits to the facts and attempts to justify and explain, while the adjudicatory body concentrates on determining whether the facts constitute a violation of the Code and, if so, on fixing the penalty. We suggest that some preliminary study be given to the question of what changes in procedures would be required if in a larger fraction of cases the facts were disputed.

(6) Since a large body of available materials exists on procedural due process for university adjudication of student misconduct cases, we merely call attention to a few aspects of that topic. The broad goal, in our judgment, should be to develop procedural minima assuring fairness, rather than a formal replication of what obtains in civil society. The graver offenses permitting the severest sanctions should be associated, at the defendant's option, with the relatively highest degree of formalized due process, and no student should have his connection with the University severed by disciplinary action imposed solely by a student adjudicatory body. The problem of self-incrimination at the hearings and during the prior investigation merits close attention. And since fairness cuts two ways, the problem of willful falsification of facts by interviewees and witnesses during disciplinary investigations and hearings requires consideration.

VII. The Administrative Structure for the Student Code

Under present arrangements, the faculty possesses the authority to regulate student discipline, through delegation of power from the President, who in turn was granted the power by the Board of Trustees. We strongly favor faculty retention of this responsibility, on the understanding that its effective handling requires a deepening involvement of students and administration to facilitate a collective sharing of authority. Recent Cornell experience argues that:

(a) To promote responsible freedom and respect for University

justice among students, student participation in the formulation, adjudication and review of the Code must be substantial and student influence must constitute more than a recommendatory prelude to determinative faculty action.

(b) To make the system more efficient and to permit regularized rather than ad hoc use of key administration personnel, the latter should be brought into the basic structure set up to implement the Code. We refer particularly to the Vice President for Student Affairs, the Dean of the Faculty, and the Code administrator discussed below.

By adapting present procedures in light of these and other lessons of recent Cornell experience, we believe the effectiveness of the system of justice and the confidence of the educational community in its representativeness, integrity and fairness will be strengthened.

A. The Function of Code Administration

We recommend that the responsibility of administering faculty policy with respect to student discipline--that is, the administration of the Code--should be assigned to the Office of the Dean of Students. One or more of the major personnel in that office should function as administrator of the Code, thus assuring that the implementation of policy on student conduct is in the hands of an able and sensitive man, experienced in higher education, who is responsible to the faculty through the Dean of Students and the Vice President for Student Affairs.

All complaints on student conduct would go to the administrator of the Code, who would then instruct their investigation and receive the investigatory reports. In those relatively few instances when a question of the possible transfer of the matter from Cornell to Ithaca jurisdiction arose, the decision would be reached on the basis of the Code administrator's consultation with the Vice President for Student Affairs and the Dean of the Faculty. Otherwise, the administrator of the Code would determine, based on the investigatory report and his talks with the student, how best to dispose of the case within University jurisdiction, i. e. , no action, referral to counseling or clinic services, or citation charging a Code offense. For "nuisance" or petty offenses involving mild sanctions as defined in the Code, the student could elect to have the administrator of the Code decide his case and, if held guilty, to set his penalty in lieu of having his case heard by the adjudicatory bodies. In all other citations for a Code offense, the administrator would transmit the citation and records to the appropriate adjudicatory body for action.

Comparing our proposal to current arrangements, a certain part of the multiple authority and roles assigned to the Office of the University Proctor would be reassigned to a new and separated position entirely focused on administering the Code. Our reasons are as follows:

(1) The administrative structure for dealing with student misconduct should be distinguished as much as possible from other units involved in the broader task of maintaining order on campus, especially those related to security and law enforcement. Student conduct is too important, sensitive and distinctive to be considered as just one aspect of these other functions; it deserves the sensitive attention of an individual located exclusively within the academic rather than investigative-security side of University operations.

(2) The University agencies handling policing and investigative phases should not also have the authority to determine the assignment of student misconduct to Ithaca or University jurisdiction nor, when the matter is handled within University jurisdiction, the specific disposition of the case. Recent campus history indicates that even the acknowledged skills and success of the present Proctor, who handled these multiple roles as effectively as possible, cannot fully counteract the inherent weakness of merging functions better kept apart.

(3) The investigative functions with respect to student misconduct would continue to be performed by the Proctor's Office (perhaps with the assistance of the Safety Division), but under the instructions of the administrator of the Code.

Empowering the Code administrator to act in lieu of the adjudicatory bodies for lesser and "nuisance" offenses merits additional comment. The exercise of this authority would relieve the adjudicatory workload by screening out routine cases involving relatively trivial violations and minor penalties. Also, the Commission has been told that many students dislike being judged by their fellow students for alleged infractions of the rules. While this view goes against the direction required to strengthen responsible student freedom, our recommendation is willing to defer to this sentiment with respect to lesser offenses, for which the student can elect to have the Code administrator dispose of the case. The authority of the administrator of the Code should be used to promote justice as well as efficiency, and care should be taken to assure that his actions do not threaten the integrity and effective jurisdiction of the regular adjudicatory bodies. For example, the Code administrator should not engage in "bargaining" with defendants, whereby a case that would ordinarily be assigned to the adjudicatory bodies is disposed of instead by the student pleading guilt to a lesser offense and the Code administrator imposing a moderate penalty. The problem is delicate, but there is no reason to suppose it cannot be worked out.

B. Revising the Adjudicatory System

There is considerable dissatisfaction within the educational community with the structure and operations of the present adjudicatory system.

(The Commission was instructed in its charge to "integrate" the report of the Committee on Review of Judicial Procedures for Student Misconduct, chaired by Dean Vernon H. Jensen. This has not proved possible; the Commission had available for its deliberations only an interim "Progress Report," dated June 28, 1967.) Hence, we have sought to devise somewhat different arrangements which would serve the Cornell community's needs better and which would confront each of the following inadequacies in the present system:

(1) Under present procedures the Faculty Committee on Student Conduct (FCSC) reviews all decisions of the Undergraduate Judiciary Board (UJB). In the large majority of cases the former has upheld the verdict reached by the latter; the exceptions often relate to controversial areas, such as private behavior (especially parietal rules and sexual behavior) and political advocacy. Students evidence a declining confidence in the representativeness and fairness of the system. Specifically, they feel that the student role in University justice has been reduced to offering advice or recommendations only, especially with respect to those matters provoking divergent generational views on the part of students and faculty. In a phrase, they feel that the system gives students the form but not the substance of authority, and hence mocks the goals of responsible student freedom and respected University justice.

(2) Students also feel that the deliberations of the FCSC are insufficiently informed by exposure to the student viewpoint and its rationale. More generally, they believe that the faculty machinery involved in student conduct provides inadequate access for the presentation of student opinions and for the highly useful interchange of faculty and student views. These feelings promote student resentment and disillusionment, their sense of University justice being a "sham," and their deepening disrespect for the system.

(3) The current system has shown little capacity to think ahead, to elaborate standards and positions well in advance of the eruption of campus controversy over one or another area of student activity. For example, the rising incidence of student use of marijuana was known months before the campus disputes in May. Nor has the system devised ways, when given short notice of an emerging major problem in student conduct, of developing a thoughtful position outside the emergency and emotional context of adjudicating an alleged violation of the Code, e. g., the dispute over soliciting pledges to burn draft cards. This inertia does credit to the conservatism said to be inherent in large-scale institutions, but it reflects badly on the capacity for rationality claimed for an educational community. And it is damaging strategy as well, since it accentuates the willingness of students to escalate conflicts and confrontations to crisis proportions in the sure knowledge that crisis, at least, demands and gets fast attention.

We recommend the following as essentials of a revised adjudicatory system to correct the defects just discussed:

(1) A Conduct Board (CB), composed entirely of students, would be the initial body of university-wide original jurisdiction. There would be in addition a layer of student lower boards handling infractions of the dormitory rules and limited to the imposition of lesser penalties; defendants could appeal the verdict to the CB. An Appeals Board (AB), composed entirely of faculty, would comprise the second tier of university-wide adjudication of Code offenses. The Conduct Board and the Appeals Board would replace the existing UJB and FCSC.

(2) To afford full protection to the student defendant, he has the right to appeal the CB decision to the AB, and all CB verdicts of suspension or expulsion are automatically reviewable by the AB. Otherwise, with the further exception indicated in (4), decisions of the CB are final.

(3) In all Appeals Board cases the AB could only sustain, reduce or vacate the penalties imposed by the CB; it could not raise penalties. The AB would assume the appellate and review powers of the current FCSC, subject to the same procedures as here listed, relative to the Interfraternity Council and the Panhellenic Council. Decisions of the AB are final, subject to (4).

(4) To rectify any gross miscarriage of justice, either to the defendant or to the University community, the Faculty Council retains the right--exercisable under extraordinary circumstances--to review de novo the decision of either the CB or the AB. Such review would focus on the penalties assigned to the defendant, and not on the policy rationale of either or both boards.

(5) If the CB's or AB's interpretation of the meaning or application of a Code provision is disagreed with by the administrator of the Code or anyone else, that dispute--though not the case itself--can be brought to the attention of the FCSA or of another body (the University Student Conduct Conference) that we discuss immediately below.

(6) We recommend the establishment of a new organ, the "University Student Conduct Conference," (USCC), chaired by the Vice President for Student Affairs and composed of the members of the CB and AB, Dean of the Faculty, the administrator of the Code, and a representative from FCSA. Through regular and special meetings, the USCC would provide a forum for a thorough exchange of views on current and emerging problems in the area of student conduct and discipline, such as the interpretation of Code provisions, the introduction of new Code provisions, the standardization of penalties for categories of offenses, the rationale of recent CB and AB decisions, the consideration in advance of how projected student activity relates to the criterion of University community interests and the content of the Code, etc. The judgments and

positions advanced by the USCC, although advisory only, should carry considerable moral weight within the Cornell community, and would be sent on to the FCSA for its consideration and action.

(7) The FCSA's authority with respect to student discipline would be retained, but it should focus more aggressively than it has in the past on reviewing and developing standards and policies which would have the force of legislation. By anticipating developments in student attitudes and behavior with respect to the Code, the FCSA can contribute importantly to the education of the University community and to defusing conflict situations which might otherwise build up to crisis proportions. We would expect the FCSA to make effective use of the USCC, but, in addition, we propose that the voting membership of the FCSA be enlarged to include the administrator of the Code and several student representatives.

Restricting the review powers of the AB, as compared to the present FCSC, is an effective way to promote integrity and responsibility for the student role, while protecting the defendant's rights by allowing him to appeal the verdict to the AB without running a risk of an increase in the penalty.* True, an occasional CB verdict might appear to some as an unwarranted exoneration or as an overly light penalty; our procedures do not permit faculty rectification of such errors unless the Faculty Council, persuaded of the possibility that a gross miscarriage of justice may have occurred, elects to exercise its review power. More important than whether on occasion a possible student miscreant has escaped his just penalties is whether the faculty retains its capacity to assure the proper policy content and interpretation of the Code. In our judgment the faculty would be well advised to incorporate the participation of students in this task in an open and regularized way. This is the point of our proposals for a USCC and a policy-oriented FCSA with some student membership. If the CB appeared to interpret a Code provision wrongly in a particular case, the Code administrator or anyone else could bring the problem of interpretation, not the case, before the USCC for its discussions, and the USCC in turn could pass its judgment along to the FCSA. A dispute over the meaning of a Code provision should be settled without linkage to the disciplinary fate of students in a particular case.

More broadly, the USCC has the potentiality of serving many useful functions, perhaps the most critical of which is the nurturing of a genuine

*Even if every defendant deemed guilty by the CB elected to appeal to the AB, the latter's workload would be no heavier than under current FCSC procedures, which provide for automatic review of every UJB decision. Since participation as a defendant in adjudicatory proceedings is seldom an enjoyable experience, we suspect that many of those persuaded of the equitability of the CB verdict in their case will see little point in pursuing an appeal. Recall, also, that the workload of both the CB and AB would be significantly reduced by the Code administrator's disposition of many lesser offenses.

collaboration of faculty, students and administration and their development of a real sense of shared community.

We offer these proposals for a revised adjudicatory system as a needed improvement, not as a panacea. Disagreements between students and others in the Cornell community will remain and continue to provide the impetus to conflict and change. While disagreement is inevitable, we can choose to handle it in ways strengthening or harming the health of the educational community. These proposals are premised on the belief that students are likely to behave more maturely and responsibly, and with genuine affection for the total community, in a system of justice they themselves help shape, interpret and enforce.

VIII. Distinguishing Code Enforcement and Law Enforcement

The separation of University disciplinary authority or Code enforcement from law enforcement raises many vexing and perhaps controversial implications of our position. Some of the more central problems are discussed below.

A. The Mislabeled Problem of "Double Jeopardy"

"Double jeopardy," which is proscribed by the U. S. Constitution, protects a person from being tried twice for the same offense. It is not considered the same offense, and hence, the protection does not apply when the person's action constitutes several offenses tried by one jurisdiction or separate offenses against different jurisdictions for which he is tried by those jurisdictions. Technically, then, the responsibility of students to the University and the civil society, wherein the same misconduct could be punishable by both, occasions no double jeopardy.

It is more appropriate to speak of "double jurisdiction," which is an unalterable condition for students, as for faculty and staff, who are subject to general laws just like everyone else, and to University rules as well. The spirit of double jeopardy, rather than its literal presence, is perhaps germane to invoke if one jurisdiction simply duplicates the regulations of the other and the student's misconduct is automatically punished by both. Such would obtain if the student were routinely punished by the University for the offense of being convicted of law violation.

Our proposals clearly dissociate University discipline from law violations as such, and hence, fully eradicate any aspect of double jeopardy. The student whose misconduct has resulted in conviction for law violation has the same standing as the student whose misconduct has not: in either case, disciplinary proceedings may be instituted only if the misconduct is shown to have adversely affected a specific University interest. As a practical matter, the student serving a sentence in prison is incapable of simultaneously continuing his Cornell education. But then his departure from the University comes not from the addition of University punishment to that of society, but from the exclusive action of society, i.e., his imprisonment.

While our proposals deny automatic imposition of University sanctions on a student because of his criminal conviction, they permit University review of such events to determine if specific Cornell interests have been damaged, i.e., to determine if the Code has also been violated. As discussed earlier, we expect sparing rather than routine reliance on this provision, because dismissal of a student from Cornell should be based on the harm to clear University interests his presence would cause.

B. Diverse Outcomes Under Double Jurisdiction

The double jurisdiction governing student misconduct, like all double jurisdictions that involve dissimilar standards, can produce diverse results only partly modifiable by enforcement methods. As a typical example, one not peculiar to the Cornell-Ithaca situation or to the standard we propose, consider the different outcomes of what might appear to be much the same misconduct when University jurisdiction is delimited to the "University community." Suppose a student stole a radio, this being the first time he had stolen anything or had committed any offense against the law.

(1) If he stole from another member of the University community, then no matter where the theft took place, a Code violation has occurred.

(a) If the police apprehended the student, public officials would have disposition of the case, and the University could subsequently punish the student for a Code violation.

(b) If the University apprehended the student, it could turn the matter over to the police, and then follow the procedure set forth in (1,a); or it could handle the matter exclusively as a Code violation.

(2) If he stole from someone not a member of the University community, then no violation of the Code has occurred, and public officials have exclusive jurisdiction.

As a matter of practice, we would expect the University not to impose Code punishment under its option in (1,a), and to handle the matter entirely as a Code offense under its option in (1,b).

Exercise of these enforcement options can modify, but not eliminate the diversity of outcomes. Nor is the diversity a special function of our standard of "University community;" comparable results would obtain by use of an off-campus/campus line of distinction. The basic reason for the varied results may be illustrated as follows. If the two jurisdictions were identical in their offenses, and each routinely imposed punishment for violations regardless of jurisdiction, then the outcomes would be uniform. The student petty thief, in the preceding example, would be simultaneously a Code violator and a law violator, and would be punished by both the University and the community.

Our proposals are grounded on defining the University's jurisdiction and interests much differently from those of the community. Like citizens under state and nation, then, students are separately accountable to the two different authorities of Cornell and society, each with its own set of interests, offenses, sanctions, and enforcement processes. The consequence is that an instance of student misconduct will be associated with different outcomes, depending upon which jurisdiction's interests are involved, which has apprehended the student, and which is considered paramount or exclusive in its handling of the matter.

C. The University Posture Toward Law: Setting the Problem

This Report leans heavily on the proposition that Cornell should carefully distinguish its responsibility for student conduct from the task of general law enforcement, which rests with the community. We believe this distinction is vitally necessary to promote the educational mission of the University, and in no way implies University support or approval of student violation of law, or University indifference to the occurrence of student law violation.

It should be apparent that a university cannot require a student to break the law as a condition of his satisfying educational requirements. A student would be well advised to reject his professor's requirement that he had to learn by personal experience, through his apprehension for law violation, the feelings of those arrested, booked, jailed, tried, etc. It is perhaps no less apparent -- though not so invariably practiced -- that a university should not, in effect, deprive a student of a constitutional right as a condition of his meeting its educational standards. For example, a university should have no disciplinary authority over a student legitimately exercising his right to picket peacefully in the non-university community, so long as the student did not claim, without authority, to represent the university. Finally, a university should not discipline a student for activity which the society does not punish, subject to the important qualification that discipline to protect the legitimate special interests of the university is altogether acceptable. Thus, a university can impose the gravest sanctions on a student for cheating at an examination (not a civil offense at all) or for willful disruption of a classroom (at worst, a minor civil offense.)*

Generally speaking, a university has the authority to punish student activity in violation of the law. The question before the Cornell community -- and the central task of this Commission -- is the determination of whether, and under what conditions, the University should exercise that authority. The basic position we have advanced carefully differentiates Cornell's responsibility for student misconduct from that of society, and confines the former to misconduct damaging its special interests as an educational community, defined independently of the law.

The full implications of our position for the University's posture toward law are suggested by considering three important and hard problems:

- (1) When the University must deal with student activity that violates both the Code and the law, to which jurisdiction should it assign the matter?
- (2) How should the University cooperate with public officials in investigations of students on behalf of law enforcement?

*There is a slowly developing body of case law in support of these and many of the subsequent points made here, but the doctrines are insufficiently formed to warrant reliance on them, especially in connection with private universities. For other reasons as well, we prefer to talk in this Report in terms of sound policy, rather than of legal compulsions.

(3) When the University is made aware of student activity which is in violation of law, but not in violation of the Code or of the University's interests, what action should the University take?*

D. The University Posture Toward Law: Determining Jurisdiction for Student Misconduct Violating Both Code and Law

When community officials apprehend a student for law violation, the controlling policy for the University is suggested in Part IV of this Report: the University offers assistance to the student and cooperation with the officials, though not to the point of agreeing to substitute its discipline for the penalties of society.

When University officials apprehend a student for activity in violation of the Code and the law, we believe that all but very serious breaches of the law should be handled internally as a Code violation. It cannot be denied that such a practice tends to shield students from the ordinary consequences of their unlawful actions. We envision an effective system of University justice, including the imposition of meaningful sanctions when merited. Experience suggests, however, that students will more often prefer to face University discipline than society's justice, which is a relevant measure of the shielding effect of the practice we recommend.

Our proposal, therefore, rests on factors which, in our judgment, thoroughly offset the defect just discussed. Perhaps the best way to indicate those factors is to ask what the alternatives to our position are. It would seem that either Cornell itself must be engaged in law enforcement within the University community, or that Cornell must expect to operate amidst the persistent and widespread presence within the University community of police and other law enforcement officials. We believe neither situation is compatible with the educational goals of Cornell or the maintenance of student-university relations based on trust and good will. We have concluded, therefore, that Cornell should expect to exercise jurisdiction over students it apprehends whose conduct violates both Code and law, excepting those serious breaches of the law which should be assigned to the civil authorities.

The determination of offenses serious enough to merit University assignment of the offender to the civil jurisdiction is a matter of judgment which the Commission has not explored and, hence, offers no position. Whatever the boundaries agreed to, grey areas will remain. In the words of an official of another university: "We tried for four years to delineate clearly which cases should be sent downtown and which should be handled on campus, without any success at all." We do urge that the University community be informed about the boundaries decided on, and that the decision reached on instances falling in the grey area be made not solely by the Code administrator, but in conjunction with the Vice-President for Student Affairs and the Dean of the Faculty.

*The phrase, "or of the University's interests," is intended to cover situations where the illegal activity is obviously damaging to the University community, but the Code happens not to include an applicable provision. Since University discipline is confined to Code violations, the existence of such situations would call for rapid addition to the Code or, if warranted, emergency University action or community police action.

It would be quite wrong to leave the impression that the University can act unilaterally in assigning students to its exclusive jurisdiction whose behavior violates the law as well as the Code. While there is no reason to believe that the community wants to police the campus any more than the University would welcome such policing, the fact remains that responsibility for law enforcement falls on public officials, not the University. As a matter of law and good sense, then, community law enforcement officials must and should be involved in understandings and procedures jointly worked out with the University and periodically reviewed by both. For example, the determination of what serious law violations are assignable to the civil jurisdiction obviously involves the judgment and cooperation of law enforcement officials. Again, since University enforcement of a Code violation is predicated on no subsequent community prosecution of the same offense as a law violation, the need for a working understanding with the appropriate public officials is apparent.

If the exercise of University justice were made the basis for subsequent public prosecution of a student, the disciplinary system would be profoundly altered in meaning. Under the working relationships we anticipate, no student should have to refuse to cooperate in University proceedings for fear of self-incrimination in connection with later community action. If a student does refuse, he is within his rights, but his status in the University might be placed in jeopardy by his action.

By means of such sensible and sensitive arrangements, Cornell and the community can satisfy their separate and common interests, with respect for the welfare of students.

E. The University Posture Toward Law: Cooperating with Public Law Enforcement with respect to Student Misconduct

Adoption of the principles and operating policies advocated thus far in the Report would help keep to an acceptable minimum University involvement in law enforcement with respect to students. There will, nonetheless, be times when public officials request University cooperation in a particular investigation. While the University often will be willing or feel obliged to accommodate such requests, care should be taken to assure that its cooperation does not damage student confidence in the University. As one extreme example, Cornell should never consider permitting activity within the student body of undercover agents or of invasion of privacy by wire-tapping, bugging, etc. Since the possible forms of cooperation are many and varied, we confine our comments to one illustration which permits raising some basic problems.

Campaigns to enforce a law within the general Ithaca community, including Cornell, presumably would originate with the city. (On occasion, Ithaca officials might be loath to countenance lawful but disapproved activity by Cornell students conducted downtown. In such circumstances, the University should not hesitate to use its good offices to protect student exercise of citizen freedoms off the campus.) The University's response to Ithaca's request for its cooperation would turn on weighing the not always complementary factors of promoting the interests of the educational community and maintaining effective relationships with Ithaca officials. Assuming Cornell opted for cooperation, we would strongly urge that the University try to keep its involvement in law enforcement

as such to the minimum. When, however, circumstances do not permit Cornell to adhere to this preferred position, we emphasize the following operating rule: Just as soon as University-student relations are cast in a law enforcement context, students should be made aware of that context of University inquiry at once. (The details of the conduct of a law enforcement investigation are governed, of course, by law and judicial standards.)

Our concern for adherence to this rule rests only partly on the fear that its violation might well result in a denial of the student's rights as a citizen or in the production of evidence inadmissible in court, or both. Our greater anxiety is that University indifference to the rule may unintentionally nurture student mistrust of the University, with consequences damaging not only to the regulation of student conduct, but to all facets of the University-student relationship.

We think this is no idle fear, as evidenced by the difficulties stemming from the dual role assigned the Proctor as part of the University's cooperation in law enforcement on the marijuana problem. Although operating in this matter primarily as a University official with respect to Code violations, the Proctor was also charged with the responsibility of transmitting to local law enforcement officials information and evidence concerning significant traffic in marijuana. The nature of that assignment inevitably led to student confusion, resentment, and ill will because the University failed to distinguish sharply between its (and the Proctor's) Code enforcement and law enforcement roles.

Nor do we think we exaggerate the harm which could follow failure to adhere to the principle advocated. Mutual good will and trust should undergird University-student relations, perhaps most especially in the sensitive areas of regulation of student conduct. It seems imperative, therefore, that students be able to assume that when they cooperate with University officials for purposes of investigations of Code violations, they will not later be dismayed to learn they were cooperating unwittingly in the quite different matter of law enforcement. If University actions make such an assumption chancy -- meaning that a student cannot be sure with which jurisdiction and for what purposes he is being asked to cooperate -- then students may choose not to cooperate at all and to demand, instead, a formal judicialization of every stage of Code enforcement. Such a change, together with the underlying shift in student perception of the University from trusted ally to mistrusted adversary, would inaugurate a new and bleak period of student-University relations.

Admittedly, it is easier to assert the cogency of the principle than to assure adherence to it in every instance. A particularly vexing problem occurs when the University or community jurisdiction of an offense cannot be determined until the investigation is well under way. We have attempted to provide a partial answer through procedure, by assigning control of those investigating student misconduct to the Code administrator, so as to build in a sensitivity to the problem that might otherwise be lacking. But there is no denying that some circumstances will not permit as early and tidy a separation of Code and law enforcement roles as called for by the principle.

When such a troublesome situation arises, we recommend that the University publicly acknowledge the difficulty and indicate that the possibility of it being considered primarily as a law violation must remain open until further information is secured. This may thin the yield from the investigation on some occasions, but it assures the continued respect of students for the University. Given such a difficult situation, the University might well come in for some criticism, no matter what its decision. But if student respect obtains, criticism will neither derive from nor contribute to erosion of the mutual good faith that lies at the heart of an effective University-student relationship.

F. The University Posture Toward Law: Student Misconduct Within the University Community Which Violates Law But Not the Code.

Relatively few varieties of student conduct within the University community are likely to involve law but not Code violation; probably most would relate to political protest and advocacy. A suitable example to dissect can be had by reworking elements of the campus dispute last spring over the solicitation of pledges to burn draft cards. We keep intact the fact that the activity at the table in the Straight lobby violated the terms of a federal law. The alleged unconstitutionality of that law is of no relevance to our treatment of the topic under discussion, and hence is excluded from consideration in this section. We alter the fact that the SCARB constitution required a proscription of such activity as detrimental precisely because it was forbidden by the laws of the United States. Let us assume, instead, that no Code offense hinges on law violation as such.

The Code we advocate matches the assumption just made. Under that Code the University decides all questions of disciplinary jurisdiction by assessing whether the conduct adversely affects the educational community. If, for example, the solicitation was conducted so as to disrupt classrooms or libraries, discipline could -- and should -- be imposed. If we assume that the actual solicitation took place in orderly fashion in the Straight lobby, then we would conclude that no invasion of University community interests occurred and no basis for University discipline existed. (Actually, factors other than the manner of conducting the illegal activity would be appraised to determine whether University interests were harmed. We omit reference to these other factors now because their inclusion would not change our judgment on the incident in question.)

Our conclusion on the absence of University jurisdiction means that enforcement of the law against the illegal activity is left up to public officials. This does not mean that the University must remain mute. It would be entirely appropriate, for example, for the University to take public positions advising the students of the probable illegality of their actions and clearly dissociating itself from any implied support of this particular violation of law or from any general principle of law violation. If the students were arrested and charged, the University would treat them in the manner set forth in Part IV of this Report.

The Commission is aware that the position here advanced may subject the University to criticism and pressure from external and perhaps internal sources as well. Yet we believe the position advocated is the only one consistent with the basic premises and guiding principles set forth in this Report. There seems little choice, therefore, but to impose on the

University the burden of persuading its constituencies to understand the proposition that the non-identity of the jurisdictions of Cornell and society may lead occasionally to a situation of student law violation on campus which is entirely within the general community's jurisdiction to enforce. If, as is likely, such situations are associated with political dissent, the University would have another explanatory theme congenial to any institution of higher education concerned with the maintenance of academic freedom.

IX. University Policy on Marijuana

It is inevitable, whatever the content of Code or University policy, that unforeseen problems will arise and, at times, strain relations within the University community and between Cornell and the general community. The eruption of the marijuana issue last spring -- and the issue remains very much alive -- is an example. As such, it invites and here receives our close attention as a test of the capacity of the principles we advocate to guide University policy and action in a sensible, effective, and acceptable manner.

There are some categories of drugs whose unauthorized use constitutes, on the basis of medical evidence, indisputably serious hazards to the user and to the community of which he is a part: opiate-cocaine; barbiturates, tranquilizers and amphetamines; and potent hallucinogens, such as LSD and mescaline. Given the magnitude of the adverse impact on University community interests from widespread student abuse of such drugs, Cornell would be not merely justified, but obligated to forbid their unauthorized use by students on or off campus.

Marijuana, in sharp contrast, is asserted to be a mild hallucinogen causing neither physical addiction nor physical or mental deterioration. The trend in enlightened opinion, including medical spokesmen, is to urge changes in the law to exclude marijuana from the opiate-cocaine category, and to lighten the severe penalties currently attached to its possession, use, or sale. Many of those urging reduction of penalties, it should be noted, are adamantly opposed to the legalization of marijuana. However, marijuana proponents assert, in effect, that its use should be accepted as private behavior no more subject to community sanctions than is alcohol consumption.

Accepting that assertion for the moment, it follows that University proscription of marijuana must rest on demonstrating its harm to the interests of the educational community. In weighing the relevant evidence, the University should keep several considerations in mind as contextual, rather than controlling factors: that marijuana is medically useless, that the smoking of marijuana cannot contribute positively to the realization of educational goals, and that toleration of marijuana is likely to lead to widespread use within the student community, often with spillover to the general community. These considerations, while obviously lending no support to the pro-marijuana position, are insufficient in themselves to warrant abridgment of what, for purposes of this discussion, we are accepting as private behavior.

The key question thus becomes whether there is legitimate evidence on the basis of which the University -- or any other reasonable observer -- should draw the conclusion that student use of marijuana should be prohibited.

We believe the answer is emphatically in the affirmative, and that the University should forbid the use of marijuana, implementing that policy position vigorously, but flexibly, in light of the particular dimensions of the problem as it appears on and off the campus.

On the medical side, we believe at least this much can be said against student use of marijuana:

(1) "As a hallucinogen, however, it can, in some persons under certain circumstances, produce all the untoward effects attributed to more potent hallucinogens, including aggressive behavior and psychosis." (New York Medicine, May, 1966; a periodical of the Medical Society of the County of New York; article on "The Dangerous Drug Problem," reprinted and distributed by the Dean of Columbia College.)

(2) "A dangerous effect from marijuana is the slowing of reflexes. Since marijuana also causes a distortion of reality, particularly in the sense of time, the drug is frequently a cause of automobile accidents." (from Statement of Harvard University Health Services, April, 1967, p. 2, distributed by Dean of Harvard College.) "... an individual under the influence of marijuana tends to lose his coordination, and yet often has a feeling of omnipotence. A marijuana smoker behind the wheel of an automobile is dangerous." (Dr. Donald B. Louria, "Cool Talk About Hot Drugs," N.Y. Times Magazine, August 6, 1967, pp. 50-51.)

(3) "Marijuana does not produce physical addiction, but it does produce significant dependence, to a serious degree. This is a fact well known to doctors working with college students." (Harvard University Health Services, op. cit., p. 2). A psychological dependence upon marijuana may be symptomatic of "serious underlying personality problems, severe neurotic conflicts, or psychotic reactions." (from statement of Council on Mental Health and Committee on Alcoholism and Drug Dependence, American Medical Association, reported in N.Y. Times, August 7, 1967.)

(4) "The medical evidence is mounting that a good deal of marijuana currently sold to students is adulterated, indeed often 'laced' with mixtures of other hallucinogenic drugs to strengthen the effects of the drug. Marijuana is not a specific product, but a variable mixture of flowers, leaves, stems, and sometimes, the roots of the hemp plant.... The fact is, a person buying 'marijuana' has no way of knowing what he is actually getting." (Harvard University Health Services, p. 2.)

(5) "The social influences surrounding the use of marijuana also encourage experimentation with other drugs, notably LSD, and, of course, may lead into addiction to narcotics." (Harvard University Health Services, pp. 2-3.)

In our judgment, these points of medical testimony fully warrant the conclusion that the appropriate University position on marijuana is not indifference or toleration, but discouragement.

Marijuana partisans challenge the medical judgments cited above; another category of evidence compels University proscription of student use of marijuana. Since that category relates to the illegality of marijuana, we want to make our position absolutely clear in advance of presenting the evidence. By the principles we advocate, University regulation of student conduct is cast in terms of protecting the interests of the educational community, not of enforcing law as such. The illegality of an activity is

not in itself sufficient proof of harm to the University community; the harm must be demonstrated by independent evidence.

Our position on marijuana conforms exactly to that standard: the behavior and attitudes accompanying student use of marijuana are detrimental to the maintenance of a suitable educational environment. The cause of these damaging behaviors and attitudes is doubtless the fact that marijuana use is illegal and the laws against it are enforced, but we rest our position on the quite different grounds that, whatever the cause, the accompanying attitudes and behaviors are damaging. The critical difference between these standards can be appreciated by recalling our discussion of another illegal activity -- the solicitation of pledges to burn draft cards -- which was not accompanied by behaviors and attitudes antithetical to the nature of the University community. Hence, in contrast to our position on marijuana, we concluded that the solicitation activity was a matter for law enforcement officials and not one within the University's jurisdiction.

The detrimental characteristics associated with student use of marijuana need no belaboring. Four types of examples of the risks to the user and to the community should suffice, and for each the reader is invited to draw the contrast with alcohol consumption and the solicitation of pledges to burn draft cards:

(1) The narcotics trade is an explicitly criminal activity operated by organized crime. Marijuana is a product often tainted by that route of supply, and it is only a naive or arrogant individual who believes he can make contact with that criminal subculture on his own terms and can control the rules of that game.

(2) Police enforcement of the narcotics laws often includes making suppliers or users, through threat of prosecution or promise of charge reduction, agree to act as secret informers for the police. Need we dwell on the disastrous impact on relations within the University community suspicion of the presence of such informers would cause?

(3) Student arguments legitimating marijuana may be open, but their use of marijuana is furtive and secret, characteristics appropriately associated with activity understood to be criminal by its participants.

(4) A drug problem exists within the Ithaca community, and marijuana use by Cornell students is a likely, though not necessarily primary, contributor to it. The Ithaca community is entitled to the University's cooperation in dealing with one aspect of the city's problem.

Our examination of the evidence leads us to recommend that student possession, use, or sale of marijuana be treated as a serious Code offense.* University action should be premised on a primary concern for the emotional and physical welfare of students. This means a commitment to educating the campus on the potential dangers to the user and the community associated with marijuana use, and to rehabilitating students through clinic, psychiatric counseling and other like services. We would not preclude, however, disciplinary sanctions when circumstances warranted, nor the relating of penalties to such common-sense distinctions as occasional or habitual user,

*See Appendix C for a comparison of the details of our position with the major viewpoints expressed in the campus dispute over the marijuana problem in May, 1967.

user or trafficker, etc. Above all, we would urge the University to demonstrate its determination to reduce the incidence of marijuana use, and of illicit drug use generally, by students to minimal proportions.

However disagreeable the task for the University to take persistent action under the Code to minimize the marijuana problem among students, it is greatly preferable to the assumption of that task by law enforcement officials. The difficulties facing the University in investigating marijuana violations permit of no easy solutions. Since a lengthy and full-scale law investigation of student use of marijuana surely threatens disruption of the academic environment, the University, contrary to the urgings of some student leaders, cannot simply stand by and let public officials operate as they wish. Yet, on the other hand, University cooperation must be carefully circumscribed so as not to lead to an abuse of its authority over students or to violations of its own principles of fairness. Clearly, the best solution, from all points of view, would be for the University to arrange to take primary responsibility in the context of enforcing the Code, rather than the law, and to make its position known throughout the entire community.*

*The probable disruptive effect on the educational community of official extensive investigation of student conduct in violation of a particular law plays no role in our determination of whether that conduct should be deemed a Code offense. If that factor were stressed, it would result in a back-door acceptance of the principle, explicitly denied in our formulation, that law violations per se constitute Code offenses.

X. Freedom of Artistic Expression: the McConkey Committee Report

As a result of the Trojan Horse incident last winter, the Faculty Council recommended the formation of a student-faculty committee to "stimulate and organize discussion of the issues of free expression." A Student-Faculty Committee on Freedom of Expression and Artistic Standards was formed on February 20, 1967, chaired by Professor James R. McConkey. This committee issued a brief report presenting several "principles and objectives" to serve as "the basis for any further exploration of problems concerning artistic taste and merit." (The McConkey Committee report is reprinted in Appendix B.) The Faculty Council accepted the report for that purpose in early April. The Commission has been asked, as part of its charge, to "integrate" the McConkey Committee report into its recommendations.

We endorse the general position and much of the content of the McConkey Committee statement. We strongly agree with its emphasis on the fundamental importance of free expression to a university and on the need to discontinue the censorship authority of SCARB. However, we believe several unresolved questions merit further consideration before final action on the report is taken by the appropriate bodies.

(1) Point (3), which is the heart of the report, recommends that "the University will not itself legislate against the expression of any thought or idea which does not violate the privacy of an individual." (We understand the exception is meant to cover situations like malicious ridicule, violation of confidential relationships, etc.) We would urge, in keeping with our position on the special interests of the University community, that the Cornell community is entitled to a degree of self-protection denied by the report's assertion of a virtually unqualified freedom of expression. If, for example, expression serves intentionally to incite student violation of a Code rule, we see no reason to exempt it from University disciplinary jurisdiction.

(2) We think a distinction worth exploring could be drawn between expression aimed at "captive audiences" and that which is aimed at non-captive "self-selected audiences." A flyer put under the door of every student's room perhaps ought to be held to different and higher standards than when presented as a part of a student journal available only to those interested enough to buy it. It might be in order to display an exhibition of erotic drawings or photographs, deemed by some to be obscene and by many to be offensive, on the walls of one of the campus galleries, but not in the main lobby of the Straight or on the tree trunks in the main quadrangle. Placards displayed during sports events perhaps should be made to pass a more restrictive test than the legal definition of obscenity or the nonviolation of the privacy of an individual.

(3) Quite apart from the question of University "legislation," we believe more could and should be done to upgrade the quality and taste of

student publications. To say that the Trojan Horse issue was not obscene is not, after all, to apply much of a substantive standard for an educational community. What is required is student willingness to seek out (not necessarily to follow) the advice of suitable faculty members and faculty willingness to expend the time and effort necessary to help promote quality experimentation and expression.

XI. Political Advocacy, Dissent and Civil Disobedience

University protection of student political advocacy and dissent, which are freedoms central to free inquiry, must include avoidance not only of formal rules restricting political activity but of informal repression of and retaliation for the exercise of political expression as well. In the judgment of one close observer of the local and national collegiate scene, "(Cornell) is probably the most progressive University community on civil liberties questions. . . ." We think the University can properly take pride in that judgment and that most members of the educational community want the University to maintain its sympathetic understanding of student questioning of established values, experimentation with new values, and personal action to effect change.

Notwithstanding this progressive record--or perhaps because of it--Cornell in the last academic year was subject to a number of student challenges premised on the freedom of advocacy and dissent. As one consequence this Commission was instructed to pay "particular consideration (to) matters of academic freedom, individual freedom of speech and political action." We have already done so in Section VIII, F (solicitation of pledges to burn draft cards) and Section X (freedom of artistic expression). In this section, we concentrate on explaining a theme often lost sight of by student activists: there are basic interests of the University community which require qualification of the freedom of advocacy and dissent, and which must govern the University's position on civil disobedience as well.

Some basic points need emphasis as context for our recommendations in this section:

(1) Legitimate University interests may require, and hence justify, constraint of individual freedom. In the University community, as in the society at large, individual freedoms are not absolute but are subject to reasonable confinement for the good of the whole. A university clearly is not prohibited by any "freedom of residence choice" from assigning students to live in its dormitories, by any "freedom of eating choice" from imposing a food contract plan, or by any "freedom of association" from banning fraternities. Freedom of advocacy comprises no exception to this general rule.

(2) The freedom to advocate encompasses no immunity from responsibility for its consequences. Words may be the "triggers of action" no less in an educational community than elsewhere. A student has no more of a protected freedom to falsely shout "Fire!" in a crowded Bailey

Hall than he does in a crowded downtown movie theater. By this we mean not only the obvious fact that the law reaches both acts, but that the University clearly has the authority to proscribe the former act as a punishable Code offense. So, too, any student advocacy which involves direct violation of Code rules or which intentionally serves to incite students to such violation is a matter within the reach of the University's disciplinary jurisdiction.

(3) The University should rely primarily on good-faith discussion and dialogue in settling internal differences. Cornell provides multiple opportunities for effective student participation in diverse areas of policy-making and for student access to faculty and administrative bodies. When conflict arises--and its emergence is natural as a condition for change--students should make full use of the existing machinery (as should faculty and administration) before recourse is had to more coercive and agitational forms of advocacy. Throughout, it would be appropriate to remember that the freedom of advocacy guarantees only the opportunity to advocate, not to have one's position agreed to or adopted.

(4) When the University's disciplinary authority must be exercised--which should be as seldom as possible--voluntary compliance by the University community must be forthcoming. Otherwise, force or police power is necessary, a condition singularly damaging to the purposes and fabric of an educational community.

These basic points constitute, in our judgment, vital interests of the University community which must condition or qualify the exercise of individual freedoms. Unfortunately, these vital interests have been invaded with increasing frequency by students acting under the spur of advocacy, protest and dissent on behalf of one or another cause in which they deeply believe. A few examples should suffice. In the incidents at the Straight lobby over the solicitation of pledges to burn draft cards, some students refused to respond to the Proctor's request for identification, justifying their action on the grounds of their unilateral determination of the invalidity of SCARB's decision prohibiting the activity or of the irrelevance of University rules to the high cause of opposing the Vietnam war. Other campus protesters have demonstrated a penchant for a form of confrontation politics involving sit-ins and mill-ins at Day Hall and elsewhere. Still others apparently believe the rightness of their cause excused interruption of public lectures or public ceremonies.

In light of trends apparent at Cornell and at campuses throughout the nation, the time has come to make explicit some elementary guidelines to protect essential University interests from conduct inappropriate to an educational community and/or damaging to the freedom of others. Since we are committed to the principle of specifying offenses unambiguously in the Student Code, we suggest adoption of the following offenses, violation of which would permit (not require) the severest sanctions:

(1) Direct interference with or disruption of the orderly conduct of the operations of the University (covering classrooms, libraries, offices, buildings, halls, walkways, public events, etc.)

(2) Threatening the system of order and justice in the University community by flouting its basic requirements, such as willful failure to identify oneself when requested to do so by appropriate University officials; willful failure to appear before appropriate University officials or bodies when requested to do so in connection with disciplinary proceedings; willful violation of the terms of disciplinary probation or of withdrawal of privileges imposed as sanctions.

While the preceding limitations on political advocacy and dissent also apply to civil disobedience, that latter subject has complexities requiring separate commentary. Civil disobedience is a term much abused and confused; it is associated with tactics to which university communities, because of their strong concern for the protection of dissent, are highly vulnerable. We concentrate, therefore, on trying to clarify the term and to develop a position capable of guiding University response to it.

Civil disobedience commonly refers to two types of activities which merit separate consideration. Both involve the deliberate and public breaking of a law, but in the one type to test its constitutionality and in the other to violate an unchallenged law in order to bring about a change in policy with respect to an alleged evil. The first type is relatively easy to handle in light of the themes of this Report. Since no American has the privilege of having an allegedly unconstitutional law adjudicated in the absence of his direct involvement in a case, the risk of prosecution and conviction for breaking the law in question must be run. Cornell students who violate the law for such purposes--assuming no Code violation is directly involved also--should be free from University jurisdiction in their confrontation with society. (See Part VIII, F) However, students who wish to test the validity of a Code provision have no need to violate it in order to do so; the Code administration we propose (above) permits review of alleged invalidity through procedures in addition to adjudication of violations.

The remaining type of civil disobedience occupies our attention in this section. This type involves the violation of a plainly valid, or unchallenged, law, e. g., blocking a freight train loaded with war material; in terms of the Code, defacing University property with painted antiwar slogans. Those engaged in civil disobedience of this type hope their demonstration of personal witness and action, together with the upset caused by their activity and arrest, will influence officials directly or indirectly by attracting public attention and support. So understood, civil disobedience has several critical characteristics which we formulate in relation to law and law violations, but which have equal applicability when related to the Code and Code violations:

(1) Civil disobedience has no legal status. Civil disobedience is not in itself a recognized category of law violation. It involves, by definition, the violation of some law, which then provides the basis for arrest and prosecution, e. g. , trespass, blocking a public thoroughfare, etc.

(2) Civil disobedience is not a civil liberty. No one has a constitutional right to engage in civil disobedience.

(3) Civil disobedience does not alter the fact that a law is violated. The violation of law as a necessary incident of civil disobedience in no way expunges or alters the fact that a law has been violated, nor provides legal excuse for such violation.

(4) Civil disobedience may attempt a "higher justification" by appeal to moral principles. This in no way qualifies the validity of the preceding three points, i. e. , whatever its moral claims, civil disobedience remains a violation of law subject to punishment. These moral claims can be evaluated by explicit criteria, which we attempt to do next.

The judgment as to whether a particular act of civil disobedience is morally justified can never be wholly free of the relativism of personal opinion, but some yardsticks for appraisal can be suggested:

(1) The evil opposed must be urgent and serious, and other legal ways to oppose it must be exhausted first.

(2) The act must be limited in scope and content so as not to produce disproportionately harmful effects for others and not to threaten the general structure of law, e. g. , it must be nonviolent.

(3) The act must have some direct relationship to the evil opposed and must be aimed at those responsible for its existence and/or capable of eliminating the evil.

(4) The participants in civil disobedience must be willing to submit to arrest and to the legal penalties involved in law violation.

A well-structured democracy or University community provides many channels of redress for those who believe a great wrong is being done which requires correction. Dissenting views can be pressed in many quarters and in many ways without guaranteeing, of course, that they must prevail. In such a setting, adherence to the four conditions just set forth surely would minimize the occasions when civil disobedience could lay claim to moral legitimacy. Civil disobedience should be viewed as extraordinary action called for by extraordinary circumstances, not as a routine technique to be used at some early stage of protest. If held to such standards, civil disobedience could be accepted by a tolerant society as a ritualized form of public protest, involving law violation only in a formal, minimal sense,

and serving usefully as a spur to changes in law or policy. If not held to such standards, however, condonation of repeated disobedience of law-- perhaps most especially when wedded to the pursuit of great goals--threatens the entire rule of law tradition and the idea of orderly change.

When students engage in what they claim to be civil disobedience against the University community, the foregoing criteria should be publicly and precisely applied. When this is done, some situations will be accurately seen as entirely outside the category of civil disobedience; e. g., a sit-in at Day Hall in which the participants assert they are exercising the right of petition and not violating a Code rule at all cannot by definition be an instance of civil disobedience. Other situations will be judged as morally unjustified civil disobedience; e. g., interference with the community's right to hear a speaker partially responsible for the alleged evil opposed by the protesters. In only a few situations, assuming the University maintains effective channels for student participation and influence, could such civil disobedience genuinely invoke moral legitimacy.

In all instances of civil disobedience against the Cornell community, the University's jurisdiction is automatic since an essential ingredient of the act is a violation of Code rules. Further, those genuinely committing civil disobedience have, by their action, signified their willingness to risk punishment on behalf of their beliefs. A wise and fair University will not, of course, blindly enforce its rules without regard to the distinctive aspects of each situation. Yet the University, in protection of the interests of the educational community, must make at least the following ground rules clear: (a) a violation of Code rules is not excused by designating it an act of civil disobedience; (b) whether a deliberate Code violation represents genuine civil disobedience is a matter to be determined by external judgment and explicit standards, not foreclosed by its designation as such by the protesters; and (c) the risks of violating the Code and thereby subjecting oneself to the possibility of disciplinary penalties must necessarily be borne by the violators.

This discussion provides the necessary backdrop to our recommendation of another provision we believe should be embodied in the Code, violation of which would permit (not require) the severest sanctions:

(3) Jeopardizing the system of voluntary compliance underlying University regulation of student conduct by willful refusal to accede to legitimate and reasonable instructions of appropriate University officials to cease specified misconduct.

In the society at large, a person's submission to arrest brings about an immediate cessation of the allegedly illegal activity occasioning his arrest. An equivalent outcome with respect to a Code violator in the Cornell community depends entirely on his voluntary compliance, since the Proctor makes no "arrest" when charging a student with a Code infraction. The refusal of students in various well-publicized incidents last year to go along

with this tradition of voluntary compliance has reluctantly persuaded us of the necessity to formalize the tradition as a Code provision.

We are aware of some special difficulties in assuring fair employment of the recommended provision. It is easy to say, for example, that those engaged in true civil disobedience should be quite ready to stop their activity upon request because their protest involves their willingness to undergo penalties for their deliberate violation of rules. But the effectiveness of the protest also hinges in part on the degree of upset and implicit coercion generated by their activity. If the activity violating the Code is cited as such as soon as it begins, and if continued is then immediately visited by an additional citation for violation of the provision we recommend, the repressive effects are obvious. We are nonetheless convinced that our recommendation gives to the University a self-protective authority needed by an educational community. Without it, the University would be helpless to deal, in ways other than a reliance on police power, with students who refuse to cease their misconduct for principled or other reasons-- even when the misconduct was directly harmful or dangerous rather than merely inconveniencing. The difficulties of equitable enforcement of the provision clearly argue for its sensitive and tolerant application, but in no way negate the need for its inclusion within the Code.

The recommendations made in this section, together with the explanatory discussion, aim to provide explicit ground rules governing student exercise of the important freedoms of advocacy, protest and dissent within the University community. Neither the direction nor the content of these ground rules is new to the Cornell community; statements made with reference to student disorders in the 1965-67 period by the President, the University Faculty, the Faculty Council, the Faculty Committee on Student Affairs, and the student and faculty adjudicatory boards all speak to these matters in a similar fashion.

What merits emphasis is that legitimate forms of student protest and dissent should not be inhibited in any way by adherence to these ground rules which are indispensable to the effective functioning of the University community. We view these recommendations as providing a basic safeguard not just or even primarily for the majority, but especially for dissenting minorities. When and if disrespect for the rights of others becomes the acceptable norm of behavior, the freedoms of minorities and protesters are likely to be among the earliest casualties.

XII. Related Matters Meriting Consideration

Several additional themes or problems relevant to the Commission's mandate warrant the attention of the Cornell community. We present them briefly in this final section of the Report, together with our position or suggestions, and request consideration of them by the appropriate University bodies.

(1) Reducing the sense of a "police presence" on the campus. We recommend that the personnel of the Safety Division abandon standard police uniforms and substitute for them a distinctive uniform of another type. Except in extraordinary circumstances, no sidearms should be carried at any time by members of the Safety Division. We also believe that the successful discharge of the Proctor's duties depends in no significant way on his being a Deputy Sheriff of Tompkins County, and that he should relinquish that status. Careful consideration should be given to the possibility of all or many Safety Division personnel ceasing to be special deputy sheriffs.

(2) Faculty involvement in student violations of the Code. This unpleasant subject is unavoidable unless the educational community were prepared to tolerate what we believe would be an intolerable double standard of conduct. If a student can be disciplined for actions damaging the interests of the University community, then what of a faculty member who has encouraged the student to violate the Code or who has participated himself in that same activity for which a student has been sanctioned? Since rather fundamental, sensitive and complex issues are involved, we recommend that the Committee on Academic Freedom and Tenure undertake a full and searching examination of the problem.

(3) Group and organizational offenses. Our concentration in this report on the individual student's relation to the Code should not be taken to imply our lack of awareness of the need to deal with student group or organizational responsibilities, offenses, and sanctions. A test for group responsibility might be whether the group encouraged or failed to act reasonably to prevent infractions of the Code. The specification of group offenses should be governed by the same criteria used for individual offenses, on the understanding that misconduct becomes more serious when undertaken by or on behalf of groups or organizations. Certain group offenses, such as the practice of categorical discrimination, will have no counterpart individual offense. The imposition of group sanctions should be clearly divorced from the imposition of any individual sanctions against selected members of the group.

(4) Faculty and staff disclosure of information on students. The Commission has not had the time to probe this topic systematically; hence, we simply call attention here to some aspects of it. Two areas seem well taken care of: (a) the release of information from student records maintained in University offices is subject to detailed and thoughtful regulations which are under continuing review; and (b) the student drafters of the Code are sensitive to the need to protect the integrity of the disciplinary hearings, files, etc. We suggest that rules on access and disclosure also be formulated in connection with any informational reporting on campus law violations undertaken by the University in its working relationships with Ithaca officials.

We are mostly concerned about the possibility of improper disclosure of information on students (especially relative to beliefs, attitudes, activities, etc.) by faculty, administration, or staff in the context of letters of recommendation, responses to government investigators or corporate interviewers and the like. We do not believe the standards on this matter have been clarified adequately or, if they have, that awareness of the standards is sufficiently widespread. We think the matter important, since it bears directly on student perception of whether their freedom of expression is really just that, or is subject to exceptions harmful to them over which they have no knowledge or control. Further, we raise the question, long overdue, of whether some of the standard inquiries put to faculty about their students by government personnel do not constitute undue interference with faculty-student relations, with student free expression in academic and nonacademic matters, etc.

We call the attention of the Faculty Council to the problem of devising appropriate standards for faculty disclosure of information on students and request that it assign the matter to a committee for study and report.

(5) Protecting the integrity of University justice. As noted in Part VI, there is need to review the inadequacy of the investigative and hearings procedures in terms both of providing procedural fairness to students and assuring the adjudicatory bodies of full and reliable evidence on which to base a judgment. The willful falsification of facts by student witnesses is no less a subverter of justice than is the entanglement of a student defendant in self-incrimination. We suggest that the most effective way to review the problems is to consider the requirements for the whole process of University justice, not just one segment and not just from the viewpoint of the defendant or the board.

(6) Regulation of the conduct of students earning advanced degrees. This Report deals essentially with University regulation of the conduct of undergraduates. It appears inappropriate simply to extend the coverage of the undergraduate Code to advanced students or to permit undergraduates to judge alleged violations of that Code by advanced students. Hence we call the attention of the relevant deans of the graduate and professional schools to the need to devise a suitable structure of University justice for their students. We would hope that the basic principles advocated in this Report would be of utility in this task, but their implementation might well differ in some significant respects.

(7) Acquainting the University's constituencies with these principles and policies. Assuming this Report is adopted, the University must make clear to its varied publics that Cornell students speak and act for themselves and not the University, in the same way that an outside speaker on campus expresses his views only, not those of the University or the student sponsoring group. The point must be made--and doubtless made

again and again--that the University's jurisdiction over students is finite and limited. Above all, Cornell's constituencies must be made to understand that the University's liability or unwillingness to punish certain instances of student misconduct or law violation implies no condonation of the behavior. It reflects, instead, University respect for the jurisdictional bounds of its responsibility and for the ground rule principles governing its exercise of disciplinary authority. Society is not defenseless, after all, when faced with law violators, even when they are Cornell students.

APPENDIX A

Section I. Mandate for the Commission

The charge to the Commission is quoted below. It is taken from the original communication to each member of the Commission.

The Commission named at the recommendation of the Faculty Council and the Faculty Committee on Student Affairs is asked to report to the President of the University, Dean of the University Faculty, and the President of Student Government. Its report should include findings and policy recommendations in the broad area of student affairs and conduct, law enforcement on campus, the interdependence of university regulations and local, state, and federal law, and university procedures in all these areas. The reports of the committees who are considering judicial procedures and freedom of expression and artistic standards should be integrated into the committee's recommendations.

Among the questions which the Commission is asked to consider and react to are:

1. The role of the University in the enforcement of local, state, and federal law, with particular consideration for matters of academic freedom, individual freedom of speech and political action;
2. The interdependence of university procedures and local law enforcement agencies;
3. The role and responsibility of university officers and committees in the investigation and enforcement of university regulations and local law, particularly the office of the Proctor and the patrolmen and detectives in the Safety Division;
4. The role of the students, the faculty, and the administration in all these matters, with emphasis on the structure and procedures which will best serve to maintain law and order on the campus in an academic climate which promotes learning and the search for knowledge with a concern for individual freedom and responsibility.

The Commission will be at work this summer and is requested to make a report in September.

The President and Dean of the Faculty announced the appointment of the Commission on May 10, 1967.

Section II. Procedures

The Commission held its first formal meeting on May 21. It met regularly thereafter, with a total of 25 meetings between May 29 and August 23, when the Commission was forced to recess. Commission meetings lasted from two to four hours, with the drafting and reviewing sessions being somewhat longer.

The Commission heard testimony from a number of different persons including University faculty, community law enforcement officials, students, administrative officers of the University, and local attorneys who had expressed interest in the Commission's activities. In addition, the Commission received written communications from various students and faculty.

The taking of testimony was the central focus of the Commission's efforts for the first month. Thereafter, meetings were addressed to the substantive issues in the report and to some further testimony. The most recent meetings were addressed to the draft of the report. Notes of the Commission's meetings were taken and testimony was recorded, both designed solely to assist the Commission in drafting its report.

Section III. Members

The members of the Commission were as follows:

Allan P. Sindler, Professor of Government, Chairman
William W. Austin, Professor of Music
Ralph Bolgiano, Jr., Professor of Electrical Engineering
Herbert L. Everett, Professor of Plant Breeding, and
Director of Resident Instruction,
College of Agriculture
Stuart M. Brown, Jr., Professor of Philosophy, and
Dean of the College of Arts and Sciences
Mark Barlow, Jr., Vice-President for Student Affairs
Neal Stamp, University Counsel
Thomas W. Mackesey, Professor of Regional Planning, and
Vice-President for Planning
C. David Burak, ILR, '67, (Graduate Student in Rural
Sociology, 1967-68)
Catherine L. Forrester, Arts '68
Arthur C. Kaminsky, Arts '68
Reeve D. Vanneman, Arts '67
Stanley R. Levy, Assistant Professor of Education and
Associate Dean of Students, Executive Secretary

In addition, Stephen Knapp, Law '68, sat with the Commission as Mr. Stamp's assistant. Richard Birchall, Arts '68, attended the Commission meetings periodically throughout the summer in place of Arthur Kaminsky whose summer employment precluded his active participation.

Section IV. Reference Materials

The Commission was exposed to over sixty documents, letters, memoranda, and articles in professional and scholarly journals. Of the wide variety that were employed, a few merit mention as specially helpful in clarifying our thinking:

(1) The Student Conduct Program of the University of Oregon, which was helpful as a guide to the students currently attempting to draft a new Code for Cornell. The Oregon Program is well discussed in Hans A. Linde, "Campus Law: Berkeley Viewed from Eugene," California Law Review, Vol. 54 (March 1966), 40-66. We profited also from exchanges of correspondence with Francis B. Nickerson, Associate Dean of Students, who is the administrator of the Oregon Code.

(2) William W. Van Alstyne, Professor at the Duke University Law School, has written effectively on subjects of central concern to the Commission. See, for example, "Student Academic Freedom and the Rule-Making Powers of Public Universities: Some Constitutional Considerations," Law in Transition Quarterly, Vol. II, (Winter 1965), 1-34.

(3) Various statements or drafts of statements on student academic freedom have been developed by the Association of American Colleges, the American Association of University Professors, the United States National Students Association, and the American Civil Liberties Union.

APPENDIX B

Relating Our Position on Marijuana to the May, 1967 Dispute

In May, 1967, the campus was agitated by disputed interpretations of a policy statement on marijuana (formulated by Messrs. Barlow, Birchall and Bolgiano) and by a subsequent divergence of penalties imposed in two marijuana cases by the UJB and the FCSC. Our position with respect to the main items of contention in May is as follows:

(a) University jurisdiction and marijuana users and traffickers. The May policy statement distinguished between "individual use of marijuana" and "trafficking which sustains extensive use in the community." Only the latter was viewed as "presumptive evidence of an influence detrimental to the educational environment." Individual use was not exempted from disciplinary action if it was determined that such use was "disruptive to the educational environment." The disputes that followed derived in part from the erroneous interpretation that users were guaranteed immunity from University discipline and in part from the demand that the "presumptive evidence" standard be abandoned, thus requiring the University to prove the detrimental effects on the educational environment in each situation.

Our view differs from both the policy statement and the position of those who disputed it. The Code provision on marijuana that we advocate makes direct involvement in any stage of the use of marijuana a Code offense. Hence "mere" use no less than trafficking is "presumptive evidence" of conduct adversely affecting the interests of the University community. It is as unreasonable to require the University to prove its jurisdiction by demonstrating anew and in detail that each student user of marijuana adversely affected the educational environment as it would be to compel a like demonstration for each instance of student theft, or lewd conduct, or any other category of Code offenses. Once involvement in marijuana is accepted as a Code offense for the reasons advanced earlier, the use of marijuana is automatically included as part of that offense, without need for separate proof linking the particular use to harmful effects on University interests. The University may well decide that the best way to cope with the marijuana problem is to concentrate on eliminating trafficking and to go light on the enforcement of the Code provision against users, but that is not the same thing as exempting "use" from the meaning of the offense.

(b) Severity of penalties. The determination of penalties should take into account the real differences between, say, an occasional user and a chronic trafficker. Further, it might often be more sensible to refer a student user to counseling than to impose any disciplinary penalty at all.

(c) Reliance on the particular evidence. As with any alleged Code violation, careful attention should be paid to the particular evidence available as the sole basis for determining judgment and penalties. Loose categorization of defendants as traffickers, extensive users, etc. should be avoided, especially since the sociability connected with marijuana smoking may complicate distinguishing between use and trafficking.

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Room M
Olin Hall
December 13, 1967

The President called the meeting to order at 4:35 p.m., with 195 members attending. He called for additions or corrections to the minutes of the meeting of November 8, 1967, and there being none, declared them approved as distributed.

The President then announced the death of:

Charles D. Chupp, Professor Emeritus of Plant Pathology, on November 9, 1967; and

David H. Geske, Professor of Chemistry, on December 4, 1967

He then stated that the Curtiss Committee had been holding regular meetings and was nearing the completion of its tasks. There was some uncertainty as to whether a statement of principles accompanied by recommendations for implementing them could be prepared in time for the January Faculty meeting; possibly the principles accompanied by an outline of alternative routes to follow would be first presented. But whatever was done, the Faculty would be given the opportunity to discuss the principal decision and make recommendations prior to any final actions by the Board of Trustees.

The President also announced that the Sindler Commission, having completed the work it had been asked to do, had been discharged with his thanks and appreciation, as well as with the thanks of the Dean. Upon the official disbanding of the Commission, the Dean had appointed a special Faculty committee to draft motions for consideration by the University Faculty. That committee was composed of the Faculty members of the Commission: the Professor of Music, William W. Austin; the Professor of Electrical Engineering, Ralph Bolgiano, Jr.; the Professor of Plant Breeding and Director of

Resident Instruction, College of Agriculture, Herbert L. Everett; and the Professor of Government, Allan P. Sindler. The President added that the principles formulated by the Faculty's committee had his support. He then called upon the Dean for a series of motions from the Faculty Council.

The Dean first commented on the Faculty Council's statement of December 5, 1967, regarding General Hershey's directive and the subject of military recruitment on campus. The Dean noted that it had been distributed with the call to the meeting. There had been no disagreement among the Council members concerning the statement's first four paragraphs; there had been a division concerning the fifth. The Council had discussed whether or not to present its statement for additional action by the University Faculty, but the Council had been reluctant to do it on its own initiative, since the present meeting had on its agenda the Sindler Report, which had been on the docket since September. If any members of the Faculty wished to offer resolutions on the subject, the Dean suggested that they send them to him by January 3rd in order to place them on the agenda of the Faculty January meeting.

The Dean also announced that a Faculty Committee on Fire Drills had been appointed and had undertaken to develop the ways in which the University would carry out the drills that were required by State law. The members of the committee were the Professor of Electrical Engineering and Associate Dean, College of Engineering, William H. Erickson, chairman; the Professor of Plant Breeding and Director of Resident Instruction, Herbert L. Everett; the Executive Director of Chemistry, William Gurowitz; the Circulation Librarian,

University Libraries, Arthur Kulp; the Executive Director for Nuclear Studies, Robert M. Matyas; the Research Manager, Division of Biological Sciences, Alan W. Morrison; the Professor of Mathematics, Computer Science, Robert J. Walker; the Associate Professor of Physics, Laboratory of Atomic and Solid State Physics, Herbert Mahr; and the Supervising Fire Inspector, J. R. MacCheyne.

The Professor of Industrial and Labor Relations, Isadore Blumen, asked the Dean whether it was true that the Council's statement had been supported by less than a majority of the Council's membership. The Dean replied that the vote on the motion as finally worded and distributed had been something like 5 to 3; but he added that the statement had been developed in the course of three earlier meetings and that the substance of the statement at the earlier meetings, including that of the fifth paragraph, had consistently been supported by some 12 members of the Council and that the Council votes had included no dissents. The final meeting had involved mainly the rephrasing of a few sentences.

The Professor of Poultry Science, J. Herbert Bruckner, objected to five Council members' undertaking to speak for the whole University Faculty.

The Robert Julius Thorne Professor of Economics, Alfred E. Kahn, a member of the Council, said that although he was speaking only on his own behalf, he could emphasize that at every meeting except the final one there had been large Council attendance and strong support for the statement as finally issued; it had not been just the work or point of view of five members. Moreover, it had been a statement issued in the name of the Council, not in the name of the Faculty.

The Professor of Economics and of Industrial and Labor Relations, George H. Hildebrand, another member of the Council, said that he had voted against the Council's statement. He did not, he explained, regard the presence of military recruiters as a threat to academic or intellectual freedom. He felt that it was beneath the dignity of the University to bar access to officers of the Government. But he was opposed to the Hershey directive because it substituted administrative decision for due process and because it improperly made of military service a penal decree.

The President asked leave to say a word. He had, he explained, presented the Council with his own statement of objections to the Hershey directive and had indicated his hope for an appropriate response from the Council. The first four paragraphs of their statement had been that response. The last paragraph he regarded as only recommendatory. The matter had been especially complex because judicial procedures were in progress at the time. He thought that the consequence might be to win one battle and lose the war of the Hershey directive. He would urge the Faculty to consider the Council's position, if it wished, at the next meeting, when he would himself like the opportunity to make a full statement of his own position in the matter.

Professor Blumen replied that if the Council had felt it so urgent to make a statement that it could not await the Faculty meeting, it was surely no less urgent now for the University Faculty to act. Deploring the increasing tendency of the Council to concern itself with political objectives, he questioned the motivation of the dominant group in the Council, and reminded the Faculty that

at the time of the last election the unrepresentative nature of the Council had been made clear.

The Henry Scarborough Professor of Social Science, Robin M. Williams, Jr., said that he was deeply disturbed by the Council's action, and would also wish to have the Faculty reconsider it. He added, however, that he would not object to putting the matter over to the January meeting.

The President pointed out that the Faculty had several alternatives. It could, for example, resolve to dissociate itself from the Council's statement.

Professor A. E. Kahn asked how he could reply to Professor Blumen. He vigorously objected to imputations that the members of the Council had been politically motivated, and emphatically wished to know how he could protest.

The President assured him that he was succeeding very well.

Professor Blumen then moved the President's suggestion, and the Professor of Electrical Engineering and Director of the Division of Engineering Basic Studies, Howard G. Smith, seconded it.

The Secretary requested Professor Blumen to repeat the exact wording of his motion for accurate recording. Professor Bruckner offered to satisfy the request with a motion he had already prepared:

I move that the Faculty approve the first four paragraphs of the statement of the Faculty Council dated December 5, 1967, in reference to the Hershey directive and that it disassociate itself from the fifth paragraph of said statement, which refers to the banning of recruiting on campus for the military services.

Professors Blumen and Smith accepted the wording.

The Susan Linn Sage Professor of Philosophy, Norman Malcolm, objected. The introduction of that motion was improper, he argued; it had not been placed on the agenda. Accordingly, he moved that it be tabled.

Professor Blumen rose to point out that Professor Malcolm's motion to table could not be accompanied by argument. A motion to table was not debatable and Professor Malcolm's motion was therefore out of order. The motion he, himself, had initiated, however, was in order, for it had come in response to a statement made by the Dean in behalf of the Council, and had come at the appropriate time.

The Assistant Professor of Industrial and Labor Relations, Jay Schulman, then moved that Professor Blumen's motion, as worded by Professor Bruckner, be tabled. There was a second.

The Professor of Mathematics, Paul M. Olum, rose to explain that Professor Schulman's motion would have the effect of forestalling debate and would require a 2/3 majority to carry. He offered to move that Professor Blumen's motion be postponed until the January meeting, if the motion to table failed or were withdrawn. A motion to postpone would require only a majority vote and was debatable. Thereupon Professor Schulman, with his seconder concurring, withdrew his motion to table, and Professor Olum's motion, duly seconded, replaced it.

The Professor of Child Development and Family Relationships, Urie Bronfenbrenner, although favoring reconsideration of the Council's action, argued that it would be unfortunate to take up the subject at the present meeting, inasmuch as the matter had not been

placed on the agenda. He also, in the light of his experience as a past member of the Council, affirmed his confidence in the conscientiousness, scrupulosity, and good faith of the Council. He supported Professor Olum's motion to postpone.

Professor Olum now spoke in behalf of his motion. Could the Faculty take a neutral position in the matter, he would not oppose it. But in the present circumstances - created, he said, by the President's suggestion - "disassociation" could be understood only as a rejection of the Council's position. Before such a critical step were taken, therefore, he favored full debate and at a time when it could be undertaken.

The President here interjected a word to say that he had not recommended that a resolution to disassociate be put before the Faculty; he had simply been attempting to outline the courses of action available to the Faculty for doing what it wished.

The William Nelson Cromwell Professor of International and Comparative Law, Rudolf B. Schlesinger, now sought to move an amendment to Professor Olum's motion by providing simply for postponing discussion of the fifth paragraph of the Council's statement, thus permitting affirmation of the first four paragraphs at the present meeting. The ensuing uncertainty about acceptable procedure left this proposed amendment without a seconder.

The Professor of Industrial and Labor Relations, Robert H. Ferguson, reminded the Faculty of Professor Bruckner's complaint that the Council statement appeared to be a statement by the University Faculty. The first news Professor Ferguson had had of the Council's statement had been over his transistor radio, when he

had heard the announcer attribute the statement to the University Faculty. The Council had considered the matter urgent; it was just as urgent now. Moreover, he was confused as to the implications of the Council's position. What was its "legal meaning"?

Other members objected at this point to debating a serious issue which had not been placed on the agenda and concerning which many members, among them younger ones not in attendance, would wish to be heard.

The Professor of Entomology and Limnology, David Pimentel, urged the Faculty to consider the issue immediately - it was important enough to be taken up at the present meeting.

The Dean was now asked about the preparation of the agenda. Had there not been prior distribution of Professor Bruckner's motion, thus giving the Faculty adequate notice?

The Dean explained the problems of timing attending the issuance of the Council's statement. The Council had prepared its statement well before the deadline for issuing the call to the present meeting, but because of the impending hearings by the Undergraduate Judiciary Board, the Council had chosen to withhold its statement until 24 hours following the UJB decision lest it be misunderstood as attempted Faculty dictation, and had also sought to avoid ambiguity by submitting it ahead of time to the Faculty Committee on Student Conduct for such comments as they wished to make. The consequence had been a delay that precluded a mailing prior to the call for the meeting and that, therefore, prevented placing it on the agenda at anyone's request, had such a request been made.

Professor Bruckner in turn stated that he had not undertaken to distribute copies of his motion to the University Faculty.

The Professor of Economics, Douglas F. Dowd, asked the Faculty to recall that Professor Blumen had originally sought to correct an action by the Council that had been taken by only a minority of the Council. Professor Dowd urged that the same reasoning now be applied to the University Faculty. He, too, was concerned as to whether it was proper for the Council to speak on such questions, and he favored full debate - but at the next meeting.

Amid calls for the question, Professor Olum's motion was put to a vote. A voice vote was taken but remained indecisive. A division was then required, and the motion lost, 69-70.

Professor Bruckner now, because of the closeness of the vote, offered to modify his motion, and his seconder, Professor Smith, agreeing, he placed the following before the Faculty.

I move that the Faculty approve the first four paragraphs of the statement of the Faculty Council dated December 5, 1967, in reference to the Hershey directive.

Professor Ferguson rose to express concern over what the various news media would make of the information that such a motion had passed. He fully expected to hear on the radio next morning that the University Faculty had unanimously supported the Faculty Council, and he urged that those in charge of providing public information issue careful instructions.

Professor Bronfenbrenner asked whether Professors Bruckner and Smith would be willing to add: "and postpone discussion of the fifth paragraph to the next meeting."

Professors Bruckner and Smith accepted the addition as an amendment.

The James Jamison Professor of Clinical Nutrition, Leo Lutwak, opposed passage of any motion concerning the Council's statement at the present meeting, which he regarded as unrepresentative.

The Charles A. Alexander Professor of Biological Sciences, Frederick C. Steward, stated that at least the present motion provided clarity under existing circumstances, and he would support it.

The Faculty indicated it was now ready for the question. The motion then carried on a voice vote.

Professor Schulman proposed that an ad hoc committee be appointed to report on the fifth paragraph prior to the next meeting. The matter was complex, and the Columbia University faculty had found such a committee desirable.

Professor Ferguson opposed the suggestion. Appointment of such a committee, he said, would constitute a rebuke to the Council. The Council, he was sure, had carefully considered the matter; therefore, he was against Professor Schulman's suggestion.

Another member of the Faculty remarked that he would want such a committee to be more representative of the University Faculty than was the Council.

The President now recognized the Dean, who on behalf of the Council, introduced the matter of the report from the Sindler Commission and, quoting from the minutes of the meeting at which "the general tenor" of the Kahn-Bowers Report had been approved, moved that the following resolution be endorsed in the same spirit:

RESOLVED, That the University Faculty approve the general tenor of the Report of the University Commission on the Interdependence of University Regulations and Local, State, and Federal Law, dated September 27, 1967.

The Professor of Electrical Engineering, Benjamin Nichols, seconded the motion.

Several members of the Faculty questioned the meaning of "general tenor". The Professor of Law, Norman Penney, felt that the balance of judicial power, the specific proscription of marijuana, the relationship between civil and University authorities posed large questions, and wondered whether he could approve the general tenor while still objecting to those specific provisions, and whether it involved a commitment on other resolutions. Professor Ferguson questioned whether the problem of general tenor was as clear in the present instance as it was in that of the Kahn-Bowers report, whose intent had been simply and clearly to improve undergraduate education, and he wondered what was involved if the judicial machinery were not also at issue.

The Dean replied that one could quarrel over specifics but yet approve the general tenor. Approval meant that one admired the report on balance. It meant that one could then continue by disagreeing over the details.

The Professor of Government, Allan P. Sindler, the chairman of the Commission, explained that the central thrust of the report was to distinguish and define the University's responsibility and jurisdiction as an educational community, as distinct from society's generally. Approval of the general tenor committed no one to anything in particular.

Professor Robin M. Williams, Jr., then commented that the resolution ought to be more precise. He stated that there were a number of specific statements he disagreed with and listed some.

The Dean replied that if they constituted a substantial body of objections, then Professor Williams would doubtless have to vote against the resolutions.

Professor Pimentel at this point moved to amend the motion by substituting the following wording for it:

I move that the Faculty commend Professor Sindler and the Commission on the Interdependence of University Relationships and Local, State, and Federal Law for their excellent report which considers the difficult issues of relations between Society and the University.

There was a second.

It being 5:50 p.m., the Faculty indicated it was ready to vote on Professor Pimentel's wording. It was accepted on a voice vote.

The question was now put, and it, too, carried on a voice vote.

The Dean now said that there would be insufficient time to consider the other motions, at the present meeting, especially since the second one would refer to eight principles derived from the report. He added that he was disturbed that the discussion had dwelt on issues that had been carefully excluded from the Statement of Principles. The adjudicatory machinery, the applied sections, substantive matters had all been deliberately set aside for consideration by the various appropriate committees charged with making recommendations in those areas. Only the principles were presently before the Faculty, and he hoped that further discussion would focus on those. He then asked for an indication of whether he ought to call a special meeting. Receiving a mild but generally negative

reaction, he asked whether the Faculty would be agreeable to beginning its January 10th meeting at 2:00 p.m. There was general assent.

Professor Nichols now moved adjournment. There was a second, and his motion passed without dissent at 6:00 p.m.

Robert H. Elias
Secretary

The President called the meeting to order at 2:00 p.m., with 199 members attending. He called for additions or corrections to the minutes of the meeting of December 13, 1967. The Professor of Veterinary Pathology, John H. Whitlock, stated that although he was not asking for a revision of the minutes, the minutes showed that there was confusion among some members of the Faculty concerning the procedures governing motions to lay questions on the table. It was not true, he explained, that two-thirds majority was required; only a simple majority was needed. The Secretary asked whether it was not true that when a motion to table had the effect of preventing or suppressing debate, then a two-thirds majority was required. The Professor of Mathematics, Paul M. Olum, stated that insofar as he had been partially responsible for presenting this argument at the last meeting, he wished to clarify his position: if the intent was to terminate debate at the session, then a two-thirds majority was needed; if the intent was to prevent debate, then it also was needed; if the intent was simply to postpone the time of the debate, then a simple majority sufficed. As other members sought the floor, the Professor of Industrial and Labor Relations, Isadore Blumen, urged that the President turn to the orders of the day. The President, concurring, asked whether there were further comments concerning the minutes. A typographical error was pointed out; no other corrections were noted; the minutes were then approved.

The President then reminded the Faculty that at its regular meeting of October 11, 1967, it had resolved that "...consideration of the report and recommendation of the Trustee Committee (on CU-

CAL Relations) be the first order of business following their receipt." That report had now been distributed; the Faculty Council had considered it, and he therefore called upon the Dean of the Faculty for a motion on behalf of the Council.

The Dean explained that the Council had discussed the report in the presence of the three members of the Faculty serving on the Trustee Commission: the Professor of Law, W. David Curtiss (chairman); the Vice-President for Research and Advanced Studies, the Professor of Chemistry, Franklin A. Long; and the John L. Given Professor of Engineering, William R. Sears; and that the Council had unanimously resolved to recommend that the University Faculty express its approval of the report. Accordingly, on behalf of the Faculty Council, the Dean moved that the Faculty express approval of the report. He received a second.

The Dean of the College of Engineering, Andrew Schultz, Jr., rose to correct what he felt were misleading impressions left by the report regarding the interaction between the University and the Laboratory. Although there had at one time been some overlapping between the two organizations in their attempts to secure research funds, especially in the area of aeronautical engineering, that had been true only at the outset; since then there had been only effective interaction. The Faculty at Cornell had sent students to Buffalo; the Laboratory in turn had provided fellowships. These fellowships had enabled Cornell to become competitive with California Institute of Technology and Princeton; in fact, these fellowships had been competitive with those provided by the Guggenheim Foundation. Dean Schultz also insisted on the importance of the Laboratory for the future of the College of Engineering.

Attention had been paid by the Trustee Commission to the Laboratory's future, but not enough to that of the College. He described the potential for applied research that the College had been hoping to profit from. The problems of the community and of society generally were of growing importance, and for Cornell to play its role in studying them it would need access to a laboratory such as CAL, which, moreover, had been moving from research on military matters to pollution, transportation, and the like. Separation would, in turn, deprive the Laboratory of contact with a first-class faculty. Arrangements would be difficult to work out, but would be easier to work out with CAL than with some other laboratory. He regretted that Cornell would lose an important contact, which the State University at Buffalo would now enjoy. He urged consideration of these aspects of the problem. Interaction between Cornell and CAL had been, he said in summary, neither modest nor small.

The Associate Professor of Aerospace Engineering, Donald L. Turcotte, supporting Dean Schultz's statement, added that the element of good will had also received insufficient attention. The Laboratory had been beneficial in attracting staff, students, and funds for graduate work in aerospace engineering - even in attracting freshmen to Cornell, for whom the image of automotive safety and seat belts proved appealing in the way that the Jet Propulsion Laboratory exerted appeal for students lured to Cal Tech. In addition, Cornell's was to be the only engineering college in the country now without facilities like those available to M.I.T. Princeton, and such. Should Cornell settle for becoming a second-rate institution? Classified work, he felt, was not a decisive

factor, since the amount of it undertaken would vary with the situation. He referred to statements made to him by former students (real workers and not, he stressed, administrators) now working at the State University at Buffalo to the effect that academic connections were possible and that Cornell had failed to promote them, and he suggested that some sort of connection between Buffalo and the Laboratory, one in which Cornell could share, might become a second-best alternative. He concluded by offering as an amendment to the main motion a provision requesting that "steps should be taken adequately to compensate the Graduate School of Aerospace Engineering and the College of Engineering for the loss of those educational advantages that have accrued to them through their special relationship to CAL."

There followed a brief discussion as to how this provision could be attached to the main motion. The President suggested that it could be a second resolution, and Professor Turcotte agreed to the suggestion.

The Professor of Chemistry, Simon H. Bauer, urged that a distinction be made between concurring with the conclusions of the report and accepting the arguments for those conclusions. He had been one of the members of the Sack Committee who had recommended continuing the ties with CAL with a view to exploring ways of developing satisfactory relationships. The events of the past summer had, however, convinced him of the need for separation, disengagement, and here he concurred with the conclusions of the Curtiss Committee. But there were omissions from the report itself, as Dean Schultz and Professor Turcotte had pointed out, and there were

also misstatements. The University and the Laboratory were not, he explained, competitors for the same dollars as implied on page three of the report. Nor was a satisfactory relationship dependent on eliminating classified work, as stated on the same page. The University and the Laboratory could get along if only part of the classified work were eliminated. The question was where Cornell's name belonged; that was the issue. There could have been effective collaboration if sufficient time and effort had been taken, but there had not been sufficient time.

Professor Bauer also questioned the point of view from which the report was made. Was it to CAL's advantage to be separated from Cornell University? The difficulties to be met by separation could have been overcome if the Board of Directors had exercised sufficient control. If the Laboratory's director was difficult to deal with, that was not a consequence of the link between the Laboratory and the University. Finally, Professor Bauer concluded, the problem of balancing interests and injuries meant that one had to distinguish between the University's telling the Laboratory that its work was hurting basic educational programs and one department's telling another what the limits of its work must be. Professor Bauer would argue for the retention of departmental autonomy.

The Professor of Mechanical Engineering, Richard M. Phelan, said that he would agree with the Trustee Committee's findings but not with its conclusions. The nature of CAL's achievement, its contribution to work in Engineering, and its effect on overseas programs were important considerations, but he did not agree that separation was necessary to effect adjustment. Faculty concern

was rooted, he emphasized, not in details of management, but in a clash of interests. The harm to Engineering if separation occurred was clear and final; the harm to the overseas programs, if the Laboratory were placed under the Cornell Board of Trustees and a reconstituted Board of Directors, could not be proved in advance. Other universities had not suffered because of such laboratory links. The University of California's eminence, for example, could be attributed in part to its laboratories, including Los Alamos; yet its reputation had not suffered because of what it depended on. Nor had Cornell's projects in the College of Agriculture been adversely affected. Separation would thus mean a definite loss to one group and a possible loss to others. He believed that the conflict of interests should not be resolved in favor of the overseas group.

The President then asked the Professor of Law, W. David Curtiss, whether as chairman of the Committee he wished to make any comments.

Professor Curtiss began his comments by reminding the Faculty that the Committee's recommendation that there should be separation of CAL from Cornell represented the unanimous conclusion of the members of the Committee. He then referred to Dean Schultz's remarks about the value to the College of Engineering of access to an applied research laboratory such as CAL as well as the value to CAL of contacts with the Engineering faculty. Professor Curtiss expressed the opinion that such interactions could be continued and perhaps in some instances enriched notwithstanding a change in the existing relationship between Cornell and CAL, a relationship that involved a number of difficulties discussed in the Committee's report.

Professor Bauer, he added, had done the Committee the courtesy of supplying it with a letter embodying the views he had just put before the Faculty, and that letter was being circulated for consideration by the Committee at its next meeting. Its substance related to the rationale of the report, however, not to the conclusion. Professor Curtiss concluded by stating that the Committee was aware that CAL's closest connection had been with Engineering, especially Aerospace Engineering - and asked Professor Sears to comment on this aspect of the matter.

Professor Sears said that he was well aware of the contribution that the Laboratory had made to his school over the past twenty-two years, and he briefly reviewed the history of the Laboratory, from its establishment as a non-profit laboratory to its present state. From the first, he explained, the Board of Directors had resolved that the Laboratory should be solvent and competent, and contribute to the educational program of Cornell University. If the accusation was that the Laboratory management had been given autonomous control, that accusation was just; the management had been given a free hand because that seemed the best way to enable the Laboratory to achieve the goals set for it. Cornell had, to be sure, benefited from the fellowships provided by the Laboratory. In turn, Cornell had made it possible for the Laboratory to exist. Now, however, the time had come when the Laboratory's work and the programs of some of the departments at Cornell were in conflict and when the Administration found it impossible to administer both University and Laboratory effectively. The Laboratory, moreover, had never thought it would be disastrous if separation occurred - in fact, the work of the

Laboratory would be hampered if its management had continually to consider Ithaca's response to its projects. At the present point in its career, the Laboratory was sufficiently strong to be able to continue without the need of Cornell's name. Engineering should be able to profit from the advantage of the Laboratory's presence nearby, and if it had to share access with SUNY, as Professor Turcotte had mentioned, that could become an advantage. The loss in fellowships amounted to \$60,000 to \$70,000; it was this loss that Professor Turcotte hoped could be compensated for. But the personnel, the equipment, the library need not be lost to the Faculty.

The Professor of Civil Engineering, Arthur J. McNair, declared that if the motion to endorse the Committee's report passed, it would be a slap at the social sciences, government, and the humanities. The Laboratory was concerned only with hardware, not its uses. The faculty in the humanistic and social areas should be strong enough to control the Laboratory program. In addition, separation would deprive his own area of geotechnical engineering of some benefits. He warned that to vote to divest the University of the Laboratory was to vote to degrade the College of Engineering at Cornell. And if the Faculty was reacting out of fear of how the public viewed the University, then it ought adopt the same approach to other areas: nuclear physics should also be investigated; it was concerning itself with hardware applicable to war.

The Director of the School of Civil Engineering, the Professor of Civil Engineering, William McGuire, questioned whether if ties were severed it would be possible for the Engineering College to maintain and improve relations with CAL. That possibility was only the opinion of the Curtiss Committee. His own opinion was that it

would be naive to expect such a possibility, and he urged the Faculty to give serious consideration to the future.

The Professor of Vegetable Crops, John D. Hartman, asked, "Where do we stop?" The State colleges could be separated. Extension staff were already treated as second-class citizens. Moreover, things were being patented elsewhere at Cornell than in the Aeronautical Laboratory. The applied sciences could be rejected, too. That would leave only elite groups, and who were they?

Professor Bauer asked the Dean whether the motion could be divided to separate a vote on the conclusion from a vote endorsing the report. The Dean was reluctant to do this, especially as he had made the motion on behalf of the Council.

Professor Bauer then moved to amend the motion by substitution: he moved that "The faculty takes cognizance of the report as submitted and concurs with the conclusions as presented." There was a second.

The President reminded the Faculty of the context of its action. He recalled its original request that it be permitted to comment on the report and the agreement elicited from the Trustees according to the Faculty the opportunity to register its views.

Professor Bauer's motion was then called for and put to a vote. It failed on a show of hands.

The main motion was now put to a vote and, on a show of hands, carried, 124-67.

Dean Schultz now took the floor and explained that he disagreed with the assertion that relations with the Laboratory could be maintained on the existing basis. Future relations depended on

the method of separation. He was not optimistic about the prospects of success, but to help increase those prospects he moved the following:

In view of the significant contribution made by the Cornell Aeronautical Laboratory to the academic program of the College of Engineering, especially to its distinguished Graduate School of Aerospace Engineering, and the great potential benefit to the University resulting from joint programs in other areas such as urban environmental control and improvement, this Faculty strongly recommends that if separation is effected it be done in such a way that these existing and potential advantages not be jeopardized.

There was a second.

Professor Sears rose to ask that his position not be misunderstood. He wholly agreed that future relations depended on the method of divorce. A sale to the highest bidder could destroy relations - even the Laboratory itself.

There being no further discussion, the motion was put to a vote and carried, on a voice vote, without dissent.

Professor Turcotte now offered another related motion: "That the University Faculty recognizes a responsibility to the personnel of the Laboratory not to radically change the independent applied-research environment in which they (the personnel) work." The motion was seconded.

Amid some uncertainty as to the intent of the motion, the President stated that he understood it to mean that the Trustees should see to it that the Laboratory be turned over to a non-profit organization.

Put to a vote, this motion failed.

The President now turned to the matter that the Faculty had, at its December meeting, postponed until the present one for discussion: Paragraph 5 of the Council statement of December 5th regarding military recruitment on campus. He reminded the Faculty of the nature of its action in December, indicating that he regarded approval of the first four paragraphs of the Council's statement as the present Faculty position. He added that there had been some developments since December. Some weeks earlier he had had a fruitless interview with General Hershey, then had attended a meeting of the Ivy League presidents, and finally had joined in a letter to President Johnson, a reply to which had been the letter from the Presidential assistant, Joseph A. Califano, Jr., that was distributed, ^{(see} _{attached} with other related documents, with the call for the present meeting. The Califano letter's indication of concurrence by General Hershey appeared to supersede General Hershey's earlier memorandum to the draft boards, and the Ivy League presidents had therefore proposed to Mr. Califano that the exchange of letters be sent to all the local draft boards. Mr. Califano had consented, and the latest information from Selective Service headquarters in Washington was that these documents were in the mails. Grayson Kirk, President of Columbia University, had announced that his university had withdrawn its restrictions on military recruitment on Morningside Heights, and similar action had been taken at Harpur College and George Washington University, among probably some others. He then

c e n e e a n f r f r t h e r c m m e n t s

The Dean called attention to the Faculty Council's statement ^{(see attached} of January 3rd and said that he had received no resolutions relating

to Paragraph 5; hence none had been placed on the agenda. The floor was, therefore, available for discussion of the matter and any action the Faculty wished to consider.

The Professor of Child Development and Family Relationships, Urie Bronfenbrenner, said that he viewed the Council's January statement as superseding the earlier one. Events had taken their course. There was nothing further to be done.

The Assistant Professor of English, James P. Matlack, identifying himself as one who had been reclassified for divesting himself of his draft card in October, warned against any euphoria based on the Hershey-Clark Joint Statement or the Califano letter. Those documents did not, he said, remove all doubts. His own case, admitted by his local board to have been brought to an issue on the basis of the Hershey memorandum, already provided evidence of the denial of due process and constitutional rights.

The President agreed that many doubts remained.

The Professor of Electrical Engineering, Howard G. Smith, moved that the Faculty endorse the Council statement up to and excluding the final sentence.

The President asked the Dean to clarify the respect in which the Council's January statement up to the final sentence differed from the first four paragraphs of the statement it had made in December. The Dean replied that there was no essential difference.

Professor Smith explained that the purpose of his motion was to record the Faculty's view of the final sentence. His motion was then seconded.

The Professor of English, Walter J. Slatoff, said that he could not share the Council's satisfaction with the Califano letter. He found no reassurance in it. About lawful protests there had never really been any question. What of unlawful ones?

Following brief discussion of what General Hershey's position really was, the Associate Professor of Meteorology, Winton Covey, offered the following substitute motion, and was seconded:

Whereas, the University Faculty on 13 December 1967 expressed its general agreement with the first four paragraphs of the Council statement of 5 December, 1967, and postponed consideration of the fifth paragraph; and

Whereas, That fifth paragraph and the subsequent statement of the Faculty Council of 3 January, 1968 do not adequately reflect the views of the University Faculty; and

Whereas, the University Faculty still supports free discussion on campus (including orderly protest) and still supports an open campus (including military recruiting),

THEREFORE BE IT RESOLVED, That the University Faculty request that the University Administration make separate and adequate provision of facilities for both orderly protest on campus and military recruiting on campus.

Professor Whitlock asked whether the legal status of Cornell as a contract college in respect to the military could be clarified. He felt that an explanation might be useful.

The Vice-President for Public Affairs, the Associate Professor of Government, Steven Muller, said that Cornell was required to offer military training.

Professor Smith raised a point of order. Professor Covey's motion was not, he stated, truly a substitute for the one he himself had offered.

The President agreed and ruled Professor Covey's motion out of order.

Professor Olum said that if the main motion were defeated, then the Faculty would be making no statement at all - beyond its

endorsement in December of the Council's first four paragraphs. He would like that; he would prefer no action at all. To debate the matter would require a debate on a whole range of "iffy" questions (which he briefly summarized). The Council statement had done nothing new - had simply indicated that the Council would be a watch dog. This was desirable, he said, for he agreed with the President that many doubts remained.

Professor Phelan rose to urge the Faculty to dissociate itself from both Paragraph 5 of the December statement and the last sentence of the January statement. The first four paragraphs (of the December statement) were in the best traditions of the University; they were concerned with principles and ideas. But the fifth was in the worst tradition: it was a direct political action, not directed against Hershey but against other branches of the Federal Government. If the Faculty did not dissociate itself from that, then one must recognize that the Faculty had switched from being an educational body to being a political body and recommend that the University should change its status from a tax-exempt institution.

Professor Whitlock repeated his point. The answer was not so simple as to consist of a reference to the terms of the Morrill Act. When ROTC became voluntary, new provisions were written into the law, and he suspected that they in some way bore on military recruitment. He was not sure; he wanted to know.

The Dean stated that he had tried to find the contract and had thus far been unsuccessful. He doubted, however, that the terms would apply to the sort of recruitment referred to in the Council's statements.

The Professor of Government, Andrew Hacker, asserted that Professor Whitlock's question was essentially unanswerable. The law was what the courts said it was, and there had been no litigation to lead to a definition.

Professor Bronfenbrenner reaffirmed his satisfaction with the present situation. He was pleased with the watchfulness of the President and the Council over the integrity of the University as an educational institution, so that it would not be placed under political pressure. He hoped that this watchfulness would not be repudiated.

Professor Smith disavowed a desire to repudiate. He sought only to limit the extent of the Faculty's endorsement. He would endorse everything except the last sentence.

The President questioned whether that was then not a withholding of the endorsement of the Council's watchfulness. Professors Smith and Bronfenbrenner agreed that the motion did make that the issue.

The Assistant Professor of English, Neil H. Hertz, quoted from a New York Times editorial of Friday, January 12, 1968, in which the editors stated that the situation was still unclear and would remain so until General Hershey rescinded his earlier memorandum. Professor Hertz supported the Council's skepticism and the President's watchfulness.

The Associate Professor of Industrial Engineering and Operations Research, Martin W. Sampson, moved that the motion be tabled; he found it a confusing one. There was a second.

The President asked the Dean of the College of Arts and Sciences, the Professor of Philosophy, Stuart M. Brown, Jr., as unofficial parliamentarian, what a vote to table would require. Dean Brown replied that insofar as it could be construed as cutting off debate, a two-thirds majority was needed.

Professor Blumen disagreed. Only a majority was needed to table a motion unless the motion was misused; if misused, it was out of order.

The President stated he would risk being overruled and be guided by Dean Brown. Thereupon he submitted Professor Sampson's motion to a vote by a show of hands, and declared it to have failed of two-thirds.

Professor Olum said that he now had a question. If Professor Smith's motion carried, that would be a repudiation of the Council; but if it failed, would that imply an endorsement of the last sentence? He proposed that the Council be requested henceforth to bring matters of this sort direct to the Faculty instead of acting on its own.

Professor Smith replied that the Council had acted and that therefore his motion was quite appropriate.

As the motion was about to be submitted for a vote, Professor Sampson requested that abstentions be counted. On a show of hands the result was: 66 for, 91 against, 10 abstaining.

The President then called on the Dean for announcements. The Dean reported that the following two candidates to fill vacancies on the Faculty Committee on Student Conduct had been nominated by the Committee on Nominations and that a mail ballot would be distributed:

Professor of Industrial and Labor Relations, Donald E. Cullen, and Assistant Professor of Architecture, Donald P. Greenberg.

The President next called upon the Professor of Law, Ernest F. Roberts, Jr., who offered the following resolution:

BE IT RESOLVED, That the University Faculty establish a Special Committee, with power to appoint its own subcommittees, to examine the organization and procedures of its legislative meetings for considering and acting upon questions of academic policy, with special consideration to problems of representation and participation of voting members of the Faculty, and of efficiency; and to make specific recommendations to the Faculty for continuing or modifying the present organization and procedures.

BE IT FURTHER RESOLVED, That the members of the Special Committee, and its chairman, be appointed by the Dean of the Faculty, after obtaining the advice of the Faculty Council.

After receiving a second, Professor Roberts explained the occasion for his motion. In 1957 a committee chaired by the Susan Linn Sage Professor of Philosophy, Max Black, in reporting on the organization of the Faculty, had quoted President Schurman concerning the importance of "deepening and quickening the sense of Faculty responsibility." Yet now, in a period of significant change, five-sixths of the Faculty were absent from meetings and Faculty decisions could be ignored or ridiculed. Did this indicate a deepened and quickened sense of responsibility? In the light of present problems, Faculty participation and consensus were important. How could it be achieved under existing conditions? The Black report had proposed that the organization of the Faculty be reviewed in three years. That was more than ten years ago. He would not favor the

Council's undertaking the review, because its own functions would be very much like asking the curia to review the curia. Possibly the committee would have a simple answer. Possibly door prizes could attract the Faculty to meetings. But a review was clearly in order; an unexamined conscience was not worth living with.

Professor Bronfenbrenner asked why Professor Roberts preferred an appointed committee to an elected one. Professor Roberts said that he would prefer to take his chances with the Dean than with the haphazard electoral process.

The Professor of Mathematics, Carl Herz, opposed the resolution. Its purpose was to increase efficiency; but it meant another committee, another report, more meetings. Underlying Professor Roberts' argument was a fear of a lack of consensus. Yet the Faculty was in fact divided, and there was no way to make the divisive issues go away. Moreover, the present system worked well: some members habitually attended; some only when their vital interests seemed to them involved. He favored this practice, for it enabled those concerned with particular matters to come and express their views. A representational system, he cautioned, would likely lead to more politicking than now, not less.

Professor Olum said that what troubled him was the magnitude of the review proposed. A strong case should be made for it. The resolution had not come to the Faculty through the Council, and he felt that it should have gone to that body first. He, therefore, moved that it be committed to the Council. There was a second.

Professor Blumen opposed the motion to commit. The Faculty Council had had in its hands the substance of the Roberts' resolution for a long time, he alleged. Nothing had been done. The

Faculty Council was, as everyone knew, "grossly unrepresentative"; to commit the resolution to it was to kill the resolution.

The Dean stated that he and Dean Murphy would have to assume the blame for the Council's not having considered the matter. There was a folder on the Dean's desk with communications such as those Professor Blumen had referred to, but they had never been brought to the Council's attention: the Council knew nothing about them. They had, however, been scheduled to come before the Council in due course.

Professor Olum commented that he did not "know" that the Council was unrepresentative, that he did not at all intend to kill the resolution: it was completely proper to bring it to the floor of the Faculty, but he would ask the executive body of the group, familiar with the Faculty's problems, to comment. That was all.

After some further questions about the Council's role in considering motions brought to the Faculty, Professor Olum's motion was put and carried on a voice vote.

The meeting was adjourned at 4:35 p.m.

Robert H. Elias
Secretary

Texts of Letter and Memo on the Draft

Special to The New York Times

WASHINGTON, Nov. 8—Following is the text of a letter to all members of the Selective Service system from the director of Selective Service Lieut. Gen. Lewis B. Hershey, and of a memorandum from General Hershey on draft cards:

LETTER TO ALL MEMBERS OF THE SELECTIVE SERVICE SYSTEM

The basic purpose and the objective of the Selective Service system is the survival of the United States. The principal means used to that end is the military obligation placed by law upon all males of specified age groups. The complexities of the means of assuring survival are recognized by the broad authority for deferment from military service in the national health, safety, or interest.

Important facts, too often forgotten or ignored, are that the military obligation for liable age groups is universal and that deferments are given only when they serve the national interest. It is obvious that any action that violates the military selective service act or the regulations, or the related processes cannot be in the national interest.

It follows that those who violate them should be denied deferment in the national interest. It also follows that illegal activity which interferes with recruiting or causes refusal of duty in the military of naval forces could not by any stretch of the imagination be construed as being in support of the national interest.

The Selective Service system has always recognized that it was created to provide registrants for the armed forces, rather than to secure their punishment for disobedience of the act and regulations. There occasionally will be registrants, however, who will refuse to comply with their legal responsibilities, or who will fail to report as ordered, or refuse to be inducted. For these registrants, prosecution in the courts of the United States must follow with promptness and effectiveness. All members of the Selective Service system must give every possible assistance to every law enforcement agency and especially to United States attorneys.

It is to be hoped that misguided registrants will recognize the long-range significance of accepting their obligations now, rather than hereafter regretting their actions performed under unfortunate influences of misdirected emotions, or possibly honest but wholly illegal advice, or even completely vicious efforts to cripple, if not to destroy, the unity vital to the existence of a nation and the preservation of the liberties of each of our citizens.

Demonstrations, when they become illegal, have produced and will continue to produce much evidence that relates to the basis for classification and, in some instances, even to violation of the act and regulations. Any material of this nature received in national headquarters or any other segment of the system should be sent to state directors for forwarding to appropriate local boards for their consideration.

A local board, upon receipt of this information, may reopen the classification of the registrant, classify him anew, and if evidence of violation of the act and regulations is established, also to declare the registrant to be a delinquent and to process him accordingly. This should include all registrants with remaining liability up to 35 years of age.

If the United States Attorney should desire to prosecute before the local board has ordered the registrant for induction, full cooperation will be given him and developments in the case should be reported to the state director and by him to national headquarters.

Evidence received from any source indicating efforts by nonregistrants to prevent induction or in any way interfere illegally with the operation of the Military Selective Service Act or with recruiting or its related processes, will be reported in as great detail as facts are available to state headquarters and national headquarters so that they may be made available to United States attorneys.

Registrants presently in classes IV-F or I-Y who have already been reported for delinquency, if they are found still to be delinquent, should

again be ordered to report for physical examination to ascertain whether they may be acceptable in the light of current circumstances.

All elements of the Selective Service system are urged to expedite responsive classification and the processing of delinquents to the greater possible extent consistent with sound procedure.

LOCAL BOARD MEMORANDUM NO. 85

Issued: Oct. 24, 1967

Subject: Disposition of Abandoned or Mutilated Registration Certificate and Notices of Classification.

1. Whenever an abandoned or mutilated registration certificate or current notice of classification reaches a local board, and the card was originally issued to a registrant by some other board, it should be forwarded to the state director of selective service, who will forward it to the appropriate local board if within the state, or the appropriate state director if the board of origin is outside the state.

2. Whenever a local board receives an abandoned or mutilated registration certificate or current notice of classification which had been issued to one of its own registrants, the following action is recommended:

(A) Declare the registrant to be delinquent for failure to have the card in his possession.

(B) Reclassify the registrant into a class available for service as a delinquent.

(C) At the expiration of the time for taking an appeal, if no appeal has been taken, and the delinquency has not been removed, order the registrant to report for induction or for civilian work in lieu of induction if in Class I-O, as a delinquent, or in the board's discretion in a flagrant case, report him to the United States attorney for prosecution.

(d) If appeal is taken and the registrant is retained in a class available for service by the appeal board, and the delinquency has not been removed, order the registrant to report for induction or for civilian work in lieu of induction if in Class I-O, as a delinquent, or in the board's discretion in a flagrant case, report him to the United States Attorney for prosecution.

Statement by President James A. Perkins
November 16, 1967

As President of Cornell University I have registered with the White House my opposition to General Hershey's November 8 letter. In this letter, local draft boards are empowered to decide "when related processes" of the Selective Service system are "violated," to reclassify the concerned individual, and to process him for induction.

I would be opposed to this policy if the incident took place off the campus but I am particularly opposed if it involves action on the University campus. In this latter case, draft board monitoring of student behavior would destroy the University's power to manage its own affairs and would substitute uninformed outside authority for carefully developed University judicial systems.

I hope General Hershey's letter will be reconsidered in view of the overwhelming necessity to maintain the integrity of the University campus.

Text of the Clark-Hershey Statement
December 9, 1967

The Department of Justice has established a special unit in the Criminal Division to coordinate prompt prosecution of offenses against the Selective Service laws and related statutes. The responsibilities of this unit include prosecution of violations of provisions of the Selective Service law making it unlawful knowingly to counsel, aid, or abet others to refuse to register or serve, or knowingly to interfere by force or violence or otherwise with the administration of the System. This unit also has responsibility for prosecution of violations of the related statutes outlawing interference with the Armed Forces or obstruction of recruiting and enlistments. The special prosecution unit is under the direction of John Van de Kamp, formerly U.S. Attorney for the Central District of California and now Deputy Director of the Executive Office for U.S. Attorneys.

All U.S. Attorneys have been instructed to expedite investigation and prosecutorial recommendations on these cases. They have also been directed to cooperate with local law enforcement officials and to urge them to vigorously prosecute violations of local laws which may occur in demonstrations against the Selective Service System.

It has long been the law that a registrant who violates any duty affecting his own status (for example, giving false information, failing to appear for examination, or failing to have a draft card) may be declared a "delinquent" registrant by his local draft board. Under consistent practice, information received by Federal law enforcement officials regarding a registrant's own status is turned over to his local draft board for appropriate action. When a person is declared to be a delinquent registrant by his local board, he may be reclassified and becomes subject to the highest priority for induction if otherwise qualified. If he fails to step forward for induction, he is subject to prosecution by the Department of Justice. This procedure is firmly established, approved by the courts, and has been followed since the enactment of the 1948 Selective Act, as well as under earlier Selective Service Acts.

Lawful protest activities, whether directed to the draft or other national issues, do not subject registrants to acceleration or any other special administrative action by the Selective Service System. Activities which violate Federal law will be dealt with under the procedures outlined above depending upon the nature of the conduct. The lawful exercise of rights of free expression and peaceful assembly have incurred and will incur no penalty or other adverse action. These rights are guaranteed by the Constitution. They are vital to the preservation of free institutions, which our men in Vietnam are fighting to protect.

No single statement can cover the myriad different factual situations presented by the conduct of individual registrants. In approaching these situations, we will continue to work to preserve the integrity and effective operation of the Selective Service System while fully protecting the constitutional rights of the registrants.

YALE UNIVERSITY
OFFICE OF THE PRESIDENT

December 21, 1967

The President
The White House
Washington 25, D. C.

Dear Mr. President:

We, the Presidents of the so-called Ivy Group Colleges and Universities, had hoped that the joint statement by the Attorney General and the Director of Selective Service indicated that there was no intention on your part to permit 4,000 local draft boards to pass upon the illegality of acts of demonstration against military recruitment and selective service.

General Hershey's subsequent off-the-cuff statement dashed this hope. We urgently implore you to make it crystal clear that there is no intention to use induction as a punishment, that there is no intention to let local boards assume the judicial role of determining the legality of individual conduct, and that there is no intention to undercut or bypass fundamental judicial processes.

We cannot overemphasize the importance of upholding the spirit and the letter of Constitutional assurance of due process of law. We realize, as you do, the threat of spreading civil disobedience, and would support any lawful effort to assure the orderly processes of recruitment and selection for military service. However, these immediate concerns as well as the fundamental values of due process of law will remain in serious jeopardy unless you make it clear that the draft is not to be used as a punishment and that draft boards are not to become extra legal judges of the legality of acts of protest.

Respectfully yours,
On Behalf Of:

Ray L. Heffner, President
Brown University

Grayson Kirk, President
Columbia University

James A. Perkins, President
Cornell University

John S. Dickey, President
Dartmouth College

Nathan M. Pusey, President
Harvard University

Gaylord P. Harnwell, President
University of Pennsylvania

Robert Goheen, President
Princeton University

By: Kingman Brewster, Jr.
President
Yale University

Copy:
RDM:jm 1800 1/5/68

THE WHITE HOUSE
Washington

December 26, 1967

Mr. Kingman Brewster, Jr.
Yale University
New Haven, Connecticut

Dear King:

The President has asked me to thank you for your letter of December 21 in behalf of the Presidents of the Ivy Group of Colleges and Universities.

We completely agree with the need to uphold fully the spirit as well as the letter of the constitutional assurances of due process. Any potential threat to these fundamental values has no place in a democracy.

As your letter states, the Selective Service System is not an instrument to repress and punish unpopular views. Nor does it vest in draft boards the judicial role of determining the legality of individual conduct.

The purpose of the Joint Policy Statement issued by Attorney General Clark and Selective Service Director Hershey was to make this clear.

That statement sets out the cardinal principle that lawful protest activities, whether directed to the Draft or other National issues, do not subject registrants to acceleration or other special administrative action by the Selective Service System.

It is also fundamental to the preservation of our liberties that the laws of the land be respected and obeyed. Violations of law cannot be countenanced. Where violations occur, the judicial system must be invoked. This basic concept, too, is clearly set out in the Joint Policy Statement.

General Hershey has informed me that he adheres to these views.

I am enclosing a copy of the statement for your information. We appreciate the benefit of your thoughtful views.

With warm personal regards.

Sincerely,

Joseph A. Califano, Jr.
Special Assistant to the President

Copy: RDM:jm
1800 - 1/5/68

Statement of the Faculty Council
December 5, 1967

The Faculty Council believes that on-campus exercise of fundamental rights, such as those of freedom of speech and assembly, should not be infringed, directly or indirectly, whether by official University actions, by activities of adherents of opposing viewpoints, or by agencies outside the University. Maintenance of these rights is fundamental to society and, especially on the campus, to the educational function of the University. The Council therefore affirms its support of University policies that promote the full and free exercise of these rights by all individuals and groups and that at the same time safeguard these rights by proscribing violence, threats of violence and physical interference with the freedoms of others.

In this spirit the Faculty Council reaffirms its support of the principle of the "open campus" at Cornell University. This means that this campus must remain open for the free expression of ideas, without interference from either outside or inside the University community. It means also that the Campus should remain open to all recruitment for legal employment, including employment in the officer corps of the military services, without interference, provided recruitment is carried on under conditions that respect the autonomy of the University and its special obligation to protect freedom of speech, including the right of orderly protest.

In the light of the foregoing statement of principles, the Council looks upon the directive of General Hershey of October 26, 1967 as a deplorable and probably illegal usurpation of individual freedoms without due process, and as a potential interference with orderly protest.

The Council therefore strongly supports the public statement of President Perkins on November 16 and specifically associates itself with him in calling for reconsideration of the Hershey letter "in view of the overwhelming necessity to maintain the integrity of the university campus."

Moreover, the Council is of the opinion that the directive, if permitted to remain in its present form, endangers the intellectual freedom of the campus by posing a threat to legitimate student protests in connection with future military recruitment. Accordingly, if the directive is not promptly rescinded, or if its implications are not explicitly shown to be without substance or injurious effect, the Council recommends suspension of recruitment on campus by the military services.

3467
Room M
Olin Hall
February 14, 1968

The President called the meeting to order at 4:35 p.m., with 175 members attending. He called for additions or corrections to the minutes of the meeting of January 15th and, there being none, declared them approved.

The President then announced that the Board of Trustees had approved the report of the Curtiss Commission in precisely the form in which it had come before the Faculty - but not without having received a number of communications from some who questioned the wisdom of the position endorsed.

He then turned to the unfinished business of the Report from the University Commission on the Interdependence of University Regulations and Local, State, and Federal Law (September 27, 1967), upon whose fundamental principles the Faculty Council was asking the University Faculty to vote. He recalled that during the spring of 1967 he had joined with the Dean of the University Faculty in appointing the Commission. The members had labored over the summer and had completed their work by September. Their report had been sent to him, to the Faculty, and to the President and Executive Board of Student Government. From this report the Faculty members of the Commission had been asked to distill basic principles that could serve as guidelines for developing machinery and procedures. The report and the principles had been discussed in various parts of the campus, including Administration offices and the meeting rooms of Student Government. The Administration had approved the principles as formulated, and Student Government had likewise endorsed them. The President recognized that he was here touching

on a delicate matter insofar as other discussions of the document had preceded the Faculty's formal consideration, but he stressed that the Administration did have some responsibilities in the area considered by the Commission (for example, the relation of the Safety Division to the Chief of Police in the City, the role of lawyers in campus matters) and the Administration, seeking guidelines for its daily activities, found the proposed principles sound from the Administration point of view. Moreover, as far as student life was concerned, the President neither could nor wished to be a complete by-stander. Students wanted him to play a part; he met with student heads frequently; and he needed the guidance of these principles in that role, too. He now called upon the Dean of the Faculty to present the motions in behalf of the Faculty Council.

The Dean moved, and received a second for, the following resolution:

Whereas, Authority for the regulation of student conduct and extracurricular activities has been delegated to this Faculty by the President of the University; and

Whereas, With respect to these matters there exists a critical need

- i) to set forth the role that the University should undertake out of its concern for the extracurricular life of its students; and
- ii) to specify the bases of the relationship of student to University; and
- iii) to clarify the relations of the University's jurisdiction to that of the civil community; therefore,

RESOLVED, That the University Faculty adopt the University statement of Principles and Policies Governing Student Conduct, derived from the Report of the University Commission on the Interdependence of University Regulations and Local, State, and Federal Law and dated December 6, 1967.

He then yielded the floor to the Faculty members of the Commission so that they might comment on the principles and policies as formulated.

The Professor of Government, Allan P. Sindler, chairman, explained that the statement of principles was not a commitment to any particular position regarding whether the adjudicatory machinery should be revised or how it should be revised. Recommendations concerning those subjects would come before the Faculty probably in March. Nor was there implicit in it any policy position regarding marijuana, free speech, freedom of artistic expression, or other substantive matters. These had already been referred to the Faculty Committee on Student Affairs, with implementation to take the form of guidance in the formulation of a new student code, which in turn would come before the Faculty for approval. What the document before the Faculty was, was an attempt to set forth principles and policies to guide the University in exercising its jurisdiction: it distinguished between the University's role and society's, and sought to limit the University's role to the area of its own interests and to define those interests. The statement took the form of eight propositions, cast in that format in response to the Faculty Council's request that they be in a manageable and discussable form. Yet, although separate propositions, they were tightly integrated, interrelated, and internally consistent - in short, a package. The "explanations" included were there only to help but were not part of the text that was before the Faculty for action. He then turned to the Professor of Electrical Engineering, Ralph Bolgiano, Jr., another member of the Commission, for comments about the first two propositions.

Professor Bolgiano stated that it was because Cornell was a residential university as distinct from a commuting university that the necessity for concern and regulation arose. The first two principles were basic, the assumptions on which the others rested. The first stressed that the extension of the police function beyond the University's interests damaged the educational environment and that duplication of society's police functions tended to foster student disrespect for the law - students should learn that they were responsible to the civil community. The second principle meant that the University would abandon the role of surrogate parent - and here Professor Bolgiano reviewed the explanation contained in the document.

The Professor of Law, Norman Penney, questioned the adequacy of Principle I. He believed that sections a, b, and c were not detailed or specific enough. Unlike the Oregon Code, from which a and c were drawn, the Commission's proposal failed to specify subsidiary functions. Thus, activities such as recruiting for the marines or for Dow Chemical were not defined as either within or without the category of "proper University activity". Yet it was precisely the peripheral activities that caused trouble. And section I - 2(b) was too vague, since in effect it simply said that if a deed were bad enough, the student should be thrown out. More precision was desirable.

Professor Bolgiano replied that I - 2(b) provided the University with a means of protecting itself from those whose "misconduct" was "grave" and demonstrated "flagrant disrespect for the basic integrity and rights of others". He gave as examples (1) the sexual exploitation

last spring by a group of Cornell students of a schoolgirl not wholly in charge of her mental capacities and (2) the deliberate destruction of some individual's character or livelihood. If there was something wrong with I -(a, b, c), that might be because it was too broad rather than too narrow. The Oregon Code, he pointed out, included both the principles and the code together. The present formulation constituted only half the ultimate document. He would expect the code to contain the specifics. Essentially, the principles formed a "Constitution of University-Student Relationships" from which specific regulations would flow.

Professor Sindler continued the presentation by explicating briefly the third, fourth, fifth, and sixth propositions. No. III kept the code and the civil law distinct; No. IV closed the door on making "disrepute" a code violation; No. V spelled out the consequences of overlapping jurisdiction; No. VI, carefully worded to avoid ambiguity, was explicit concerning the University's refusal to initiate or respond to requests for advantageous disposition of cases of student offenses. The second paragraph of VI was to be understood as complementary and not in any sense an amendment or qualification.

The Professor of Music, William W. Austin, completed the Commission's explanation by noting that No. VII was designed to safeguard the students' confidence in the University. It represented a clarification rather than a change of principles, principles not sufficiently clear last spring. No. VIII was a further clarification: the University respected the bounds of its responsibility and avoided dual punishment.

The President congratulated the expositors for their work and opened the floor for discussion.

The Professor of Child Development and Family Relationships, Urie Bronfenbrenner, remarking that the document was responsive to recent events, emphasized that it also had implications for the future and that he was troubled and puzzled by No. II. This second proposition assumed that a student upon arrival at Cornell was suddenly fully responsible, no matter what environment he had come from. And it also assumed that responsibility was primarily for students - in fact, except for what was contained in No. VI, there was little about responsibility for Faculty or Administration. Was the Faculty not to be concerned with anything but education narrowly conceived? He objected to rejection of "in loco parentis" in educational areas that were "beyond subject matter".

Professor Sindler commented that perhaps the title of the document should read, "University Statement of Principles and Policies Governing Student Misconduct". It was not concerned with Student Life, nor with relations between Faculty and students outside the classroom. It was not a code.

The Professor of Industrial and Labor Relations, Maurice F. Neufeld, said that he would like the reference to "in loco parentis" stricken. The statement as offered was not true. What the Faculty was really saying was that it was in a new loco parentis role. The Faculty cared about certain things. He therefore advocated removing the reference to rejecting the role and thus not responding to simply the latest fad. For the fact remained that "we are very much interested (in certain things)."

The Susan Linn Sage Professor of Philosophy, Max Black, said that he was troubled by what was left out of I-(c). What I-(c) related to was the general interest, and he argued that there should be included some emphasis on human rights. The emphasis was all on goods, whereas human rights were surely closer to the educational enterprise. Why was there no reference to human rights?

The Associate Professor of Industrial and Labor Relations, A. Gerd Korman, asked why, if the present document was an equivalent to a constitution, there was no Bill of Rights. He suggested that any radical or reactionary student confronting judges holding views in extreme opposition to his might find a need for such protection.

The Associate Professor of Linguistics, Donald F. Solá, declaring that No. VII left the University neutral in its role whereas a more positive attitude ought to be indicated, moved that VIII-(a) be amended for that purpose by the addition of the following: "and its recognition that the necessary freedom of expression inherent in University life may sometimes test the society's interpretation of individual rights under the law."

There was a second, by the Professor of Economics, Douglas F. Dowd, followed by questions of whether such an amendment was in order.

The Dean stated that the document would have to be considered as a whole or its propositions taken up seriatim, and the Professor of Industrial and Labor Relations, Isadore Blumen, added that although the document was hopelessly complicated, the Faculty had to allow for amendment. He had himself hoped for a set of simple propositions,

but what he had feared had come to pass: the Faculty Council had left the Faculty a lifetime of work.

The President reviewed the situation and asked Professor Sindler whether the proposed amendment destroyed the internal consistency of the propositions.

Professor Sindler answered that it did not but that if it merited inclusion it belonged as Item d under I.

Professor Penney stated that this was simply an aspect of the issue he had referred to earlier, that of specifying more fully the University's interests, under I-(b) and -(c).

The President asked Professor Solá whether he would agree to including the sense of his amendment under I. Professor Sola said he would and yielded to Professor Black, who offered to re-word I-(c) to include what Professor Solá had in mind. Professor Black's amendment consisted of inserting "and human rights" after "health, safety, welfare and property".

Professors Solá and Dowd agreed to the substitution.

The Robert Julius Thorne Professor of Economics, Alfred E. Kahn, warned that if the Faculty started to offer specific amendments, that would mean a lifetime career. He urged self-restraint. If the Faculty was assured that a certain meaning was intended, the minutes could reflect that interpretation.

Professor Black replied that this was not a sub-interest or matter of detail. There was no mention of rights anywhere except on page 2, and he felt that the proposed amendment was within the spirit of Professor Kahn's admonition.

Professor Bolgiano questioned whether a different order of items might be desirable, and a professor from the College of Home Economics commented that if "human rights" were put between "safety" and "welfare" no new stencil would have to be cut. Professor Black, however, maintained that he was locating "human rights" in climactic position.

Professor Blumen questioned the need for the word "human": what other kinds of rights could be contemplated?

Professor Black explained that the term was well-known and was embodied in numerous documents and codes, some of which he cited.

The question was called for and the amendment was approved by voice vote.

Professor Kahn now, referring to criticisms made by Professor Penney earlier, asked whether the document was intended to exclude non-educational objectives from among the interests it wished to protect and promote.

Professor Sindler said No. It would be up to the framers of the code to make the concerns specific.

Professor Penney said he found the reply acceptable, but he now wished to offer an amendment to VII. The University was not an island; if it failed to recognize obligations to the larger community, then surely the cops would come in. He would wish to delete the period at the end of the first paragraph of VII and add: "to the maximum extent possible within the University's overall obligation to the larger community outside the University."

There was discussion as to whether this was not already implicit anyway; perhaps Professor Sindler could say so and obviate the need

for amendment. No consensus developed; so Professor Penney moved that VII be amended as he had suggested. There was a second.

The Professor of English, Ephim G. Fogel, opposed the amendment. He would deny that the larger obligation needed to be affirmed in every case or was overriding in every case. Some matters might be in the category of privileged communications, like those between confessor and priest, or patient and doctor. He would prefer to leave the subject unspoken. He would assume that all members of the Faculty had a sense of the larger obligations, but including specific reference to them might lead to restrictions.

Professor Penney objected to what he regarded as loose talk about the privileges of educators. There were no such privileges legally provided. The question was perhaps a moral one.

The Professor of Government, Andrew Hacker, conceding that the dialog between the Professor of English and the Professor of Law might be interesting and instructive, asserted that he was not interested in hearing further debate and discussion, and he moved the previous question.

Professor Sindler stated that he understood Professor Penney's comments as implying that the interests of the larger community were excluded. He wished to state that that was not the case. Moreover, Professor Penney's language made the first part of VII secondary. He therefore opposed the amendment.

The amendment was now submitted and lost on a voice vote.

Professor Neufeld now moved that No. II be amended by changing the wording to read: "The University's approach to student conduct emphasizes the University's responsibility for the promotion of

personal freedom, maturity, and responsibility of students." (The underlined phrase was to be inserted; the words originally following "students" to be deleted.)

There was a second. Professor Hacker pleaded with Professor Neufeld to withdraw the amendment. If Professor Neufeld did not like the original wording, let him vote against it. But Professor Neufeld declined to accede to Professor Hacker's plea.

The amendment was then submitted, and carried on a voice vote.

The Dean's motion was now submitted and also carried on a voice vote.

The President called upon the Dean for further motions. The Dean offered the following second resolution on behalf of the Council:

RESOLVED, That the University Faculty join the University Administration in calling for implementation of the University Statement of Principles and Policies Governing Student Conduct by the drafters of a new Student Code, the Faculty Committee on Student Affairs, the adjudicative boards, and all other appropriate bodies.

There was a second and no discussion. It carried on a voice vote, as did a third motion offered by the Dean:

RESOLVED, That the University Statement of Principles and Policies Governing Student Conduct, as adopted, together with actions taken to implement it, should be brought to the attention of the larger Cornell and Ithaca communities. It is desirable that the rationale for these principles and policies be presented through systematic programs of explanation.

The President now reminded the Faculty that although it was past 6 o'clock, immediate adjournment would have the effect of killing a motion that had been included on the agenda for action, a motion prepared by the Professor of Physics, Jay Orear, to adopt a

revised 1968-69 Academic Calendar. It would have to be approved at the present meeting if it was to be effective; any other response would mean killing it. He then called upon Professor Orear to offer his motion.

Professor Orear said that because of the hour he would not make a speech he had prepared. He simply moved that the Calendar be revised to conform with a proposal whose details had been distributed to the Faculty with the call for the meeting. It was, he said, simply an emergency measure to halt proceeding with a Calendar suffering from defects.

His motion was seconded.

The Dean stated that the Council had considered Professor Orear's proposal and had referred it to the Committee on the Calendar, implying thereby that revision of the Calendar at this time did not seem appropriate.

The Professor of Mathematics, Paul M. Olum, moved adjournment. There was a second. The President ruled that inasmuch as the effect was to kill debate the motion would require two-thirds majority. Thereupon he put the motion to a voice vote and declared it had carried by the required number, at 6:10 p.m.

Robert H. Elias
Secretary

UNIVERSITY STATEMENT OF PRINCIPLES AND POLICIES
GOVERNING STUDENT CONDUCT

(derived from the Report of the University Commission on the Interdependence of University Regulations and Local, State and Federal Law, September 27, 1967, and including amendments by the Faculty 2/14/68.)

Non-academic student conduct is an appropriate area of concern and regulation by the University. This Statement sets forth basic principles and policies shaping the scope, manner and standards of that regulation. Particular attention is given to the determination of the parameters of University jurisdiction, the protection of the special interests of the University community, and the relationship of University to civil jurisdiction and of the Student Code to law. Other aspects of University policy governing student conduct, such as standards of fairness in the adjudication of Student Code offenses, are treated in other University legislation and are not included in this Statement.

FUNDAMENTAL PRINCIPLES

I. The University, as an educational institution, has a special set of interests and purposes, the protection and promotion of which are essential to its effective functioning. These are, with respect to the governing of student conduct:

- (a) The opportunity of all members of the University community to attain their educational objectives
- (b) The generation and maintenance of an intellectual and educational atmosphere throughout the University community
- (c) The protection of the health, safety, welfare, property and human rights of all members of the University community, and the safety and property of the University itself.

While these interests and purposes necessarily lie within those of the larger civil community, it is appropriate that the University's governing of student conduct be focused upon and limited to their support.

1. The University's responsibility for student conduct is distinguishable from society's.

The University's governing of student conduct through its enforcement of the Student Code shall be carefully distinguished from the enforcement of general

community law, which is the responsibility of public officials. The University shall make its sanctioning powers over students serve its educational goals, rather than duplicate general police functions already well represented in law and public law enforcement.

2. The essential purpose of the University's governing of student conduct is to protect and promote the University community's pursuit of its educational goals.

Ordinarily, University jurisdiction shall be confined to student conduct which has an adverse effect on distinct interests of the University community, as set forth in (a), (b), and (c) of I above.

Exceptionally, University jurisdiction may be extended to include grave misconduct demonstrating flagrant disrespect for the basic integrity and rights of others, whether or not the student's offense involved the University community or constituted a law violation. Such misconduct calls into question continuance of the student's membership in the educational community, either because

(a) his presence would adversely affect the ability of others to pursue their educational goals, or

(b) his misconduct grossly violated standards of behavior requisite to the maintenance of an educational community.

Explanation: This principle is the basic guiding principle advanced by this Statement. It commits the University to limit its control of student conduct to protect its special interests as an educational community, and defines those interests independently of law and of punishment for law violation. The new Student Code should include this principle, which should serve to generate and control the laboration of specific Code offenses. It is expected that no student will be subjected to University discipline unless charged with violation of a specific Code offense. By these means the interpretation of "University community interests" should be kept appropriately narrow, and not be so broadly construed as to reintroduce the "in loco parentis" position in disguised form or as to in effect embrace all student misconduct in all places.

The exceptional extension of University jurisdiction in section 2 should be carefully circumscribed and sparingly applied. When restricted to condition (a), the Cornell community is simply granted a mechanism for self-protection from a student whose past

misconduct demonstrates his continued presence would be a threat or danger to the educational community. Condition (b) implies that certain kinds of grave misconduct may so egregiously violate the standards of an educational community as to warrant the student's dismissal from that community. In proceedings brought under this part of section 2, the choice of penalties should be confined to suspension/expulsion or no penalty, since the opportunity to impose diverse lesser penalties invites excessive use of the provision. It is expected that the regular adjudicative machinery and procedures would handle alleged offenses under this part of section 2.

- II. The University's approach to student conduct emphasizes the University's obligation to promote the personal freedom, maturity and responsibility of students.

Explanation: In its principles and procedures relating to student misconduct, no less than in other areas of student life, the University should seek to provide a context suitable to the development of student maturity and independence. Hence the principle of responsible student freedom is accepted as basic to the University's position on student conduct matters: each student should have a high degree of personal freedom, coupled with an acceptance of full responsibility for his individual actions and their consequences.

SUPPORTING PRINCIPLES AND POLICIES

The following principles and policies set forth the basis for University regulations consistent with the Fundamental Principles and provide appropriate correlation between the governing of student conduct by the University and law enforcement by the civil community of which the University is a part.

- III. The presumed or proven violation of law by a student neither compels nor precludes University jurisdiction, and is deemed irrelevant to determining whether the conduct falls within the University's jurisdiction.

Explanation: This principle explicitly affirms what is implicit in I, namely that the standards for defining University jurisdiction are independent of the factor of law violation per se. Since students are subject to the double jurisdiction of Cornell (Code) and society (law), the same instance of misconduct may violate both Code and law. But the violation of the Code derives entirely from the adverse impact of the misconduct on the interests of the University community, and not from the fact that the misconduct is a law violation.

IV. The presumed or proven disruptive effect on the University community of extensive investigation by public officials of student conduct is deemed irrelevant to determining whether the conduct falls within the University's jurisdiction.

Explanation: Extensive public policing of student law violations on campus most probably would have an adverse effect on University community interests. If this factor were permitted to convert student law violation that was not a Code offense into a Code offense, the fundamental distinction between Cornell and public jurisdiction of student misconduct would be overturned. By this backdoor route, law violations per se could come to be considered as Code offenses, a position rejected by I and III.

Notwithstanding the fact that Code violations are to be defined by standards independently of the law, most student law violations within the University community will also be Code violations and most instances of student misconduct within the University community will be law violations as well as Code offenses. The problems arising from this overlapping jurisdiction are treated in V.

The effect of dissociating Code offenses from law violations per se is greatest for the few categories of student misconduct within the University community which might violate the law, but perhaps not the Code. University determination of whether conduct in such categories is a Code offense will turn, by IV, on the effects of the conduct itself, and not on the effects of police enforcement of the law against the conduct.

V. In situations of overlapping jurisdiction where student misconduct violates both the law and the Student Code, the University ordinarily seeks to exercise its jurisdiction so as to avoid dual punishment of a given instance of student misconduct.

Therefore, the University shall adhere to the following policies in determining whether to exercise its jurisdiction with respect to student conduct violating both the law and the Student Code:

1. When the student is apprehended by University officials, the University shall seek to handle all but very serious breaches of the law as a Student Code violation within its own jurisdiction. The University shall seek to cooperate with public officials so that its exercise of jurisdiction ordinarily will not be followed by community prosecution of the student's misconduct as a law violation.

2. When prompt public prosecution of the student is anticipated or is under way, the University shall not exercise its jurisdiction until public officials have disposed of the case, unless exceptional circumstances compel otherwise.

3. These policies must be based on jurisdictional understandings and procedures jointly developed and periodically reviewed by University and community officials. To the maximum extent feasible their content shall be made known to the Cornell community.

Explanation: This principle constitutes, in effect, a voluntary waiver of the exercise of University jurisdiction in order to avoid imposing double punishment for the same instance of misconduct. The qualification of "unless exceptional circumstances compel otherwise" is intended to permit University exercise of jurisdiction in instances of grave student misconduct constituting a serious Code violation for which penalties of suspension or expulsion would be warranted. The need for the development of careful understandings with community officials to make these policies viable is obvious.

Although the first sentence of section 1 tends to shield students from the ordinary consequences of their unlawful actions, its rationale is not based on "in loco parentis" views. If Cornell routinely assigned all alleged infractions of law to the public jurisdiction, the effects would be disruptive of the educational environment. The University would have to expect to operate amidst the persistent and widespread presence within its community of police and other law enforcement officials. Further, and most critically, student-University relations based on trust and good will would be jeopardized. The University can avoid these damaging effects by handling most of these campus offenses as Code violations within its jurisdiction.

Current practices are in line with the first sentence of section 1, at least with respect to lesser law violations, though the working understandings between Cornell and public officials have been less than formalized. No attempt is made by this section to specify the jurisdictional boundary lines, other than to stipulate

that only "very serious breaches of the law" should be assigned to the public jurisdiction. University officials, acting within this broad guideline, would develop the specifics in discussions with the appropriate public officials.

VI. When public authorities apprehend a student for law violation, whether or not the misconduct is a Student Code violation also, the University neither makes nor permits use of its disciplinary power as a substitute mechanism for the law. Therefore, the University shall neither request nor agree to special advantageous disposition of a student's case by police, prosecutors, or judges solely because of his status as a University student. The University shall refuse to accept remand of students charged with or convicted of law violations for the purpose of imposing disciplinary punishment.

Nonetheless, the University, recognizing that the absence of roots and family in the local community may place students at some disadvantage when involved in law violation, stands ready to assist student defendants and to cooperate with public officials to promote equitable application of the law. Should a student charged with law violation request assistance from the University, a University representative shall advise him and, if requested, shall facilitate the student's employment of suitable legal counsel. If the student defendant consents, the University ordinarily shall cooperate with the requests of appropriate law enforcement officials for programs of probation or rehabilitation.

Explanation: Students should recognize that as members of the larger Ithaca community they are obliged to obey the law without special immunity because of their status as Cornell students. A rejection of the "in loco parentis" position and an affirmation of the promotion of responsible student freedom requires VI. Further, the University cannot reject as inappropriate any role as a community law enforcement agency if it agrees to substitute its authority for that of society once public officials have apprehended the student for alleged law violation.

The differences in the contextual circumstances of V, 1 and VI merit comment. In V. 1, the University has apprehended the student on campus for a Code violation which is also a lesser law violation. On the basis of prior understandings reached with public officials, the University elects to treat the misconduct entirely within its jurisdiction as a Code offense, for the reasons stated in the Explanation following V. In VI, the police have apprehended the student off campus for a law violation off campus. The student's law violation may or may not be a Code offense, depending usually

on whether the University community was involved. Whether a Code offense or not, the University declines to ask for or to accept a transfer of jurisdiction to permit it to punish the student in place of the ordinary disposition of the case by public officials.

VII. The University's cooperation in law enforcement, at the request of public officials, shall be exercised in each particular case with a view to safeguarding the interests of the educational community, especially student confidence in the University.

When the University acts in a law enforcement rather than a Student Code enforcement role with respect to students, the Cornell community or the students questioned shall be informed fully and promptly of that changed context of inquiry and investigation.

Explanation: Cornell's needs as an educational community may at times confine or preclude its accommodation of such requests by public officials, and should at all times condition the scope and methods of its cooperation. The University's confusion of law enforcement and Code enforcement roles when investigating student conduct would promote widespread student mistrust of the University, and might well result in a denial of the student's rights as a citizen and in the production of evidence not admissible in the courts.

VIII. The University's inaction with respect to known instances of student law violation implies no University support, approval or indifference, but simply reflects

(a) when no Student Code violation is involved, its respect for the bounds of its responsibility for student conduct

(b) when a Student Code violation is involved, its concern to avoid imposing a dual punishment for the same instance of misconduct.

Explanation: Since this Statement of Principles and Policies is likely to be less than fully understood by persons outside the University community, especially in times of controversy, it is proper and useful that the position embodied in VIII be stated explicitly and be given equal standing with the other principles.

3479
Room M
Olin Hall
March 13, 1968

The Provost called the meeting to order with 54 members in attendance. He asked whether there were any corrections of, or additions to the minutes of the meeting of February 14, 1968, and there being none, declared them approved as distributed.

He then announced the death of

Casper L. Cottrell, Professor of Electrical
Engineering Emeritus, on February 26, 1968

The Dean asked leave to make a brief announcement and was granted the floor. The Dean stated that he had received inquiries concerning the inclusion of a call to a jazz concert along with the call to the Faculty meeting. This enclosure did not signify a change in Faculty policy. He explained the procedures governing the use of the intramural mail, and made clear that the inclusion of the "advertisement" for the concert had been the result of confusion and misunderstanding at a time when the material for two mailings was being assembled simultaneously in the mail room and supplementary material to accompany the call to the Faculty meeting was construed as comprising the leaflet concerning the concert.

The Provost now called upon the Professor of Home Economics Education, Kathleen Rhodes, chairman of the Faculty Committee on Nominations, to present the Committee's slate for vacancies on the Faculty committees and administrative boards.

Professor Rhodes read the names of the nominees for each committee and moved the adoption of each committee slate. Each was seconded. No nominations were made from the floor. Slate by slate, the committee's nominations were duly approved by the Faculty on a voice vote without dissent, as follows:

For the Faculty Council, four to be elected for a three-year term:

Isabel Pearl, Professor of Education
 Sara Blackwell, Professor and Head, Home Economics Education

John W. Reps, Professor of City and Regional Planning
 David Pimentel, Professor and Head, Entomology and Limnology

Harry W. Seeley, Jr., Professor of Microbiology and Chairman,
 Section of Microbiology
 Harold R. Capener, Professor and Head, Rural Sociology

Douglas E. Ashford, Associate Professor of Public and Inter-
 national Affairs, Associate Professor of Government
 Raymond Bowers, Professor of Physics

For the Committee on Academic Freedom and Tenure, two to be elected for a four-year term:

Edward C. Devereux, Jr., Professor and Chairman, Child
 Development and Family Relationships
 J. Thomas Reid, Professor of Animal Nutrition

Victor W. Turner, Professor of Anthropology
 Paul R. Eberts, Assistant Professor of Rural Sociology

For the Committee on Academic Integrity, two to be elected for a term of three years:

Gordon F. Streib, Professor of Sociology
 Carl S. Herz, Professor of Mathematics

Harry T. Stinson, Professor of Genetics and Chairman, Section
 of Genetics, Development and Physiology
 Murray H. Milford, Assistant Professor of Soil Science

For the Committee on Economic Status of the Faculty, one to be elected for a term of five years:

David L. Call, Associate Professor, H.E. Babcock Professorship
 of Food Economics
 John H. Whitlock, Professor of Parasitology

For the Committee on Nominations, three to be elected for a term of three years:

John K. Loosli, Professor of Animal Nutrition and Head, Department of Animal Science

Cyril L. Comar, Professor and Head, Department of Physical Biology, and Director, Laboratory of Radiation Biology

Mary A Morrison, Professor of Food and Nutrition

Joseph Carreiro, Professor and Head, Department of Housing and Design

Paul P. Van Riper, Professor of Public Administration

William E. Hogan, Professor of Law

For the Committee on Student Affairs, two to be elected for a term of three years:

Robert H. Foote, Professor of Animal Science

Nell Mondy, Associate Professor of Food and Nutrition

Allan P. Sindler, Professor and Chairman, Department of Government

Paul J. VanDemark, Professor of Microbiology, Section of Microbiology

For the Committee on Student Conduct, three to be elected for a term of four years:

Althea H. Stein, Assistant Professor of Child Development and Family Relationships

Harold Widom, Professor of Mathematics

Donald P. Greenberg, Assistant Professor of Architecture and Chairman, Architectural Structures

D. Peter Loucks, Assistant Professor of Civil Engineering

Richard D. Aplin, Associate Professor of Marketing, Agricultural Economics

Wesley W. Gunkel, Professor of Agricultural Engineering and Coordinator of Graduate Instruction in Agricultural Engineering

For the Board on Student Health, one to be elected for a term of three years:

Howard E. Evans, Professor of Veterinary Anatomy and Secretary of Veterinary College

Rodney F. White, Associate Professor, Hospital Administration in Graduate School of Business and Public Administration

For the Board of Physical Education and Athletics, one to be elected for a term of three years:

Walter E. Oberer, Professor of Law and Industrial and Labor Relations in the Law School

William H. Erickson, Professor of Electrical Engineering and Associate Dean of the College of Engineering

The Provost next called upon the Dean for the presentation of a motion on behalf of the Faculty of the Law School.

The Dean introduced his motion with an explanation that the matter had been considered by the Faculty Council and that the Council had recommended that the motion be submitted to the University Faculty for approval. Accordingly, he moved the following:

That the University Faculty recommend to the Board of Trustees that the Doctor of Law (J.D.) degree, in lieu of the Bachelor of Laws (LL.B.) degree, be awarded to the graduating class of June 1968 and subsequent classes.

There was a second, whereupon the Dean of the Law School, the Professor of Law, Ray Forrester, was recognized for the purpose of explaining the meaning and implications of the motion. Dean Forrester noted that originally the motion as distributed to the Faculty with the Call to the Meeting had consisted of two parts, one prospective and one retroactive. Only the first part was presently before the Faculty; the following had been deleted:

...and that the degree be made retroactive, upon request, to all graduates who, before commencing the study of law, have successfully completed at least three years of acceptable college work in an accredited institution, or its equivalent, as defined in Rule III-3 of the Rules of the New York Court of Appeals for the admission of attorneys and counselors-at-law.

He then summarized the explanation of the proposal that had already been distributed to the Faculty, emphasizing particularly the fact that the Law School had long considered this move but had not been legally empowered to make it until the Board of Regents on September 29, 1967, had authorized the award of the J.D. as a first professional law degree in New York. This degree was being awarded by law schools elsewhere in the nation, stimulated by the recommendation and support of the degree on the part of the principal accrediting agency for American law schools, and Cornell found it desirable to provide its graduates with the same benefits. Dean Forrester also stated that it had long seemed anomalous to grant a second baccalaureate to Law graduates - for all candidates for the first professional law degree in the Cornell Law School already possessed a baccalaureate degree.

The Professor of Business History and Transportation, John G.B. Hutchins, asked whether the degree was not being awarded in some law schools for study beyond the LL.B., for graduates intending to teach. The Dean replied that the degree that Professor Hutchins had in mind was the J.S.D., awarded for two years of additional study.

The Professor of Romance Studies, and Secretary of the University, Blanchard L. Rideout, asked why the retroactive part of the motion had been abandoned. Would there not be trouble from recent graduates, especially since in other schools holders of the LL.B. could acquire a J.D. upon payment of something like a \$5 fee?

Dean Forrester acknowledged that there might be some protests, but the Law School had considered the matter in terms of the impact

on other divisions of the University. At some later time it might become desirable to ask the Faculty to approve the retroactive provisions.

The motion was then put to a voice vote, and carried with but two Nays.

The Provost then recognized the Dean of the Faculty, who called attention to the Faculty legislation regarding the Five-day Rule (requiring students to leave Ithaca within five days from the time of being dropped from the University rolls) as summarized on a sheet he had just distributed. After sketching the legislative history of the rule and quoting the views of the Registrar and the Associate Dean of Students concerning, respectively, the unenforceability of the rule and the desirability of rescinding it, the Dean moved that Faculty legislation respecting the Five-day Rule be rescinded.

The motion having been seconded, the Provost asked the Vice-President for Student Affairs, Mark Barlow, Jr., to comment.

Mr. Barlow pointed out that circumstances at the present time were somewhat different from what they were in 1871, when the rule was first adopted. Some students now wished to remain as residents in Ithaca for a variety of reasons, ranging from jobs to promotion of the peace movement, and there was even a question of whether the rule was not illegal. Moreover, a sign in Willard Straight Hall stated that alumni were welcome there, and anyone who had spent as much as a full term at Cornell before leaving was classified by the Development Office as an alumnus. The individual colleges remained free to make a student's departure a condition of readmission, but

that was a different matter. Not many students had in fact chosen to remain in Ithaca, and the few who had so chosen had been no trial to the University.

Professor Hutchins asked what authority the University had to order anyone out of Ithaca.

The Professor of Law, Norman Penney, replied, "None." He added that the only defensible rationale would have to relate to conditions for readmission.

The Associate Professor of Industrial Engineering and Operations Research, the Director of the Division of Unclassified Students, Martin W. Sampson, asked whether there was any continuing effort to check on whether students dropped for academic reasons were participating in extra-curricular activities.

Mr. Barlow said that no check was maintained but that SCARB required that all officers be registered students, and he cited an instance in which an officer of an activity last year gave up his position because although he remained in Ithaca he had withdrawn as a student in order to work for the peace movement.

Professor Sampson added that he would hate to see the Sun and other organizations taken over by ex-students.

Mr. Barlow pointed out that students nowadays were involved in such a range of complex extra-curricular activities, some of them confined to the campus but many extending into the town (the Neighborhood College, for example) and even the nation, that systematic accounting was impractical.

The motion was then put to a vote and carried without dissent.

The Provost now recognized the Dean for a report on the Roberts resolution, which he remarked had been passed by the Faculty.

The Dean reminded the Provost and the Faculty that the Roberts resolution had not been passed; it had been referred to the Faculty Council. In the spirit of that decision the Dean had consulted with his predecessor, the Professor of Plant Breeding and Biometry, Royse P. Murphy, for the purpose of securing the advice of Faculty "statesmen" not presently members of the Council. The consequence had been the appointment of an ad hoc committee on Organization of the University Faculty, with the following members: the Professor of Architecture and Associate Dean of the College of Architecture, A. Henry Detweiler; the Goldwin Smith Professor of the History of Science, Henry Guerlac; the Professor of Law and of Industrial and Labor Relations, Kurt L. Hanslowe; and the Professor of Public Administration, Paul P. Van Riper, chairman. The chairman had agreed to make a progress report.

Professor Van Riper, recalling the definition of a statesman as being "a dead politician," entered a demurrer concerning the category he and his fellow committeemen had been place in; he then read the report whose text accompanies these minutes.

At the completion of the report, the William Nelson Cromwell Professor of International and Comparative Law, Rudolf B. Schlesinger, suggested that the Secretary should note the number of Faculty members in attendance at the present meeting. The Secretary assured Professor Schlesinger that attendance figures were always provided.

Professor Hutchins asked whether the Committee was considering circulating a questionnaire to put to the Faculty generally the questions contained in the report.

Professor Van Riper said that the possibility was being considered, but that a questionnaire of that sort would require very careful structuring and might not be needed for the preliminary estimate of the situation that his committee was charged with making.

The Susan Linn Sage Professor of Philosophy, Max Black, proposed that if the committee was worried about numbers - and he was sure it was - a good figure for a quorum was 41%. Editorial note: Professor Black's calculations were based on only the preliminary tabulation of the results of the New Hampshire primary.

The Professor of Industrial and Labor Relations, Isadore Blumen, urged that Professor Van Riper's report be circulated to the Faculty verbatim. Hence the accompanying text.

The Provost now asked whether there was any new business.

The Professor of Mechanical Engineering, Richard M. Phelan, noting that the Call to the Meeting had alluded to the Council's discussions of the adjudicatory structure and to difficulties in narrowing choices, pointed out that all schemes under study were for implementing principles that only the Faculty could change. Yet the groups that had formulated the proposals before the Council were not Faculty groups, although Faculty members were included in their membership, and in fact, the Council was the first official Faculty body to be considering these schemes. Thus the basic issues had - perhaps deliberately - been hidden. Fundamental was the question whether the Faculty was going to turn over student conduct to the students themselves. He urged the Council to address itself to that first. The rest would become simply details once that issue was decided.

There were no further comments, no other business. The Provost declared the meeting adjourned at 5:20 p.m.

Robert H. Elias
Secretary

Paul P. Van Riper, Professor of Public Administration, reported as follows:

Mr. Chairman and members of the Faculty:

As suggested by the Call for the Meeting, this is a progress report from the Faculty Council's ad hoc Committee on Organization of the University Faculty. Members are Professors Henry Detweiller of Architecture, Henry Guerlac of History, Kurt Hanslowe of I & LR and Law, and myself from Public Administration. Our assigned mission is to undertake a feasibility study with respect to the problem of whether or not the University Faculty, as a representative and administrative mechanism, need -- some might say "deserves" or "requires" -- an overhauling. If so, we have been further asked to suggest, in general terms, the possible form or forms which such a renovation might take. That is, the work of our committee is preliminary, an estimate of the situation only, rather than final in any respect.

There are three reasons why we felt it was appropriate to report briefly at this time. First, you should know that the appointment of the committee is in response to the Roberts resolution, presented at a recent Faculty meeting and expressing concern about the University Faculty as a corporate body. Second, we wish to encourage communications from interested Faculty members; they may be addressed in writing or verbally to any of us. And, third, we want to convey to you, in a very preliminary way, some idea of the range of our concerns. These I will now translate into a series of questions for illustration.

Most fundamental: Is there real Faculty interest in a change? That is, is there enough interest to warrant the very considerable expenditure of time and energy involved? For example, the Professor of Philosophy, Max Black, who chaired the committee presiding over our last Faculty reorganization in 1956-57, has indicated that this reorganization process absorbed much of the time of his committee over most of a year as well as considerable Faculty meeting time. Fortunately, Professor Black's committee met with success, something by no means guaranteed to any future committee. To put the basic problem again: Is there a real, felt need for a change?

If so, what could and should be the form of change? Here the main possibilities are two or some mixture thereof. The most obvious possibility is some organizational or procedural renovation or innovation. For example, one may consider such matters as the organization and powers and procedures of the Office of the Dean of the Faculty, the powers and the representativeness of the Faculty Council, the relationship of the Council to the Administration and to the Faculty as a whole, the general committee structure of the University Faculty, the representativeness of University Faculty meetings and of the Faculty as a voting body, the adequacy of the nomination and election process, and the nature of procedural matters relating to University Faculty meeting agendas, the preparation of materials for Faculty action, the need for a quorum, and so forth.

The other main possibility for change lies in a more fundamental direction. That is, should a cure for any Faculty ailments be sought less in organization and procedure than in some more or less basic revision of our conception of University Faculty powers and duties? Is the University Faculty doing too much? Is it doing too little--perish the thought! Is the balance between policy determination and procedural implementation appropriate to the needs of the Faculty and the University as well as within the capabilities of a Faculty whose principal interests and duties must lie in teaching and research? To put the matter still another way, are we, or are we not, overextended in the range of matters about which we now feel obliged to exhibit concern, frequently in enormous detail?

Our final questions relate not to the form but the dimension of possible change in Faculty mode of organization and governance. That is, should any change be substantial, or even of an earthshaking nature such as that characterizing current proposals for the future of student government? Or can any needs be met through partial or incremental modifications?

Such is the variety of matters with which we are concerned. As you can see, they are considerable. To help in accomplishing our mission we have held several meetings, we are interviewing a number of experienced Faculty and administrative personnel, we have reviewed a sizeable file of documentation received by the Dean of the Faculty, we are reviewing considerable experience in similar institutions, and we invite further communications from members of this Faculty.

In conclusion, let me raise a question which I am sure is on your minds: Do we have any findings as yet? Yes, there are two worth noting now. First, it is probably safe to say that we will not propose the abolition of the University Faculty as an organized entity! Finally, it has taken little research to make it clear that there is no ready-made and generally agreed-on formula for optimal Faculty participation in the governance of a University. Any satisfactory solution to the problems of this University Faculty is most likely to come from within. May we have your views and suggestions, hopefully prior to the first of April?

3488
Room M
Olin Hall
April 10, 1968

The President called the meeting to order at 4:35 p.m., with 149 members in attendance. He asked whether there were any corrections of or additions to the minutes of the meeting of March 13, 1968, and there being none, declared them approved as distributed.

The President then stated that he viewed the announced agenda as important, and knew that the Faculty did, too, but he also knew that first the Faculty would wish a brief resume of the events of April 4th and 5th leading to the creation of the Commission. He therefore called upon the Provost to summarize the first events.

The Provost began by saying that the first notice of the affair reached Day Hall at about 10:30 a.m., Thursday, the 4th, when there was a call stating that a group of Afro-American students had occupied the Economics offices and declared them temporarily closed. The chairman, Professor Tom E. Davis, indicated that he was "not free" to leave. Discussion ensued in Day Hall then regarding the possibility of "freeing" Professor Davis, but Professor Davis had reported that he was all right, and those conferring with the Provost agreed that any attempt to use force was undesirable. The Provost finally asked the Proctor to do what was regularly done on occasions of this sort - seek to limit the number of students crowding into the room - and the Proctor had stationed two plainclothesmen at the door of the office for that purpose. The students, however, had knocked down the men and gained access: no further attempt was then made to limit the number entering. Finally, through the help of a graduate student, Paul DuBois, the Assistant Dean of Students, Gloria I. Joseph, and the writer, Julian Mayfield, currently a Fellow in the Society for the Humanities, communication

was established between Day Hall and the students in the Economics office. There was great difficulty finding out what the protest was all about, and it was only after a couple of hours that the issues were even defined - in this regard Mr. DuBois, who, though not himself among the instigators of the protest, had the confidence of his fellow Afro-Americans, proved especially helpful. The Provost and other members of the Administrative staff in Day Hall conferred with the emissaries and with the Professors of Economics, Douglas F. Dowd and Chandler Morse, and then the Provost, the Dean of the Faculty, Professors Dowd and Morse, joined by the Professor of Economics, Frank Golay, went to Professor Davis' office for a conference that included the three Afro-American students from Economics 103, the president of the Afro-American society, and two other members, one of whom was equipped with a tape recorder and the other with a camera. The demands were that the students should have the right to reply to the professor, that he be dismissed and reprimanded, and that he apologize. The outcome of the conference was that further discussion of these demands would be postponed until Monday, April 8th, when the students were informed that the Economics Department would pay for any lecturer they might pick who could present the material in question from another point of view. Meanwhile, on Friday, April 5th, a meeting of representative members of the Faculty was held in the Provost's office. Included were members of the Council, a Faculty Trustee, and the chairmen of concerned committees (Student Affairs, Student Conduct, Human Rights). From this meeting had emerged the suggestion that a Commission be appointed.

At this point the President asked the Dean of the Faculty to continue the account.

The Dean explained that although the idea of a Presidential Commission - jointly appointed by himself and the President - had come from the Friday meeting, the details of the charge to that Commission had been the product of a smaller meeting the following day, when a document drafted by the Professor of Physics, Raymond Bowers, and the Robert Julius Thorne Professor of Economics, Alfred E. Kahn, was accepted. The members of the Commission were chosen to represent Faculty, Administration, and students as follows:

For the Faculty: the Henry Scarborough Professor of Social Science, Robin M. Williams, Jr. (chairman)
the Professor of Industrial and Labor Relations and of Economics, George H. Hildebrand
the Professor of Law, Norman Penney

For the Administration:
the Associate Dean of the College of Engineering, Edmund T. Cranch
the Assistant Dean of Students, Gloria I. Joseph
the Vice Provost, W. Keith Kennedy

For the Students: Earl M. Armstrong (Arts '69)
Arthur C. Kaminsky (Arts '68)
Diane S. Weinberg (Arts '68)

The Commission had held its first meeting Monday afternoon and was meeting again at the present moment. Its charge was, essentially, to look at the events themselves and what had led up to those events over a period of two or three weeks, to assess responsibility for various aspects of the protest, before and during the affair, by Faculty, students, and Administration, and to make recommendations concerning demands by the students respecting racism in teaching at Cornell. At its first meeting the Commission had agreed that it should not make specific recommendations concerning the disciplining

of either students or Faculty - that matter would be for the appropriate agencies of the Faculty. On Monday evening the Faculty Council had met and unanimously endorsed the appointment of the Commission.

The Professor of Industrial and Labor Relations, Maurice F. Neufeld, now rose to declare that the issues raised by the work that the Commission was charged with stemmed from the most tragic event of the last 22 years here, and now there was reference to "disciplining the Faculty". He was willing to wait the report from the Commission before considering specific actions of any sort, but he felt that it would do the Faculty good if the President would give his own views informally, without any debate, on the implications of the incident under discussion for academic freedom at Cornell University, because the majority of the Faculty were "deeply disturbed".

The President began by saying that he would find it hard to believe that there was anyone not so deeply concerned as he; the issues were divisive, sensitive, and explosive. He wished he could predict the "national scenario" - in which a substantial fraction of the country's citizens believed no promise existed for them when asked to trust in patience and reason. The University Administration, aware of the complicated nature of the issues on campus, was feeling its way. There were presently approximately 180 Negro students at Cornell, brought in under a program consonant with the desire and belief that black students deserved the best education and not a second-best one. In 1963, when he had become President, there were an average of four black students in each entering freshman class of 2300. He shared with others at that time a feeling of a need to

make more positive efforts to improve the percentage. There existed two barriers: (1) The SAT scores as a criterion for admission - but this was only a paper barrier; when given to a category of students not used to this kind of test-taking, as were white students, the SAT examination was demonstrably not predictive; High School recommendations proved more reliable, and he could say the drop-out rate of these students at Cornell was lower than that of any other element in the University. (2) Money - but funds had been provided by the late Mr. Harold Bache to supplement scholarship funds and funds from the Rockefeller Foundation, so that now some 70 black students had entered with the last freshman class. Unfortunately, under budget strictures it would not prove possible to make the desired further increase in number for next year. 70 out of 2300 was clearly not enough.

To the general problem that these students faced as a group - involving finance, matriculation, and guidance (here he praised the work Dean Joseph had done) - a new element had been added. The liberal ethic had given rise to the hope that the blacks would be assimilated in the student community. But there had been a change in the attitude of the blacks in the country, and the blacks wished for group identification. This was a reality that many whites found uncomfortable, and misunderstandings had developed and deepened. There were presently three groups of blacks on campus: those who were relatively well assimilated, those who constituted the Afro-American Society, and those who were in the middle, somewhat confused. The desire for group identification was reflected in the formation of a Negro Cooperative for girls and in an apartment dwelling that 19 of the boys had set up, one of the most stable

residential units any students had. Recent events had intensified difficulties, for the militants felt that opponents of separatism were not truly liberal but simply wished to divide and weaken the blacks. In fact, suspicion was pervasive. Princeton University, for example, seeking to favor their black students, had assigned them much-sought-after single rooms, only to face protests by the black students, who regarded such assignment as evidence that they were to be segregated. The assassination of Dr. Martin Luther King had added to tensions, and the problem was how to cool the atmosphere; the Commission would provide time for reflection.

Turning to the immediate issues, the President distinguished some perplexing questions. First was how to handle student complaints about what a teacher had said in a classroom. Under different circumstances, the answer to that would be different, but at present it meant also how to protect a professor's rights in a way that would not inflame a group of students who were already, for external reasons, inflammable. He alluded to the Memorial Service for Dr. King in Bailey Hall as a measure of the tensions in 1968. It was, though, his intention to protect the academic freedom of the Faculty in an environment that was being subjected to greater pressures than even during the McCarthy era. He therefore recommended procedural flexibility. The students, he noted, did not believe that they had been guilty of anything - in fact, they believed that they had displayed heroic restraint during some two weeks of frustrated efforts to secure redress. The problem of justice was, thus, not simply one of applying the law. He did not believe, finally, that one could avoid the business of human contact with people who were upset. Thus he

had met with members of the Afro-American Society at dinner, in the Harvest Room, and he did not want anyone to suppose that such a gathering these days was "all fun and games"; especially when one was told, not in words either, that one was not to be trusted. But after some two hours it had become possible to talk a little bit, and he had learned of the financial handicaps of one or two, and of some other problems. But tensions remained. An attempt to diminish some of those tensions was scheduled for the present evening, when some white and some black students were going to consider together how to provide stability. The multiplication of incidents elsewhere in the country testified to the need for such consideration; and he mentioned instances in which violence had resulted at other institutions from some foolish act performed at the wrong time.

The President now asked whether the Faculty wished to proceed with the announced agenda or preferred to discuss the current situation informally. He addressed an inquiry specifically to the Susan Linn Sage Professor of Philosophy, Max Black. Professor Black thought that some informal discussion would be helpful.

The President then told the Faculty that on his arrival at Olin Hall before the meeting he had been met by one member of the Faculty who had announced that there would be "trouble", for three Negro students had occupied the auditorium and, the Faculty member had said, it was up to the President to make certain they left. The President had then quietly asked them what they were there for; they had told him that they were there as observers. He had explained that the Faculty's meetings were not open to observers but

had asked what they wished to observe. They had stated that it was rumored that the Faculty was going to vote on disciplining the students who had sat-in in Professor Davis' office. The President had assured them that that was not going to happen, that they must believe him, but that if he were wrong he would, if they left their names, call them back - in the meantime he would then have to ask them to leave. They were satisfied with the explanation and left.

The Professor of English, Walter J. Slatoff, remarking that the dominant notion at the Friday meeting had been that the usual procedures and forms would be suspended, asked the Dean what the rationale was for the Commission's decision not to consider problems in those areas.

The Dean replied that some recommendations would be made by the Commission, but some white students had been pointing out that they would resent lack of action against the black students, and already black students were being subjected to harassment from some who thought they might be gaining immunity from the delay. Therefore, citations were being drafted, although how tenable they would be - the names of certain participants were not known - was perhaps in question. Also, there was a question of what the adjudicatory boards could properly do, but that too would have to await the Commission report - which would precede action by any other body.

The Professor of Physics, Albert Silverman, said that he must ashamedly confess that when he had noticed the black students sitting in the auditorium before the meeting, he had at once supposed that they were present to make trouble. But their presence had turned out to be simply the result of their ignorance of Faculty rules,

procedures, and so on. This was typical of how misunderstandings arose, and he was fearful of crises arising out of inadvertance. His hopes were that students would be given more information about the Faculty's attitudes and preoccupations and that in turn the Faculty would find out what the students were demanding.

The President said that this was an important point. Contact was essential. When the Students for a Democratic Society had begun agitating concerning the Vietnam war, FCSA had "reached out" and made it possible to discuss the issues in open forum and make contacts. One idea recently advanced had been that part of orientation should include a presentation of "Cornell in Perspective". He thought that that might be a good idea.

The Associate Professor of Linguistics, Donald F. Solá, said that he had not understood that any individual or organization had been charged with anything; yet the Dean's statement concerning citations implied some charge. He would think that any such action would be potentially inflammatory.

The Dean answered that he had discussed the drawing up of the citations with some of the students involved, and although it had not always been easy, he was under the impression that they were not averse to the procedure that was being followed.

The President then asked the Dean of the College of Arts and Sciences, Stuart M. Brown, Jr., to describe the procedure available to students for presenting complaints.

Dean Brown said that until now the procedures in existence had never contemplated students' complaining, only Faculty. Therefore, as of Saturday the 5th of April, a student who wished to complain

of a professor could write a letter to the chairman of the department of which the offending professor was a member, and send copies of the letter to the Dean of the appropriate college and the President.

Professor Neufeld deplored the tendency to go from one ad hoc situation to another, a tendency evident in the nation generally. He recalled that when the CIO workers had occupied various plants in the '30's, some had felt that the nation was falling apart. Finally, however, the problem was solved by a policy, and the acceptance of bargaining. His own plan for an ombudsman, which he had proposed to the President a year before, would, if adopted, have prevented the recent outbreak. Students had a right to protest in an orderly way what went on in a class, but no such way was available. It should always be kept in mind, he stressed, that a professor had a right to profess and a student to complain. He cautioned against panicking and allowing a small group to wreck the University as it had wrecked Berkeley. The University was presently in a liberal stage, but he warned against what might happen if reactionaries took over. One could put up with nonsense to protect the rights of those who were not nonsensical. He was, therefore, for establishing a system for dealing with grievances and appeals.

The Associate Professor of Physics, Vinay Ambegaokar, speaking as both a professor and an alien, said that he admired the adaptability of American institutions and he felt that it was simply a process of adaptation rather than destruction that was in process.

Professor Black declared that he agreed with Professor Neufeld concerning academic freedom, but the present case was not one in

which blame was only one-sided. Procedures for dealing with grievances did already exist, as numerous chairmen could testify; private discussions of such complaints were not unknown. It was a series of accidents that had led to the blow-up. He urged that "problems should not be multiplied beyond necessity," and asked the Faculty not to assume that students were going on a holiday. If a grievance had come to seem one of the present magnitude, there was a failure on the part of education. He opposed insisting on abstract rights and procedures. The Faculty was not a court of law; its punishments were essentially symbolic and should be as lenient as possible.

Professor Neufeld replied that Professor Black was not addressing himself to the grievance procedure; a system of some sort was needed. But Professor Black repeated that the members of the Faculty should not think of themselves as judges and punishers but as educators committed to establishing human relations.

The Professor of Child Development and Family Relationships, Urie Bronfenbrenner, said that whenever crises occurred, they were usually connected with a public occasion that the University was unprepared for. He cautioned about reacting to such crises by calling off classes. Such decisions had an effect on the town. What was needed was a group to concern itself with public effects and to proceed judiciously.

The Professor of English, Ephim G. Fogel, said that he had learned that the calling off of classes had occurred also at the University of Chicago; that did not greatly trouble him - and he joined with Professor Black in opposing the multiplication of

entities: the University already had many channels; it was more a matter of education than of availability. His real fear was not for the open forum but that out of feelings not well understood the Faculty would meet crises with some sort of universal procedure. He warned against false analogies. The decision to insist on unsegregated fraternities was, for instance, no analogy; for in that instance the Faculty was trying to correct the contemptuous attitude of a majority; and the present difficulty arose from the sensitivity of a minority. Circumstances altered cases.

The Kenan Professor of Psychology, Harry Levin, proposed that some things ought be done at once (1) to stop rumors, (2) to help students understand the Faculty's sensitivity to freedom, and (3) to help students find ways to maintain a dialog. White resentment was not, he argued, adequate reason for issuing citations.

The President remarked that he was in accord, and urged that if rumors must be passed along, they be passed along exactly as heard. That evening there was to be a rumor-pool with the students, and he thought that perhaps a daily exploration and clarification of rumors might be useful for a while. He did note, though, that some things were happening. That morning one of the boys who had come to the Faculty meeting as an observer had discovered that the tires on his VW had been cut and the pieces left by the car. The President wondered whether if that had happened to him he could have so willingly left the auditorium as that boy had. And another member of the Afro-American group had received a scrawled note, the exacts words of which he could not remember, but the sense was:

"Nigger _____: When you walk on the campus know that my gun is trained on you."

The President thought it took something to stand up under that, but the boy was not crumbling; he had preserved the note and taken it to the Proctor in the hope that it might contain sufficient evidence to apprehend the author.

The meeting was then adjourned, at 6:10 p.m.

Robert H. Elias
Secretary

3501
Room M
Olin Hall
May 1, 1968

The Provost called the meeting to order at 4:35 p.m., with 347 members attending, and stated that the minutes of the previous meeting of the Faculty would be distributed with the call to the meeting of May 8th.

He then announced the death of:

James D. Lockett, Emeritus Professor of Publications
(Geneva), on April 9, 1968

William T. M. Forbes, Emeritus Professor of Entomology,
on April 14, 1968

Carl Crandall, Emeritus Professor of Civil Engineering,
on April 25, 1968

The Provost now briefly commented on the work of two commissions. The commission chaired by the Henry Scarborough Professor of Social Science, Robin M. Williams, Jr., concerning the events culminating in the sit-in in the Economics Department, had presented its report to the President and the Dean of the Faculty the day before, but had not sanctioned its release; the material in the Sun had been secured by an act of deception and contained one major error. He urged the Faculty to withhold comments on the substance of the report until the full text became available. (see attached)

The second commission, appointed in response to another tense situation, one that had developed in conjunction with the recent meeting of the Board of Trustees, was charged with examining the relation between the University's investment policy and social questions of concern to the University community. It comprised representatives of the Faculty, the Trustees, and the students, under the chairmanship of the Goldwin Smith Professor of English History, Frederick G. Marcham, as follows:

Trustees: Austin H. Kiplinger
 Gilbert H. Wehmann

Faculty: Walter E. Oberer, Professor of Law
 John P. Windmuller, Professor, Industrial and
 Labor Relations

Students: Bruce H. Detwiler '71 Law
 Edward H. Marchant '68 Arts

The Provost then outlined the agenda and procedure to be followed for the balance of the meeting. The Faculty would be presented with resolutions concerning the establishment of a new adjudicatory system. They would constitute the main business. But the Provost wished to ask the Faculty to reserve 15 minutes afterward to consider and vote on whether it wished to convene a special meeting to discuss the University's investment policy. He then called upon the Dean of the Faculty to present a motion on behalf of the Faculty Council.

The Dean moved that the proposals for a new adjudicatory system *(attached)* developed by the Council and distributed with the call to the meeting be adopted by the Faculty. The motion was seconded. Thereupon the Professor of Entomology and Limnology, David Pimentel (chairman, Faculty Committee on Student Affairs), moved that the Faculty adopt as a substitute motion one formulated by himself, by the Associate Professor of Romance Studies, Jean Parrish (chairman, Faculty Committee on Student Conduct), and by the Associate Professor of Law, Faust F. Rossi (FCSC representative to FCSA), a motion supported by the Faculty Committee on Student Conduct and also distributed with the call to the present meeting. Professor Pimentel added, however, that he wished to modify the text of the motion that had been distributed by substituting for Sections 1 and 2 of his proposal, Sections I and II of the Council's thereby narrowing the

differences between the alternatives. Professor Pimentel's motion as modified was then seconded.

Speaking briefly in behalf of his substitute, Professor Pimentel noted that it had evolved from proposals formulated by the Jensen Commission, which had advocated joint Faculty-student boards, and that it thus represented the feeling that student conduct was a matter affecting the whole University community and that the "community concern" was best served by joint decisions; for the polarization of views and attitudes was what was to be avoided, and he feared that the establishment of a system that excluded meaningful Faculty participation would invite the very schisms that were to be avoided.

The Professor of Government, Allan P. Sindler, reminded the Faculty that the recommendation of his commission had been based on a belief that increased authority for students should accompany their increased responsibility. The element of community concern would, his commission had felt, be preserved in the Conference and in the Faculty Committee for Student Affairs. The Council's version, however, did not represent what his commission had had in mind. If the Faculty agreed to an all-student lower board, he would hesitate to endorse a mixed appeals board. He favored something closer to genuine equilibrium and the maintenance of such equilibrium for a trial period of a few years. The Council's proposal was thus too bit a step toward student power.

The Professor of Law, Norman Penney, focussing on the constitution of the hearing board and the desirability of providing a right to appeal to the highest authority, quoted from a statement issued

by the American Civil Liberties Union in November 1961 on the subject of student life and discipline:

"Should.../the student/ admit guilt but consider the penalty excessive, or should he claim to be innocent, he may ask for a hearing by a review committee. After ample notice, such a hearing should be held by a faculty-student committee, or if the student prefers, by a faculty committee... . If the review committee's decision as to the student's innocence or guilt and in the latter case, appropriate punishment, is not acceptable to the college administration, a final appeal to the board of trustees should be allowed."

He added that his recent experience on the Commission chaired by Professor Robin M. Williams, Jr., had persuaded him that real difficulties lay in providing for Faculty input at the appropriate time.

The Professor of Law, Ian R. Macneil, asked Professor Sindler whether the secondary board envisaged by his commission would have no power to increase the penalty assigned by the lower board. Professor Sindler said that that was correct.

The Professor of Child Development and Family Relationships, Urie Bronfenbrenner, stated that he favored Professor Pimentel's substitute on "educational grounds". Among the many differences besetting society at the present time, those involving misunderstandings were basic. Where there was any kind of segregation, there was polarization. He favored providing for opportunities for exchange before polarization.

The Henry Scarborough Professor of Social Science, Robin M. Williams, Jr., remarked that in all statements made concerning the various proposals no one appeared to be bothered by the fact that the administration of Faculty policy was to be exercised by the Dean of Students, who really ought to be working in the students' behalf. It was like asking one's psychiatrist to be one's policeman. He favored a separate office for the code administration.

The Associate Dean of Industrial and Labor Relations, Vernon H. Jensen, reported that the student members on his commission, presenting views gathered by a student task force - the most representative group of students to make their views known - had favored joint boards. The preceding chairman of FCSC, the Professor of Law, Robert S. Pasley, had become convinced of the desirability of such boards, and the majority of the Faculty members on the commission had come to regard the establishment of a secondary board as an appeals rather than as a review board as an ideal solution to what the Undergraduate Judiciary Board had come to feel was a demeaning procedure. His commission had recommended that both the Proctor and the Dean of Students be removed from the proceedings at the voting stage of UJB's deliberations, and that recommendation had been promptly carried out. He agreed, however, with Professor Williams that the Dean of Students should be the friend of the accused. Although the Pimentel proposal was something of a compromise, he felt that it would work.

Professor Sindler, asked how his commission had come to make the Dean the administrator of the code, stated that his commission had been sensitive to the difficulties. The concern had been to separate the code from the civil law, and the recommendation had not been that the Dean himself be the administrator, only that the administration should be lodged in the office of the Dean of Students.

The Vice-President for Student Affairs, Mark Barlow, Jr., invited to elaborate, explained that there was an intention of strengthening the role of the Dean of Students' office. The Dean's role as counsellor was generally diminishing, and his principal work, it was

felt, should precede confrontations. There was, of course, strong opposition to making the Dean any kind of campus district attorney. What was hoped for was an opportunity to leave a new Dean and his staff free to develop the best possible arrangements.

The Professor of Economics, Douglas F. Dowd, declared that he was persuaded of the value of having joint boards on both levels. But he thought that the first board - the Student-Faculty Committee on Student Conduct - might well have as chairman ("who would not vote except to break a tie") a student instead of a Faculty member. Accordingly he moved an amendment to substitute a student for a Faculty chairman. Receiving a second, he pointed out that the idea of increased responsibility for students would be helped, that it would be a mistake to think that all students would be of one mind (although they well might be so concerning the composition of the group), and that the students would be favorably and responsibly impressed by this delegation of authority and what was thus implied concerning the Faculty's attitude.

Professor Williams obviously referring to opening remarks by the Provost, called attention to the fact that one of the student groups given maximum responsibility was the staff of the Sun.

The Associate Professor of Linguistics, Donald F. Solá, said that it should not be a question of numbers. Why not, he asked, provide for a board of eight, evenly divided between Faculty and students, let them elect their own chairman, who could vote, and thus require that decisions be made by an at least 5-3 majority?

Professor Penney said that he agreed with Professor Dowd, but he would recommend that the chairman - the ninth member - be selected

by the other eight. It sounded a little like arbitration, but that was exactly what it was!

The Professor of Music, William W. Austin, supporting Professor Dowd, stated that his experience as a member of the Sindler Commission would incline him to favor such an amendment as improving Professor Pimentel's proposal, but he would be guided by Professors Pimentel and Sindler.

Professor Pimentel replied that the jointness of the board was the essential element. There were various ways of determining the chairmanship - it could even alternate each term between Faculty and students. He was not worried about which method was adopted.

Professor Sindler added that he was not worried about having a student chair the committee. But why not let the chairman vote?

The Emile M. Chamot Professor of Chemical Microscopy and Professor of Metallurgy, Emeritus, Clyde W. Mason, calling attention to the amount of work undertaken by commissions and committees during the summer, asked how a student-dominated board could operate during vacations.

The Professor of Industrial and Labor Relations, Maurice F. Neufeld, urged that Professor Dowd's amendment be approved. Students were asking for fuller citizenship. They now had it sexually because the Faculty had to accord it; to deny the present proposal was not responsible. Because the students had not used force, the Faculty was hesitating. He favored the Faculty's extending on its own accord this amount of the students' citizenship. The students had, on the whole, behaved well. This would express the "hope that we at Cornell could act like the gentlemen and scholars we are."

The Professor of Mechanical Engineering, Richard M. Phelan, recalling his involvement in matters of student conduct for the past four years or so, said that he regarded the Pimentel-Rossi proposal as the first to offer improvement over the present system. He emphasized that the President had delegated authority to the Faculty, and the Faculty was now delegating it to the students. If the Dowd amendment passed, he would suggest that the Faculty return authority to the President.

The Assistant Professor of Industrial and Labor Relations, Jay Schulman, supported Professor Dowd's amendment, primarily on the ground that it would contribute to a sense of community.

The Professor of Civil Engineering, Arthur J. McNair, argued that the chairmanship was "a terrible sentence to impose on a student". The magnitude of the job would interfere with that student's studies - unless, of course, he was majoring in sociology or government and his department was willing to grant credit for applied work.

The Professor of Mathematics, Paul Olum, dismissed as trivial the question of how the functioning of the board would be affected by student chairmanship. He was confident it would work out. The real issue was that of confidence in the student body - after all, the appeals committee was still left with a Faculty chairman.

The Robert Julius Thorne Professor of Economics, Alfred E. Kahn, commented that the argument about a drain on a student's time was not very cogent, inasmuch as the UJB, consisting solely of students, now occupied the time of more students. The Council's proposal envisaged an all-student board and a secondary board divided between five Faculty and four students. The present proposal to establish

at the first level a joint board with a 5-4 student majority was attractive as a compromise. And he noted that the UJB in its critical decisions had rarely been unanimous - there had last fall, for example, been close and bitter division over the Barton Hall sit-in.

Amid calls for the question the Provost put the amendment to a voice vote, and it carried.

The Susan Linn Sage Professor of Philosophy, Max Black, asked Professor Pimentel whether the 4-4 membership was sacred. Why not give the fifth student the vote, too? Why a non-voting chairman?

Professor Pimentel said that he liked it that way. Moreover, he doubted that there would be close division.

The Professor of Poultry Science, J. Herbert Bruckner, said that under the proposed system the defendant was protected but the University Faculty was not - except through the slow process of action at a meeting of the University Faculty. He wondered how often the Faculty Committee on Student Conduct had overruled the UJB.

Professor Parrish said that during the peak year, three years previous, there had been 194 cases. In ten of these the FCSC had differed from UJB: raising the penalty in 7 of the cases, lowering it in 3. Last year there had been only 3 occasions for differences.

Professor Penney asked Professor Pimentel why the final provision (Section V) of the Council's provisions had not also been made part of the substitute?

Professor Pimentel answered that it was understood. But the Secretary added that the substitute motion had been prepared before its sponsors could have had the benefit of the Council's final draft

(the first draft that contained Section V), and that it was only while preparing this final draft that the Council had had the benefit of suggestions by the University Counsel, who had stated that such a provision should be made explicit.

The Professor of Industrial and Labor Relations, Isadore Blumen, now moved to amend the final sentence of Section II (which Professor Pimentel had adopted as the second section of his substitute proposal) to enable the complainant as well as the student to take a case to the adjudicatory boards after a decision by the code administrator. Receiving a second, he explained that as the proposal presently stood, a professor interrupted in his classroom or a student whose rights had been infringed upon had to depend on the office of the Dean of Students, which might not always be sensitive to academic freedom. The problems of students at the University of Mississippi and the disregard of the rights of the classroom at Cornell were illustrative of problems that could and did arise. The office of a Dean of Students was responsive mainly to pressures and concerned with "putting out fires", figuratively speaking, the need to get by each incident. But it must be possible for anyone whose rights had been infringed upon to get into court. Appeals could always be refused as trivial. What was important was the need for a mechanism for those who felt that their rights had been infringed on by a minority.

Professor Sindler responded by saying that Professor Blumen's argument was irrelevant to the matter of code administration. The sentence at issue was part of a section dealing with the exceedingly minor offenses that would be under the Administrator's jurisdiction. For his part, he would eliminate the sentence entirely since it

simply opened the way for a student to take "a dry run". His commission had originally made it a condition that the student would agree ahead of time to accept the Code Administrator's decision as final.

Professor Blumen's amendment was then put to a voice vote and lost.

Professor Black now moved that the sentence under discussion be deleted.

Upon hearing this seconded, Professor Penney asked what the result of deleting it would be. Professor Black replied that the result was plain, then added that it meant that the student would have a choice if the offense were in the category of minor offenses, and that the student would be committed to abide by the consequence of his choice.

Professor Macneil asked whether there was to be a limit on the penalties that the Administrator might assign.

The Dean stated that it was expected that the Code would specify what the maximum penalty for the minor offenses could be.

Professor Jensen then pointed out that the Proctor under the existing system had always had authority to issue warnings and reprimands if the student agreed to accept the punishment.

Put to the Faculty, Professor Black's amendment to delete carried a voice vote.

Professor Penney now moved that Section V of the Council proposal become Section 7 of the Pimentel substitute. He felt that there might be legal difficulty if a student were expelled by action of the Faculty and such authority were not explicitly embodied in

legislation. There was a second, no discussion, and approval without dissent.

There now followed brief discussion of how the student chairman of the first board would be chosen and of how the graduate student members would be selected. Professor Pimentel suggested that the nine members of the board could choose the chairman and said he expected that the nascent graduate student association would find ways of providing for membership on the adjudicatory committees.

The Professor of English, Ephim G. Fogel, stating that he thought that giving the chairman a vote would reduce the likelihood of polarizing the membership and diminish the feeling students might have that they should vote as a bloc, moved that the chairman should be entitled to a vote on all decisions. His motion was seconded.

The Associate Professor of Entomology and Limnology, William L. Brown, Jr., commented that this assumed that Faculty members would vote as a bloc. Yet if one picked any three Faculty members in the room at random and added Professor Dowd, there would be no unanimity.

Professor Pimentel also opposed the motion, saying that it implied mistrust.

Put to the Faculty, the amendment lost on a voice vote.

There was now a motion, seconded, to close debate. This carried on a voice vote.

The Provost now put to the Faculty Professor Pimentel's original motion - to make his proposal the substance of the main motion. On a voice vote this carried with only 2 Nays.

Professor Sindler now pointed out that the Pimentel proposal lacked provision for automatic review of decisions to suspend or

expel a student. He advocated embodying such a provision to enable the secondary board to consider all cases resulting in severe penalties and to protect the University from a student who, even though allowed to appeal, might prefer martyrdom. He therefore moved adding the Council's provision to this effect (Section III-B-2) to the Pimentel proposal. There was a second.

Professor Phelan felt that such a provision was important if the first board happened to be all-student. With a joint board it was less important.

The question was called for; the motion was put, and carried on a voice vote.

The Professor of Parasitology, John H. Whitlock, called attention to a contradiction which the Faculty had embodied in the proposal as a consequence of writing legislation on the floor. The appellate board's decision was said to be final, but the new Section 7 now also gave the University Faculty final authority. He moved that the University Counsel be empowered to resolve all controversies and to supply appropriate language.

The Edwin H. Woodruff Professor of Law, John W. MacDonald, citing his experience in writing statutes and systematizing proposals at the State Constitutional Convention, said that in legislation written on the floor by a body such as the present one, there were "bound to be bugs". He urged that someone should take a close look at the document for consistency. Professor Penney had already saved the day - without his amendment there might have been a disaster - and he complimented his former student.

The Provost asked whether Professor Whitlock would be satisfied to let the University Counsel and the Dean work out the difficulties. Professor Whitlock said he would, and his motion was dropped.

Professor Neufeld asked whether one of the five students on the first board might be a graduate student. He was answered by several "No's".

The Vice-President for Public Affairs, the Associate Professor of Government, Steven Muller, suggested that the sections providing for the two boards would be improved by substituting "undergraduates" for "students". Professor Pimentel accepted that change.

Professor Jensen then asked that the committees be left free to work out their own administrative problems.

The final speaker, Professor Sindler, reminded the Faculty that all reports had consistently distinguished between policies and penalties. The truly innovative portion of the new system was, he believed, that providing for a Conference. But he felt that it was essential to consider the possibility of conflicts in interpretation. Therefore, he moved that although the fact was understood it ought to be made explicit that the Faculty Committee on Student Affairs was the authorized interpreter of the meaning of the Code and the body that would be charged with resolving contradictions.

There was a second. Professor Pimentel explained that such wording had not been included in his proposal because the authority of FCSA had simply been understood to exist. There was no further discussion, and the motion asking for such a verbal revision carried on a voice vote.

The Professor of Economics, Chandler Morse, asked whether the appellate board could decide not "to hear" a case.

Professor Pimentel said that he thought not, that it would be fairer if the board were required to hear an appeal that a student wished to make; and Professor MacDonald stated that the only courts in the land having discretion not to hear an appeal were the State's highest court and the U.S. Supreme Court. A student ought to have the right to have his appeal heard, he said.

The main motion was now put to the Faculty and carried on a voice vote.

Turning to the matter of discussing the convening of a special meeting, the Provost called upon the Goldwin Smith Professor of English History, Frederick G. Marcham, for comments on the work of his commission.

Professor Marcham explained that the Trustees had called on the commission to examine the question of using the University's investment portfolio as an instrument of social and moral concern and had called upon the commission to render its conclusions by May 14th. The commission was going to circulate a questionnaire in regard to four general points related to the larger question, but would like to have the Faculty hold a meeting to discuss the matter. For such a meeting to be of help to the commission, its date would have to be set for May 9 or 10 at the latest - or the Faculty might meet early for a discussion on May 8 preceding the hour of the regular meeting.

The Provost stated that the regular meeting could be called for 3:30 p.m. on the 8th if that was agreeable, permitting an hour for the special order of business.

There was a motion to accept the Provost's suggestion; it was followed by a second, no discussion, and approval on a voice vote.

The meeting was adjourned at 6:05 p.m.

Robert H. Elias,
Secretary

Report of the Special Cornell University Commission
of April 1968

Members of the Commission:

Earl M. Armstrong
Edmund T. Cranch
George H. Hildebrand
Gloria I. Joseph
Arthur C. Kaminsky
W. Keith Kennedy
Norman Penney
Diane S. Weinberg
Robin M. Williams, Jr., Chairman

April 26, 1968
Ithaca, New York

REPORT OF THE SPECIAL COMMISSION

April, 1968

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I. The Charge to the Commission from the President and the Dean of the University Faculty

(The Following document was the basic guide for the Commission study.)

"Preamble:

On Thursday, April 4, student members of the Afro-American Society conducted a demonstration in the office of the Department of Economics, disrupting normal activity in this office for several hours. The demonstration followed an unsuccessful attempt by students registered in Economics 103 to read a statement to a scheduled meeting of the class protesting alleged racial bias in the teaching of Economics on the part of the professor in charge of the section. Furthermore, over a period of several weeks there had been attempts to secure a response to these complaints from proper authorities.

The charges made by the students - against the professor and the University - are extremely grave and must be investigated. The conduct of the students was equally disturbing and must be carefully examined. Both the conduct and the charges raise fundamental questions about performance of student and teacher.

In view of the gravity of the issues, and in view also of the basic interdependence of their various components, the University believes that it is necessary to supplement the normal procedures for investigating grievances and complaints by formation of a Special Commission which will be asked to conduct a prompt and comprehensive investigation of the matter.

Terms of Reference:

A Commission is hereby appointed:

1. To investigate the events of April 4 and to determine the specific circumstances leading to those events.
2. To assess the respective responsibilities of all persons directly involved - students, faculty and administration - and in the light of this assessment to make recommendations to appropriate agencies of the University.
3. To determine whether the University has adequate procedures for considering and acting on complaints of the character made by the Afro-American Society and where necessary, to recommend means of improvement.
4. To consider the advisability of a larger inquiry into whether racial bias in teaching or related deficiencies or distortions in curriculum are a problem in any area of the University.
5. To survey the dimensions of any problems related to race in the University, identify areas of difficulty, and recommend steps the University should take to improve the situation.

REPORT: The Commission is asked to report in two weeks.

R. Miller
J. Perkins"

II. The Basic Problems of the University Context

A university is a place at which truth is sought. The search is difficult and continually beset by hazards, both obvious and subtle; the processes of discovery and of testing are delicate and easily disrupted. In such a complex and vital enterprise, it is inevitable that there will be ambiguity, disagreement, and opposition of views. Hence, the university must accept differences and it must accept contention. Clearly, however, contentiousness must be limited by some acceptance of rules of discourse that at least permit the search to continue.

A basic problem of any university today, then, is how to protect those freedoms through which it can flourish and can continue to carry on its essential purposes. The first requisite is to understand fully what these freedoms mean in practical terms.

Intrinsic to the very idea of the university is the freedom of both professors and students to learn and to teach. Basic to this freedom are certain responsibilities. In the quest for and exposition of knowledge the professor, while presenting facts is also responsible for analyzing the significance of his data, seeking to avoid unsubstantiated ideas around which false notions might develop or be maintained. The student, on the other hand, is responsible for thoroughly learning the material of any course, while simultaneously critically judging and inquiring into the significance of any information or lack of information.

Universities are a very old and a very specialized set of institutions in modern society. Where they have grown great, they have been able to do so only through the development of reliable safeguards to personal freedom - safeguards that extend both to the professors and the students, and that are interdependent in their functioning. For purposes of the present Report, the basic freedoms of the professor involve the right to pursue unhampered inquiry within his chosen field of research and the right to conduct his classes without fear, interference, or disruption.

The freedoms of the student begin with the right to compete on equal terms for admission to the institution of his choice, subject to impartial standards for qualification. Race, ethnic background, or religious affiliation or background should never be a factor determining eligibility for admission to a university such as Cornell. By the same token, race or ethnic considerations should never be a consideration affecting access to the facilities or curricula of the institution for those who belong to its student body. More than this, all students should be judged according to the same standards of academic performance, again without regard to race, creed or ethnic origin. Within the classroom, the student should have the right to engage in orderly, courteous, and reasoned dissent from the views of his professor. He should also have the right of reasonable access to the professor for private conversation.

Clearly, academic freedom is no mere luxury or convenience. It rests upon basic moral and intellectual grounds. Its vital importance flows from the essential purposes which are the primary reasons for the existence of the university: to foster the advancement of knowledge and to disseminate that knowledge without fear or favor, for the benefit and use of man. If these values be accepted, freedom becomes their essential prerequisite. Any impairment in its exercise, for whatever reason, is a disservice to the central purposes of the university itself, and thereby to the society that supports it and benefits from it.

Laws and administrative rules underlie the freedoms of both the student and the professor, and of course are necessary. But effective freedom depends vitally upon the customs and practices of the participants who are its immediate beneficiaries. They must understand and accept the rules of the game. In short, the statutory and administrative foundations for freedom must be reinforced by the essentially personal qualities of self-restraint, respect for truth, and respect for the rights and opinions of others. Only thus can any university be what it should be - a "free market" of information, ideas, and even opinions. To say this is, of course, to say that not all opinions must be "correct," any more than that truth must always be pleasant.

The Commission notes that the Handbook of the American Association of University Professors emphasizes the freedom of the professor to discuss controversial matter but notes that the material of the discussion should be related to the subject the professor teaches. The Commission also notes the Handbook's statement on professional ethics, Paragraph II:

"II. As a teacher, the professor encourages the free pursuit of learning in his students. He holds before them the best scholarly standards of his discipline. He demonstrates respect for the student as an individual, and adheres to his proper role as intellectual guide and counselor. He makes every reasonable effort to foster honest academic conduct and to assure that his evaluation of students reflects their true merit. He respects the confidential nature of the relationship between professor and student. He avoids any exploitation of students for his private advantage and acknowledges significant assistance from them. He protects their academic freedom." /1

Presumably these considerations point to the importance of professional restraints which would lead to avoidance of statements offensive to students when such statements serve no useful pedagogical purpose.

/1 Louis Jonghin (ed.), Academic Freedom and Tenure, A Handbook of the American Association of University Professors, the University of Wisconsin Press (Madison, 1967), pp: 88-89; see also pp. 35-36 and pp. 328-329.

To the same general effect the 1964 Statement on the Academic Freedom of Students stresses both freedoms and responsibilities. The "Preamble" states:

"Free inquiry and free expression are essential attributes of the community of scholars. As members of that community, students should be encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for truth. The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus, and in the large community. The responsibility to secure and to respect general conditions conducive to the freedom to learn is shared by all members of the academic community. Students should endeavor to exercise their freedom with maturity and responsibility."/2

It is still a privilege to be a member of the academic community and those who have this privilege must accept certain responsibilities. These responsibilities include a desire to learn and gain new knowledge and to recognize the rights and freedom of all other students.

As senior members of the community, the faculty has the special responsibilities of presenting information in an objective and analytical manner. In many disciplines, the material should be interpreted in light of our changing society, the teacher should point out to the students those matters that are generally accepted as fact by serious scholars, those materials that are subject to controversy, and, finally, the statements that represent the professor's own ideas or views which may be open to challenge by other serious students. For their part, students must understand that the right to be mistaken is essential for free inquiry, and that professors are not required to be infallible or omniscient in order to be competent.

The appointment of a professor is an act of trust, undertaken by his peers, whose primary duty is to satisfy themselves about his standards of professional competence and his willingness responsibly to conduct himself according to the established and necessary rules and understandings. In the exercise of his freedom to teach, the professor has the duty to teach the truth as he sees it, to deal fairly with controversial issues pertinent to his field, and not to use his classroom for lectures on topics wholly extraneous to his proper subject-matter. Equally vital, he must judge the academic performance of his students from fair and impartially applied standards. And in the conduct of his class he owes his students the opportunity to raise questions at convenient times in class and to engage in reasoned discussion of relevant issues. No precise code can be drafted for this purpose, if only because classes vary in size and responsiveness, and professors differ in their teaching styles and personalities. Moreover, the professor obviously must have the authority to maintain essential orderliness in his class. But the principle of a fair opportunity for discussion should be honored.

/2 Ibid, pp. 66-67; see also pp. 70-72 and pp. 100-101.

Once again the student has his obligations. In these times they require renewed emphasis. They include acknowledgement of the right of the professor to conduct his class, and acceptance of the rules of common courtesy, including the obligation to refrain from disruptive behavior. Felt grievance confers no right to take control of a class. In the exercise of the freedom to dissent, the student should choose reasonable times and procedures. If he has complaints about the competence of the professor, or his fairness in dealing with controversial questions, or his regard for the sensitivities of others, his recourse is the regularly established procedures for hearing and resolving such grievances. Even in industry, the principle has long been accepted that those with grievances must follow the orderly route to their disposition. So long as that route is available and known there can be no legitimate reason for engaging in actions disruptive of teaching and learning. When violent measures are pursued in an academic community in presenting a grievance, the minds of contending parties often remain unacquainted with the principles of the grievances and are in fact deflected from their consideration in a manner beneficial to society. Thus, Cornell University neither supports nor sanctions violence on the part of complaining members of the academic community.

The third great estate in the modern American university is its administration. It, too, has its rights and duties. The manner in which it discharges them can affect substantially the quality of freedom actually available to both students and professors. By the fact of the administration's legal and moral authority, it incurs the duty to act promptly and firmly to protect the basic freedoms of both the faculty and the students, whenever they are threatened by forces from without and within. If the administration contemplates major changes in policy that have a direct and profound bearing upon research and teaching, it has the obligation to consult the faculty beforehand, using established procedures for such purposes. Collaterally, the administration should seek and respect the responsible advice of the faculty for the design and execution of such changes of policy. In the discharge of this administrative duty, the administration must deal fairly with the often divergent interests and opinions of the several substantial groups that make up the faculty as a corporate body, and the students as a community.

We turn now from principles to particulars. What is the specific setting at Cornell University today in which these freedoms and responsibilities are exercised? And what is the particular context from which the problems before this Commission originated?

Obviously, Cornell University in April of 1968 is in many crucial ways a microcosm of the world in which we live. The times are difficult. We are surrounded by high social tensions and bitter controversies. The nation is engaged in a military conflict on which American citizens are deeply divided, while the military draft is a cause of much student discontent, accompanied by complex feelings of fear, anger, compassion, and guilt. More than this,

aggression is very much abroad in the world, in both overt and subtle forms. It manifests itself in very deep divisions on ideological grounds. For reasons of conscience or on other grounds, the right to break the rules or the law is now often asserted, whenever the protagonists choose to exercise it. Such actions are by no means unknown on this campus.

In reaction to these turbulent circumstances, there appears to have been a rise in apprehension among some students and among some professors that their elementary academic rights are in actual jeopardy. Whatever the sources of this changed environment, and they are diverse, the fact is plain that the current situation creates serious problems in terms of the central purposes of Cornell University.

Secondly, the rapidly changing and often tense and conflictful character of race relations, in many parts of the world as well as within the United States, has a major impact at this particular university. The long and difficult struggle of black Americans to live on equal terms with their fellow white citizens, while strongly supported in recent years by the great majority of Americans, has been bitter and divisive. It has not yet been won.

The Charge to the Commission used the term "racial bias" in two statements: in the first paragraph of the Preamble and under point 4 of the Terms of Reference. Although it does not mention the terms "racism" or "institutionalized racism," the latter terms appeared in testimony. The Commission examined at great length the question of "institutionalized racism." This is a matter of great concern to some of the students whose testimony was heard and to members of the Commission. Following are excerpts from reflections of individual members concerning the meaning of "institutionalized racism" and of its implications for Cornell University.

"A curtain of ignorance hangs over many schools, and one has grounds to assume that there has been a systematic campaign to keep the truth about Afro-American, and Africans' contributions to society from its citizens. The Black man in America has been placed in such a denigrating posture that it is the responsibility of all educators to put this posture in its proper perspective. One can be guilty by omission as well as commission."

"We at a modern University are no longer quibbling over biological inferiorities of races per se. The concern is the perpetuation of myths and attitudes that apparently are still using a biological basis for racial inferiority. This attitude of course is coupled with stereotyped ideas and beliefs that people acquire without even verbally or consciously including a biological inferiority."

"Black Americans are often more sensitive to this kind of subtle racism than are white Americans. The very evil of institutionalized racism is expressed by the evident lack of sensitivity to its existence."

In this connection the Commission had occasion to refer to the "Kerner Report" (Report of the National Advisory Commission on Civil Disorders, Bantam Books, Inc., New York, 1968), and to other published sources which sought to deal with this problem.

There are, of course, other views of these matters of definitions and implications of differing assumptions, concepts, and data. Examples of other views are included in Appendix A.

For the present narrower context, the Commission notes that Cornell University has sought and is seeking to increase its enrollment of Negro students. This development poses many of the same tasks of mutual acceptance and mutual adjustment confronted by the larger society itself. Indeed, the problem is all the more delicate because the basic freedoms of students and of teachers, by which the university lives and accomplishes its purposes, are involved. Acute sensitivities exist among both black and white students. In consequence, incidents can occur that from a wider perspective may appear insubstantial in themselves but that can quickly and readily escalate into major crises. The desire to be fair and to do justice may be complicated by misunderstandings, under-response and over-response, heightened emotionality, rumor-mongering, and considerable confusion concerning goals, standards, rules and procedures. These conditions do not facilitate reasoned discourse, love of truth, or cool deliberation.

III. The Development of the Situation

We now examine - as briefly as their extraordinary intricacy permits - the events that culminated in the substantial turbulence of April 4.

1. The teaching and classroom experience in Economics 103, as reported to the Commission:

Economics 103 is a basic introductory course, enrolling over 1000 students in the two semesters of the current academic year. It is taught by means of large lecture-sections, meeting twice per week, and by smaller discussion sections taught by teaching assistants. The subject-matter of the discussion sections is, deliberately, different from and in addition to the content of the lectures.

As with many other introductory courses in various fields, the Department in this case recognizes that large enrollments, limited staff, and the felt necessity to cover a wide range of materials create many unavoidable problems of teaching and learning. Certain kinds of complaints are familiar; although not treated with complacency they are expectable and cause no great surprise.

Prior to March 19, the Chairman of the Department had not received information to suggest any unusual difficulty in Economics 103, nor, in particular, in the presentations by Professor Michael McPhelin, either during the Fall semester or the Spring semester.

Comparison of relevant course materials and students' notes suggest that the content and mode of teaching during the Fall semester, 1967, were not noticeably different from that of the Spring semester, 1968, up to the point of the lecture scheduled for April 4.

Testimony of Professor McPhelin, and letters and testimony of several students, agree on the point that in a lecture course with an initial enrollment of about 300 students there were few questions asked by students during class periods. However, some students did raise questions during lectures, and the professor responded to these questions.

Substantial portions of the lectures and assigned readings dealt with economic development and with poverty, both in the United States and in other societies. In these contexts, the lectures referred to factors affecting economic development and poverty, including climate, natural resources, institutional characteristics, and "human quality." There apparently was at no time any explicit statement attributing innate, biological superiority or inferiority in the sense of general intelligence or social and psychological capacities to any one or several "races."

Thus, explicit biologicistic racism of the type prevalent in many countries during the nineteenth, and early twentieth century was not expressed.

Indeed, the complaint of the students, charging "a philosophy of racism," said "...we do not mean individual or overt racism, but institutionalized or covert racism, that type by which attitudes of white superiority are perpetuated." (Documents 5 and 6 on file with the Commission).

Evidently a very substantial proportion of the white students attending the lectures did not regard the presentations as objectionable. The Special Commission has on file a petition (dated April 11, 1968) signed by 103 students attending the lecture in Professor McPhelin's course on that date. The signatures appear below a statement which reads:

"In view of recent charges made against Professor McPhelin, we, members of the Economics 103 class, declare the charges unjustified and invalid. We offer our full support of Professor McPhelin and urge the administration to do the same."

On the other hand, some of the black students reacted negatively to the very first lecture of the semester, in which economics was characterized as Western in origin. It appears that thereafter references to such matters as "achievements of Western civilization" or "economic superiority of European nations," or "good human resources" tended to be interpreted by them as expressions of a "philosophy of racism."

Many of the statements that some black students regarded as offensive were based on standard scholarly works or statistical sources and are on their face strictly matters of fact. Apparently, however, a cumulative process had been set in motion early in the course whereby students who early came to suspect a "racist" tenor in the lectures found no statements pointing to positive qualities or valued achievements of Negroes or black people or of the urban population now living in conditions of poverty in the United States. Such students, however, were highly sensitive to any statements concerning qualities or abilities of Western peoples for economic advancement.

It is clear that some students did "take offense" over statements that other students regarded as purely factual or simply descriptive. Whether the statements in question were somehow "objectively offensive" seems an impossible question to answer. Thus one member of this Commission, who is of the opinion that the "institutionalized or covert racism" referred to in the black students' statement of grievances was present in the lectures, comments:

"(the lecturer)...himself was not aware of these attitudes that he was reinforcing. This is exactly what is meant by 'institutionalized racism'; it is an attitude of superiority so ingrained in the minds of white Americans that we are not even conscious of it. It is not a racism with consciously evil intent, but a racism conditioned by society and enforced out of ignorance."

Another member of the Commission, agreeing that such racism was indeed present, states that:

"Every one of the students hearing these lectures was thus exposed to racism in education. Thus damage is done to all these students, and consequently to American society. Perpetuation of such detrimental teachings must be exposed and condemned."

Several members of the Commission did not concur in these views of the matter. For example, one raised these questions:

"Should normative standards or value judgments be avoided if the effect is likely to be negative? Who is to judge? Should positive judgments be made, but not negative evaluations? Is it always necessary to explain facts that are presented? If certain facts presented in themselves tend to suggest negative aspects of a certain racial grouping, is it obligatory to present other, countervailing facts in the same lecture or course? These are extremely difficult problems with which to deal in the context of freedom of enquiry."

A fourth member of the Commission comments as follows:

"The opening assertions about Western civilization and its thought could be interpreted as manifesting an ethnocentric point of view. This could be reinforced by any statements which could appear to derive from a tacit assumption that economic development in this sense is good, because it leads to higher per capita real incomes. But even this view is not unambiguous. The testimony regarding the comparable lecture in the Fall semester reveals that far from viewing Western man as always a donor of good to non-Western peoples, Professor McPhelin explicitly called attention to the serious difficulties that cultural contact and intrusion can bring about for these peoples - if anything the inverse of "ethnocentrism". Yet one of the black students, who had been enrolled in the class in the Fall, received precisely the opposite message: that the lecturer was talking about the 'white man's burden' and extolling the way in which he had discharged it. Directly controverting this impression are the (unedited) Fall semester notes made available to the Commission by one student, and the testimony of another student for the Spring term.

Ethnocentrism is not racism. In the treatment of development as industrialization, it can be argued that the instructor does reveal a kind of ethnocentrism. Thus he speaks of developing the qualities of men - their minds, their skills, their esthetic perception, and their wills. Although he concedes that there have been other civilizations that have accomplished this, he does suggest that Western culture and its economic organization have a peculiar potential for doing this. There is nothing improper in holding to such a view. I have often voiced it myself."

On his part, the professor rejects any charge of racist philosophy and explicitly accepts the equality of races in intelligence; he points to his inclusion of Japan among the countries attaining rapid economic growth. He testifies that in conversation with one of the students who had objected to a reference to biological inheritance he pointed out that the reference was to individual differences within populations. The detailed transcripts of the hearings give many other examples of this kind.

Repeated post-lecture exchanges between Mr. Garner and Professor McPhelin during the semester evidently did not produce any meeting of minds. Professor McPhelin continued to regard the stated criticisms as unjustified. Concurrently, the objections of Mr. Garner, and of some other black students, increased.

This was the setting for the events of March 19 - April 4.

The following chronology is based solely upon testimony heard by the Special Commission, and is not intended to be complete, nor precise in all details. In particular, all statements concerning particular individuals are based upon uncontradicted testimony, but the Commission has not made any additional investigation of validity or accuracy.

2. Chronology of events related to Economics 103, Spring Semester, 1968

January 30: Opening Lecture: discussion of nature of Economics characterized as originating in Western thought. "Economic development" described as essentially a product of Western civilization. Two black students note negative reactions, feeling lecture is "racist" in tone.

February - March 14: Other lectures, from time to time, during several weeks touched on cultural differences, differences in climate, resources, and characteristic values and behavior-patterns. Several references to differences between temperate and tropical cultures apparently exacerbated the feeling of some black students.

March 14:
(Thursday) Certain black students react strongly against references to urban poor people in lecture in Economics 103 in connection with description of conditions accompanying poverty.

March 19:
(Tuesday) In lecture on poverty, Professor McPhelin refers to social conditions in slums, including a passing characterization of children's games as "sick and perverse." Later, when a question from one of the black students (Mr. Garner), challenging the relevance of a comparison of educational levels over time, is reiterated, the question is ignored. At the end of the lecture Professor McPhelin asks Mr. Garner to come to the desk, and then apologizes for ignoring the student's question. When Mr. Garner insists that a private apology is not adequate, Professor McPhelin promises to apologize to the entire class at the next meeting on March 21, (Thursday).

March 20:
(Wednesday) Thereafter Messrs. Garner, Rone and Cooper decide to take a complaint to the Vice President for Student Affairs. Mr. Barlow is not in his office and the students are referred by a secretary to

the Associate Dean Stanley Levy in the Office of the Dean of Students, to whom the students tell their grievance. Mr. Levy refers them to Dean Brown of the College of Arts and Sciences. Mr. Levy does not talk directly to Brown, but has his secretary try to arrange the appointment with Dean Brown's secretary. Mr. Levy did not communicate with either Professor McPhelin or Chairman Davis, judging the matter one for academic channels only.

March 20:
(Continued)

When Dean Brown is told simply that some students want to discuss Economics 103, he asks his secretary to arrange an appointment for them to see Chairman Davis at 11:00 a.m. However, it is not possible to reach the students to tell them to go directly to the Department of Economics.

When three students appear at Dean Brown's door, he decides to talk with them. The students state their complaints and demand that the professor be dismissed, that he make a public apology, and that a black economist be brought in to give "the other side". Dean Brown seeks to advise them concerning procedural due process as regards a professor; he also has his secretary reconfirm their appointment with Professor Davis, and tells the students that he sees no problem regarding the outside speaker, although this is a decision to be made by the Department of Economics.

The three students attempt to have an immediate meeting with Chairman Davis. Apparently there was a misunderstanding as to definiteness of the appointment supposedly arranged through Dean Brown's secretary. Professor Davis is in an examination which is continuing longer than expected, and his secretary makes a tentative appointment for the students to see him at 1:30 p.m. on March 21.

March 20:
(Wednesday evening)

Professor Davis, by an appointment fixed five weeks earlier, has dinner with Professor McPhelin, and tells the latter of his forthcoming appointment with the students. Professor McPhelin tells Mr. Davis that the problem may have derived from his remarks in the "poverty lecture," that he had cut off Garner's question about the relevance of longitudinal statistics on education, that he had apologized after class and would apologize at the next meeting of the whole class (meeting 10:10 a.m. on March 21.)

March 21:
(Thursday)

Professor McPhelin makes apology to class for ignoring student's question on March 19.

March 21:
(Thursday)

Professor Davis expects black students at 1:30 p.m., according to note on his calendar, but no one appears, or calls to explain absence. He assumes that classroom apology has been made and accepted and that nothing more will be heard of the matter.

March 22-
April 1 :

Spring Recess, and resumption of instruction. No further developments known to faculty or administration.

April 1:
(Monday)

Appointment made for meeting on following day between Professor Davis and four students from Economics 103.

April 2:
(Tuesday)

Meeting of Messrs. Bertram Cooper, Marshall John Garner, Robert Rone and one other student with Professor Davis. Students present oral complaint. There is an exchange of views. Professor Davis finally replies that "nothing will be done." Students abruptly terminate conversation and depart.

April 3:
(Wednesday evening)

Meeting of students of the Afro-American Society. Messrs. Garner, Cooper, and Rone are present, as is Assistant Dean of Students, Gloria I. Joseph, for some portion of the meeting. Among other items considered, the grievances of the three students are reviewed. There is no record of what additional information, if any, was made available at this time to the students concerning University procedures for complaints of this nature.

April 4:
(Thursday)

At the beginning of class in Economics 103, the complainants appear with their statement and ask Professor McPhelin to allow them to read it to the entire class. Professor McPhelin asks to read it privately first, and is told that instead he may read a copy while the students' spokesman simultaneously reads it to the class. Professor McPhelin refuses, declaring that he "runs the show." The spokesman insists upon reading the statement to the class, and does so. Disorder follows, and the professor dismisses the class.

April 4:
(Thursday)

Apparently the three complainants then went to Willard Straight Hall, from whence within several minutes they returned along with some 50-60 others - mostly black students but including some whites. The entire group moved in a body to the offices of the Department of Economics.

At approximately 10:30-10:40 a.m., a large number of students enter the two main offices of the Department of Economics, posting a notice on the outer door that the office is temporarily closed. Three secretaries and Professor Davis are within the offices. One of the black students hands Professor Davis a statement of the complaint and states that the offices are closed and the students would remain until Professor Davis agrees to arrange a meeting with someone who could act upon their demands. (For some time - 15-20 minutes - the situation appeared to Professor Davis to be chaotic, with much noise and simultaneous talking.)

Telephones are used by students, without permission, to make calls to the New York Times and elsewhere. Office secretaries are not allowed to answer incoming calls. One secretary - needing medicine from her purse in a desk drawer, is at first denied access by one student; another student intervenes and the secretary is allowed to obtain the medicine.

After an interval, the secretaries leave the offices.

Professor Davis declines invitations to call University officers in Day Hall, until he has full use of the office. A lengthy impasse follows.

Some students leave to obtain food and drinks. Attempts by plainclothes members of the Safety Section to prevent their re-entrance are followed by violence. After this altercation, no further attempts are made to regain official control by Safety section personnel.

At some time after noon, Dean Miller of the University Faculty talks by telephone with Professor Davis, and is told that a discussion would not be useful at that point.

At another time, Mr. Lowell George, Supervisor of the Safety Section, signals Professor Davis

April 4:
(Thursday)

through a window, asking if he wishes forcible measures taken to release him; Professor Davis demurs. (The latter testified that "my estimate was that this would lead to violence.") At several subsequent times Mr. George repeats the offer. Professor Davis makes no attempt to leave the office; he testifies that in his judgment such an attempt would not have been successful. As time passes, Professor Davis feels that the atmosphere is improving. At a point later in the afternoon one of the participants chooses to leave to see the Provost. Professor Davis is allowed to go to another part of the building accompanied by three members of the group. After he leaves the office, Provost Corson and other University personnel enter.

Informal negotiations follow, in which it apparently is agreed that an outside speaker with a different view would be brought to Cornell at Department expense, but with no assurance that the speaker would address Professor McPhelin's class during a class hour. The agreement apparently permits the speaker to be "of the Society's choosing." Also agreed upon is a meeting to be held with Dean Brown, who is then out of town, on the following Monday, April 8.

April 6:
(Saturday)

Meeting of Dean Brown and Professors McPhelin and Davis. Reference is made to the repeated interchanges during the semester with Mr. Garner; no decisions for further action are recorded as having been made by the three participants.

April 6-8:

Various meetings of University officers, faculty, students; decision to form Special Commission.

April 8:
(Monday)

Organization of the Commission.

April 9:
(Tuesday)

All University classes suspended. Economics 103 lecture not held.

April 11:
(Thursday)

Professor McPhelin resumes lecturing in Economics 103. He omits the topic originally scheduled for April 4 and hence carried over to April 11. That topic was, racial aspects of

poverty, which had appeared in his original course outline. He omitted it because he "was advised to stay off it."

April 10-17: Hearings of the Commission.

April 18-25: Drafting of report of the Commission.

April 26: Submission of final report of the Commission.

3. Concluding Observations:

The use of demonstrations and physical force by students, with the effect of interrupting and preventing normal classroom teaching and the operation of an academic department is, so far as known to the Commission, an unprecedented occurrence at Cornell University. The interruption of a regularly scheduled meeting of an official course of instruction was a serious interference with a professor's performance of his academic duties.

While closing the department office, the students restricted the freedom of the department chairman to leave his office by (a) telling him he was free to leave only if certain conditions which they had established were met, and (b) blocking the door with a table.

The students did indeed attempt to use existing administrative channels but the handling of the complaints was far from satisfactory. The students' charges were grave for they alleged the perpetuation of racism through education, and clearly involved demands for dismissal. There is no evidence that the students received adequate information or counseling. It was only toward the end of the events under investigation by this Commission that the students were assured that their complaint would be heard. Both academic and nonacademic administrators were a party to this delay and lack of appreciation of the seriousness of the complaint.

IV. University Organization and Procedures

1. Areas of jurisdiction and responsibility:

(a) With regard to classroom teaching--what is taught and how--the line of responsibility leads from the professor in charge of a course to the chairman or head of his department, to the dean of his school or college, and thence to the Vice President for Academic Affairs. Appointments of faculty teaching staff normally involve the review and approval of all or a select portion of the existing departmental faculty, e.g., a personnel committee, or all members holding positions with rights of tenure.

(b) The Cornell University By-Laws, Article XVIII-8 provides for a specified and rather complex set of mandatory procedures in any case of any action to dismiss and/or discontinue the appointment of any member of its faculties. Reasonable notice and an opportunity to be heard must be provided to any such member. If the faculty member desires a hearing and requests it in writing, he shall be entitled to a hearing before a special board. Various procedural safeguards are provided. The American Association of University Professors takes a keen interest in the propriety and equity of any dismissal or discontinuance by a college or university.

(c) Ultimate authority over appointments and dismissals rests in the Board of Trustees. In the more eminent universities, the faculty as a body has substantial delegated autonomy in these matters. The Cornell University By-Laws provide for complaints against a faculty member to be filed initially with the dean of the college in which the member holds his position.

(d) Informal procedures sometimes supplement or are used in lieu of formal actions in case of complaints against a professor. The chairman of his department, or the dean of his college, or both may--in a variety of ways--make suggestions, give instructions, or communicate warnings or reprimands.

(e) Complaints concerning discrimination or expressions of racial, religious, or ethnic prejudices could be brought also before the Committee on Human Rights of the University Faculty.

(f) Complaints concerning instruction or classroom procedures or any behavior of professors toward students in the context of instruction are not properly within the jurisdiction of non-academic divisions or agencies of the University, e.g., neither the Vice President for Student Affairs nor the Dean of Students has direct jurisdiction in these matters.

(g) The maintenance of order and the protection of the professors and students on the Cornell campus is the province of the Safety Section of the Division of Safety and Security, which reports to the University Controller, Mr. A. H. Peterson. If citations are issued for breaches of discipline on the part of students, the initial decision to issue them is also a responsibility of the appropriate branch of the central administration. If such citations are issued, then the Undergraduate Judiciary Board and the Faculty Committee on Student Conduct acquire responsibilities for this purpose.

(h) The official responsible for handling complaints of the kind made against a professor in the present case is the dean of the college, at least if dismissal demands are at issue (see pages 29-30 below). This legislation directs complaints against any source to the appropriate dean of the college, who is to inform the professor, to investigate the case, and if the professor consents, to consult with him about the matter.

(i) The person responsible for the control of his class and the maintenance of order therein is the professor who teaches the class. If the class is disrupted, any questions about further disorders devolve back upon the Safety Section.

(j) Immediate responsibility for the control and orderly operation of the office of the Department of Economics lies with Chairman Davis. If his effective control is lost, the task of regaining effective official control and of restoring order thereby again, presumably, belongs to the Safety Section.

(k) Who has the responsibility for acquainting the students with their academic rights and duties, for making sure that they understand the procedure by which complaints of this kind should be handled? The record at hand in this case permits no firm answer to this question. It is not known whether any step is taken, say at the time of initial enrollment, to acquaint students with their academic rights and obligations or to introduce them to the University way of life. Nor is it known what instructions, if any, are given to the advisors of clubs and organizations.

A priori, it may seem reasonable that the Office of the Vice President for Student Affairs have these responsibilities. If this is not the case, then the inference is that an administrative void exists that must be filled without delay.

(l) Finally, the University Faculty as a whole and the faculty bodies of each college or school supply advice and recommendations to the respective deans, to the President and through him to the Board of Trustees in matters of educational policy. The faculty also has responsibility for student discipline, by delegation from the President. The latter responsibility, however, it shares with a complex set of administrative and student groups.

The crucial position of faculty bodies in matters of educational policy is clear. Any proposal to effect major changes in official course offerings, for example, should be referred to the appropriate established faculty groups for study, discussion, and recommenda-

2. Knowledge and lack of knowledge of University organization and appropriate procedures:

(a) Conspicuous in the sequence of events that the Commission has studied in detail is the lack of definite, clear knowledge of many of the foregoing facts.

After several exchanges or discussions of their concerns with the professor involved, in the Department of Economics, several students sought redress for their complaints or information from the Office of the Vice President for Student Affairs. When referred by a secretary to the Office of Dean of Students, the Associate Dean correctly advised the students to communicate with the Dean of the College of Arts and Sciences. (However, the exact nature of the problem as presented by the students was not further communicated to other officials at that time.) The students at first clearly did not know the channels through which to register their account of grievances, and even their conference with the Dean of the College of Arts and Sciences apparently did not result in full information as to sequence and mode of successive appropriate steps. The Assistant Dean of Students who was in close touch with the black students apparently was not in possession of full information concerning the relevant procedures and rules for academic student-faculty relations.

(b) It seems apparent that some of the students involved in the demonstration did not know, or did not accept, the University's safeguards of academic freedom. (As noted below in V, 4, pages 25-26) the Commission believes that this condition prevails among many other students, and members of the faculty as well.) There are indications that some students acted as if they believed there was a monolithic, arbitrary University authority under which a professor could be instantly dismissed from his position.

(c) Finally, it is most impressive that several of the major faculty and administrative personnel involved in the events under consideration seemed to have had very little knowledge of the context of black students' sensitivity, the intensity of the feelings involved, and the complex nature of the issues involved in the complaint, or even of what actually was happening at crucial times on April 4.

3. Communication, non-communication, and mis-communication:

Had the Commission not heard the testimony and examined the documents appended it might have been difficult for its members to imagine the chaotic, fragmentary, and

distorted character of attempted communications and the lapses in communication that marked the course of this unfortunate set of episodes.

Items:

1. Early attempts at communication were through secretaries, with consequent uncertainty on the part of some participants as to whether or not commitments had been made.
2. There was a clear case of misunderstanding as between the complaining students and the Chairman of the Department of Economics concerning an appointment for 1:30 p.m. on March 21.
3. Information concerning the students' grievances and intentions that was available to persons in the Office of the Dean of Students did not reach the Office of the Dean of the College of Arts and Sciences, nor the Committee on Special Educational Programs, nor the chief administrative officers of the University until after the main events of April 4.
4. During several hours of intense and potentially dangerous confrontations in Goldwin Smith Hall the exact nature of the situation there was unknown to the chief University officers in Day Hall. Indeed, it is not too much to say that April 4 was a day of miscommunication. Associate Dean Levy, on the scene, felt certain the administration in Day Hall knew what the true nature of the problem was. It was the middle of the afternoon before facts necessary to accurately characterize the situation reached the attention of the Provost. The immediate action was to hold a meeting of the Provost with the students in the offices of the Department of Economics, and to promise full consideration of the entire matter. The result was the end of the demonstration and the prompt establishment of the Special Commission. It seems evident in retrospect that much of the turbulence that occurred between 10:30 a.m. and mid-afternoon could have been avoided had such communication occurred early enough.

V. Assessment of Causes, Reasons, and Responsibilities

The "Terms of Reference" laid down for the guidance of the Special Commission include as Item 2:

"To assess the respective responsibilities of all persons directly involved--students, faculty and administration--and in the light of this assessment to make recommendations to appropriate agencies of the University."

The Commission found it imperative to interpret this mandate with great care. Our work had to be accomplished within a period of two weeks. The statement by the President and the Dean of the University Faculty that established the Commission explicitly referred to its work as supplementing "...the normal procedures for investigating grievances and complaints." Furthermore, we were highly sensitive to the grave moral, and possibly legal, issues that would be raised were the Commission in effect to duplicate the activities of the normal investigatory and disciplinary agencies of the University.

Accordingly, the Commission defined its task as that of (1) developing information in order to assess the reasons for and causes of the events it was authorized to study; (2) developing recommendations for future policies and practices.

Therefore, the Commission has not acted as a judicial body in the sense of making judgments of guilt or innocence of specific individual persons, nor has it attempted to give advice concerning any specific disciplinary actions that might or might not be considered.

Obviously, however, the Commission's assessments are freely available as possibly relevant for further deliberations by all legitimately interested and authorized individuals and groups within the University community.

The Commission's assessments follow.

1. External events, agencies, and persons

As noted in III above, the local situation can not be understood apart from the pervasive awareness of students of world and national events in race relations. Especially crucial is the high sensitivity of some black students to any hint of derogation of racial (or, sometimes, cultural) categories or groupings of people, and the strong positive assertion of the value and worth of non-white and non-Western cultures. Also relevant is the widespread tendency among many students, whether black or non-black, to challenge established authority and to question existing social and political conditions. It would be strange were some students not aware of the frequency of sit-ins, demonstrations, marches, riots, and other massive social confrontations elsewhere--both outside universities and within them.

The Commission did not attempt to study the conceivable influence of any specific agencies or individuals exterior to the University upon any of the persons directly involved in the demonstration in Goldwin Smith Hall on April 4. However, it has received no information nor even any suggestions that such influence was present or of importance.

2. Faculty members

The Commission found contradictory testimony concerning the tenor of the lectures in Economics 103. Even when reports were in exact agreement as to what was actually said--the specific words and sentences spoken--there were radically different reports of perceived meanings, intentions, and implications.

The method of conducting the hearings by the Commission, as a fact-finding body, did not permit opportunity for confrontation between witnesses or their cross-examination, either on the part of students or of the professor.

Therefore, the Commission's assessments are offered as considered opinions rather than a declaration of judgment.

It is our conclusion that Professor McPhelin was not aware of the full cognitive and evaluative interpretations to which his remarks were subject when heard by black American students in 1968, and, more specifically, that he saw no grounds for anticipating the depth and intensity of the responses actually encountered. Perhaps a reason for the severe reactions of the black students was that they did not find in the classroom presentations an explanation of causes or sympathetic description of reasons for poverty. However, Professor McPhelin's course plan called for treating racial aspects of poverty the day his class was interrupted (see page 14, April 4). In his testimony to the Commission he stated that his intended lecture on racial aspects of poverty treated factors in poverty such as discrimination, suppression of equal opportunities, economic persecution, and their destructive social consequences. The Commission found no reason to doubt the instructor's good faith or sincerity, or his disavowal of any explicit racism.

The conduct of the course was highly structured, conveying to some students an impression of constraint upon discussion or questioning or even as one student put it of an "authoritarian" atmosphere.

Whatever the full explanation, it is clear that by the time of the crisis on March 19 communication between the professor and some of the students had become highly constricted and unsatisfactory.

From a sufficiently broad perspective, it would seem that this unfortunate situation resulted in considerable part from lack of awareness or sensitivity to the particular situation and from mutual lack of understanding of backgrounds and basic assumptions.

Because of the nature of the Commission's hearings and of its other procedures, and the concurrent proceedings of the College of Arts and Sciences which had two faculty observers continuously present in our hearings, the Commission deems it inappropriate to make a recommendation concerning the complaints made against the instructor. The individual case, however, has raised questions and problems to which the entire faculty and administration must give immediate and very serious attention, leading to tangible actions. To this matter we will return in VI below.

3. Students and their organizations

The Commission found contradictory testimony concerning some of the events of April 4, and, in particular, was unable to ascertain direct responsibility for certain acts of apparent coercion and of admitted violence.

The nature of the Commission's hearings and of its other procedures did not provide for confrontation between witnesses or for their cross-examination, nor did the Commission have before it all possibly pertinent information.

Therefore, the Commission's assessments are offered as considered opinions rather than as declarations of judgment.

It is our conclusion that the students who complained of the lectures in Economics 103 initially did make a genuine and determined effort to present their grievances in an orderly manner through legitimate channels of communication. Their repeated efforts to identify and utilize established procedures are adequately documented in the Transcripts of Testimony.

As the result of a variety of causes, the students found themselves referred from one official to another and felt repeatedly blocked in their efforts to secure some evidence of any responsible intention to consider seriously and deal with their complaints. Although they felt that the Dean of the College had been generally "sympathetic," they felt that their demands had been summarily rejected by the Chairman of the Department.

It is not clear whether or not any University official attempted to dissuade the ad hoc group which formed on the morning of April 4 from the subsequent "take-over" of the Department offices.

On the whole, the Commission feels, the students were poorly advised and informed by University personnel, with some obvious and fortunate exceptions.

On the other hand, it is indisputable that a grouping of some sixty or more students (most of them not students enrolled in Economics 103) did enter the offices at 252 Goldwin Smith Hall, and did disrupt the orderly and normal business of the Department for a period of several hours. It is not disputed that physical force was used by some students to prevent certain acts by some members of the staff of the Department and that violence occurred between students and members of the Safety Section of the University.

We cannot condone the disruptive acts of students who participated in the demonstration. Attempts to coerce members of the faculty and administrative staff by threats, duress, or force cannot be permitted. This must be made emphatically clear to all persons within the University.

In the light of the information available to the Commission as to the whole background and sequence of events, however, we recommend that the relevant University agencies refrain from severe punitive actions against individual students, if any should be adjudged guilty of actionable conduct. If individual "blame" is to be assigned, many must bear its burdens, including faculty and administration as well as students. It may be appropriate to deal separately with individuals who can be shown to have actually and wrongfully engaged in acts of physical violence or threat of violence.

4. Administrative officers and organizations

The Commission is aware of the deceptive ease of hindsight. Nevertheless, it is impossible to avoid the conclusion that the temporary closing of the Departmental office and subsequent turbulence conceivably could have been avoided by prompt and sensitive action at any one of several points.

The sequence of events after the lecture of March 19 reflects the aggrieved students' attempts to rectify what they felt to be an unacceptable situation, after unsuccessfully approaching the instructor several times and after experiencing what they regarded as the failure of the Administration to respond to the pressing needs of these same students.

In testimony before the Special Commission the Dean of the College of Arts and Sciences indicated doubt that there is adequate understanding among either faculty or students of procedures for examining complaints such as those brought by the students; this lack of knowledge or preparation includes many within administrative offices and is surely significant. When students finally reached the Chairman of the Department of Economics on April 2,

they demanded an examination of the actions and attitudes of the instructor. Faced with the demands of the students for an examination of the "possibly unconscious racist attitudes" of the instructor, the Chairman attempted to persuade the students of the difficulties their demands produced in the context of academic freedom and the diffusion of responsibility in the University. He unfortunately did not respond to the depth and seriousness of the students' feelings, choosing instead to discuss questions of academic freedom, and the interview terminated upon his statement, "Nothing will be done."

It seems abundantly clear that the present university organization, including informal channels and modes of communication, is woefully inadequate to cope decisively and rapidly with the complex and subtle matters here involved. The record shows impressive areas of gaps, delays, rumors, cross-purposes, indecisiveness, and misinformation.

The University should be applauded for its efforts to increase the number of Negro students and for the outstanding work performed by COSEP (Committee on Special Educational Programs). On the other hand, new responsibilities have been incurred by trying to effectively include black students in the "community of scholars." It is imperative that all members of the University community understand the magnitude of these new responsibilities.

VI. Recommendations

1. That each member of this University community, which has dedicated itself to offering educational opportunities to a substantial number of black American students, urgently examine his own responsibilities and opportunities to contribute to the positive educational and human outcomes of this enterprise.
2. That each department exert care in its method of selecting instructors for introductory courses where extreme sensitivity to the widespread question of "institutionalized racism"* is essential.
3. That each College or School in the University review its procedures for dealing with any complaints or grievances of students in connection with its own course offerings, teaching, or other academic concerns. Such review may take into account the following suggestions for procedures:

* See Section II, page 7, above and Appendix A.

Students should be encouraged to approach the professor when they have grievances concerning the way he is presenting material, his response to their questions, etc. If he ignores their requests or fails to respond to their questions or suggestions they should seek an audience with the chairman of the department or an appropriate individual in the office of the dean, such as the director of resident instruction. These individuals have the responsibility of assessing promptly the complaint of the students and appraising their validity. If the students' complaints appear to be unjustified, the students should have a full explanation of the grounds for this judgment. If, on the other hand, there appears to be cause for concern, then the chairman of the department, or the representative of the dean's office, should meet with the professor and offer constructive counseling. Should it happen that informal counseling and meetings between the students and the professor fail to resolve the controversy, the then existing procedures specified in University legislation should be pursued.

4. That in the specific cases at hand the normal established procedures of the University be followed in dealing with both faculty and students involved, as discussed in Section IV, pages 17-19, above.

5. That the central University administration, the University Faculty, the constituent Colleges and Schools, and the individual members of the faculties begin - immediately and on an urgent, continuing basis - measures to inform all persons connected in any way with instruction and learning of the principles and procedures of academic freedom for students and faculty, and of the grounds therefor. For example, copies of the May 11, 1960 Resolution on Academic Freedom of the Faculty of Cornell University should be made available to all members of the University community. The statement reads:

"The Cornell University Faculty on May 11, 1960 unanimously adopted the following statement of principles:

Academic Freedom for the faculty of Cornell University means:

Freedom:

--of expression in the classroom on the subject of the course and of choice of methods in classroom teaching;

--from direction and restraint in scholarship, research, and creative expression, and in the discussion and publication of the results thereof;

--to speak and write as a citizen without institutional censorship or discipline;

and

Responsibility

--to perform faithfully the duties of the position;

--to observe the special obligations of a member of a learned profession and an officer of an educational institution to seek and respect the truth;

--to make it clear that utterances made on one's own responsibility are not those of an institutional spokesman.

Our statement is essentially a more liberal restatement of the principles endorsed by the AAUP. This faculty believes its statement to be a step forward in consonance with developments since 1940. The Cornell Committee on Academic Freedom and Tenure considers the proposed AAUP statement to be a big step forward."

6. That the central University Administration, the University Faculty, the constituent Colleges and Schools, and the individual members of the faculties begin - immediately and on an urgent, continuing basis - measures to inform all persons connected in any way with instruction and learning of the special responsibility to be alert to special problems and sensitivities of students, and to take reasonable precautions to guard against reactions adverse to learning and teaching.

Among the Committees authorized by the University Faculty, those whose responsibilities and activities are most directly relevant to the matters considered by this Special Commission are:

1. Committee on Academic Freedom and Tenure
2. Committee on Human Rights
3. Committee on Student Affairs
4. Committee on Student Conduct

We urge members of these committees to review in depth their current policies, practices, and understandings in the light of the findings herein reported. In particular we invite their consideration of feasible means to rapidly increase knowledge and appreciation of race and racism as factors in our University community.

7. That procedures be instituted by the appropriate officers to insure that deans of colleges and schools and chairmen or heads of departments be regularly reminded of complaint procedures available to students. Such recurrent reminders might well include consideration of the practical importance, long recognized in many non-academic organizations, of making sure that any complaint will be dealt with promptly and diligently and carried to a point of final decision. In particular, the University By-Law provisions respecting dismissal procedures for faculty members, set forth below, should be readily available.

"14. Procedure for Dismissal of
Faculty Members (Article XVIII-8)

The University reserves the right to dismiss and/or discontinue the appointment of any member of its faculties on reasonable notice and after giving such member an opportunity to be heard, for failure to perform the duties required of the position which he holds or for such personal misfeasance or non-feasance as makes him unfit to participate in the relationship of teacher to student.

In the case of a University professor, professor, associate professor, or assistant professor, the following procedures shall be adopted:

Present Text

1.

b. ...a board appointed by the President and consisting of five members of the University Faculty of whom two shall be selected by the faculty member, two by the President and the fifth by the other four.

2.

a. When complaint from any source is made against a University professor, a professor, an associate professor, or an assistant professor which might lead to his dismissal, the dean of his college, or in the case of a University professor, the Dean of the University Faculty, shall inform the faculty member of the complaint against him, investigate

the case, and if the faculty member is willing, consult with him regarding it. The dean shall thereafter report to the President the results of the investigation together with his recommendations. The President shall cause the faculty member to be furnished with a written and detailed statement of the charges against him, if after receiving the dean's report and making such independent investigation as may seem appropriate to the President, it is the opinion of the President that further proceedings are warranted.

3.

b. If the faculty member desires a hearing, he shall so request in writing within thirty days of receipt of the written charges against him, and he shall then be entitled to a hearing before a board appointed...
(see 1 above for appointment of Hearing Board)

4.

c. At such hearing the faculty member shall be entitled to be accompanied by an advisor or counsel of his own choice, to present witnesses in his own behalf and to confront and question the witness against him. If the faculty member so requests before or at the opening of the hearing, he shall after its conclusion, be furnished, without cost to him a full report of the proceedings before the board, including the testimony taken, the evidence received, and the board's findings and recommendations. The board shall submit to the President a report of its findings and recommendations and this report shall be appended by the President to any recommendations he may make to the Board of Trustees in regard to the case.

5.

d. The faculty member shall be free to resign at any time within thirty days of receipt of the written charges against him; but if he has neither requested a hearing nor resigned within thirty days, the Board of Trustees shall be free to dismiss him without further notice or hearing."

8. That nothing in this report is to be construed to approve of arbitrary actions by administrators, professors, or students. Specifically, any idea of avoiding controversial opinions in the courses in which such opinions are relevant is abhorrent and not to be entertained. Equal repudiation must be directed toward any attempts

to impose the personal views of professors upon students through misuse of authority.

9. That in the case of all special programs developed and maintained within the University there be a full measure of mutual consultation and flow of information, including full communication between the central Administration and the University Faculty, as a corporate body, and student groups and organizations.

10. That the University administration inform the students that the freedom of movement of professors and administrative staff is inviolate, and that any abridgement of this freedom is contrary to the spirit of academic freedom and might well be unlawful.

11. That the administration assure the faculty, the non-academic staff, and the students that in the future it will fully protect their freedom of movement and their civil rights.

12. With reference to Points 4 and 5 of the Charge to the Commission (see page 2 above), the Commission recommends that the University Committee on Human Rights be asked to study and advise the Faculty and the Administration concerning any matters related to race or racism which are relevant to the educational policies of the University.

Appendix A

Other Views Concerning Race and Racism:

1. A definition similar to some others found in the scholarly literature is:

"Racism is any set of beliefs that organic, genetically transmitted differences (whether real or imagined) between human groups are intrinsically associated with the presence or absence of certain socially relevant abilities or characteristics, hence that such differences are a legitimate basis of invidious distinctions between groups socially defined as races."

(Pierre L. van den Berghe: Race and Racism: A Comparative Perspective, John Wiley & Sons (New York, 1967), page 11.)

2. A standard textbook widely used in college courses dealing with intergroup relations, in a chapter dealing with "The Causes and Consequences of Prejudice and Discrimination," contains this passage:

The Myth of Racial Cultures

There is no correlation between race and culture. One looks in vain for a "Negro" culture, or a "Mongoloid" or a "Caucasoid" culture. There is considerable variation in government, family institutions, religious beliefs, economic practices, artistic traditions, and other aspects of culture from one section of Africa to another and even from tribe to tribe in the same area. The same is true for pre-Columbian America, and for Europe, Asia, and Oceania. Before the age of discovery and exploration, a number of inventions were made independently by racially unlike and geographically remote peoples. Since the development of rapid means of communication and transportation, the inventions and beliefs of diverse peoples have been transplanted to all habitable regions of the earth. The young children of any race have no difficulty absorbing any set of cultural norms provided they are constantly exposed to it. One of the best examples of the lack of relationship between race and culture is seen in the American Negro population. Very few African cultural traits have been retained in the United States. Close and continuous contact has given Caucasoids and Negroids the same basic western European type of culture. Such differences in behavior as are observed between individual whites and Negroes in this country seem to be attributable to (1) class, educational, occupational, and other nonracial factors and (2) the somewhat different "social world" in which the Negro lives because of racial segregation and discrimination.

(George E. Simpson and J. Milton Yinger: Racial and Cultural Minorities, 3rd edition, Harper & Row (New York, 1965), p. 46.)

With regard to the above paragraph, quoted from Simpson and Yinger, three members of the Commission wish the following statement included at this point:

"The following members of this Commission object to the inclusion of this quote. We believe:

1. That it is not relevant to the discussion of facism
2. That it denigrates the present interest of black people in their own culture and development, an emphasis which is vital to their individual and group well-being."

Diane S. Weinberg
Gloria I. Joseph
Earl Armstrong

Appendix B

Acknowledgments

1. The Commission notes the presence, as invited observers, at its hearings of Professor Norman Malcolm and Professor Walter J. Slatoff of the College of Arts and Sciences.
2. The Commission acknowledges with appreciation the testimony or other aid of the following persons:

Jack Anagnostis
Stuart M. Brown, Jr.
Tom E. Davis
Charles H. Dayhoff
Patricia A. Gallagher
Marshall John Garner
Lowell George
Peter M. Gilman
Marcia Haney
Thomas W. Jones
Gloria I. Joseph
George M. Kingsley
Alma L. Koch
Stanley R. Levy
Michael McPhelin
Albert Miles
Judith J. Orr
Robert Rone
Jay Schulman

3. Indispensable logistic and secretarial aid was received from:

Jane Bowen, Susan E. McCullough, Alice L. Nangeroni, Nancy Neal, Norma Nemecek, and several other members of the University staff, who worked under high pressure to produce the voluminous materials required by the Commission in its work.

Appendix C

Chronology of Hearings
before the Commission

Persons appearing:

- April 10: Mr. Marchall John Garner; Mr. Robert Rone; (Mr. Bertram Cooper's presence was requested; he was unable to attend.)
- April 11: Professor Michael McPhelin
- April 12: Dean Stuart M. Brown, Jr.; Professor Tom E. Davis; Professor George J. Staller
- April 15: Mr. Lowell George; Associate Dean of Students Stanley R. Levy; Miss Marcia Haney; Assistant Dean of Students Gloria I. Joseph
- April 16: Mr. Thomas W. Jones; Mr. Jack Anagnostis; Miss Alma Koch; Mr. George M. Kingsley; Mr. Peter M. Gilman; Professor Tom E. Davis
- April 17: Assistant Dean of Students Albert Miles; Professor Jay Schulman; Miss Judith J. Orr; Mr. Charles H. Dayhoff

CORNELL UNIVERSITY
COLLEGE OF ARTS AND SCIENCES
Goldwin Smith Hall
Ithaca, N.Y. 14850

Office of the Dean

22 May 1968

President James A. Perkins
Day Hall
Campus

Dear President Perkins:

On 2 May 1968, Bertran F. Cooper, Marshall John Garner, and Robert D. Rone came to my office and delivered by hand a letter addressed to me and signed by all of them requesting that Professor Michael McPhelin be dismissed on grounds of incompetence. McPhelin is this year a visiting professor in the Department of Economics and the teacher this spring semester of Economics 103; Cooper, Garner, and Rone are students currently enrolled in this economics course. In accordance with the legislation governing complaints of this kind, I immediately informed McPhelin of the charges against him and proceeded with all possible speed to complete my investigation of them. My investigation being now complete, I submit to you herewith a report of my findings.

But I shall not undertake to give here a complete account of the facts which led to the request for McPhelin's dismissal. A full account, carefully documented and supported by taped testimony, is contained in Section III of the Report of the Special Cornell Commission of April 1968 appointed by Dean Miller and yourself. So far as my own personal knowledge extends, the account of the facts given in the Commission's report is complete and impartial. I therefore hope that you will permit me to let the Commission's account of the facts stand as my own.

About the presentation of the charge, however, I must make two points, not sufficiently stressed by the Commission. The first is that in the many years since the By-law on dismissal (Art. XVIII. 8) was adopted by the Board of Trustees, the dismissal procedure has never formally been invoked. Over those years, every effort has been made to prevent the bringing of charges which might result in the dismissal of a faculty member. My hope is that these efforts will be even stronger and more resolute in the future. Nothing can ever be gained by letting situations develop to the point where requests or demands for dismissal are made, even orally and informally.

The second point is that the charge against McPhelin, though made orally and informally to me and others as early as 20 March, was referred from office to office, official to official, partly at least in the hope of cooling it off. Speaking only for myself, I did not wish to invoke a dismissal procedure which had never before been used and which had certainly not been designed initially for the redress of student grievances. On 20 March, I was even not sure that the dismissal procedure could be invoked on the complaint

of a student about the teaching of a course. For the three black students who brought the charge, it must have seemed that the establishment was impenetrable and immovable, but white students bringing a similar charge would almost certainly have found it even more impenetrable and immovable.

Following the disruption of the class in Economics 103 and the sit-in in the Economics Department Office, both events occurring on 4 April, I found it increasingly difficult to maintain the distinction between an oral and informal complaint on which I need not act and a written and formal charge on which I was obliged to invoke the dismissal procedure. Nonetheless, I continued to maintain the distinction on the grounds that any dismissal procedure must be based upon something more substantial than what I or anyone else may remember of what is merely said but not written. But with your permission and help, I was able to proceed with my investigation on 8 April, precisely as if a formal, written complaint had been received on that day: Professor Norman Malcolm and Professor Walter J. Slatoff were permitted to attend the hearings of the Commission as my observers.

The charge against McPhelin as stated in the letter of 2 May and reiterated on many other occasions is incompetence by reason of the racist character of his teaching. But the letter is careful to exempt him of any charge of "individual or overt racism"; his racism is said to be "institutional and covert". The questions then are two: (1) What is meant by "institutional and covert racism" and has McPhelin's teaching of Economics 103 been racist in this sense? and (2) Even if his teaching of Economics 103 has been racist in this sense, does this fact establish incompetence and at least a prima facie case for dismissal? In order to answer these two questions, I have studied the report of the Commission, I have read the Commission's transcript of both the students' and McPhelin's testimony, I have discussed the charges privately with McPhelin and also privately with the three students, and I have reviewed the whole matter with Professors Malcolm and Slatoff. But I saw no reason to go further than this. Although I heard much gossip, it was either irresponsible and easily refuted or consistent with the facts as established by the Commission's and my investigations.

I turn not to the first of my two questions: What is meant by "institutional and covert racism and has McPhelin's teaching in Economics 103 been racist in this sense? The Commission made no systematic effort to answer this question, though from the point of view of the students and their complaint, it is the crucial one. The members of the Commission, with the exception of Miss Joseph and the students, limited their view of racism to textbook and scientific definitions of it. Appendix A of the Commission Report shows the heat with which Miss Joseph and the students rejected one such definition; and, as shown in the transcript of the testimony taken at the Commission's hearings of 11 April, both Miss Joseph and Professor Malcolm cross questioned McPhelin in an effort,

22 May 1968

which proved unsuccessful, to get at racism in the sense used in the charge. On this one crucial issue, the Commission's point of view, the Commission's Report looked like another evasion by the white establishment, just another episode in the "run-around". Although the students may have been unwise to base a charge of incompetence on racism in this sense, this nonetheless is the way they did base their charge and they did so with a complete and intense conviction of its truth.

With regard to the meaning and truth of the charge of racism, therefore, I must venture into the troubled waters left undisturbed by the Commission's investigations and run the risks of error and misunderstanding. Thus, when the students explicitly exempted McPhelin of any charge of "individual or overt racism", they were saying in effect that he never showed malice or hatred towards individuals of other colors or other cultures and that he never overtly subscribed to biological or anthropological theories of race and racial superiority. And the students are right: McPhelin is quite innocent of "individual or over racism". A fortiori, he is quite innocent of racism in any sense which the Commission investigated.

But from the fact that McPhelin is innocent of racism in this sense, it does not follow that the students have no grievance, whether or not one wants to identify the grievance as "racism". On the evidence available to me, I am not prepared to say that he is guilty of "racism", using "racism" with all of its pejorative force. But neither am I prepared to say that he is innocent of it. In some sense of "racist", McPhelin and I and most whites are racists in some degree. We are all in some degree ignorant of and insensitive to the plight of black people, everywhere all around the world. And our ignorance and indifference are so combined as to amount in practice to unconscious and well-meaning arrogance and patronage. Black students at Cornell confront this kind of racism both in and out of class, both in their teachers and their fellow students, in a massive way. Cooper, Garner, and Rone have all affirmed that this is indeed what they as blacks confront. It is true that they are hypersensitive to it. But it is false that their grievance is based upon their hypersensitivity. On the contrary, their hypersensitivity is a product of the massive character of white ignorance and indifference. What they found in McPhelin's teaching of Economics 103 was therefore not unique. It was only a special and specially obvious case of the racism which black people find throughout the entire white community. Just because Cooper, Garner, and Rone found it specially obvious in the teaching of this class, they chose to make an issue of it and to identify it in this specially obvious form as institutional and covert racism.

My second question can now be answered. Does the fact that McPhelin's teaching of Economics 103 displayed an ignorance of and indifference to the plight of black people prove his incompetence as a teacher and establish a prima facie case for dismissal? The answer is surely no. The very fact that the ignorance and

indifference displayed in the teaching of this course characterizes the entire white community proves that it has nothing specifically to do with the teaching of Economics 103. Ignorance and indifference on matters of this kind will, of course, tend to show themselves in discussions of economic, social, and political problems. They will, therefore, tend to show themselves in the teaching of economics, sociology, and politics. The teaching of these subjects inevitably expresses in some degree the teacher's point of view. If this fact reflected upon the competence of a man's teaching of these subjects, there could be no competent teaching of them. This is why the issue of academic freedom is also crucial.

But an educational institution like Cornell can not afford to be complacent about the ignorance and indifference which our black students confront and characterize as racism. Whether we like it or not, our black students will not tolerate complacency on these matters in us, their teachers. They have a deep and intense sense of urgency about the problems of poverty and the inner city. They see a direct and tight connection between white ignorance and indifference and what is happening in the streets. I understand and share their sense of urgency. I think they have a right to demand of us that we care as much about blacks as about whites, that we make an immediate and resolute effort to teach ourselves about black problems, and that we dedicate ourselves as an institution to finding solutions for these problems. They have a right to demand this of us, not merely because ignorance and indifference on these matters are human failures with staggering human costs, but because the primary aim of education is knowledge and concern about matters of such great moment.

My recommendation, Mr. President, is that we as an institution commit ourselves fully and at once to the solution of the great educational and social problems revealed by this incident and that no action be taken against McPhelin.

Sincerely yours,

Stuart M. Brown, Jr.
Dean

SMBjr:mbd

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1700

OFFICE OF PUBLIC INFORMATION
CORNELL UNIVERSITY, ITHACA, NEW YORK

FOR RELEASE THURSDAY A.M., MAY 23, 1968

STATEMENT BY PRESIDENT JAMES A. PERKINS -- May 22, 1968

Formal consideration of the events of April 4th in the Department of Economics has now been completed, and I regard the incident as closed. The Dean of the College of Arts and Sciences has completed his investigation and has recommended that no action be taken against Professor Michael McPhelin. The Dean of the Faculty, with the concurrence of the Vice President for Student Affairs, has decided that formal charges should not be instituted against the students involved. I concur in these judgments. This particular problem had to be resolved by discussion and education, rather than by the application of penalties.

However, there are important lessons from this event which must be recognized and remembered. For me, they are:

(1) White members of the Cornell community must be sensitive to the possibility that they may unconsciously reflect white racism in forms of speech and behavior to which they are accustomed.

(2) Black members of the Cornell community must beware of reading racist overtones into statements and actions where none exist. Overreaction by blacks can be as harmful as insensitivity on the part of whites.

(3) Procedures for rapid and reasonable response to all sorts of grievances are not yet sufficiently available or visible, and their establishment is a matter of high priority.

(4) We must hold fast to our determination to maintain academic freedom on the one hand and orderly processes for the conduct of University affairs on the other.

All of us at Cornell must now get to the task of truly "coming to grips with the agonies of our society," as so eloquently stated by Dean Robert D. Miller.

-end-

May22/68-CCM463

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June 17, 1968
1700

ADJUDICATORY SYSTEM FOR STUDENT CONDUCT

Based on
Faculty Legislation May 1, 1968*

WHEREAS, Authority in the broad area of student conduct and activities has been delegated to this faculty by the President of the University; and

WHEREAS, Placing prime responsibility in matters of student conduct jointly on student body and faculty will engender greater community concern for University justice; therefore be it

RESOLVED, That there be established an adjudicatory system for student misconduct that comprises the following elements:

I. A University Code of Student Conduct

The Code shall be a statement, drawn up by appropriate student representatives, of all offenses permitting application to students of University discipline (except in matters of academic integrity). Specific code offenses shall be in accord with the Statement of Principles and Policies on University Regulation of Student Conduct, dated December 1, 1967, and adopted by the University Faculty, February 14, 1968. The University Faculty Committee on Student Affairs shall be responsible for insuring that the Student Code meets this standard and that it serves adequately to protect the University's special interests. The Code will become effective only when approved by the Faculty Committee on Student Affairs, which will retain the ultimate responsibility for interpreting the Code.

II. Code Administration

A. The responsibility for the administration of faculty policy with respect to student discipline shall be exercised by the Office of the Dean of Students. Said office will receive complaints on student conduct, request such investigation as may seem appropriate, and determine the disposition of cases within University jurisdiction. (i.e., no action, referral to counseling or clinical services, or citation charging a Code offense). Any question of taking jurisdiction of a conduct matter, when a serious breach of civil law is involved, shall be discussed with the Vice President for Student Affairs and the Dean of the University Faculty. The question will be decided with due regard for the Statement of Principles and Policies adopted February 14, 1968.

B. The Dean of Students Office as administrators of the Code shall have authority in lieu of the adjudicatory boards to set a penalty for offenses when all of the following conditions exist:

1. The student elects to have those responsible for the administration of the Code decide his case and, if held guilty, to set his penalty in lieu of having his case heard by the adjudicatory bodies; and
2. The type of infraction involved has been defined as a minor offense, subject to only minor penalties.

C. The Office of the Dean of Students shall report at least annually on code administration matters to the University Faculty.

III. Student-Faculty Board on Student Conduct (SFBCS)

A. There shall be established a Student-Faculty Board on Student Conduct composed of 9 members (4 faculty and 5 undergraduate student members). The Board shall elect one of the student members as Chairman. The Chairman shall not have any vote except to break a tie.

B. The Student-Faculty Board on Student Conduct shall hear cases referred by the Code Administrator, and appeals of decisions by a lower board if no other appellate procedure exists.

In each case the Board shall decide whether the student has committed a violation of the Code or has been guilty of misconduct and, if so, shall impose such penalty as it deems appropriate. The Board shall adopt procedures necessary for the fulfillment of its responsibilities.

C. In order to afford full protection to the student, decisions of the Student-Faculty Board on Student Conduct shall be subject to appeal by the student to the Student-Faculty Appellate Board.

D. Faculty members of the Board shall be elected by the Faculty for four-year terms. The mechanism for selection of student members shall be determined by Student Government subject to approval by the Faculty Committee on Student Affairs (FCSA).

E. The Dean of the Faculty shall designate a person, other than an administrator of the Code, to serve as Executive Secretary of the Board.

IV. Student-Faculty Appellate Board (SFAB)

A. There shall be established a Student-Faculty Appellate Board composed of 9 members (5 faculty and 4 undergraduate students). The Board shall elect one of the faculty members as Chairman. The Chairman shall not have any vote except to break a tie.

B. The Student-Faculty Appellate Board shall review all decisions where the penalty of suspension or expulsion has been imposed and shall consider all appeals to it from decisions of the Student-Faculty Board on Student Conduct (SFBSC), with power to affirm or reverse a decision and to affirm, modify, or reduce a penalty but not to increase it. The Board shall adopt procedures necessary for the fulfillment of its responsibilities.

C. Except as provided in VII below, decisions of the Student-Faculty Appellate Board shall be final. There shall be no further appeal.

D. Members of this Board shall be selected in the manner provided in III, D, above.

E. The Executive Secretary of the Student-Faculty Board on Student Conduct (SFBSC) shall serve as Executive Secretary of this Board.

V. University Student Conduct Conference (USCC)

The University Student Conduct Conference shall be a body created to nurture a genuine sense of shared responsibility for student conduct. It shall have the following functions and membership:

Functions

A. To advise all components of the student conduct and adjudicatory system of the problems implicit in student conduct and discipline.

B. To facilitate an exchange of views on current and emerging problems of student conduct and discipline among representatives of the policy-setting bodies in the area of student conduct.

C. To discuss and to make known provisions of the Student Code and the rationale of recent SFBSC and SFAB decisions.

D. To recommend changes in the Student Code to be sent to the Faculty Committee on Student Affairs for consideration and action by the appropriate faculty and student groups.

E. To standardize penalties for categories of offenses, and to determine those categories of minor or routine infractions which may, at a student's option, be adjudicated by the administrators of the Code.

F. To consider the relation of projected student activities to the content of the Student Code.

G. To meet regularly and upon the request of its members.

Membership

The members of the Conference shall be the Vice-President for Student Affairs; all members of SFBSC and SFAB; a representative of the Office of the Dean of Students; a representative of the Faculty Committee on Student Affairs; and a representative appointed annually by the Faculty Council, who shall serve as Chairman.

VI. Graduate Students

All the above procedures shall apply except when a graduate student case is to be heard, then the student members of both SFBSC and SFAB shall be graduate students, chosen by procedures approved by the Faculty Committee on Student Affairs.

VII. Faculty Responsibility

The Faculty retains the right to intervene to overrule actions of the Adjudicatory Boards on its own motion.

VIII. All existing University Faculty legislation in conflict with the above is hereby rescinded, upon implementation of the above in the fall of 1968.

- * In amending the draft legislation presented on May 1, the faculty consented to further modifications of language to be made by the Dean of the Faculty in consultation with the University Counsel. These modifications have been made in order to make the language throughout consistent with the amendments adopted.

3516
Room M
Olin Hall
May 8, 1968

The Provost called the meeting to order at 3:35 p.m., with 285 members in attendance. He asked whether there were any corrections or additions to the minutes of the meeting of April 10, 1968 and there being none, entertained a motion to approve them. The motion was made and seconded, and passed without dissent on a voice vote.

The Provost then reminded the Faculty that at its meeting of the week before it had decided to convene an hour earlier than usual to permit an hour's discussion of the University's investment policy, which had been designated as a special order. Accordingly, he called upon the Goldwin Smith Professor of English History, Frederick G. Marcham, chairman of the special commission appointed by the President to consider the question, to present the matter to the Faculty. *(Report attached)*

Professor Marcham explained that the Trustees' charge to the commission was "to examine problems involved in using the University's portfolio as an instrument for registering social and moral concern." He mentioned the number of meetings the commission had already had, stated that it was undertaking to sound the opinions of various elements in the University community, and indicated that it was especially eager to receive the Faculty's views, toward the securing of which a questionnaire was being distributed for the commission's information and guidance. Professor Marcham noted that the questionnaire consisted of four general questions; the first two were addressed to the issue of whether the Faculty should be consulted by the Board of Trustees concerning the University's investment policies; the last, to whether the Trustees should take into account moral and social concerns:

1. Do you think the faculty should be consulted by the Board of Trustees on the general investment policies of the University?
2. Do you believe that the faculty should be consulted by the Board of Trustees about the University's investment policies in those exceptional cases where moral and social concerns have moved any substantial segment of the University community (faculty, students, alumni) to challenge the propriety of particular investments?
3. Do you think that the Board of Trustees should consider moral and social concerns - that is, anything other than economic criteria - in determining the University's investment policy?
4. If your answer to question 3 is in the affirmative, which of the following best expresses your view as to the degree of consideration to be accorded by the Board of Trustees to moral and social concerns in managing the University's investment portfolio?

_____ Some Consideration
 _____ Substantial Consideration
 _____ Controlling Consideration

Professor Marcham was not going to offer any motion; he simply invited discussion.

After a moment of silence, the Robert Julius Thorne Professor of Economics, Alfred E. Kahn, rose and said that he, along with others, had been concerned that the Faculty should issue from its hour of discussion with a statement that might be useful. For the purpose of helping to focus that discussion, he therefore wished to move the following resolution:

It is the sense of this Faculty, in keeping with the liberal and humane traditions of the University, that Cornell's investment policies should reflect a serious concern with the possible moral implications of those policies.

The moral and financial posture of our University can clearly be affected positively or adversely when our investments involve us in direct or indirect support of, and beneficial participation in, the activities of particular foreign governments.

In particular, we regard the repressive and discriminatory racial policies of the government of South Africa as flagrantly in violation of the ideals of the University itself.

We therefore believe it would be both fitting and desirable for the Board of Trustees, in exercising its financial responsibilities, to try, insofar as possible, to avoid making investments that significantly support, or might reasonably be construed as supporting, any such policies.

Receiving a second, Professor Kahn spoke to his motion. The objections had been considered: the Faculty had no business with making policy that was the Trustees'; the Trustees had no business concerning themselves with social and moral considerations; the University should try to be apolitical; there was a danger that in letting students or any other groups decide what investments must be criticized one would be opening a Pandora's box and making it possible for crises to occur on an ad hoc basis. Yet, regarding the first two objections, it was inevitable that where questions were publicly raised that reflected on the University, those questions became the University's concern, and although it was more true than false that the Trustees ought not be preoccupied with moral and social considerations, in the present days the Trustees would surely think twice before investing in the slave trade in the Middle East, in the Mafia, and so on. The Trustees held in trust not only money but the University's good name, and must consider whether in an extreme case an investment might not tarnish that name. Finally, the Faculty would not in passing this resolution be advising the Trustees what stocks to sell. It was a question, always, of how significant a particular investment might be. The resolution simply recommended avoiding the extreme - stating a principle that would take care of questions such as "What about Portuguese Angola?", "What about Communist China?"

The Professor of Business History and Transportation, John G.B. Hutchins, opposed the motion. It did indeed open a Pandora's box. Should the University, for example, if the Taxpayers' Association won an Ithaca School Board election, not invest in the school district's bonds? Should it not buy Alabama bonds? If the war against Vietnam was opposed, should it not buy U.S. Government bonds? The present motion provided an entering wedge. Of course, the South African issue was an easy one. But what next? There was also a question of amity with foreign governments. What would be the consequence of reciprocal actions? And what tests could be applied? Here it was a question of whose moral standard was to be invoked. Consider the problem of the Arabs and the Israelis: a son of his who worked at Chase Manhattan reported that both were borrowing from the bank at the same time and it was really quite a problem in logistics to keep them separated. Actually, Chase Manhattan's investments were lodged with London banks that were providing support for developing countries. To make a gesture against the government of South Africa would in practice harm rather than help the colored people.

After an objection to Professor Hutchins' argument was posed on the ground that a moral judgment would be implied by whatever was done or not done, and that it was the community's moral view that was at issue, the Charles A. Alexander Professor of Biological Sciences, Frederick C. Steward, responded by also opposing Professor Kahn's motion. It was about time, he argued, that students - and the Faculty, too - recognized that it was a privilege to be at Cornell and that the students' job was to learn. There were some areas of responsibility that students should not infringe upon. Some of those students

were going to be staff members, deans, even presidents, and they should learn that there were some areas that it was inappropriate for them as students to enter. Financial policies were among these. He, for example, did not smoke - found it foolish and harmful - but must he scan the mutual portfolio for tobacco - or for pharmaceutical shares if he happened to be against the Pill? Indeed, was one of these students going to refrain from buying his fiancée a diamond ring because it was probably mined by South Africa's black labor? His own experience in Rhodesia provided evidence that hostile financial measures did no good. They had the effect, instead, of taking many liberals, rendering them ineffective and driving them into the hands of the extremists. Students should, in short, be told that they were here to learn, or otherwise leave. The University was the wrong instrument for affecting international policy.

The Professor of Mathematics, Paul Olum, speaking in support of the resolution, said that Professors Hutchins and Steward were not speaking to the present resolution, which simply asked the Trustees to exercise care and concern in regard to the implications of their actions. He welcomed student interest and would be sorry if it were missing. And he rejected the reductio-ad-absurdum argument. Reasonable men must make reasonable decisions, but that did not mean that everyone must agree to consider every case that might come up. South Africa was unique - a flagrant case of oppression, comparable with Nazi Germany and its use of concentration camps. The resolution simply declared that there were some things in the world one could not go along with. He assumed that the

Trustees were reasonable men and would be reasonable in applying the principle.

The William Nelson Cromwell Professor of International and Comparative Law, Rudolf B. Schlesinger, called into question the grammar of the last sentence of the resolution, in which the word "governments" was without an antecedent reference. Professor Kahn conceded the point and sought to satisfy the criticism by changing the plural to the singular; but Professor Schlesinger than stated that this transformed the resolution into one that concerned South Africa rather than a principle.

The Assistant Professor of Industrial and Labor Relations, Eqbal Ahmad, rose to support the resolution. He had not, he said, intended to speak; but after Professor Steward's references to South Africa he could not avoid it. He hoped that there could be agreement that morality and ethics were inseparable from the educational process. The pressing need was, in the present time, to relate what was professed with what was practiced; and he quoted a statement by President Perkins that stressed the importance and need of an education that related thought to action. He was, he said, surprised at what had been said about conditions in South Africa, and he spoke of the anguish and wretchedness of being a colored man there. "There must be a point," he declared, "where words like fascism, racism, and terror cease to be figures of speech and become reality." He compared the plight of the blacks in South Africa with that of the Jews under the Nazi terror, and added that he could say that he knew what it was to be on the other side of the line in South Africa. What was the point, though?

What Cornell did would not change things. It was not on those grounds that he was supporting the motion. The question was what would involvement do to Cornell? What was it doing to this society..., to American business...? Industrial growth in South Africa had in fact led to a hardening of apartheid. American business men did not even show up at the parties of their Embassy, for the American Embassy practiced integration and the business men could not afford to be associated with that. Insofar as Cornell had a hand in such business, Cornell would be helping discrimination. He foresaw a conclusion in violence and difficulty, and ultimately regret if the University remained involved.

The Professor of Economics, Tom E. Davis, explaining that he had sought to be recognized earlier in connection with Professor Schlesinger's technical objection, moved to amend the resolution by deleting the second paragraph and the phrase "government or" in the final sentence. Receiving a second, he pointed out that the resolution was directed against policies, not against "particular foreign governments": that would be too restrictive; for concern was not with governments but with support of "repressive and discriminatory policies."

The Professor of Physics, Paul L. Hartman, welcomed the proposed amendment; the Faculty should not be concerned with only governments but with policies public or private.

The Professor of Entomology and Limnology, David Pimentel, now sought to amend the amendment by deleting all the material except the first paragraph and altering that paragraph to conclude: "... that Cornell's general policies should reflect a serious concern

with the possible moral implications of all its policies." The Provost ruled, however, that this was a substitute motion rather than an amendment, and Professor Pimentel accepted the ruling.

The Professor of Law, Norman Penney, said that he would support the resolution as amended by Professor Davis. He could find Professor Steward's argument persuasive, because as a parent he was himself somewhat authoritarian; yet he saw the learning process as a two-way street - he learned from students, even if he might be offended by having to be shown that he had overlooked something he should have been alert to.

The Professor of English, Ephim G. Fogel, also supported the amendment. Professor Pimentel, he emphasized, would have excluded South Africa from the resolution. The point was to keep the focus on South Africa - in fact, he would be inclined to repeat the reference at the conclusion by saying "any policies such as South Africa's". Apartheid was a burning issue throughout the world. The Olympics Committee had considered it and even Mr. Brundage had yielded. "If we can't in 1968 say as a University that we deplore these practices and wish not to support them, we are in a sad way," he concluded.

At this juncture the Professor of Vegetable Crops, John D. Hartman, remarked that the resolution was in itself innocuous but would be interpreted as a particular attack on South Africa. He could not accept what the Professor from Industrial and Labor Relations had said because he had seen nothing in the journals to that effect and he was sure that something would have turned up there if there was anything to it.

There now was an attempt to strengthen the wording of the resolution, but the Provost ruled that such changes would not relate to the amendment. The question was called for, and the amendment by Professor Davis carried on a voice vote.

Now an amendment was offered, designed to strengthen the statement by removing "possible" from the first sentence and "to try, insofar as possible" and "significantly" from the last. There was a second, and some discussion of the need not to equivocate. The Professor of Parasitology, John H. Whitlock, cautioned, however, against too inflexible a position: it was sometimes necessary to pay lip service to a despotic government in order to help the people under it, and it would be important not to make it impossible for doctors and others with like concerns to enter countries with oppressive rulers.

The Associate Professor of Zoology, Antonie Blackler, rejected the amendment itself as weak. Why, he wondered, was the proposition limited to "money"? Why were Americans always talking only in terms of money? Have no truck at all with South Africa, he recommended - have no contact whatsoever.

The question was called for; a voice vote left the result uncertain; a division then showed the amendment lost, 132-124.

There followed a call for the original resolution as amended by Professor Davis. It carried on a voice vote.

The Provost now announced that the special order had been fulfilled and that the regular order of business would be resumed. He called upon the Secretary for a report from the Committee on Elections.

The Secretary offered to read the results of the recent elections, in keeping with a tradition that enabled a chairman to read to the Faculty what it could read for itself. Since the report had been distributed at the meeting, and since even a summary was resisted, and since the Faculty then indicated that it was prepared to accept the report on faith anyway, the reading of the report was dispensed with - with the understanding that it would appear in the minutes at this point:

Report of the Committee on Elections

There were 765 ballots cast of which 749 were valid and the following were the results:

1. For a member of the Faculty Council for a three-year term, 659 ballots were cast, of which 389, a majority, were cast for the Professor of Home Economics Education, Sara Blackwell;
2. For another member of the Faculty Council for a three-year term, 712 ballots were cast, of which 405, a majority, were cast for the Professor of Entomology and Limnology, David Pimentel;
3. For another member of the Faculty Council for a three-year term, 679 ballots were cast, of which 422, a majority, were cast for the Professor of Microbiology, Harry W. Seeley, Jr.;
4. For another member of the Faculty Council for a three-year term, 690 ballots were cast, of which 357, a majority, were cast for the Professor of Physics, Raymond Bowers;
5. For a member of the Committee on Academic Freedom and Tenure, for a four-year term, 706 ballots were cast, of which 398, a majority, were cast for the Professor of Animal Nutrition, J. Thomas Reid;
6. For another member of the Committee on Academic Freedom and Tenure, for a four-year term, 631 ballots were cast, of which 336, a majority, were cast for the Professor of Anthropology, Victor W. Turner;
7. For a member of the Committee on Academic Integrity, for a three-year term, 652 ballots were cast, of which 439, a majority, were cast for the Professor of Sociology, Gordon F. Streib;
8. For another member of the Committee on Academic Integrity, for a three-year term, 626 ballots were cast, of which 317, a majority, were cast for the Professor of Genetics, Harry T. Stinson;

9. For a member of the Committee on the Economic Status of the Faculty, for a five-year term, 649 ballots were cast, of which 393, a majority, were cast for the Associate Professor, H.E. Babcock Professorship of Food Economics, David L. Call;
10. For a member of the Committee on Nominations, for a three-year term, 653 ballots were cast, of which 363, a majority, were cast for the Professor of Animal Nutrition, John K. Loosli;
11. For another member of the Committee on Nominations, for a three-year term, 624 ballots were cast, of which 334, a majority, were cast for the Professor of Food and Nutrition, Mary A. Morrison;
12. For another member of the Committee on Nominations, for a three-year term, 661 ballots were cast, of which 396, a majority, were cast for the Professor of Public Administration, Paul P. Van Riper;
13. For a member of the Committee on Student Affairs, for a three-year term, 627 ballots were cast, of which 418, a majority, were cast for the Professor of Animal Science, Robert H. Foote;
14. For another member of the Committee on Student Affairs, for a three-year term, 701 ballots were cast, of which 424, a majority, were cast for the Professor of Government, Allan P. Sindler;
15. For a member of the Committee on Student Conduct, for a four-year term, 645 ballots were cast, of which 390, a majority, were cast for the Assistant Professor of Child Development and Family Relationships, Aletha H. Stein;
16. For another member of the Committee on Student Conduct, for a four-year term, 630 ballots were cast, of which 354, a majority, were cast for the Assistant Professor of Civil Engineering, D. Peter Loucks;
17. For another member of the Committee on Student Conduct, for a four-year term, 611 ballots were cast, of which 315, a majority, were cast for the Associate Professor of Marketing, Argicultural Economics, Richard D. Aplin;
18. For a member of the Board on Student Health, for a three-year term, 651 ballots were cast, of which 347, a majority, were cast for the Professor of Veterinary Anatomy, Howard E. Evans;
19. For a member of the Board of Physical Education and Athletics, for a three-year term, 640 ballots were cast, of which 394, a majority, were cast for the Professor of Electrical Engineering, William H. Erickson.

The Provost noted that unless a special meeting were convened the present meeting would be the incumbent Secretary's final one,

eliciting a round of applause. He said that to take care of the subsequent void he would turn to the chairman of the Committee on Nominations, the Professor of Home Economics Education, Kathleen Rhodes, for a slate of nominees.

Professor Rhodes announced that her committee's nominees were the Professor of Law, Ernest F. Roberts, Jr., and the Associate Professor of Chemical Engineering, Raymond G. Thorpe. There being no further nominations from the floor, a motion that the nominations be closed was made, seconded, and passed, and the slate declared approved as offered.

The Provost next recognized the Associate Professor of Managerial Economics and Finance, Alan K. McAdams, chairman of the Committee on the Economic Status of the Faculty. *(report attached)*

Inasmuch as the Faculty had already been given copies of his committee's initial report for 1967-68, Professor McAdams was able to restrict himself to a gloss of some of the statistics. He called attention to the fact that the figures for average compensation shown by Table 1 had been inflated to include fringe benefits and that the rate of increase in the endowed colleges had declined disturbingly. The statutory colleges' gain had been slow until 1965, when there had been a leap to bring them into line with the compensation at the endowed colleges. He hoped that the slowed growth was only temporary. The averages and minimums shown on the other Tables all qualified for high ratings on the AAUP scale, but he realized that figures for median salaries would be more meaningful to individuals and these should soon be available. Meanwhile, he could report that the Controller had made recommendations to the

Board of Trustees that included increased benefits for retiring employees and uniform benefits for male and female employees. Next year's officers were to be: the Professor of Economics, Frank H. Golay, chairman, and the Professor of Industrial and Labor Relations, Jean T. McKelvey, vice-chairman. Concluding by answering a few questions, Professor McAdams stated that the Medical College's faculty was not included but that the Veterinary College's was.

The Provost now announced that the report of the Williams Commission should be in the hands of the Faculty almost immediately. It had been held up for the inclusion of a student rejoinder and then by a breakdown of the duplicating machinery. Then he turned to the final item on the agenda, new business, a report from the Committee on the Calendar, and asked its chairman, the Professor of Hotel Administration, Jeremiah J. Wanderstock, to comment.

Professor Wanderstock briefly explained the background of the proposals that had been distributed to the Faculty. He thanked the members for answering the questionnaire - some 488 had responded - and added that a student survey had also been conducted; 1300 returns had been chosen at random for analysis by the Director of Institutional Studies, R. Peter Jackson; and of these some 40% contained written comments in the small space provided for them. The committee had in addition consulted many segments of the community - deans, administrators, housing and dining people, the Superintendent of the Ithaca Schools, representatives of Ithaca College, merchants. The committee's recommended calendar permitted time after the Christmas recess to grade papers and made it possible also to have a two-and-a-half week intersession. It was, he concluded, necessary to begin the

spring term late enough to close the term in mid-May or later for the sake of the sports program; an earlier ending would threaten the University's participation in the Ivy League. He therefore moved adoption of the calendar, thus providing for 14 weeks of instruction and the ending of the fall term by Christmas vacation. His motion was seconded.

The Professor of Chemistry, Robert A. Plane, asked whether the problem of Labor Day jobs was no longer significant. During his chairmanship of the committee the proposal for beginning the fall term before Labor Day had always been opposed on the ground that students had lucrative job commitments through Labor Day weekend.

Professor Wanderstock replied that the Director of Placement, John L. Munschauer, had reported that Labor Day was no longer so sacred as it used to be. The Hotel School expected some difficulty but hoped to find solutions.

The John Wendell Anderson Professor of Physics, Hans A. Bethe, now took the floor to speak against the motion. By adopting the recommended calendar the University might remain in the Ivy League in sports, he said, but it would remove itself from the Ivy League in research. He explained that numerous international conferences in various fields were held early in September, conferences important in the exchange of ideas and information, and not to profit from them meant that a department would become a second-class department. The dates for these conferences were usually set for the first half of September, but sometimes continued until the 20th. These were dates arrived at after extended discussions with European scholars, who

would have preferred October, since their universities did not begin until November. The late summer was impossible, for European universities ended in July, and in August everyone was on vacation. September had thus been the only possible compromise. Since participation in international conferences was a matter of prestige, and since Cornell's prestige was increasing, Cornell's involvement was also bound to increase. Participation was, moreover, important in developing international understanding - professional association had often preceded political agreement; good scholarly relations carried over to national ones - and professional contacts could become informal political ones: the nuclear test ban, for example, had been facilitated by prior personal understandings among scientists. In addition, other American universities would adhere to the September conference schedule, and Cornell would have no support for a shift. Finally, there were domestic consequences. Not only were there the difficulties Professor Plane had alluded to, but the time of the term's start being proposed would be a hot time, and if one added the effect of heat to the sluggishness normally afflicting the students at the year's beginning, one would be off to an unpromising start. And to run the physics department, for example, with one quarter of the staff at international meetings, would produce morale problems all the way down the line - through the junior staff to the students themselves. The alternative would require the senior staff to be in Ithaca, consigning their department to second-rate status. In the light of the foregoing considerations, he moved that the matter be returned to the committee, with a charge to the committee to consider a return to the old calendar that provided for

a mid-September beginning, 14 weeks of instruction, and a week's study-period. He found no trouble in getting students to return for study and examinations - in fact, he found that a rest left them vigorous. A long intersession, he added, was as bad as too early a beginning - the initial sluggishness appeared again. If, however, the Faculty was bent on ending the fall term before Christmas, then he would propose a three-term year. There were both advantages and disadvantages, but such a plan could be modified to avoid a late conclusion: 10 plus 9 plus 9 was also just 28 weeks.

There was a second to Professor Bethe's motion.

The Professor of Electrical Engineering, Howard G. Smith, declared that referral would simply repeat old history. He was sure all the alternatives had been considered.

The Associate Professor of Theater Arts, Marvin A. Carlson, however, supported Professor Bethe's proposal. The revision of the calendar was based on false premises, he said; for one could hardly react yet to a calendar that had been tried only once; a change, he felt, would at the moment be precipitous.

The Vice-President for Research and Advanced Studies, the Professor of Chemistry, Franklin A. Long, said that he doubted the utility of the intersession. It was, apparently, being retained for the sake of the sports program rather than for the academic. There seemed to be no initiative from academic departments in its behalf. The University of Pennsylvania, on an early schedule, was evidently doing well enough in sports. He would favor examining more closely the concept of the intersession.

The Professor of Mathematics, Paul Olum, also supported the motion to return the proposals to committee. Students often protested that they were not included in consideration of issues. The present one particularly affected them, and yet the committee had not presented the calendar to them for a reaction. What were their concerns? He recommended that a specific calendar proposal be presented to them for their comment.

Professor Wanderstock answered that the comments made on the questionnaire mainly indicated that the fall term should end before Christmas.

The Professor of Physics, Lyman G. Parratt, agreed that strong sentiment existed both for a concluding of the fall term before Christmas and against beginning the term early. Professor Bethe's quarter-system would meet both requirements, and he wondered whether the committee had, in considering such an alternative, explored class-hour conflicts and the problems of space. If there were a five-day week for courses, more courses and more rooms would be available. He suspected that no adequate study had yet been made.

Professor Wanderstock commented that his committee had considered the administrative load involved in handling three sets of grades as against two. In addition, professors would have to modify their courses and re-write their notes, something he believed they would be reluctant to do.

Professor Bethe challenged the description of the administrative load. Mid-term grades could be eliminated for a ten-week term, which would mean compiling three sets of grades instead of four, not instead of two.

After a brief attempt to find out what other institutions were on the quarter system and how it had fared there - at Berkeley, for example - Professor Penney noted that the new calendar constituted actually a "stretch-out" - adding two weeks during which the Faculty was accountable to its employer.

The Professor of Physics, Donald F. Holcomb, alluding to the questionnaire, pointed out that although the Faculty had voted in favor of ending the fall term before Christmas, it had also voted to start after Labor Day.

The Class of 1912 Professor of Engineering, George Winter, asked for a summary of student opinion; he felt it would be helpful to have it. As for his own discipline, he commented that of his department of eight or nine, three would be attending international conferences early in September.

The Professor of Biology, Lowell D. Uhler, said that the present term had been his first experience of a 14-week term. He had been teaching in the Philippines, where a 17-week term was the usual length, and he found it virtually impossible to do what he had to do in 14 weeks.

There were then some questions about the need to reach an early decision. The Dean indicated that for 1969 a decision next September would be all right, one in October would be late, and one in December would be very late and maybe costly.

Agreeing that students should be heard, the Professor of Physics, Jay Orear, also suggested that the Administration ought to be listened to; the people in Day Hall probably had advice on what was workable and what would fit in with practices at sister institutions.

The Provost remarked that the committee had solicited such views, but he had given the matter little time himself. The intersession did, though, pose certain problems. There had this past year been a \$100,000 loss incurred by Housing and Dining because of the need to maintain a full staff.

Professor Kahn at this point expressed concern about recommitting the proposals without further instructions to the committee. The Faculty, he said, was choosing irreconcilables. He, himself, had favored the revisions proposed; now he was not sure - he had been impressed by the arguments against the early opening. Perhaps, the trimester system was not adequately understood. Perhaps it was worth finding out sentiment for this alternative.

The Professor of German Literature, O.J. Matthijs Jolles, uttered a warning. He had worked for 24 years with the quarter-system, "and it's just hell." Nine courses had to be prepared each year, for example, if one was concerned with loads. Students, moreover, had been sounded. The lead article in the Sun that day, he believed, adequately presented their consensus. As for the intersession, the situation in athletics was less cogent than the desire by the Faculty for time and research. Europeans were beneficiaries of longer vacations and already had that time. As for meetings, his own always occurred during Christmas recess.

The Dean of the College of Engineering, the Professor of Industrial Engineering and Operations Research, Andrew Schultz, Jr., declared that the problem was in the intersession. He had been surprised by its original approval. No academic plans had ever been made for

it. Now, students would have a five-week vacation. He favored an intersession limited to one week.

Professor Blackler asked whether the question could not be voted on. Supported by other calls for the question, the Provost put the motion to recommit to a vote, and it carried, on a division, 147-80.

There was assent to a suggestion that a little additional discussion might be useful to the committee, and so the Professor of Physics, Albert Silverman, asked why Professor Jolles had called the tri-mester system "hell"? The choice required by a 14-week term, with a one-week study period, would leave dissatisfaction.

Professor Jolles explained that, contrary to Professor Bethe's calculations, four examinations could not simply be reduced to three. There would be three term papers - everything would be multiplied. And where course loads were reduced - especially in big-city institutions where it was desirable to "use the plant better" and offer a regular term during the summer, meaningful teaching and research suffered. It became necessary to increase the number of meetings in a course each week, or the number of courses taken each week. Students were constricted by taking small chunks.

Professor Bethe replied that there were two alternatives. Some courses were already clearly year-courses. These would be unaffected and could proceed on a three-meeting-a-week basis. The single-semester courses now offered would be changed. There might indeed be drudgery, but the Faculty should consider the bliss attending their teaching of only two out of three terms.

Professor Fogel reminded the Faculty that different disciplines had different problems. Teaching loads in the humanities tended to

exceed those in physics, those in physics exceeded those on the upper campus. A quarter-system had some advantages in competitive hiring, but it was a rush for the teacher. He hoped the committee would not confine itself to consideration of Professor Bethe's alternatives but would also consider Dean Schultz's. He, himself, was not worried about the students' having a vacation but about the need for professors to have the time they needed to reflect and plan.

The Assistant Professor of Physics, David G. Cassel, enthusiastically recalled his own experience as a student with the quarter-system. Especially be remembered the delight widely felt at completing subject after subject in a briefer time.

The Professor of Electrical Engineering, Benjamin Nichols, asked why it would be necessary to have two equal terms; why not a short one and a long one?

The Professor of Law, W. Tucker Dean, citing his long service on the committee studying the calendar, and declaring that he had heard all the arguments long ago, moved that the vote be reconsidered by submitting it to a mail ballot.

There then ensued discussion of whether anyone who had not favored the original motion could move such reconsideration, whether a mail ballot was fair when the arguments could not be heard by those voting, whether in fact it was appropriate or proper for legislation to be formulated in that fashion. The possibility of a discussion meeting in June was also raised. Although it was agreed that someone favoring the motion should be the one to move its reconsideration, the Provost, on the advice of the Dean of the

College of Arts and Sciences, the Professor of Philosophy,
Stuart M. Brown, Jr., ruled the motion out of order on the ground
that a mail ballot was not permitted on an issue already voted
on in the assembly.

A motion for adjournment was made and seconded, and passed
at 5:55 p.m.

Robert H. Elias
Secretary

Spring 1960

Report to the Executive Committee of the Cornell University Board
of Trustees by the Commission on Investments and Public Policy

President Perkins appointed the Commission on Investments and Public Policy, pursuant to the recommendation of the Board of Trustees, to "examine the problems involved in using Cornell's investment portfolio as an instrument for registering social and moral concerns". The charge to the Commission specified more particularly that the Board of Trustees was "concerned with the impact of Trustee action based on moral and social concerns 1) on the academic freedom of the community, 2) on the autonomy of the university, and 3) on the fiscal management of the university.

The following recommendation is offered after some fifteen hours of discussion and the consideration of views expressed by the University faculty as well as the terms of a petition signed by 1200 students. The Commission did not have opportunity to consult the alumni of the University.

The Commission responds to the questions presented to it as follows:

In considering the relationship of social and moral concerns to University investment policy, the first premise is that investment activities have the primary goal of providing the University with financial support.

Nonetheless the Commission has concluded that crises may arise when "social and moral concerns" should be considered relevant in shaping the investment policy of the Board of Trustees. The Commission recognizes the difficulties from a practical standpoint of taking such factors into account. Not only are such concerns difficult to define to the satisfaction of all segments of the Cornell community but also the degree of impact of any particular investment on agreed upon concerns of the University is difficult to ascertain. Moreover, there may be legal considerations pertinent to investment policy which the Commission does not regard as part of its mandate.

Recognizing that there are many difficulties, the Commission nevertheless recommends that the Board of Trustees consider the following criteria in seeking to give effect to social and moral concerns in managing the University's investment portfolio:

1. The present focus should be upon avoidance of any investment policy supporting racial discrimination. The reasons for limiting concern to racism are that there is an overwhelming consensus in the Cornell community against racism and that racism is by far the nation's most profound problem.

2. The existing and prospective investments which should concern the Board of Trustees are those exceptional cases where racist implications have moved any substantial segment of the University community (faculty, students, alumni) to challenge the propriety of particular investments.

3. In making any decision regarding investment support of racism, the Board of Trustees should consider the directness of the support involved. For example, concerning South Africa and its policy of apartheid, a spectrum of investment support can be hypothesized, ranging from the purchase of bonds issued by the government of South Africa, at one end of the spectrum, to the purchase of stocks of an American company having a subsidiary or less direct interests in South Africa. The investment in the stocks of the four banks under scrutiny falls between these two points, since these banks are part of a consortium which has extended a line of credit to the government of South Africa.

4. Another limiting factor which might be taken into account by the Board of Trustees in exercising its investment function is the degree of impact which any of Cornell's investment activities may properly be said to have on any racist causes which the Cornell University community universally condemns. This impact may be measured in both real and in symbolic terms.

If the aforesaid criteria are considered by the Board of Trustees in bringing to bear "social and moral concerns" upon the management of Cornell's investment portfolio, the Commission judges that any action based thereon would have no deleterious effect "1) on the academic freedom of the community, 2) on the autonomy of the University, and 3) on the fiscal management of the University."

Signed by:

William D. Carmichael
Bruce H. Detweiler
Austin H. Kiplinger
Edward H. Marchant
Walter E. Oberer
Gilbert H. Wehmann
John P. Windmuller

Minority Report to the Executive Committee of the Cornell University
Board of Trustees by the Commission on Investments and Public Policy

The problems involved in using Cornell's investment portfolio as an instrument for registering moral and social concerns fall into four categories:

The first is a matter of legal rights -- that is what limits does the law set to the power of the trustees to use the investment portfolio in this way.

The second assumes that they have some power to do so and asks what standards the trustees should use to determine their actions.

The third, making the same assumption, asks in what circumstances should the trustees act.

The fourth assumes that they have decided to act and considers what should be the nature of their action, as well as the consequences of such an act.

We accept the opinion of University Counsel that the trustees are not free to use the investment portfolio in this way. We assume that this opinion will be challenged and for this reason we consider the problems presented to us as if the challenge were to succeed.

If the trustees decide to use the investment portfolio to register moral and social concerns they must define these concerns. They may define them positively or negatively, i. e., by declaring that they wish to promote the well-being of black people or of the poor or a democratic society; or they may wish to register protest against racism, the degradation of the poor or the inequities of society. Whatever the mode of approach, the question of extent or degree arises. Should the trustees do everything in their power to advance the well-being of black people at home and abroad; in the field, in the factory, in schools and colleges? Should the welfare of black people be as much a matter of concern in sports, in the professions, and in the arts, where their misfortunes are less, as in economic opportunity and housing, where their misfortunes are greater? We need therefore to know the areas of concern and, within these areas, the degree of concern.

As to the circumstances in which the trustees should act once they have made these definitions, two major possibilities offer themselves. One is to act in all circumstances. Whenever and wherever the trustees have opportunity to do so, they should act. They should be eternally vigilant. Or they should act on occasion, the occasion occurring when some part of the university urges action, or when a particular issue becomes a matter of national concern, as will happen shortly, when the poor people dramatize their needs by camping in

Washington. And when they decide to act they may act to influence opinion by some well publicized gesture, so as to advance the cause of those they support or hurt the interest of those who oppose them. They may also act in such a way as to give real and direct benefit to those they support rather than to influence opinion; i. e., they may invest in companies that give special attention to training the black person or the poor person.

We have dealt with these matters only in a general way because in our judgment any course of action that followed the procedures set forth above would be wrong.

We speak first to one specific aspect of the investment problem; namely, the consequences of such an action.

The trustees could not, in our opinion, take action in one instance alone. By one action they would commit themselves to a course of action, to a continuing series of decisions regarding the possible social and moral effects of all investments. Most, if not all investments, involve associations with private and public enterprises that take part in a wide range of activities; therefore the task of making judgments would be highly complicated. To accept the obligation to make these judgments would offer an insurmountable hindrance to the business of investing.

To suggest that those who manage the investment portfolio would invest in the Mafia, the drug traffic or bootlegging cigarettes into New York is nonsense. These men know the law, they have long experience of the interests of the university community, they are men of conscience and of probity. The university community may safely depend upon them to make judgments wisely and with regard not only for the economic well-being of the university but for the university as an institution playing the part of a law-abiding citizen in American society.

To say this is not to deny the right of alumni or faculty members or students to utter protests against investment policy or individual investments. The university community is a free society in which any matter that concerns the whole or a part of it is open to discussion. The fact that this Commission is in being is evidence that the university community accepts protest and responds to it effectively in a way appropriate to the community, namely by the full and free exchange of information and opinions.

But is this all we have to offer; talk, more talk? Yes, indeed. We suggest the continuing exchange of views, the play of mind upon mind. For the sake of talk? No, for two other reasons; and first because through discussion minds are changed; new policies take shape. And second because this is the centuries old mode of operation within the university community. We do not use the strike; the young officers do not seize the presidential palace. In universities men accomplish change through discussion.

By such means the component parts of the university involve themselves in and contribute to the world beyond the campus. These are modes of action and expression concerning moral and social affairs appropriate to a university. They have range and vigor and good effect. Their force is positive.

The university community is therefore a social and moral force in the world at large and thus advances a thousand purposes while acknowledging no single creed. The campus dedicates itself to the self-realization of the individual and brings forth year by year thousands of young men and women who have had opportunity to create and apply their own social and moral creeds.

With these activities the university community may rest content without becoming static. As society changes patterns, Cornell University, so much a part of contemporary society, will make its changes too. But change must come through the many thousand links that join Cornell to the nation and the world. It must not come through a massive redefinition of the role of the university in society, as would take place if the trustees used the university's investment portfolio to register moral and social concerns.

Our conclusions are:

- 1) The university trustees do not have legal power to use the investment portfolio for registering social and moral concerns;
- 2) That if they did have such power they should not use it, because to do so would handicap the fiscal management of the university; and
- 3) Would destroy the autonomy of the university by committing the university to social and moral creeds, thereby binding it to the parties and interests that support those creeds; and
- 4) Would limit academic freedom by associating the academic life of the university with certain views on ethics and society. This would create (as in the case of a sectarian college) a situation in which teacher and student must, either openly or otherwise, respond to the official position with yea or nay.

We further conclude:

- 1) That the components of the university -- trustees, administration, alumni, faculty, and students -- contribute at all times and in many ways to the moral and social well-being of the nation and of the world;

2) That this contribution is far more effective than anything that could be achieved by management of the investment portfolio to register moral and social concerns.

Signed by:

Robert T. Horn
Frederick G. Marcham

Note: Mr. Windmuller agrees with the general concept of the university implicit in this minority report, but associates himself with the majority report because he believes that in exceptional cases moral and social concerns become relevant to investment decisions.

Statement of Rejoinder to Commission Report
Prepared by three student participants in the events of April 4

Institutionalized racism is any outward manifestation, no matter how subtle or well intentioned, of an inner feeling of group superiority, based upon biological and even cultural values.

Particularly relevant in this case is the assertion of traditional ideals and customs, when asserted at the expense of changes necessary to prevent the ultimate destruction of society as a whole. That a great many of the ideals and customs formed within a society in which racism permeates its every fiber are racist by nature is indisputable. Any custom or ideal which would tend to hamper the cleansing of society of its racist character would necessarily be justifiably subject to challenge.

Recent events within this nation point to the tremendously detrimental effect continuing propagation of racist ideas, for the most part in an institutionalized fashion, has upon the society as a whole. While some people would say that the tragic murder of Dr. Martin Luther King, Jr. was the action of a single sick individual, the poison which sickened the man's mind was that of racism, gleaned from the society as a whole; so to a very significant extent, society as a whole murdered Dr. King. When society, in response to burning and bloodshed within the nation's streets, orders more guns in order to preserve order instead of better jobs, better food, better housing in order to alleviate the suffering, hopelessness and despair of those who are looting and burning, it is in effect ignoring the above stated conditions, treating them as if they were irrelevant. When the act of buying more guns is left unchallenged by the society's institutions, these institutions are in effect supporting the racism prevalent in American society, indicating that they too are sick. A university should be a leader in instituting changes necessary for the advancement and civilizing of society.

On April 4, 1968, student members of the Cornell community, in a culmination of their attempts to attain a just hearing of their grievances, concerning the presentation of Professor McPhelin's lecture, courageously occupied the office of Professor Tom E. Davis, Chairman of the Economics Department, in order to attain a public forum for their grievances. The students felt that the gravity of their grievances made any possible disciplinary actions resulting from their bold venture unjustified.

A special commission was formed by the university to investigate the events, responsibilities, and deficiencies which were brought to light as a result of the student demonstration. The report of this commission is considered by those students who participated in the demonstration as being virtually irrelevant in view of the purpose for which the commission was formed.

The charge of the students was that flagrant institutionalized racism had been taught in Professor McPhelin's lectures. We feel that the fact that the commission itself was strongly divided indicates that they were incapable of coming to any objective viewpoint,

and indeed, they did not. No charges concerning the violation of academic freedoms have even at this time been raised, thus the lengthy discourse upon this subject was both irrelevant and unnecessary.

Though specifically stating (p.22) that the commission was not acting as a judicial body in passing judgment upon individuals, in effect it did pass judgment on Professor McPhelin by raising the question of academic freedom and thereby in effect absolving McPhelin of any blame; even, strangely, while stating that his views were merely "ethnocentric" (p.11), a word defined in Websters' Seventh New Collegiate dictionary as (1) "Having race as a central interest (2) Regarding one's own race or cultural group as superior to others."

The commission (p.3) states that a professor "while presenting facts is also responsible for analyzing the significance of his data, seeking to avoid unsubstantiated ideas around which false notions might develop or be maintained." The commission on the other hand states (p.23), "It is our conclusion that Professor McPhelin was not aware of the full cognitive and evaluative interpretations to which his remarks were subject when heard by black American students in 1968, and, more specifically, that he saw no grounds for anticipating the depth and intensity of the response actually encountered." The grievance of the black students was not just the objectionable nature of the presentation but the effects and interpretations produced upon the sensitivities of the white American students in 1968.

The commission failed in their investigation to even attempt to gain testimony of Professor McPhelin's peers in his field to help ascertain whether or not his presentation was racist, or even relevant to introductory micro-economic theory. The commission also failed to fulfill its charge of investigating racism within the other areas of the university, even though some evidence of its existence was reportedly presented during the testimony of witnesses.

A faction of the commission insisted upon introducing extremely biased and slanted definitions concerning race and racism (Appendix A) and also insisted upon including an extremely leading and inaccurate report concerning activities occurring during the demonstration (p.15); despite the strong, written objection of several commission members. The commission in conclusion (p.23) completely ignores the question of institutionalized racism.

Changes within this society are necessary, the events of the past year, and the anticipated events of the summer coming leave no doubt as to this fact. We feel that universities should be in the vanguard of those institutions trying to institute these necessary changes. But, if this commission report is an indication of the most which can be achieved within a university, the future for this society is indeed dismal.

What is at stake is not the existence of the academic freedom, but the existence of a society totally free from the evils of racism.

Bertran Cooper
Marshall J. Garner
Robert D. Rone

5/6/68

INITIAL STATEMENT OF ECONOMICS 103 STUDENTS
To be appended to Statement of Rejoinder

I. From the beginning of this course, the lecturer has consistently and subtly, constructed a philosophy of racism; to clarify, we do not mean individual or overt racism, but institutionalized, or covert racism, that type by which attitudes of white superiority are perpetuated.

This philosophy was first introduced as soon as the course began, upon discussion of the topic economic logic, in which the lecturer assumed and emphatically repeated the "fact" that the rational decision involved is economics, and the study of economics as such is solely the product of the Western man. The lecturer, as the course continued, furthermore pointed out that certain nations contained excellent human resources, a contributing factor to this good human resource being superior biological inheritance.

At this point it became obvious that intelligent people would consider a great deal of the content of lectures merely opinion, but the lecturer reiterated the above statements, and others similar again and again, as if to point out that they are indeed fact.

The ultimate insult to the black, as well as white psyche occurred during the lecture of Tuesday, March 19, 1968, in which the lecturer directed his comments towards the urban poor: "Children are without fair opportunity...their games are sickly and perverted, stress cunning for survival as in the jungle... Slums produce young people inclined toward crime and violence, four-fifths of youths in San Francisco have been arrested by the age of seventeen..."

One of the problems with this urban poor is to break the self-perpetuating cycle of poverty....

The atmosphere is stagnating, there are no pleasures except those satisfying their lower tastes..."

Furthermore, throughout the lecture the lecturer implied that certain segments of the poor were poor because they lacked ambition to rise through their own efforts.

II. What should be done?

Is there no orderly recourse to be taken, in view of the serious, racist nature of the lecturer's statements?

Should academic immunity be allowed to extend to all fields, in view of serious harm that could potentially result from this obvious perpetuation of institutionalized racism?

Should any professor be allowed to present his own opinions as fact without adequate time given to equally qualified personnel in presenting an alternate viewpoint?

Respectfully submitted,

Robert Rone
Marshall Garner
Bertran Cooper

March 19, 1968

To: The Faculty

May 8, 1968

From: The Committee on the Economic Status of the Faculty

Subject: Initial report for 1967-68

This committee has been studying three major matters during 1967-68: The Group Life Insurance Plan and its reserve account, the relative status of Cornell faculty salaries and the Cornell tuition plan for children of faculty and staff members. Our recommendations on the first of these items will be resolved by trustee action next week, an interim report on the second is attached and a statement on the third is being forwarded to the Dean of the faculty for his comments. The interim report on faculty salaries and total compensation is designed to clarify the recent statements in news media and to answer a number of questions that have been asked of members of this committee. Further information has been requested from the University administration.

Frank H. Golay
Philip J. McCarthy
Jean T. McKelvey
William G. Tomek
Alan K. McAdams, Chairman

A subcommittee (consisting of Professors Grank Golay, N. Arnold Tolles, and William G. Tomek, Chairman) is in the process of reviewing the compensation (salary and fringe benefits) received by the Cornell Faculty. Some preliminary results are available, and they are summarized in the accompanying tables. The average compensations for the full-time faculties of the endowed and statutory colleges were about the same in 1967-68. However, there is a wider range in compensations by ranks in the endowed units than in the statutory units. Thus, full professors on the average receive higher compensation in the endowed colleges than in the statutory colleges, but the reverse is true at the assistant professor level.

Growth in average compensation has been slow in recent years in the endowed colleges relative to the statutory colleges and relative to other colleges nationally (table 1). The average for all ranks does obscure the fact that the growth in compensation has been largest for full professors and relatively small for other ranks (table 2).

The relatively slow growth in compensation in the endowed colleges has resulted in a decline in Cornell's rank among other universities. Based on the average compensation figure for full-time faculty in the endowed units, Cornell ranked sixth among colleges and universities covered in the AAUP surveys of 1965-66 and 1966-67. This commonly quoted rank excludes Parsons College, Claremont Graduate School, and Hebrew Union College (Ohio), which are thought to represent "special situations." Excluding these same institutions, Cornell's rank dropped to 12th in 1967-68. The 11 schools ranking above Cornell do include, however, the New School for Social Research and Union Theological Seminary, which might also be considered special cases.

Nonetheless, it is clear that faculty compensation at Cornell, especially in the endowed units, is growing at a slower rate than the national average. Growth has been particularly slow at the assistant and associate professor levels. Thus, while Cornell's current absolute rank among Colleges and Universities is good, there is reason for concern about the future.

Table 1.

Average Compensation (Salary and fringe benefits^{a/}),
full-time faculty, 9 month basis

Academic Year	Cornell University			National Average Change
	Endowed Colleges	Change	Statutory Colleges	
		(dollars)		
1963-64	13,424		--	
		972	--	571
1964-65	14,396		--	
		713	--	728
1965-66	15,109		13,368	
		653	1601	733
1966-67	15,762		14,969	
		633	1187	835 ^{b/}
1967-68	16,395		16,156	

^{a/} Fringe benefits include Cornell's outlay for social security, retirement, medical insurance, and tuition for faculty children.

^{b/} Estimate based on news release which indicates that average compensation increased 7.4 per cent nationally.

Table 2.

Average Salary and Average Compensation 1967-68,
Changes 1963-64 to 1967-68, and AAUP scale,^{a/}
nine-month basis, Cornell University

College and Rank	Average salary	Change 1963-64 to 1967-68	Average Compensation	Change 1963-64 to 1967-68	AAUP scale
Endowed					
Professor	\$18,758	\$3,173	\$21,576	\$4,224	A
Assoc. Prof.	12,928	1,912	14,786	2,460	A
Asst. Prof.	9,886	1,417	11,334	1,809	A
Statutory					
Professor	16,116	--	19,244	--	B
Assoc. Prof.	12,249	--	14,497	--	A
Asst. Prof.	10,308	--	12,137	--	AA

^{a/} The AAUP uses a letter scale for grading average compensation which ranges from G (lowest) to AA (highest). An "A" rating in 1967-68 required an average compensation of 20,560 for professors, 13,140 for associate professors, and 10,290 for assistant professors. The comparable figures for an "AA" rating are 25,750, 15,140, and 11,610.

Table 3.

Minimum Salary and Minimum Compensation,
Nine-Month Basis, 1967-68, Cornell University

College and Rank	Minimum Salary	Minimum Compensation	AAUP Scale
Endowed			
Professor	\$13,300	\$15,517	A
Assoc. Prof.	10,000	11,536	A
Asst. Prof.	7,500	8,685	A
Statutory			
Professor	12,352	14,916	A
Assoc. Prof.	9,400	11,221	A
Asst. Prof.	8,344	9,879	AA

The President called the meeting to order at 4:30 p.m., with 297 members in attendance. He asked whether there were any corrections or additions to the minutes of the regular meeting of May 1 and the special meeting May 8, 1968, and there being none, entertained a motion to approve them. The motion was made and seconded, and passed without dissent on a voice vote.

1. NECROLOGY

The President then announced the deaths of:

G. Watts Cunningham, Susan Linn Sage Emeritus Professor of Philosophy, former Chairman of the Department of Philosophy and Dean of the Graduate School, on April 1, 1968

Ernest W. Schoder, Emeritus Professor of Civil Engineering, on May 16, 1968

O. J. Matthijs Jolles, Professor of German Literature and Chairman of the Department of German Literature, on July 16, 1968

Eric Polisar, Associate Professor and Extension Specialist, Industrial and Labor Relations, on July 31, 1968

Dr. Anthony S. Werner, Assistant Professor of Medicine, Medical College, on January 2, 1968

Dr. Alexander R. Stevens, Emeritus Professor of Surgery (Urology), Medical College, on June 1, 1968

2. PRESIDENTIAL ADDRESS

The President observed that it had been his privilege in the past at the opening Faculty Meeting to deliver an extensive address on the "State of the University." The pressure of business this year was already so onerous, however, that he had been cautioned by the Dean of the Faculty to compress his traditional forty minute remarks into a quarter hour, which he would gladly do out of deference to the exigencies of the moment. The President felt that duty compelled him, none the less, to keep himself available in October to extrapolate upon his remarks should popular demand require it.

Relative to the tranquility of the Faculty, he observed that an interview with Vice President for Public Affairs, the Associate Professor of Government, Steven Muller, as reported in the Wall Street Journal 23 August 1968, had caused consternation among some members of the Faculty. Inevitably, of course, the report was rife with misquotations and misrepresentations. The situation was further complicated by the fact that the report interlarded among Muller's purported statements alleged quotes from another person in such a way that attribution even of inaccurately reported sentiments was made well nigh impossible.

The President went on, however, to suggest that, as a hypothetical situation, the Faculty take the report as accurate. The report would then simply reflect the views of one person in the Administration and would certainly not reflect, obliquely or otherwise, the views of the Administration. He went on to observe that assembling colleagues in his administration who held their own ideas about education and university administration in general necessitated taking the risk that they would utter views about the general situation confronting universities which oppugned members of both the Administration and the Faculty. The alternative, however, was to require every administrator to clear his remarks with the President lest they exhibit heresy or independent bent, a phenomenon which was hardly in keeping with either the selection of really competent administrators or with the Cornell style of intellectual freedom. Indeed, Cornell being a community committed to both intellectual independence and a dialogue among itself designed to keep peace within the academic community, the President suggested that the Faculty, if they were seriously concerned, ought to invite the Vice President to a meeting at which the Faculty could render articulate it's precise concern over the remarks and at which the Vice President could explain how he had formulated his own views upon these issues.

Leaving to one side entirely the details of the current controversy, if such there actually be, the incident did illustrate a more profound problem. That is, granted the inevitability of many administrators and the necessity to develop a consensus upon the Administration's policies, how did one balance the bureaucratic necessity for a consistent overall expression of policy with the ideal of untrammelled rights for each administrator to express his own views upon the general scene? The President certainly felt free to express his own views without the necessity of clearing his ideas within any apparat. Indeed, assuming this right to express his own views, the President stated that it was his opinion that the Cornell Faculty was among the leading teaching faculties in the country and that it had rendered articulate remarkable concern to guarantee outstanding undergraduate instruction, witness the Kahn-Bowers Report. What with the extraordinary pressures generated upon the University by the situation in the world around it, the Faculty had shown, and does show, considerable dexterity in its ability to jettison obsolescent conventional wisdom and to face squarely the necessity to readjust the rules ordering the dynamic and on-going equilibrium linking Faculty, Administration and Students into the Cornell Community.

Granted that everyone had his own views as to how the mutually dependent values of stability and change might best be accommodated, no one could predict the scenario which would be revealed as the current academic year unfolded itself. At the very least, it seemed safe to observe that the pressures of outside events had made quite volatile conditions within the University. Cornell fortunately was entering these troubled times with a number of accumulated assets, illustrated by the revised judicial system and the palpable implementation of channels of communication open to any and all who seriously wanted to communicate within the Community. It appeared manifest that, at Cornell

at least, change could be accomplished by those who could and would communicate sensibly the need therefor. Whatever the crisis or challenge, the Faculty had exhibited restraint, as had, by and large, the Students. It would seem quite fair to say, therefore, that Cornell's current posture was such as to create reasonable confidence that the Community would endure whatever challenges might materialize this year.

This year had seen the Afro-American members of the Community return to an environment in which, while differences existed, it was possible to hope that whatever issues might arise, they might readily be resolved. The fact that the President should deem it significant to report that 95 more Afro-Americans had joined the Community this autumn was itself a striking commentary upon the unhappy ironies of this era. Barring an outre incident precipitated by a man or a fool, however, avenues of communication now existent within the University held the promise that the contemporary social disharmony might ultimately be abated.

The temperature of the scene involving the New Left had not cooled over the summer. It seemed safe to say that they had not discovered a new champion in either major political party and many of them felt themselves to have been disenfranchised. The behavior of the Mayor of Chicago and particularly that of his Janissaires had not served to ameliorate tensions. While it would be impossible to predict what turn events might take, one rumor had it that the University Trustees were about to be "exposed" for their manipulation of university policy to their own personal advantage within the military-governmental-industrial complex. The President was hard put to see why the dedicated men and women who constituted the Board, and who without pay dedicated an enormous amount of time to Cornell, should be subject to such an onslaught.

The New Left and many others, concerned over the dangers inherent in the phenomenon described as the military-industrial complex, were turning their attention to the place of ROTC upon the campus. Indeed, all connections between the University and the defense establishment were due to become a high-visibility topic in the near future. Fortunately, perhaps, the President had been able to announce the day before this meeting that the agreement for the sale of the Cornell Aeronautical Laboratory had been consummated.

3. REPORT OF THE COMMITTEE ON ELECTIONS

The President then called upon the Dean of the Faculty to present a report on behalf of the Committee on Elections. The Dean thereupon announced that, as a result of the elections conducted last spring, the Professor of Law, E. F. Roberts, had been elected Secretary of the Faculty by 309 of the 598 votes cast.

4. REPORT ON THE ROBERTS' RESOLUTION

The Dean then informed the Faculty that pursuant to their referral of the Roberts' Resolution to the Faculty Council (Minutes, 15 January 1968), the Dean and Council had appointed an ad hoc committee on Reorganization of the University Faculty under the chairmanship of the Professor of Public Administration, Paul P. VanRiper. The Committee had met regularly for some months and had delivered a report of its findings and conclusions to the Faculty Council early in August. The Council was currently studying the report and the results of these deliberations would soon be brought before the Faculty.

5. REPORT ON THE ADJUDICATORY SYSTEM

The Dean also reported that he and the University Counsel had made editorial changes in the Adjudicatory System as requested by the Faculty at its meeting on 1 May 1968. The result of the editorial work accomplished by this Committee of Two had been distributed with the Call for the Meeting but,

as a result of criticism of this version, a later version of the document had been prepared. This later version did not change the sense of the document now in the hands of the Faculty. Possibly the only significant change was the addition of provisions for an executive secretary to keep the records and tend to the business needs of the new judicial system. Because the absence of provision for such an office appeared to have been mere oversight, the Dean would assume the provisions for it were within the scope of the committee's duty to make technical corrections in the legislation.

6. REPORT OF THE COMMITTEE ON CALENDAR

The President next called upon the Professor of Hotel Administration, Jeremiah J. Wanderstock, Chairman of the Committee on Calendar, to report on behalf of his committee.

Professor Wanderstock reported that, pursuant to the Faculty directive adopted at its Meeting on 8 May 1968, the Committee on Calendar had once again given full consideration to possible academic calendars for Cornell. The Committee had considered carefully each objection raised at the May Meeting and the result of these deliberations were capsulized in the report now in the hands of the Faculty. Unless the Faculty wanted to return to the old style calendar, there appeared to be three choices available. The first of these, which the Committee had labelled "Calendar A," provided for two equal 14-week semesters and for a Fall Term in which final examinations would end prior to Christmas. In order to counter objections against opening the academic year at the very beginning of September, the Committee had prepared "Calendar B." This calendar simply modified "Calendar A" by introducing unequal semesters of 13 and 15 weeks respectively, keeping intact the termination of Fall Term examinations by Christmas. The third alternative, "Calendar C" in the report, was nothing more than a choice to stand pat on the current calendar which went into effect at the start of 1967-68. There was always a

fourth alternative, of course, and that was to return to the pre-1967-68 calendar. For the sake of convenience this option could simply be described as "Calendar D." Since these alternatives had been rehearsed before the Faculty before, Professor Wanderstock suggested that it might expedite matters if the Faculty adopted the Hare System of voting in light of the several choices available.

The Dean assumed the duty at this point to explain the Hare System. Ballots would be distributed and each Faculty member would write down in descending order of preference his choice of a calendar. The ballots would then be collected and tellers would divide them into four piles according to the first preference indicated thereon. If a particular calendar collected a majority of the votes cast, that would be the choice of the Faculty. Absent a majority at this point, the smallest pile would be redistributed among the remaining three according to the second preference indicated on these ballots. If a majority thereupon resulted, the decision had been reached: lacking a majority, the remaining smallest pile would be redistributed among the remaining two on the basis of the second preference indicated thereupon. This system had the advantage of simplicity when compared to the alternative possibility of a motion in favor of one calendar to which three successive motions to substitute would have to be appended in order to raise a similar set of options.

The Dean thereupon moved to suspend the rules in order to permit the Faculty to adopt any one of the four calendars by expressing their preference, cautioning the Faculty that the motion was not debatable and, in this instance, required a two-thirds majority. Upon receiving a second, the motion was carried by a voice vote.

The President thereupon called for a statement by the Chairman of the Committee on Calendar and a debate upon the merits of the several calendars.

Professor Wanderstock advised the Faculty that his Committee had not prepared an exhibit for "Calendar D" in the materials distributed before the Meeting. This fourth choice, after all, was simply the traditional calendar which had been in vogue before 1967-68 and which provided for three weeks of Fall Term classes after the Christmas recess.

Rising to a point of information, the Dean of the College of Architecture, Art and Planning, Burnham Kelly, inquired of the speaker whether and precisely where a calendar premised upon the quarterly system figured in these deliberations.

Professor Wanderstock replied that the Committee was not prepared to recommend consideration of a quarterly system unless and until the Faculty directed that there be made a University-wide analysis of the feasibility of such an approach.

Dean Kelly observed that the upshot of this was that the advocates of a quarterly calendar had been disenfranchised.

The President interpolated the suggestion at this point that, perhaps, the persons preferring a quarterly calendar could express themselves by writing in a fifth choice, "E," as their first preference on the anticipated ballot.

Dean Kelly went on to protest, however, that the Committee were prejudiced against the quarterly system, as was illustrated by reading the Minutes of 8 May 1968 and their illustrations of the quarterly system which had been selected from institutions where the system had not worked. Indeed, the quarterly system's potential had never been properly presented and the reports thus far submitted reminded him of nothing quite so much as an argument proving the shortcomings of constitutional government premised upon the recent episode in Czechoslovakia. In conclusion, the Dean was wont to insist that an "enlightened" version of the quarterly system had never been illustrated in the Committee's reports.

The Dean of the Faculty stated that he had been an ex officio member of the Committee on Calendar and that, when the idea of a quarterly calendar arose last winter, efforts had been made not only to get testimony in favor of the idea but to induce quarterly advocates to join the Committee. The problem as it developed in Committee appeared to be that no one model of a quarterly calendar solved every problem. Some courses might best be taught in concentrated doses in order to cover the same material, where others might more properly be trimmed down and the surplus materials redistributed. In order properly to judge the feasibility of the system, its impact on every course in every school within the University would have to be visualized, and this would require a major study in its own right. The Committee could not bring itself to proffer to the Faculty a choice in favor of the quarterly alternative until the concrete ramifications of this choice had been rendered manifest by a study in depth of the actual consequences of the exercise of this option. The Faculty might, or might not accept the Committee's conclusion. Should the Faculty desire to, it could direct that such a study be undertaken and, assuming that anyone could be found to serve on the Committee on Calendar, a study might be available in time for the considered adoption of a quarterly calendar for the year 1970-71.

Dean Kelly responded that if this was the first time that a new calendar was under consideration, he would not be so persistent in the advocacy of a quarterly system. The fact of the matter was that the traditional calendar had recently been changed. If change was again the order of the day, it was high time that the quarterly alternative had at least a fair hearing.

The Susan Linn Sage Professor of Philosophy, Max Black, suggested that the real need of the moment was a motion. Discussion had revealed that there was upon the part of some people a feeling that the Committee should prepare a quarterly alternative. The depth of this feeling could quickly be measured

if someone moved to recommit the report pending the preparation of just such a study. Someone, of course, might object that this would require more delay in adopting a calendar. The current reform program had, however, gone on for nine years before last year's calendar had been adopted so that, considering the accepted tempo of change, a bit more delay could hardly count for very much.

Professor Wanderstock interposed that his Committee had received a memorandum from Dean Kelly and that a subcommittee had been created to study the proposition. After having considered the merits of the quarterly system, and after having evaluated the experiences of those who had lived through the tri-semester system at the University of Chicago, the conclusion had been negative.

The President inquired of Professor Black whether, the rules having been suspended in favor of a preference-gathering balloting system, the motion suggested by Professor Black would be in order.

Professor Black responded that, in light of the fact that the Committee's report suggested only four alternatives, a preference vote in favor of a quarterly system without the benefit of any supporting study to support the choice did not give due justice to this alternative. In order to face squarely the question whether there was sentiment for the quarterly option, if properly portrayed, Dean Kelly could move to recommit the question to the Committee. If the vote was affirmative, then in the future the Faculty could express its preference among five clearly articulated choices. If the vote was negative, then the quarterly option could be set aside and preference be recorded for one of the four carefully studied alternatives.

At which point Dean Kelly moved to recommit the report to the Committee, to which motion Professor Black added the second.

The Associate Professor of Education, Robert H. Ennis, inquired whether, notwithstanding the result of this vote, he could use his ballot in the forthcoming preference census to indicate a preference for a study of the quarterly system.

The Dean responded that this day's meeting was concerned with the possible adoption of a new calendar for the next academic year. Should the quarterly system be preferred, this entailed a study which would postpone a choice for yet another year. Should the motion be defeated, the choice would be from among those put forward by the Committee. Thus, the answer to the question properly was "No." Indeed, the real issue inherent in Dean Kelly's motion was, "Do you want change now or later?"

The question being called for, Dean Kelly restated his motion:

RESOLVED, That the question of an appropriate calendar for Cornell University be recommitted to the Committee on Calendar for further study, particularly with reference to adumbrating in detail the impact of a quarterly-style Calendar upon the curriculum university-wide.

Upon a voice vote, the motion was defeated.

Returning them to the relative merits of the original four options, the Associate Professor of Educational Psychology and Measurement, Jason Millman, inquired whether the opening of the academic year might not be further postponed, even accepting the Committee's choice of "Calendar A," by shortening the examination period at the close of the Fall Term. Granted that Professor Wanderstock's answer no doubt would be that the Registrar insisted upon a certain minimum number of days for examinations, it still might be possible to shorten this period by examining in the evenings so as to make the maximum use of the time and space available.

The Director of Athletics, Robert J. Kane, pointed out that "Calendar A" achieved its early end to the Spring Term by terminating classes next year

on 9 May 1969. The fact that the usual school weekend of 16 May was abolished might not immediately attract attention. The fact of the matter was that weekends were crucial to sports and that this whittling away of late Spring Term weekends was decimating participation in sports by Cornell, particularly in light of the fact that the weather in Ithaca made it impossible for Cornell to make up this deficit by offering to host compensatory March competitions locally. Baseball and tennis, for example, required by their very nature spring weekends, which in the best of times were at a premium in Ithaca under any calendar. "Calendar A" was so short of requisite weekends as to spell the doom of Ivy League participation by Cornell sportsmen.

The Professor of Mathematics, Paul Olum, reminded the Faculty that, at its Meeting on 8 May 1968, the John Wendell Anderson Professor of Physics, Hans A. Bethe, had made an urgent plea against adoption of a calendar providing for the early opening of the Fall Term. While having reconsidered the problem since then, the response of the Committee to this plea was totally unsatisfactory. To quote from the report on hand today, the Committee said that they were reluctant "to arrange a calendar for a few against the expressed wishes of a majority." This thesis overlooked the fact that the majority will is not in all instances the key to a decision: there is in any civilized society a need to respect the vital interests of the minority. In this instance there was a palpable duty to delay the start of the Fall Term if the needs of a first rate physics department were to be met. In a number of the sciences, after all, international meetings held in September were absolutely vital to the intercourse inherent in an enlightened discipline and, in light of this need, the desires of the majority were not controlling. For himself, Professor Olum wanted it clearly understood that he was not willing to vote for any calendar which threatened the maintenance of a first rate physics department.

Indeed, if these were the only choices available, it would be the better part of wisdom to return to the old calendar. For that matter, he continued, it was difficult to see what the objections were to the old calendar other than the oft heard, but dubious, complaint that it was difficult to begin anew the impetus of classroom teaching after the lassitude which set in during the Christmas recess.

The President inquired whether or not "Calendar B" with its shorter Fall Term might satisfy this objection.

Professor Olum replied that it would not because even this calendar required an early September opening date.

The Goldwin Smith Professor of English Literature, Robert H. Elias, inquired how the calendar of the University of Pennsylvania compared with the proposed calendars because that institution must have faced similar problems with its science departments and athletic program.

Professor Wanderstock replied that the Pennsylvania calendar most nearly resembled the proposed "Calendar A."

Mr. Kane said that the calendar at the University of Pennsylvania could be compared either with the proposed "Calendars A" or "B." There was a danger in comparing calendars of schools in different climates, however, as was evidenced by the fact that baseball and track events were feasible in Philadelphia during March. It was often said that an early closing would not interfere with a sports program because the participants would meet their commitments to play scheduled games even after examinations. This might be true in the instance of a winning crew where the glory of a regatta invitation spurred them on, but a losing or average baseball or lacrosse team tended to melt away and games were forfeited. Granted the need to commit itself to a required number of games in the various Ivy League schedules, Cornell might find itself obliged to quit that league if it adopted an early closing date.

The Professor of Geological Sciences, Shailer S. Philbrick, warned that the new calendars could hurt the working student who had to commit himself to remain through Labor Day in order to find summer employment. The short Spring Term, moreover, would have a definite impact on students performing field work because they were forced to do it when the weather hereabouts was still wintry. Indeed, as a matter of economics, either "Calendar A" or "B" seemed to demand the utilization of buildings at the University during the worst possible part of the year when heat and light were on almost continuously. All things considered, the original calendar seemed to make the most sense.

The Professor of Chemistry, Robert H. Plane, observed that the key reason which had motivated the move away from the old calendar in the first place had been to give the Faculty time to grade the Fall Term examinations and to organize their new materials before the Spring Term started. The present calendar was misconceived in that it provided for too much time after the examinations and before the start of the Spring Term. The hope that the students would capitalize on this period for campus-oriented activities had simply not borne fruit. Still, there was a need for time to grade and to organize and "Calendar A" recognized this fact. Further, relative to the quarterly system, there were serious doubts held by some who had lived with it whether it provided enough gestation time for the students to sit down and try to synthesize the materials being covered. There was, after all, a great deal to be said for the time span inherent in the normal semester sequence.

Dean Kelly rose on a point of order protesting to the Chair that it was most unfair at this time to draw unfavorable comparisons between the calendar choices now before the Meeting and the quarterly system because it had been decided already not to debate the merits of the quarterly system.

The President observed that the clock now showed eleven minutes before six.

If the Faculty wanted to vote now it would be possible to tabulate the result before the Meeting was adjourned.

Professor Ennis inquired of the Chair whether it would still be possible to record a preference in favor of the quarterly calendar. The President responded, "No."

The Robert Julius Thorne Professor of Economics, Alfred E. Kahn, said that he was reluctant to vote for "Calendar A" after hearing the objections to it expressed both by Professor Bethe and Mr. Kane. It appeared that the Committee was trying to accomplish three aims: to eliminate the lame duck session of classes after Christmas, to retain a reading period before examinations and to retain open a week between the end of examinations and the start of the Spring Semester. It was now clear that all of these aims could not be realized without hurting someone. For himself, therefore, he believed that the first aim would have to be abandoned.

The Class of 1912 Professor of Engineering, George Winter, noted that, whereas "Calendar A" neatly wound up the Fall Term before the Christmas break, it required opening the school year before Labor Day in four years out of the next five. True enough, the students had been surveyed to determine that they wanted examinations before the recess, but had it been made clear to them that this choice necessitated such an early start to the year? Indeed, couldn't the whole problem be solved simply by a return to the old calendar with two fourteen, rather than fifteen week semesters?

Professor Wanderstock replied that, in his opinion, the survey made it quite clear to the students what a pre-Christmas examination period would require as a price. In point of fact, insofar as his Committee had been able to ascertain the situation, Labor Day had ceased to be sacrosanct on the summer employment scene.

Professor Black rose at this point to observe that the only thing the Faculty could agree upon was that they disagreed. It would be most unfortunate in this atmosphere if the Faculty committed itself to one of these choices on the basis of a preference ballot of the kind planned upon. The current calendar was now being used only for its second year, and could certainly be endured for a third year while efforts were made to come to some better agreement. Thus, he proposed that the question should be recommitted to the Faculty Council for further study with the help of whatever committees they needed.

Dean Kelly moved that the calendar problem be recommitted to the Faculty Council for further consideration.

The Professor of Physics, Lyman G. Parratt, in the process of adding a second to the motion, reiterated that his department, including he should think every last member of it, supported the objection put by Professor Bethe. Should an early opening be adopted, the University stood to lose a fair amount of its present excellence in the field of physics. Indeed, he expressed concern because the Call for this Meeting had not clearly indicated that a vote would be taken and, further, he did not think that the earlier decision to suspend the rules weakened the validity of his objection on this point.

At the President's request Dean Kelly restated his motion:

RESOLVED, That the question of a new calendar for this University should be recommitted to the Faculty Council for further deliberation with the help of whatever committees the Council deem necessary and prudent.

The motion was carried by a voice vote.

The meeting was adjourned at 6:08 p.m.

E. F. Roberts
Secretary

To: The Faculty

May 8, 1968

From: The Committee on the Economic Status of the Faculty

Subject: Initial report for 1967-68

This committee has been studying three major matters during 1967-68: The Group Life Insurance Plan and its reserve account, the relative status of Cornell faculty salaries and the Cornell tuition plan for children of faculty and staff members. Our recommendations on the first of these items will be resolved by trustee action next week, an interim report on the second is attached and a statement on the third is being forwarded to the Dean of the faculty for his comments. The interim report on faculty salaries and total compensation is designed to clarify the recent statements in news media and to answer a number of questions that have been asked of members of this committee. Further information has been requested from the University administration.

Frank H. Golay
Philip J. McCarthy
Jean T. McKelvey
William G. Tomek
Alan K. McAdams, Chairman

A subcommittee (consisting of Professors Grank Golay, N. Arnold Tolles, and William G. Tomek, Chairman) is in the process of reviewing the compensation (salary and fringe benefits) received by the Cornell Faculty. Some preliminary results are available, and they are summarized in the accompanying tables. The average compensations for the full-time faculties of the endowed and statutory colleges were about the same in 1967-68. However, there is a wider range in compensations by ranks in the endowed units than in the statutory units. Thus, full professors on the average receive higher compensation in the endowed colleges than in the statutory colleges, but the reverse is true at the assistant professor level.

Growth in average compensation has been slow in recent years in the endowed colleges relative to the statutory colleges and relative to other colleges nationally (table 1). The average for all ranks does obscure the fact that the growth in compensation has been largest for full professors and relatively small for other ranks (table 2).

The relatively slow growth in compensation in the endowed colleges has resulted in a decline in Cornell's rank among other universities. Based on the average compensation figure for full-time faculty in the endowed units, Cornell ranked sixth among colleges and universities covered in the AAUP surveys of 1965-66 and 1966-67. This commonly quoted rank excludes Parsons College, Claremont Graduate School, and Hebrew Union College (Ohio), which are thought to represent "special situations." Excluding these same institutions, Cornell's rank dropped to 12th in 1967-68. The 11 schools ranking above Cornell do include, however, the New School for Social Research and Union Theological Seminary, which might also be considered special cases.

Nonetheless, it is clear that faculty compensation at Cornell, especially in the endowed units, is growing at a slower rate than the national average. Growth has been particularly slow at the assistant and associate professor levels. Thus, while Cornell's current absolute rank among Colleges and Universities is good, there is reason for concern about the future.

Table 1.

Average Compensation (Salary and fringe benefits^{a/}),
full-time faculty, 9 month basis

Academic Year	Cornell University			National Average Change
	Endowed Colleges	Change	Statutory Colleges	
	(dollars)			
1963-64	13,424		--	
		972		571
1964-65	14,396		--	
		713		728
1965-66	15,109		13,368	
		653		733
1966-67	15,762		14,969	
		633		835 ^{b/}
1967-68	16,395		16,156	

^{a/} Fringe benefits include Cornell's outlay for social security, retirement, medical insurance, and tuition for faculty children.

^{b/} Estimate based on news release which indicates that average compensation increased 7.4 per cent nationally.

Table 2.

Average Salary and Average Compensation 1967-68,
Changes 1963-64 to 1967-68, and AAUP scale,^{a/}
nine-month basis, Cornell University

College and Rank	Average salary	Change 1963-64 to 1967-68	Average Compensation	Change 1963-64 to 1967-68	AAUP scale
Endowed					
Professor	\$18,758	\$3,173	\$21,576	\$4,224	A
Assoc. Prof.	12,928	1,912	14,786	2,460	A
Asst. Prof.	9,886	1,417	11,334	1,809	A
Statutory					
Professor	16,116	--	19,244	--	B
Assoc. Prof.	12,249	--	14,497	--	A
Asst. Prof.	10,308	--	12,137	--	AA

^{a/} The AAUP uses a letter scale for grading average compensation which ranges from G (lowest) to AA (highest). An "A" rating in 1967-68 required an average compensation of 20,560 for professors, 13,140 for associate professors, and 10,290 for assistant professors. The comparable figures for an "AA" rating are 25,750, 15,140, and 11,610.

Table 3.

Minimum Salary and Minimum Compensation,
Nine-Month Basis, 1967-68, Cornell University

College and Rank	Minimum Salary	Minimum Compensation	AAUP Scale
Endowed			
Professor	\$13,300	\$15,517	A
Assoc. Prof.	10,000	11,536	A
Asst. Prof.	7,500	8,685	A
Statutory			
Professor	12,352	14,916	A
Assoc. Prof.	9,400	11,221	A
Asst. Prof.	8,344	9,879	AA

The 1967-68 ANNUAL REPORT of the
COMMITTEE ON ACADEMIC INTEGRITY

Between May 11, 1967 and June 21, 1968, the Committee on Academic Integrity held 25 meetings, as compared to six meetings in the previous year. Aside from actions on cases brought before the Committee, meetings included discussions of procedures, changes in the forms used in notifying students, policy discussions, rehearsings, petitions, personnel replacements, etc. Two sub-committees, one chaired by Professor Andrew Hacker, one by Professor Simpson Linke, held many additional meetings to resolve policy questions later brought before the whole Committee for action. The length of the individual meetings of the Committee varied from 1 hour 30 minutes to 6 hours 25 minutes (the latter a dinner meeting).

Forty-one cases were heard, reheard, or acted upon by petition, a significant increase above the six instances of cheating reported to the Committee and acted upon in the previous year, and 3 in the year prior to that. It seems undoubtedly true that our faculty has been more alert to cheating and plagiarism, and that they have been more cooperative in reporting violations of the Code of Academic Integrity, for which the Committee is grateful.

Perhaps some of the cases which we have heard would not have been cases at all if the students involved had been more aware of the Committee's activities. If this Committee has been lax, it has been in the area of calling attention to its work in the student paper, or otherwise, so that both students and faculty would be aware of what is happening. A review of our policies in this regard is under way in a continuing sub-committee.

The newly elected members of the Committee will operate under a severe handicap, brought on by the retirement of the Registrar of the University, Herbert H. Williams, who has served as Executive Secretary of the Committee from its beginning five years ago. All members of the Committee, faculty and student alike, have relied greatly upon his knowledge of past actions, his understanding of the mechanics of grades and records, and above all of his deep understanding and compassion for the Cornell student whose troubles brought him or her before the Committee.

This Committee remains open for suggestions from any and all faculty members, as well as students, on means of improving the climate of academic integrity at this University. We expect to have several proposals to bring before the Faculty for action in the ensuing academic year.

Respectfully submitted,

Richard P. Korf, Chairman

Ralph N. Campbell
Daniel Finlay
Andrew Hacker
Simpson Linke
Dean Robert D. Miller, ex officio
Chandler Morse

Madelynn Sue Berman '68
Bart K. Lubow '69
Alice E. Richmond '68
Robert M. Samuels '68
Raymond L. Vandenberg '70

May 8, 1968

To the President and University Faculty, Cornell University:

I have the honor to submit the annual report for the Committee of the Hull Memorial Publication Fund as required by the legislation of the Faculty.

The membership of the Committee for the year 1967-68 was as follows:

Eric A. Blackall, German Literature
Allan Bloom, Government
Roger Howley, University Press
O. J. M. Jolles, German Literature
H. G. Koenigsberger, History
Norman Kretzmann, Philosophy
Walter LaFeber, History
J. W. Marchand, Linguistics
S. Cushing Strout, Jr., English

In June, 1967 the balance reported in the fund was \$58,987.59. The following grants have been made during the year 1967-68:

Husa: <u>Mosaiques</u> (Extra charges for transferring dollars to Sweden)	\$ 6.50
Recording <u>Mosaiques</u> : Composers Recording Inc.	540.00
May: Galen's on the Usefulness of the Parts	16,000.00
Tombstone for Mary Josephine Hull	342.00
Biasin: <u>The Smile of the Gods</u>	3,025.00

This total of \$19,913.50 plus a pending grant, which has already been approved, of \$2,460, brings the complete total of expenditures to \$22,373.50. This leaves a balance of \$36,614.09 as of this date. As the original bequest ordered that the Fund was to be "applied solely toward meeting the cost of printing and publishing...scholarly works," the above grants were made on the basis of detailed publishing costs sent to the Committee by the publisher, and the money was released directly to the publisher.

Respectfully submitted,

Eric A. Blackall, Chairman
Hull Memorial Publication
Fund Committee

EB:clc

RDM:jm 6/27/68 1700

August 27, 1968

To: The University Faculty
From: The Committee on Calendar
Subject: The University Calendar for 1969-70 and Subsequent Years

Following the University Faculty Meeting of May 8th, at which time the Faculty voted to refer the matter of the calendar back to the Committee on Calendar (see May 1 Report of Committee on Calendar), this Committee once again gave full consideration to possible academic calendars for Cornell. Remarks presented at the University Faculty Meeting of May 8th (see Minutes), most of which had already been discussed by the Committee, were again carefully considered.

The Committee still finds itself in an untenable position. The mandate of both the student and the faculty surveys indicated a decided preference for a Fall Term calendar in which final examinations would end prior to Christmas. If a 14-week calendar is adopted, in which final examinations end before Christmas, the Fall Term must begin on or before Labor Day. The Spring Term presents fewer problems. If the athletic program adheres to the Ivy League schedule, Spring Term instruction cannot end before the middle of May (unless some athletic events are scheduled after final examinations). This would create an Intersession period of approximately 21 days - supported by the need for a sufficient amount of time after final examinations for the grading of term papers and projects, the reporting of term grades (on the Saturday 15 days before the beginning of Spring Term instruction), and academic committee actions for those students in academic difficulty - all prior to the beginning of the Spring Term.

The Committee is naturally sympathetic and interested in Cornell participation in national and international meetings, but is reluctant to arrange a calendar for a few against the expressed wishes of a majority of the 13,000 students and 1,500 faculty. Surely the question of attendance at fall meetings can be resolved without the disruption of normal University operation.

Although consideration of the most appropriate use of the Intersession was not a specific charge to this Committee, it was felt that such a period also provides time for: (a) Faculty to prepare courses for the Spring Term, to work on research projects for a continuous period without interruption, to engage in consulting or to make longer trips without disruption of regular schedules; (b) intensive courses, cultural activities, student projects, research, conferences, workshops, field trips, and relaxation; and (c) fraternity rushing outside of the instruction period. Obviously, a lack of experience with an Intersession does not negate its

To: The University Faculty

August 27, 1968

desirability. Other possible educational uses of the Intersession have not yet been sufficiently explored.

The need for a short (4 or 5 day) Independent Study period prior to finals each term has been clearly established.

It is on the basis of meeting the criteria described above that the Committee on Calendar recommends the adoption of Calendar A (14 weeks of instruction each term - Fall Term examinations before Christmas) for the academic year 1969-70 and subsequent years. Unless the Faculty wants to return to the original (pre 1967-68) calendar, the Committee feels that the only alternatives left are Calendar B, a calendar which provides terms of unequal length (a 13-week Fall Term and a 15-week Spring Term), and Calendar C, the existing (present) calendar.

The Committee does not endorse the adoption of a quarter system calendar, even though this arrangement has some proponents. If such a calendar appeals to a plurality of those concerned, the Committee recommends that a careful study be undertaken over an extended period before any action is taken. Each department must examine the consequences, particularly with respect to those courses having prerequisites and the design of curricula for majors in various subjects. This recommendation is based on the Committee's firm belief that the adoption of a quarter system calendar (three 10-week terms of instruction per year) would involve a total restructuring of the University and would encounter strong opposition if every department had not thoroughly considered the question beforehand, and found that their own special interests could be accommodated.

Dorsey W. Bruner
Edward S. Flash, Jr.
Alice J. Davey
John P. Hertel
William T. Lowe
Francis W. Saul
Dennis G. Shepherd
Fred Slavik
Herbert H. Williams
Jeremiah J. Wanderstock, Chairman
Robert D. Miller, ex officio

JJW:jm 1700

PROPOSED CALENDAR A - 14 WEEKS OF INSTRUCTION EACH TERM - FALL TERM EXAMINATIONS BEFORE CHRISTMAS

	1969-70	1970-71	1971-72	1972-73	1973-74
Labor Day	M Sep 1	M Sep 7	M Sep 6	M Sep 4	M Sep 3
Registration:					
New students	M Sep 1	M Aug 31	M Aug 30	M Aug 28	M Aug 27
Old students	Tu Sep 2	Tu Sep 1	Tu Aug 31	Tu Aug 29	Tu Aug 28
Fall Term instruction begins, 1:25 p.m.	W Sep 3	W Sep 2	W Sep 1	W Aug 30	W Aug 29
Thanksgiving Recess:					
Instruction suspended, 1:10 p.m.	W Nov 26	W Nov 25	W Nov 24	W Nov 22	W Nov 21
Instruction resumed, 7:30 a.m.	M Dec 1	M Nov 30	M Nov 29	M Nov 27	M Nov 26
Fall Term instruction ends, 1:10 p.m.	Sa Dec 13	Sa Dec 12	Sa Dec 11	Sa Dec 9	Sa Dec 8
Independent study period begins	Sa Dec 13	Sa Dec 12	Sa Dec 11	Sa Dec 9	Sa Dec 8
Final Examinations begin	W Dec 17	W Dec 16	Th Dec 16	Th Dec 14	Th Dec 13
Final Examinations end	Tu Dec 23	Tu Dec 22	W Dec 22	W Dec 20	W Dec 19
Christmas recess begins 10:00 p.m.	Tu Dec 23	Tu Dec 22	W Dec 22	Th Dec 21	Th Dec 20
Final Grades due	Sa Jan 10	Sa Jan 9	Sa Jan 8	Sa Jan 6	Sa Jan 5
Registration:					
Old students	F Jan 23	F Jan 22	F Jan 21	F Jan 19	F Jan 18
New students	Sa Jan 24	Sa Jan 23	Sa Jan 22	Sa Jan 20	Sa Jan 19
Spring Term instruction begins, 7:30 a.m.	M Jan 26	M Jan 25	M Jan 24	M Jan 22	M Jan 21
Spring Recess:					
Instruction suspended, 1:10 p.m.	Sa Mar 21	Sa Mar 20	Sa Mar 18	Sa Mar 17	Sa Mar 16
Instruction resumed, 7:30 a.m.	M Mar 30	M Mar 29	M Mar 27	M Mar 26	M Mar 25
Spring Term instruction ends, 1:10 p.m.	Sa May 9	Sa May 8	Sa May 6	Sa May 5	Sa May 4
Independent study period begins	Sa May 9	Sa May 8	Sa May 6	Sa May 5	Sa May 4
Final Examinations begin	Th May 14	Th May 13	Th May 11	Th May 10	Th May 9
Final Examinations end	W May 20	W May 19	W May 17	W May 16	W May 15
Commencement Day	F May 29	F May 28	F May 26	F May 25	F May 24

PROPOSED CALENDAR B - UNEQUAL TERMS (13 WEEKS AND 15 WEEKS) - FALL TERM EXAMINATIONS BEFORE CHRISTMAS

	1969-70	1970-71	1971-72	1972-73	1973-74
Labor Day	M Sep 1	M Sep 7	M Sep 6	M Sep 4	M Sep 3
Registration:					
New students	M Sep 1	M Sep 7	M Sep 6	M Sep 4	M Sep 3
Old students	Tu Sep 2	Tu Sep 8	Tu Sep 7	Tu Sep 5	Tu Sep 4
Fall Term instruction begins, 1:25 p.m.	W Sep 3	W Sep 9	W Sep 8	W Sep 6	W Sep 5
Thanksgiving Recess:					
Instruction suspended, 1:10 p.m.	W Nov 26	W Nov 25	W Nov 24	W Nov 22	W Nov 21
Instruction resumed, 7:30 a.m.	M Dec 1	M Nov 30	M Nov 29	M Nov 27	M Nov 26
Fall Term instruction ends, 1:10 p.m.	Sa Dec 6	Sa Dec 12	Sa Dec 11	Sa Dec 9	Sa Dec 8
Independent study period begins	Sa Dec 6	Sa Dec 12	Sa Dec 11	Sa Dec 9	Sa Dec 8
Final Examinations begin	Th Dec 11	Th Dec 17	Th Dec 16	Th Dec 14	Th Dec 13
Final Examinations end	W Dec 17	W Dec 23	W Dec 22	W Dec 20	W Dec 19
Christmas recess begins, 10:00 p.m.	W Dec 17	W Dec 23	W Dec 22	W Dec 20	W Dec 19
Final Grades due	W Jan 7	W Jan 13	W Jan 12	W Jan 10	W Jan 9

Registration					
Old students	F Jan 16	F Jan 22	F Jan 21	F Jan 19	F Jan 18
New students	Sa Jan 17	Sa Jan 23	Sa Jan 22	Sa Jan 20	Sa Jan 19
Spring Term instruction begins, 7:30 a.m.	M Jan 19	M Jan 25	M Jan 24	M Jan 22	M Jan 21
Spring Recess:					
Instruction suspended, 1:10 p.m.	Sa Mar 14	Sa Mar 20	Sa Mar 18	Sa Mar 17	Sa Mar 16
Instruction resumed, 7:30 a.m.	M Mar 23	M Mar 29	M Mar 27	M Mar 26	M Mar 25
Spring Term instruction ends, 1:10 p.m.	Sa May 9	Sa May 15	Sa May 13	Sa May 12	Sa May 11
Independent study period begins	Sa May 9	Sa May 15	Sa May 13	Sa May 12	Sa May 11
Final Examinations begin	Th May 14	Th May 20	Th May 18	Th May 17	Th May 16
Final Examinations end	W May 20	W May 26	W May 24	W May 23	W May 22
Commencement Day	F May 29	F Jun 4	F Jun 2	F Jun 1	F May 31

CALENDAR C - EXISTING (PRESENT) CORNELL UNIVERSITY CALENDAR

	1969-70	1970-71	1971-72	1972-73	1973-74
Labor Day	M Sep 1	M Sep 7	M Sep 6	M Sep 4	M Sep 3
Fall Term instruction begins, 7:30 a.m.	M Sep 15	M Sep 14	M Sep 13	M Sep 11	M Sep 17
Thanksgiving Recess:					
Instruction suspended, 1:10 p.m.	W Nov 26	W Nov 25	W Nov 24	W Nov 22	W Nov 21
Instruction resumed, 7:30 a.m.	M Dec 1	M Nov 30	M Nov 29	M Nov 27	M Nov 26
Christmas Recess:					
Fall Term instruction ends, 1:10 p.m.	Sa Dec 20	Sa Dec 19	Sa Dec 18	Sa Dec 16	Sa Dec 22
Independent study period begins	M Jan 5	M Jan 4	M Jan 3	M Jan 3	M Jan 7
Final Examinations begin	M Jan 12	M Jan 11	M Jan 10	M Jan 8	M Jan 14
Final Examinations end	Tu Jan 20	Tu Jan 19	Tu Jan 18	Tu Jan 16	Tu Jan 22
Intersession begins	W Jan 21	W Jan 20	W Jan 19	W Jan 17	W Jan 23
Spring Term instruction begins, 7:30 a.m.	M Feb 2	M Feb 1	M Jan 31	M Jan 29	M Feb 4
Spring Recess:					
Instruction suspended, 1:10 p.m.	Sa Mar 28	Sa Mar 27	Sa Mar 25	Sa Mar 24	Sa Mar 30
Instruction resumed, 7:30 a.m.	M Apr 6	M Apr 5	M Apr 3	M Apr 2	M Apr 8
Spring Term instruction ends, 1:10 p.m.	Sa May 16	Sa May 15	Sa May 13	Sa May 12	Sa May 13
Independent study period begins	M May 18	M May 17	M May 15	M May 14	M May 20
Final Examinations begin	M May 25	M May 24	M May 22	M May 21	M May 27
Final Examinations end	Tu Jun 2	Tu Jun 1	Tu May 30	Tu May 29	Tu Jun 4
Commencement Day	M Jun 8	M Jun 7	M Jun 5	M Jun 4	M Jun 10

Provost Dale Corson called the meeting to order at 4:35 p.m. with 214 members in attendance. He called the attention of the Faculty to the fact that the remarks attributed to Professor Wesley E. LeMasurier in the Minutes of September 18 at page 9 should properly have been attributed to the Professor of Geological Sciences, Shailer S. Philbrick. He then asked whether there were any other corrections or additions, and there being none, the minutes were declared approved as corrected.

1. NECROLOGY

The Provost then announced the death of:

Frederick S. Erdman, Emeritus Professor of Mechanical Engineering, on September 22, 1968

Zoltan I. Kertesz (retired), Professor of Chemistry - Geneva, on August 23, 1968

2. PRESIDENTIAL REMARKS UPON "THE GOVERNANCE OF THE UNIVERSITY"

The Provost announced that there was no formal agenda fixed for this meeting. Instead, the Faculty Council had invited the President to share with the Faculty his reflections upon what might be called "The Governance of the University."

The President opened his remarks by warning the Faculty that he approached his subject with an enormous sense of diffidence, that he was still a learner. He had been invited by the Faculty Council to address the Meeting and, therefore, he proposed to adopt the role of agent provocateur by rendering articulate some views on the problem of governance of the modern university. This topic, of course, had recently received a great deal of attention and the outpouring of literature had become enormous. The President said that personally he visualized the governance of a modern university in terms of a five-dimensional game of chess. True enough, the game might not exist, but it would have to be invented

because only then could the mutually dependent variables constituting a university policy be seen in their true light. For the moment, however, he would attempt verbally to portray his picture of the scene in terms of its five elements: mission, administration, structure, priorities and style.

Mission today consisted of three interrelated functions. Instruction and research, of course, were fundamental. The creation of land grant colleges, however, had added the feature that instruction and research were to be carried on with reference to the public interest. Indeed, this trinitarian emphasis on education, research and public service at one in the same time made American universities unique and was the source of their unique problems.

More recently there had developed a demand that the universities should solve contemporary public and social problems by involving themselves qua institutions directly in the political and social affairs of the society around them.

Concomitantly, when the society itself was experiencing a period of unrest, the universities were being held up as examples of communities ruled by reason, or, to use a traditional phrase, micro-societies where "civility" was triumphant. The universities were being asked to perform the role of model democracies. In short, therefore, a university had to accomplish its three traditional missions while it was now subject to two possibly mutually incompatible pulls, one to become involved in society at large and the other to set an internal example of civility for that outside society.

In order that these missions can be accomplished, a university had to be a structured institution. First and foremost, of course, came the Faculty which, in many ways, is the University. It is the Faculty, after all, which sets the educational standards of a university and, indeed, it is the Faculty whose conduct largely determines civility within the community. The individual faculty

member being at one and the same time a member of a department, a college or school, and the University Faculty. The Faculty is able to influence the decision-making process at each level wherever decisions are made. The President in reality simply tries to crystallize consensus as it evolves out of these several levels. The President is not, however, a passive recipient of consensus solutions since he often must actively seek out what it is the Faculty wants. Indeed, he often has to imagine as best he can what they want, using his ability to discern their desires by soliciting individual responses to the question at hand and then using his best calculated judgment as to overall sentiment.

The Trustees represent the University as a chartered legal entity and are the repository of legal authority. In this regard Cornell is unique in having an extraordinary system of selection whereby its Board runs the gamut of gubernatorial and AFL/CIO appointees through Faculty elected members to a Grange selected member. The truth of the matter, as distinguished from myth, is that the Trustees insulate the University from government, alumni, and others bent upon subjecting the University to their will. Indeed, the very fact that the Board is able to insist that "we are" the University has created, not a dead hand upon change within the University, but a barrier against the imposition of unwanted change from without.

Paradox upon paradox, whereas de jure power rests with the Trustees, they have exercised that power so that de facto power rests more or less in the Faculty and clearly with the Faculty and Administration. The Trustees, rather than initiating decisions relative to curriculum, discipline and budget, have supported Faculty-Administration decisions in these regards so long as they have been assured that these decisions have been supported by adequate homework which guarantees their reasonableness. The scenario of change, rather than being initiated by the Trustees, has simply been rehearsed before them to insure that the script is practically viable.

Vital to any inventory of structure are the Students. Here, however, paradox does abound. On the one hand are heard voices demanding "participation" in every aspect of the decision-making process, whereas on the other hand voices cry in favor of "withdrawal" and collective confrontation. Granted confrontation is a contemporary phenomenon, this confrontation tends to atomize itself into ad hoc interest groups interested in particular issues rather than overall policy.

Last, but hardly least, the Staff must figure in any analysis of structure because they figure so large and so significantly in the operations of a modern university. Recently some segments of Staff have begun to think in terms of unions as the key to implementing their voices within the formal structure. Indeed, a crucial, but often overlooked, question now confronting the modern university is how to bring these dedicated people into a posture where rightly they may feel their opinions heard without relying too heavily on the makeweight of forces outside and alien to the unique concept of a University Community.

Thus far, of course, the inventory has concerned itself with formal segments of university structure. There are, however, informal elements to be considered which, for the sake of convenience, might be labelled "Participating Parties." The alumni, for example, can hardly be ignored considering their monetary contributions and their exhortations in favor of Cornell. Government, both in Albany and Washington, threatens to become not merely a helpmate in terms of funds, but a partner in terms of strictures, witness the latest idea to condition contributions to scholarship aid upon non-participation in demonstrations. Labor unions, inevitably, are looming larger upon the scene. Professional associations, witness the recent over-adulatory visits to both the law and architecture schools, are hardly to be discounted for the influence they have. The various education associations, be they the American Association of Universities or the Association of Land Grant Colleges, cannot be ignored. Lastly, the impact of the sundry

foundations must be taken into account, particularly since these institutions have begun to formulate their own ideas about how programs in the universities ought to be developed and administered.

Any inventory of priorities must be premised upon the rock of achieving a quality educational and research program. The ultimate litmus test of any administrative or financial decision must, in the very nature of things, be: does it or does it not improve the educational program? Still, attaining a posture where decisions in favor of change and innovation can be implemented must likewise be inventoried as a priority. Similarly, the University must seek to perfect the quality of its environment, a quest which runs the spectrum of fraternity social issues to the intricacies of landscape gardening. Community building is equally a challenge today as the pervasive weakening of the social glue evident in society at large makes it increasingly difficult to keep the constituent parts of the University working together in harmony. The enigma central to this quest may be summed up in a question: how does one make a group out of disparate persons each of whom has a healthy interest in anarchy? Still, situate as it is in a rural setting, Cornell does have the advantage that its Faculty lives in and about the Community and are not merely a set of day hops.

Listed among priorities, of course, was the goal of financial stability. In these days this really boiled down to the hope that income could be kept within hailing distance of expenditure. Similarly, the aims of autonomy and of public support presented their own unique challenge since it was becoming increasingly clear that federal money was going to be absolutely fundamental if the University was going to remain a viable institution. Indeed, the University was growing at a rate in excess of the national average, a phenomenon which reflected that a choice had been made to accelerate university growth. If this was to continue, there were predictions already gaining currency that by 1980 at least fifty percent of the budget would consist of federal funds.

Thus the governance of a modern university involved questions pertaining to mission, administration, structure and priorities: still to be considered was the question of the style in which the University approached these problems. Almost absolute was the fact that free thought and free expression were the sine qua non of the very concept of a university. Still, everyone had the responsibility not to offend needlessly others' sensibilities when these freedoms were exercised, and, similarly, everyone owed the duty to others to respect their rights to exercise these freedoms. At the same time, everyone must endeavor to keep the University flexible and able to adapt itself to changing circumstances lest, content with its own past responses, the Community fall victim of its own conventional wisdom.

The golden thread running through this catalog of mutually dependent pieces which made up the modern university was the palpable fact that there were people listening to anyone who has something to say. Granted that these constituent parts presented an ongoing and ever-changing mix which seemed to lack a definite overlay of order, the President concluded his remarks by emphasizing his belief that governance worked best when the constituent parts remained unstructured, so long as communication channels were open among all of the parts so that balances might be struck appropriate to each problem as it developed.

The Provost thereupon asked the Faculty whether they had any questions, comments or observations to make upon these matters.

The Frederic J. Whiton Professor of English, Meyer H. Abrams, inquired whether the President had any comment to make upon recently uttered criticisms of the sale of the Cornell Aeronautical Laboratory to a profit-making organization.

The President responded by observing that it was always refreshing to notice the Faculty interest in returning from the general to the particular. The fact of the matter was that once the decision to sell CAL had been made, a committee

of the Board of Trustees had been created to canvass the market. Most of the offers received were unacceptable because they were made by firms which were themselves involved in the military hardware market and acceptance of these offers would have destroyed CAL as an independent testing center. Out of the remaining offerors, priority had been accorded to those who were science oriented. The choice thereupon devolved upon EDP which had offered 25 million dollars, one-half in cash and one-half in terms of a short term debt. This debt was not to be repaid out of the profits of CAL but was contingent upon the overall success of EDP. True enough, the participants in CAL had at one time offered to finance the purchase themselves at four and one-half millions. It was not until the penultimate moment that CAL made an offer of 12 millions, but by this time negotiations were proceeding apace in terms of a figure twice that amount.

Whereas the CAL offer was rejected, it should be born in mind that offers larger than the EDP offer were rejected because the activities of the offerors were manifestly incompatible with the continued existence of CAL as an independent laboratory. At the same time, recent prognostications seemed to indicate that the future of non-profit laboratories is not particularly promising because government has begun to cut back on its overall expenditures for research and has begun to spend its remaining, limited monies in its own installations. EDP may be able to inject much needed new capital into the CAL operation, therefore, at a crucial time when CAL must re-adjust its operations in light of the shrinking government market. On balance, therefore, the recent sale seemed to meet the requirement that CAL be insured of its continued independence, so far as is practical, and at the same time, be assured of a future in a changing financial environment.

The Associate Professor of Aerospace Engineering, Donald L. Turcotte, took the floor to explain that, aerospace-wise, the independent atmosphere at CAL was unique, comparable only to the Bell Telephone or the Schenectady General Electric installations. The aerospace men, who represented 40 out of the 85 Ph. D's at

CAL, unanimously favored the purchase of CAL by its own personnel. As it was they were now free to do any research they wanted provided they could find the money to support their inclinations. To be subsumed within a larger organization, they felt, spelled doom to their independence. Indeed, they regarded recent events as a "betrayal," since, at least in their minds, they had built CAL.

The Associate Professor of Aerospace Engineering, P.C.T. de Boer, followed to continue an extrapolation upon the theme that many CAL engineers were unhappy. Indeed, he had been told that, whereas some EDP people talked in terms of growth rather than returns, the finance people at EDP were bent upon floating a new stock issue. Stock issues, however, required a good return on investment, which meant that EDP must expect profits out of their CAL venture, profits far in excess of any return compatible with a laboratory operated in the CAL-style. Feeling at CAL was rampant that the institution, as its members had known it, was in jeopardy.

The Professor of Animal Nutrition, Robert J. Young, asked the President to evaluate the effectiveness of the avenues of communication operative with the structure of the University as he had portrayed it.

In response, the President opined that communications between the Administration and Trustees were excellent, and those between the Faculty and Trustees were better than average because of the existence of four elected Faculty members on the Board. Interplay between Students, Faculty and Administration seemed adequate, particularly in light of the fact that the Faculty Council could respond immediately, along with the Code Administrator and the Dean of Students to insure communications among all three segments in the event of a crisis. The role of the President in an emergency was not all that clear. Speaking for himself, he visualized his function as a kind of switchboard operator who called upon representatives of the three constituencies to meet in order to iron out an emergency. Indeed, he saw his role as that of one who expedited communications among those concerned with a given problem so that it could be worked out by the Community in an atmosphere of normalcy.

The Goldwin Smith Professor of English, Robert H. Elias, inquired whether the President could visualize a clear line of demarcation between the things which properly were concerns of the Trustees and things which were the sole concern of the Faculty, especially in light of the Trustees not responding to the Faculty's resolution favoring disengagement from the fraternities.

In response, the President explained that it was well nigh impossible to visualize a system of rigid definition of responsibility working in practice. For example, policy-wise, the Trustees could agree completely with Faculty sentiment about the fraternity system. Whereas the Faculty could resolve, as matter of principle, that fraternities should be dissolved, the Trustees had to consider the impact of their similar proclamation upon the housing scene. Should the Trustees announce simply that fraternities were to be abolished, practical details such as repairs at the several houses should cease and, absent the instant creation of alternative housing, the housing situation would actually worsen. The Trustees, therefore, had to make the attempt to balance the raw facts of logistics with their desire to respect Faculty responsibility and authority over education policy. In theory, of course, it might be possible to authorize the Faculty to have an absolute voice in the fraternity question and, perforce, authorize it to declare the fraternity system at an end. In a real world, however, this authorization would require the Faculty at the very same time to assume the coordinate responsibility for looking after the housing and dining needs of the University in order to devise immediate alternatives to offset the impact of their decision. True enough, the current compromise was necessitated by the existence of a grey area in which the concerns of the Trustees and Faculty overlapped, but the President did not believe the Faculty was yet willing to pay the price necessary to see the grey area removed in favor of a neat black and white equation.

Whereupon the meeting adjourned at 6:07 p.m.

Ernest F. Roberts
Secretary

The Provost called the meeting to order at 4:35 p.m. with 122 members in attendance. He asked whether there were any corrections or additions to the minutes of the Meeting of October 9, and there being none, he declared them approved as distributed. (Subsequently, the Secretary was informed of an addition on Page 6, whereat the problem posed by the Goldwin Smith Professor of English, Robert H. Elias, should not have ended with a period but instead, after a comma, should have continued to read "especially in light of the Trustees not responding to the Faculty's resolution favoring disengagement from the fraternities.")

1. ADVICE CONCERNING NEW BUSINESS PROPOSED BY FCSA.

The Provost advised the Faculty that, should time permit, the Faculty Committee on Student Affairs would move an amendment to the Faculty legislation on FCSA in order to add a graduate student as a voting member of that body.

2. THE REPORT OF THE COMMITTEE ON NOMINATIONS.

The Provost called for the report of the Committee on Nominations. The inclement weather having prevented any members of the committee from attending the Meeting, the Secretary, acting for the Dean of the Faculty, presented a slate of two candidates for the position of member of the Committee on Academic Freedom and Tenure:

Joan R. Egner, Assistant Professor of Education Administration,
College of Agriculture

Charles H. Uhl, Associate Professor of Botany, College of Agriculture

The Provost asked whether there were further nominations from the floor. The Professor of Mechanical Engineering, David Dropkin, placed in nomination, with a second supporting him, the name of

Bart J. Conta, Professor of Mechanical Engineering, College of Engineering

There being no further nominations from the floor, a motion to approve the slate

was made, a second followed, and approval was accorded without dissent.

The Secretary then presented a slate of four candidates for two positions on the Adjudicatory Boards:

Joseph B. Bugliari, Associate Professor, Agricultural and Business Law, College of Agriculture and Graduate School of Business and Public Administration

Frederic Freilicher, Assistant Professor, Industrial and Labor Relations

George M. von Furstenberg, Assistant Professor of Economics, College of Arts and Sciences

Richard L. Ragatz, Assistant Professor of Housing and Design, College of Home Economics

The Provost asked whether there were further nominations from the floor. There were none. A motion to approve the slate was made, a second followed, and the slate was approved without dissent.

3. THE REPORT OF THE COMMITTEE ON CALENDAR.

The Provost called upon the Professor of Mathematics, Paul Olum, to present the report of the Committee on Calendar.

Professor Olum explained that current thinking about the calendar had crystallized around five options. Choice "A" was a calendar built around an early opening and early closing of the academic year. This calendar provided for a complete Fall Term, including examinations, before the Christmas recess. This necessitated commencing the academic year before Labor Day. While this calendar was the best option according to student opinion, the early opening wrecked havoc among a number of the sciences which depended upon Faculty attendance at national and international conferences in the Autumn and upon field work in the late Spring.

Calendar "B," using as it did a Fall Term of 13 weeks and a Spring Term of 15 weeks to accomplish the purposes of "A" without the need for such an early opening date, was a late entry in the array and had not garnered any significant support. This was explainable, perhaps, in light of the fact that even this expedient required a start to the academic year at Labor Day.

Calendar "C" was the current calendar. It was the second choice of the students. Whereas it did wind up classes before the Christmas recess, examinations were held over until after that recess. Its greatest defect, perhaps, was that it provided a temptation for some Faculty members to wind up their Fall Term courses with papers or prelims before the Christmas recess, thus creating some courses within the University which ran according to their own privately scheduled twelve and one-half week semester.

Calendar "D" was the old calendar, which had been criticized because it required two weeks of Fall Term classes after the Christmas recess. Further, there was little time provided between the two terms to prepare for the Spring Term.

Calendar "E," often referred to as the Quarterly System, had to be carefully described. It was not the Quarterly Calendar since there were innumerable variants of the so-called quarterly calendar. What was really symbolized by this option was any yet-to-be devised calendar which would see examinations wound up before the Christmas recess but which would not necessitate an early opening of the academic year. Indeed, a calendar built around two ten-week terms and a five-week term might do the trick. The point was that Calendar "E" was an option whereby, rather than adopt any of the other four choices, the Faculty could launch a study out of which might come a calendar mutually acceptable to the various constituent units of the Faculty and to the students.

The Committee had itself rejected choice "A" because of its untoward impact upon the activities of many segments of the Faculty. Similarly, choice "B" had been discarded because it had failed to generate any significant support. Originally the Committee had decided that the time was ripe for the Faculty to make a clear cut decision between either choices "C" or "D" and be done with the matter. The students had in the meantime, however, been polled and, however questionable some of the polling techniques, it was clear that they were overwhelmingly opposed to

choice "D." The Committee then concluded that it could not recommend to the Faculty that it choose "D" as one alternative when the very suggestion of this choice manifested a refusal to take into account student desires. Thus, the Committee concluded that it would recommend that the Faculty keep the present calendar for another year and authorize the Committee to study the feasibility of a Quarterly solution to the current impasse. Professor Olum moved, therefore, that it be resolved that the present calendar be reaffirmed for the 1969-70 academic year. The motion was duly seconded.

The Professor of Physics, Nuclear Studies, Jay Orear, thereupon presented a substitute motion, to-wit, that it be resolved that Calendar "D," the old calendar, be adopted for the 1969-70 academic year. After a second was appended to his motion, Professor Orear proceeded to speak in support of it. He pointed out that even calendar "C" called for a relatively early start to the academic year and interfered not merely with attendance at conferences elsewhere but prevented hosting conferences here. There was pressure from students under the current calendar to wrap up courses before the Christmas recess as well the personal temptation to do so. In truth, retention of Calendar "C" would in time evolve into acquiescence in a twelve and one-half week Fall Term. Theories of post-Christmas independent study notwithstanding, the current calendar really provided for a forty-four day intellectual hiatus at mid-year. Interestingly enough, this vacation, for that in truth was what it was, cost the students more for housing and dining since help lay idle yet employed during this period. True, some people protested vehemently against the resumption of Fall Term classes after Christmas, but he saw a pedagogical merit in the old system which required the students to relearn their pre-Christmas material.

Further discussion revealed an interest among some Faculty members in the exhibits appended to the Committee's report which illustrated Calendar "D" and in

how disciplines other than the sciences managed, if they did, to attend conferences during the academic year.

The Susan Linn Sage Professor of Philosophy, Max Black, suggested that the issue raised by the substitute motion was whether or not to return now to the old calendar. He suggested that, having recently adopted the current calendar, the Faculty ought to give it a fair trial. On this ground alone he felt obliged to vote against the substitute motion. Whereas, for example, some people objected to the current calendar because it interfered with Autumn conferences, others valued the mid-year block of time during which they could enjoy their own intellectual pursuits in a period of tranquility. Whether there was any educational advantage in resuming Fall Term classes after Christmas was something about which the evidence was contradictory. Indeed, if one was going to posit pedagogical theories, the safest bet was that it probably is bad pedagogy needlessly to make students do something they did not want to do. This, indeed, was the very point involved here; to readopt the old calendar at this time would necessitate imposing upon the students the very calendar they most disliked.

The Professor of Business History and Transportation, John G. B. Hutchins, explained that he had seconded the substitute motion because he was puzzled by this felt need among the students to wind up the Fall Term before Christmas. The recess, after all, had always provided a period during which students could catch up on their work. If, in truth, students really were bent upon dashing through a complete semester without any hiatus in which to collect themselves, then there ought to be a student demand for abolishing the Spring vacation. The Professor of Small Animal Medicine and Surgery, Robert W. Kirk, followed with the observation that the poll at his school indicated that the third year class, having had experience with both calendars, preferred the old calendar, presumably for the reason adumbrated by Professor Hutchins. Professor Olum conceded that he did not fully

understand the reasons which prompted the students to want to sit for their examinations before the Christmas recess. The fact was, however, that they did care very deeply about this particular point and that they felt that the Faculty should be responsive to their desires. In light of their wants, a Faculty decision to return to the old calendar would be a flat assertion that the Faculty was simply not responsive to student felt needs on an issue where the Faculty could respond without jeopardizing the educational program.

Further discussion revealed that a number of those present agreed that the Faculty would make themselves appear somewhat foolish if they precipitously jettisoned the calendar they had so recently adopted. At the same time, the discussion also revealed a disposition among some members that, if today's action launched still another study of the calendar, it would be better to terminate the question once and for all by choosing either to stick with the current calendar or return to the old one. Still others expressed the belief that any return to the old calendar ought only to be accomplished by involving the students in the decision-making process which, perforce, would necessitate another study of the calendar question.

Calls for the questions were now prevalent among the assembly and the Provost called for a vote on the substitute motion. The motion was defeated on a voice vote.

4. ACTION UPON THE MOTION TO RETAIN THE CURRENT CALENDAR.

The Provost thereupon restated the main motion:

RESOLVED, That the present calendar be re-affirmed for the 1969-70 Academic Year.

After a motion to table both motions of the Committee was ruled out of order because only one motion was currently on the floor, the vote was taken. The main motion was carried by a voice vote.

5. FURTHER STUDY OF THE CALENDAR PROPOSED.

Professor Olum thereupon moved the adoption of the Committee's second recommendation:

- RESOLVED, (1) That the Committee on the Calendar undertake a study of new calendars, as indicated in its report of November 13, with the goal of finding a suitable one which would start the first session reasonably after Labor Day and complete it before Christmas vacation;
- (2) That for the purposes of this study the Committee appoint a special subcommittee which will include significant student representation;
- (3) That the Committee be charged to report to the Faculty on the feasibility of such a calendar before the end of the present academic year.

The motion was duly seconded.

The Professor of Industrial and Labor Relations, Fred Slavick, took the floor to oppose the proposed study. He suggested that this proposal did not involve simply a committee engaged in its own deliberative process, but would necessitate each and every school and department in the University busy itself evaluating the impact of any novel calendar upon its program. Even if the mechanics of such a calendar could be worked out, there would still be no hard evidence from which to deduct what might be the educational impact of this calendar. Debates were now rampant over the educational value of the old calendar's lame duck class sessions after Christmas, and this was a phenomenon with which everyone had had actual experience. In short, whereas the Faculty could not now agree on even the details of calendars with which it had had experience, how would it ever agree on the merits of a wholly new calendar with which it had no prior experience. The motion looked to developing a consensus, but experience proved that the prospects for consensus on any calendar were nil. The project, therefore, fated as it was to fail to achieve a consensus, was simply not worth the vast in-pu of effort it would require.

The Vice President for Research and Advanced Studies, the Professor of Chemistry, Franklin A. Long, suggested that recent experience clearly evidenced a strong desire upon the part of students to participate in the making of decisions affecting them. These desires to participate in and of themselves would justify the Faculty in authorizing another study simply to give the students a chance to see whether they could accomplish something in conjunction with the Faculty.

Further discussion revealed concern among some members that the motion as worded precluded the possible recommendation by the Committee of calendar "A," whereas others had the same concern over the ultimate fate of calendar "D." A motion was made to amend the main motion to include calendar "A" within the options available to the Committee and this motion was seconded when it was rephrased to include both calendars "A" and "D." Professor Olum explained that these motions reflected concern over a non-existent worry. While a subcommittee might be charged with the task of developing a new calendar, the Committee itself was ultimately going to have to weigh this proposal along with calendars "A" and "D" before making any recommendation. At this point the motion to amend was withdrawn and, amidst calls for the question, further efforts to edit the Committee motion were abandoned.

The discussion ultimately revealed disagreement between those members who felt that the proposed study of the calendar question was a mere sop to student opinion and not worth the effort, and those who felt that the only way to encourage responsible student opinion was to give them the opportunity to study problems such as this in a responsible way.

6. ACTION UPON THE PROPOSAL FOR FURTHER STUDY OF THE CALENDAR

The Provost thereupon restated the motion.

RESOLVED, (1) That the Committee on the Calendar undertake a study of new calendars, as indicated in its report of November 13, with the goal of finding a suitable one which would start the first session reasonably after Labor Day and complete it before Christmas vacation;

- (2) *That for the purposes of this study the Committee appoint a special subcommittee which will include significant student representation;*
- (3) *That the Committee be charged to report to the Faculty on the feasibility of such a calendar before the end of the present academic year.*

Whereupon the Provost called for a voice vote upon the motion and it was carried.

The meeting was adjourned at 5:55 p.m.

E. F. Roberts
Secretary

Report of the Calendar Committee

Introduction

At its meeting on September 18, the University Faculty returned the question of a new calendar to the Faculty Council for further deliberation. The Council in turn, through the Dean, asked the Committee on the Calendar to undertake such deliberations and to report again at the meeting of November 13, 1968. This is that report.

To facilitate the considerations of the Faculty, three calendars are appended here: Calendar A (early start-early finish), Calendar C (present calendar), and Calendar D (old style but 14 week semesters). The previous Calendar B (13-15 week) has been omitted since there has been almost no Faculty support for it (presumably because it starts almost as early as Calendar A and because the unequal terms make course presentation difficult).

There is one further type of calendar, the quarter system, which has been much discussed and of which many alternate versions have been proposed; no example of this is attached since there is no conceivable possibility of the Faculty's adopting such a calendar for the academic year 1969-70, and since a fair amount of study is needed yet even to draw up a satisfactory proposal.

Discussion

Briefly, the situation after the meeting of September 18 was the following: The Faculty had twice failed to accept Calendar A and a significant portion of the Faculty had stated that starting before Labor Day was extremely difficult and possibly damaging to some departments. Letters since the meeting from faculty members in a number of departments have supported this view. This calendar seems then unacceptable to the Faculty.

For a time the Committee believed therefore that the Faculty should be offered a clear choice between Calendars C and D for next year (accompanied by a possible study of other calendars for the longer range future). In the meantime, however, the students have been extensively polled. While there are serious deficiencies in some of the polling techniques, all the evidence clearly indicates that the students overwhelmingly favor a calendar which will complete all academic work (including examinations) before Christmas vacation, even if this means starting classes the last week in August. Their second choice appears quite strongly to be the present form of calendar, Calendar C. The one calendar most vigorously opposed by the students is Calendar D.

Since it is clear that the Faculty should take serious account

of student needs and desires in the adoption of a calendar, the Committee feels that it must oppose Calendar D, at least for the academic year 1969-70.

As a result, the Committee unanimously recommends that we continue with the present calendar for at least one more year (i.e. through '69-'70). A number of suggestions have been made by faculty members for various detailed revisions (e.g., longer class periods, no independent study, etc.) but we did not think it wise to adopt any of them now for next year.

This brings us up to the matter of the calendar beyond next year. A distinct majority (2/3) of the Committee believes that a strong effort should be made to work out a calendar which would satisfy both the desire to end before Christmas and the desire to start somewhat after Labor Day. Possibilities include any of the three or four versions of the quarter system which have been mentioned or conceivably some other method (e.g., three unequal terms, which is used at some schools). Such a calendar would involve study and radical changes which would need a year or so for implementation. It would probably require the work of a special committee, hopefully of more or less equal faculty and student representation.

The remaining members of the Committee (1/3) feel that the present calendar is the best possible compromise among the various conflicting needs and that the extensive time and effort of a further study is not justified.

Recommendations

- I. RESOLVED, That the present calendar be reaffirmed for the 1969-70 academic year.

Note: Technically no resolution is needed here, since if no action is taken the present calendar would automatically continue. However, this will give a focus for discussion and a hanger for attaching amendments, substitute motions, etc. Also, if it is passed it will terminate the matter.

One further observation needs to be made. Although no new legislation is required, the Faculty should recognize that in continuing the present calendar it is bound by its own earlier legislation with regard to the examination period. When individual faculty members give final examinations or so-called "final prelims", or require the completion of term papers, before Christmas vacation, or (in undergraduate courses) simply cancel final examinations altogether, they are seriously damaging the Faculty's efforts to achieve an effective academic program. If the Faculty wanted a $12\frac{1}{2}$ week term with no independent study period and a single week of examinations, it would say so.

- II. RESOLVED, (1) that the Committee on the Calendar undertake a study of new calendars, as indicated in its report of November 13, with the goal of finding a suitable one which would start the first session reasonably after Labor Day and complete it before Christmas vacation;
- (2) that for the purposes of this study the Committee appoint a special subcommittee which will include significant student representation;
- (3) that the Committee be charged to report to the Faculty on the feasibility of such a calendar before the end of the present academic year.

Paul Olum, Arts & Sciences - Chairman
Harold Bierman, Business & Public Administration
Alice J. Davey, Home Economics
Burnham Kelly, Architecture
R. W. Kirk, Veterinary College
Fred Slavick, Industrial & Labor Relations
J. J. Wanderstock, Hotel School
E. N. Warren, Law School
H. F. Wiegandt, Engineering
R. J. Young, Agriculture
R. D. Miller, Dean - ex officio
R. P. Jackson, Registrar - ex officio
D. H. Moyer, Asst. to Provost - ex officio
Student Consultant - M. Sandler, '69

CALENDAR A - 14 WEEKS OF INSTRUCTION EACH TERM - FALL TERM EXAMINATIONS BEFORE CHRISTMAS

	1969-70	1970-71	1971-72	1972-73	1973-74
Labor Day	M Sep 1	M Sep 7	M Sep 6	M Sep 4	M Sep 3
Registration:					
New students	M Sep 1	M Aug 31	M Aug 30	M Aug 28	M Aug 27
Old students	Tu Sep 2	Tu Sep 1	Tu Aug 31	Tu Aug 29	Tu Aug 28
Fall Term instruction begins, 1:25 p.m.	W Sep 3	W Sep 2	W Sep 1	W Aug 30	W Aug 29
Thanksgiving Recess:					
Instruction suspended, 1:10 p.m.	W Nov 26	W Nov 25	W Nov 24	W Nov 22	W Nov 21
Instruction resumed, 7:30 a.m.	M Dec 1	M Nov 30	M Nov 29	M Nov 27	M Nov 26
Fall Term instruction ends, 1:10 p.m.	Sa Dec 13	Sa Dec 12	Sa Dec 11	Sa Dec 9	Sa Dec 8
Independent study period begins	Sa Dec 13	Sa Dec 12	Sa Dec 11	Sa Dec 9	Sa Dec 8
Final Examinations begin	W Dec 17	W Dec 16	Th Dec 16	Th Dec 14	Th Dec 13
Final Examinations end	Tu Dec 23	Tu Dec 22	W Dec 22	W Dec 20	W Dec 19
Christmas recess begins 10:00 p.m.	Tu Dec 23	Tu Dec 22	W Dec 22	Th Dec 21	Th Dec 20
Final Grades due	Sa Jan 10	Sa Jan 9	Sa Jan 8	Sa Jan 6	Sa Jan 5

Registration:					
Old students	F Jan 23	F Jan 22	F Jan 21	F Jan 19	F Jan 18
New students	Sa Jan 24	Sa Jan 23	Sa Jan 22	Sa Jan 20	Sa Jan 19
Spring Term instruction begins, 7:30 a.m.	M Jan 26	M Jan 25	M Jan 24	M Jan 22	M Jan 21
Spring Recess:					
Instruction suspended, 1:10 p.m.	Sa Mar 21	Sa Mar 20	Sa Mar 18	Sa Mar 17	Sa Mar 16
Instruction resumed, 7:30 a.m.	M Mar 30	M Mar 29	M Mar 27	M Mar 26	M Mar 25
Spring Term instruction ends, 1:10 p.m.	Sa May 9	Sa May 8	Sa May 6	Sa May 5	Sa May 4
Independent study period begins	Sa May 9	Sa May 8	Sa May 6	Sa May 5	Sa May 4
Final Examinations begin	Th May 14	Th May 13	Th May 11	Th May 10	Th May 9
Final Examinations end	W May 20	W May 19	W May 17	W May 16	W May 15
Commencement Day	F May 29	F May 28	F May 26	F May 25	F May 24

CALENDAR C - EXISTING (PRESENT) CORNELL UNIVERSITY CALENDAR

	1969-70	1970-71	1971-72	1972-73	1973-74
Labor Day	M Sep 1	M Sep 7	M Sep 6	M Sep 4	M Sep 3
Fall Term instruction begins, 7:30 a.m.	M Sep 15	M Sep 14	M Sep 13	M Sep 11	M Sep 17
Thanksgiving Recess:					
Instruction suspended, 1:10 p.m.	W Nov 26	W Nov 25	W Nov 24	W Nov 22	W Nov 21
Instruction resumed, 7:30 a.m.	M Dec 1	M Nov 30	M Nov 29	M Nov 27	M Nov 26
Christmas Recess:					
Fall Term instruction ends, 1:10 p.m.	Sa Dec 20	Sa Dec 19	Sa Dec 18	Sa Dec 16	Sa Dec 22
Independent study period begins	M Jan 5	M Jan 4	M Jan 3	M Jan 1	M Jan 7
Final Examinations begin	M Jan 12	M Jan 11	M Jan 10	M Jan 8	M Jan 14
Final Examinations end	Tu Jan 20	Tu Jan 19	Tu Jan 18	Tu Jan 16	Tu Jan 22
Intersession begins	W Jan 21	W Jan 20	W Jan 19	W Jan 17	W Jan 23
Spring Term instruction begins, 7:30 a.m.	M Feb 2	M Feb 1	M Jan 31	M Jan 29	M Feb 4
Spring Recess:					
Instruction suspended, 1:10 p.m.	Sa Mar 28	Sa Mar 27	Sa Mar 25	Sa Mar 24	Sa Mar 30
Instruction resumed, 7:30 a.m.	M Apr 6	M Apr 5	M Apr 3	M Apr 2	M Apr 8
Spring Term instruction ends, 1:10 p.m.	Sa May 16	Sa May 15	Sa May 13	Sa May 12	Sa May 18
Independent study period begins	M May 18	M May 17	M May 15	M May 14	M May 20
Final Examinations begin	M May 25	M May 24	M May 22	M May 21	M May 27
Final Examinations end	Tu Jun 2	Tu Jun 1	Tu May 30	Tu May 29	Tu Jun 4
Commencement Day	M Jun 8	M Jun 7	M Jun 5	M Jun 4	M Jun 10

CALENDAR D - OLD STYLE CALENDAR WITH 14 WEEKS OF INSTRUCTION EACH TERM PLUS INDEPENDENT STUDY

	1969-70	1970-71	1971-72	1972-73	1973-74
Fall Term instruction begins	W Sep 24	W Sep 23	W Sep 22	W Sep 27	W Sep 26
Christmas recess begins	S Dec 20	S Dec 19	S Dec 18	S Dec 23	S Dec 22
Instruction resumes	M Jan 5	M Jan 4	M Jan 3	M Jan 8	M Jan 7
Independent study period begins	S Jan 17	S Jan 16	S Jan 15	S Jan 20	S Jan 19
Spring Term registration old students	W Jan 21	W Jan 20	W Jan 19	W Jan 24	W Jan 23
Final examinations begin	Th Jan 22	Th Jan 21	Th Jan 20	Th Jan 25	Th Jan 24
Final examinations end	F Jan 30	F Jan 29	F Jan 28	F Feb 2	F Feb 1
Spring Term instruction begins	M Feb 9	M Feb 8	M Feb 7	M Feb 12	M Feb 11
Independent study period begins	S May 23	S May 22	S May 20	S May 26	S May 25
Final examinations begin	W May 27	W May 26	W May 24	W May 30	W May 29
Final examinations end	Th Jun 4	Th Jun 3	Th June 1	Th Jun 7	Th Jun 6

The Provost called the meeting to order at 4:35 p.m. with 260 members in attendance. He thereupon called for additions or corrections to the minutes of the regular meeting of November 13, 1968, and, there being none, declared those minutes approved as distributed.

1. NECROLOGY

The Provost announced the deaths of:

M. Lovell Hulse, Emeritus Professor of Education and former Associate Dean of the College of Arts and Sciences, on November 13, 1968.

Ralph W. Curtis, Emeritus Professor of Ornamental Horticulture, November 13, 1968.

Robert S. Stevens, Edwin H. Woodruff Emeritus Professor of Law and Dean of the Cornell Law School from 1937 to 1954, on November 17, 1968.

2. RECENT EPISODES INVOLVING THE AFRO-AMERICAN SOCIETY

The Provost told the Faculty that the President had been unable to attend the meeting because of an attack of flu and that he, the Provost, would endeavor to inform the Faculty of recent events. The problem to which he would address himself had its origins in the Economics 103 Affair of last April. (Minutes, April 10, 1968). It was made manifest then that what most Faculty members accepted as the appearance of a liberal University did not necessarily look the same from the perspective of black students. As a result of that episode efforts had been made to adapt the posture of the University to meet the problem. Discussions had been initiated relative to a program of Afro-American Studies, groups had worked throughout the summer and proposals had been formulated last September. As a result of these activities an Afro-American Studies Advisory Committee had been created, consisting of seven Faculty members, seven Afro-American Students and miscellaneous administrators. The Professor of Economics, Chandler Morse, had been named chairman

of this Committee and \$15,000 had been set aside to support their activities.

During the Fall Term the Committee had proceeded apace with their endeavors until, most recently, a problem of space had developed. Professor Morse had within the last two weeks approached the Provost with the request that the premises at 320 Wait Avenue should be set aside for the project. The large conference room in that building had already been used by persons working on the program. Since the building in question was already the site of several other activities, the Provost had suggested several alternative sites to Professor Morse. After examining the alternatives Professor Morse returned, still persuaded that 320 Wait Avenue was the best site. The Provost had thereupon dispatched the Assistant to the Provost, Donald H. Moyer, to look into the details of acquiring 320 Wait Avenue and, ultimately, after discussions with the Acting Chairman of the Department of Education, Professor Helen L. Wardeberg, it became clear that the building could be made available next Autumn. The Provost informed Professor Morse of this progress and also told him that the conference room and certain other first floor rooms might be made available earlier. Such was the state of events when at noon on Friday last the Provost first heard of the current episode involving a sign posted at the building promulgating a claim that the premises belonged to the Afro-American Society. The Provost had verified that such a claim had been posted, albeit by chewing gum rather than the more formal tacks, and that a few of the occupants of the building had been given three minutes to get out.

The Afro-American Studies Program Committee had been scheduled to meet sometime later in the same afternoon. Instead of just the usual student committee members appearing, some forty members of the Society appeared. The students thereupon voted to dissolve the committee and take charge of the program themselves. Whereas the rest of the Faculty members were invited to leave, Professor Morse was allowed to remain until such time as he could render an accounting of the funds thus far expended.

Acting pursuant to a Friday document which inventoried grievances and following extensive discussions over the weekend, the Provost and Professor Morse attended upon the Society at Wait Avenue on Monday. There they were met by a student committee of four supported by a silent but watchful audience of some forty or fifty Society members. It appeared that hence forth various groups of four members would negotiate for the Society, but never without the balance of the membership being free to witness the proceedings. Professor Morse handed over his accounting of funds and the students handed over what amounted to a proposal for a new college to be run for and by black students. This charter had space provided whereby the President could sign it on Tuesday and the Board of Trustees could endorse it on Wednesday.

Recognizing that this proposal amounted to an ultimatum, the President had responded by a letter delivered to the Society on Tuesday morning. He had endeavored to explain that he simply could not by his signature launch any new college and, at the same time, he did suggest several things which he might be able to do after discussions with the Society. In lieu of signing the charter in his office at 4:00 p.m. on Tuesday afternoon, he proposed being present at Kaufman Auditorium at 12:30 p.m. on the same day in order to discuss these issues. No one appeared at the auditorium to take up the President's invitation to open discussions, but a delegation did visit the Provost at 4:00 p.m. that afternoon. At that time they delivered a memorandum rejecting the President's initiative and announced that they would return on Wednesday, today, for the signing of the charter ceremony.

At 4:00 p.m. this day a delegation attended upon the Provost to collect the signed charter. Instead he read to them, for the benefit of their tape recorder, a letter in which the President explained his commitment to Afro-American studies and in which he distinguished the things he could do in cooperation with the Society and the things which would require the joint endeavors of not only the President and

the Society, but the Faculty, the Board of Trustees and the Board of Regents. Assured that the Provost spoke with authority for the President, the delegation thereupon departed without further ado.

It appeared that the Society was going to meet this evening in order to discuss their next step. In his own mind the Provost could see that the recent events illustrated the presence of two broad issues. First, there was the problem of autonomy. What were the parameters defining a distinct institutionalized endeavor within the University to educate black people to return to and help the black community, and within which people, both black and white, could learn about the black experience? Second, there was the problem of timing. Whereas, according to the Cornell Community's experience with the time continuum in which change was accomplished, progress had been rapid, from the black perspective the slow tempo of change seemed conclusive evidence that Cornell was bent upon frustrating any real progress. These issues were further complicated, moreover, by the elementary fact that there was no homogeneous black community within Cornell but, as might be expected, a variety of disparate elements. Whereas the moderates had been leading the Society, the militants had currently assumed control. Critical, therefore, was the need to survive the current confrontation with everyone's dignity still intact so that talks might begin which could lead to a peaceful resolution of these issues.

Illustrative of some of the relatively easy issues posed by the Society's program was the demand for an exclusively black place to dine. They wanted an increment of privacy where, without the intrusion of juke-box commercialized parodies of black music and irritating, if well meant, white student interrogatories, they could deliberate upon their own experiences. They believed that they had properly exhausted without satisfaction every administrative avenue in trying to process this request and had met sheer frustration. Thus the implicit hint of the threat of force now seemed the only way by which the Society could get serious high level consideration for this proposal.

Less clearly susceptible of interpretation was the demand that the Society be given access to all examinations posed within the University over the past five years. Possibly such a data bank would simply afford the Society the same advantages already possessed by the typical fraternity. Possibly the Society was bent upon using these materials as the basis for a study of alleged racism on campus. Be that as it may, both demands or proposals, for it was difficult to interpret the language of the Society's communiques, illustrated the need to open up avenues of communication so that these issues might peacably be resolved.

The Provost then threw the meeting open for a general discussion of these events. The Professor of Plant Breeding and Biometry, Royse P. Murphy, asked the Provost whether he or anyone else present could comment upon the actual progress of the Afro-American Studies Committee. In response the Provost recognized Professor Chandler Morse.

Professor Morse explained that there was an increment of enigma inherent in any assay of the Committee's progress. Viewed conventionally, they had done a lot of things; viewed from another perspective, they had accomplished nothing. Be that as it may, there was a need to distinguish between the question of autonomy and the question of content of Afro-American Studies. The Committee had begun with the assumption that conventional area studies programs could serve as their initial model. Thus various faculty personnel with a specialty in a particular discipline already structured within the University could be appointed to teach within the program. New personnel could be added to the program as they came to and were located within a discipline at Cornell.

It was clear from the start that the program needed an Afro-American as its director. Ideally, this person would be conversant with the problems of Afro-American students and familiar with the workings of a university community. Already a number of distinguished persons had visited the University and discussions between

the visitors, the students and the Committee, jointly and individually, seemed to have been forwarding the mutual understanding prerequisite to selecting a qualified and acceptable director.

At the same time various members of the Committee, both Faculty and students, had been visiting other campuses in search of enlightenment on these issues. Indeed, it was the cost of one of his own trips in search of information on the black perspective to which the Society had objected. These searches had most recently led them to a conference at Howard University which had been dominated by black intellectuals promulgating a particular thesis. They saw the recent resurgence of black culture as a distinct and viable set of values which, as a culture in its own right, would best be served by not distributing black students across the nation on every campus. Indeed, this black intelligensia had all the earmarks of a conventional establishment eager to concentrate themselves around black campuses where they could develop their distinctive culture and co-op their best students into their own ranks. Herein, however, was the hang-up, because this trend sounded racist.

Thus the real problem at Cornell was to appreciate a black desire to define things for themselves, to see a cultural difference, and yet not make racial distinctions of an institutionalized variety. He believed that the Committee were on the path leading to some answers. Still, the Committee had been so busy that many black students had come to feel left out of the decision-making process itself. These were not physical, but rather cerebral militants, who wanted to participate in the creation of the program. Still, moving on from the current failure, a different approach might be made, and it was still possible to move toward a program in which they saw that they had a part and which was one the Cornell Community could accept.

[Applause.]

The Professor of Philosophy of Education, Robert H. Ennis, said that a third issue was critical and that was the way in which decisions were reached within the

University. Rational discussion could not be allowed to suffer a rout when the use of naked force was threatened. Ten to fifteen persons had experienced a threat of force at 320 Wait Avenue and thirty-seven persons had been displaced there. He would like to have seen the persons who used the building consulted before decisions were taken about the future use of those premises.

The Provost explained that the Assistant to the Provost had interviewed some of the personnel at 320 Wait Avenue, particularly Professor Wardeberg, the Acting Chairman of the Department of Education. Further, Professor Ennis himself had volunteered his help to the Provost in making space in the building available. As a result it seemed clear enough that the President could offer the building to the Society next Autumn and inform them that the conference room and increasing first floor space might be made available during the Spring Term. He, the Provost, was to meet with Professor Ennis to work out the phasing out of the building.

Professor Ennis then inquired whether the President had promised anything else. The Provost responded that the President had told the Society that he wanted to discuss with them provision for a black psychiatrist, a director and a dining area. These were things, which if discussions revealed agreement, the President could accomplish on his own, through the Administration. Concomitantly, he had explained that he was in no position to create by fiat a whole new college.

The Assistant Professor of Clinical Psychology, George Miller, asked the Provost whether he would repeat the exact language used by the President when he responded to the Afro-American Society demand relevant to the appointment of a black psychologist at the clinic. The Provost responded that the President had said, "I agree in principle to the need."

There was a question here by the Professor of Russian Literature, George Gibian, about how the Faculty would be brought into the decision making.

The Provost then explained that it had been clear from the start that the

issues raised here were so complex that no one at Day Hall could alone decide what was wise. Some issues might be labelled administrative questions, where others involved Faculty decisions, whereas others necessitated decisions by the Board of Trustees, to say nothing of the Regents. The President and the Provost had sought counsel with the Faculty in order to plan the appropriate University response to the current scene. Representatives of the Faculty Council, the Faculty Committee on Student Affairs, including the student members, the several deans and department heads directly concerned, the Dean of the Faculty and various relevant administrative officers had met almost continuously since Friday. It was always possible, of course, to have called a special Faculty Meeting, but this seemed an unwieldy expedient. It appeared that the expedient adopted had brought to bear on the problem a practical crosscurrent of University thinking on the problem. If anyone had a better idea, he would be glad to hear it. [Silence.] The Provost then asked whether anyone who had participated in the discussions would like to give his impressions of them.

The Associate Professor of French, Romance Studies, Edward P. Morris, said that during the discussions in which he had participated all shades of opinion had appeared. He would, without hesitation, attest to the fact that every shade of opinion received a fair representation.

In reply to the Provost's query about other suggestions, Professor Ennis suggested that there should be a practice of seeking out and consulting in advance people who had strong interests in decisions about to be made. He said that this had not been done with the existing interests at Wait Avenue and wondered whether it had been done with the psychiatrists--in the light of Professor Miller's expressed surprise at the decisions about a black psychiatrist.

The Provost observed that on Tuesday the various people who had met to tackle the problem had met from 8:00 a.m. until midnight. Perhaps not everyone had been

consulted but this was attributable, not to design, but to the fact that there were only twenty-five hours a day to a Provost.

The Professor of English, Ephim G. Fogel, said that he seconded the remarks made by Professor Morris. There had been full discussion, fair and vigorous debate, and the discussions had not followed any a priori line laid down by the Administration. He believed, for example, that there was a need for a black psychiatrist because a white doctor did not adequately understand the problems of the blacks in our contemporary society. True enough, protocol was always a delicate matter, but he believed that the assembly which met was competent to have an opinion on this need and competent to advise the President. In rendering advice on the need, however, he assumed as did everyone else, that the Clinic personnel would be consulted on the actual implementation of the recommendation.

The Professor of Child Development and Family Relationships, John S. Harding, inquired whether the Provost had to assume future confrontations would occur, and whether he had devised a way to respond to them without involving so huge an array of Faculty. The Provost responded that he did not know any pat solution for programming a machinery to handle responses in this kind of situation. He did know that one had to take these student demands seriously, that one had seriously to be interested in devising solutions, and that one must be committed to the avoidance of force if at all possible. Beyond that one had only to hope that these students would be willing to discuss the problem rationally once it was clear that the University was, while not willing to capitulate to ultimata, eager to work out viable solutions with the students.

The Professor of Parasitology, John H. Whitlock, announced that he wanted to throw a small bouquet to the editors of the Cornell Daily Sun. They had played down the story so not as to create a crisis atmosphere and had carefully written their stories so that people could negotiate without the worry that they would lose

face with their public. The Provost added that he agreed, remarking that the editors had shown considerable discretion and tact in their handling of the affair.

The Professor of Business History and Transportation, John G. B. Hutchins, observed that the University had the good fortune to have among its visitors Professor Carter. Professor Hutchins explained that he was worried whether the students were reacting to details, such as the seeming bureaucratic intransigence of a large university, or whether there was a basic antagonism to the whole institution which was fraught with a destructive approach.

The Visiting Professor of Public Administration, Lisle C. Carter, replied that he had no certain knowledge what these students had on their minds. He did believe, however, that neither of Professor Hutchins' alternatives was valid. They were not concerned over mere details and they were, by and large, not driven by an innate hostility against the University, which, as one looked around, really meant white people. Perhaps what was involved could be explained by another question: who feels himself a victim? Through most of their recent history the blacks had felt themselves excluded and, while one could disapprove of their tactics or rhetoric now, a black could get some vicarious pleasure to see the local consternation among whites when these black students proposed excluding whites from their dining room. It was trite to talk about the failure of communications, but it was nonetheless crucial to realize that different groups did not see the same issue in the same light. Further, the very fact that Professor Hutchins' question had been addressed to him illustrated that, had he not been here, no black voice would have been present to interpret the black point of view to the Faculty. This was a hard truth about the way society was; it was not the product of any malign act upon the part of the people present, yet we have all gone on supporting this status quo.

True enough, Cornell's goal was to strive for excellence. One must, however, question whether this criterion was an adequate tool with which to evaluate today's

questions. The students have a different perception of values, acquired from their experiences, their parents' experiences, and from the world to which they expect to return. The Faculty had to think in terms of their own criteria, but they had also to think in terms of the criteria applied by these students. Somewhere it must be possible to reach an accommodation wherein real student needs could be met within the framework of the University. [Applause.]

The Professor of Public Administration, Paul P. Van Riper, said that he was in accord with the implicit approach being taken. He rather liked the notion of academic free enterprise wherein a program could be initiated with which the entire Faculty did not agree. He hoped, however, that when it came to a program over which the Faculty had exclusive control themselves, they would show a similar mercy in the exercise of their authority. Indeed, he hoped that this episode would see the Faculty begin to encourage other students who wanted to start programs which did not fit into universal criteria.

The Provost then called on the Dean to present the other items of business listed upon the Agenda. The Faculty thereupon adjourned the meeting at 5:55 p.m. by the simple expedient of stampeding out of the room.

E. F. Roberts
Secretary

THE UNIVERSITY FACULTY

Office of the Dean

December 16, 1968

To: Members of the Faculty
From: Robert D. Miller
Re: Campus Mail

The University Messenger Service, and the services of the Addressograph and Mailing Room are reserved for University use. Use of the Faculty Mailing List, a collection of addressograph plates, is under the jurisdiction of the Dean of the Faculty, and cannot be used without clearance from the Dean's office.

In practice, people with materials for distribution to the Faculty are expected to take them to the Addressograph and Mailing Room and are expected to call the Dean's office for approval. If the request comes from an administrative office of the University, an established committee or a recognized campus organization - student or otherwise - and if the request identifies a University account number to which the cost of envelopes and machine services will be charged, the Dean's office informs A & M that the mailing can proceed. In these circumstances the Dean does not examine the material to be mailed. He assumes that the custodian of the account involved will not authorize expenditures for non-university purposes.

From time to time, however, other cases arise. For example, a concerned citizen (a faculty member) asked the Dean if it would be out of order to send the faculty a reminder to vote in the recent School Referendum, and was told that the Dean would not approve such a mailing. The Dean did approve mailing of a letter appealing for contributions to Biafran relief.

Two mailings in the last year have brought complaints about use of the Faculty Mailing List. One had to do with material concerning the proposed nuclear power plant on Lake Cayuga. In that instance the mailing originated with the Center for International Studies, which paid for A & M charges. The request was approved without asking what the mailing contained. Complaints in that case were properly addressed to the Center, with a copy to this office, and suggested that the power plant problem was outside the scope of the Center's professional competence and concern.

The second occasion for complaint was a recent mailing that sought contributions to the Friends of the Office. This mailing fell in the category of "automatic" approval: the request was made by a professor. Our record of the request shows that it was being made in behalf of a recognized student organization, SDS, and that the cost would be charged to a university account. The cost of mailing was paid from a CURW account.

Although the procedure used by this office will surely continue to bring complaints from time to time, I have no substitute to propose. I find it reasonable to suppose that the question of proper utilization of a university account for any purpose, including mailings to the Faculty, has its answer in normal administrative channels. I think it proper that the custody of the mailing list be in the hands of the Dean of the Faculty. Thus he controls not only the names on the list, but determines the conditions for pro forma approval and retains discretionary powers when these conditions do not apply.

RDM:jm
1750

REPORT OF THE COMMISSION ON TEACHING ASSISTANTS

December 16, 1968

This commission is unanimous in the conviction that it is desirable to formulate a university-wide policy concerning those issues that affect all full-time teaching assistants. Because teaching assistants (or teaching fellows as they are sometimes called) are graduate students, this commission recommends that they be required to devote only a limited number of hours per week to their teaching obligations. Since an important reason for asking students to teach is to help them become skillful teachers, it is recommended that the teaching assistants be aided in every way to improve the quality of their teaching. It is also recommended that they receive a uniform stipend and continued summer support. Finally it is recommended that a grievance committee be immediately established to guarantee that all such policies are observed throughout the university.

The fact that many departments include undergraduate instruction as a degree requirement shows that they recognize that such teaching can be extremely valuable. At the same time, it is also recognized that the duties performed by teaching assistants are essential to maintaining the quality of undergraduate education at Cornell. While exact teaching duties reflect the inherent differences between academic departments, this commission recommends that a full-time teaching assistant be required to devote an average of 15 hours or less per week to work directly related to his teaching obligations. It is felt that a greater workload cannot be justified in terms of the education of the teaching assistant. However, this commission considers the duties of a full-time teaching assistant to be on a par with those of a full-time faculty member.

This commission realizes that at the present time there are some cases, especially some large introductory courses, where the necessary instruction simply cannot be accomplished if the teaching assistants work for only 15 hours per week. In these exceptional cases it is recommended that the teaching assistants be allowed to devote a maximum of 20 hours average per week to their teaching obligations with a higher uniform stipend than that received by those with a normal 15 hour per week load. Since this larger workload cannot be justified from an educational point of view, it is strongly urged that those teaching assistants in the 20 hour per week category have their loads reduced as soon as possible.

For various reasons -- such as, similarity of duties and status, consideration of the teaching assistant stipend as part of the support program for graduate students, and the conservation of university funds -- it is recommended that teaching assistants with the normal load receive uniform stipends. There was general agreement that this stipend should be comparable to that received by fellowship holders. The commission discussed a number of possible stipends which might satisfy the agreed-upon principles and related considerations imposed by existing differences between the endowed and statutory colleges and that between the tax status of teaching assistants in fields which have a teaching requirement and those in fields which do not. It was finally agreed to recommend that the stipend for the teaching assistant whose duties average 15 hours per week or less be \$2700 plus tuition and fees, and that for the teaching assistant whose duties average more than 15 but not more than 20 hours per week be \$3000 plus tuition and fees. The university should make every effort to eliminate the payment of fees by assistants in the statutory colleges in order that there be uniformity throughout the university.

To insure university wide compliance with these recommendations it is urged that a grievance committee composed of faculty and teaching assistants be established. This committee should have the power to deal effectively with any complaints. Furthermore, the data collected by this commission on teaching assistants, which are presented in the appendix to this report, indicate that in some instances there is conflict with a present university policy stating that no graduate student may work for more than 20 hours per week and still obtain full residence credits. For this reason, the commission recommends that this proposed grievance committee be established immediately.

This commission suggests the establishment of another commission for the purpose of making recommendations aimed at increasing the quality of instruction given by teaching assistants. Any increase in the quality of instruction by teaching assistants increases the value of teaching as a part of a graduate education.

It is urged that these recommendations be made university policy as soon as possible. The members of this commission realize that some of the recommendations will be difficult to implement because of budgetary and manpower limitations as well as problems caused by the differences in funding procedures between the endowed and statutory colleges of the university. Nevertheless, it is felt that these obstacles are not insurmountable and it is hoped that these difficulties will not be allowed to cause unnecessary delays.

For these reasons, the Commission on Teaching Assistants supports the following recommendations:

- 1) The work load of a full-time teaching assistant should average (over the term and examination period) no more than 15 hours per week including classroom and laboratory contact, preparation, grading, office hours, and other related duties. In exceptional cases, the load may be expanded to a total of 20 hours per average week. It is recommended that the 20 hour assistantship be eliminated as rapidly as possible.
- 2) Each full-time teaching assistant should receive a base stipend, comparable to fellowship support, for which he would perform teaching duties that contribute to his education.
- 3) The 9 month stipend for each full-time teaching assistant whose duties average 15 hours per week or less should be \$2700 plus tuition and fees. This stipend should be reviewed annually.
- 4) The teaching assistant whose duties average more than 15 hours per week but not more than 20 hours per week should receive an additional \$150 per semester. This stipend should be reviewed annually.
- 5) At present, most teaching assistants who desire and need it receive summer support from a variety of sources. It is urged that every effort be made to retain and expand such support.
- 6) A university-wide grievance committee should be established immediately to deal with the complaints of teaching assistants about matters such as load, stipend, working conditions and nature of the work. This committee should be composed of teaching assistants and faculty.
- 7) A commission should be established at once to make recommendations concerning:
 - a) Duties appropriate for teaching assistants.
 - b) Other personnel for performing those duties currently handled by teaching assistants which do not seem appropriate for them.
 - c) The establishment of programs for training and supervising teaching assistants so that they will become true teaching apprentices, thereby benefiting their own education as well as that of undergraduates being taught by them.
 - d) Any other areas which the commission deems appropriate. This commission should not be large and should include experienced teaching assistants and faculty members who have directed teaching assistants.

The President called the meeting to order at 3:00 p.m. with 118 members in attendance. He thereupon called for additions or corrections to the minutes of the regular meeting of December 11, 1968. The Secretary informed the Faculty that, at page 4, paragraph 4, line 1, the remarks attributed to the Professor of Philosophy of Education, Robert H. Ennis, should be read to refer not to "only one issue" but to "a third" issue. Further, on page 5, the fifth paragraph should be revised to read: "In reply to the Provost's query about other suggestions, Professor Ennis suggested that there should be a practice of seeking out and consulting in advance people who had strong interests in decisions about to be made. He said that this had not been done with the existing interests at Wait Avenue and wondered whether it had been done with the psychiatrists--in the light of Professor Miller's expressed surprise at the decision about a black psychiatrist." There being no other additions or corrections, the President declared the minutes approved as corrected.

1. NECROLOGY.

The President announced the deaths of:

Benton S. (Ted) Monroe, Professor Emeritus of English, on
December 13, 1968.

Kenneth J. Molchen, Assistant Professor of Science Education,
on December 15, 1968.

2. THE PRESENT STATUS OF THE SALE OF THE CORNELL AERONAUTICAL LABORATORY.

The President informed the Faculty that a recent court action in Erie County had resulted in a trial judge there issuing a temporary injunction barring the sale of the Cornell Aeronautical Laboratory pending a hearing on the merits of the controversy before the same judge in the near future. The President could not now report what the response of the University would be in light of this development because the sub-committee of the Board of Trustees charged with the responsibility for overseeing the sale had not yet met to consider the implications of this turn of events.

3. THE PRESENT STATUS OF DISCUSSIONS WITH THE AFRO-AMERICAN SOCIETY.

Following upon the two weeks of controversy which had preceded the Christmas recess, a number of persons had worked through the recess in order to devise ways and means by which the pre-recess impasse might be resolved and through which the Afro-American Studies project might once again be set in motion.

A new approach had been formulated which did not, either directly or indirectly, accept the notion of an autonomous black college. Indeed, the message seems to have got home to the Afro-American Society that some other approach would have to surface out of these discussions. There had been a debate whether or not the University should take the initiative and propose some tentative lines of discussion or whether it should wait upon the initiative of the Society. Since the Afro-American Society appeared divided among themselves as to what course to take, the President had concluded that the University should take the initiative in order to get discussions going again. He had, therefore, appointed the Vice-Provost, the Professor of Agronomy, W. Keith Kennedy, to chair a group of Faculty and Afro-American Society members to discuss a series of proposals. These proposals had been reviewed by the Faculty Council and had this morning been sent to the Afro-American Society for their consideration. Until that Society had had a chance to evaluate the proposals and propound their response to the invitation to open discussions again, he was loathe to prejudice the situation by dwelling upon the subject now.

4. REPORT OF THE COMMITTEE ON ELECTIONS.

The President thereupon called upon the Secretary for a report from the Committee on Elections. The Secretary then reported that there had been 561 ballots cast, of which 548 were valid, and the following results had been obtained:

For a member of the Committee on Academic Freedom and Tenure, for a four-year term, 548 ballots were cast, of which 231, a plurality, were cast for the Professor of Mechanical Engineering, Bart J. Conta.

For a member of the Adjudicatory Boards, for a four-year term, 536 ballots were cast, of which 355, a majority, were cast for the Associate Professor, Agricultural and Business Law, Joseph B. Bugliari.

For another member of the Adjudicatory Boards, for a four-year term, 517 ballots were cast, of which 281, a majority, were cast for the Assistant Professor of Housing and Design, Richard L. Ragatz.

5. ACTION TAKEN TO AMEND FACULTY LEGISLATION PERTAINING TO THE FCSA.

The President next called upon the Dean of the Faculty to present a proposal in behalf of the Faculty Committee on Student Affairs. The Dean thereupon informed the Faculty that the graduate students had been seeking representation on the FCSA and that FCSA themselves were receptive to the idea. Indeed, one graduate student, selected by his peers, had been sitting with the FCSA through the fall term as a consultant. FCSA wanted to formalize this arrangement and provide that the graduate students should be represented by a regular voting member on FCSA, an idea which the Faculty Council had considered and endorsed. Hence the Dean moved:

RESOLVED, That paragraph II B of the present Faculty Legislation dealing with membership on the Faculty Committee on Student Affairs be amended by the addition of the underlined statement indicated below, so as to read as follows:

II. Membership (All Voting)

B. Two (2) students selected by the executive agency of Cornell Student Government, and one (1) graduate student to be selected through procedures to be approved by the FCSA.

Upon a second, the motion was adopted by a voice vote without dissent.

6. DISCUSSION OF THE ROBERTS' RESOLUTION.

The President called upon the Dean to present a resolution on behalf of the Faculty Council concerning the Roberts' Resolution. The Dean thereupon took the

floor to review briefly the background leading to today's discussion. He reminded the Faculty that the Professor of Law, E.F. Roberts, now their Secretary, had a year ago (Minutes, 15 January 1968) presented a resolution calling upon the Faculty to create a special committee with broad powers and charged with the task of examining the structure of the University Faculty with regard to the way in which the Faculty made policy decisions. Since inferentially the resolution called into question the functioning of the Faculty Council, the motion had been made from the floor and had not gone through the Council. The Faculty, however, referred the motion to the Faculty Council for their advice upon its merits. Uneasy because of a possible conflict of interest, the Council had deemed it appropriate to create an ad hoc committee to advise them how they should respond to the Faculty. The committee, chaired by the Professor of Public Administration, Paul P. Van Riper, had reported back to the Council early this past autumn. The Van Riper Report, distributed in December to the Faculty, did not tell the Faculty Council how precisely they should respond to the Faculty, although inferentially it indicated some action should be taken upon the Roberts' Resolution. The Council had thereupon been working on a set of precise recommendations to present to the Faculty in response to their charge. Thus the Dean now moved on behalf of the Faculty Council:

BE IT RESOLVED, That the University Faculty establish a temporary five-man committee to examine the conduct of the general Faculty Meeting, with special consideration to devising ways by which its procedures might be simplified and to evaluating the merits of devices by which the representativeness of its deliberations and actions might be made more certain.

BE IT FURTHER RESOLVED, That the University Faculty establish a temporary five-man committee to examine the structure and functioning of the Office of the Dean and the Faculty Council, together with the procedures by

which persons are selected for these offices and for each of the elective committees by which the Faculty discharges its authority and responsibility for governance of the University.

BE IT FURTHER RESOLVED, That these committees shall be elected by the University Faculty from slates to be developed by the Committee on Nominations and that each committee should report back to the Faculty at their May Meeting. Each committee shall elect its own chairman, the chairman of the first committee to be charged with the further task of coordinating the activities of the two groups.

Upon a second being appended to this motion, the President recognized Professor Van Riper. He then explained that his committee had in effect been charged to survey the problem of governance in a modern university. There were no accepted theories in this field and what little literature existed proved to be largely worthless. What seemed clear, however, was that the system of governance at Cornell was unique. Faced with this uniqueness and an absence of conventional wisdom, the committee had attacked their problem by first attempting to ascertain the strength of Faculty sentiment favoring change. At the same time they attempted to assay whether the changes desired amounted to trivial details or a recasting of the whole system. Their soundings had persuaded them that there was a sizeable number of Faculty in favor of change but, at the same time, sentiment seemed to prefer an attempt to modify rather than radically recast the contemporary legislative machinery. Proceeding apace the committee had then formulated some tentative proposals which they deemed worthy of further consideration by the Faculty as ways by which modifications might be accomplished. The committee had not refined these various suggestions into a precisely propositioned legislative package because they had not seen themselves charged with the task of propounding the final form change might take.

Professor Van Riper went on to suggest that the general Faculty Meeting was

reminiscent of the idea of a Town Meeting at which all of the citizens assembled to consider policy. Experience had shown, however, that the Town Meeting device was subject to severe limitations as the size of the community increased. It would appear that the general Faculty Meeting was being subjected to similar pressures. In order to save the system, the committee suggested that the Faculty should consider a referenda system to supplement the general meeting. True enough, there were no precise precedents for such a procedure, but it was noteworthy that the whole Faculty participated in their election processes by way of a generally distributed mail ballot.

He went on to say, however, that he was unhappy with the motion just presented in behalf of the Faculty Council. Whereas the Council believed that the subject broke down so that two committees could be created to pursue the project, he was persuaded that the problems involved were mutually dependent and incapable of segregation into neat fields of endeavor. A quorum rule, for example, might not be felt necessary if a referenda scheme was adopted; but, if the referenda idea was rejected, a quorum rule might appear necessary. Thus he proposed a substitute motion should be adopted, to-wit:

BE IT RESOLVED, That the University Faculty establish a temporary seven-man committee to examine the conduct of the general Faculty Meeting, with special consideration to devising ways by which its procedures might be simplified and to evaluating the merits of devices by which the representativeness of its deliberations and actions might be made more certain, and to examine the structure and functioning of the Office of the Dean and the Faculty Council, together with the procedures by which persons are selected for these offices and for each of the elective committees by which the Faculty discharges its authority and responsibility for governance of the University.

BE IT FURTHER RESOLVED, That this committee shall be elected by the University Faculty from slates to be developed by the Committee on Nominations and that the committee should report back to the Faculty as soon as possible. The committee shall elect its own chairman.

The motion was duly seconded.

The Dean responded that, after lengthy consideration of the Van Riper Report, the Council had concluded that the kind of change envisaged by the report broke down into two channels of change, namely, the conduct of the general meetings themselves and the structure of the Faculty offices through which their share in the governance of the University was executed. The Professor of Economics, Chandler Morse, added that the Faculty Council had recognized that overall the problem was a unitary one. In order, however, to expedite the intensive study of the avenues of inquiry opened up by the Van Riper Report, it had appeared prudent to separate the tasks at hand, particularly since the committee's report had already developed so excellently the larger issues which required a single overview. Further, he was not persuaded that the tasks assigned were inseparable, particularly since Professor Van Riper's illustration involving the relation between a quorum and referenda scheme was a problem for only one of the committee's envisaged by the main motion. To this the Professor of Entomology and Limnology, David Pimentel, added the practical thought that the distribution of the work load over two committees would facilitate no end the task of rounding up nominees ready to serve in this endeavor.

7. ACTION UPON THE ROBERTS' RESOLUTION.

The President called for a vote upon the motion to substitute made by Professor Van Riper. The vote, by a count of hands, was 55 for, 52 against.

The President then called for a vote upon the new main motion before the meeting, to-wit:

BE IT RESOLVED, That the University Faculty establish a temporary seven-man committee to examine the conduct of the general Faculty Meeting, with special consideration to devising ways by which its procedures might be simplified and to evaluating the merits of devices by which the representativeness of its deliberations and actions might be made more certain, and to examine the structure and functioning of the Office of the Dean and the

Faculty Council, together with the procedures by which persons are selected for these offices and for each of the elective committees by which the Faculty discharges its authority and responsibility for governance of the University.

BE IT FURTHER RESOLVED, That this committee shall be elected by the University Faculty from slates to be developed by the Committee on Nominations and that the committee should report back to the Faculty as soon as possible. The committee shall elect its own chairman.

The motion was carried by a voice vote with not a single dissent audible.

8. ACTION UPON AN ADDITIONAL CHARGE PUT UPON THE COMMITTEE
CREATED TO PROPOSE REVISIONS OF PROCEDURE AND STRUCTURE.

The Professor of English, Ephim G. Fogel, suggested that the previous discussion illustrated that the Faculty wanted to retain the essentials of a Town Meeting approach in exercising their legislative prerogatives. For himself, he was persuaded that the only valid way to arrive at a decision upon an issue was to attend a general meeting and listen to the live discussion of its merits. In keeping with this need for live and active Faculty participation in the deliberative process, the new committee was certainly going to have to get considerable feed back from the Faculty if their proposals were truly going to reflect Faculty sentiment. One of the alleged evils which had led to the creation of the new committee, after all, was the idea that a single general meeting did not necessarily enact proposals which reflected the thinking of the Faculty as a whole. In order to make certain that this committee's proposals did reflect Faculty sentiment, and to make sure that the Faculty had ample opportunity to express their sentiments, he believed a Town Meeting approach might be an excellent idea. That is, when sometime during the spring term the committee had formulated a tentative set of proposals, the Dean should call a special Meeting of the Faculty at which time the committee should present their ideas and the whole could be gone into exhaustively by the Faculty before the plan was reduced to a set of final, formal proposals. Thus, Professor Fogel moved:

RESOLVED, That when the temporary committee established by the previous motion reaches the stage in their work where they have propounded a set of tentative proposals that, before these proposals are put into final form, the Dean of the Faculty shall call a special Meeting of the Faculty, devoted exclusively to the presentation of these proposals by the committee and consideration of them by the Faculty.

Upon a second and several calls for the question, the President called upon the Faculty to vote. The motion was carried by a voice vote.

10. THE STATUS OF THE AFRO-AMERICAN STUDIES PROGRAM RECONSIDERED.

The President advised the Faculty that reports upon the problem of military training on campus and on the residential college idea would be published and distributed during January. The report of the Morison Commission, however, would not be ready for another two months, which was quite understandable when one realized how knotty were the problems with which that group had been wrestling.

The Professor of Physics, Nuclear Studies, Jay Orear, asked the President whether it would be in order for him to inquire about the status of discussions with the Afro-American Society. When it became clear that Professor Orear had missed the opening minutes of the Meeting, the President repeated in substance his initial remarks.

Professor Orear then inquired how extensive was the program the Administration had in mind. He wondered whether Cornell had the resources and personnel with which to implement a large program and whether it was prudent to establish anything beyond a handful of courses. The President responded that he did not know how big the program would become. There were people on campus right now, witness the Professor of Economics, Douglas F. Dowd, quite competent to teach both black and white students about aspects of black culture. More Faculty would be needed, and it was manifest that most of these would have to be blacks. These newcomers, however, would have to meet two tests in that they would have not only to meet departmental

requirements but would have to be acceptable to the black students. This was a delicate matter because the students suspected any newcomer, black notwithstanding, presented to them by the University without their prior consultation. In addition to these regular Faculty people, the program itself might involve various visiting lecturers giving non-credit courses. Finally, in order to aid Faculty recruitment and make the program relevant to the real problems facing black society, the University might find itself involved in a consortium with other institutions in an effort to establish an urban center related to the program. In the long run, however, the dimensions of the program would depend upon the interest it generated among black and white students and, in the meantime, the University would simply have to feel its way, recognizing all the time that it was committed to the proposition that there would be a program however large or small.

Professor Dowd told the Faculty that, notwithstanding the President's kind remarks, he was not competent to teach a course to blacks concerning the social and economic conditions in the ghetto. The Faculty would have to come to grips with the unhappy truth that the black students did not trust the white professor when it came to courses involving black problems. It was not a case of animosity against whites per se; rather, it was a question of credibility. By nature objective and not a cheerleader, the white professor lacked the status of an objective critic in black eyes to merit heeding his analyses of black problems and potential. When it came to courses involving social change, the instructor would have to be black if his critical judgments were to be credible. Indeed, the key issue involving courses in black studies was not the color composition of the class but the color of the professor.

The Professor of Philosophy of Education, Robert H. Ennis, asked the President to describe his perception of Faculty opinion about the question of a black college. The President said that, based upon his experience working with twenty-five to

thirty-five Faculty members through a recent two-week period, it was his best estimate that only one person expressed any doubt at all over the proposition that the college as then proposed by the students should be rejected. He warned, however, that any inference drawn from this Faculty reaction had to be tempered in light of the way in which the question had been presented. It was always difficult to look at proposals on their merits when they were couched in peremptory terms and presented under trying circumstances. A number of people might see merit, for example, in the idea of a black college set in an urban center to which black students went from several predominantly white universities during one year of their academic career, much after the fashion of the white student's traditional year spent abroad.

Professor Orear then inquired whether talented black disadvantaged students would come to Cornell if a program was not established. The President said that he simply could not answer the question at the moment. Obviously they would have come last year and this year, because they had. Whether sentiments within the black community would change so that next year they would not was something upon which everyone would have to wait in order to see.

Whereupon, the hour having reached 4:30 p.m., the meeting was adjourned.

E. R. Roberts
Secretary

The President called the meeting to order at 4:30 p.m., with 107 members in attendance. He thereupon called for additions or corrections to the minutes of the regular meeting of January 8, 1969, and, there being none, declared those minutes approved as distributed.

1. NECROLOGY

The President announced the deaths of:

Dr. Frank E. Cormia, Clinical Professor of Medicine (Dermatology)
on August 26, 1968.

Jeffrey Earl Dawson, Professor of Soil Science, on February 2, 1969.

2. THE PRESENT STATUS OF DISCUSSION WITH THE AFRO-AMERICAN SOCIETY

The President informed the Faculty that the University had recently sent an offer to Mr. James Turner to become director of the Afro-American studies center. Mr. Turner was the choice for this position both of the Administration and Faculty members who had been concerned with this problem as well as being the reported choice of the Afro-American Society. Mr. Turner had not yet accepted the offer. The fact that Mr. Turner was an outstanding candidate for the position seemed to be confirmed by the fact that several other institutions were courting him, but his expected visit to Ithaca to look over the housing market might be a good omen for Cornell. It did appear plain enough that the Afro-American Society had come to recognize that the idea of a black college was not a viable one. Pending Mr. Turner's decision whether to join the Community, however, there was little else to report on the development of the center. Should Mr. Turner elect to join Cornell, a corner would be turned looking up the very long and arduous road toward an ultimate resolution of this problem.

3. THE STATUS OF THE SALE OF THE CORNELL AERONAUTICAL LABORATORY

The President informed the Faculty that he had no news to relay about the

sale of the Cornell Aeronautical Laboratory, the matter still being sub judice. He hoped, however, that a way might be found to settle the controversy without protracted litigation.

4. STATUS OF THE REPORT OF THE PRESIDENTIAL COMMISSION ON MILITARY TRAINING

The President informed the Faculty that he had asked their Dean to place the report of the Presidential Commission on Military Training on the March agenda so that it might be fully discussed at the general meeting.

5. ACTION UPON AN AMENDMENT TO FACULTY LEGISLATION TO PERMIT GREATER USE OF S-U GRADING IN THE GRADUATE SCHOOL OF BUSINESS AND PUBLIC ADMINISTRATION

The President thereupon recognized the Dean, who explained that he had received from the faculty of the Graduate School of Business and Public Administration a request to amend earlier legislation governing the use of S-U grades in that School. The original legislation did not permit use of S-U grading in core courses during the first year of that program. The preparation of incoming students into the School was so varied, however, that this rule had worked unfairness in some courses at various times. Flexibility was necessary if the School was going to be able to make adjustments to handle the variant preparation of its in-coming students. Thus the Dean moved:

RESOLVED, That the present Faculty Legislation (1/12/66, Records, p. 3220) dealing with grading in the Graduate School of Business and Public Administration be amended by the addition of the underlined statements and by the deletion of the bracketed statements indicated below:

Any student in the Graduate School of Business and Public Administration with a cumulative grade average of 1.7 (70) or higher may register in one course during two of the last three semesters in the master's degree program and be graded S (Satisfactory) or U (Unsatisfactory) provided: (a) the course is not a required core course; (b) the student received the written permission of both his advisor and the course instructor for enrollment on this basis; and (c) the student shall not have already taken a course on this basis and received a grade of U. The decision to take such a course will be made at the beginning of the semester, the decision

will be irrevocable, and the course may not be dropped after the first four weeks of the semester.

When faculty teaching courses in the core program of the Graduate School of Business and Public Administration believe that students with previous backgrounds in these courses should be marked on an S or U basis to eliminate inequities in grade averages, they will so recommend to the Committee on Academic Standards, which shall have the authority to approve or disapprove the request.

Any [such] course, taken on an S-U basis [regardless of the grade awarded,] will be excluded from the computation of semester and cumulative averages, will be counted for credit if a grade of S is awarded, and will appear on the student's record.

Upon a second, the motion was adopted by a voice vote.

6. ACTION UPON A MOTION TO DISESTABLISH THE FACULTY COMMITTEE ON THE ARTS AND TRANSFER ITS FUNCTIONS TO THE NEW COUNCIL FOR THE CREATIVE AND PERFORMING ARTS

The President again recognized the Dean, who advised the Faculty that the creation of the Council for the Creative and Performing Arts had rendered their Faculty Committee on the Arts redundant in both purpose and membership. The committee had recommended their own disestablishment and the Faculty Council had endorsed the recommendation. Whereupon, the Dean moved:

WHEREAS, On March 17, 1965, the Faculty adopted a resolution providing for the creation of a standing Faculty Committee on the Arts, and

WHEREAS, A new and comprehensive committee was recently created, namely, the Council for the Creative and Performing Arts, and the Faculty Committee on the Arts has expressed its wish that it be dissolved, and its existing functions absorbed by the new Council, therefore

BE IT RESOLVED, That the Faculty rescind its legislation of March 17, 1965 and request the Council for the Creative and Performing Arts to accept responsibility for activities formerly under jurisdiction of the Faculty Committee on the Arts.

Upon a second, the motion was adopted by a voice vote.

7. DISCUSSION OF A PROPOSAL BY THE FACULTY COMMITTEE ON
ACADEMIC FREEDOM AND TENURE THAT THE FACULTY RESCIND
THEIR RESOLUTION OF 30 MAY 1951

The President again recognized the Dean, who explained that the Faculty Committee on Academic Freedom and Tenure had last spring recommended that the Faculty should rescind their Resolution of 30 May 1951. That resolution, he explained, read as follows:

It is the sense of this Faculty, that any member of the Faculty who, publicly, or in his contacts with students, advocates the overthrow of the government of the United States, or of a State or Territory of the United States, by force or violence, or the accomplishment of political change by a means not permitted by the Constitution of the United States or of the State of New York is guilty of misfeasance.

The Faculty Council had encorsed this recommendation and only the pressure of other business had delayed laying the proposal before the faculty until today. Whereupon the Dean moved:

RESOLVED, That the University Faculty's resolution of 30 May 1951 be rescinded.

A second was immediately appended to the motion.

The Professor of Law, William Tucker Dean, informed the Faculty that this same recommendation had been considered by the same committee when he had been their chairman several years ago. At that time the committee had concluded that rescision was not required by any change in the law. Concomitantly, the committee had agreed that the effort to rescind the 1951 resolution would only prove to be divisive. They had, in short, concluded that it was better to let sleeping dogs lie.

The Professor of Food Science, William F. Shipe, observed that he had voted for the 1951 Resolution out of a sense of loyalty to the government. The rationale put forward by the current committee which suggested that the resolution was now "bad law" was not quite correct. The recent cases had involved government agencies whereas the resolution concerned the realtions between Cornell and its constituent Faculty members.

The Goldwin Smith Professor of English, Robert H. Elias, confessed that he was saddened by the remarks of Professor Dean. The now absent chairman of the committee, the Professor of Law, Norman Penney, had concluded that the current state of the law at least indicated that the advice contained in the resolution was of dubious value. He was hard pressed himself to see how anyone could equate the rescission of a debatable resolution with licensing disloyalty.

The Secretary, speaking as an ex officio member of the Committee, said that the case which had occasioned the committee recommendation was Keyishian vs. Board of Regents of New York, 385 U.S. 589(1967). The case was not precisely in point on its facts. If one believed the lawyers and their common law mystique which demanded that precedents held only in identical fact situations, there might be much to say for Professor Dean's remarks. The truth of the matter was that, in practice, American law had become more and more civilian in its emphasis upon abstract doctrine, so that he was persuaded that the resolution offered very dubious advice about the content of misfeasance. "Precision of regulation" had become a touchstone of due process and the resolution hardly reflected the epitome of precision, witness the fact that any lawyer worth his salt could propound a dozen hypothetical situations where the advice contained therein would lead to the dismissal of a Faculty member for wholly innocent acts.

The Professor of Vegetable Crops, F.M. Isenberg, suggested that the Faculty would be well advised to retain the resolution in light of recent events in California and elsewhere. The Faculty might very well want to dismiss an Eldrige Cleaver and this resolution afforded them the tool with which to do it.

The Professor of Mathematics, Paul Olum, observed that he had been against the resolution when it was introduced in 1951. Still, one had to bear in mind the factual content in which it had been introduced. The Faculty then had been eager to create a reasonable dismissal procedure, but the loyalty issue appeared

to be the one item which would have caused the Board of Trustees to reject the whole package out of hand. The resolution, therefore, had been propounded as a quid pro quo for Board approval of the rest of the scheme. Now that reasonable dismissal procedures had become commonplace legislation, this resolution standing by itself without any raison d'etre to justify it, was simply an embarrassment, particularly since the last clause covered a wide gamut of innocent activity. He was not in favor of retaining the resolution as a simple expedient to use against some future trouble-maker in another context.

The Susan Linn Sage Professor of Philosophy, Max Black, noted that this was the only resolution on the books which attempted to define misfeasance. In every other instance charges might be preferred, a board might be empaneled, and hearings might be held; yet, in each instance, the result would depend upon the precise facts of the case at hand. Thus, in every other instance, it was believed that if the right procedures were followed, the results would be right. Why, then, in this one instance, did the Faculty recommend, a priori, a result? True enough, history would reveal the reason, but the times had now removed the then felt necessity for the clause. Indeed, he was heartened to hear lawyers question this resolution and, given their doubts and the passage of political necessity for the clause, the times appeared propitious during which to exorcise this invidious resolution.

Professor Isenberg challenged those present to cite an instance where the clause had even been invoked. Since it had not been invoked, he suggested, the whole controversy smacked of red herring. The times, fraught with violence, were hardly propitious during which the Faculty should appear to denigrate loyalty to the government.

Professor Elias suggested that the whole debate could be reduced to two elementary questions. First, if the resolution was rescinded, did anyone really expect violence to erupt? Second, if the Faculty did not rescind the resolution, what good precisely did they think it accomplished?

The Secretary suggested that the Faculty might take as their text the observation, "Render unto Caesar the things that are Caesar's, and unto Jim Perkins the things that are his." That is, if anyone did advocate the forcible overthrow of the institutions of government, the district attorneys employed by these several governments were perfectly able to protect their clients' interests. The immediate concern of a University was its own survival and, relative to the overthrow of Cornell, the resolution was totally irrelevant.

Professor Olum said that rescision of the resolution hardly licensed Faculty advocacy of the overthrow of any government. Within the academic community, however, the question was whether that advocacy impaired a teacher's relationship with his student. One could not judge this question in advance. Suppose, for example, Karl Marx was on the Faculty? In any event, he went on, everyone present had already signed an oath to support the Constitution of the United States and the State of New York so that there was indeed no need for the resolution under debate in any event.

Professor Isenberg suggested that it might not be wise to suggest that the several district attorneys alone concern themselves with loyalty to the government, because the existence of the resolution might keep them off campus if they believed Cornell would handle these matters. Keeping these attorneys off campus, moreover, was a highly desirable end in itself.

Professor Shipe said that he was disappointed, as the father of a Cornell sophomore, to discover that some of her professors were not loyal enough to accept the old resolution. He was concerned whether, once this resolution was rescinded, the behavior of certain individuals might perceptively change.

Professor Black admonished his colleagues that the repeal of the resolution did not license disloyalty. Rather than pre-judge whether a teacher was guilty of misfeasance if he advocated a particular doctrine, the rescision would see that

question decided on a case by case basis if and when specific charges were presented. Based upon the facts of a particular event, it could then be decided whether the advocacy was of such a nature to justify the conclusion that the offender had forfeited his standing as a teacher. Concomitantly, the facts themselves would afford a real basis upon which to make a sensible judgment whether the alleged offender had "advocated" anything in a serious and pernicious sense of that word. Change was really not the issue, therefore, so much as was the question whether it befitted the dignity of the Faculty to saddle themselves with this blanket resolution.

The Professor of Civil Engineering, Arthur J. McNair, objected that whereas in the abstract Professor Black was correct, the existence of the resolution was nonetheless a handy weapon to retain in the Faculty armory in the event of crisis.

The Professor of Vegetable Crops, John D. Hartman, suggested that the public at large had never understood the need for or nature of academic freedom and, unless all faculties were diligent in this regard, they could see their freedom wiped out. The Faculty were no longer subject to the pressures existent during the McCarthy era, but they were now subject to a severe budget squeeze. Income from both donors and taxing authorities depended upon the image of the institution. The Faculty should pause to reflect upon how their rescission of this resolution would be reported and interpreted before they voted.

The Professor of Geology, S.S. Philbrick, said that he was somewhat confused by all of this. If a math teacher took up his contact hours advocating the overthrow of the government, he ought to be dismissed simply because he was not doing his job. This seemed plain enough. The lawyers similarly seemed to be saying that it was wise to make things explicit. There it was then: the resolution explicitly said that this kind of advocacy was tantamount to misfeasance and, as far as he could see, that was that. Why then all the fuss to rescind the resolution? Professor Black responded that he might, quite innocently and out of ignorance of the

law, advocate an unconstitutional method of reforming the government of the United States and find himself dismissed without a hearing on the merits of the event. To say the least, this resolution curbed his freedom of expression far beyond the classroom. Professor Philbrick replicated that he did not really care very much what his colleagues said elsewhere; he was concerned with what went on in the classroom. Indeed, if this were the problem, he would be happy to see the resolution amended to exclude extracurricular activities.

8. ACTION UPON THE PROPOSAL TO RESCIND THE FACULTY RESOLUTION
OF 30 MAY 1951

Amidst calls for a vote the President called upon the Dean to restate the motion, which the Dean did, to-wit:

*RESOLVED, That the University Faculty's resolution of 30 May
1951 be rescinded.*

The vote, by a count of hands, was 53 for, 48 against.

Responding to a suggestion that this was an excellent time to invoke a referendum, the President explained that tradition dictated that decisions were made by those members of the Faculty who, advised of the agenda, were sufficiently concerned with the welfare of the University to attend these meetings.

Whereupon the meeting was adjourned at 5:30 p.m.

E. F. Roberts
Secretary

The President called the meeting to order at Bailey Hall with 600 members in attendance. He called for any corrections or additions to the minutes of the regular meeting of February 12, 1969, and, there being none, declared those minutes approved as distributed.

1. NECROLOGY

The President announced the deaths of:

Arthur J. Eames, Professor Emeritus of Botany, on February 13, 1969.

Taylor D. Lewis, Professor of Civil Engineering, Environmental Systems Engineering, on March 1, 1969.

2. OPENING REMARKS BY THE PRESIDENT ON THE AGENDA

The President called the attention of the Faculty to the clause in the Call to the meeting which warned everyone that it was "expected...that much of the time may be pre-empted by issues raised by the incident of February 28 and its aftermath." The President observed that this expectation proved to be an accurate prognosis and that, indeed, he would move directly to a discussion of recent events. He had already concluded that he would rule out of order any motion which sought to channel the meeting directly into a discussion of the report of the Presidential Commission on Military Training because he was persuaded that such a ruling would reflect the sense of the Faculty.

The President thereupon recognized the Professor of Vegetable Crops, John D. Hartman, who asserted that a great many people had responded to the Call upon the assumption that they had come to discuss the future of ROTC. This was, after all, a relatively simple issue; either one accepted or rejected the tenor of the report authored by the Commission. Indeed, Faculty sentiment in this regard could be assayed in a thrice, whereas a discussion of the recent incidents involving violence on campus would degenerate into an open ended and totally unstructured debate which would exhaust all of the available time. To debate these recent events, moreover,

was a waste of time since they were matters properly subject to judicial rather than legislative response. It was axiomatic, after all, that one could not employ a length of two by four plank to preclude rational discussion, so that there was no need to discuss the need for more legislation. Thus fairness would seem to demand that the Faculty should devote a quarter hour to divining their sentiment with regard to ROTC before involving themselves in what was essentially an unnecessary debate upon recent events.

The Goldwin Smith Professor of English History, Frederick G. Marcham, rose to his feet to quaere the speaker whether or not he had a motion to make. Professor Hartman responded that he did and that, indeed, he was moving that the Faculty proceed with the agenda in the numbered order in which it appeared upon the Call to the meeting.

The President ruled that the motion was out of order but, as he had promised earlier, he called for a vote of the assembly to indicate whether they agreed with the ruling by the chair. Thereupon a voice vote was taken which indicated that the Faculty supported the chair in this ruling.

The President then proceeded with his remarks, indicating that he intended to make a few observations upon recent events and then call upon the Provost to make a set of more extended remarks. He would then call upon Professor Marcham to make a motion. At this point the Professor of Industrial and Labor Relations, Isadore Blumen, rose to put a point of order. The President, he observed, was outlining now a special order of business. He, for one, would be delighted to hear from the President and the Provost, but the designation of movers of motions thereafter was a separate order of business. The chair could not a priori designate movers unless the assembly voted to suspend the rules.

Continuing, the President observed that he had outlined what he had thought a reasonable scenario might look like. [Laughter] Be that as it may, he said

that there was no one better able than himself to appreciate the challenge presented in the last two weeks, nay, two months, to the very integrity of the University. Indeed, he had personally been involved and one would hardly need very sensitive radar to perceive the Community concern and perplexity involved in the felt desire to be wise and yet be firm. Collective wisdom, after all, was much better in this regard than the factional articulation thereof. Thus, when plans were first drawn for today's meeting, only the episode at the Statler Auditorium on 28 February was in anyone's mind. Because the President had been a party to that event, wisdom then indicated that the Provost should preside at this meeting so that the Faculty should have had full rein to comment upon the affair without any "injured" party being present. Since then, however, the affair at Malott Hall had introduced itself into history. This incident raised broader issues than did the Statler Auditorium affair and involved the whole Cornell Community. Indeed, had the President not presided over the meeting after this episode, involving as it might a challenge to the viability of the University, his absence might have been misconstrued. Thus the President had assumed the chair but, persuaded that the Provost's originally intended remarks were still highly relevant, called upon him to address the assembly.

3. A PERSONAL STATEMENT FROM THE PROVOST

The Provost thereupon took over the lectern in order to address the Faculty as follows:

"In spite of the important business on the agenda for this meeting, I have requested the Dean's permission to make a personal statement bearing on the state of the University with particular reference to the troubling events which have occurred throughout the past year and which now seem to be increasing in intensity and seriousness.

I wish to emphasize that I have asked for the privilege of making a purely

personal statement, one that in no sense attempts to speak for the administration as a whole but one which reflects my own grave concern at the new directions that have emerged recently. I speak more as a member of the faculty than as a principal administrative officer of the University, and I have decided to make such a statement only after the most careful reflection and consideration.

The message I wish to communicate today is simple. I am convinced that the period ahead of us is more critical than any we have ever faced. We have had serious difficulties before and, while I do not pretend that we have always dealt with these problems wisely or effectively, I have in the past been confident of our ability to respond constructively to the problem presented. However, events during the past few weeks have led me to believe that new effort is essential.

The increasing frequency and intensity of demands, coupled with disruption and threats of disruption, specific acts of confrontation and harassment and the increasing frequency and intensity of attacks on the President, both with respect to his person and with respect to his position as the symbol of Cornell University, have now reached proportions which require a new mode of response - a response in which the faculty must be much more directly involved. With such a new mode of response we have a chance of avoiding still more serious disruption or violence.

It is obviously not necessary for me to recount the events of the past months which have led to the present situation. Our problems are not unique in that they are repeated on many campuses throughout the country. Many of our difficulties are a simple reflection of the deep social problems which surround us in the society at large. Perhaps the gravest of these is the problem of black America. Another problem we see reflected in our campus is the divisiveness resulting from the Vietnam War. Yet we are trying to move forward constructively in the extraordinarily complex task of providing appropriate education for our black citizens. We are also trying to respond constructively to the concern of our students for the social

impact, direct and indirect, of the University as an institution. We are also involved in the attempt to improve academic standards and the quality of the experience of our students at Cornell.

Our problems and our needs are manifold and our resources are limited. We must respond to these needs, however, even under the circumstance where the University's financial situation can only be described as precarious. I have said to this faculty before, and I repeat it again, that there is no way that we can turn our backs on these problems and, while no one knows the financial strains better than I, I am the last person to use those strains as an excuse for not dealing with the fundamental problems of this University.

But it is not to the substance of these problems that I wish to address my remarks today, I am more concerned with the manner in which these problems are presented to the University and especially to the administration. I am deeply concerned that every issue that is brought up seems now to have an element of confrontation in it. I would remind you that in recent weeks even the issue of stipends for teaching assistants and research assistants has been argued in an atmosphere of confrontation and with a threat of strike.

The issues which confront us are well-known. The University, whose business is education, is being pressed hard from the inside and from the outside to solve what is clearly a serious housing problem in the community. The University can surely contribute effectively in relieving this problem but who is to inject realism into the discussion?

We find ourselves faced with the critical issue of separate judicial systems for white students and for black - an issue which arises because we have brought students to the campus from a background utterly foreign to that of the vast majority of our students - a background where distrust of all-white institutions has been considered essential for the maintenance of human dignity and self-respect.

Surely there is an acceptable solution but it will require patience, wisdom and large faculty input, especially since the faculty is the operative body.

We have seen the growing emotion surrounding University ownership of stock in banks which deal with South Africa. Again, wisdom and rational discourse are essential.

Other issues, each likely to be more volatile than the one before, are on the horizon and we will have them squarely before us, probably sooner rather than later.

I don't have to tell you how the various confrontations have been met. We have attempted to react with understanding and patience. We have avoided the use of force, or even the show of force, and we will continue to do so unless life and property are seriously threatened. We have sought rational bases for discussion and for accommodation. We have sought to correct injustices and inequities. Our total response has been inadequate, however. Even though normal business has gone unattended, and even though many people have extended themselves to the point of serious physical and mental fatigue, the response has often been too little and too late. Nonetheless we have maintained relative stability to this point. My concern is for the future.

I wish to speak about the role which the faculty has played during the trying times of recent months. I have said before that the issues are too complex and they pervade the whole fabric of the University so completely that no one can hope to sit in Day Hall and have adequate wisdom to deal effectively with all the problems at the dizzy rate at which they arise.

We have called on the faculty for special help and advice on more occasions than many of you care to recall. The response has been generous and wise. I can speak of the December crisis with particular appreciation for I, as well as the President, was the beneficiary of extraordinary support during that difficult and, I believe, dangerous period.

The faculty involvement, however, has been ad hoc, indirect, and sometimes ex post facto. If stability is to prevail I believe that the faculty involvement must now become direct and continuous.

I see two ways in which such faculty involvement can be achieved. The first is in the assertion of position before the entire community and the other is in direct involvement with, and help for, the President.

The faculty must not stand aloof from a series of actions that possess the potential for the University's destruction. At the spectacle in Statler Auditorium a week ago last Friday the only voices of disapproval were those of the symposium's organizer and two visitors to the campus. The faculty must use its enormous influence to urge patience and restraint, both through its organized committees and through individual faculty action. The faculty is the University and the attitude of the faculty will determine the course the University follows.

In areas where the faculty has jurisdiction, as in the case of student discipline, the faculty's position must be clear and it must be known. The faculty is a large body and there are diverse opinions. Nonetheless, there are standards of academic freedom and of scholarly behavior which are commonly held and these must be expressed clearly, publicly and frequently.

The faculty can decide better than I how it can help the President directly in maintaining a University worthy of the name. I doubt that existing mechanisms are adequate. The Morison Commission on the Governance of the University has been struggling with the long term solution to this problem since last June and its inability to find an answer is testimony to the difficulty of the task. I believe we must find an interim solution now - this week - before it is too late.

The President needs a small group of people, including both faculty and students, who are continuously available, who can help determine positions and suggest solutions before crises arise, and who can help the President meet the

confrontation when it comes - whatever the issue.

I see a number of ways in which such a group of faculty members can be established. The President, acting on his own initiative or with the advice of the Dean of the Faculty, can select a group of faculty advisors to perform the function I suggest. This process has the obvious disadvantage that the faculty will be uncomfortable with a group that, in some sense, speaks for the faculty but is not chosen by the faculty.

As a second alternative the Dean, or the Dean and the Faculty Council, can supply the President with a roster of names of faculty members qualified to help on an ad hoc basis with whatever crises might arise. In such a scheme the burden could be shared by many people, but continuity and overall view would be sacrificed.

As a third alternative the Faculty Council can provide the President with the help I propose. In such an assignment the Council members would be acting as both representatives and spokesmen for the faculty in quite an abnormal definition of the Council's role. This scheme has the great advantage that the Council already exists and already has an overview of campus problems. If a way can be found to involve some young faculty members, who have so much at stake, I would be pleased. I also believe that a way must be found to involve students.

Everything I have said to this point I wrote prior to last Monday. On Monday students and non-students successfully disrupted the Chase Manhattan Bank interview schedule in the School of Business and Public Administration. They imprisoned the Vice President for Student Affairs, the Dean of Students, the Dean of the School of Business and Public Administration, and the Chase Manhattan interviewers until guarantees were made that the interview schedules for March 10 and 11 would be cancelled. I believe this is only the second time that a regularly scheduled Cornell University event has ever been completely disrupted and cancelled.

After last Monday's disruption in the School of Business and Public Adminis-

tration the SDS, in a public meeting, voted to defy the campus judicial system.

Since Monday the group of seven black students cited to appear before the Student-Faculty Conduct Board for last December's disruptions have indicated their unwillingness to cooperate with the judicial system. The Board has told them that if they do not appear tomorrow night they will be suspended. The Afro-American Society will meet tonight to decide its response to this action.

Since last Monday the Graduate Student Coordinating Council has called for a strike in support of three research assistants who were suspended from the University for non-payment of fees. The research assistants withheld their fees because they charge the University with bad faith in not accepting demands for higher stipends.

The central issue is whether research assistants who are paid to do research for their own dissertation should receive stipends comparable to fellowship stipends, with only those assistants doing work unrelated to their dissertation receiving stipends comparable to teaching assistants. Another issue is the charge of "bad faith" every time we say "no".

In the light of these developments I have decided to speak to you as Provost and in a way which would be entirely inappropriate if the circumstances were less critical or if there were more time to deliberate. I am going to tell you what I want you to do, and in so doing I am also speaking for the President.

I want you first to reaffirm a statement of principles. The words must be faculty words but they should cover the following:

1. The right to speak and the right to be heard are central to the concept of a university and the faculty is determined that these rights are going to be maintained on this campus.
2. Those who are invited to the campus by legitimate campus organizations have the same right to speak, to be heard and to conduct their business

as does anyone else on the campus.

3. The Faculty supports the notion of a Cornell community and the necessity for anyone who voluntarily accepts membership in the community to accept the responsibilities and sanctions included in that membership. I also hope you will indicate your willingness to consider improvements in the present judicial system to make it appropriate for the entire community.

Next, I want you to authorize the Faculty Council to devise a mechanism for the Council itself to serve as spokesmen for, and representatives of, the faculty in helping the President plan and execute the steps necessary to maintain this University as a university. I want you to authorize the Council to select an appropriate number of assistant and associate professors and an appropriate number of students to help it in this endeavor.

I want as many of this group of Council members and their designees as can be brought together tonight to meet at eight o'clock in the Board of Trustees Room in Day Hall. I want the group to break up into subgroups to undertake the following tasks:

1. To advise the President on the appropriate legal and campus judicial procedures to be set in motion as a result of Monday's disruptions in Malott Hall.
2. To advise the President on the police policy to be followed henceforth in dealing with campus disruptions.
3. To advise Vice-President Brown and Dean Cooke on the appropriate response to the graduate assistants and on the appropriate way to handle the strike by assistants.
4. To advise Vice-President Barlow and Dean Meyer on the appropriate way the administration should cooperate with the University Student Conduct Conference and with the Faculty Committee on Student Affairs

to preserve and stabilize the campus judicial system.

5. To organize the method by which the Council's position and the faculty's position will be made known to the campus community.

While I have asked for new procedures, we must all understand that our purpose is to deal with the substance of the issues before us.

I apologize for assuming a role which is inappropriate but the President, I, and the entire administration need your help and we need it now."

[Extended Applause.]

4. DISCUSSION OF THE PROVOST'S STATEMENT

Professor Blumen thereupon interpolated himself in front of the microphone available to the floor, observing that he hoped his dexterity entitled him to the floor under the rules of the parliamentary game. He then observed that like all of us here, he was deeply distressed that incidents like those of February 28th and March 10th occurred at Cornell. The manhandling and intimidation of any speaker or of any person on university business interfered fundamentally with freedom of association and the free exchange of ideas on this campus. It was impossible simultaneously to tolerate such behavior and expect this University to continue as a meaningful academic institution. The difficulty was compounded by what were clearly premeditated decisions to focus on officers of the University so that their humiliation could be translated into a victory over Cornell itself.

If these were only transient incidents, it might be possible to argue mitigating circumstances, or explain them away by a doctrine of unique and special strains, i.e., indignation over university investment policy, the high price of milk, or unwarranted suppression of scatological language. But these were only the latest in a long series of carefully planned provocations and confrontations which had interfered with the orderly conduct of classes, driven faculty from their offices, disrupted libraries, deprived students of contacts with invited

outside visitors, disturbed public meetings, and deprived students of their right to freely congregate in their own dining and lounging facilities. Faculty and staff had been confined against their will and staff had been struck down from behind, to mention only some of the better known and confirmed indignities for which there have been no penalties against the aggressors. We all deplored these things. But if all we were willing to do was to deplore them, then these new barbarians and apprentice book-burners would again be reinforced in their belief that we were the willing victims of groups whose notion of liberty extended only to those who shared their immediate goals.

After the Economics Department incident last spring, he had written the Dean of the Faculty urging that the time had come for someone speaking for the University to assert unequivocally the Faculty's determination to defend academic freedom. He had asked for implementation of this pledge. This had not been done and the failure to speak and to act has been repeated again and again. The Faculty had learned their lesson: Each time they yielded, or postponed on the grounds of expediency or vague hopes, they sowed the seeds for a new confrontation which was worse and uglier than the last. It was too late now to depend on appeals to reason alone. It was perhaps, even too late to rally Faculty, students and staff to the defense of reason. But the effort should be made, and the defenses had to be manned with determination.

What steps could be taken? It was important, first, to have an authoritative voice rally the whole Cornell community to the defense of academic freedom, individual rights, personal safety, and the protection of the University's precious resources against mob action. Next, it ought to be made crystal clear that groups which organize or act to destroy a university community had no place on campus and that the Faculty speedily, but carefully, would remove their privileges. It was possible to separate the right to freedom of speech from the privilege of using

Cornell facilities to organize mobs for the destruction of the rights of all. Cornell's differences with these groups were fundamental and could not be negotiated away. They were not merely problems of communication.

Decency to Faculty and students required that those who use violence or threats of violence against members of the community be brought before civil authorities, particularly where off campus interlopers engaged in these criminal acts. Finally, the Faculty must recognize the merits of the statement of Professors Hofstader, Trilling, and others at Columbia the other day. They must urge on those charged with the responsibility for campus judicial proceedings the necessity for unambiguous and expeditious conduct of actions against student violators of our norms if they were to have any possibility of sustaining the delicate web of relationships which is a university.

[Applause.]

5. ACTION TAKEN WITH REGARD TO THE FACULTY COUNCIL IN ORDER TO IMPLEMENT THE PROVOST'S STATEMENT.

The President thereupon recognized Professor Marcham, who proceeded to explain that he had come to the meeting, not as a person, but as an agency designed to translate the Provost's requests into a motion. Whereupon he moved that it be:

RESOLVED, That the Faculty Council is hereby authorized to devise a mechanism for the Council itself to serve as spokesmen for, and representatives of, the Faculty in helping the President plan and execute the steps necessary to maintain this University. The Council is also authorized to select an appropriate number of assistant and associate professors and an appropriate number of students to help it in this endeavor.

Upon a second, the President called for further discussion of the motion. There being none forthcoming, the President thereupon called for a vote upon the motion. The motion was carried by a voice vote, any dissent being indistinguishable from the normal noise current in the house.

6.

A PROPOSED FACULTY STATEMENT OF PRINCIPLE

The President thereupon called upon the Dean of the Faculty to proceed with the business of the day. The Dean explained that the consideration of nominations for membership on the Temporary Committee on Organization and Procedures of the University Faculty had been put over until the next meeting. Concomitantly, he had received a request to schedule a motion asking the Faculty to rescind their rescission of their resolution of 30 May 1951. (Minutes, 12 February 1969, p. 3602) This, too, had been put over until next month.

The Dean went on to inform the Faculty that he had received a student statement pertinent to recent events. Signed by a hundred students recognized by their peers as leaders, the students had asked him to read it to the Faculty which he thereupon proceeded to do.

The Dean explained then that the Faculty Council and the Faculty Committee on Student Affairs had both been busy drafting the reaffirmation of principles requested by the Provost. Acting independently but, cognizant as they were of each others' endeavors, the Council had sought to speak to the broader issues confronting the Faculty, whereas the FCSA had sought to restrict itself to the particulars of the problem. In behalf of the Faculty Council, therefore, the Dean moved the Council version of a Faculty reaffirmation of principle:

RESOLVED, That this Faculty reaffirms certain principles that are fundamental to the maintenance of the university as a center of free inquiry, scholarship and teaching: the freedom to speak without harassment, the right to dissent in an orderly manner, the right to access to the campus of those having legitimate business to conduct.

This Faculty reaffirms the common responsibility of students, officers and Faculty to Cornell University and re-endorses the working principles and procedures of the University, particularly as they relate to free discussion, to the existing code of conduct for students and to the judicial process associated with that code.

The Faculty commends the Administration of the University for the patient and restrained response to recent violations of these principles involving disorders and threats of disorder. The Faculty support the Administration in its attempts to preserve the integrity of the University, and offers its full and active cooperation in future efforts. The Faculty, through the activities of its committees and the cooperation of its individual members, will demonstrate its determination to prevent disruption of campus activities in violation of those principles which are fundamental to the existence of the University.

The motion was duly seconded.

The Dean then advised the Faculty that, by oversight, the motion failed to take into account one of the Provost's principles, and that he had asked the Secretary to be prepared to move an amendment. Whereupon the President recognized the Secretary, who moved that the following language be added as a second sentence in paragraph two of the main motion:

The Faculty also re-affirm the common responsibility of students, officers and Faculty to re-examine periodically the procedures of the University and the existing code of conduct in the light of changing circumstances.

Upon a second, the motion was carried by a voice vote.

The Associate Professor of Industrial and Labor Relations, William H. Friedland, observed that this amendment focused upon the main issue in the entire affair. Phrased as it was in terms of academic freedom or free speech, everyone would agree with the thrust of the original motion. Yet Cornell was reaching the stage during which the question of what were legitimate University concerns was being raised by the students. Faced with questions the Community could not simply re-affirm the traditional normative system. Indeed, more and more students had become disenchanted with things as they were so that the whole normative system was in question. If, in the face of new norms, the Faculty were serious about re-examination of the normative structure, they had to agree to face a number of hard questions. Free

speech, for example, would have to be re-established as a normative value within the context of new patterns of the norm. Still, the Faculty could not continue always to operate under the gun as it were. This meant that the Faculty had seriously to mean that they were willing to seize the initiative and establish a new normative base for the University. This was further complicated by the palpable fact that the Faculty could not assume that they "were" the University, able to decree its normative matrix, since the students had come to believe that "We, too, are the University."

Professor Hartman then observed that he considered the Provost and Professor Friedland to be two of the most capable people in the University. Sadly enough, he disagreed with both of them. Implicit in both their speeches was the idea that students were capable of participating as equal partners in the definition of a new normative order. The raw truth of the matter was that the students were not as capable as the Faculty in making serious decisions affecting the whole future of the Community. Indeed, if one were to speak of norms to be translated into a new normative order, one would have to license violence since this was fast becoming a standard tactic on the campus. This new norm illustrated the palpable absurdity involved in the talk of creating new normative values because these efforts presupposed that the norm were somehow the product of rational behavior, whereas in fact it was either irrational behavior or a deliberate attempt to impose a new normative order through the use of naked force. Indeed, if violence was resorted to by say, three percent of the community, could anyone justify re-ordering the whole normative scale to license this obnoxious norm?

The Professor of English, Ephim G. Fogel, said that he wanted to support the sense of Professor Friedland's remarks. The Community had in fact been engaged in re-examining their various normative bases. No one several years ago would have dreamed that the dormitories would be the open accommodations they were today.

The Morison Commission was re-evaluating the role of students in the decision-making process. The old notion that two languages in addition to one's native tongue were essential to prove the cultural competence requisite for a Ph. D. had been discarded. Any number of given values had changed. He proposed, therefore, to move that the amendment to the proposed Faculty statement be amended to include a promise by the Faculty to re-examine periodically not merely the procedures but the normative bases of the University. Reacting to quaere from the rear of the auditorium relative to what normative meant, Professor Fogel then moved that the amendment should be amended to read as follows:

This faculty reaffirms the common responsibility of students, officers and Faculty to re-examine periodically the philosophic, moral and social principles by which the University is guided and the procedures and existing code of conduct in light of changing circumstances.

Upon a second, the amendment was carried by a voice vote.

The Professor of Mathematics, Peter J. Hilton, said that he liked the tenor of the Faculty statement in the form it had now assumed. Indeed, he wanted very much to have the motion to adopt it carry emphatically. There was one unfortunate point about it and this was the fact that the first sentence of the third paragraph raised a somewhat distinct issue. It would be much better if this issue was voted upon separately so that, as to the thrust of Faculty sentiment about the proposed statement, there should be no doubt whatsoever.

Professor Blumen thereupon moved:

RESOLVED, The sentence which read "The Faculty commends the administration of the University for patient and restrained response to recent violations of these principles involving disorders and threats of disorders" should be deleted from the text of the proposed statement, and that, in the next sentence, the words "not only" should be deleted and the word "but" changed to "and."

Upon a second, the motion was carried by a voice vote.

6. ADOPTION BY THE FACULTY OF A STATEMENT OF PRINCIPLE

Whereupon the Dean restated the motion as amended:

RESOLVED, That this Faculty reaffirms certain principles that are fundamental to the maintenance of the University as a center of free inquiry, scholarship and teaching: the freedom to speak without harassment, the right to dissent in an orderly manner, the right of access to the campus of those having legitimate business to conduct.

This Faculty reaffirms the common responsibility of students, officers and Faculty to Cornell University and re-endorses the working principles and procedures of the University, particularly as they relate to free discussion, to the existing code of conduct for students and to the judicial process associated with that code. The Faculty also reaffirms the common responsibility of students, officers and Faculty to re-examine periodically the philosophic, moral and social principles by which the University is guided and the procedures and existing code of conduct in light of changing circumstances.

The Faculty supports the Administration in its attempts to preserve the integrity of the University and offers its full and active cooperation in future efforts. The Faculty, through the activities of its committees and the cooperation of its individual members will demonstrate its determination to prevent disruption of campus activities in violation of those principles which are fundamental to the existence of the University.

Whereupon the President called for a vote upon the motion as amended and it was carried by a resounding chorus of ayes.

7. DISCUSSION OF A STATEMENT PREPARED BY FCSA

The Dean thereupon moved that the Faculty adopt the statement proposed by the Faculty Committee on Student Affairs, the text of which had been distributed at the meeting:

The University Faculty expresses its grave concern at the rising level of tension, incivility and hostility within our educational community, and at the

actions being taken by some on behalf of causes held dear.

Universities, by their essential nature, should be committed to encouraging and protecting the expression of diverse ideas and of reasonable actions made on behalf of those ideas. Here at Cornell, it should be evident that students, Faculty and administrators have tried to be sensitive to and tolerant of the greatest diversity of viewpoints and of a wide range of activities undertaken in support of those ideas.

Fundamental to a University is respect for the principle of the right to speak and the right to hear. These principles embrace, on the one hand, the encouragement of diverse views and dissent, and, on the other, the maintenance of those basic community interests and needs without which neither community nor diversity nor dissent can truly exist.

The University must remain sensitive and receptive to the consideration of change and reform through orderly and peaceful means. However, seeking change through force and violence, most especially when these are wedded to self-righteousness, can only unleash forces destructive to the very fabric of our educational community. To acquiesce in the denial of free speech or in the assertion of force is to invite the imposition of one or more orthodoxies which can only be fatal to the freedoms of inquiry and expression.

If the University is to survive as an educational community, actions which violate the above principles must be treated as serious misconduct which cannot be condoned or overlooked.

Alleged student violations must be processed through the adjudicatory system. The effectiveness of the judicial process assumes, as it must, the voluntary cooperation of students with the adjudicatory boards. Willful refusal to accept the jurisdiction of the adjudicatory system through deliberate refusal to appear before the appropriate board or through deliberate refusal to comply with its sanctions is an implicit denial of membership in the educational community. Such refusal cannot help but expose the student to the imposition of serious penalties.

The Faculty hopes that the Cornell Community, whatever its internal disagreements, will work together

*in a shared commitment to those values and behavior
which bring men together and give to human life
dignity and creativity and point.*

A second was immediately appended to the motion.

The Professor of Economics, Douglas F. Dowd, observed that the Faculty has finally reached the heart of the present problem. Everyone could enthusiastically endorse the earlier reaffirmation of principles because everything in it was desirable. Now, however, they reached the point where they had to decide what actually was going to happen. Were they going really to re-investigate principles, even to admitting that three percent of the student body could have very sincere beliefs as to what was right and wrong which did not coincide with majoritarian presuppositions? Would they conceive that morality could be tested qualitatively as well as quantitatively when it came time to speak of a new normative order?

There was a very real question whether this University did function as a Community. With regard to black students, they came out of a different past, they existed here in a different present, and they seemed destined to depart to live in a different future. This was a tragic situation if one only stopped to realize that their and our futures were inextricably linked. Now was hardly the time to demand mechanistic implementation of the existing disciplinary machinery against the blacks, who sincerely questioned its relevance, when, a moment ago, the Faculty had agreed to reflect upon the real viability of their conventional wisdom. Manifestly, the behavior of some black students at the Alice Statler Auditorium had simply been bad, as had been the behavior of some whites at Malott Hall. To invoke machinery many people regarded as outmoded and incapable of appropriate discernment of existing felt needs was hardly the appropriate response, however, because this only promised to make a bad situation worse, not better.

If the Faculty were sincere about their will to re-think current conventional wisdom, when the time was not appropriate in which to call for a Draconian juris-

prudence. What was needed was not action, but time for reflection, discussion and creative effort directed at reconstituting a real community.

[Applause.]

The Goldwin Smith Professor of English Literature, Robert H. Elias, said that he supported the gist of Professor Dowd's remarks. The Faculty already had adequately reaffirmed their principles, including their resolve to examine critically their own conventional wisdom, and had adopted a measure designed to see something was done to achieve their ideals when they voted for Professor Marcham's motion. To adopt the FCSA statement now reduced the meeting to the level of the absurd because implicit in it was the statement that whatever is, is right. Whereupon Professor Elias moved to table the FCSA statement pending consideration of it by the Faculty Council, and a report back to the Faculty by the Council at next month's meeting. Professor Blumen rose to a point of order challenging the appropriateness of the motion, and the President ruled it out of order.

The Professor of Government, Allan P. Sindler, warned the Faculty that the perceived meaning of the FCSA statement was being escalated into something quite different from what the statement actually said. The statement nowhere blocked the re-examination of principles and processes. All it did was to state an elementary truth: any judicial system must have the capacity to deal with students brought before it for alleged infractions and to decide their guilt or innocence. The idea that a higher law authorized any segment of the community to ignore the judicial system was ominous because, flatly stated, it meant the end of the idea of a community. All that the statement asked was that any member of the community admit that, as a price of membership in the community, debates over the rightness or wrongness of alleged acts should be staged within the parameters of the community's judicial system. To accept the jurisdiction of a central court system, after all, was the very minimal acknowledgment prerequisite to any viable community.

The Professor of Entomology and Limnology, David Pimentel, explained that he was the chairman of the University Student Conduct Conference and said that he strongly endorsed the FCSA statement.

The Visiting Professor of Public Administration, Lisle C. Carter, said that, as a visitor, he was somewhat reluctant to speak. He had detected by gauging applause, however, that there was considerable sentiment in favor of the current motion. The Faculty should pause and reflect upon the fact that they were judging, in an atmosphere colored by recent events, an issue which had been apparent for a number of weeks. The current refusal on the part of the several black students to appear before the adjudicatory boards clearly predated recent events.

These student attitudes should not be misinterpreted. When, for example, some black students caused what some would call a "disturbance" in the library, their intent had not been to deny the value of books but to try to express their desire to have better access to books. Similarly, the black students who now refused to appear before the conduct board were not denying the Community of which they did in fact want to be involved. In their eyes the insistence upon their appearance before a tribunal, the competence of which might be debatable, before the debate could be had, was tantamount to a demand that they perform a ritualistic acknowledgment that the debate would be thereupon held as a matter of grace and not, as they saw proper, as an initial proof that justice was paramount to jurisdiction. True, lawyers would tell them that they should first enter an appearance before the tribunal and then object to its jurisdiction. The intellectual community, however, was not a minuscule copy of secular society so that this lawyer's approach was not necessarily appropriate in the current setting. If the blacks were sincere in their willingness to be a part of the Community, as the speaker believed they were, it would seem that an intellectual community could forgo rituals and by reason and discussion resolve the current impasse. If the Faculty were sincere

when they passed their first statement of principle, it was hardly a practical first step thereafter to pass a motion which made reconciliation among disparate segments of the Community all the more difficult.

[Applause.]

The Professor of Mathematics, Paul Olum, said that, in principle, he agreed with Professor Sindler. It was essential that all of the students be members of one community. He was less optimistic than Professor Carter that the black students would become a part of the Community. Still, two things seemed clear. The idea that only blacks should judge blacks was intolerable. A reasonable effort, however, should be made to assure that the black students had every chance to decide to join the Community. The current impasse revolved around the insistence that several of their number make an appearance before a board they claim is incompetent to try them. He would like to have the question of the board's competence settled first so that issue was not needlessly joined over a purely technical point. Thus, because this motion seemed to demand an appearance as a condition to discussion of the real issue, he would vote against it.

The Professor of Psychology, Ulric Neisser, said that he did not really believe that the University had reached the end of its rope, although the current resolution sounded as if that was precisely the case. He suggested therefore that the stern language in the statement which warned that a student would expose himself to severe penalties if he refused to accept the jurisdiction of the adjudicatory system should be modified in order to fit the actual contemporary situation. In order to accomplish this he moved:

RESOLVED, That a sentence should be added to the statement indicating that such penalties were not automatically to be invoked upon a failure to appear, but should only be invoked after a full hearing into the circumstances which had prompted the refusal to appear.

A second was appended to the motion. Whereupon Professor Fogel said that the

statement, even if amended by this sentence, still took a "throw the book at them stance." This statement simply closed options and looked forward to a confrontation because, even if amended as suggested, it demanded an appearance before a board of questionable competence as a token of loyalty to the institution. The Faculty might vote for a statement by a slim margin, but this simply reconstituted a state of divisiveness in the Faculty when they had united solidly behind the first statement only minutes ago. Wisdom seemed to indicate that the effort to amend should be abandoned and that the statement itself be tabled. Whereupon, by a voice vote, the motion to amend was defeated.

The Professor of History, L. Pearce Williams, observed that there had been a lot of talk about the idea of a community, but he had been saddened by the lack of any reference to individuals. The Faculty were not dealing with traditional student hi-jinks or the antics of rowdies; they had seen a deliberate assault occur which was designed to keep a man from speaking. Life and property were, after all, merely rhetorical bookends which supported the central pillar of any community worthy of the name, i.e., liberty. For the first time in his career he felt he was not at liberty freely to speak his mind in the classroom. He did not want to adopt a statement for the sake of encouraging the disciplinary staff "to lean on" anyone; what he did want, however, was to be guaranteed that order should prevail to the extent that he could present his views without being pushed away from the lectern.

[Applause.]

The Professor of Law, Robert S. Pasley, said that the recent adjudicatory system, adopted only last year, had been the product of many years of effort by innumerable people. Only a year ago the Faculty adopted what they thought then was a good system; now some people were willing to discard it the instant a group simply decided to announce a boycott. Whether they realized it or not, the Faculty

were implicitly passing judgment upon their own abilities to legislate in these matters.

The Professor of International Nutrition, Michael C. Latham, said that he favored the first statement of principles, but he failed to comprehend the need for this statement which seemed designed to force a confrontation. Experience in other countries indicated that, in racially mixed societies, members of the accused's race could be included on the court as a matter of course. There was, therefore, a lot of middle ground between refusal to participate at all and a white tribunal's insistence that it was the most perfect of courts which could demand to proceed as it was. Indeed, the FCSA statement might be brought more into line with the earlier statement adopted by the Faculty, and made somewhat less of an implied ultimatum, by a relatively few word changes. Thus, he moved:

RESOLVED, That the sentence which read "Alleged student violations must be processed through the existing adjudicatory system." should be altered by the deletion of the word "existing" and the addition at the end of the phrase "which system will be kept under constant review."

Upon a second, the motion to amend was defeated by a voice vote.

The Susan Linn Sage Professor of Philosophy, Max Black, taking note of unparliamentary groans which greeted his arrival at the microphone, apologized at once for putting the Faculty to such a dreadful inconvenience that they might be late for their suppers. He told them that he had detected precisely three "no" votes when they resoundingly adopted the first statement. That statement was clear, uncompromising and said everything. There was a point when silence was more eloquent than words, and that time arrived immediately after the adoption of the first statement. The Faculty could not leave the auditorium united behind the impact their unanimous declaration would have upon the Community. A divided vote on this second statement would destroy the whole effect of the first one. Worse, the character of the second statement was almost entirely negative and added not a whit of con-

structive wisdom as to the solution of these current problems. Therefore, he moved to table consideration of the FCSA statement, and a second was quickly appended to this motion.

Professor Blumen, jumping up to a point of order, objected that a motion to table was inappropriate where there had not been adequate debate of the main motion. The President responded that he had ruled out of order Professor Elias' earlier motion to table precisely on that ground, but now that there had been ample debate he would entertain this motion to table. Professor Blumen then announced that he was appealing the ruling of the chair. The President thereupon relinquished the chair to the Provost who called for a voice vote on the ruling of the chair, which he then read as sustaining the ruling.

The President resumed the chair when the Vice-President for Academic Affairs, Stuart M. Brown, Jr., gratuitously advised the chair that a two-thirds vote was necessary to pass a motion to table. Professor Olum then advised Professor Black that only a majority vote was needed to pass a motion to postpone consideration of the statement to a particular future time. Professor Black thereupon rephrased his motion to move for a postponement of further consideration of the FCSA statement until the next regularly scheduled meeting of the Faculty. Seconds were quickly added to this motion, but Vice-President Brown advised the chair that this motion was debatable.

Professor Sindler announced that he was perplexed to find the FCSA statement being interpreted as a hard-line doctrine. The statement seemed self-evident; indeed, it was rather trite. He resented any suggestion that the statement was designed to inhibit a reconciliation. Indeed, there had been a great deal of merit in Professor Neisser's suggested amendment of its language. We had, after all, created an adjudicatory system. That system was being prejudged by students who refused to come before it. If they came before it, they might find the system very sensitive to the problem of race. True enough, one could always agree that

the student members of the panel were not representative. Without a formal student government, however, that charge was endemic and unavoidable. A single adjudicatory system was, after all, the bare minimum of the very idea of a community without which Cornell would disintegrate. Further, should the Faculty adopt the first statement and table the second, the world at large would chalk the afternoon up as another example of how the Faculty were unanimous when it came to principle but could not actually unite to implement even an elementary principle.

The President thereupon called for a vote on the motion to postpone, but Professor Elias rose to demand a division of the house. Whereupon, after tellers were selected, the vote was had by a show of hands. The motion to postpone was defeated, 204 voting aye and 302 nay.

Calls for the question arose but the Professor of Economics, Chandler Morse, suggested that the Faculty should reflect upon the impact approval of the FCSA statement would have upon the judicial process. In a sense, the Faculty would be influencing the environment in which specific cases would be tried, creating as it were a "get tough" attitude. Everyone knew that they were really talking about a judicial response to several cases and not merely an abstract principle. The Faculty were in reality suggesting how the adjudicatory boards should respond to a particular problem and were therefore, at least arguably, interfering with very fundamental notions of due process.

8. ACTION UPON A STATEMENT PREPARED BY FCSA

Amidst an increasing crescendo of calls for the question, the President put the motion to adopt the FCSA statement to a vote. The vote, again by a show of hands, illustrated that the motion passed, 306 members voting for it and 229 against it.

Whereupon the meeting was adjourned at 7:10 p.m.

E.F. Roberts
Secretary

The President called the meeting to order in Room 120, Ives Hall at 4:30 P.M. He called for any corrections or additions to the minutes of the regular meeting of March 12, 1969 and, there being none, declared those minutes approved as distributed.

1. OPENING REMARKS BY THE PRESIDENT

The President commented on progress in the selection of a director of Afro-American Studies, which should be announced by the end of the month, and on the establishment of an Afro-American Studies Center, which is expected to be approved by the Board of Trustees shortly. This may allay the anxiety of the Afro-American students. The problem of the Afro-American students who are not willing to appear before the Student-Faculty Board on Student Conduct still remains, and various compromises are under discussion. Incidents in the last few weeks show that people on both sides would like to be in better rapport, and one effort in this direction has been initiated by some students.

With respect to the shortage of low cost housing in Ithaca the President observed that an interim solution may be in the process of development by the units planned in Collegetown and downtown for low and middle income occupants with university assistance.

The program of the Joint Housing Committee continues under discussion: an interim measure agreeable to those sincerely interested in housing may be found and presented to the Board of Trustees. The Students for a Democratic Society parade in support of the Joint Housing Committee was to terminate at the President's home. Its sponsors hoped that on arrival the procession would be peaceful. The representatives on campus of two Trustees inquired of the President on student approaches to him, and he indicated that this would endanger the Joint Housing Committee program as a whole as far as the Trustees are concerned. No inquiry was made by the students

to the President's office: he plans to go to New York City after this Faculty meeting to prepare for the Trustees' meeting.

2. REPORT OF THE COMMITTEE ON NOMINATIONS

The Professor of Industrial and Labor Relations, Alice M. Cook, submitted the report of the Committee on Nominations as follows:

For election to FACULTY TRUSTEE, 1 to be elected

ISADORE BLUMEN, Professor of Industrial and Labor Relations and Acting Chairman,
Department of Economics and Social Statistics

CYRIL L. COMAR, Professor and Head, Department of Physical Biology and Director,
Laboratory of Radiation Biology, Veterinary College

PAUL OLUM, Professor of Mathematics, College of Arts and Sciences

ROBERT A. PLANE, Professor and Chairman, Department of Chemistry, College of Arts
and Sciences

ROBIN M. WILLIAMS, JR., Henry Scarborough Professor of Social Sciences, Sociology,
College of Arts and Sciences

GEORGE WINTER, Class of 1912 Professor of Engineering and Chairman of the Department
of Structural Engineering

For the Committee on ACADEMIC FREEDOM AND TENURE, 2 to be elected

WALTER F. BERNS, Professor of Government, College of Arts and Sciences

N. SCOTT URQUHART, Assistant Professor of Biological Statistics, Biometrics Unit,
Plant Breeding and Biometry, College of Agriculture

WILLIAM FOOTE WHYTE, Professor of Industrial and Labor Relations and Professor of
Sociology, College of Arts and Sciences (Joint appt. 1969-70)

WILLIAM H. STARBUCK, Professor of Administration, Graduate School of Business and
Public Administration and Professor of Sociology, College of
Arts and Sciences (Joint appt. 1968-69)

For the Committee on ACADEMIC INTEGRITY, 2 to be elected

RICHARD G. WARNER, Professor of Animal Science, College of Agriculture

ROBERT L. PLAISTED, Professor and Head, Department of Plant Breeding and Biometry,
College of Agriculture

ROSE E. STEIDL, Associate Professor of Household Economics, College of Home Economics

HELEN J. PAPE, Assistant Professor of Counseling Service, Counselor of Students,
College of Home Economics

For the Committee on ECONOMIC STATUS OF THE FACULTY, 1 to be elected

JOHN F. BOOKER, Associate Professor of Mechanical Engineering, Mechanical Systems
and Design in the College of Engineering

JOEL SILBEY, Professor of American History, College of Arts and Sciences

For the FACULTY COUNCIL, 4 to be elected

- ALAN K. MCADAMS, Associate Professor, Managerial Economics and Finance, Graduate School of Business and Public Administration
- ALEXANDER KIRA, Professor of Architecture, College of Architecture, Art and Planning
- KURT L. HANSLOWE, Professor of Law, joint appointment in the Law School and School of Industrial and Labor Relations
- LIONEL WEISS, Professor of Operations Research Engineering, College of Engineering
- DAVID I. GROSSVOGEL, Professor of French, Romance Studies, College of Arts and Sciences
- MARTIE W. YOUNG, Associate Professor and Chairman, Department of History of Art and Curator of Asian Art, White Art Museum
- GWEN BYMERS, Professor of Household Economics and Management, College of Home Economics
- J. MAYONE STYCOS, Professor and Chairman, Department of Sociology and Director, International Population Program, in the College of Arts and Sciences

For the Committee on NOMINATIONS, 3 to be elected

- LEOPOLD W. GRUENFELD, Associate Professor of Industrial and Labor Relations
- VERNON H. JENSEN, Professor and Associate Dean, College of Industrial and Labor Relations
- RICHARD H. BARNES, Professor and Dean of Graduate School of Nutrition
- WILLIAM H. ERICKSON, Professor of Electrical Engineering and Associate Dean, College of Engineering
- FREDERICK C. STEWARD, Charles A. Alexander Professor of Biological Sciences and Director, Laboratory for Cell Physiology, Growth and Development
- LYMAN G. PARRATT, Professor and Chairman, Department of Physics, Lab. of Atomic and Solid State Physics, Lab. of Nuclear Studies

For the Board of PHYSICAL EDUCATION AND ATHLETICS, 1 to be elected

- NEIL W. HENRY, Assistant Professor of Sociology in the College of Arts and Sciences
- THOMAS A. SOKOL, Associate Professor of Music in the College of Arts and Sciences

For the Board on STUDENT HEALTH, 1 to be elected

- WILLARD J. VISEK, Professor of Nutrition and Comparative Metabolism, Animal Science, in the College of Agriculture
- RICHARD N. WHITE, Associate Professor of Civil Engineering, Structural Engineering, in the College of Engineering

For the Committee on STUDENT AFFAIRS, 2 to be elected

- VANCE A. CHRISTIAN, Assistant Professor of Hotel Administration, Hotel School
- GEORGE W. BROOKS, Professor of Industrial and Labor Relations

MARY E. PURCHASE, Associate Professor of Household Economics and Management in
the School of Home Economics

MARJORIE GALENSON, Assistant Professor of Household Economics and Management in
the School of Home Economics

For the STUDENT-FACULTY BOARD ON STUDENT CONDUCT, 1 to be elected

LEO MELTZER, Associate Professor of Psychology and Sociology, College of Arts
and Sciences

STEPHEN J. ROBERTS, Professor of Veterinary Medicine and Obstetrics and Director,
Mastitis Control Program, LAMOS in the Veterinary College

For the Temporary Committee on ORGANIZATION AND PROCEDURES OF THE UNIVERSITY FACULTY,
7 to be elected

RICHARD I. HOFFERBERT, Assistant Professor of Government, College of Arts and Sciences

JOAN R. EGNER, Assistant Professor of Educational Administration, College of
Agriculture

ROBERT S. PASLEY, Professor of Law, Law School

FRANK B. MILLER, Professor and Chairman, Department of Organizational Behavior,
School of Industrial and Labor Relations

JOHN W. REPS, Professor, City and Regional Planning, College of Architecture,
Art and Planning

JEREMIAH J. WANDERSTOCK, Professor of Hotel Administration, Hotel School

BART J. CONTA, Professor of Mechanical Engineering, Thermal Engineering, College
of Engineering

CYRIL L. COMAR, Professor and Head, Department of Physical Biology, and Director,
Laboratory of Radiation Biology, Veterinary College

J. HERBERT BRUCKNER, Professor of Poultry Science, College of Agriculture

JOHN H. WHITLOCK, Professor of Parasitology, Veterinary Pathology, Veterinary College

GEORGE P. ADAMS, JR., Professor of Economics, College of Arts and Sciences

PAUL P. VAN RIPER, Professor of Public Administration, Graduate School of Business
and Public Administration

RICHARD POLENBERG, Associate Professor of American History, College of Arts and
Sciences

DAVID P. MOZINGO, Assistant Professor of Government, College of Arts and Sciences

Nominations from the floor were invited for each post to be filled but none were
submitted. The motion of the Professor of Industrial and Labor Relations to accept
the report was seconded and adopted.

3. REPORT OF THE PRESIDENT'S COMMISSION ON MILITARY TRAINING

The Vice-Provost and Professor of Agronomy, W. Keith Kennedy, reported as
Chairman of the President's Commission on Military Training.

The Commission on Military Training, he stated, was appointed in the fall of 1968 to determine the most appropriate way for a modern land-grant institution to respond to the provisions of the Morrill Act and its Charter regarding instruction in military tactics.

Specifically the Commission was asked to:

- (1) Review and examine Cornell University's obligations with respect to military training, as defined by existing laws and contracts, and in light of Cornell University's charter as a land-grant institution;
- (2) Recommend a model program that responds to the expressed concerns of faculty and students and that is fully consistent with the ideals and purposes of Cornell University;
- (3) Consult with appropriate federal agencies concerning possible revisions and relevant contracts with the University;
- (4) Recommend plans whereby Cornell University can effectively move in the quickest possible manner to make such modifications in the present military training programs as seemed desirable. The President further requested that the Commission complete its study and render its report no later than December 1, 1968. The Commission used the President's charge as a broad guideline, but did not restrict its discussion to the items listed (or mentioned) in the charge.

The scope of the Commission's Study included discussions with the Commanding Officer of the R.O.T.C. units, the President, the University Counsel, representatives of the Department of Defense, Dartmouth College, Stanford University and Yale University. In addition the Commission invited and received communications from 40 members of the University community, it held an open hearing on Thursday evening, November 7, and it reviewed legislation, contracts, previous studies and other documents pertaining to R.O.T.C. programs.

In Part II of the Report the Commission presented its findings. While some have challenged certain of the Commission's findings, the Commission stands by its interpretation of these findings, except for the level of aid provided students. The amount of \$338,000 is the money administered by the Office of Student Aid and covers tuition and fee scholarships only. In addition the students do receive

allowances for subsistence, books and travel. This error was mine, he explained, in that I assembled the information for the section on financial aspects.

The Commission quickly agreed that Cornell should fulfill the requirements of the Land-Grant Act and of its Charter by offering instruction in military tactics. Second, the majority believed that Cornell should continue to offer students the opportunity to participate in officer education programs and furthermore the majority considered that officer education programs could best be handled through the R.O.T.C. programs.

The Commission was convinced, however, that the present program for the education of military officers did not make maximum use of the educational resources of the University in providing both the desired liberal and technical education.

Part III, the five general policy guidelines, and the specific recommendations as well as a proposed program for the education of military officers in Appendix V2 present the Commissions' conclusions as to the type of modifications we believe should occur in the R.O.T.C. programs. In brief we propose that (1) the University assume responsibility for the teaching of courses with significant political and policy content, i.e. Military History Affairs and National Security Policy, (2) the Military Services design their curricula whereby University offerings in science, engineering, and applied social sciences be included in lieu of technical courses in the military sciences, and (3) military skills, drill and similar offerings including technical military subjects be offered preferably during the summer camps or cruises or after the officer receives his commission or as extracurricular activities.

The Vice-Provost then read the Summary of General Policy Guidelines as it appears on page 26 of the Commission report: [attached]

The Vice-Provost commented on Guideline 1 that it would be the responsibility of the university to provide the courses required as part of the R.O.T.C. program which had significant political or policy content.

To implement Guideline 2, the military departments would have to agree with the pertinent departments offering the courses in question. Much would depend upon the good faith of the university and the faculty to cooperate with the military as with other professional fields.

Much of what is urged by Guideline 4 has already been done and the rest will probably be accomplished.

On Guideline 5, the Vice-Provost concluded, a continuous effort would be necessary for a better relationship between the university and the R.O.T.C. It would be an ongoing effort as in any other professional field.

One comment was made on Commission Recommendation 9 on page 28 of the Report:

IV.9 That the President of the University devise a method through which five to eight major universities, including Cornell (with wide geographical distribution and both public and private) could collectively develop a series of proposals to submit to the Department of Defense and the respective military departments, such as those contained in this report. Furthermore, the Commission urges the President to schedule a meeting of such university representatives early in 1969 with the expectation that proposed changes in the R.O.T.C. programs could be agreed upon and submitted to the Department of Defense by no later than mid-1969.

Time will be required for Cornell and other universities to work with the Defense Department to accomplish this objective.

4. DISCUSSION OF THE REPORT ON MILITARY TRAINING

The Professor of Military Science and Commanding Officer, Department of Military Science, Claude E. Bailey, Jr., was called to the rostrum.

The Professor of Industrial and Labor Relations, Isadore Blumen, rose to a point of order, observing that there was no motion or topic before the meeting on which the Professor of Military Science could speak.

The Secretary of the Faculty and Professor of Law, Ernest F. Roberts, replied that the Faculty Council and himself had agreed to suggest a vote by show of hands to each Guideline submitted by the Commission after open debate on the Commission

report as a whole.

It was moved and seconded to adopt this procedure.

A point of information was raised as to whether or not the proposed procedure was a suspension of the rules and the usual order of the meeting, requiring a two-thirds vote.

The Professor of Philosophy, Stuart M. Brown, Jr., advised that the proposed procedure could be decided by a majority vote.

The Professor of Industrial and Labor Relations replied that the Commission report was most unusual, coming from a non-faculty body. He observed that unless the Faculty proceeded in the ordinary way, suspicion could arise that some odd pattern was being followed.

The Professor of Law advised that a two-thirds vote was necessary to change the rules, and observed that the procedure was planned so as to give everyone a chance to speak on the report.

The Professor of Industrial and Labor Relations insisted that a two-thirds vote was required to depart from the ordinary rules.

The Professor of Philosophy then advised that the parliamentary situation was a borderline case, noting that Roberts' Rules of Order are not intended as an obstacle. He suggested, however, that there be a two-thirds vote on a proposal by the Acting Dean of the Faculty, Ernest F. Roberts.

The Provost explained that the Dean of the Faculty was absent because of illness.

The Professor of Poultry Science, J. H. Bruckner, asked if the motion under discussion was to approve the guidelines but not the entire report of the Commission.

The Acting Dean of the Faculty said yes.

An inquiry was made as whether the votes on the guidelines would be binding.

The Professor of Spanish and Romance Studies, Dalai Brenes, moved for

appointment of the meeting as a Committee of the Whole. There was no second.

The President put the question of whether there should be a show of hands on each guideline after debate, and over two-thirds assented by a show of hands.

The Professor of Military Science, Claude E. Bailey, Jr., was recognized. He expressed the appreciation of the military departments of the university for the interest and understanding of the faculty in their dilemma. With so much recent discussion, the R.O.T.C. needs to be put into prospective. The very term "Reserve Officers Training Corps" is a misnomer; each service gets a large number of Regular officers from R.O.T.C., more than from the service academies. The number of R.O.T.C. units at present is as follows:

Navy R.O.T.C.: at 54 universities

Air Force R.O.T.C.: at 175 universities

Army R.O.T.C.: at 268 universities

Over the next two years 18 additional Army R.O.T.C. units will be established in 18 universities from among over 100 schools requesting such units. Cornell is one of three universities with all three services offering programs.

The R.O.T.C. has had tremendous impact on national security. There were 14,000 graduates commissioned last year, 16,000 are expected this June and 17,000 next year. The Cornell impact has been small recently; 60 were commissioned last year from Army R.O.T.C. here. R.O.T.C. graduates comprise one-third of all officers now on active duty, and one-half of all officers from second lieutenant to colonel. Forty-eight per cent of officer output is from R.O.T.C. and less than three per cent from the service academies.

Each service has a national competition for two-year and one-year scholarships, as well as a two-year program for a commission. The options open to students are to obtain leadership training as fulfillment of military service initiated by a four-year scholarship at the university of his choice or a two-year program in which graduate students may obtain a deferment while training for a commission.

There are 550 cadets in the three services at Cornell, one-third of them on full scholarships which cover tuition, books and supplies plus \$50 a month. Only two other universities in the Northeast have attracted more winners of full scholarships. Last year, however, the number of Navy R.O.T.C. scholarship winners selecting Cornell dropped off; the Army picture remains uncertain.

All the services have embodied changes in their programs, and each service wants to keep pace with new developments. Drastic changes should be deliberated because the program is a national one. The military departments at Cornell feel the Commission has not properly taken into consideration the present changes and those now in view or under study. The three department heads did not see the Commission report before it was released to the public and, therefore, the statement of correction had to be prepared. This statement, dated February 5, 1969, in the form of a memorandum for President Perkins and all faculty members from the commanders of Army, Navy, and Air Force R.O.T.C. units was then discussed by Colonel Bailey. He pointed out that the Commission did not audit any military courses or get student reaction to them. On the matter of technical courses the Air Force has only one, which will now be taught by a regular member of the university faculty. The remainder of the technical courses are offered by the Navy. Eighteen out of forty will continue to be staffed by Naval officers and the rest next year will be offered by civilians on the university faculty, but the Navy expects credit to be given for all of these courses.

On the matter of drill and indoctrination being conducted off campus Colonel Bailey stated that physical drill is not important, but Leadership Laboratory and the Tactics Program underlie all leadership training of Army officers.

The Commission report is not taken lightly by the services, but the long time interests of Cornell, national security and student concern must all be taken into account. In view of the changes underway and Secretary of Defense Laird's request

to the presidents of the Ivy League universities to put changes in abeyance while study of the R.O.T.C. program continues, Colonel Bailey urged that no action be taken on the Commission report until this process is continued.

The Goldwin Smith Professor of English Literature and English, Robert H. Elias, put two questions to Colonel Bailey. He referred to a point made on page 3 of the statement of the military departments that officers are constrained from criticism of national policy, and asked if this extended to criticism in the classroom. He also asked whether Cornell cadets have more drill than those enrolled in the service academies.

Colonel Bailey replied that the classroom demands both sides of every question, and that he would talk on any subject. He continued that the R.O.T.C. graduate must compete with graduates of the service academies and officer candidate schools in practical leadership, and it takes a couple of years for them to catch up. The Professor of Law, Norman Penney, stated that Colonel Bailey said that restraint has no part in the classroom simply due to the uniform. He asked the military to comment on the one subject ruled out for discussion by the Pentagon.

The Professor of Naval Science, Mortimer J. Prince, explained that the Pentagon statement related to peace negotiations and merely said the officers should not make public statements that would embarrass negotiations. In drill and at information sessions the topic of peace negotiations was discussed. The Professor of Biological Statistics, Walter D. Federer, asked what effect the five guidelines in the Commission Report would have on the three R.O.T.C. programs. The reply was that guideline 1 involved only a few hours and could be worked out with the university. The impact of guideline 2 would be on the Navy program, which needs eighteen professional courses to be taught by naval officers. The professional courses in question, continued Captain Prince, involved the navigation of naval vessels and military management, for example. As pointed out in a letter from the

Chief of Naval Personnel to President Kingman Brewster of Yale University, the Navy sees the denial of credit to such courses as inconsistent with the new Navy curriculum; it would be deleterious to N.R.O.T.C. and would cause defections among enrollees. It would jeopardize the ability of the Navy to administer the program and could result in the withdrawal of the naval unit.

Guideline 3 applies primarily to the Army, which has a special program for action on the ground. The objection to treating military training as extracurricular is a serious one, and if credit is denied for work on the campus, the guideline would not be acceptable to Captain Prince. Effective officers would not be produced. On the other hand, the Department of the Army might or might not agree with this view. With respect to guideline 4 it is true that contracts with students could result in one being placed on active duty as an enlisted reservist, but this has occurred in only one case in the last fifty years. By his junior year each student should be able to abide by his contract.

The military services resent guideline 5, they deplore the reasoning that led to it, especially the implication that the military department heads need more supervision. The present relationship of the military departments to the university is of the highest order.

It was suggested from the floor that Captain Prince was being overly polite, since there were no civilians on the campus competent to teach the eighteen hours of technical courses in naval science.

The Vice-Provost indicated that the contracts with the military services do not require that credit be granted for military courses. The bylaws of the university give each faculty the decision as to whether or not to grant credit, and some faculties give more or less or full or no credit, as the case may be.

With respect to item 4 one service has regulations at present that are sufficiently tight so that the student understands his commitment and his understanding

must be reviewed with him.

Colonel Bailey stated that the services agree that the granting of credit rests with the university. "Appropriate credit" is the understanding the services have with the university. If the guideline on credit is approved, it is hard to see how any college could give credit.

It was observed from the floor that the reaction of the services to guideline 5 was surprising, since it had been thought they liked that guideline.

The Professor of Law, Norman Penney, noted that the teaching of navigation and ship systems would be taught by competent personnel. Guideline 3 would not interfere with this.

The Professor of Poultry Science, J. H. Bruckner, asked why one half of the Commission was selected from one college with three students from the same college.

The Acting Dean replied that the Dean of the Faculty presented the names of proposed members to the president on the basis of persons who knew R.O.T.C. The Associate Professor of Electrical Engineering, Joseph L. Rosson, had been on the committee that studied the R.O.T.C. curriculum; the Professor of Law, Norman Penney, was a lawyer; the Professor of Physics, Raymond Bowers, was selected for his contacts with Washington; then there were two scientists and two humanists. The chairman of the Commission had been a dean at the time of prior discussions of R.O.T.C. He stated that he had no knowledge on how the student appointees were selected.

Two questions were asked from the floor, the first as to the meaning of the term in guideline 3 of "preferably conducted in summer programs," and whether or not Colonel Bailey would recommend withdrawal if the guidelines were approved.

Colonel Bailey stated that he would recommend withdrawal if they were all passed, otherwise not.

The Acting Dean called for a show of hands on each guideline, and the vote was as follows:

Guideline 1: 207 for; 180 opposed

Guideline 2: 169 for; 212 opposed

Guideline 3: 161 for; 219 opposed

Guideline 4: 171 for; 191 opposed

Guideline 5: 142 for; 211 opposed

5. ACTION WITH REGARD TO TWO NEW PROFESSIONAL DEGREES

The Acting Dean moved:

RESOLVED, That the University Faculty approve the granting of two new professional degrees; the Master of Agriculture (M. Agr.) and the Master of Communications Arts (M.C.A.).

The motion was seconded and approved.

The meeting was adjourned.

William Tucker Dean
Acting Secretary

REPORT
of
PRESIDENTIAL COMMISSION
on
MILITARY TRAINING

Members:

Martin H. Bloomberg

Raymond Bowers

Edmund T. Cranch

D. Bruce Kratz

Gary A. Lee

Clifton A. Leonhardt

Norman Penney

Joseph L. Rosson

Martie W. Young

W. Keith Kennedy

Cornell University

December 10, 1968

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Report of Presidential Commission on Military Training

I. Introduction

I.1 Charge of the Commission

A Commission on Military Training was appointed by President Perkins on Monday, September 23, 1968. The members chosen were:

Martin H. Bloomberg, Senior, College of Arts and Sciences
Raymond Bowers, Professor of Physics
Edmund T. Cranch, Associate Dean, College of Engineering
D. Bruce Kratz, Senior, College of Arts and Sciences
Gary A. Lee, Director of Scholarships and Financial Aid
Clifton A. Leonhardt, Senior, College of Arts and Sciences
Norman Penney, Professor of Law
Joseph L. Rosson, Associate Professor of Electrical
Engineering
Martie W. Young, Associate Professor of History of Art
W. Keith Kennedy, Vice Provost (Chairman)

The task of the Commission, as outlined by the President, was to determine the most appropriate way for a modern land-grant institution to respond to the provisions of the Morrill Act and its Charter regarding instruction in military tactics.

Specifically the Commission was asked to: 1.) review and examine Cornell University's obligations with respect to military training, as defined by existing laws and contracts, and in light of Cornell University's charter as a land-grant institution; 2.) recommend a model program that responds to the expressed concerns of faculty and students and that is fully consistent with the ideals and purposes of Cornell University; 3.) consult with appropriate federal agencies concerning possible revisions and relevant contracts with the University; 4.) recommend plans whereby Cornell University can effectively move in the quickest possible manner to make such modifications in the present military training programs as seemed desirable. The President further requested that the Commission complete its study and render its report no later than December 1, 1968. The Commission used the President's charge as a broad guideline, but did not restrict its discussion to the items listed (or mentioned) in the charge.

I.2 Scope of the Commission's Study

The membership of the Commission on Military Training was announced on October 8, 1968 and the first meeting of the Commission was held on Wednesday, October 9. The Commission

agreed to meet twice weekly with the understanding that additional meetings of the Commission or its subcommittees probably would be necessary if it was to meet the deadline of December 1.

During the course of its study the whole Commission met eighteen times for sessions of two or more hours each. It conferred with President Perkins, with the University Counsel, and with representatives of the three military departments. In addition the Commission invited written comments from all members of the University community and received communications from 40 individuals; it held an open hearing on Thursday evening, November 7, attended by approximately 60 members of the University community. Proposed ROTC programs were discussed with representatives of the Department of Defense, Dartmouth College, Stanford University, and Yale University. The Commission reviewed the ROTC curricula of six additional private and public universities. It also reviewed previous studies of ROTC programs at several other universities and the recommendations which followed these studies.

Finally, the Commission made a thorough study of the federal and state legislation pertaining to the obligations of a land-grant university to offer instruction in military tactics, the University's participation in ROTC programs, the nature of the University-military service contract and the nature of the student-military service contract for ROTC scholarship holders.

The organization of our report is as follows: in Part II we have reproduced in considerable detail our findings because this information is not readily available elsewhere. This part deals mainly with the background facts and information on which we have based the subsequent discussion and recommendations. The general discussion which leads to our proposal for a new policy on officer education will be found in Part III. Our specific recommendations are given in Part IV. We have separated the formulation of a new policy from a discussion of specific recommendations because we recognize that others may be able to formulate specific recommendations to carry out the intent of the policy specified in Part III.

In spite of the diverse views and different approaches of members of the Commission, we have found it possible to write a single report. However, while all the members of the Commission agree that this report represents the best consensus, individual members of the Commission do not necessarily agree with all details. These differences have been recorded throughout the report by indicating majority and minority points of view.

I.3 Acknowledgments

The Commission wishes to acknowledge the assistance of the Commanding Officers -- Colonel Bailey, Captain Prince and Lt. Colonel Kennedy -- in meeting numerous requests for statistical data and background materials; of the ROTC cadets for their completion of a questionnaire; and of many members of the University community for their communications concerning the ROTC programs. The Commission is especially grateful to Miss Sheila Tobias and Miss Holly Hooker for their able assistance in the final writing and editing of the report.

II. Findings of the Commission

II.1 Historical Review of Morrill Act, the Cornell Charter and Pre-ROTC Military Training at Cornell

II.1.1 The Morrill Act

The Land-Grant Act of 1862, better known as the Morrill Act, was the successor to the Land Grant bill vetoed by President Buchanan in 1857. This act offered each state either tracts of federally controlled public lands or scrip. The funds from their sale were to be devoted to "the endowment, support, and maintenance of at least one college where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts....." (emphasis added)

Justin Morrill of Vermont was the major supporter of the bill while it was in Congress. During debate in the House of Representatives, Morrill made it clear that he did not feel that an expansion of West Point was the answer to the national need for competent officers, a need which had been amply demonstrated in the Civil War. Morrill also expressed the fear that a large, centrally-controlled standing army commanded by professional officers might constitute a danger to a free society. He wanted the Land-Grant Act to offer the alternative of military training in civilian educational institutions, thus creating a competent reserve officer corps through the process of civilian education.¹ As is well known, the Land-Grant Act was also conceived in the spirit of public service, a commitment which survives to the present in many respects.

The military training aspect of the Morrill Act was subsequently designed jointly by the land-grant colleges and the War Department. In practice, each college conducted its military program differently. There was no specific organization on the National level to supervise these Programs and little enthusiasm for them in the War Department. Indeed there was general confusion as to the implications of the Act as it applied to military training. Neither Congress nor the War Department articulated a policy on this subject, leaving it to the colleges to decide for themselves.²

¹G. LYONS AND J. MASLAND, EDUCATION AND MILITARY LEADERSHIP, p. 30 (1959).

²Id. at 31.

II.1.2 The Cornell Charter

The Act to Establish Cornell University¹ virtually reiterates the phrases of the Morrill Act and Cornell has assumed the benefits and obligations of land-grant status (including military tactics) since its founding. Cornell has, however, been more than a land-grant institution. Very early in the planning stages of the University, Ezra Cornell envisioned a center of learning which would encompass far more than the study of agriculture and mechanic arts. The goal is reflected on the University seal "I would found an institution where any person can find instruction in any study." To this end Ezra Cornell donated a \$500,000 endowment to the University. It is this "dual tradition" of land-grant status and private endowment which places Cornell in special position and one should recognize this as a vital factor.

II.1.3 Legal Aspects

The legislative history of the Morrill Act, the opinions by the U.S. Attorney General in 1930² and the U.S. Supreme Court in 1934³, and various other authorities make it reasonably clear that it is not necessary for compliance with the federal act that a land-grant institution have ROTC units as long as it "offers a proper substantial course in military tactics." Since there is no more specific mandate than this, no one knows if its required to have ROTC at all, how many courses must be offered, and whether they must be given on campus.⁴

A review of the legal situation suggests that the Federal Government is not the only judge of whether Cornell is complying with the Morrill Act. The state is also involved. To be specific, section 5704 of the New York Education Law (which is part of the Cornell Charter or enabling legislation) designates the Board of Regents to represent the state legislature as the overseeing agency to see to the continuing compliance

¹Laws of New York, Ch. 585, p. 1188 (1865).

²36 OP. ATTY. GEN. 297 (1930).

³Hamilton v Regents, 293 U.S. 245 (1934).

⁴There is some opinion, though not terribly persuasive, that under today's conditions, only the presence of ROTC could carry out the legislative intent of the Morrill Act. Hanauer v Elkins, President of the University of Maryland, 217 Md. 213 (1957); Colloq. between Senator Russell and under Secretary Milton, Hearings Comm. Armed Services, U.S. Sec. 86th Cong., May 25, 1960 (ROPA) 31-34.

with the Morrill Act, including the teaching of military tactics. This seems to suggest that Cornell would have to persuade the Board of Regents of New York State that any program intended to qualify in lieu of ROTC was satisfactory to accomplish the purposes of the act.

II.1.4 Pre-ROTC Military Training at Cornell

Military science existed from the start at Cornell. On the 28th of July, 1866, a federal law authorized the President for the first time to appoint regular army officers to teach military science and tactics at land-grant colleges. Prior to this, individual universities usually hired retired Army officers or civilians with military experience to teach the courses. The 1866 law established the precedent for military officers to teach on campus.

At the beginning, Cornell allowed itself to be organized as a military school, complete with reveille, room inspections, and marching in formation to meals. In 1873, this phase passed and with it the attempt to create a "rudimentary West Point" at Cornell.

The War Department viewed its military science "professors" as on temporary duty, and would recall them whenever they were needed for more urgent duty. The issue of credit for military courses was never seriously raised during this period. Attention was focused instead on the compulsory nature of military training at Cornell. From the University's founding until 1897, compulsory military training was enforced for the entire student body except for the years from 1875 to 1877.

From 1897 until the First World War, this trend was altered. Although some military training was still required of Cornellians, it was not as extensive in time as it had previously been. In the period just prior to the United States' entry into World War I, however, the Cornell Cadet Corps grew rapidly in response to the conflict in Europe.

During this entire period, the University provided the funds to support instruction in military science and tactics. These outlays ranged from \$500 per year in 1895 through 1900, to \$8,580 per year in the period 1915-1916. The latter sum represented a significant portion of the university's budget at the time.

II.2 Evolution of ROTC programs at Cornell

The original ROTC program was created by the National Defense Act of 1916 after a General Staff study on the military policy of the U.S. concluded that an ROTC program was the only feasible alternative to a vast enlargement of West Point, which Congress was not likely to permit. The ROTC program saw the first legal commitment between the Federal Government and the university specifically for military training. Moreover it allocated money to the War Department with which the War Department (and not the university as previously done) would pay the officers to instruct the students, and would send a few pieces of surplus equipment to the colleges as well.

The attitude of the War Department towards ROTC is discussed in the previously cited Education and Military Leadership, by Gene M. Lyons and John W. Masland. The authors note that at its inception "the ROTC programs reflected ... the belief that a nation could rely upon a citizen army in times of emergency and the conviction that institutions of higher learning, particularly those which are publicly supported, owe an obligation to provide certain services to society." In recent years, another rationale has been added namely, that modern officers require the special skills and broadening educational experiences available at civilian colleges, and that the population needs officers who have not been separated academically from civilian life.

The attitude of University professors towards ROTC at Cornell has not been recorded, at that period. The inclusion of ROTC was thought to be sufficiently compatible with the Morrill Act to obviate any formal redefinition of the purpose of the University's military training requirement. One may assume that Cornell was happy to have the War Department assume the major part of the cost of its military training program after 1916.

The compulsory participation of male students in ROTC was the rule from the start of the program until 1960.¹

The Cornell community's attitude toward compulsory ROTC has oscillated during the past thirty years. In 1931 the faculty recommended that drill be made optional. The Trustees, worried about financial repercussions and public policy, rejected this recommendation. In the years prior to World War II, agitation against compulsory ROTC lessened. Indeed, with the advent of Selective Service, ROTC became popular again. In the 1950's agitation began again, and, as a result of it, the Trustees accepted a new faculty recommendation on December 12, 1960 which made ROTC voluntary. It is still voluntary, today.

¹An exception to this are the war years when "V" programs were mounted.

Cornell has ROTC units from all three services who make individual contracts with students.¹ The Army was the first on campus, arriving in 1916; the Navy was established here in 1940; and the Air Force unit began operation in 1950.

In 1967-68 the issue of whether individual colleges should continue to accept ROTC courses as meeting the requirements of their degrees was raised in various colleges at Cornell. Currently one college allows no credit towards graduation; several colleges allow partial credit; and other colleges permit essentially full credit for all ROTC courses.

The official University position on the question of credits is still governed by the faculty decisions of October 14, 1942, November 13, 1946 and March 12, 1947 whereby level of credit for the courses in the military sciences was established. The faculties of the individual schools and colleges, however, were left free to determine to what extent these credits might be included within the requirements for graduation.

II.3 Description of Current ROTC Programs at Cornell

II.3.1 Objectives

According to the Department of Defense, the major purpose of the three ROTC units at Cornell is to procure and train junior officers who by "education, training attitude, and inherent qualities, are suitable for continued development as officers in the armed services."²

II.3.2 Curricula (See Section 4 under Areas of Special Sensitivity also)

The basic curricula of the three services are similar in content and scope. They provide the cadet with the fundamentals of military history, defense policy, orientation toward the particular branch of service, and skill in basic drill and ceremonies. A considerable amount of class time is devoted to quasi political instruction, particularly in the Air Force program.

The advanced ROTC programs differ. In the Army program, tactics, communications, leadership, and

¹See below for more detail on the three units at Cornell and on the contractual nature of the relationship between student and unit.

²The Defense Department's "U.S. Army Instructor Group, General Comments," September 23, 1968 goes on: "Intermediate objectives are ... the development of self-discipline, integrity, a sense of responsibility...ability to evaluate situations, make decisions..."

counterinsurgency are stressed, as well as administration and "United States interests overseas." The Navy offers the most advanced technical program, stressing navigation, naval operation, engineering and leadership. In the Air Force, the greatest proportion of time is devoted to studies of aerospace power, leadership, and management.

The Army allows a cadet to meet part of his requirements with a number of regular, university courses, which are judged by the Army to correspond to the student's background or to provide technical skills which would be useful to him. All three units have summer training programs, field programs, and leadership laboratories to supplement regular class-room work.

II.3.3 Size and Trends in ROTC Enrollment

A glance at Table I indicates a declining pattern in size and enrollment for all of the three ROTC units. This trend can be explained in terms of changing student interests, attitudes and desires; increased academic course loads, and the voluntary nature of the program since 1960.

II.3.4 Size and Composition of ROTC Units

All three units include military and secretarial personnel on campus. Each ROTC unit has a commanding officer, who is designated as Professor of Military Science with full faculty privileges. The Army unit has seven professional military men, the Navy unit, twelve professional navy members, and the Air Force, seven professional Air Force members. There are three secretaries in Barton Hall under government service and four paid for by Cornell.

II.3.5 Nature and Provisions of Annual ROTC Contracts

During World War II, the regular ROTC program was terminated. Therefore we have limited our investigations of ROTC contractual obligations to the period after World War II.

During the war, the Navy unit at Cornell was not an ROTC unit authorized by Congress. It was not until the Holloway Plan was enacted in the summer of 1946 that the Navy had authority to contract for a new unit at Cornell. It is questionable whether a legally binding contract between the Navy and Cornell actually exists.

The Army ROTC unit on campus has been operating on a year to year basis since World War II. It was reestablished after the war without any particular formal relationship with the Department of the Army. After

TABLE 1

Total and Class Enrollments in Each of the Three ROTC Units for the Past Eleven Years

Academic Year	<u>NAVY</u>					<u>AIR FORCE</u>					<u>ARMY</u>				
	1	2	3	4	TOTAL	1	2	3	4	TOTAL	1	2	3	4	TOTAL
1958-59	111	93	88	77	369	---	---	---	---	---	667	571	214	179	1,631
59-60	115	86	61	103	365	479	354	33	23	889	648	579	206	195	1,628
60-61	115	90	58	83	346	92	87	25	24	228	276	191	189	185	841
61-62	132	77	54	52	315	141	46	22	21	230	391	143	153	172	859
62-63	136	90	69	56	351	112	69	22	23	226	252	229	110	134	725
63-64	67	78	44	77	266	85	56	20	25	186	154	154	124	93	525
64-65	42	34	67	43	186	62	32	18	26	138	103	67	64	89	323
65-66	82	27	38	32	179	90	31	13	10	144	168	35	31	49	283
66-67	75	57	25	37	194	87	50	14	9	160	145	120	35	30	330
67-68	60	54	46	19	179	77	35	20	18	150	81	86	71	25	263
68-69	57	48	57	38	200	55	27	17	20	119	75	65	68	72	280

1950, pursuant to new legislative authority of the Army, several attempts were made to set up a formal contractual relationship. These efforts have continued to the present day. In the meantime, the Army utilizes an annual contract with the University as a vehicle to pay Cornell (see below "Financial Aspects") for its ROTC scholarship recipients.

The Air Force ROTC at Cornell began as a sub unit of the Army program in 1947. The first independent contract with the Air Force ROTC was made in 1953 and modified in June, 1965.

Cornell's ROTC contracts, then, are not long term, but are negotiated annually. They serve primarily as legal vehicles by which Cornell can accept ROTC scholarship funds and supplies. A review of the contracts indicates there is no binding obligation in any of them to grant University credit for ROTC courses and/or to permit ROTC credit to count toward graduation requirements. Because of the annual ROTC contracts, Cornell is in a flexible position. A review of the records shows, in addition, that whenever the University has asked for changes, the officials of ROTC have been cooperative within the limits of their authority.

II.3.6 Contractual Arrangements With Students and the Need for a Thorough Understanding by the Student of his Commitment to the Military Service

We find that the potential penalty for contract breaking, though rarely invoked, is severe, i.e. being called to active duty to serve two to four years as an enlisted man. The disclosure and voluntary withdrawal procedures seem adequate though weaknesses are noted in the enlistment and withdrawal procedures for four year regulars.

The students enrolled in ROTC programs in all three services may be divided into three categories: 1) junior (basic) course contract students, 2) advanced course contract students, and 3) regular (fully subsidized) students. The services vary in their names for these programs and students and in the possibilities and timing for transferring from contract programs to the regular programs. All three services now have a small "two year" contract program in which a student may take an intensive summer program between the sophomore and junior year and enter the advanced contract course without having had the basic course.

The crucial time of contracting, and incurring military commitments, in all services is upon being

admitted to either the regular program or the advanced contract program. At these junctures the ROTC Vitalization Act¹ requires that the student:

- (1) enlist as an enlisted reservist (with a six year reserve obligation);
- (2) contract, if under 21, with parental consent, to serve in the program, i.e. complete the course, maintain academic standards, attend field training;
- (3) agree to accept a commission and serve a specified period.

The advanced contract student receives \$50 per month subsistence, agrees to serve for three years of active duty as a reserve officer, plus two years as an inactive ready reservist.* He is subject to a two-year tour of active duty in his enlisted status if he "willingly evades his contract or refuses to accept a commission on graduation." This is controlled by federal statute,² regulations and contracts.

A student may enter the "regular" (fully subsidized) programs at various times between the time of his initial registration as an entering freshman and his junior year, the time varying as between the services and programs. He then receives subsistence payments and full tuition, agrees to serve four years as a regular officer (plus two years as a reservist)* and is subject to a four-year tour of active duty in his enlisted status if he "willfully evades his contract or refuses to accept a commission on graduation."³ The Navy regular also contracts to remain unmarried until commissioned. A breach of this covenant causes the student to revert to contract student status, thus losing tuition.

Disenrollment from the programs generally is provided for by the ROTC Vitalization Act⁴ as follows: "The Secretary of the Military Department concerned may, when he determines that the interest of the service so requires, release any person from the program and discharge him from his armed force."

¹Title 10, United States Code, Section 2101, 2nd following, properly cited as 10 U.S.C. § 2101.

²10 U.S.C. § 2105.

³10 U.S.C. § 2107 (f).

⁴10 U.S.C. § 2108 (e).

*These periods vary from service to service and program to program. The terms of the Navy obligation are used here for example only.

Both the Navy and the Army have clear regulations allowing its regular students to drop from the program for any cause through the end of the sophomore year without prejudice, simultaneously terminating the enlisted reserve status. There is no obligation to repay and the student is normally able to continue in school in a draft deferred (II-S) status. The Air Force does not have such provisions for voluntary withdrawal of regulars, but in fact the few who have wanted out have been permitted to withdraw after elaborate proceedings without being activated as enlisted reservists. Where "evasion" is arguably involved the Army and Navy invoke elaborate procedures for regulars and contract students seeking to withdraw after their sophomore year and there are pending, in each of these two services, one or two such cases where activation in enlisted status has been recommended.

The contracts and the literature do seem to make clear the obligations and risks assumed. The steps taken to make the students fully aware of their obligations and possible penalties vary considerably among the services and programs. The most elaborate counselling is given to AFROTC cadets as they sign up for the advanced program. Naval cadets are similarly counselled. In most instances it would appear that the countersignature of the parents is given without the parents knowing much about the son's obligation. The situation where a student is least likely to appreciate fully what is to come and what may happen if a change of heart occurs, is the signing up and enlisting of a high school boy in a regular program. Such a student is in a particularly difficult situation if he is in a program not providing for voluntary withdrawal during the first two years, as is at least nominally the case in the Air Force.

II.3.7 Reactions from Cadets in the ROTC Program

To sample student opinion regarding the ROTC Programs, a questionnaire was developed by members of the Commission, which was responded to by over 350 cadets in all services, schools, and classes.

For all three services, the vast majority of students felt that both basic and advanced courses were relevant to their military career, that overall quality of instruction and material was above average, and that academic credit should be granted for ROTC courses. The answers were more positive for courses in the advanced program than for courses in the basic program. Students indicated that while basic courses were easier than the average course, advanced courses were equally or more difficult.

Materials and texts particularly in basic courses were judged to be less than average with respect to bias, although the objectivity of instructors was indicated to be considerably above average. The amount of class discussion was said to be above average for advanced courses but slightly below average for basic courses, particularly in the Air Force.

Almost all students indicated that they understood any contract that they had signed with the military. Seven out of 186 students in advanced programs indicated that they did not know that they were subject to call for active duty as an enlisted man if they "willfully evaded" their contract. One freshman Air Force scholarship holder to whom this provision now applies, indicated that he was not aware of it. Twenty-four non-scholarship basic program members who are not yet subject to this contract, indicated that they did not know of this possible future commitment. Fifteen of these cadets were from the Air Force Program.

II.3.8 Reactions from Other Members of the University Community

The University community is strongly divided on the matter of officer education. In 1967-68, one college decided to increase the number of hours of military science that may be counted towards the baccalaureate degree (Agriculture), while another college voted to prohibit any credit for military science courses in fulfilling the degree requirements (Arts and Sciences). The faculties of several other schools and colleges at Cornell are presently reconsidering their policies on the matter of credit for military science courses.

Responses at the hearing on November 7th reveal that the views of the community range from satisfaction with the existing program to a desire to have ROTC abolished altogether. A majority of the respondents, however, favored retaining ROTC, but a substantial number of these favored modification of the program.

II.4 Supervision of the Military Science Departments by Cornell University

The University Faculty supervises the operation of the military departments through its Committee on Military Curricula.¹ In the past, the Committee has not, however, functioned as a very vigorous "oversight mechanism." In this respect, the Committee is not very different from many other standing committees of the University Faculty which receive few directives from the University Faculty or from the Administration

¹University Records, p. 2569. See also Appendix V.1

to initiate studies. In the past 18 years, in fact, the Committee has received only one request from the University Faculty to undertake a special study. In this instance, the Committee met jointly with the Committee on Requirements for Graduation, during 1959-60, for a study of the graduation requirement obligating all male students in the statutory colleges to satisfactorily complete two years of basic ROTC. These committees' joint report recommended to the University Faculty that the ROTC compulsory requirement be reduced from two years to one year. The University rejected the recommendation in favor of a resolution placing the ROTC entirely on a voluntary basis.

In order to give a picture of the Committee's present role, a brief summary of its activities follows:

Initiative for curricular changes, such as the incorporation of regular (civilian) university courses into the military curricula program has usually come from the military department heads as a consequence of directives they received from the Department of Defense. In every instance, the Committee has approved the proposed changes, and have implemented them by establishing liaison between the military departments and the departments affected. The Committee has also concerned itself with such other matters as ROTC enrollment, graduation credit for ROTC courses and the award of ROTC scholarships.

The Vice President for Academic Affairs functions as the administrative overseer of the military departments. His principal role has been to review nominations for faculty membership in the military departments.

II.5 Financial Aspects

This section deals with the financial benefits accruing to Cornell University by virtue of its land-grant status and outlines the financial aspects of Cornell's involvement with the ROTC program.

As the land-grant institution of New York State, Cornell received New York's share of the federal land scrip, which, along with Mr. Cornell's gift, provided a substantial initial endowment. Over the past 100 years, numerous Acts of Congress have appropriated financial support directly to the land-grant institutions on a continuing basis and at a level well in excess of the initial endowment. The estimated income from direct appropriations by the federal government for fiscal year 1968-69 amounts to approximately \$4.4 million. These funds include \$644,000 for the instructional programs of the University; \$1.3 million for research programs in Agriculture, Home Economics, and Veterinary Medicine; and \$2.3 million for the Cooperative Extension programs of these three colleges. In addition, federal support for the University's Center for Water Resources and Marine Sciences amounts to \$100,000, plus nearly \$60,000 annually for special projects.

The establishment of the four statutory colleges at Cornell and the transfer of the administration of the New York State Agricultural Station at Geneva to Cornell are directly related to Cornell's land-grant status. The current state appropriations for these five units (including associated general services) amount to \$26.8 million annually. In addition to direct state support, the county governments of New York provide \$5.2 million annually for the support of the University's public service programs' field activities. (See Table 2).

The State of New York has also made substantial financial contributions to the military facilities at Cornell. It provided funds in 1914 for the construction of the drill hall. In the past 50 years, New York State has financed capital improvements in Barton Hall and has provided funds for the care and maintenance of the building. In the past fiscal year, approximately \$116,000 of state funds for general services were utilized for the care, maintenance, and utilities for Barton Hall. The sum represents a major portion of the cost of operating Barton Hall, a facility that is used for a wide variety of University activities as well as for military science courses.

In addition to the participation of the state, the primary support for the ROTC programs at Cornell is provided by the Federal Government. The University covers the salaries for five secretaries and one property officer, which totals something less than \$39,000 per year.

The students benefit financially in a direct way. Aid to ROTC students in the form of scholarships amounts to approximately \$388,000 per year. The aid is given students in the form of tuition and fees, books and subsistence stipends.

Opinions differ as to the financial implications of discontinuance of ROTC. For example, if Barton Hall were not used in any way in meeting the military tactics requirement of the Morrill Act, the State might request the University to purchase the drill hall and might reduce the funds provided for the maintenance and care of the facility. The Commission assumed that even if ROTC were discontinued, the University would continue to meet, in some matter, its obligations under the Morrill Act, and thus the Commission did not consider the possibility of impairing its land-grant status.

II.6 Areas of Special Sensitivity

II.6.1 Faculty Status for Military Instructors

The Commission finds some faculty, student and administrative concern about the appointment to the University Faculty of members of the military science departments. Part of the concern arises from the fact that nominations for these faculty positions are originated by an agency external to the University i.e., the departments or bureaus of military personnel, which

TABLE 2

Funds Received by Cornell University from the United States,
New York State, and the Counties of New York State to support
its Programs as a Land-Grant College (1968-69)

<u>Item</u>	<u>U.S.</u>	<u>N.Y.S.</u>	<u>Counties of N.Y.S.</u>
Teaching funds - 60% to endowed units & 40% to statutory units	\$644,000		
Research funds - Agriculture, Home Economics and Veterinary Medicine	\$1,304,000		
Cooperative Extension	\$2,280,000		
Water Resource Center	\$158,000		
Support of teaching, research and extension programs in statutory colleges		\$26,850,000	
Support of extension programs at the county level			\$5,165,000
TOTALS	\$4,386,000	\$26,850,000	\$5,165,000

limits University administration in its selection of these faculty members.

The process of review of the qualifications of nominees for faculty appointments in the military science departments occurs in the following manner:

The respective service headquarters screens records of available officers and selects nominees who meet established criteria. In Air Force procedure, the screening includes a personal interview by an area Commandant. In each service, the duty must be desired by the selected nominee. The record of the selected nominee for each vacancy is forwarded to the head of the Military Department at the University. He studies the record and may request additional information concerning the candidate. The department head may accept or refuse the nominee based on his study. A refusal may result in assignment delay, but maximum effort is made by the service headquarters to nominate other officers to avoid prolonged staff vacancy. If the nominee is acceptable to the PMS (PNS/PAS), a letter is addressed to the President of Cornell University nominating the candidate and containing extracts of the personnel records. In Navy and Air Force procedure, this letter is initiated by the PNS/PAS. In Army procedure, it is forwarded by First Army for assistants or Department of Army in case of a PMS nomination. The usual procedure at Cornell is for the President's office to refer the letter of nomination to the Vice President for Academic Affairs for acceptance or rejection. In the past, the Vice President for Academic Affairs, acting for the President, has accepted the nomination since it represented the recommendation of the department.

The Commission finds that several other universities limit appointments with faculty status in a military department to the department heads. The 1964 ROTC Vitalization Act requires that the military department heads be given the rank of Professor.¹ At Cornell, the senior officer in a department is its head and holds the rank of Professor; the next senior officer holds the rank of Associate Professor; and the junior officers, who instruct in military courses, hold the rank of Assistant Professor. In 1968-69, there are three professors, three associate professors, and nine assistant professors holding term appointments in the military departments.

¹10 U.S.C. § 2101.

II.6.2 Teaching of Political and Historical Courses by Military Officers

We find that military officers in the ROTC programs at Cornell do teach subjects which can involve a substantial amount of political content or which have a considerable degree of historical orientation. Among such courses would be the Army MS 121 and 212 which include a discussion of the doctrine of other world powers, and American military history. The Air Force World Military Systems courses are broadly conceived and cover political-military issues according to the course descriptions which we cite below as an example:

AS 2A, AS 2B. World Military Systems

Throughout two terms, one classroom hour, credit one hour a term. Th 9:05 or 11:15. In addition, Corps Training W or Th 3:35 (1 hr).

A continuation of the study of United States military forces and the political military issues surrounding the existence of these forces. Included are a study of the United States Army and the United States Navy -- their doctrines, missions, and employment concepts -- and a study of a rationale of international alliances and alignment, and of contemporary world actions in pursuit of peace. The course is concluded with a comparative analysis of democracy and communism and the patterns of conflict relative to the confrontation between those opposing ideologies.

Perhaps the most important characteristics of university teaching are the freedoms of inquiry and expression given to and expected of professorial staff. At the root of these freedoms is the freedom to control course content and source materials. The principle involved here is one of trust and goes far deeper than the style of presentation or the mere listing of topics in an outline. In his selection of topics and choice of reference materials, the professor draws on the experience and scholarship of others and consults with knowledgeable persons and pertinent University committees and academic divisions. However, the ultimate responsibility for a course rests with the individual professor. In many of the courses given by the three military departments -- Military Science, Naval Science, Aerospace Studies -- the content is subject to constraints imposed from outside the University and the

teacher is not free in his control of course content and source materials. Restricted course outline guides and manuals are required along with limited source and text materials. Several of the courses explicitly include military indoctrination and orientation. While the military teacher may not consider such restrictions or limitations to be constraints because he has become accustomed or indoctrinated to a similar point of view, the fact remains that the course content is in many cases different in kind from what is expected of a university course.

II.6.3 Restricted Registration in ROTC Courses

Many of the courses given by the three military departments here are also distinct in their restrictions on student participation. Registration is limited to cadets, and others who attend at the pleasure of the military teacher do not have full rights of classroom participation.

II.6.4 Granting of Credit for ROTC Courses

It is the practice of the three military science departments to grant credit for all the courses listed in their curricula and to require the cadets to take these courses which are taught by faculty members of the departments. While the stipulations of credit hours has traditionally been the prerogative of the University departments, this seems to be a highly questionable practice in view of the special circumstances previously considered such as outside control of course content, inclusion of indoctrination, political-military issues, and constraints on student and faculty participation. The question of credit can be resolved by substitution wherever possible of regular, civilian courses. Where not possible, the uniqueness of the military science courses given by ROTC departments or programs, suggests that they should properly be non-credit offerings.

II.6.5 Threat to the Integrity of the University

In view of the above considerations the presence of the military might be construed as a broad threat to the integrity of the University in that it is an external agency involved in the instruction of Cornell students, but not subject to the same conditions and controls as other teaching components of the University. While it is possible to conceive that under certain circumstances and types of activities a military presence could be inimical to Cornell, we do not find the presence of the military, as now represented at Cornell, to be a serious threat to the integrity of the University. The number of both the students and the instructional personnel in the ROTC program are so small that their impact on the campus is insignificant.

II.7 Previous ROTC Studies and Lack of Implemetation of Recommendations

Numerous studies of the ROTC programs have been completed in the past decade -- several on a national scale; many others on individual campuses.¹

In general, the studies conclude that officer training should include courses in history, military affairs and national security; courses in technical fields, command and staff operations, military law, and logistics; and a mastery of military skills such as small unit tactics, map reading, operation and use of weapons and equipment.

Almost without exception ROTC study panels have recommended that the resources of the universities be utilized to provide instruction in history and national security and in subject matter areas such as science and engineering, personnel management, computer science, etc., and that the military skills be taught as an extracurricular activity, preferably off-campus during the summer camp(s).

In spite of these reports, the recommendations have not been widely adopted because on one hand many universities have been unwilling to offer courses in military history and national security policy, and on the other hand the services have strongly opposed the discontinuance of drill, wearing of the uniform, small unit tactics, and instruction in weapons and their use as part of the on-campus programs. The services have held a view not shared by many educators that such military activities and subjects are essential to the recruitment, indoctrination, and the development of leadership qualities in future officers.

In recent years a growing number of universities have demonstrated a willingness to offer university courses in history, military affairs, and national security that would be available but not restricted to participants in a program for the education of military officers. At the same time, the military services increasingly have included regular university offerings as part of the curricula for officer education and have seemed willing to consider further modifications in the programs for officer education. The services thus far, however, have not taken steps to eliminate from the on-campus curricula all courses in military skills, traditions and drill.

¹G. LYONS AND J. MASLAND, EDUCATION AND MILITARY LEADERSHIP - A STUDY OF ROTC, 1959; "Role of Colleges and Universities in ROTC Programs," 1960 (a report of the Ohio State University Mershon National Security Program); "A Proposed Senior Division Army ROTC Curriculum," 1965 (a report of The Mershon Center for Education in National Security, Ohio State University).

III. General Discussion and Rationale for a New Policy on Officer Education

The Commission believes, as the result of its investigation, that major changes need to be made in the relationship between ROTC and Cornell University. We believe that a sufficiently large number of difficulties and stresses exist in the present relationship so that a continuation of the present program without change is not in the best interest either of the ROTC or of the University. While we have tried in section II above to divide the problem into general distinct categories, it is important to be aware that there is a great deal of interconnection among these various divisions. Attention to only one or two of the categories in section II will not effectively deal with the broad situation. Rather, it is our opinion that a new general policy is required to provide the framework for an improved relationship between the ROTC and the University. This section of the report will discuss the situation broadly, with emphasis on interconnected problems. We then attempt to develop the guidelines for a new policy.

While we shall propose new directions for the relationship between the ROTC and the University, a majority of the Commission believes a successful relationship between the ROTC and the University can be developed. However, this relationship must continually evolve, and be subject to detailed scrutiny from time to time. The program of officer education must change as the University, the student body, and the society that it serves change.

The new policy which we will propose is mainly concerned with the following five areas:

- (1) the teaching of those courses required in the ROTC program which have political content;
- (2) the teaching of technical courses, such as navigation, science, engineering and business management, in the ROTC program;
- (3) the proper place for courses concerning military discipline, leadership and indoctrination;
- (4) the contractual arrangement between the student and the military services;
- (5) the supervisory mechanism necessary to build a successful relationship between the ROTC and the University.

Before discussing these particular points, it is desirable to state the Commission's premises underlying our conclusions. We are persuaded that the military services have a continuing need for broadly educated officers with a wide variety of skills. We believe that the need for such officers is not and probably will not be fully met by the graduates of the present or future military academies. The Committee feels that it is undesirable for the nation to have the military academies supply the entire officer corps and we recognize that the armed services will continue to look to ROTC programs at colleges and universities for a large segment of their officer personnel. A majority of the Commission finds it

appropriate for some colleges and universities, and Cornell in particular, to cooperate with the services in their efforts to educate officer personnel, as long as the resulting program is not incompatible with the academic function of the University. Hence this majority feels it is desirable for Cornell to continue ROTC programs leading to a commission at graduation. Yet, this continuation of the ROTC program will only be acceptable if certain major changes are made to make the ROTC program consistent with Cornell's academic pursuits.

Cornell must offer one or more courses in the field of military tactics to meet its obligations under the Morrill Act as a land-grant institution. We believe that the requirements of the Morrill Act should be met with regular University personnel, (rather than with military officers), teaching as many of the courses in the ROTC program as is possible. Further, we believe that purely military subjects should be taught in summer programs or as extra-curricular activities. We find it unacceptable that active military personnel teach courses with political and policy content, because of the constraints applicable to military officers on active duty under the code of military justice. We believe it to be a long standing and sound American tradition that military personnel be prohibited from involvement in political and policy matters.

We urge the University to provide courses such as American military history and national security policy which the ROTC would accept as part of their program, and which are at the same time open to all students of the University. We would expect to see consultation concerning course content between the academic departments giving such courses and the ROTC. The influence of the armed services on such courses may be comparable to, but no greater than, the influence of any other external agency or group concerned with graduates in a professional or specialized field.

We wish now to turn to the question of courses which we have described as "technical." While these "technical" courses contain no substantial political content, they do not deserve the description "military" because of the breadth of their application. Certain aspects of engineering and some of the applied social sciences fall into this category. These "technical" courses would be within the purview of the regular departments of the University, and would be open to non-ROTC students. In certain cases, a military instructor would not be inappropriate. However, we feel that the control of these courses and responsibility for academic standards should be vested in one of the regular schools of the University. For example, the College of Engineering should be asked to accept the responsibility for providing courses in those fields of engineering especially important to the military. The particular academic department would decide whether civilian or military instructors were more appropriate.

The purely "military activity" of the ROTC, namely the drill and indoctrination, constitute a third area of discussion. If

such training is given at all within the University, the military officer is clearly the most qualified instructor. However, the Commission believes that such training should not be considered as suitable for a university course because (1) it lacks intellectual content and (2) its use for indoctrination is not compatible with the educational aims of the University. It is our feeling that all such activities should be an extra curricular activity directed by the military, but not part of any course recognized for credit by the University. Indeed, it is the opinion of the Commission that the military services would be better served if this kind of activity were carried out in summer camps at military installations rather than on the campus where any attempt to create a military environment becomes a farce. But if the services feel this is an indispensable part of their individual programs, a majority of the Commission sees no serious objection at this time to continuing this "military activity" at the University as an extracurricular activity.

The Commission wishes to express its concern with certain features of the contractual arrangement between students and the military services. While the student freely enters a contract and parental consent is also obtained, this contract has one feature which is unique among all student contracts. If a student makes a contract with any civilian organization entailing commitments beyond the end of his study, sanctions occasioned by default can be contested in courts of law. However, the defaulting ROTC student is liable to an immediate activation as an enlisted man in the military services since his original contract is accompanied by a formal enlistment. The Commission wishes to ensure that the young men who undertake this commitment are fully aware of the sanction possible in the event of default. The Commission is concerned with the propriety of committing a young person, sometimes at the age of 17, to a contract with such a strong penalty, and as in the case of the Air Force, without the clear right of a later voluntary withdrawal. A minority of the Commission feels that this is an unacceptable infringement of the student's right to alter his career, especially as students' interests commonly change during the educational process. But all members of the Commission feel that the University should negotiate with the appropriate authorities in order to see whether the commitments and sanctions for default can be brought more in line with commonly accepted standards for other contractual commitments to a particular career.

Finally, the Commission wishes to make some general comments concerning the relationship and attitudes between the military services and the University. In examining the recent history of the ROTC, we feel that the military has been unduly restrictive in its understanding of the kinds of courses that are necessary to successfully train a military officer. It seems to us that ROTC has not made sufficient use of the courses generally available in the regular academic departments. We would urge the military to recognize that a course can provide the necessary education, even if it does not emphasize particular technical aspects necessary for the training of a military officer. And we urge the military

to follow the trend in other areas of professional education, where fundamental knowledge, rather than particular techniques, is being increasingly emphasized. For example, courses in computer technology, such as, Electrical Engineering 4110 which is offered as an elective for any Cornell undergraduate, should be accepted as meeting military requirements in the field of computer technology. The fact that particular military computer systems are not analyzed in this course does not seem to us to be a serious objection to using it as part of the military officer training program. We believe that the military should follow a course similar to that of industry by teaching the officer specifics of special systems after he enters the service.

The Commission has spent much time in discussing the degree to which the University should oversee the ROTC program. We believe that such supervision is necessary and desirable both to insure that standards and attitudes of the University be preserved within the ROTC program, and to provide an important link between the ROTC and the rest of the University. We believe that the faculty committee on military curriculum has played far too passive a role in overseeing the ROTC. We feel that a major change in the "oversight mechanism" will be necessary in order to keep the ROTC programs in harmony with the ethos of the University. A new oversight mechanism would make the required judgements in planning the development of the military program at Cornell. For example, quasipolitical, technical, and military subjects obviously overlap, and somebody will have to make judgements concerning these categories. The sensitivity of the ROTC issue requires that some group exist to discuss and resolve such problems. Such a group would doubtless improve communication between the University and the ROTC.

One may question why the military science departments need such an overseer since other departments of the University have none. Here the unique character of the military science departments must be recognized. The military services assign instructors in this department, and while many military instructors have appropriate academic qualifications, they cannot reasonably be expected to have the same understanding of the University and its problems as regular instructors. In addition to the above arguments, the difficulties involving the ROTC on campus are alone sufficient reason for an "oversight committee."

The Commission has discussed the question of the professorial status of the military teaching staff. Some members of the commission believe that this is a problem of secondary significance relative to the other matters that have concerned us. However, all of the members of the commission feel that if the ROTC programs at Cornell evolve in the direction which we propose, the problem of the professorial status of the instructors will become less significant (for we are proposing that a greater part of the instruction of the ROTC program be under the supervision of normal academic departments.) In those cases where an academic department decides that a military officer is an appropriate instructor, it may use its own discretion as to whether that instructor merits

an acting professorial appointment according to his qualifications. Thus, their status will be judged on criteria which are similar to those applied to other instructors in the University.

With regard to the heads of the various ROTC units, present legislation requires that they be given professorial status. A majority of the Commission feels that quite apart from the legislative requirement, it is in fact desirable that the heads of these units be given professorial status in so far as it provides them with access to the University Faculty. This majority feels that the arguments in favor of their membership of the University Faculty are similar to those in favor of membership for many people who do not have regular teaching professorships but whose duties make it desirable that they have access to the organization of the University Faculty.

Summary of General Policy Guidelines

1. Courses which are required as part of the ROTC program having significant political or policy content should not be taught by military officers on active duty.
2. Accredited courses of a technical character in the fields of science, engineering, and the applied social sciences should be taught by the civilian faculty of the University. However, in special cases, they may be taught by a military officer, under the purview of a regular academic department.
3. Training of military character, such as indoctrination and drill, should be an extracurricular and non-credit activity, preferably conducted in summer programs.
4. Every effort should be made to bring the ROTC student's commitment more in line with standards acceptable for other students committing themselves to a particular career pattern.
5. The University should require a stronger oversight and purview mechanism for improving the working relationship between the ROTC and the University.

IV. Recommendations

On the premise that substantial change in the existing programs can and will occur within three years, a majority of the Commission recommends that Cornell continue to participate in the ROTC programs for the education of students intending to become officers in the three services.

The Commission specifically recommends:

IV.1 That courses with substantial political or policy content such as history, military affairs and national security should be a part of the ROTC program; they should be offered by the appropriate academic departments and should not be taught by military officers on active duty.

IV.2 That the military services make greater use of the resources of the university in their officer education programs with respect to scientific and technical training. (See Appendix V.2).

IV.3 That university credit not be granted for courses offered solely by the military services. The Commission recognizes that 1) certain technical courses now offered by the services, with some modification, would be appropriate offerings by academic departments for officer candidates and other university students (e. g. navigation), and 2) that a military officer might be the best qualified instructor. Under such circumstances, the academic department offering the course may recommend an academic appointment for the military officer serving as the instructor.

IV.4 That all drill, indoctrination and training in military skills should be non-credit activities and should be confined to the summer camps and cruises, or made totally extracurricular.

IV.5 That prior to his initial appointment, the commanding officer of each military program be interviewed by the Vice President for Academic Affairs who will thereupon advise the President of the University and the Department of Defense regarding the officer's qualifications for the assignment.

IV.6 That the commanding officer of each military program continue to be appointed as Professor without tenure, but that the practice of granting professorial appointments to other military officers be discontinued except as provided for in Recommendation IV.3. Moreover, as the ROTC programs evolve in the direction we recommend, the names of the military science departments should be changed to military science programs in order to more accurately reflect their status in the University.

IV.7 That the Faculty Committee on Military Curricula be replaced with a faculty-student-military officer committee. The members of this committee should be chosen to insure wide representation of the university community. The purpose of the committee would be to maintain a stronger oversight and purview mechanism for the military programs. The specific duties of the committee would be to acquaint itself with the curricula of the military programs, to make suggestions to the head of any of these programs regarding such changes as are within his jurisdiction, to make

recommendations to the University Faculty for transmission to the Department of Defense regarding changes not within the jurisdiction of the head of the military program, and to serve as liaison between the military services and the faculties of the University in matters relating to curricula, facilities and other aspects of officer education.

IV.8 That the procedures leading to the execution of the contract and the provisions of the contract between the officer candidate and the services should include: 1) a complete disclosure of the student's obligations, risks and possible penalties prior to the initial execution, 2) The privilege of withdrawing from the contract without prejudice prior to the beginning of the final two years of the officer education program and 3) a comprehensive review of the student's obligations, risks and possible penalties prior to the time that the deadline for withdrawal occurs.

Furthermore, the Commission urges that the University, in its negotiations with the Defense Departments, make an attempt to change the nature of the sanctions imposed upon a cadet for default of contract, to make such sanctions more in line with those that would be incurred by the student in contractual relationships with groups other than the military. The effect of this recommendation would be to take the sanctions out of the hands of the military and place them in civilian courts, where all other contractual sanctions are decided.

[Note: the provision to permit the regular (fully subsidized) Air Force cadet to discontinue the program without possible sanctions during the first two years will require a change in the present regulations. The implementation of the recommendation to have a complete review of the student's obligations, risks and possible penalties at the time of the initial contract and before the beginning of the final two years of the program rests with the University.]

IV.9 That the President of the University devise a method through which five to eight major universities, including Cornell (with wide geographical distribution and both public and private) could collectively develop a series of proposals to submit to the Department of Defense and the respective military departments, such as those contained in this report. Furthermore, the Commission urges the President to schedule a meeting of such university representatives early in 1969 with the expectation that proposed changes in the ROTC programs could be agreed upon and submitted to the Department of Defense by no later than mid-1969.

IV.10 That if substantial changes in ROTC programs are not forthcoming within three years, the University seek other means of meeting the provisions of the Morrill Act and its Charter. While the Commission desires that its recommendations be implemented without delay, it recognizes that most of them will require negotiations with the military departments of the Department of Defense and some may require legislative or administrative action. Three years is considered to be a realistic period of time to bring about the above recommended changes in the ROTC programs.

V. Appendixes

V.1 The Committee on Military Curricula

The Committee on Military Curricula was established by the University Faculty on January 18, 1950 and is governed by the following regulations:

"It shall be the duty of this Committee to acquaint itself with the curricula of the military departments, to make suggestions to the head of any of these departments regarding such changes as are within his jurisdiction, to make recommendation to the University Faculty for transmission to the Department of Defense regarding changes not within the jurisdiction of the head of a military department and to serve as liaison between the military departments and the faculties of the University in matters relating to curricula, facilities, and academic credits.

The Committee shall consist of four members appointed by President for terms of not more than four years; and the Professor of Military Science and Tactics, ex officio; the Professor of Naval Science, ex officio; The Professor of Air Science and Tactics, ex officio; and the Dean of the University Faculty, ex officio. The President shall designate the Chairman, and the officer, appointed by the President as Coordinator of the military departments, shall serve as Vice Chairman."

University Records, P. 2569, January 18, 1950.

V. Appendixes

V.2 A Proposed Program of Study for Military Officers

The military services require leaders with a wide spectrum of educational backgrounds and skills if the services are to keep abreast with a rapidly changing technology and the equally dynamic social and cultural revolution occurring throughout the world.

The majority of the Commission believes that our universities in cooperation with the military services are well suited to provide the liberal education as well as the technical education required by military officers. Common educational needs for all officers should include a knowledge of history, military affairs, and national security policies. The officer also should have training in leadership, military systems, traditions, code of ethics, and other military skills. In addition to fulfilling the common educational and training requirements the officer candidate should have a reasonable level of in-depth training in a technical field that is of interest to him and his selected branch of the military services.

As an example, an officer candidate might be expected to complete a minimum of 3 to 6 hours from a selected group of history courses, a similar number of credit hours in political science and national security policy and at least 16 hours in courses that would provide more concentrated training. Again, as an example, a student interested in the social and behavioral sciences might be expected to complete a minimum of 16 hours of psychology, sociology, and anthropology. Another student might be interested in management fields and would be expected to complete a minimum of 16 hours in economics, computer science, personnel management and quantitative methods for management. Still another student might complete an array of courses in mathematics, physics and engineering. Other obvious areas of in-depth study include the biological sciences and modern languages.

All of the above technical courses would be regular University courses selected by the officer candidate in consultation and with the approval of an officer serving as the candidate's military advisor.

While the Commission recognizes the need for training in a number of military skills it believes most of these are best taught and learned in a military environment and thus strongly urges that this instruction be confined to the summer camp (s) or cruises.

V. Appendixes

V.3 Senior Officers Whose Source of Commission was ROTC¹.

U. S. Army

Of 500 General officers on active duty in 1968, 166 (33.2%) were commissioned through ROTC.

As of July 1, 1967 the following percentage of officers on active duty received commissions through ROTC.

Colonel	26.8%
Lt. Colonel	17.6%
Major	45.3%
Captain	46.5%
First Lt.	66.2%
Second Lt.	32.3%

Note: The low percentage of Lt. Colonels probably is due to the large number of officers commissioned through OCS during the Korean War. Currently the output from OCS is substantial because of the War in Vietnam.

U. S. Navy

Of 229 Admiral officers on active duty only one received his commission through ROTC.

During the past year 40.9% of the eligible NROTC graduates received promotions to Captain while 60.4% of the eligible Academy graduates received promotions.

For the promotions to Commander the NROTC graduates led other sources with 73.9% of the eligible receiving advancement.

Note: NROTC cadets under the career program instituted in 1946 as the Holloway Plan began to graduate in 1950. These officers are just reaching the eighteen year commissioned service point which is the initial selection zone for the grade of Captain. Until now the number of NROTC graduates eligible for promotion to Captain or higher has been small.

U. S. Air Force

Of 430 General officers on active duty, 60 (14%) received commissions through ROTC.

Approximately one third of all Air Force officers received commissions through ROTC.

¹. This information was provided by the Commanding Officers of the ROTC programs.

The Provost called the meeting to order at 4:30 p.m. in Ives 120 with 530 members in attendance. He explained that this meeting constituted a continuation of the regular meeting of 9 April 1969 so that, pursuant to the order of business adopted on 9 April, motions were not in order to amend the several guidelines contained in the report of the Presidential Commission on Military Training or the time was ripe to put general motions before the assembly pertaining to the subject-matter of that report.

1. FURTHER DISCUSSION OF THE REPORT BY THE PRESIDENTIAL COMMISSION ON MILITARY TRAINING.

The Professor of Mathematics, Paul Olum, said that he had prepared a resolution which he thereupon moved, to-wit:

- (1) That it is the sense of this Faculty that there should be a restructuring of the program of Officer Education at the University which would provide that the purely military aspects of this education be postponed to a postgraduate year (possibly including some summers) at an appropriate military institution. Those students who enter into a contract with the military would then pursue a "pre-military program" in their undergraduate years consisting of courses chosen from the regular academic offerings of the University and specified by the Military Departments to be acceptable for such Officer Education.
- (2) That President Perkins (or his representative) is hereby requested to enter into discussion with the appropriate officers of the government for the purpose of attempting to establish a mutually acceptable program of this character, including where necessary the creation of additional courses within the framework of present academic departments.
- (3) That, in the hope of such an agreed upon restructuring of Officer Education, the Faculty take no further action relative to the Reserve Officer's Training Corps at this time.

Upon a second, Professor Olum proceeded to speak to his motion. He lamented what had gone on at last week's regular meeting of the Faculty, whereat the Faculty had managed to polarize themselves over the ROTC problem as if the issue had been whether

they were for or against the country or the flag. Indeed, the entire exercise had collapsed amidst an unfortunate political characterization of the issue. Two topics were really significant, however, and the speaker proposed to address himself only to these two.

First, there was the question of the mission of the military and the appropriate way in which its officer cadre was trained. The motion presupposed that discussion could be had in Washington about these matters. Purely military training could best be done off campus, either after graduation or during summers. Indeed, military training should be brought into line with pre-professional training for law or medicine. This would, as a matter of fact, increase the numbers of potential officer candidates. The lack of credit for ROTC courses in some divisions of the University, coupled with the resultant necessity to take extra non-credit courses, now inhibited enlistment in the program. Indeed, it was essential that the arts and technical divisions of the University produce their share of officer cadre, which this motion would encourage.

Second, the Faculty had constantly to keep in mind their collective responsibility for the educational processes. Standards, both with regard to course content and teachers, were fundamental, if the Faculty were to discharge properly their function, and this truth applied with equal vigor either to ROTC or a black studies program. The Faculty were hardly equipped, however, to evaluate the content of a course designed to produce platoon leaders. They were equally incapable of producing teachers acceptable according to the usual criteria to teach such courses. In short, with regard to the ROTC program as it was now constituted, the Faculty were unable to discharge their normal function. It followed, therefore, that purely military courses had no proper place within a university.

Professor Olum concluded that the Faculty must attempt better to organize military training so that they could properly perform their own responsibilities.

The motion just presented would allow them to do so and, concomitantly, it would not by fiat seek ultimate answers to the ROTC problem. Rather, it would seek to have a responsible Faculty cause negotiations to be entered into which would confirm their duties and yet preserve the essence of military training.

The Professor of Physics, Atomic and Solid State Physics, Raymond Bowers, announced that he proposed to speak to the issue posed by Professor Olum's motion. Still, that motion inevitably raised for consideration the merits of the report now before the assembly. He felt that, at their meeting last week, many aspects of the report had been misrepresented before the Faculty.

The speaker would be first to admit that the Dean should have paid more attention to the geographical distribution of the commission members. Even granting this, according to varied experience within the University, the speaker could attest to the fact that the members of the commission had worked harder than most similar groups and that, performance-wise, they had outstripped most standing committees by far. Student participation had been superb and would be hard to equal again. Anyone who dared to suggest that any so-called radicals among the student members of the commission had behaved irresponsibly was himself guilty of irresponsibility.

The commission was very well aware of a strong feeling in favor of leaving ROTC alone; letters and personal discourse rendered ignorance impossible. Still, speaking for himself, Professor Bowers said that he did not envisage the commission member's role as that of a popularity-poll winner. The question was always, what is, in the long run, in the best interest of Cornell? The commission had addressed themselves to this issue, and to suggest that they had succumbed to the lure of some kind of mindless anti-militarism or to secret pressure was fantastic.

Professor Bowers was persuaded that the present structure of ROTC was not stable in any major university. Problems of credit, potential student overload and quarrels over instructor appointment were evident nation-wide. Both the report and

the Olum resolution attempted to deal constructively with this situation. Professor Olum was attempting to convert ROTC from an adjunct program into an integral part of the curriculum by bringing it more into line with traditional pre-med and pre-law programs. The report itself had called for more use by the military of regular courses. Indeed, if a department did not have anyone available to teach a course, the report anticipated that one of the military would temporarily be appointed to a department to perform the duty. If anyone should call this approach an effort to appease the radical students, then the critic simply did not understand what the radical student wanted.

He concluded that he wanted to join Professor Olum in the prayer that the Faculty should judge the problem as an educational issue and only that. The issue was not one of country, flag, arts' college influence, student power or Vietnam. Should, indeed, the Faculty not judge the issue on its real merits, they should discredit themselves in the eyes of everyone observing the day's proceedings.

Col. Claude E. Bailey, Jr., Infantry, U.S.A., Professor of Military Science and OCROTC, responded to the Olum resolution. He suggested that the Faculty could save themselves a great deal of time, should they be of a mind to approve the motion, by simply asking their President to request the appropriate authorities to remove the ROTC program. The transformation of the ROTC program into some kind of post-graduate exercise rendered ROTC redundant since the military already had an Officer Candidate School program designed to procure officer cadre from college graduate levies performing their normal service obligations. The OCS program did not guarantee a commission; it merely offered a draftee or enlistee a chance to compete for one. ROTC could guarantee a commission after graduation in the sense that the military were able to see the candidates put through their paces during their last two years in college. Indeed, the purely military aspects of the fourth year in college were the very raison d'etre of the whole program. To abolish the

senior year military characteristics of the program, therefore, was tantamount to abolishing the program itself.

The Professor of Economics, George H. Hildebrand, objected to the procedural improprieties implicit in Professor Olum's motion. First, it represented a radical departure from the tenor of the report before the assembly, because the motion evidenced the intent to remove ROTC from the campus scene by indirection. Second, the motion was quite inappropriate because it reflected an effort to draft legislation from the floor, a process which did not allow the Faculty any opportunity to study the motion beforehand and reflect upon its import. Given the palpable fact that the Faculty had before it a report arduously prepared by a commission and reviewed by the Faculty Council, and which the Faculty had had ample opportunity to study, he urged the Faculty to reject this penultimate effort to introduce a new thesis into the equation.

The Professor of Law, Norman Penney, identifying himself as a member of the commission which had authored the report now under consideration, announced that it was he who had produced a handout distributed at the meeting. This handout extracted parts of a prior report which a handout distributed by Professor John Hartmann suggested the commission had overlooked. Indeed, this was not the case. This report, the product of a conference at the Ohio State University, had been produced in 1960 when the question of militarism had not loomed so large and when the military had been able to participate in the conference in a calm atmosphere. He thereupon invited the Faculty to keep in mind the several guidelines of the commission's report while he read to them a conclusion from the Ohio State report, to-wit:

Military courses given by the services should meet the academic standards of the institution for both course content and instructor qualification. The substitution of regular academic courses for portions of the military course program should be encouraged. Technical training should be given in the more

suitable environment of the military camp. The character of the drill program remaining on the campus should emphasize physical rigor, development of personal courage, identification of the students with the armed forces, and more direct experience with military science problems and facilities. Colleges and universities should give consideration to the appointment of faculty committees with responsibility for policy matters relating to officer education.

He thereupon continued by reading aloud another conclusion from the earlier report, to-wit:

Revisions proposed by the Conference have the advantage of postponing this important decision until the sophomore or junior year. The decision then comes at a time when the student is selecting a major program and moving towards a particular career.

Interestingly enough, the conclusions of the Ohio State study, in which the military had participated, did not vary much from the guidelines now being debated. Even more interesting, the military themselves would admit that the new experimental ROTC programs were designed along lines indicated in the Ohio State report. Thus, he suggested, the appropriate thing to do was to amend the language of the guidelines to conform to the language he had just read, whereby the whole controversy would be ended.

The Professor of Biological Statistics, Walter T. Federer, moved an amendment of the Olum resolution whereby, in lieu of it expressing that it was the sense of the Faculty that there should be a restructuring of the program, it should express the sentiment of the Faculty to be that there should be a consideration of its restructuring by an appropriate Faculty committee. Further, any discussions with the appropriate authorities relative to a mutually acceptable program should definitely include discussions with the officers on campus. This motion was duly seconded.

A point of order was thereupon raised by which it was objected that, whereas the meeting had been called to continue last week's consideration of the report, the floor was now flooded with new motions. The Provost responded that the order

of business carried over from the previous meeting included motions related to the report in its entirety so that the current motions were in order.

Captain Mortimer J. Prince, USN, Professor of Naval Science and OCNROTC, suggested that the Faculty pause before they voted either upon the motion or the motion as amended and decide precisely what was the sense of the Faculty relative to ROTC. The navy had going an evolving program with forty-three years of experience behind it. Increasingly the program had become a purely academic one until now it was reduced to only eighteen hours of what might be regarded as military courses. Indeed, the more that the navy made over its program into an increasing academic mold, the more difficult it was to find civilian departments willing to take over courses, witness the experience with terrestrial navigation. As now defined, the hard core of the navy program could produce junior officers capable of limited duties. Even so, should these officers opt to take up a regular career in the navy, they should have to be sent to do post-graduate work. NROTC was vital to the navy simply because it was not a program designed to generate reserve officers; the system trained a majority of its regular cadre. To water down further the program would make it economically impractical to use it as the source of the regular officer cadre, seeing now that only thirty percent of its out-put actually remained in service. Inescapable, therefore, was the raw fact that the issue before the house was whether Cornell should continue to have an ROTC program.

The Professor of Labor Law and Labor Relations, Maurice F. Neufeld, suggested that this was neither the time nor the place to discuss the involved issue now brought up by the ROTC officers. In their judgment any Faculty action might precipitate abolishing ROTC; the speaker was not yet persuaded that this was so. Be that as it may, the issue was so complex that a duly constituted Faculty committee should now be charged to investigate it. It was manifestly impossible to consider the practicability of the Olum resolution without more data.

The Professor of Parasitology, Veterinary Pathology, John H. Whitlock, said that the meeting evidenced again the general problem which the Faculty seemed to have with their procedure. They had met to continue the discussion of the several guidelines in the report and now they were addressing themselves to another motion which was already subject to possible amendment. True enough, the report had not generated any consensus, but the Faculty were now well on their way to entangling themselves in a parliamentary morass. Thus, he moved,

RESOLVED, That the whole topic of military science and the ROTC program, including the Olum resolution and the proposed amendment thereto, be committed to a representative Faculty committee to be appointed by the Faculty Council.

As seconds were being appended to the motion, objections were raised on a point of order that only a motion to substitute was appropriate, to which counter arguments were suggested at once. The Parliamentarian, The Professor of Law, W. Tucker Dean, informed the chair that a motion to commit was in order and that this was clearly just such a motion. This ruling immediately terminated the incipient procedural debate.

The Professor of Industrial and Labor Relations, Isadore Blumen, took the floor to answer the observations made earlier by Professor Bowers. No one during this or the earlier meeting, he protested, had ever questioned the qualifications of the members of the commission. A point of order was raised as to the relevance to the pending motion of these remarks, to which Professor Blumen retorted that, if Professor Bowers had the right to depart from the issue, so did he. Be that as it may, he would now content himself with propounding two questions. First, why had the report been made public before the department concerned had first been afforded the opportunity to comment on it?

Professor Penney assumed to respond for the commission, explaining that they had reported to the President. As to what happened after they had reported to the

President, it was the President who "had to take the rap for that." [Laughter.]

Professor Blumen thereupon propounded his second question. Why, he asked, had the press reports about last week's meeting exhibited such an alarming discrepancy with what in fact had actually occurred? At this point, the Susan Linn Sage Professor of Philosophy, Max Black, raised a point of order, suggesting that this question was totally irrelevant to the motion at hand and was out of order, something which he hardly expected ever to witness a guardian of the rules of order indulge in. Professor Blumen terminated his peroration.

The Professor of Economics, Douglas F. Dowd, said that, as he understood the motion was one to commit the problem to a Faculty committee, he could see only two reasons at hand to justify the motion. First, there were grave doubts whether the commission had done an adequate job. He suggested that the Faculty should reflect on this and, if they did, they had to recognize the implausibility in believing another committee could do any better. In truth, therefore, the motion to commit was simply a motion to delay decision. Second, the Faculty might want more information in light of the suggestion that the Pentagon would respond negatively either to the adoption of the report's guidelines or the Olum Resolution. Any judgment reached by the Faculty, however, should not be framed in terms of a possible Pentagon response, but should reflect what they truly believed was the appropriate solution to the military training problem. Whether one believed Cornell should have a program, or vice versa, one should vote his belief. This only proved, however, that the issue could only be resolved by voting down this last motion to commit for further study.

Professor Olum said that he opposed the motion to commit. It was high time that the Faculty made a statement about ROTC. His own motion was hardly so complicated that the Faculty could not now vote either for or against it without further study. It did not, therefore, actually involve any of the pitfalls normally associated

with legislation from the floor. Further, and this was crucial, it did not seek to resolve the problem by fiat; it simply looked to future negotiations to be conducted upon the basis of principles already inherent in the report of the commission.

The Professor of Agricultural Engineering, Wesley W. Gunkel, observed that he was fascinated by the fact that Professor Penney had relied so extensively upon the Ohio State Report. Indeed, the speaker explained that he had been the Cornell representative at the conference, a duty explainable because he had then been serving on the military curriculum committee. When he had returned from the conference he had presented that report both to the Administration and to the military contingent here. Interestingly enough, the Administration did not then evidence even a scintilla of interest in the whole topic, whereas it would appear that the military generally had been trying to fulfill those guidelines. He would favor the motion to commit to a Faculty committee, therefore, because he did not like the tonality of the report by the recent commission which gave the reader the distinct impression that the military were the ones who had not been receptive to the need for change.

2. ACTION UPON THE REPORT OF THE PRESIDENTIAL COMMISSION ON MILITARY TRAINING

Responding to an increasing crescendo of calls for the question, the Provost called for a vote by a show of hands on the motion to commit the whole problem of military training for further study to a Faculty committee to be appointed by the Faculty Council. The vote was 358 in favor of the motion, as opposed to 161 against it.

One of the members present put a point of information to the chair, asking whether students might be involved in the new study of the question. This caused Professor Blumen to object that the question was out of order because this very point had been settled by the motion just adopted which called for a Faculty committee.

The Chair acknowledged that Professor Blumen's point was well taken when the Goldwin Smith Professor of English Literature, Robert H. Elias, rose to appeal the ruling of the Chair. He said that no reason existed to stop the Faculty committee from asking students to sit with them and, perforce, the question could not be out of order. Seconds were being added to Professor Elias' motion to appeal the ruling when Professor Blumen acknowledged that any committee could co-opt anyone they wanted to help them, but that the report should come from a Faculty committee. Professor Elias thereupon withdrew his appeal.

3. DISCUSSION OF A PROPOSAL TO RESCIND THE FACULTY RESOLUTION OF 12 FEBRUARY 1969.

The Associate Professor of Classics, Gordon M. Messing, moved

RESOLVED, That the Cornell Faculty should rescind its resolution of February 12, 1969, by which the 1951 resolution on misfeasance was rescinded. The effect of the present resolution is to reinstate the 1951 resolution.

Upon a second being appended to his motion, Professor Messing proceeded to explain that he believed the small attendance at the February meeting had not presented a forum in which fairly to test Faculty sentiment. Indeed, the arguments then had been purely legalistic. The Secretary, for example, had propounded a hypothetical case in which he could have been dismissed for carrying the little red book of Chairman Mao in his pocket. Not to be outdone, someone from the philosophy department had raised the spectre of dismissal after a speech in Toronto. Their arguments missed the real point that the resolution of 1951 had never been designed to cover this kind of thing.

The Professor of Law, David L. Ratner, said that he was concerned to see the Faculty fight over an issue which really went back to the Smith Act of 1940. As interpreted by the Courts that act had proved ineffective because the large majority of the leadership of the Communist Party were not convicted under it. If the law could not deal even with the Party leadership, it would appear that the Secretary

was safe to keep his copy of Mao. [Laughter] Whatever symbolism there was inherent in keeping the clause on Cornell's books was outweighed by the symbolic image portrayed by this debate over it which illustrated a deeply divided Cornell Faculty. The problem was no longer one of dealing with a conspiracy to overthrow the government, but one of dealing with force and violence generally. Thus, the speaker proposed a substitute motion:

Recognizing that resort to physical force and violence to deal with social problems is at present a significant threat to the University Community and to the nation, the Faculty wishes to reaffirm its rejection of the use of physical force or violence as inconsistent with our constitutional democratic principles and with the University's principles of free inquiry and rational discourse.

The Faculty also wishes to impress upon all of its members their special responsibility, because of their positions of leadership and authority, to work for the solution of social problems through non-violent and democratic procedures.

IT IS THEREFORE RESOLVED, That in the judgment of this Faculty, it is irresponsible for any member of the Faculty, in public or in his contacts with students, to urge anyone to use physical force or violence for the purpose of overthrowing governmental or private institutions or achieving other social objectives.

Upon a second, this substitute motion generated considerable discussion. Some members wondered whether the motion outlawed war, where others merely asked whether the Faculty could thereafter support the activities of the campus safety patrol. One member objected to the idea that he could not urge force as a means of achieving a social objective and offered to urge it then and there as proof positive that the Faculty were not serious about this whole business. The Faculty thereupon bogged themselves down in a procedural morass when one member sought to table both motions and another sought to speak against the original motion during the debate whether to adopt the substitute motion.

The Provost called for a vote whether to substitute Professor Ratner's motion for the original motion, which the assembly did by a voice vote. The

Professor of Law, Norman Penney, thereupon urged that the substituted motion be defeated, even though he had earlier urged it be substituted for the main motion. It was then that the Susan Linn Sage Professor of Philosophy, Max Black, suggested that a halt be called to this interesting exercise. While he abhorred violence in any form, he believed that he could best rely on legal redress rather than vague pronouncements by the Faculty. It was manifest that voting down the new main motion was not a manifesto favoring violence and it was absurd to continue a discussion which, every minute it continued, made the Faculty look more ridiculous.

The Provost called for a vote on the merits of the substituted motion. It was resoundingly defeated on a voice vote.

Whereupon, at 6:20 p.m., the meeting was adjourned.

E. F. Roberts
Secretary

The Provost called the meeting to order in Bailey Hall at 4:40 p.m., with 1100 members in attendance.

1. STATEMENT BY THE PRESIDENT.

The President explained that, with some trepidation, he undertook to explain succinctly on this Monday afternoon how the events of the past weekend had unfolded. It was manifest that the weekend occupation of Willard Straight Hall by black students had its origins in a long running dispute between the Afro-American Society and the adjudicatory system. The AAS felt that the sentencing body was illegitimate in that the Society had neither participated in its creation nor partook in its operation. These objections had been examined with great patience by the Faculty and the question had been thoroughly reviewed within the several levels of the judicial system. Indeed, the whole Faculty had recently re-affirmed their belief in the necessity of a single judicial system to which all students had to subscribe. [Minutes, March 12, 1969, pp. 3620-3622] Throughout these pre-trial arguments it had been assumed that several black students faced suspension if they ultimately refused to appear in person before the adjudicatory boards. Only last week it appeared, however, that the notice forms citing them to appear had all along contained a clause on the backs thereof explaining that they could be tried if they refused to appear. When penalties were finally invoked in the absence of the defendants, they proved to be so mild and relatively innocuous that everyone thought that after last Tuesday night, the cases aside, the task of reviewing the judicial system in light of the black perspective could get underway.

Still, this sense of relief failed to take into account the fact that the Afro-American Society was unwilling to accept the idea that the judicial system could penalize three of its members for what the Society regarded as an activity

undertaken on behalf of the group. Then came the burning of a cross at the co-op where black girls lived, a dreadful prank still further compounded by black insistence that the campus police had not remained on the scene to guard the house. This was not substantially true, because, while the whole force was immediately drawn away for the next several hours by a rash of false fire alarms and bomb scares which ranged over the whole campus, an officer quickly returned to the co-op and remained on watch outside during the balance of the night. Tension escalated, thereafter, in the Society, however, and sometime Friday the decision was made to occupy Willard Straight Hall. Events after that were well known, what with the early Saturday morning seizure and the resultant furor.

The AAS did not make any formal demands until shortly past noon on Saturday. With disarming frankness the AAS soon abandoned its third demand concerning the housing issue because it had failed to generate any community support. Meanwhile the style of the University response had been developing, the fundamental postulate of which was that either the use of the police or an injunction would only be invoked as a last resort and then only with the concurrence of considerable Faculty sentiment. The Faculty Council had been in session throughout Saturday and they had included in their meetings a number of junior faculty and students. Opinion at these meetings proved divided, very few people favoring immediate police action and the others dividing between a cordon sanitaire and immediate negotiations.

A few fraternity students had attempted to "liberate" the building on Saturday morning with predictable results. One untoward result of this foray was to convince some of the occupants that this raid had been an Administration sponsored response. A day of alarms and excursions followed as the SDS debated whether they should seize another building out of sympathy, but these efforts finally boiled down to a sympathetic, if rather irrelevant, vigil around the environs of Willard Straight Hall. Saturday night saw a serious fire at a fraternity house, an event which appeared unrelated to the Willard Straight Hall scene. Rumor abounded, however, that the fraternities were preparing a serious assault upon Willard Straight Hall. It

was after these rumors were afoot that the first reports came in that rifles had been taken into Willard Straight Hall. Legal advice seemed to indicate that no crime was involved in this event. [Hisses.] Interestingly enough, the firemen fighting the fire at the fraternity reported finding a number of rifles stacked in a rack there.

The "executive staff" of the University met in this atmosphere early on Sunday morning when they concluded that the magnitude of danger was at its peak. The armed AAS simply had to evacuate the Willard Straight Hall or no one could predict the consequences. A law student volunteered to visit the AAS to review their hazards and to see whether talks could be arranged and soon thereafter negotiations were begun. These negotiations proved to be incredibly difficult because those inside the building seemed gripped by nervous psychosis, in fear that they were about to be attacked from any quarter. It was now even more evident that to allow the occupation to go on invited some untoward accident which could trigger an unparalleled tragedy. The negotiations, therefore, soon resulted in an understanding, which after the building was evacuated, was reduced to an "Agreement." It had not been anticipated that the students would carry out their weapons and the apparently humiliating exercise portrayed in the press was never part of the script.

This morning, the President continued, the whole Community seemed to be in a state of great anger. They had to be made to realize that there was some muscle in the center of the University so he had issued his radio statement at 9:00 a.m. barring firearms on campus and ruling out of bounds any more building seizures. He had met with various city, county and state police officials, assuring them that the situation was in hand and assuring himself that sufficient force was on hand lest things did go awry. This afternoon he had invoked his presidential powers to declare that a situation of emergency existed and that suspension would automatically follow any violations of his earlier edict. The situation seemed now to have achieved some kind of state of equilibrium, but the President frankly con-

fessed that he needed all the backing he could get to keep things stable.

2. PRESS COVERAGE OF THIS MEETING.

The Dean announced that the press were awaiting a report of this meeting and that he had designated the Secretary to deliver it, the Secretary to be accompanied by two Faculty Trustees, the Professor of Law, W. David Curtiss and the Professor of Plant Breeding and Biometry, Royse P. Murphy. The Dean asked whether anyone objected to this arrangement and no one responded.

3. A MOTION TO NULLIFY CERTAIN JUDICIAL PROCEDURES.

The Provost recognized the Dean of the Faculty, Robert Demorest Miller. The Dean said that he had prepared a statement, the first two paragraphs of which would explain a motion he wished to introduce. With the Faculty's permission, he would read these paragraphs.

Yesterday morning, when it became obvious to me that a procedural dispute between the Faculty of this University and members of the Afro-American Society who were occupying Willard Straight Hall had escalated into a situation in which the original issue had been dwarfed by another issue, the question of the safety of human life, I decided that as Dean of the Faculty, I must do whatever was within my limited powers to dissipate the immediate peril that existed in and around Willard Straight Hall.

I therefore took it upon myself to convey to Mr. Whitfield, President of the Afro-American Society, that because I felt that this threat must be dissipated, I was prepared to call a special meeting of the Faculty. At that meeting I would urge the Faculty to recognize that its adherence to principle on the question of an action involving reprimands to three black students should yield to the principle that human life was indeed more important than the details of faculty judicial processes, and to act, on its own motion, as permitted by faculty legislation, to nullify the actions of the SFBC on the cases at issue. I would make this recommendation if, and only if, those occupying the building vacated it at the earliest possible moment, abandoning in the process their demand that the action be nullified before they would leave.

Whereupon, the Dean moved:

In accordance with powers stated in its legislation on the Adjudicatory System of May 1, 1968, paragraph 7, "The

Faculty retains the right to intervene to overrule actions of the Adjudicatory Boards on its own motion."

BE IT THEREFORE RESOLVED, That the Faculty nullify judicial procedures (4/17/69) taken against five students as a result of incidents last December and January.

Seconds were quickly appended.

The Professor of English, S. Cushing Strout, Jr., then announced that he was going to propose a substitute motion in behalf of himself and Professors M. H. Abrams, H. A. Bethe, M. Black, H. Carlin, H. Guerlac, W. LaFeber, L. Lutwak, F. Mineka, A. Mizener, P. Olum, W. R. Sears, A. Srb, H. Stinson and G. Winter. He and they had no authority for this motion other than their love for Cornell. If, indeed, the Faculty were to play any part in these events, the center must be organized and heard. Thus, he moved:

RESOLVED, That:

(1) This Faculty condemns the forcible occupation of Willard Straight Hall and, above all, the carrying of guns as a part of this action. Without in any way judging the merit of the judicial decision recently taken with respect to the six black students, we believe that to reverse this decision under coercion and the threat of violence would endanger the future of the University, and we refuse to do it.

(2) We condemn the despicable attack on the Wari Cooperative by the burning of a cross. We affirm our support of protection by campus police of black students' quarters and of proper punishment of those responsible for the incident.

(3) We resolve that it be grounds for expulsion for any student to carry weapons while participating in any demonstration or counter-demonstration on the Cornell campus.

(4) We affirm our strong desire to cooperate with the Afro-American Society and other appropriate groups in perfecting a judicial system that all our students will consider fair.

Seconds were quickly appended.

The Professor of Mathematics, Carl S. Herz, then proposed to amend the

Strout substitute motion by substituting new language for paragraphs one and three. After a second to this motion, considerable discussion ensued over the merits of the proposed amendments.

The Susan Linn Sage Professor of Philosophy, Max Black, observed that the Dean's main motion asked the Faculty to nullify the judicial action taken relative to several black students. Nullification was also the subject-matter of the first paragraph of Professor Strout's substitute motion. Whereas the Dean asked the Faculty to nullify because he had promised he would in order to avoid bloodshed, the Strout motion refused to do so because the Faculty were being asked to do so under the threat of violence. Here was a clear-cut issue presented by the choice between the two motions. A point of order was raised because Professor Black was not speaking to the motion to amend the substitute motion, whereat Professor Black withdrew because, as he observed, he had made his point.

The Provost thereupon called for a vote upon the motion to amend the substitute motion. On a voice vote, it was defeated.

The Dean then rose to speak against the effort to substitute a motion for his own. He explained that he did this simply because he had talked directly to the President of the Afro-American Society during a critical stage in the negotiations and had promised him that the Dean would ask the Faculty to nullify the several cases. He did not want the Faculty to procrastinate, or to avoid answering the direct question whether it would nullify. What he wanted, and felt honor-bound to obtain, was a straightforward vote on his motion to nullify.

The Professor of Mathematics, Paul Olum, moved to divide the vote on the four-point Strout substitute motion. The first paragraph of the substitute motion, after all, bore directly on the Dean's request. A vote whether to substitute the first paragraph, in effect, would be a vote on the merits of the Dean's motion. There followed a discussion over the relative merits of the two motions. Some

people thought the substitute preferable because it gave the Faculty the chance to refuse to nullify because of the coercion factor, whereas the Dean's motion only let them accept or reject the settlement reached by the Administration. Others objected that neither motion addressed itself to any response to a similar future episode.

The Professor of Child Development and Family Relations, Henry N. Ricciuti, spoke first as chairman of the Faculty Committee on Student Affairs. He said that FCSA on Sunday evening had considered the merits of the Dean's motion and had voted 5 against it and 3 for it, with 1 abstention. Thus FCSA did not endorse the motion. Speaking now as an individual, Professor Ricciuti said that he saw little sense in considering the first paragraph of the Strout motion out of context, and that he could not vote for the Dean's motion because such a vote would really say that the present judicial system and the Faculty's own recent statement of principles had no meaning whatsoever. On balance he should have to vote to substitute the first paragraph of the Strout motion, however, if the choice was so structured.

The Professor of Industrial and Labor Relations, Isadore Blumen, cut short an incipient procedural wrangle which developed over the question whether a vote could be taken to substitute only the first paragraph of the Strout motion. The draftsmen of the substitute motion might believe that it constituted only one motion, but it was self-evident that only the first paragraph pertained to the subject-matter of the Dean's main motion. It followed, therefore, that only the first paragraph was in order if the motion was a motion to substitute, which its mover had said that it was.

The Professor of Agricultural Economics, John W. Mellor, moved to amend the Strout motion in order to add to it the further statement:

We do agree to suspend the judicial decision while a full inquiry is made into the special circumstances of this matter.

Upon a second, he explained that the proposed substitute motion said that the Faculty would not reverse these decisions under coercion. This amendment, however, while not retracting from that position, would make it clear that the Faculty was willing to look into the matter.

Considerable discussion followed. Some saw the necessity to stand fast to the clear-cut principle that coercion could not affect or even appear to affect a result, and thus they opposed the amendment. Others saw the necessity for the amendment so that it was clear that, while the Faculty were not willing now to reverse the decisions in the face of apparent coercion, they were quite willing to look into the merits of the complaint which was said to have caused such precipitate action.

The Goldwin Smith Professor of English Literature, Robert H. Elias, suggested that the Mellor amendment should be rephrased to include the language of the fourth paragraph of the original Strout substitute motion. Thus he suggested that the amendment should be amended to read:

Because we affirm our strong desire to cooperate with the Afro-American Society and other appropriate groups in perfecting a judicial system that all our students will consider fair, we do agree to suspend the judicial decisions while a full inquiry is made into the special circumstances of this matter.

Professor Mellor and his seconds accepted the amendment.

Professor Blumen urged that the Faculty reject the amendment even with this new language incorporated into it. He would gladly vote for the new words standing by themselves, but this motion as it now read still amounted to a rejection of the judicial system. Any abandonment of the system now would earn for the Faculty the disdain of all students, be they black or white.

The Dean explained to the Faculty that the only part of the agreement arrived at between the AAS and the University which was subject to Faculty action was the

provision wherein it was agreed that he would ask the Faculty to nullify the several cases. If the Faculty would only consider squarely this precise question, he would have lived up to his part of the agreement. None of the motions now before the house directly responded to the question he had put before the house. The discussion had, in fact, become irrelevant in terms of the precise question to which he had asked the Faculty to respond.

The President said that he would like to say a word as a private member of the assembly. The amendment brought into sharp focus the fact that conflict between the black students and the judicial system involved something far deeper than a technical argument about the system's legitimacy. While the talk so far had gone on only within the context of the judicial system, the real question raised by the blacks was, How do we relate to a white community? Hung up so far as a debate over the judicial system, there was great danger lest the black and white segments of the community never get to discuss the underlying problems keeping them apart.

The President then suggested that the several ideas raised during this meeting might be put together into a seven-point motion the whole Faculty might support. Thus, he suggested, the Faculty might want to consider the seven points he then described.

Professor Strout responded that he would be happy to withdraw his substitute motion and support a motion phrased along the lines suggested by the President.

The Provost called for a vote on the motion to amend Professor Strout's motion. The motion to amend was defeated on a show of hands, 540 members voting no and 360 yes.

The Provost then confirmed the fact that Professor Strout and his seconds were quite willing to see the motion suggested by the President substituted for his own.

4. ADOPTION OF A SUBSTITUTE MOTION.

The Professor of Engineering, Electrical Engineering, Herbert J. Carlin, moved to substitute the following motion embodying the seven points mentioned by the President.

RESOLVED THAT:

- (1) *The Faculty expresses its sympathy for the problems of the black students in adjusting themselves to life at Cornell;*
- (2) *The Faculty condemns the seizure of Willard Straight Hall;*
- (3) *The Faculty condemns the carrying and use of weapons by anyone except those officially responsible for maintaining law and order on the campus;*
- (4) *The presence of arms and the seizure of Willard Straight Hall makes it impossible for the Faculty to agree at this meeting to dismiss the penalties imposed on the three students;*
- (5) *The Faculty is prepared under secure and non-pressurized circumstances to review the political issues behind the Afro-American complaints; and*
- (6) *Therefore, the Faculty directs the Faculty Council to meet with representatives of the Afro-American Society tomorrow and to report to the Faculty by Friday at 4:00 p.m.*
- (7) *The Faculty supports, in principle, the President's action taken today to preserve law and order on the campus.*

Upon a second, calls for a vote on the motion to substitute, were heard. The motion to substitute the new seven-point motion was carried by a voice vote.

The Professor of Government, Walter F. Berns, wanted to be certain that the Faculty had not, even obliquely, approved the Dean's original motion. Professor Black said that the answer to this question was clearly "no," they had not approved the Dean's motion.

The Dean thereupon asked for permission to make a personal statement. He referred to the paragraphs he had read earlier (see above) as the introduction to what he was about to say. In response to calls to re-read those paragraphs, he did so, and went on to say:

Since it might be perceived by those inside the Straight that my offer to call this meeting, and my intention to urge the Faculty to nullify the action might not be acts of good faith - that having abandoned the building the students would discover no serious request of the Faculty would be made - I informed the President of AAS that if the Faculty did not approve my request, I would offer my resignation as Dean of the Faculty to the Board of Trustees. Mr. Whitfield was aware that if the Faculty acted in accordance with my recommendation it would be contrary to its previously stated views on the issue, and the prospects for favorable action were at best dubious. Neither he nor I had illusions on this point. I am disturbed to find that Mr. Whitfield's prediction that the Faculty would somehow avoid direct action at this time proved more accurate than my own belief that the Faculty would be anxious to act one way or the other.

I hope also that it is understood that I now play out my role in this drama with no feeling of having betrayed the Faculty, nor of having been repudiated by it.

I shall offer my resignation to the Trustees effective immediately.

Faculty legislation provides that in such circumstances, the Secretary of the Faculty becomes Acting Dean. I shall expect to offer my services to the Acting Dean to help him carry on the business of the Office in these very busy days, pending selection of a new Dean. Our days of trial are not over, and my successor will need your support, your patience and your understanding as he struggles with the problems that will be his during the next few weeks.

The John L. Senior University Professor of American Institutions, Government and History, Clinton Rossiter, said that he did not believe that this drama should be acted out. The Faculty wanted their Dean to remain in office; he had clearly kept the faith and had done his best to get the several cases nullified. He thereupon moved:

That the Faculty supported the Dean and that they did not want him to resign.

Upon a second the question was called for and the motion was carried by an emphatic voice vote.

The Professor of Physics, Nuclear Studies, Raphael M. Littauer, said that he

felt that there was manifest merit in the second paragraph of Professor Strout's original motion. Therefore he moved:

This Faculty condemns the despicable attack on the Wari Cooperative by the burning of a cross. We affirm our support of protection by campus police of black students' quarters and proper punishment of those responsible for the incident.

Upon a second, the motion was carried by unanimous voice vote.

The Vice President for Public Affairs, Associate Professor of Government, Steven Muller, rose on a point of personal privilege. While the situation which pertained yesterday at Willard Straight Hall had not been of his making, he bore a considerable responsibility for how it was resolved. Approximately one hundred persons in a state bordering on the paranoid were locked into a fortress where a single thrown rock could have precipitated a bloody slaughter. He had acted to avoid bloodshed. Cornell could recover from exactions extorted by force, but it could not live down murder. He would not alter his actions now on the basis of hindsight, even if he could, because he felt that what he had done allowed him in his own conscience to know that he had acted as a whole man.

The Professor of Law, Robert A. Anthony, moved that:

This Faculty commits itself to consider fully the merits of these controversial decisions at some later time in an atmosphere free from coercion.

The Professor of Mathematics, Paul Olum, suggested that the motion should be withdrawn. The seven-point motion just adopted was adequate and, if this motion was voted down because it was redundant, the vote could be misinterpreted as a Faculty declaration that they would not review these cases. Professor Anthony withdrew his motion.

Whereupon the meeting was adjourned at 8:15 p.m.

E. F. Roberts
Secretary

The Provost called the meeting to order at 12:15 p.m., in Bailey Hall, with some 1100 members attending. He announced that the meeting was a meeting of the University Faculty and asked that non-members leave.

The Professor of Law, Robert S. Pasley, requested the Provost to make sure that non-voting members of the Faculty would not vote. The Provost then asked that non-voting members of the Faculty not vote.

Dispensing with the approving of the minutes of previous meetings, the Provost called upon the President for a communication.

1. A STATEMENT BY THE PRESIDENT.

The President, greeted by extensive and vigorous applause, began by analyzing the nature of the crisis that was dividing the campus. The differences stemmed, he said, from the community's inability - for which he took a share of the responsibility - to come to grips with two key and interrelated problems: (1) the Blacks' adjustment to living in the white community in peace and dignity - which was part of a national problem, not just a local one; and (2) the governance of a modern university: in the past, the various functions had been separated; now all parts of the community were concerned with all matters. The Number One priority here, as elsewhere, was to consider ways of dealing with both these problems. He was optimistic about establishing a base for attacking the issues; the night-long Barton Hall assembly, together with other meetings and discussions all over the campus, was a teach-in whose magnitude he applauded. He then read the following statement:

I speak to you believing that Cornell and all of us who care deeply for it are involved in the most serious crisis in our entire history. The situation of emergency has become even more serious. Therefore, with the full authority of my office and the complete support of the Chairman of the Board of Trustees I make the following declaration:

I hope that those actions which have most deeply divided this community can be set aside.

I hope that we may be able to expunge to the fullest extent possible the seizure of Willard Straight Hall from the records of this University and the incidents connected therewith.

I hope that all of us together can clean the slate so that we can all move forward together.

I now wish to reaffirm the basis on which, in my judgment, we can move from this moment onward. First, I reaffirm my personal responsibility to use the full powers of my office to preserve Cornell University in a state of peace and safety.

Accordingly, I reaffirm the new regulations regarding firearms and weapons and disruptive demonstrations on the campus which I proclaimed on the afternoon of April 22nd.

And, because the agreement reached between members of the Afro-American Society and officers of this University on Sunday, April 20th, involves the good faith and integrity of this University, I hereby reaffirm that agreement.

The imperatives before us are plain. We must achieve a judicial system for the University by which we can all abide. We must examine in all their complexities and then resolve the problems we face in making black students, in substantial numbers, members of our community, the involvement of students in the government of the University, the responsibilities of the faculty, and the appropriate means to provide freedom of political expression and the civil rights of every individual in our community within a framework of stability.

Now I call upon each and everyone of you to join me in the effort to move this university from the edge of disaster toward a new and more harmonious community. Our future depends upon the readiness of every single one of you to act in a spirit of reason and mutual respect. Not I nor all the police power that might be available can prevent acts of violence from occurring. The challenge before us now is to survive together as men of reason.

The President hoped for the support of the Faculty and for evidence of a willingness to listen and cooperate that could be communicated to those waiting in Barton Hall. He pledged himself to do his best, and asked for an indication of support to maintain peace and willingness to plot new paths.

The Faculty answered by rising and applauding.

2. A MOTION TO NULLIFY CERTAIN JUDICIAL PROCEDURES.

The Provost then called upon the Acting Dean, the Professor of Law, E. F. Roberts, who presented the following motion:

In accordance with powers stated in its legislation on the Adjudicatory System of May 1, 1968, paragraph 7, "The Faculty retains the right to intervene to overrule actions of the Adjudicatory Boards on its own motion."

BE IT THEREFORE RESOLVED, That the Faculty nullify judicial procedures (4/17/69) taken against five students as a result of incidents last December and January.

It was immediately seconded.

No academic politics were involved, he explained. If it passed, he would resign his office; for he wished nothing from the action for himself. It had been, he said, incredible that with all the talent in the Faculty, no one had known of the clause [permitting judgment in absentia]. The Blacks had "trusted us too much" and had assumed that a white Faculty could not blunder. One was, however, dealing with two cultures, and fear; and to illustrate the position of the Blacks one had only to imagine how one white person might feel in a black community. If the Faculty votes Yes, it would vote not out of fear but out of a sense of justice. That would take courage. Some members thereupon gave the Acting Dean a standing ovation.

The Assistant Professor of Hotel Administration, Vance A. Christian, rose to support the motion. His position, he pointed out, was unique. He was both black and a member of the Cornell University Faculty, and he was proud of both. He wanted to explain a black man's point of view, to explain what was the importance of a reprimand to a member of the Afro-American Society. He had been a member of the COSEP Board. The President had called on him and asked what could be done for black students. Cornell would have students from the ghetto. In the past most black students had been the children of professional persons, "white black people." Now it would not be enough just to pay their way. So the

fraternities were opened. But "we forgot the financial problem." So the Blacks organized their own group; they came together: they formed the Afro-American Society. And they stayed together. That upset many. But the Black students yearned for meaningful programs and organized politically to bring about their development. Turning to the Willard Straight Hall seizure and its aftermath, he said that he too would have sought arms watching the break-in by the white students. The Blacks' mistake, he said, was to have shown that they had them. Reminding the Faculty of the cross-burning at the Wari Cooperative, he noted that "our beloved President" had referred to it as "a little incident...a prank." "To a black man," he declared, "it's a hell of an issue." He pleaded with the Faculty to pass the motion. Extensive applause followed.

Professor Pasley secured the floor to state that a month ago he had argued for the legitimacy and competency of the judicial system. That was not, he insisted, at issue. Monday he had voted his willingness to reconsider the conduct board's decision - freed from the atmosphere of fear, violence, and threats. The Faculty Council had been asked to confer with the black students. The Afro-American Society had continued to boycott the proceedings and did not appear. Now, 48 hours later, what was "unthinkable" Monday was "manageable." Three of the college faculties had voted to reverse the Monday decision, and students had agreed. He could not subscribe to the increased tension. The Faculty was still under threat. There was the Barton Hall "seizure." There was the Tom Jones broadcast: certain members of the Faculty "would be dealt with." A three-hour ultimatum was extended "generously" until the end of the present meeting. So even now the Faculty was under threat. It was said that there was no choice but to yield. But free men always had a choice: to leave the hall as free men or as cowards.

The Professor of the Philosophy of Education, Robert H. Ennis, warned that if the Faculty buckled to the totalitarian left, there would arise danger from

the totalitarian right, and he recalled the days of Joseph McCarthy and the legislative responses. This was simply confrontation politics; if the Faculty buckled, the final showdown would be worse than a present one. The recent protest had been called a political act. So had the slaying of Martin Luther King been a political act, but it was murder all the same. He did agree that some criticism of the judicial proceedings was justified. Therefore, recommending a campus-wide referendum, to be decided on a one-man-one vote basis, he moved a substitute resolution:

Be it resolved that the question of the proposed nullification be submitted to a referendum in which each student, faculty member, and member of the administration shall have one vote.

As the motion was seconded, the Professor of Industrial and Labor Relations, Alice M. Cook, rose to a point of order. The substitute begged the question, she pointed out, and simply proposed a procedure for considering nullification; it did not address itself to the substance of the Council's motion offered by Professor Roberts.

The Provost agreed, saying that he felt that the Faculty must resolve the issue posed by the Council; he ruled the substitute out of order. Professor Ennis appealed the ruling of the Chair. On a voice vote the chair was sustained.

The Professor of Paleography and Medieval History, James J. John, explaining that although he was speaking for himself he was joined by others in his department, read a statement opposing the main motion. If the existence of threats on Monday had been reason for not approving nullification, "we have a stronger reason for not doing so today." The guns were still in Afro-American hands; Mr. Tom Jones' threats still existed. "If Mr. Jones says he is going to destroy this university, I say let him try it. President Perkins has promised to preserve order and I have no doubt that the means are available to do it if there is a will to do it." If,

on the other hand, there really did not exist duress or intimidation, then there was no need for precipitous action. The Faculty had before it no reliable evidence - controversies in the Sun and the presence of gun barrels were no substitute for dependable evidence that a deliberative body could review. "If the Faculty does not act without evidence, we will have simply provided the non-university world with another reason for disrespecting the integrity of men who claim a special respect because of their supposed dedication to the careful pursuit of truth." The claim of no duress was, however, "nonsense." The "only way the good faith of the Afro-American Society can be tested is by our doing nothing here today," he said. If a threat were reinstated, that would prove the existence of an ultimatum. Moreover, nullification would even, while gaining the applause of "many vocal and well-meaning students," also earn "the contempt not only of the majority of the students but even of those who will applaud us." The abandonment of all principles deserved such contempt. The appropriate action was therefore to do nothing at the present meeting, to stop all action, including teaching action, "until all guns except those carried by the forces of the law are removed from the campus." The University could survive the expulsion of any number of students and the destruction of buildings "far better than it...[could] survive the death of principle." Citing the history of universities that had fallen into deserved oblivion because they had stood for nothing, he exhorted his colleagues to set an example to other institutions of higher learning in the land.

The Susan Linn Sage Professor of Philosophy, Max Black, said that he had heard the radio; he had heard a member of the Faculty urging coercion; he himself had been called dishonest and been denied the podium. "We are in trouble." It was a question of legality and law, but it was also a question of a larger issue: "can we make a community at the eleventh hour?" He had voted against the Dean on Monday because the Faculty was under the gun. Yesterday he had gone to the Faculty

Council to seek removal of the reprimands. It was today a question of standing together, "to say to the world we wish to forget what happened in the immediate past: 'I want to forget, I give you my hand, I don't need to be intimidated.'" It might have no good effect, but it was the last chance.

The John L. Senior University Professor of American Institutions, Clinton Rossiter, noting that he was one of the three Faculty members singled out to be "dealt with," said that he felt he was in a special position to evaluate the threats. He had listened to the broadcast and had chosen to remain at home. He disagreed with his colleague Professor John that to nullify the reprimands would mean to abandon principle. But it would remove the conditions of duress. He then moved the following substitute resolution:

We resolve that the judicial decision taken against the five students as a result of incidents that happened last December and January be nullified by this Faculty.

We affirm our strong desire to cooperate as individuals, as members of regular or special committees, or as a Faculty with the Afro-American Society and other appropriate groups, to develop immediately in an atmosphere of peace and mutual respect a judicial system that all our students will consider fair.

This was a motion that he was offering not as a retreat. He had changed his mind under reason and not under the gun. The motion received a second.

The Professor of Industrial and Labor Relations, William F. Whyte, said that he shared the disquiet over the weakening of principles and the existence of duress, but he asked the Faculty to consider the effect of its actions on the community.

Questions were then asked concerning the differences between Professor Rossiter's motion and the one originally offered by the Acting Dean. Professor Roberts said that he could accept the substitute but he had difficulty with the word "decision." Amid indications of other difficulties with the wording and of widespread desire to reconcile the two motions, the Provost declared a brief recess, at the conclusion of which the following resolution emerged as agreed to by Pro-

fessors Roberts and Rossiter and their seconders:

BE IT RESOLVED, That the Faculty nullify judicial procedures (4/17/69) taken against five students as a result of incidents last December and January.

We affirm our strong desire to cooperate with the Afro-American Society and other appropriate groups in an atmosphere of peace and mutual respect to develop immediately a judicial system that all our students will consider fair.

The Professor of Household Economics and Management, Gwen J. Bymers, supported this motion. She had been a member of the conduct board and had now changed her mind. She reported that she had been in constant contact with students and that she felt that the large "middle group" was "ready to move ahead" if the Faculty could get over its earlier position. These students were moderate, reasonable; "let's move," she concluded.

The John Wendell Anderson Professor of Physics, Hans A. Bethe, agreed. There was a need to regain the confidence of the middle-of-the-roaders. They did not understand the Faculty's Monday action. Now the choice was whether the University would continue to exist. The SDS had been able to move the moderates. To win the moderates back, the Faculty should nullify; then it could proceed.

The Assistant Professor of Government, Richard I. Hofferbert, said that he had been teaching seven years, the last two of them at Cornell, and he had seen assaults and had wished the Administration to make clear the principles of freedom and openness and what the sanctions were for violation of those principles. Now there was, instead, vacillation. The Administration was still failing to clarify what the sanctions and the standards were. He therefore wanted to know if they would be made clear.

The recent Dean of the Faculty, the Professor of Soil Physics, Robert Demorest Miller, took the floor to say that he was distressed because once more the issue had become confused. Even supporters of the motion were muddying it.

He deplored the amendment which brought the judicial system itself into the discussion; that was a separate matter. He reminded the Faculty of what the basis of his original proposal had been: If the Afro-American Society would remove themselves and their guns from the Straight, only then would he recommend to the Faculty that it make a simple concession, by nullifying a single action of its judiciary board. The members of the Society had agreed to remove that threat and thus leave the Faculty free. He wished the Faculty would not vote out of fear of consequences. Those inclined to change their votes because they were afraid should vote No. The correct question was, as he had tried to say on Monday: "Does this Faculty give priority to the safety of human life over details of the judicial process?"

The Assistant Professor of Industrial and Labor Relations, Bert R. Brown, questioned whether the motion before the Faculty was strong enough. The danger of physical harm still existed. He would suggest amending the motion to make self-disarmament a condition of nullification.

The previous question was now moved. The Provost was once more asked to assure that non-voting members of the Faculty not vote, and he accordingly again asked non-voting members not to vote. The necessary two-thirds was achieved by a voice vote, and then the main motion itself carried on a voice vote.

3. A MOTION CALLING FOR THE CREATION OF A FACULTY-STUDENT ADVISORY BODY.

The Professor of Mathematics, Paul Olum, now took the floor to say that the Faculty must not stop with this. He therefore moved the following:

This Faculty declares to the student body: "We hear you, we care, we are trying to understand you, and we want, together with you, to do something." Therefore, the Faculty instructs the Faculty Council to meet at once with a representative group of students to create jointly a broadly based body designed to recommend to the whole community our future courses of action at Cornell.

The motion having been seconded, Professor Olum stressed the importance of prompt action.

The President said that he strongly supported this. The Faculty had taken action concerning the judicial system. The wider issue now was how all elements could work together. To implement the Faculty's actions he asked that the Acting Dean, Professor Black, and the Chairman, Neurobiology and Behavior, Biological Sciences, Richard D. O'Brien, to constitute a delegation to inform the Barton Hall assemblage of what the Faculty had done.

The Professor of Industrial and Labor Relations, Isadore Blumen, declared his belief that the Faculty's actions at the present meeting would be as misunderstood as its earlier actions. Although he had heard calls for unity, he himself saw no evidence of a real attempt to secure it. He hoped, however, that the motion would in fact not be misunderstood.

The Associate Professor of Biology, Neurobiology and Behavior, William T. Keeton, agreed on the importance of understanding. He had talked to his class of 900 students. They had not understood Monday's actions; so he had this morning gone to Barton Hall to speak to the many assembled there. He had told them that he was reversing his action because of force, that in doing so he felt a loss of self-respect. The middle group, however, supported the reversal; they felt that it was a matter of justice and told him that this was a better reason for reversing his position. His vote was now, he believed, a vote of confidence in his students. Therefore he had supported nullification and was supporting Professor Olum's motion. He urged the Faculty likewise to vote its confidence in the students.

The Associate Professor of Industrial and Labor Relations, William H. Friedland, also agreed and urged that members of the Faculty go to Barton Hall to "communicate."

The previous question was now moved by the J. Preston Levis Professor of

Engineering, Herbert J. Carlin, who suggested that:

The Faculty all subsequently move to "occupy" Barton Hall.

His motion was carried on a voice vote, and Professor Olum's motion was then put, and carried with only three Nays.

Professor Rossiter now offered the following:

RESOLVED, That this Faculty has complete confidence in their Dean, Robert Demorest Miller; they want him to remain as their Dean, and that they call upon him now to resume his regular role as Dean.

It was seconded by the Professor of Plant Breeding and Biometry, Royse P. Murphy, who said that he had been about to offer a similar motion on behalf of the Faculty Council. There was no discussion. The motion carried without dissent.

Professor Black offered a concluding motion:

Having heard the Declaration by the President with which the Faculty agrees in principle, the Faculty expresses its support.

Receiving a second, it passed without dissent.

The Professor of Economics, Douglas F. Dowd, moved adjournment at 2:10 p.m.

Robert H. Elias
Acting Secretary

The President called the convocation to order in Bailey Hall at 4:30 p.m. with 1000 members in attendance. He observed that whereas last week at this time the assembly appeared to have entered a dark tunnel without any end in sight, today's meeting was relieved by the fact that a few glimmers of light had manifested themselves at the end of the corridor. He thereupon called upon the Dean to address the group while he joined the audience.

The Dean remarked that in response to recent resolutions by the Faculty, and a telephone call from the Chairman of the Board of Trustees, he had resumed the duties of Dean of the Faculty until such time as the Trustees saw fit to act upon his letter of resignation, proffered April 21.

1. ACTIONS BY THE FACULTY COUNCIL RELATIVE TO GRADES AND CLASSES.

The Dean made two announcements to the Faculty. First, the Faculty Council had reached a decision relative to grades this term, promulgated last Sunday:

The Faculty Council, acting on behalf of the University Faculty, authorizes the faculties of the individual colleges to take such action as they deem advisable on the use of S/U grades for the Spring Term of 1969 without need for further approval by the University Faculty. This action effectively sets aside for the Spring Term of 1969, and for that term only, the restrictions imposed by the University Faculty on the use of S/U grades.

Second, the Council had endorsed the deans' statement, dated 25 April 1969, in which they had agreed that regular instruction should be resumed on 28 April, but in which they also said that the several colleges should support and encourage procedures to permit discussions and studies to proceed relevant to possible restructuring of the University.

2. ORIGIN OF THIS CONVOCATION

The Dean explained that this convocation was the direct upshot of last Wednesday's Faculty meeting. At that meeting, it might be recalled, the Faculty

had adopted the Olum Resolution which read in part:

"This Faculty instructs the Faculty Council to meet at once with a representative group of students to create jointly a broadly based body designed to recommend to the whole community our future courses of action at Cornell."

The Faculty Council had had just such a meeting with students, although the affair could not be described as a resounding success. Be that as it may, the Council had reached a decision which they had announced at Barton Hall on Saturday in the following terms:

The Faculty Council will propose the following to the Faculty for discussion on Monday and action on Wednesday. A provisional assembly should be formed to recommend to the Cornell Community our future courses of action. This assembly must be representative of the whole community, including students, faculty and administration, with special concern for the representation of the black community. The Council will propose that a broad base can best be guaranteed by selection of the student and faculty members primarily on a departmental basis by a democratic procedure. The Council will recommend that this assembly shall be constituted as rapidly as elections can be arranged.

The Council had then prepared a more detailed outline of a plan for a provisional assembly which had been distributed with the call to today's convocation.

The Council did not consider their plan in any way definitive; rather, it was a framework upon which to build. Indeed, the Council were presenting the plan to this convocation in order to garner reactions. They had, moreover, appointed a drafting committee to assay the ideas presented today, and had charged them with the task of drafting a definitive plan for a mechanism to be charged with formulating ideas for re-structuring of the University. This committee consisted of the Associate Professor of Biology, Neurobiology and Behavior, Biological Sciences, William T. Keeton; the Professor of Physics, Atomic and Solid State Physics, James A. Krumhansl; the Professor of Law, Ian R. Macneil; the Joseph C. Ford Professor of Mechanical Engineering, Franklin K. Moore; the Professor of Child Development and Family Relationships, Henry N. Ricciuti; and the Professor of Law, Norman Penney, Chairman.

Thus, explained the Dean, the meeting today was designed to generate ideas without the encumbrances inherent in parliamentary formality. The idea was that, as a result of these deliberations, a concrete proposal would be presented to the Faculty at a formal meeting on Wednesday. In keeping with the spirit of the idea that this should be a day in which the Faculty should have free rein to express their ideas upon the plans for an assembly, it had been decided to install the Parliamentarian, the Professor of Law, W. Tucker Dean, in the chair.

3. THE FACULTY COUNCIL PLAN FOR A PROVISIONAL ASSEMBLY.

The Parliamentarian assumed the chair and told the assembly that he considered himself their servant, duty-bound to guide these deliberations according to their dictates. He then recognized the Professor of Entomology and Limnology, David Pimentel, who presented the initial Faculty Council plan in the form of a draft resolution:

BE IT RESOLVED, A Provisional Assembly shall be formed;

BE IT FURTHER RESOLVED, That this Provisional Assembly shall recommend to the Cornell Community our future courses of action, including changes consistent with its Charter and State law, in the structure by which this University governs itself.

BE IT FURTHER RESOLVED, That this Provisional Assembly shall be created according to the following formulae:

- (1) The membership shall not exceed 300 persons.
- (2) One hundred members of the University Faculty shall be elected by their peers from the colleges and schools of the University in numbers proportionate to the size of their combined faculty and student bodies (undergraduate and graduate).*
- (3) One hundred students (undergraduate and graduate) shall be elected by their peers according to the same formula.

* The approximate distribution would be: Arts and Sciences, 32; Engineering, 20; Agriculture, 20; Home Economics, 8; Hotel, 5; Law, 4; ILR, 4; Architecture, Art and Planning, 3; Veterinary Science, 2; B&PA, 2.

- (4) Each of the colleges and schools shall apportion their quota of representatives in such a way that selection shall be made upon a departmental basis and in such a way that the several departments are accorded a number of representatives as befits their relative size. To achieve this goal, small departments may be aggregated and treated as a single constituency for representational purposes.
- (5) The several colleges and schools shall, from amongst their deans, departmental chairmen and staff, send a total of 35 representatives to the Assembly according to the same formula set out in section (2) above.
- (6) The University Administration shall send 15 representatives to the Assembly.
- (7) The Assembly itself may devise a system whereby up to fifty persons may be asked to join the Assembly to represent significant interest groups within the University, with special concern being given to representation of the black community.
- (8) Elections shall be held not later than 9 May 1969.

Professor Pimentel explained that two key points should be kept in mind upon reading this plan. First, it called for equal Faculty and Student representation in the Assembly. Second, the basic building block upon which representation was constructed was the department.

4. ALTERNATIVE PLANS FOR AN ASSEMBLY.

The Professor of Physics, Nuclear Studies, Peter C. Stein, called the attention of the Assembly to another plan which read as follows:

BE IT RESOLVED, That there be created a Provisional Assembly by May 7, 1969 whose task is to draw up the procedures by which a University constitutional convention will be convened and what its charge shall be.

The members of this Provisional Assembly shall be selected as follows:

ADMINISTRATORS AND TRUSTEES

16 persons who shall represent the administration and Trustees of the University.

FACULTY

48 members of the University Faculty selected from the

constituent colleges, professional and other schools, in numbers proportional to the number of faculty in each such college or school.

STUDENTS

16 undergraduate students elected through their colleges or schools. Students will file nominating petitions through their colleges.

8 graduate students elected through the Graduate School. Graduate students will file nominating petitions through the Graduate School.

8 black students elected by the black community.

All faculty and student members of the Provisional Assembly will be elected by secret ballot to be conducted by their own constituencies.

CHAIRMAN

The Provisional Assembly will be convened by the Provost who will preside until the Assembly elects its permanent chairman.

BE IT FURTHER RESOLVED, That the student members of the Provisional Assembly be charged with the task of developing a new judicial system and that said judicial system will become effective when ratified by the student body.

In normal times, he explained, he would offer this plan in the form of a substitute motion.

The Professor of Physics, Nuclear Studies, Albert Silverman, observed that the real question was whether a democratic device could be created to recommend the changes both Faculty and students saw necessary. At Barton Hall, the majority of the students were answering yes to this question, whereas the SDS said no. The times were not propitious, if one was eager to create such a mechanism, to dwell on the need to keep Faculty control over a new assembly. In this regard the Faculty Council model was distinctly better than Professor Stein's proposal.

The Assistant Professor of Government, Michael J. Brenner, warned the Faculty that they must take into account the enormous difficulty in setting out on the path

suggested today. The introduction of participatory involvement into a large and modern organization was a complex problem. Efforts to do this had failed every time during the last sixty years. Indeed, there was contradiction inherent in the idea of participatory democracy being wedded to the needs of a modern organization. Before even contemplating such an effort the Faculty should first make certain that four criteria had been met. First, they needed a careful design for an assembly and a plan for what the assembly should do. Second, they had to prepare society to accept the social transformation which such an assembly anticipated. Third, they need time in which to accomplish the first two objectives. Fourth, the whole process required leadership. None of these conditions prevailed at Cornell. The Faculty must realize that they were not organizing a picnic but were, in fact, undertaking one of the most difficult social engineering tasks imaginable.

The Chairman, Neurobiology and Behavior, Biological Sciences, Richard D. O'Brien, said that Professor Brenner's conclusions were sound if one started from a postulate of pessimism. Begin, however, from a postulate of optimism and one could, as he did, conclude that the exercise could succeed. He called the Faculty's attention to a set of proposals which had been agreed upon at Barton Hall, which called for a constituent assembly:

1. We recommend a University Constituent Assembly to investigate and make recommendations for a re-distribution of power to include all relevant constituencies within the University in its governance.
2. We recommend a dual representational scheme for this assembly, basing representation on departmental units and special interest groups.
3. The Constituent Assembly will be established along the following guidelines:
 - a) There shall be a proportion of one undergraduate student, one graduate student, and one faculty member from each department, to be elected demo-

cratically. The Commission in Point 4 (below) shall decide on an appropriate formula whereby large departments will have more weight than small departments.

Freshmen may associate themselves with any department they desire.

Non-faculty staff are to be included.

- b) All members of the University Administration of the rank of dean and above.
 - c) There shall be one representative from each special interest group.
 - d) In addition to black students selected under a and c, a particular percentage of the convention delegates (to be agreed in concert with the black community) shall be selected by the black community.
4. We empower a Commission to work out with faculty, administration, and relevant special interest groups of the entire community, the specifics of this representation.
 5. The present drafting committee of the Barton Hall meeting shall be empowered by this group to act as the above mentioned Commission.
 6. Any committees established by the University Constituent Assembly shall hold public meetings. The time and place of meetings will be announced to the Cornell Community.
 7. Ratification of the Commission's choice of Constituent Assembly makeup shall be by Barton Hall meeting.
 8. The University Constituent Assembly shall be empowered to produce a document containing its recommendations as to the mechanisms whereby the University shall govern itself. This document shall be ratified by the University Community.
 9. The Constituent Assembly shall decide procedures for ratification of the document mandated in Part 8.

These proposals were the thinking of moderate students. They were, moreover, only guidelines which suggested how an assembly might be structured.

The Barton Hall assembly had created a commission, of which the speaker was chairman, to work up a final proposal along the lines suggested by these guidelines.

If the Commission could work in harness with the drafting committee of the Faculty Council, so that they both came to agree upon the same plan, then the Faculty and Barton Hall could adopt the same plan and harmony would be restored in the community.

Parenthetically, he added, paragraph 8 in the Barton Hall guidelines did not envisage a monolithic document. Instead, it anticipated a series of recommendations being forwarded to the appropriate decision-making authorities piecemeal. What was wanted was consensus, but, it should be observed, Barton Hall did not want to see the assembly dominated by the Faculty.

5. DISCUSSION OF THE SEVERAL PLANS.

The Professor of Physics, Atomic and Solid State Physics, James A. Krumhansl, observed that the one clear lesson to be derived from these recent events was that communication with the students could be measured as zero. None of the texts of recent Faculty resolutions had appeared in the Sun. Indeed, with nothing in writing readily available, everyone was at a loss to see the true picture of events. He would, therefore, propose as a motion at the earliest opportunity, a plan designed to remedy this situation.

The Director of Libraries, University Libraries, David Kaser, pointed out that all of these plans were afflicted by one important lacunae. None of them took into account the needs of the professional library staff who were, in reality, a very vital species of academic appointee.

The Director, Biological Sciences, Robert S. Morison, delivered a prepared paper which summarized his own reflections on the experiences of the Morison Commission. He warned that the students did not understand that power was diffused, decentralized and even confused in such a large institution as was Cornell. They seemed to believe that somewhere, and somehow, a single official existed who could decide with finality every imaginable question. Further, he warned, the very

process of self-examination might lead to the politicalization of everyone involved in the process.

The Director, Cognitive Systems Research Systems, Frank Rosenblatt, said that the Barton Hall atmosphere in which Faculty and students intermixed should be preserved. His greatest worry was that, after all was said and done, they each would retire behind their own walls. Indeed, had there been adequate communication after last Monday's Faculty meeting, there might never had existed the need for Wednesday's meeting. He suggested that the Faculty should abandon the idea of a meeting on this coming Wednesday so that the Drafting Committee and the Barton Hall Commission might have adequate time to reach agreement on a model for an assembly acceptable to everyone.

The Professor of Electrical Engineering, Benjamin Nichols, said the time was ripe to deal with details and not wax eloquent about principles. The core of any assembly was the fact that each delegate represented a real constituency. The real constituencies at Cornell were the separate departments at which level life actually functioned in the University. If one took the Barton Hall plan which called for a Faculty member and a graduate and undergraduate student to represent each department, and considered that there were seventy-eight departments, that meant an assembly of 234 members to start with. Still, the larger departments would demand a proportionate increase in the number of delegates allotted to them. This would probably mean doubling the original figure, or an assembly of 468. Upon adding administrators to that mix, one ended up with an assembly of 500, a clearly unwieldy mass. The proposal submitted by Professor Stein avoided basing representation on the department level and really called for college-wide elections. That, in practice, would see the same old political "hacks" march off to the assembly. By elimination, therefore, this left the Faculty Council's own plan the best model upon which to build.

The Associate Professor of Economics, Gary W. Bickel, explained that, while he was new to Cornell and a young man reluctant to address the Faculty, he felt he must share the excitement Barton Hall had generated in him. The students were not asking to share in the governance of the University; they only asked to share in an assembly designed to recommend how that governance might be re-constituted. If their present enthusiasm and hopes were suddenly to be shattered, this would only confirm the cynical attitude of the SDS that this whole exercise was a "mickey mouse" charade controlled by the institution.

Professor Rosenblatt renewed his suggestion that the Faculty ought to postpone the special meeting to consider final proposals until Friday and said that he was prepared to put his idea in the form of a motion. The Chair, observing that formal votes were out of order at a convocation, asked the Faculty whether they would like to record an opinion on this matter by way of a straw vote.

As debate upon the wisdom of postponement was warming up, the Professor of Industrial and Labor Relations, Isadore Blumen, took the floor. The Faculty, he said, had broken faith with their colleagues who had already left the meeting. The Drafting Committee were perfectly able to use their own discretion in regard to time and the Dean could easily postpone the Wednesday meeting at their request. The point was that the meeting had been built around the principle that no votes would be taken today; this principle simply had to be adhered to.

The Professor of Economics, Chandler Morse, said that, much to his surprise, he found himself eager to second the remarks of Professor Blumen. Professor Rosenblatt withdrew his suggestion.

Whereupon the convocation was concluded at 6:30 p.m.

E. F. Roberts
Secretary

The President called the meeting to order in Bailey Hall at 4:30 p.m. with 750 members in attendance.

1. A STATEMENT BY THE PRESIDENT.

The President informed the assembly that disciplinary action had been commenced against those persons involved in an incident at the ROTC drill at Barton Hall last night. [Applause.]

2. INFORMATION ABOUT THE PLANNED REVIEW OF ROTC, ALLEGATIONS ABOUT INFRINGEMENTS OF ACADEMIC FREEDOM, AND THE STATUS OF THE JUDICIAL SYSTEM.

The President thereupon recognized the Dean of the University Faculty. The Dean informed the Faculty that, pursuant to their direction to do so, the Faculty Council had constituted a representative committee to re-examine the ROTC problem. [Minutes, 16 April 1969, p. 3650]. This committee was being chaired by the Professor of Law, David L. Ratner.

In response to a request from the President, the Faculty Council had urged the Faculty Committee on Academic Freedom and Tenure to undertake a full and vigorous investigation of any and all allegations that academic freedom had been infringed on this campus.

The Dean also said that the recent nullification motion passed by the Faculty had not abolished the adjudicatory system. [Minutes, 23 April 1969, p. 3675] Indeed, that act of nullification was taken within the parameters of the system which allowed the Faculty to overrule the boards. The Faculty Council had, in fact, concluded that the system was still operative and in no way compromised, except for the unique question whether it could as a practical matter handle so-called questions of political action.

3. A PROPOSAL TO OPEN FACULTY MEETINGS TO THE PRESS.

The Dean thereupon introduced a motion drafted by the Faculty Council, to wit:

RESOLVED, That this Faculty allow accredited members of the press to attend and report upon Faculty meetings; except in the event that a motion is adopted by majority vote to declare the meeting in executive session thereby excluding the press immediately upon adoption of such motion.

BE IT FURTHER RESOLVED, That this policy should be considered an experimental one subject to reconsideration by the Faculty at any time.

The motion was seconded.

The Professor of Parasitology, Veterinary Pathology, John H. Whitlock, rose on a point of order. He observed that the Professor of Law, W. Tucker Dean, had been unfairly criticized after he had chaired the recent Convocation because he had not recognized everyone who had wanted to speak. In a hall the size of Bailey, it was impossible for the chair to scan the entire house; so, in order to avoid a repetition of these complaints, he advised would-be speakers to move to the front seats so that they could be seen.

The Associate Professor of Economics, Gary W. Bickel, moved to amend the motion. This he did by calling attention to the draft of a motion he had distributed at the door, which read as follows:

WHEREAS, The need for full and accurate understanding by the entire University Community of the major actions of the University Faculty and of the reasoning leading to them has been demonstrated clearly;

AND WHEREAS, Oral communication and communication via mass media have proved to be inefficient at best and subject to dangerous and damaging manipulation and misrepresentation at worst,

THEREFORE BE IT RESOLVED:

1. That all meetings of the Faculty be open to observers from the University Community at large, and from the broader public generally;
2. That a designated block of seats be reserved for observers, at least 200 in number in order that all broad constituencies within the University may be adequately represented, and that admission to these seats shall be on a first-come, first-served basis;

3. That the Dean or Secretary of the Faculty be instructed to establish the function of 'sergeant-at-arms' for the Faculty in order to insure the orderly process of Faculty meetings at all times.

He then moved to amend the Faculty Council's motion by adding this draft as the start of that motion, whereafter he moved to number the first paragraph of the Council motion as "4", after deleting the opening lines thereof as far as the semicolon, and then keeping the Council's second paragraph intact as paragraph "5."

Upon a second being appended to his motion, Professor Bickel explained that he thought that press coverage alone was not adequate. Cursory press reports would never really reveal the motivations and reasons behind decisions. It would be far better if the students or the public at large could attend the meetings and judge for themselves what went on rather than try to guess at it on the basis of news filtered through intermediaries.

The Professor of Physics, Atomic and Solid State Physics, James A. Krumhansl, said that he was against both motions. He would hold back for the moment a third solution to the problem which, when time permitted, he would introduce.

The Professor of Physics, Atomic and Solid State Physics, Paul L. Hartman, rose on a point of information to ask Professor Bickel whether he proposed that non-Faculty members should speak at these meetings. Professor Bickel responded that this amendment did not envisage spectators actually participating in the debates.

Professor Whitlock said that he did not favor the amendment, although this might simply illustrate the difference between a biologist and an economist. That is, he could see an experiment in which one variable was involved, but Professor Bickel was calling for an experiment in which any number of new variables were introduced into the equation. He, for one, did not want to throw open the galleries to students.

The Professor of Physics, Nuclear Studies, Kenneth I. Greisen, said that he was worried over the possibility of student disruptions, but, if this should occur,

the experiment could simply be terminated. He thought that the likelihood was that the students would exercise restraint so that the experiment would not be terminated.

No further speakers having come forward, the President conducted a vote on the amendment. The motion to amend was lost on a voice vote.

The President re-read the draft of the Faculty Council motion, amidst calls for the question.

The Professor of Managerial Economics, Graduate School of Business and Public Administration, Seymour Smidt, moved to amend the Faculty Council motion to require that a verbatim transcript of every meeting be prepared by a component court reporter. Upon a second to his amendment motion, he explained that he was against the main motion. Should it pass, however, he wanted a record to which he could refer in the event he was misquoted by the press.

The Professor of Physics, Atomic and Solid State Physics, Raymond Bowers, suggested that a transcript could not be used until every speaker quoted therein had approved its release. The Professor of Physics, Nuclear Studies, Peter C. Stein, suggested that a tape recorder might be the thing needed to perfect a permanent record of these proceedings.

A voice vote was thereupon had upon the motion to amend and it was defeated.

The Professor of Materials Science and Engineering, Arthur L. Ruoff, then observed that the time might finally have arrived when the Faculty were ready to admit they did live in the twentieth century. Whereupon he moved an amendment to the Faculty Council motion in order to require that these sessions be taped and that the tapes be maintained in the Archives.

Professor Whitlock said that Robert's Rules prohibited reading speeches on the floor without unanimous consent of the house. If one's words were going to be preserved forever on an unedited tape, this rule would have to be changed.

A voice vote was had upon the amendment and it was defeated. Another vote by a show of hands confirmed this result.

A voice vote was thereupon had upon the original Faculty Council motion and it too was defeated. Still another vote by show of hands served to confirm this result.

4. A PROPOSAL TO IMPROVE COMMUNICATIONS AND ACTION THEREON.

Professor Krumhansl then moved the motion to which he had earlier adverted, to-wit:

WHEREAS, The need for accurate and prompt communication of the major faculty actions to the rest of the community has been demonstrated so clearly, and oral communication has proved to be inefficient,

BE IT RESOLVED:

1. That the Dean and Secretary of the Faculty jointly communicate the verbatim texts of all motions passed at a Faculty meeting to reporters and other interested parties after the meeting;
2. That the Faculty by simple majority vote may instruct the Dean and Secretary to communicate the text of any specific motion defeated or tabled at the meeting;
3. That in view of the evident technical difficulties, the Secretary be empowered to create mechanism whereby the written texts of all motions are made available directly after the adjournment of the meeting;
4. That the Faculty by two-thirds majority vote may instruct the Faculty Council to make public the Minutes of the Meeting;
5. That the Faculty Council, if so instructed, approve and publish the Minutes within twenty-four hours of the adjournment;
6. That the Faculty Council be empowered to appoint a committee and delegate to it this function of approving and publishing the Minutes.

Upon a second, he explained that there was a dire need to create a definite format regularizing communications which issued from Faculty meetings.

The Professor of Industrial and Labor Relations, Isadore Blumen, observed

that there was much to be said in favor of the motion, but the subject was too complex to be dealt with initially on the floor. The Faculty Council should study the matter and he was going to move that it be referred to them, not by the way in order to kill the issue, but to get on with the more urgent question on the agenda.

Whereupon Professor Blumen moved to refer the motion to the Faculty Council for further study and, upon a second, the motion was carried by a voice vote.

5. REPORT FROM THE FACULTY COUNCIL DRAFTING COMMITTEE.

The President recognized the Professor of Law, Norman Penney, who identified himself as chairman of the drafting committee appointed by the Faculty Council before the recent Convocation. [Minutes, 28 April 1969, p.3680] In order to follow proper procedure, he would move the resolution prepared by the committee, to-wit:

RESOLVED,

1. *The Faculty recommends the establishment of a University Constituent Assembly to make, after appropriate study, recommendations concerning changes in the processes and structures by which the University governs itself.*
2. *That recommendations of the University Constituent Assembly shall be made both to the University Faculty as a body and to the University Community as a whole, and in addition, to any other body now charged with responsibility for the governance of the University the powers of which would be affected by adoption of the recommendation of whose consent is required by law before such recommendations could go into effect.*
3. *That approval by all of the bodies referred to in Paragraph 2 shall be required before the recommendations shall take effect or supercede present provisions relating to governance of the University.*
4. *That the Faculty Council is authorized to conduct discussions with representatives of the Barton Hall meeting and any other interested groups concerning the make-up of the membership of the University Constituent Assembly, and to report to this Faculty the outcome of such negotiations for its approval or further instructions.*

The motion was duly seconded.

Professor Penney then reminded the Faculty that they had approved the Olum Resolution at the April 23rd meeting. [Minutes, 23 April 1969, p.3676] That resolution included a phrase whereby the Faculty instructed the Faculty Council "to meet at once with a representative group of students to create jointly a broadly based body designed to recommend to the whole community our future courses of action at Cornell." On April 27th the Barton Hall Assembly had passed a "Proposal for a Constituent Assembly." which envisaged a body "to investigate and make recommendations for a redistribution of power to include all relevant constituencies within the University in its governance."

The Barton Hall resolution set forward some proposals for the new assembly's composition. These proposals, however, were clearly labeled and understood as guidelines. It also empowered a commission to work out with faculty, administration and relevant special interest groups the specifics of representation in the new assembly. The Faculty Council had appointed a Special Drafting Committee of the Faculty Council to implement the Olum Resolution and to see whether the Barton Hall commission, chaired by Professor Richard D. O'Brien, together with the Council's committee and other interested groups, could interact with each other toward achieving a common goal.

The committee had attended the Faculty Convocation and had audited the ideas discussed there. They had then assessed their own role and decided upon the appropriate way to proceed. They concluded that it was crucial to establish at the outset what the assembly being discussed was supposed to do when it was created. In short, a mandate had to be settled upon. Then it would be necessary to make clear what the steps or stages were when it came to implementing any ideas germinated by the assembly.

Thus the pending motion attempted to define "what" the assembly should do in paragraph one. Paragraph two explained "to whom" the assembly should make its

recommendations. Paragraph three explained "how" and "when" these recommendations should be translated into action. Clearly, they had to be ratified by the appropriate authorities. It was the thinking of the committee that once these ground rules had been settled upon, the matter of the assembly's composition could be approached in a more intelligent manner. Thus they had presented the current motion as the first step in achieving the goals set for the committee. Significant, moreover, was the fact that, as a result of various meetings and communications with the Barton Hall commission, that commission agreed that the mandate as formulated here was quite appropriate.

Professor Penney pointed out that the mandate was limited to a consideration of structure and procedures. The assembly was not being designed to deal with substantive issues, such as racism, but was being called upon to produce mechanisms by which more broadly based decisions about racism could be arrived at. Indeed, the term "Constituent Assembly" accurately described the idea that the new body was to concern itself with the question how the University should be governed.

He concluded by citing what he believed was an optimistic trend; that is, the students and the Faculty were moving in the same direction on convergent tracks with every prospect that they should soon meet in an understanding rather than a confrontation.

The John Wendell Anderson Professor of Physics, Physics, Nuclear Studies, Hans A. Bethe, moved an amendment to the motion to add the following caveat thereto:

RESOLVED, That the Faculty Council be directed to appoint a Faculty committee to promptly delineate, subject to the approval of the Faculty, those specific functions and duties that will necessarily remain within the province of the Faculty, in view of the fact that the Faculty has the ultimate responsibility to set and maintain the professional and scholarly standards of the Faculty and the students.

Upon a second, Professor Bethe explained that the Faculty should reserve unto

itself jurisdiction over professional standards. Certain functions were simply the duty of the Faculty, and they could not delegate these responsibilities. Whereas, for example, a constituent assembly might recommend how teaching and research should be weighed when assessing a potential teacher, only the Faculty could decide upon appointments and tenure. Whereas any assembly might generate ideas for new subject areas, the curriculum of any major subject had to be set by the department involved. While an assembly might offer helpful advice about how grading should be done, grading as an integral part of standards remained the responsibility of the Faculty. Whereas students might be invited to experiment with educational innovations and be given a voice in housing matters, the Faculty could not, if they were to be true to themselves and the very idea of a University, surrender the ultimate responsibility for standards.

The Professor of Physics, Nuclear Studies, Raphael M. Littauer, asked whether Professor Bethe would be willing to withdraw the motion as an amendment and offer it as a separate motion in its own right since it dealt with internal functions of the Faculty. Professor Bethe replied, "No."

The Joseph C. Ford Professor of Mechanical Engineering; Head, Thermal Engineering, Franklin K. Moore, explained that the drafting committee had been very conscious of the subject-matter raised by the amendment. It had to be borne in mind, however, that the value of a constituent assembly might yet be found in the fact that it was a place where students learned about tenure and the need for it. Since the assembly would be only advisory, there was no need now to draw certain topics out of bounds for it. Further, to commence drawing lines now, if everyone followed suit, might bog the whole operation down into a series of substantive wrangles.

The Associate Professor of Government, Allan Bloom, rose on a point of information to inquire whether the amendment was intended to be a university-wide statement of policy, and to further inquire how it would affect the proposed black

studies center where students participated in the kinds of decisions cited by Professor Bethe. Professor Bethe said that he envisaged a university-wide principle, although he would allow the black studies precedent to stand unaffected. Professor Bloom asked how this could work if the center precedent proved to be an opening wedge. Professor Bethe responded that the very point of his motion was to make certain that that precedent was limited to the unique situation which surrounded it and was not taken as a precedent having any general significance.

Professor Bowers rose to ask the Chair whether, if Professor Bethe's motion was defeated as an amendment, he could offer it again later in the afternoon as a separate motion. The President answered affirmatively. This caused Professor Blumen to rise on a point of order protesting that a defeated motion could not be re-introduced at the same meeting. The Chair then recognized the Parliamentarian, the Professor of Law, W. Tucker Dean. Professor Dean advised the Chair that Professor Blumen was right insofar as he was relying upon the old rules of procedure. Modern practice, however, indicated that, in the discretion of the Chair, the Chair might later allow a motion to be re-introduced if he sensed that the mood of the house had changed. Whereas Professor Blumen protested that the assembly was not the Congress of the United States, the Chair simply advised the house that he would reflect for the time being upon the question.

Professor Bowers said that the tenor of the ruling would be crucial to those who wanted to support Professor Bethe's motion on its own merits but who did not want to see it grafted unto the main motion. The Chair said that he should rule when a decent amount of time had elapsed. Professor Bowers was about to challenge this rule when Professor Whitlock rose to suggest a simple solution to the whole problem. Professor Whitlock said that he would arise on a point of order to object that the amendment was not relevant to the main motion. The Chair could overrule his objection, whereupon he would appeal the ruling of the Chair. A vote overruling

this Chair would then eliminate the Bethe Resolution for the time being, but, because a vote was never taken on the motion itself, it could be introduced later as a new main motion. Professor Bethe's amendment was thereupon quickly disposed of according to the plan suggested by Professor Whitlock.

The Assistant Professor of Government, David P. Mazingo, thereupon moved to recommit the drafting committee resolution to the Faculty Council for further consideration. This motion was duly seconded. Professor Mazingo explained that the work of the drafting committee was fraught with two errors. First, there was no real distinction between procedure and substance. Second, to talk about a mandate without a plan for the composition of the assembly to be charged with the mandate made no sense. The hurried creation of more deliberative bodies did not help the Faculty get down to the task at hand, namely, examining the basic problems confronting the University.

The Professor of Physics, Nuclear Studies, Peter C. Stein, rose on a point of information to ask how one could set a time limit on the Council's period of reconsideration. Acting upon the advice he obtained from the Parliamentarian, Professor Stein then moved to amend the motion to recommit in order to instruct the Faculty Council to return with a report by Wednesday next. A second was added to this motion. A point of order was then made pointing out that the resolution would have to be recommitted to its authors, the drafting committee.

The Assistant Professor of Government, Peter J. Sharfman, said that he opposed the amendment setting a definite time limit on the drafting committee. If the motion to recommit was left unamended, it clearly told the drafting committee that they were not to report back until they were ready and, in fact, this really meant that they should not return until they had prepared their plans for the composition of the proposed assembly.

The Goldwin Smith Professor of English Literature, Robert H. Elias, asked

Professor Mozingo whether or not the Council could in the meantime hold discussions with the Barton Hall representatives because paragraph four of the main motion did not really require any Faculty action. Professor Mozingo agreed that the Faculty Council could talk to anyone they chose to talk with.

The Associate Professor of Computer Science, Peter Wegner, said that he opposed the motion to recommit. A point of order was raised that only debate relevant to the motion to amend the motion to recommit was now in order. A voice vote was thereupon had upon the motion to amend the motion to recommit. It was defeated.

Professor Wegner continued to say that there was little risk involved in this whole idea of a constituent assembly if the Faculty had any faith at all in their own ability to educate the students involved therein to the complexities in any effort at restructuring. Indeed, the real risk existed if the students were to get the idea that the Faculty were postponing decisions. This, to the students would appear to be a totally unreasonable response.

The Chairman, Psychology; Kenan Professor of Psychology, Harry Levin, said that various discussions with students had led him to conclude that the moderate students wanted to participate in some way in discussion about the future of the University. Simple political good sense would seem to indicate that the idea of a constituent assembly should be pursued. If so, then decent respect for the felt needs of the students also indicated that the Faculty should at least take one step toward creating such an assembly by approving this mandate today.

Professor Bloom said that he favored recommitment. In reality the Faculty were face to face with the assertion of student power. The Bethe Resolution was an example of "too little, too late." Still, it was the case that neither the SDS nor the AAS were much concerned with the sciences because there was no political content in those disciplines. This was not the case in West Sibley Hall, however,

where four recent winners of the Clark teaching award were all revolted by this scene wherein they no longer felt free to express their untrammelled views in the face of student power. Indeed, this scenario had been devised by the President, presented to the world in the Wall Street Journal, and now the Faculty were reduced to mere bit players in a tragedy. It would behoove the Faculty to cease deliberating in this atmosphere now that they had been reduced to the role of Roman Senators during the Empire.

The Dean, Graduate School, W. Donald Cooke, said that he opposed the motion to recommit. If the Faculty did vote to recommit, the SDS would be quite happy. Indeed, he said that he could already write their script which would read, "We told you so." Delay not merely risked the loss of a student support but the loss of a great opportunity.

The Chairman, English, Ephim G. Fogel, warned the meeting that the moderate students would not understand why the Faculty did not act on the mandate. They would see delay just a parliamentary trick hiding a real intent on the part of the Faculty to avoid the promise inherent in the Olum Resolution.

The Assistant Professor of Industrial and Labor Relations, Lewis Perl, objected that it would be misleading to say that recommitment amounted to deserting the moderate students. His own experiences with a similar assembly at Berkeley had been very disappointing. Unless time was taken to structure very carefully this experiment, it could easily prove to be a frustrating experience. To create an ineffective assembly was the worst thing that could be done for the students. It would, as a matter of fact, play into the hands of the SDS.

The Professor of Electrical Engineering and Coordinator of Graduate Studies in Electrical Engineering, Benjamin Nichols, suggested that the Faculty should not vote on this issue in terms of what would please moderate students or what would displease the SDS. The real issue was whether there was need for a representative

cross-section of the community to sit down together and think about the problems facing the University.

The Professor of Veterinary Avian Diseases, Julius Fabricant, rose to a point of information, asking whether, if the current main motion was passed, the drafting committee had still to come back to get Faculty approval for the composition and design of the proposed assembly. Professor Penney responded that this was, in fact, the case.

The Susan Linn Sage Professor of Philosophy, Max Black, said that he had spent hours talking with students at Barton Hall. It was, notwithstanding all the rubbish uttered there, the most moving experience he had yet had at Cornell. He had told the students quite frankly that they could not make the Faculty do anything; they should have to persuade the Faculty that they should do things because of the rightness of the situation. The students accepted this with perfect equanimity. This was the point then: these students were the very kind of students Cornell prided itself in having. Given this fact, this was hardly the time to tarry.

The Professor of Child Development and Family Relations, John S. Harding, said that the Faculty were faced with the options of implementing their immediate commitment expressed in the Olum Resolution or delaying their action in response to the sense of outrage over haste being expressed by some of their members. The real question was whether the need to act outweighed the strong convictions held by some in favor of not acting. Given that this dilemma quickly reduced itself to a choice of overriding the history department or pleasing the SDS, the choice was really an easy one after all.

Professor Whitlock expressed regret over the tendency of the problems of the history and government departments to intrude themselves into the debate over the question whether this mandate should be approved now or sent back for more

study. Amidst calls for the question, a voice vote was had on the motion to recommit the resolution proposed by the drafting committee. The motion was defeated.

6. ACTION UPON THE MANDATE FOR THE PROPOSED CONSTITUENT ASSEMBLY.

A vote was thereupon had upon the drafting committee's mandate for the proposed constituent assembly. A voice vote was had but calls were heard for a count of hands. The motion was thereupon carried, upon a show of hands, with 361 members voting aye and 59 voting nay.

7. ACTION UPON THE BETHE RESOLUTION.

Professor Bowers, upon being recognized by the Chair, yielded the floor to Professor Bethe, who moved:

RESOLVED, That the Faculty Council be directed to appoint a Faculty committee to promptly delineate, subject to the approval of the Faculty, those specific functions and duties that will necessarily remain within the province of the Faculty, in view of the fact that the Faculty has the ultimate responsibility to set and maintain the professional and scholarly standards of the Faculty and the students.

A number of seconds were quickly added to the motion.

The Professor of English, S. Cushing Strout, Jr., explained that this resolution was not a roadblock to talks with the students. It had to be kept in mind that many people were beginning to think that the Faculty were simply another faction involved in a struggle for a say in the running of the University. This motion made it clear that the Faculty were not a power group or a faction. Instead, the only power the Faculty asserted was the power to remain unsupervised in the exercise of their professional duties. In short, it was not power being asserted but non-political responsibility being clarified. There were, after all, some fundamental decisions which did not readily yield themselves to solutions by way of straw votes. Indeed, the motion did not assert any privilege claimed by the Faculty; rather, it simply defined the scope of their duty if the intellectual standards and integrity

of the University were to be maintained.

Professor O'Brien said that he supported the motion and suggested that the students were perfectly well aware that some things fell exclusively within the domain of the Faculty.

Professor Bloom said that the resolution was devoid of real significance. Its manifest internal contradiction revealed itself once one realized that it was an effort to draw limits when those limits no longer existed. Not to mention the problems felt by history and government alone, he suggested that everyone felt himself subjected to student pressure.

Professor Whitlock rose on a point of privilege to protest the constant lamentations from the history and government departments about felt pressures. Anyone in a department dependent upon the state's largesse was well aware of real pressure arising out of recent events, but constant reiterations of woe did not help very much when it came to improving the situation.

Amidst a rising crescendo of calls for the question, a voice vote was taken upon the Bethe Resolution. A strident roar answered the call for the "yes" voters; when it came time for the "no" voters to record their sentiments the house, for once, was perfectly still.

Whereupon the meeting was adjourned at 6:20 p.m.

E. F. Roberts
Secretary

University Faculty Committee on the Economic Status of the Faculty

Report to the Faculty

The Committee on the Economic Status of the Faculty has completed and submitted to the Dean of the Faculty for transmission to the Provost, an extended study of the operation of the Cornell Children's Tuition Scholarship Program over the three years since the inception of the Program in the fall of 1966. Data on increases in undergraduate tuition and fees for some thirty colleges and universities competitive with Cornell and attractive to faculty and staff parents for the education of their children have been collected and analyzed. Similarly, Cornell's experience with the CCTS Program has been analyzed to determine the impact of the Program on the inflow of tuition income and the "cost" of the Program to the University as a whole and to the endowed and statutory divisions. On the basis of its study the Committee recommends that the maximum tuition scholarship for CCTS-eligible children attending institutions other than Cornell be increased substantially.

The Committee is conducting a study of the TIAA/CREF experience to determine the costs and benefits of a program of supplementary accelerated annuity purchases available to faculty and eligible staff employees as they approach retirement. The Committee expects to examine alternative financing schemes including matching contributions by benefiting employees and the University. A plan permitting accelerated supplementary annuity purchases will be attractive to staff members who (a) have reduced living costs after educating their children (b) have become less competitive for salary increases, and (c) are concerned for the erosion of their planned retirement income by inflation. The Committee believes that the Administration and Trustees also share an interest in protecting the real value of the retirement income of Cornell's employees. The coming summer should see the completion of this study.

The Committee is cognizant of the uncertainty which has developed in the area of faculty and staff organization and representation for purposes of "collective bargaining" as the result of the Laverne Amendment of 1969 which extends the coverage of the New York State Labor Relations Act to "charitable, religious, and educational institutions." This important innovation in state labor relations policy may drastically change the future role of the Committee as "collective bargaining" evolves at Cornell. This issue is a prominent one on the agenda of the Committee for 1969-70 and present plans call for the creation of an advisory/planning group of specially qualified faculty members to ensure that events do not overtake the Committee in the uncertain period ahead.

In the Fall of 1968, the Committee communicated to Administration officials the depth of the concern of the Faculty generally, as well as of faculty members directly affected, for the loss of an important faculty and staff benefit threatened by the revised interpretation of eligibility under the New York State Scholar Incentive Program which was announced by the University of the State of New York in mid-1968. This decision, that any student who receives tuition as a scholarship would no longer be eligible for SIP benefits, would have deprived faculty and staff members whose children receive Cornell Children's Tuition Scholarships of important benefits for which their children previously could qualify under the Scholar Incentives Program. As the result of widespread protests of the new interpretation of eligibility, the

University of the State of New York announced late in September that implementation of the revised eligibility policy would be deferred until academic year 1969-70. This was followed by a similar announcement that implementation would be deferred until academic year 1970-71. The Committee is hopeful that in the meantime, the new interpretation of eligibility will be reconsidered and that the wording of the legislation setting up the Scholar Incentives Awards, which is the basis of the controversial interpretation of eligibility, will be amended.

Finally, the Committee takes this opportunity to provide the Faculty with an updated survey of the status of Cornell average salaries and levels of compensation by professorial ranks and divisions of the University. Where possible, comparisons with the results of the annual AAUP survey are provided.

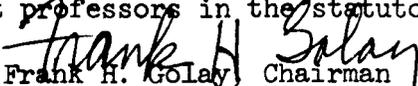
The average compensation (salary plus fringe benefits) for faculty in the endowed divisions increased by \$930 from 1967-68 to 1968-69 while the average compensation for faculty in the statutory divisions increased only \$539 over the same period (Table 1). The Committee is gratified that the four-year downtrend in the size of the annual increment in average compensation for faculty in the endowed divisions has been reversed. At the same time, the Committee is alarmed at the rapid deterioration in the annual increment in average compensation for faculty in the statutory divisions. The comparatively small increase in the statutory colleges further widens the gap in levels of average compensation between the two categories of divisions within the University.

The average levels of compensation for the two categories of divisions of the University obscure the differential growth rates for the levels of compensation for different academic ranks. Although the average increase for professors in the statutory divisions shows the largest absolute increase, the average level for 1968-69 rates only "B" on the AAUP scale. The relative position of associate and assistant professors in the endowed divisions improved relative to the outside world as these ranks qualified for an "AA" rating for 1968-69 as compared to "A" rating in 1967-68. The alarming downtrend in the annual increases in the average compensation for associate professors in the statutory divisions (Table 4) is cause for concern. The average level of compensation for both the professor and associate professor ranks in the statutory colleges needs to be raised significantly if the relatively unfavorable position of these ranks within the University and compared to other universities is to be improved.

The increases in average compensation for 1968-69 over 1967-68 were comparable to previous annual increases for professors in both endowed and statutory divisions and for assistant professors in statutory divisions (Table 4). The average increase for associate professors and assistant professors in the endowed colleges was substantially above levels of increases in recent years. On the other hand, associate professors in the statutory colleges in 1968-69 received an average increase significantly smaller than the average increase received by other ranks in either category of divisions.

The AAUP Standard Scales for 1969-70 have been published and are presented in Table 5. For Cornell to achieve or maintain a rating of "AA" in 1969-70, the average compensation must be increased for the various ranks in

the endowed divisions as follows: professor, \$5,945 (\$135 to maintain an "A" rating); associate professor, \$620; and assistant professor \$556. For the statutory divisions, the professors' average compensation must be increased by \$8,049 (\$2,239 to qualify for an "A" rating). An average increase of over \$1,444 will be necessary if the average compensation of the rank of associate professor is to qualify for the rating "AA". No increase will be required to maintain the "AA" rating for assistant professors in the statutory divisions.


Frank H. Golay, Chairman
University Faculty Committee on the
Economic Status of the Faculty

April 22, 1969

Table 1.

Cornell: Average compensation (Salary and fringe benefits) full-time faculty,
9-month basis^{a/}

Academic year	Endowed divisions	Change	Statutory divisions	Change	AAUP estimate of average change nationally
			(Dollars)		
1963-64	13,424		---	---	571
1964-65	14,396	972	---	---	728
1965-66	15,109	713	13,368	---	723
1966-67	15,762	653	14,969	1601	839
1967-68	16,395	633	16,156	1187	
1968-69	17,325	930	16,695	539	

^{a/} Fringe benefits include Cornell's outlay for social security, retirement, medical insurance, and tuition for faculty children.

Table 2.

Cornell: Average salary and average compensation by rank and category of divisions, 1968-69, changes 1967-8 to 1968-9, and AAUP rating, nine-month basis

Category of divisions and rank	Full-time faculty	Change in Full-time faculty (number)	Average salary	Change 1967-8 to 1968-9 (Dollars)	Average Compensation	Change 1967-8 to 1968-9	AAUP rating ^{a/}
<u>Endowed</u>							
Professor	334	13	19,534	776	22,545	969	A
Assoc. Prof.	151	(-16)	13,700	772	15,730	944	AA
Asst. Prof.	232	25	10,496	610	12,104	770	AA
<u>Statutory</u>							
Professor	303	0	17,090	974	20,441	1,217	B
Assoc. Prof.	225	13	12,553	304	14,906	409	A
Asst. Prof.	150	27	10,991	683	13,012	875	AA

^{a/} The AAUP uses a letter scale for grading average compensation which ranges from G (lowest) to AA (highest). An "A" rating in 1968-9 required an average compensation of 21,500 for professors; 13,500 for associate professors; and 10,700 for assistant professors. The comparable figures for an "AA" rating are 27,000, 15,500 and 12,000.

Table 3.

Cornell: Minimum Salary and minimum compensation, nine-month basis, 1968-9.

Category of divisions and rank	Minimum salary	Minimum compensation	AAUP rating
	(Dollars)		
<u>Endowed</u>			
Professor	13,900	16,294	A
Assoc. Prof.	11,500	13,287	AA
Asst. Prof.	8,500	9,889	AA
<u>Statutory</u>			
Professor	13,088	15,837	A
Assoc. Prof.	10,506	12,552	A
Asst. Prof.	8,629	10,295	AA

Table 4.

Cornell: Changes in average compensation, selected time periods, nine-month basis.

Category of divisions and rank	Average annual change			AAUP rating 1968-69
	1963-4 to 1968-9	1966-7 to 1968-9	1967-8 to 1968-9	
	(5 years)	(2 years)	(1 year)	
	(Dollars)			
<u>Endowed</u>				
Professor	1,039	869	969	A
Assoc. Prof.	681	602	944	AA
Asst. Prof.	515	535	770	AA
<u>Statutory</u>				
Professor	---	1,267	1,217	B
Assoc. Prof.	---	705	409	A
Asst. Prof.	---	875	875	AA

Table 5.

AAUP standard scales of compensation, 1969-70

Rank	Average compensation for rating			
	AA	A	B	C
	(Dollars)			
Professor	28,490	22,680	17,940	14,350
Assoc. Prof.	16,350	14,240	12,560	10,970
Asst. Prof.	12,660	11,290	10,090	9,050

The Provost called the meeting to order in Bailey Hall at 4:30 p.m. with 393 members in attendance.

1. ITEMS OF INFORMATION FROM THE DEAN OF THE FACULTY

The Dean informed the Faculty that he had received a request that at their upcoming regular meeting there be scheduled a discussion of the status of the adjudicatory system after the recent civil court cases arising out of an episode at Barton Hall. Such a discussion would be put upon the agenda once he received an appropriate motion pertinent to this topic.

He also told the Faculty that at this very moment several members of the Faculty Council were discussing the adjudicatory system with representatives of the Black Liberation Front (formerly Afro-American Society). Participating in these discussions in an individual capacity was Mr. Warren L. Taylor, program director of the American Arbitration Association.

2. A MOTION TO SIMPLIFY THIS DAY'S DELIBERATIONS

The Dean then announced that, in view of the complexity of the report submitted by the draftsmen appointed by the Faculty Council, and in view of the relatively short time the Faculty had had to study the report, he was moving on behalf of the Faculty Council the following:

RESOLVED, That the report be considered informally, and that members of the drafting committee be invited to initiate discussion by explaining its important features.

Upon a second being added, the Dean explained that the Faculty Council wanted to guarantee as full discussion as possible before votes were taken on the disposition of the document. Resort to the usual "committee of the whole" device entitled awkward formalities. With the procedure he was calling for the Faculty could ultimately amend the report, adopt it, reject it or refer it back to the drafting committee. Further, he had asked the drafting committee to be present to

explain the report and to answer questions about it.

Whereupon, without any further discussion being forthcoming, the motion was carried by a voice vote.

3. PRESENTATION OF THE REPORT OF THE FACULTY COUNCIL DRAFTING COMMITTEE ON THE COMPOSITION AND CREATION OF A CONSTITUENT ASSEMBLY

The Professor of Law, Norman Penney, chairman of the Faculty Council drafting committee proceeded to introduce the report.

On Friday, May 2, he said, this University Faculty recommended the establishment of a University Constituent Assembly and authorized the Faculty Council to conduct discussions with representatives of the Barton Hall Meeting and other interested groups concerning the makeup of the membership of the University Constituent Assembly. The Faculty Council was further authorized to report to the University Faculty the outcome of such discussions for approval or further instructions. The May 2nd resolution made clear the limited function or mandate of the Assembly and the necessity for all affected bodies to approve its proposals before any proposal affecting them become effective. The function of the Constituent Assembly was "to make, after appropriate study, recommendations concerning changes in the processes and structures by which the University governs itself."

The committee had asked the University Faculty to hear, and was hopeful it would approve, the proposal at this time in order to make it possible, and indeed feasible, for the election process to get underway quickly for reasons that he would elaborate upon at the conclusion of his report. In this respect he reminded the Faculty that there was distributed at the Convocation on April 28, 1969, "A Faculty Council Draft Resolution" proposing a provisional assembly which the committee had taken as a guideline reflecting their concerns and position. Paragraph (8) of that draft resolution stated: "Elections shall be held not later than 9 May 1969." He did not see how the Faculty could make that deadline.

The adoption of the recommendation at the May 2, 1969 meeting was a further step in the chain of events set in motion by the Olum Resolution of April 23, 1969, which stated in part "This Faculty instructs the Faculty Council to meet at once with a representative group of students to create jointly a broadly-based body designed to recommend to the whole community our future courses of action at Cornell."

On May 2, 1969, the one aspect of the proposal for the Constituent Assembly left open was this matter of the makeup of its membership. This committee, Professors Keeton, Krumhansl, Macneil, Moore, Ricciuti and himself had been continuously engaged in discussions with representatives of the Barton Hall meeting since the last meeting of the Faculty. There were a number of problems to be ironed out, not the least of which was the overall size of the body. The Barton Hall "guideline" proposal would have produced well in excess of 300 members. The April 28, 1969, draft Faculty Council Resolution proposed a body of approximately 300. The committee figure was 367.

In addressing themselves to the problem of the size of the body they were of course sensitive to the problem of unworkability or cumbersomeness. They were also concerned with achieving effective representation. They wanted to utilize to the maximum extent possible existing identifiable and meaningful units on the campus as the basis for representation; essentially, the departments. In the case of students, particularly, they were also concerned with the necessity of a sufficient ratio of student representatives to students to afford a fair chance of having those represented know and be able to communicate with their representatives in the course of the deliberations. It is on this basis that they established the ratio of 1 to a 100.

They apologized for putting these detailed materials in the hands of the Faculty with only 24 hours for digestion, but they were operating under constraints

of time. They had to circulate materials 24 hours in advance of any meeting, and yet they wanted to be in a position to urge the Faculty to take affirmative action today.

The key point to understand clearly was that the report's tables were intended to set forth formulae, with the numbers following as estimates only. The figures from which these estimates were made were obtained from Vice-President Brown's office. They were not drawn out of a hat. They knew that they had made some mistakes; several had already been called to their attention. Even so, they had double checked using other sources and believed the figures to be 95% accurate. They invited further corrections. The fascinating thing they had discovered was that centralized accurate tabulations of this kind were non-existent.

They had also made groupings of departments in order to piece together small departments in what they hoped were meaningful and congenial groups. While some care and thought had been given to this, once again, they knew that they had made mistakes.

They had provided a mechanism to iron out these problems; namely, the interim steering committee. Its function among others would be to make adjustments. They would be bound by the formulae of the representation scheme, but they would also seek to make grouping adjustments, if the committee's were not accurate.

It had been suggested to them that they should include in their proposal conditions relating to committee structure, when the body should meet, how long it should take in its deliberations, whether or how much of the work be done over the summer and the like. They felt that it was impossible and really not appropriate for the Faculty to include such conditions. For example, consider the matter of a committee structure. All of this committee believed it to be self-evident that a body of 367 was going to have to organize itself into various working committees including an executive committee and that some duly constituted group might be assigned to work over the summer.

According to their estimates 116 of the Assembly would be Faculty colleagues, chosen on a representative basis, who in all likelihood would parallel this larger

body in its concerns. The student component was also likely to be a concerned but largely moderate group who would share any concerns which conditions now imposed might imply.

Turning specifically to the matter of timing, he explained why they urged immediate action. The fact is that they had discussed a schedule for the election process and they believed that it was feasible for that process to take place before the students, Faculty and others dispersed for the summer.

Why did they want to have an election now? They wanted to take advantage of the sense of community that had developed, was now present, but which might diminish next fall. The students had talked about this a great deal; many had been heavily involved in our undertaking. They were unhappy at the prospect of losing that enthusiasm and many of those students. They also believed it desirable to have a duly constituted task force - of modest size - work this summer. They could do much of the spade work, leaving it to the larger body to make the ultimate decisions. It was far better that such a task force be operating under the aegis of such an Assembly rather than working for the Faculty or the Administration. Finally, there existed a de facto hiatus in our system of governance and they believed it critically important that the process of reconstituting and reaffirming the basic concerns of the University Community be undertaken at the earliest possible moment.

They were now prepared to discuss the details of the proposal. The Associate Professor of Biology, Neurobiology and Behavior, Behavioral Sciences, William T. Keeton, explained that two theories of representation surfaced early. One would base selection upon the department units, and the other would base it upon special interest groups. The committee had decided upon the department as their basis. Even so they had a problem. If the very smallest department was entitled to a delegate, then the larger departments needed many more. To counter the mushrooming size of the body which could result from this logic, the committee had pooled some of the very small departments in order to begin with a fair sized basic unit. With

undergraduates the same department based scheme was followed. The graduate students caused something of a problem, however, because they were not organized along departmental lines statistically. This problem had been solved by basing the graduate students' representation scheme on fields in lieu of departments.

The committee were only asking the Faculty to take formal action to approve the formulae devised by the committee. The breakdown of how these formulae would work, now included in the appendices to the report, was only an educated guess and was still subject to adjustment.

The Professor of Law, Ian R. Macneil, began his remarks by explaining the reasons for additional representation being accorded to special interest groups. There were two kinds of groups which felt they had an interest in the governing process and structures of the University. One kind was the academic groups with their concerns centering on their particular disciplines. The second kind of group was involved with concerns which cut across disciplinary and academic lines. Some of these concerns were political, reflected in such groups as the SDS or the Young Republicans. Some groups, such as fraternities and IFC, were largely social. Some had a general concern with academic matters, for example, the AAUP. No doubt anyone here could run off a list of many others in many areas of interest. It would be a strange and uninteresting University which did not have an active assortment of such groups and such group interests, and these groups were extremely important aspects of life and education at Cornell.

In view of the importance of these interest groups the Constituent Assembly would be unbalanced indeed if they were not represented. But the diversity of their membership crossed disciplinary lines; none would be assured of representation if elections were limited to the department based representation described by Professor Keeton, and such representation as did occur would be fortuitous.

Accordingly, it seemed to the Committee most desirable to allocate a substantial,

but not overwhelming number of representatives to such special interest groups. After considerable discussion the consensus was that 50 was a sensible figure. After fixing on a total figure of 50, it was necessary to decide how those fifty should be distributed. On the one hand, the distribution should be as diverse as possible; on the other hand, groups with broad support in the University deserved larger representation than those with very little support. To reconcile these goals it was decided to limit any one special interest group to a maximum of five delegates; but within the limitation representation would be proportional to the support received.

The foregoing was relatively easy. The difficult problems were how first to identify the various special interest groups, and second, how to determine the amount of support each enjoyed. The difficulty of these problems was compounded by the desirability of getting the Constituent Assembly all elected before the University disperses for the summer.

Paragraph 8 of the Committee report represented what the Committee believed to be a sound and workable way to accomplish this dual task in a relatively short time.

Paragraph 8 proposed two steps. Step one was identifying the existence of Special Interest Groups by a process of registration. Step two was ascertaining the relative support enjoyed by various Special Interest Groups by voting of students, Faculty and non-professional academics. Identifying various special interest groups was to be done by registration. In order to register, any group, whether or not it is presently an organized group, would file a petition. The petition must contain its name, a two line statement of its purposes, the names of five candidates for delegates, and 100 signatures. Individuals would be limited to signing one petition. After Special Interest Groups had been identified by the registration process, the support each enjoyed would be ascertained by an election. In the

election the voter would vote for his first and second choice Special Interest Group only, and also for the two candidates of each of those two groups which most appealed to him. The Special Interest Group receiving the largest number of first choice votes in the election would receive five delegate places and all five of its candidates would be delegates. Other Special Interest Groups would be entitled to delegates on a basis proportional to the number of votes received by the highest ranking Special Interest Group. Suppose, for example, that the group receiving the most votes was "Engineers for Sound Education" and it received 2000. The next highest group is IFC and it received 1600 votes. IFC having received $4/5$ as many votes as the number one group, would be entitled to $4/5$ as many delegates, namely four delegates. This process would be applied until all 50 Special Interest delegates had been selected. Candidates of Special Interest Groups entitled to less than five delegates would be chosen on the basis of candidate votes received.

There appeared to be very wide acknowledgment that black representation raised special problems and required a special solution. Neither the mechanisms of departmental elections nor Special Interest Group representation gave any assurance that there would be even one black delegate. And yet it was clearly essential that there be representation of the Black Community which could be heard in the Constituent Assembly, and especially on the various committees which the Constituent Assembly would undoubtedly establish from its membership. The actual numbers of 20 appeared to meet these tests and it was acceptable to the committee, to the Barton Hall group and to the members of the Black Community who had been contacted, both within and without the B.L.F. These 20 delegates were to be selected by democratic Processes within the Black Community.

The Professor of Physics, Atomic and Solid State Physics, James A. Krumhansl, explained that there was need to devise an orderly procedure by which the first

meeting of the Constituent Assembly was called together. Obviously some adjustments would have to be made in departmental allotments of delegates as the formulae were applied to the departments on the basis of better statistics than those that were available to the committee. The several elections would have to be conducted before the Assembly could come into being. Thus the committee were asking the Faculty to approve the necessary creation of an Interim Steering Committee to handle these vital chores.

Professor Penney concluded the presentation by pointing out that the committee were also asking the Administration to provide logistical support for the enterprise.

4. DISCUSSION OF THE REPORT.

The Professor of Industrial and Labor Relations, Robert H. Ferguson, asked why, what with 5,000 non-academic employees on the staff, only seven delegates were allotted to these workers. Professor Penney explained that the 110,000 alumni only received five so that these employees were allotted what was believed to be a number adequate to allow them to participate in the Assembly.

In response to a quaere where CURW fitted into the pattern, Professor Penney explained that it was simply another special interest group.

The Assistant Professor of Chemistry, James M. Burlitch, wondered why the black students were not treated just like any other special interest group. Asian students were not treated specially so that there was more than a hint here of racial discrimination. Indeed, if one could believe Professor Macneil that the black students had a lot of support on campus, they would come out of the elections with the largest special interest group. It might be better to drop the 20 delegates given the black students, add the 20 to the 50 delegates allotted the several groups, and the same result would be accomplished by giving the first group 20, the next 10, the third 5 and then follow the current formula.

Professor Macneil said that he shared, in part, the view just expressed. Cer-

tain practical factors had, however, to be considered. It was in the interest of the community to be certain that the black students had a clear voice in the Assembly. As a special interest group was now defined, they should at best only get five delegates. To tinker with the special interest group formula now could very well see the diversity idea ruined. Worse, there was no guarantee that the black students would be the top group in an election.

In response to another question, Professor Penney explained that the committee had not made any special provision for emeritus professors. Practice and custom in this regard varied widely from department to department. It was thought best to allow each department to decide for itself how these people should participate in the election at the local level.

The Assistant Professor of Government, Arthur W. Rovine, said that, according to his calculations, the ratio between Faculty and student delegates was 31 percent Faculty and 55 percent student selected. He could not see any rationale for this. Professor Penney warned that it was a bit early to draw too many hard and fast conclusions in this regard. The Administration and the alumni had to be figured in, and it was possible that Faculty might enter the Assembly via the special interest group route. Granting that the students were in the majority, he said that he had come to see a great deal of truth in the theory that, if the Faculty could not prevail upon the basis of the reason sustaining the positions, they should deserve to lose.

The Assistant Professor of Government, Peter J. Sharfman, said that he had followed the rationales put forth by the speakers for the committee. Still, he could not quite see how they settled upon 116 Faculty and 97 undergraduate student delegates.

Professor Keeton explained that they had not first settled on magic numbers like 116 or 97. First, they had started out with the idea that each department

should have a Faculty delegate. They had merged a few very small departments, but this was their basic idea. Then they had decided that larger departments were entitled to another delegate, and very large departments to still another. Application of the formula then resulted in the sum 116 appearing at the end of this process of reasoning. With the students they had again used the department as their base, but they had tried to visualize how many students a delegate could represent and still be known to his constituents. They had decided upon the 1/1000 ratio and, again, the sheer mechanics of it had given them the end sum of 97.

The question was then raised whether Eldridge Cleaver could be elected by the Faculty or the students as a delegate? Professor Macneil responded that the caveat that the delegate must be a student, Faculty member or non-professorial academic, now explicit with reference to special interest groups, was meant to apply universally. He said that the final text would make this clear.

The Professor of Physics, Director, Atomic and Solid State Physics, Geoffrey V. Chester, said that he still had in mind the import of the Bethe Resolution passed last Monday. [Minutes, 2 May 1969, pp. 3703-04] He, therefore, had a motion to make which would make it clear that the Faculty were not required to accept or reject in toto any recommendations made to it by the Assembly, but that they could accept them in part or accept them as amended. Professor Penney replied that the committee would not object to this motion in principle. He did observe, however, that the Faculty could not amend such a recommendation but it could refer it back to the Assembly for further study in light of the Faculty response to it.

5. ACTION ON THE REPORT.

Professor Penney thereupon formally moved the first part of the report dealing with the composition of the Assembly, more specifically, all of the material pertaining to the composition of the Assembly. The motion was seconded.

The Professor of Industrial Relations and Labor Law, Isadore Blumen, suggested

that an interesting precedent existed for the vote which was about to come. Lewis Carrol in his real life role had once seen his college attempt to decide how the fellows should settle upon an architect. If he were here today, he should have the unique experience of reliving these hi-jinks all over again. Nay, he should do better than that, he should see Alice in Wonderland acted out again by presumably rational people. If one did not laugh at these goings on, one would cry. Consider, for example, that not one representative was being selected to represent next year's freshman class. Better yet, the alumni, a fairly influential segment of the community, were being represented at a ratio roughly of 1/25,000 where another group, still debating whether they were even interested in participating in the upcoming farce, were to be represented on a ratio of 1/12. Even in their wilder moments not one person in the house this day would sign the lease for a summer cottage without taking more time to read it, but here they were signing on to something which could make or break the University without the least bit of reflection upon what they were doing.

Professor Burlitch moved to amend the motion:

RESOLVED, That the special provisions pertinent to the black community be stricken from the motion and that the number of delegates set aside for special interest groups be increased to 70, the group to win the largest number of votes to be given 20 delegates, the next 10, and thence the formula now existent in the report to be applied thereafter.

A second was appended to the motion.

Professor Penney announced that he, too, shared the sympathy previously stated by his colleague Macneil with the idea behind this motion. Still, the motion was unrealistic. Recent events proved that if, indeed, this was to be one community, all concerned groups had to be brought together to discuss affairs. If the Assembly were not guaranteed black student in-put, then the Community was in for difficult

times. True enough, the committee's expedient to assure this in-put was not ideal, but the speaker felt that, on balance, the mechanism did not warp his ideals.

Calls for the question were now commonplace and a vote was had upon the motion to amend. The motion was defeated upon a voice vote.

The Professor and Head, Floriculture and Ornamental Horticulture, John G. Seeley, wondered whether an amendment would be necessary to define the term "student" in the report to make it clear that only regularly enrolled students were eligible to participate in the special interest groups. Indeed, he moved that such should be done and his motion was seconded. Professor Penney responded that the committee accepted the amendment and that the final text would make it clear that only regularly enrolled students were to participate in these groups.

Professor Penney went on to explain that no term of office had been spelled out in the report because it was believed that the Assembly would despatch its business within the next academic year. The Assembly itself, moreover, should devise its own machinery to fill any vacancies caused by the death, draft or departure of any duly elected member.

Whereupon Professor Penney re-stated the motion, incorporating the changes settled upon thus far:

RESOLVED, That the delegates to the Constituent Assembly shall be selected as follows:

1. The following formulae will apply:

<u>Group</u>	<u>Approximate Ratio of Delegates to Constituents</u>	<u>Group Size</u>	<u>Estimated Delegates</u>
Faculty	1/12	1395	116
Graduate Students	1/100	3782	38
Undergraduate Students	1/100	9763	97
Non-professorial academic employees	1/100	500	5
Other Cornell employees	1/714	5000	7

<u>Group</u>	<u>Approximate Ratio of Delegates to Constituents</u>	<u>Group Size</u>	<u>Estimated Delegates</u>
University Admin. & Trustees	--	--	16
College & School Admin.	--	--	13**
Alumni	--	--	5**
Special Interest Groups (Faculty and Students)	--	--	50*
Black Community	--	--	20**
			367

* Maximum of five per group

** May be varied slightly by further negotiations

2. Faculty Delegates. Allocation shall be among departments on the basis of one delegate for each department of 6 to 16 faculty members. Smaller departments shall be required to combine, and larger departments shall have larger representation.

3. Graduate Students. Allocation of delegates shall be among graduate fields as set out in Appendix II, to the extent consistent with the formulae set out in paragraph 1.

4. Undergraduate Students. Allocation of delegates shall be among departments or schools as set out in Appendix III, to the extent consistent with the formulae set out in paragraph 1.

5. Non-professorial academic employees and other Cornell employees. The Administration is requested to take responsibility for the democratic selection of delegates from these two separate groups.

6. College and School Administration. Delegates are allocated one to each college or independent school to be selected by the Dean of the college or independent school.

7. Alumni delegates. Delegates shall be selected through the Alumni Office.

8. Special Interest Groups. Allocation shall be on the following basis among groups, whether or not the group is formally organized:

A. Participation is limited to regularly enrolled students, faculty and non-professorial academics. This applies to voters and delegates.

B. Only registered Special Interest Groups may be represented. Registration shall be accomplished by filing the following petition on a special form to be provided by the Interim Steering Committee (see Resolution II, below):

- (1) Name of group.
- (2) Two-line statement of purpose.
- (3) Names of five candidates for delegate, lettered A through E.
- (4) A minimum of one hundred signatures each accompanied by student ID number, or, for other eligible participants, social security number. Each individual may sign only one petition.

C. The foregoing procedure having been carried out by all Special Interest Groups seeking representation, the Interim Steering Committee shall publish a list of all eligible Special Interest Groups, their respective identifying numbers, their purpose and their candidates with identifying letters (A through E).

D. The Interim Steering Committee will distribute blank ballots and envelopes to well advertised locations and to departments.

E. Each voter shall indicate (by identifying number) his first and second choices of Special Interest Group, and (by identifying letter) his first two choices of candidates in each of the two Special Interest Groups. The ballot shall be placed in an envelope and the voter shall sign the envelope and add his ID or Social Security number, as appropriate.

F. The Special Interest Group receiving the largest number of first choice votes shall be entitled to five delegates. Other Special Interest Groups shall be entitled to five or less delegates in direct proportion to the ratio which their first choice votes bear to the votes cast for the Group receiving the largest number of first choice votes, until the level of one delegate is reached. Thereafter the remaining delegates, if any, shall be allocated in descending order of first choice votes received.

G. Individual candidates will be elected as follows: Where a Special Interest Group is entitled to five delegates, all of its candidates will become delegates. Where the Special Interest Group is entitled to less than five delegates the individual votes received by the candidates shall be counted and the highest ranking candidates of that Special Interest Group shall be elected. (A candidate shall be entitled both to first choice votes and to second choice votes of those voters whose first choice Special Interest Group is eliminated from any representation because of its receiving insufficient votes.)

9. Black Community. Delegates shall be selected by the Black

Community by democratic processes. Both delegates and those participating in their election shall meet all of the qualifications of paragraph 2A concerning special interest groups.

10. Omissions or errors in the delegate assignments described in the Appendices should be referred to the Interim Steering Committee, for adjudication in accordance with the principles set forth above.

The motion was thereupon carried by a voice vote.

Professor Penney thereupon moved that the Faculty approve the balance of the report, to-wit:

RESOLVED, THAT:

1. An Interim Steering Committee shall be formed to perform the following functions:

A. Conduct the election of the members of the Constituent Assembly, and certify a roster of the membership.

B. Call the first organizational meeting of the Constituent Assembly; the quorum for the first organizational meeting shall be three-quarters of the membership.

C. Supply from its membership the Speaker and Secretary of the Constituent Assembly until the Constituent Assembly elects a Speaker and a Secretary from its own membership.

D. Act as the Executive Committee of the Constituent Assembly until replaced by the Constituent Assembly from its own membership.

2. The Interim Steering Committee shall consist of nine voting members: three students to be chosen from or by the Committee of the Barton Hall Commission; two graduate students to be chosen from or by the Committee of the Barton Hall Commission; three faculty members to be selected by the Faculty Council; one Administrator to be selected by the University Administration.

3. The University Administration is requested to supply one person to act as the administrative officer of the Interim Steering Committee who shall also be an ex-officio non-voting committee member.

4. The University Administration is also requested to supply the Interim Steering Committee with all administrative and financial aid needed for it promptly to accomplish its functions, including office space, secretarial help, computer time, programming and supplies.

BE IT FURTHER RESOLVED, That the University Administration is requested to supply administrative and financial support

necessary for the operation of the Constituent Assembly including but not limited to the following:

1. *A full time administrative officer to be selected by the Constituent Assembly.*
2. *Professional and technical assistance as requested by the Constituent Assembly, e.g. legislative drafting experts.*
3. *Office space, equipment and secretarial assistance.*

Upon a second, these resolutions were approved by a voice vote.

Professor Chester resurrected the motion he had earlier suggested and now moved:

BE IT RESOLVED, That the Faculty in its consideration of any of the recommendations of the Constituent Assembly will not be required to accept or reject the said recommendations as a whole, but may accept part of them and refer the unaccepted part back to the Constituent Assembly for further consideration.

Upon a second, this motion was carried by a voice vote.

6. AN EFFORT TO RE-CONSTITUTE STUDENT GOVERNMENT.

The Professor of Public Administration, Graduate School of Business and Public Administration, Paul P. Van Riper, moved:

RESOLVED, That the student delegates to the Constituent Assembly shall, as a body, have the authority and responsibility to represent the students of Cornell University and to exercise their powers.

After the motion received a second, Professor Van Riper explained that part of the current problem was caused by the lack of a student government. What the proposal did was to provide again an agency which, if need be, could speak for the students.

The Professor of Mathematics, Paul Olum, said that he was surprised by this motion. It appeared to him that the students were not willing yet to have a student government. Was this motion designed to pre-empt Barton Hall? The students might see this as a device to impose a government upon them and react accordingly. The time was now 6:15 p.m. and was hardly a propitious moment to make an uninformed

decision on so complex a problem.

The Provost, responding to a point of order, ruled the motion out of order because it was not upon the agenda of this, a special meeting.

Professor Van Riper observed that he accepted this ruling without any qualms since the Faculty now had the problem he saw brought home to them.

The Professor of Physics, Atomic and Solid State Physics, Raymond Bowers, said that, in his opinion, the drafting committee had done a superb job, whereupon he moved that the Faculty extend to the committee their thanks for a job well done, and that this expression of gratitude be recorded in the minutes. Upon a second, the motion was carried with a resounding roar of approval.

Whereupon, at 6:30 p.m., the meeting was adjourned.

E. F. Roberts
Secretary

3723
Room 120
Ives Hall
May 14, 1969

The Provost called the meeting to order in Ives 120 at 4:30 p.m. with 290 members present. He called for additions or corrections to the minutes of the regular meeting of April 9, 1969, and there being none, declared them approved as distributed.

1. COMMUNICATIONS FROM THE PROVOST.

Insofar as the Provost had been able to determine, the sealed indictments handed down this week by the grand jury did not refer to the incident at Willard Straight Hall. From press reports available during the day it appeared that these indictments referred to a series of drug raids conducted today, as a result of which six Cornell students had thus far been arrested and arraigned.

In City Court this morning information had been filed by the District Attorney, as directed by the grand jury, against eighteen individuals involved in the Willard Straight incident. At the request of the individuals' counsel their names had not been released since it was understood that, with one possible exception, all would appear voluntarily for arraignment tomorrow. It appeared that all were charged with criminal trespass at the misdemeanor level.

The indictments brought against Mark Walker were a most serious matter. Concern has been expressed that his case not be prejudiced in any way. Although both counsel for Mark Walker and University Counsel are out of town today, they have talked together and it was understood that upon their return tomorrow they will agree in writing that any University judiciary procedure shall be deferred pending the outcome of the criminal prosecution and that, in the meantime, the temporary suspension and the exclusion of Mark Walker from the campus should continue in effect.

2. REPORT OF THE COMMITTEE ON ELECTIONS.

The Provost called upon the Secretary for a report from the Committee on Elections. The Secretary pointed out that the report had been distributed at the

meeting and that there seemed little point in wasting everyone's time by his reading it aloud. Thus, since the report would appear as distributed in these minutes, the time seemed ripe for the Provost to entertain a motion to accept the report. There followed a motion to accept the report as distributed, a second thereto, and a voice vote to approve the motion.

There were 837 ballots cast of which 808 were valid and the following were the results:

1. For the office of Faculty Trustee, the number of votes received by the several candidates were:

The Professor of Industrial and Labor Relations and Acting Chairman, Department of Economics and Social Statistics, Isadore Blumen, 248 votes;

The Professor and Head, Department of Physical Biology and Director, Laboratory of Radiation Biology, Cyril L. Comar, 311 votes;

The Professor of Mathematics, Paul Olum, 318 votes;

The Professor and Chairman of the Department of Chemistry, Robert A. Plane, 414 votes;

The Henry Scarborough Professor of Social Sciences, Sociology, Robin M. Williams, Jr., 336 votes;

The Class of 1912 Professor of Engineering and Chairman of the Department of Structural Engineering, George Winter, 275 votes.

2. For a member of the Faculty Council for a three-year term, 648 ballots were cast, of which 364, a majority, were cast for the Associate Professor of Managerial Economics and Finance, Alan K. McAdams.

3. For another member of the Faculty Council for a three-year term, 668 ballots were cast, of which 449, a majority, were cast for the Professor of Law, Kurt L. Hanslowe.

4. For another member of the Faculty Council for a three-year term, 631 ballots were cast, of which 397, a majority, were cast for the Associate Professor of History of Art, Martie W. Young.

5. For another member of the Faculty Council for a three-year term, 684 ballots were cast, of which 374, a majority, were cast for the Professor of Household Economics and Management, Gwen J. Bymers.

6. For a member of the Committee on Academic Freedom and Tenure for a four-year term, 711 ballots were cast, of which 363, a majority, were cast for the Professor of Government, Walter F. Berns.

7. For another member of the Committee on Academic Freedom and Tenure for a four-year term, 629 ballots were cast, of which 403, a majority, were cast for the Professor of Industrial and Labor Relations and Professor of Sociology, William Foote Whyte.
8. For a member of the Committee on the Economic Status of the Faculty, for a five-year term, 648 ballots were cast, of which 366, a majority, were cast for the Associate Professor of Mechanical Engineering, John F. Booker.
9. For a member of the Committee on Nominations for a three-year term, 618 ballots were cast, of which 411, a majority, were cast for the Professor and Associate Dean, Industrial and Labor Relations, Vernon H. Jensen.
10. For another member of the Committee on Nominations for the three-year term, 676 ballots were cast, of which 357, a majority, were cast for the Professor of Electrical Engineering and Associate Dean, College of Engineering, William H. Erickson.
11. For another member of the Committee on Nominations for a three-year term, 680 ballots were cast, of which 374, a majority, were cast for the Professor and Chairman, Department of Physics, LASSP, Lyman G. Parratt.
12. For a member of the Committee on Student Affairs for a three-year term, 630 ballots were cast, of which 317, a majority, were cast for the Assistant Professor of Hotel Administration, Vance A. Christian.
13. For another member of the Committee on Student Affairs for a three-year term, 573 ballots were cast, of which 331, a majority, were cast for the Associate Professor of Household Economics and Management, Mary E. Purchase.
14. For a member of the Student-Faculty Board on Student Conduct for a three-year term, 654 ballots were cast, of which 374, a majority, were cast for the Professor of Veterinary Medicine and Obstetrics and Director, Mastitis Control Program, LAMOS, Stephen J. Roberts.
15. For a member of the Board of Physical Education and Athletics for a three-year term, 627 ballots were cast, of which 425, a majority, were cast for the Associate Professor of Music and Director of Choral Music, Thomas A. Sokol.
16. For a member of the University Board of Health for a three-year term, 643 ballots were cast, of which 484, a majority, were cast for the Professor of Nutrition and Comparative Metabolism, Animal Science, Willard J. Visek.
17. For a member of the Committee on Academic Integrity for a three-year term, 608 ballots were cast, of which 351, a majority, were cast for the Professor and Head, Department of Plant Breeding and Biometry, Robert L. Plaisted.
18. For another member of the Committee on Academic Integrity for a three-year term, 541 ballots were cast, of which 279, a majority, were cast for the Associate Professor of Household Economics, Rose E. Steidl.
19. For a member of the Temporary Committee on the Organization and Procedures of the University Faculty, 616 ballots were cast, of which 311, a majority, were cast for the Assistant Professor of Government, Richard I. Hofferbert.

20. For another member of the Temporary Committee on the Organization and Procedures of the University Faculty, 657 ballots were cast, of which 435, a majority, were cast for the Professor of Law, Robert S. Pasley.
21. For another member of the Temporary Committee on the Organization and Procedures of the University Faculty, 675 ballots were cast, of which 373, a majority, were cast for the Professor of City and Regional Planning, John W. Reps.
22. For another member of the Temporary Committee on the Organization and Procedures of the University Faculty, 671 ballots were cast, of which 368, a majority, were cast for the Professor and Head, Department of Physical Biology and Director, Laboratory of Radiation Biology, Cyril L. Comar.
23. For another member of the Temporary Committee on the Organization and Procedures of the University Faculty, 621 ballots were cast, of which 359, a majority, were cast for the Professor of Poultry Science, J. Herbert Bruckner.
24. For another member of the Temporary Committee on the Organization and Procedures of the University Faculty, 654 ballots were cast, of which 415, a majority, were cast for the Professor of Public Administration, Paul P. Van Riper.
25. For another member of the Temporary Committee on the Organization and Procedures of the University Faculty, 589 ballots were cast, of which 311, a majority, were cast for the Assistant Professor of Government, David P. Mozingo.

3. REPORT OF THE COMMITTEE ON ACADEMIC INTEGRITY.

The Professor of Electrical Engineering, Simpson Linke, was recognized to Present a report as chairman of the Faculty-Student Committee on Academic Integrity. Professor Linke thereupon moved:

WHEREAS: The University Faculty-Student Committee on Academic Integrity has found in recent years that the present Code of Academic Integrity is somewhat ambiguous, imcomplete, subject to misinterpretation, and without adequate appeal procedures, and,

WHEREAS: This Committee has conducted a year-long study of this Code and has prepared an improved version, the same having been distributed to this Faculty with the call to this meeting, and,

WHEREAS: Any future consideration of academic integrity legislation by groups concerned with general campus reform properly should be based on an improved version of the Code, therefore:

BE IT RESOLVED, That this Faculty replace the present legislation on academic integrity with the revised Code of Academic Integrity, this action to become effective at the beginning of the Fall Term, 1969.

A second was appended to the motion.

Professor Linke proceeded to explain that the new Code was the product of many hours of study and vigorous discussion. Faculty and student members of the Committee were equally responsible for formulating and enacting the draft of the new legislation. Close contact was also maintained throughout the study with the Office of the University Counsel, particularly with David B. Hayter, Esq.

The central philosophy of the Code remained unchanged. However, many statements had been revised in order to remove ambiguities, clarify procedures, and ensure due process. Areas of faculty and student responsibility had been carefully outlined. Provisions had been added to allow student recourse in the event of grievance. A major change in the proposed judicial procedure was the establishment of an Appellate Committee. Other organizational changes included procedures for hearings involving graduate and professional students, and a provision that student members should be selected by the multiple-interview method approved by FCSA on April 15, 1969 for the judicial system.

4. ADOPTION OF AN AMENDMENT TO EXCLUDE THE LAW SCHOOL AND THE VETERINARY COLLEGE.

The Professor of Law, Norman Penney, informed the Faculty that both the Law School and the Veterinary College had for years maintained their own honor code systems operated entirely by students. He had sent to the Cornell Law Student Association a copy of the new code and they had expressly asked him to seek to have the honor system excluded from the code's purview lest it be destroyed by being replaced by this legislation. After consultation with the Professor of Parasitology, Veterinary Pathology, John H. Whitlock, and joint consultations with Professor Linke, he moved to add a last paragraph to the last section of the proposed code, to-wit:

Existing school honor codes, as in the Veterinary College and the Law School, are not governed by the foregoing legislation, but such schools shall be required to file a current copy of their Academic Honor Code with the Faculty-Student Committee on Academic Integrity (General Committee).

After a second was had for this motion, Professor Penney explained that professional schools were wary of the appellate system contained in the new code because confidentiality was vital to them. What with the palpable fact that these honor codes had worked well for decades, there seemed to be no reason not to leave them unchanged.

Professor Whitlock added that the whole idea of an honor code hinged on the idea that the total responsibility was in student hands. The system would not work if the Faculty were required to peer over their shoulders. They would resent it and, if they were doing a good job, they should resent it. These honor systems had been exempted in the old code but through oversight this clause had fallen by the wayside. This amendment was simply an effort to preserve the status quo.

Professor Linke said that he considered this to be a friendly amendment. The Professor of Physics, Atomic and Solid State Physics, Raymond Bowers, objected that there was a danger here. Since this code did create a kind of quasi-judicial system, this amendment might provide a precedent whereby black students could demand their own judicial system. Professor Penney admitted that he had not anticipated this objection and so could not confidently purport to answer it in full. He did think, however, that any school based honor code concerned only academic behavior within a particular school, whereas the adjudicatory system was concerned with everyone's behavior campus-wide. Indeed, he was certain that his amendment was not a precedent of any kind when it came to thinking about the adjudicatory system.

The Goldwin Smith Professor of English Literature, Robert H. Elias, wondered whether the committee had given any thought to an all-student appellate board. Professor Linke replied that they had but that they had concluded in favor of an evenly balanced board. There would be many times when a Faculty member would have to appear before the board and they were ruffled enough to find any students on it.

The Professor of Child Development and Family Relationships, Henry N. Ricciuti, said that he preferred to leave the code as it was. A school desiring a different plan could obtain permission to have one if, overall, it was consistent with the central code. There was danger otherwise that cases would be handled in different ways all across the campus.

A vote was had upon the motion to amend. It was carried by a voice vote.

5. FURTHER EFFORTS TO AMEND DEFEATED.

The Assistant Professor of Neurobiology and Behavior, Biological Sciences, Howard C. Howland, proposed an amendment to the code:

RESOLVED, That the words "In no event will the Committee cause the posting of any notice other than the word 'expelled' or 'suspended' together with the appropriate date or dates, on the student's transcript."

be inserted after the last sentence of part III-A.

Upon a second, he explained that a student record could contain an entry such as, "Found guilty of a violation of Academic Integrity." Should a student ever need to use the transcript, such an entry was disastrous.

The Registrar, R. Peter Jackson, explained that an entry like the one objected to by Professor Howland only remained on the record while the student was still in school. Professor Linke went on to explain that this entry was one of the system's most effective penalties. Suppose, for example, a case did not merit suspension. If all they could do was to issue a letter of reprimand, they were fairly powerless. This entry really was a reprimand with a bite; that is, the student could be assigned to a councilor and, when he had learned his lesson, the entry would be erased. Indeed, short of suspension, this was the best weapon in the whole system's arsenal. He must, at best, therefore, regard this as only a quasi-friendly amendment.

A vote was thereupon had upon the motion to amend. It was defeated upon a voice vote.

6. ADOPTION OF THE NEW CODE OF INTEGRITY AS AMENDED.

Amidst calls for the question, Professor Linke repeated the operative clause of his motion:

BE IT RESOLVED, That this Faculty replace the present legislation on academic integrity with the revised Code of Academic Integrity, this action to become effective at the beginning of the Fall Term, 1969.

The motion was carried by a voice vote.

7. REPORT ON THE PROGRESS OF THE FACULTY COUNCIL COMMITTEE ON ROTC.

The Provost recognized the Dean, who informed the Faculty that anyone who had views to communicate relevant to the ROTC question could contact the chairman of the committee recently appointed by the Faculty Council, the Professor of Law, David L. Ratner.

8. AN ADJUSTMENT MADE WITH REFERENCE TO THE CONSTITUENT ASSEMBLY.

The Barton Hall Assembly had approved a plan for the Constituent Assembly which differed in slight detail from the plan adopted by the Faculty. [Minutes, 7 May 1969.] The Faculty Council had accordingly amended the recent Faculty legislation to remove these differences in detail.

Pursuant to the recent legislation which called upon the Faculty Council to appoint three Faculty members to the Interim Steering Committee, the Council had appointed the Professor of Physics, Atomic and Solid State Physics, James A. Krumhansl; the Associate Professor, Managerial Economics and Finance, Graduate School of Business and Public Administration, Alan K. McAdams; and the Associate Professor, Communication Arts, Charles C. Russell.

The Dean thereupon read a communication to the Faculty from the Interim Steering Committee announcing the dates of the elections being held to select representatives to attend the Constituent Assembly.

9. A MOTION BY PROFESSOR ALLAN P. SINDLER.

The Provost recognized the Professor and Chairman, Government, Allan P. Sindler,

who moved as follows:

In this period of disorder on the Cornell campus, effective enforcement by the President and his staff of Faculty and Trustee policy on student misconduct is imperative.

The Faculty believes:

- (1) Enforcement by the President and his staff must be firm, consistent and just, with concern both for the rights of students and of Cornell as an educational community.
- (2) The President and his staff should make every effort to strengthen and retain the University's ability to handle interference with educational functions. Recourse by the University on its own initiative to civil authority is appropriate only for "very serious breaches of the Law" (University Statement of Principles and Policies Governing Student Conduct) or for certain categories of serious disruptions (as defined by current Trustee directives) beyond the capacity of Cornell's resources.
- (3) The President should clarify promptly, by public statement, what Faculty and Trustee policies on student conduct are presently operative and the criteria by which misconduct incidents will be placed under Cornell's internal control, civil control, or both.
- (4) The President should clarify promptly, by public statement, the current status and functioning of the campus adjudicative system.

The motion was duly seconded.

Professor Bowers rose to warn everyone that they should be careful in their choice of words lest they prejudice any of the cases currently pending before the civil courts.

Professor Sindler, noting that he was fully aware of the need to speak carefully, advised the house that he had reduced his remarks to writing beforehand. He thereupon read the following statement:

"This motion deals with the handling of student misconduct incidents, which is an area of Faculty authority. The President and his staff are agents of the Faculty in enforcing Faculty policy in this area.

President Perkins plays a critical role in this enforcement. Whenever a student misconduct incident is controversial, it is the President who decides whether

to act on the alleged misconduct. If his decision is to act, the President then must implement Faculty policy by assigning the matter to campus jurisdiction or to the civil authorities. Parenthetically, if anyone wants to know how the decision to process the cases of the six black students came about, I'd be happy to speak to that matter later at this meeting.

I want to emphasize that the authority and responsibility for making enforcement decisions in controversial incidents are in the hands of Mr. Perkins -- the buck stops there. The President has been quoted recently as saying that his legal staff decided on assigning the SDS students to Ithaca jurisdiction, and that Ithaca, not Cornell, was the sole decider on making arrests in those SDS cases. Neither proposition by the President is wholly accurate.

How the President handles this enforcement authority is critical to the maintenance of campus order, and to creating respect, not disrespect, for campus rules and their application. Bad judgment by the President, erratic enforcement by the President, short-sighted and expedient actions by the President -- and this campus will be in serious trouble and crisis.

The Cornell campus is in deep crisis, and one of the major contributing factors to disorder has been precisely the incapacity and/or the unwillingness of the Perkins' administration to apply controlling Faculty policies on student misconduct consistently, fairly and justly. The inaction on the Malott Hall disruption of Chase-Manhattan Bank recruiting in March has its counterpart in the overaction in May of assigning SDS students to arrest. Both matters reflect a style of decision-making which favors ad hoc and expedient considerations at the expense of policy and principle.

The direct consequences of this pattern of Presidential decision-making are confusion, doubt and loss of confidence by all segments of the Cornell community. Now, in light of the threat of rising disorder and of the divisions within the

Cornell campus, it is imperative that the President cease to operate in this way and instead to proceed on the basis of clearly-stated principles and policies, which he then must enforce consistently and fairly.

This motion before you attempts to move the President to adopt an open and explicit position with respect to enforcement of policy on student misconduct. Sections 3 and 4 request clear statements on what the Faculty and the entire campus must know: the status of our adjudicative system, the operative Faculty and Trustee policies, and the criteria for assignment of incidents downtown and to the campus jurisdiction. Hopefully, these requests can be answered right at this meeting by appropriate University officers.

Section 2 reiterates the long-standing and sensible policy that the University should strive to retain maximum capacity to handle its own affairs internally. If we are going to substitute for this a habitual reliance on and vulnerability to public law enforcement officials, then it is the obligation of the President to say this openly, and for this Faculty to make its judgment on that position. Section 1 reaffirms to the President this Faculty's commitment to firm and just disciplinary policy and enforcement, whatever the answers to the questions put in sections 3 and 4.

Since this is likely to be the last meeting I have the opportunity to speak to you, I ask your indulgence for a couple of minutes to make a few summary remarks on the role of the Faculty in this and related important matters facing this campus.

If this Faculty is to have any hope of extricating itself from the present campus impasse, and to avoid even greater difficulties in the future, you must make better use of these meetings and other devices to identify Faculty views, and to press them vigorously on the Administration. It should be apparent to most by now that President Perkins' concept of leadership is to tend to respond to those who exert the most pressure on him, even on matters that challenge the essentials and

the very existence of Cornell University. In this kind of pressure game, the University Faculty has shown insufficient resolve and skill and thus has not exercised the influence it should have.

Let me cite but a few of many possible examples:

The handling of the charges against Professor McPhelin in April, 1968, which permitted an exceedingly bad precedent for the protection of academic freedom to be established.

Allowing the President to avoid explaining his inaction on the Malott Hall disruption this past March.

Allowing the President to avoid submitting the new plan for the Afro-American Center to the Faculty, and permitting him to secure Trustee approval of the plan without any overall Faculty inspection or reaction.

Failing, at the momentous Wednesday, April 23rd meeting, to compel the President, or to pass a motion itself, to condemn the personal threats made over the University's own radio by an AAS leader against four named administrators and three named Faculty members.

I infer at least the following from these and other instances of poor Faculty performance: (1) it has been too easy for this present Administration to circumvent, coopt and otherwise shape and manipulate this Faculty to further its own expedient ends; and (2) as presently constituted and led, this Faculty is too disorganized to perform effectively its critical role in University governance and in checking the Administration.

For the future, you have been persuaded and/or coerced into endorsing and participating in an ill-defined and open-ended restructuring of the University and of departments. This venture is backed by the Perkins' Administration, but not even the President is in control of these events and no one knows what the outcome will be. Surely this Faculty knows by now that it cannot depend on the Perkins'

Administration, unsupervised and unchecked, to be a reliable guarantor of the life and future of this University as a first class institution hospitable to scholars and scholarship.

This Faculty, in order to protect itself and to exercise proper influence on events and outcomes, must create a stronger sense of collective identity and purpose. It must develop and work through new leadership and new machinery capable of permitting it to strongly register its views. Otherwise, this Faculty will remain as it is now, ill-equipped to compete in the ongoing scramble for redistributed power to defend what the University is all about.

These comments on the role of the Faculty bear generally on the motion before you. Student misconduct policy is the Faculty's area and it is a terribly crucial matter in these troubled days. Use this meeting and this motion to assert Faculty governance, respectfully but firmly, so that the President knows that this Faculty is prepared to insist on his consistent, firm and just enforcement of its policy. I urge you to support this motion."

10. A STATEMENT BY THE DEAN PERTINENT TO THE ADJUDICATORY SYSTEM.

The Dean responded that he had with him a brief exposition explaining the status of the adjudicatory system which, while the basic draft had been prepared by the Secretary, had been amended in part and then endorsed by the Faculty Council. He thereupon begged the Faculty's indulgence while he read the following statement:

A. Before Certain Recent Events

1. On February 14, 1968, the University Faculty adopted a statement of principles and policies governing student conduct at Cornell. These principles and policies were derived by and largely from, the Sindler Report.

2. The Sindler Report at page 20 said: "[we] believe that all but very serious breaches of the law should be handled internally as a Code violation... The determination of offenses serious enough merit University assignment of the offender to the civil jurisdiction is a matter of judgment which the Commission has not explored, and, hence, offers no position... We do urge that the University community be informed about the boundaries decided on, and that the decision reached on instances falling in the grey area be made not solely

by the Code Administrator, but in conjunction with the Vice-President for Student Affairs and the Dean of the Faculty." (Emphasis added.)

B. After Malott Hall

1. On March 20, 1969, the Faculty Council advised the community that disruptions of University functions by conduct involving "harassment, assault and the like" constituted "very serious breaches of the law" within the meaning of the statement of principles and policies governing student conduct.

The Faculty Council took special cognizance of the involvement of both students and non-students in acts of disruption, and recommended referral of such cases to the civil authorities irrespective of the status of offenders.

2. This statement was consistent with the Sindler rationale. Using the precise language of the Sindler Report, it attempted to define the line which demarcated the boundary beyond which certain behavior might merit civil prosecution. Further, the statement restricted itself to conduct involving violence or the threat of violence which disrupted a public University function.

C. After Willard Straight

1. On April 23, 1969, the University Faculty nullified the procedures with respect to the five students.

2. This left intact as a matter of theory the Adjudicatory System.

a. Nullification was simply an exercise of appellate jurisdiction within the system by the Faculty. Rather than deny the system, it confirmed it. See, e.g., Adjudicatory System for Student Conduct, Section VII: "The Faculty retains the right to intervene to overrule actions of the Adjudicatory Boards on its own motion."

b. Many people, both Faculty and Students, questioned whether the system was capable of handling group protests, whether these offenses involved "political action" or "disruptive tactics" or what have you. This doubt was summed up by a resolution adopted by the Student-Faculty Board of Student Conduct on April 24, 1969, to-wit: "[Members] agreed to continue on the Conduct Board but to hear only those student defendants electing to appear before SFBSC. Members hoped the Code Administrator would handle all minor matters and suggested major infractions be referred to civil authorities until the Faculty Council recognized a legitimate judicial system." Minutes, SFBSC, 24 April, 1969.

3. Meanwhile, on April 22, 1969, the President had invoked a situation of emergency and had promulgated a set of regulations. Included therein was a prohibition against any "demonstration..."

which interferes with or obstructs University programs and operations, or which jeopardizes public order and safety." Further, violation of these regulations entailed suspension from the University, pending a hearing, and/or prosecution in the local courts.

a. The President re-affirmed these regulations at the Faculty meeting held on April 23, 1969.

b. The Board of Trustees confirmed these regulations on May 1, 1969.

D. After Barton Hall

1. On May 2, 1969, complaint was made to the civil authorities because of the behavior of certain students and non-students at Barton Hall on the evening of May 1, 1969. The civil authorities thereupon, after examining this complaint, initiated criminal actions against these persons.

2. The incident involved might not appear at face value to involve either "a very serious breach of the law" or have involved an offense against the person suggested as the operative criteria by the Faculty Council statement of March 20, 1969. It should be borne in mind, however, that the "very serious breach of law" test had been posited in the relatively tranquil year 1967-68 and that the Faculty Council statement had been uttered in response to Malott Hall. Since then Willard Straight had been occupied, arms had appeared on campus, various unexplained beatings had occurred, some Faculty purported to have been in fear for their lives - in short, the campus was poised on the brink of a chance event precipitating a riot of major proportions. In light of doubts over the efficacy of the campus judicial system to respond to group activity and in light of the clear and present danger that the slightest disturbance could precipitate a tragedy of major proportions, a decision was made to refer this evening's events to the civil authorities.

a. Reason indicating that "very serious breaches of the law" is not a constant but a test relative to the contemporary environment in which the breach occurs, reasonable men could conclude that the events required recourse to the civil courts.

b. The Sindler Report itself said that the decision was a "matter of judgment."

c. The Sindler Report urged that the community be informed when the line was to be drawn, but this admonition must be weighed in light of the rapidity with which successive crises developed.

d. The decision, pursuant to the Sindler Report, was not taken by the Code Administrator alone but involved both the Vice President for Student Affairs and the Acting Dean. Upon his return the Dean had confirmed this decision.

3. Concomitantly, several members of the Administration and several members of the Faculty Council had met during the afternoon before the Barton Hall affair. They decided to lay down guidelines marking off the boundary beyond which perfectly proper peaceful protest became disruptive activity. They further decided that, once these guidelines had been announced, any transgression of them could only be interpreted as a direct challenge to the authority and capacity of the University to maintain order on campus which had to be answered by recourse to the civil courts. Since this event is now sub judice, further comment upon this aspect of the event would be inappropriate at this time.

TODAY

1. The Adjudicatory System continues to function and will continue to do so until amended.

2. Pending the possibility of amendment, the cases of offenders who deny the legitimacy of the Adjudicatory System will either be processed through the Adjudicatory System of the University, or will be referred to the civil authorities, as deemed appropriate given the nature of offense.

11. DISCUSSION OF THE SINDLER MOTION.

Professor Sindler said that the Dean's chronology omitted an item. After the episode at Malott Hall the Faculty Council had to decide whether to reiterate the standing policy about recruiting on campus. Fearful of another disruption and noting the limited police manpower available, they decided that they had better talk tough. They then issued their declaration. The speaker then went to the Council and, after an hour of exchanges, he left understanding that only serious cases were included within the ambit of the Council's declaration. Indeed, he had been promised a copy of the minutes and a public declaration confirming this understanding, but these had not been forthcoming. Be that as it may, looking at the Dean's statement as a whole, it was manifest that the standards described therein varied with the needs of the moment and that, indeed, this simply reflected the ad hoc decision-making that characterized the Administration.

The Associate Professor of Linguistics, Modern Languages, Donald F. Sola, said that he agreed with Professor Sindler's central point to the effect that the Faculty

had to modilize itself in such a way that their voice would be effective. Relative to standards, however, he believed that Professor Sindler's agrument was self-defeating. On the one hand he said that the Administration should work to implement guidelines set by the Faculty, yet on the other hand he makes it clear that they must exercise their best judgment in each case. It did seem somewhat inappropriate now to judge the judgments made by those who were asked to make them.

The Professor of Physics, Nuclear Studies, Raphael M. Littauer, suggested that Professor Sindler had delivered a somewhat unmusical swan song wherein he ignored the difficulties which plague actual decision-making and the major and unpredictable forces at work. Professor Littauer went on to say that he felt strongly that it was not playing the game to second guess difficult decisions. Instead, the Faculty should start looking to the future.

The Professor of Law, Robert S. Pasley, announced that he favored the Sindler motion. The motion was clear and coherent. It simply demanded the accounting which the Faculty was entitled to have. The Administration has consistently yielded to expediency and he, for one, was not impressed at all by the defense put up by the Faculty Council. The Faculty were not told that when they nullified the procedures involving the five students that they were exercising appellate jurisdiction. This was dubious logic and akin to suggesting that a nullified marriage was still a marriage. As for Professor Littauer, he seemed to think that recent events had been unpredictable. In fact, they were predictable. The Faculty had enacted a clear charter directing how to handle disciplinary problems. If that charter had been followed without fear or favor, the University would not be in the mess it was now in.

The Professor of Music, William W. Austin, identified himself as a member of the Sindler Commission and that he was neither for or against the motion. The whole Problem was far too complex to be reduced to a simple yes or no response to Professor Sindler's motion. Professor Sindler's motion did not propound any new policy.

The policy he had always advocated involved two steps. First, the University should withdraw somewhat from the position of in loco parentis. Second, policy guidelines should be made clear to help the Administration officers respond appropriately to particular events. Professor Sindler had immense ability when it came to clarifying issues, yet he even then was apprehensive that Professor Sindler was bound to be disappointed to find that his clarification could not bind enforcement officers to make the same decisions that he would have made. An increment of human judgment was always involved in these affairs and it was impossible for it to be otherwise. In point of fact, the skill exercised in making these judgments at Cornell seemed considerable, witness events at Columbia.

There was a great deal of sense made in the first two paragraphs of the motion, he continued, but the last two paragraphs were objectionable. How could this field ever be clarified completely when the Faculty acted always in such a way that ambiguity was built into the equation? Indeed, why should the Faculty ask the President to clarify a policy which they otherwise said was their own policy? Thus, concluded the speaker, he would now move:

RESOLVED, That the Sindler Motion should be referred to the Faculty Council for further study.

A second was forthcoming for this motion.

The Assistant Professor of Government, Peter J. Sharfman, objected that, while ambiguity was an appropriate device in some circumstances, it was never an appropriate device when it came to law enforcement. People had a right to know what the regulations were and what the system was by which they would be judged, and what law it was that governed the choice of the system by which they should be judged. When the Faculty referred a controversial motion to the committee, they abdicated their duty to govern. It was axiomatic, after all, that "to govern is to choose."

The Professor of Mechanical Engineering, Richard M. Phelan, said that he was

just completing this term on the Student-Faculty Appellate Board, this after having served on various boards concerned with student conduct. It had been fascinating to watch what had occurred and he could only conclude that the entire adjudicatory system was now defunct. He hoped that the system could be re-constituted so things could be handled within the Community. Whereas the Faculty Council was saying that the system was still operative, the Sindler motion would make them put up or shut up.

The Professor of English, James R. McConkey, said that he would vote in favor of the motion to refer the matter for further study. He was not opposed to the Sindler motion as such, but to the supporting address which went with it. Rigid adherence to principle had been as much a cause of the recent troubles as anything else.

The Professor, Philosophy of Education, Robert H. Ennis, likewise supported the motion to refer to the Council. The main motion was fraught with technical difficulties. Not only did it combine a condemnation of the Administration with an endorsement of a defunct system, it asked the President to do what the Faculty said they should do when it comes to setting the policy parameters of the adjudicatory system.

Professor Sindler responded that his was a forward looking motion. He did not care what the University did about the "May Day Ten." What he wanted to do was rescue the University from ambiguity and obfuscation. Ad hoc responses were dangerous now because they would be taken in the context of political motivation. Ground rules had to be firmly fixed; ambiguity was dynamite at a time when campus disorders were increasing steadily in seriousness. Thus paragraphs three and four asked for a policy to be set. Paragraph two asked that the policy be set so that things were handled internally as much as was possible. This motion was not necessarily an indictment since it could be adopted without agreeing with the mover's

own previous statement.

12. ACTION UPON THE SINDLER MOTION.

A vote was thereupon had on the motion to refer the Sindler motion to the Faculty Council. It was defeated upon a show of hands, 154 members being opposed and 132 being in favor of the motion.

The Professor of Physics, Nuclear Studies, Peter C. Stein, said that paragraph two of the motion would widely be interpreted as an attack on the Administration for their handling of the case involving the so-called "May Day Ten." He thereupon moved that:

RESOLVED, That the Sindler Motion be amended by striking therefrom paragraph two and re-numbering the following paragraphs accordingly.

Upon a second, a vote was had upon this motion to amend. A show of hands revealed that 179 members supported the motion, whereas 82 opposed it.

The Todd Professor of Chemistry, Harold A. Scheraga, moved to amend the motion by striking from it the preamble and paragraph one. This motion was duly seconded. He explained that he did this for the same reason advanced by Professor Stein in his previous motion.

Professor Sharfman objected, noting that the paragraph under attack said absolutely nothing about what the Administration had done in the past. The remarks by Professor Sindler, moreover, were not part of the motion in any event.

The Associate Professor, Neurobiology and Behavior, Biological Sciences, Frank Rosenblatt, citing the Faculty to the words used in the first paragraph, observed that no one was more aware than the President that the Administration must be "firm, consistent and just." To call this to the President's attention was unnecessary and implied clearly that a slap on the wrist was intended.

The Professor, Veterinary Avian Diseases, Julius Fabricant, observed that plenty of people did feel that a reprimand was justified. At this point the discussion was

brought back to ground by a motion calling for the previous question. Warned by the Provost that a two-thirds vote would be required to terminate debate, the Faculty expressed their sentiments by recording a unanimous voice vote in favor of the motion.

A vote was thereupon had by a show of hands on the motion to strike the preface and paragraph one from the main motion. The motion was defeated by a vote of 158 nay to 109 yea.

The Professor of Industrial and Labor Relations, Isadore Blumen, moved the Previous question. Again the motion designed to limit debate was carried by a voice vote.

Whereupon the Provost restated the Sindler motion as amended, to-wit:

In this period of disorder on the Cornell campus, effective enforcement by the President and his staff of Faculty and Trustee policy on student misconduct is imperative.

The Faculty believes:

(1) Enforcement by the President and his staff must be firm, consistent, and just, with concern both for the rights of students and of Cornell as an educational community.

(2) The President should clarify promptly, by public statement, what Faculty and Trustee policies on student conduct are presently operative and the criteria by which misconduct incidents will be placed under Cornell's internal control, civil control, or both.

(3) The President should clarify promptly, by public statement, the current status and functioning of the campus adjudicative system.

The motion was carried upon a vote by a show of hands, 171 members being in favor of it and 107 opposing it.

13.

A POINT OF INFORMATION PERTAINING TO A RECENT REPORT
IN THE NEW YORK TIMES.

The Assistant Professor, Materials Science and Engineering, David Seidman, called the Provost's attention to a report appearing in The New York Times which purported to reveal that Mr. Turner had conditioned his acceptance of the directorship of the black studies center upon his being permitted to hire a Mr. Hatchett.

Professor Seidman said that, even if Mr. Turner had not made this a condition of coming to Cornell, he found the very fact that Turner would even consider hiring Mr. Hatchett extremely disconcerting in itself.

The Provost responded that Mr. Turner had been offered the directorship of the proposed center and that he had accepted the offer early in April. After Willard Straight Hall it appeared that Mr. Turner was having second thoughts. He had, in fact, proposed hiring Mr. Hatchett, but this suggestion had been rejected. The story in the newspaper that he had in any way made this a condition was untrue. He had suggested another candidate for the center's faculty and this name had been reviewed by the ad hoc committee with affirmative results. It would appear that the whole program would have to be reviewed and that the Faculty would participate in the process.

The Professor of Electrical Engineering and Coordinator of Graduate School in Electrical Engineering, Benjamin Nichols, inquired whether it was altogether appropriate to discuss Faculty appointments at a general meeting. The Provost responded, "Procedures, yes; individuals, no."

Whereupon the meeting was adjourned at 6:30 p.m.

E. F. Roberts
Secretary

The Provost called the meeting to order at 1:35 p.m. in 120 Ives Hall with 507 members in attendance. He called for additions and corrections to the minutes of faculty meetings for April 9, April 16, April 21, April 23, April 28, May 2, May 7, and May 14. There being none, he declared these minutes approved as distributed. (Subsequently the Recorder was informed that in the remarks attributed to Professor Pasley in the Minutes of 23 April 1969, the third sentence of the last paragraph on Page 3 should have begun with "Monday we had voted our willingness....").

1. NECROLOGY.

The Provost announced the death of:

Robert E. Cushman, Goldwin Smith Professor Emeritus of Government; *Howard B. Meek*, Professor Emeritus of Hotel Administration and former Dean of the Hotel School; *Claude L. Kulp*, Professor Emeritus of Education; from the Medical College: *Dr. Richard R. McCormack*, Clinical Associate Professor of Medicine; *Dr. Phillip D. Wilson, Jr.*, Emeritus Clinical Professor of Surgery in Orthopedics; *Dr. Albert C. Sherwin*, Clinical Associate Professor of Psychiatry; *Dr. Elizabeth F. Focht*, Assistant Professor of Radiology; *Dr. Alexander Brunschwig*, Clinical Professor Emeritus of Surgery; and *Dr. Herbert Conway*, Clinical Professor of Surgery.

The Provost thereupon yielded the Chair to the Dean of the Faculty.

2. PROCEDURES REGARDING FACULTY MINUTES.

Dean Miller requested unanimous consent of the faculty pending a legislative solution for transferring the duties of producing minutes of faculty meetings from the Secretary of the Faculty to a new position, that of Recorder, and the adoption of stylistic guidelines that emphasize brevity. The former request was accepted; the latter denied by three members who spoke to the need for detailed minutes. The Recorder then requested the consent of the faculty to tape record sessions with the understanding that the tape would be erased after the minutes were prepared. This request was approved with the modification that the oral record would be preserved until the minutes are approved.

3. COMMITTEE TO ADVISE TRUSTEES ON SELECTION OF PRESIDENT.

The chairman, Professor William Austin, reported that the advice of 775 faculty members has been obtained by means of questionnaires. The committee has met some thirty times, on several occasions with the trustees. Because of previous commitments by Professor Robert Young, Associate Professor Malden C. Nesheim took his place at the request of the Faculty Council. Professor Robert Plane resigned for personal reasons but maintained close contact with the committee in his position as Faculty Trustee. The committee is prepared to report to the Trustees on September 5.

4. COMMITTEE ON FACULTY FUNCTIONS AND DUTIES.

Dean Miller announced that the report of the Bethe Committee will soon be distributed for discussion at an early meeting of the faculty. This committee was appointed by the Faculty Council in accord with a faculty resolution calling for the delineation of "those specific functions and duties that will necessarily remain within the province of the faculty."

5. SPECIAL FACULTY COMMITTEE ON MILITARY TRAINING.

Dean Miller announced that the committee, chaired by Professor David Ratner, has worked through the summer and is now approaching the final draft of its report.

At this point, the Dean recognized Professor Jay Orear, who posed two questions for the Provost: 1) Do you intend to negotiate with appropriate government officers in order to place the purely military aspects of ROTC outside the Cornell academic program? 2) Does the faculty or administration have jurisdiction over the administrative details of the ROTC program - for example, determining who is qualified to teach?

The Provost expressed reluctance to speak to these questions until he has received the report of the Ratner committee. However, he thinks that if the college faculties are willing to provide appropriate courses, the University could usefully

contribute to the training of officers. He would be glad to enter into discussions with the Defense Department but was not optimistic about the outcome since colleges which have raised such matters have received somewhat negative responses. On the question of jurisdiction, he noted that a few appointments have been rejected during his term as Provost because of failure to meet appropriate criteria. Making such decisions for a university-wide program is complicated by the variation between colleges concerning what constitutes appropriate criteria. Although the division between administrative and faculty responsibility is not clear, the Provost would be most happy when acting in accordance with faculty guidelines.

6. COMMITTEE ON ACADEMIC FREEDOM AND TENURE.

Dean Miller announced that the committee, chaired by Professor Norman Penney, has worked through the summer and is expected to have its report ready by the end of this month.

7. STUDENT CODE.

The Dean announced that the Faculty Committee on Student Affairs approved the new student code in July. The code has already been distributed to the faculty and to the entire student body.

8. OMBUDSMAN.

The Provost reported that Dean Alfred Kahn assembled a committee at his request to investigate the subject. This committee recommended that an office of ombudsman be established with a full time office manager and secretary. Presumably the ombudsman would be a faculty member on part-time assignment. The function of the ombudsman would be to cut through the bureaucracy of the University on behalf of any member of the University community with a problem. The committee also recommended establishing an organization, which would include students, to work with this office. The Provost proposed to have such an office ready to operate when school opens.

9. PLANS FOR KEEPING THE COMMUNITY INFORMED.

Dean Miller announced that the Faculty Council has addressed a situation of concern to many members of the faculty and administration: the inadequate means now available for keeping the community adequately informed. In approaching this complex of problems with potentially expensive solutions, the Council has asked Professor Benjamin Nichols to take the leadership in its efforts to develop media which can be used both to report objectively verifiable facts and to serve as a vehicle for opinions. Professor Nichols is working with a small committee. The Dean indicated he expects early and fruitful results.

10. REPORT OF THE AD HOC JUDICIARY COMMITTEE. *(attached)*

In introducing the principal business of the meeting Dean Miller described the dilemma posed by the need to establish or confirm judicial procedures for dealing with conduct problems on this campus. This dilemma, he noted, is complicated by regulations for the maintenance of public order on campus, which were approved by the Trustees in July in accordance with the Henderson Law, and since distributed to students and faculty. Given the inability of present faculty and Trustee legislation to meet the requirements of this law, the Provost appointed an ad hoc judiciary committee under the chairmanship of Professor Frank Long, its membership including students, faculty and non-academic employees. The committee's report was distributed to the faculty yesterday and today. After noting that a prior commitment prevented Professor Long from presenting the report, the Dean introduced Professor Faust Rossi.

Professor Rossi noted the time restraints on the preparation of the report. The committee was appointed late in July. Since then it has met three or four times each week. The committee's report went to the Provost on September 1, to the Faculty Council on September 2, and is here today with a view to having something to present to the Trustees at a meeting tomorrow.

The committee was charged with formulating recommendations which would insure that the University had legal and acceptable conduct rules and judicial procedures when school opens. Seven of the eight committee members participated through the drafting of the report. The eighth, a black student, participated in three preliminary meetings. In preparing the report, written comments were obtained from some faculty and students. The tendency of the committee was to make only necessary changes in existing legislation and those only by addition; very little has been abandoned. The principle of conservation was adopted because the committee did not consider itself to be broadly based, it lacked time for adequate deliberation, and the Constituent Assembly has a mandate for second-guessing its recommendations.

On the matter of overlap between the revised Student Code and the Regulations for Public Order, the committee did not square the regulations with the Code because the Regulations for Public Order will certainly be discussed and may be changed.

The heart of the report is the creation of a judicial administrator. His duties are described with generality; possibly members of the Long Committee have different understandings. As to the rationale for having a single hearing board, a five-member sub-committee, chaired by Professor Robert S. Pasley was asked to advise the committee concerning judicial procedures for faculty. The sub-committee unanimously recommended one board to handle offenses coming within the regulations governing the maintenance of public order. The committee wished to avoid inconsistent treatment for the same act, a situation quite possible with multiple structures. The committee was concerned about student reaction to special treatment for faculty members. Finally, one board advanced the idea of a University community.

Regarding faculty penalties for violation of the rules for the maintenance of public order, when dismissal is awarded a faculty member he may use existing procedures as an appellate mechanism.

The Dean recognized Professor Raymond Bowers to present a resolution on behalf of the Faculty Council. Professor Bowers reported that the drafting committee, consisting of Dean Miller, Professor Rossi, Professor Henry N. Ricciuti, and himself, had consulted with the University Counsel, Mr. Neal Stamp.

WHEREAS, The Executive Committee of the Board of Trustees of Cornell University adopted on July 15, 1969 Regulations for the Maintenance of Public Order [hereinafter "Regulations"] in conformity with newly enacted Section 6450 of the New York State Education Law; and

WHEREAS, There must be effective judicial procedures in the event of faculty, student and/or staff violations of the Regulations pending consideration by and recommendations from all the University Community and especially the Constituent Assembly; and

WHEREAS, The Provost on July 24, 1969 appointed ad Ad Hoc Judiciary Committee of faculty, students and staff to make recommendations concerning judicial procedures and the report of the Ad Hoc Judiciary Committee has been received, therefore,

RESOLVED, That the University Faculty accept the Ad Hoc Judiciary Committee recommendations for

- 1. The replacement of the Code Administrator created by the Faculty Legislation of May 1, 1968 by a Judicial Administrator with duties as generally described in the Report;*
- 2. a. The creation of a University Hearing Board (UHB) and University Review Board (URB) to adjudge alleged faculty, student and staff violations of the Regulations, and b. The retention of existing procedures established by the Faculty Legislation of May 1, 1968 to adjudge alleged student misconduct not constituting violations of the Regulations;*
- 3. The appointment of members to, or the filling of vacancies on, all the judicial boards (UHB, URB, SFBSC and SFAB) by the President pending the establishment and implementation of appropriate selection machinery.*
- 4. The establishment of penalties in the nature of reprimand, censure and suspension which, in addition to dismissal, may be imposed by the UHB for faculty violations of the Regulations except that in the event dismissal is voted by UHB in the case of a faculty member, he may elect to invoke the procedures described in Article XVIII of the Bylaws, in lieu of an appeal to URB.*

After a second the Dean introduced the Provost.

Provost Corson urged prompt action on the substance of the resolutions before the faculty. He reviewed the requirements of the Henderson Law and indicated that the University had little leeway in meeting these requirements. Moreover, the trustees felt it was absolutely essential to have a well-defined judicial system in operation at the beginning of this year which would continue until a better system is devised. The Provost shared the trustees' view. The Long Committee has done an outstanding job; the proposals in the resolutions are acceptable and workable. It is regrettable that the dangers to which the campus is opened by the absence of an adequate judiciary system this fall precludes normal deliberations on these resolutions. However, he wishes to assure the faculty that in his view, and that of the trustees, that the need for haste does not preclude the opportunity to make revisions.

Professor Pearce Williams noted that the resolutions before the faculty have revolutionary implications. Therefore, to obtain an opportunity for adequate discussion, he moved to table the motion until a date next week.

After being duly seconded, on a voice vote the motion was defeated.

Professor William Tucker Dean urged the faculty to adopt the resolutions since they provide a workable, practical solution. He urged that faculty members not attempt to re-write the motion from the floor.

Professor Williams then offered to substantiate his assertion about revolutionary implications. First he read the current procedures for dismissing a faculty member from page 31 of the Faculty Handbook. It is a new principle, he concluded, that students ought, by right, to sit in judgment on a faculty member. He noted the absence in the report of the Ad Hoc Judiciary Committee of machinery for protecting a professor, for example, the right to challenge the composition of the hearing board or to cross-examine witnesses. The

minority voice of the faculty on the hearing and review boards suggests that students and administrators may use this situation to obtain changes in the University as was suggested in an interview by Vice-President Muller. Furthermore, the faculty should place little reliance on the protection of an appellate board after publicity had been associated with the initial hearing. Furthermore, it would be difficult for this appellate board to reverse a decision made in the name of the community.

In opposing Professor Williams' position, Assistant Professor Peter L. Minotti urged that the question is one of survival of this University. The faculty can't afford to fail to act at this time since the opposition will act. The need to be in a position to react precludes taking the time to approach matters from an idealistic point of view.

Professor Urie Bronfenbrenner asked two questions: 1) What are the views of members of the Faculty Council on the issues raised by Professor Williams and 2) What are our time boundaries in acting on the report of the Ad Hoc Judiciary Committee? In replying, Dean Miller said that this meeting is the faculty's opportunity to express views on the report of the Long Committee prior to the Trustees' taking up the recommendations tomorrow. Regarding the first part of Professor Bronfenbrenner's question, Dean Miller said that since members of the Faculty Council have different views the members must speak for themselves.

An unidentified member of the faculty asked whether it is the case that the review committee sits only when charges against a faculty member involve the regulations for the maintenance of the public order, and that other charges follow the established routes; the Dean replied that that is correct.

Professor Norman Penney stated that as chairman of the Academic Freedom and Tenure Committee he has considered the matters raised by Professor Williams

but has decided in favor of the resolutions. It should be remembered, he said, that the faculty will be thrown before a mixed tribunal where faculty members are in the minority only where violations of the rules for the maintenance of public order are involved. He noted that under the present rules actions transgressing public order which involved both faculty members and students have, on occasion, been followed by disciplinary procedures for students while the faculty got off scot free. The absence of detailed procedures for due process should not be interpreted to mean that such procedures will not be available, indeed, such procedures were assumed in the preparation of the report. As to the consequences which Professor Williams presumes will follow at the second or appellate tribunal, this tribunal may operate as trial de novo. The result may be to expunge the result of the lower tribunal.

Associate Professor Herbert Mahr said that his experiences last year at Berkeley suggest that the regulations now being discussed will work only where individual acts are involved; he doubted their effectiveness with group violations. Therefore, he said, further consideration is needed.

In responding to Professor Mahr, Professor Robert Pasley noted that the Cornell trustees are not willing to accept the notion of collective responsibility for collective political acts. Furthermore, under the Henderson Law, the President has emergency power to eject persons from campus pending invocation of the procedures under discussion. Regarding Professor Williams' objections, he noted that a diverse group of faculty members who were called together to advise the Ad Hoc Judiciary Committee quickly decided that everyone must be treated alike where violations of the public order are involved. The right to appeal to a board set up in accordance with existing procedures is a reasonable protection for faculty rights. In conclusion, he urged the faculty to keep in mind that it is faced with an emergency, indeed a revolutionary, situation.

Associate Professor Fred Somkin, after citing his credentials as a lawyer, said that he considered the resolution to be a monstrous and an insidious attack on academic freedom. Justice for a faculty member, he noted, may not involve treating everyone alike. While much of the legislation is all right, what is needed is to consider adjudicatory procedures for faculty members. Thereupon, he moved to amend paragraph 2a of the resolution by striking the word "faculty" and by striking all of paragraph 4. In addition, a phrase would be added to the effect that this faculty within thirty days establish appropriate procedures for faculty members with regard to the University regulations for the maintenance of public order.

Following a second, Professor Max Black asked the previous speaker why his argument doesn't apply equally well to staff and students.

Professor Williams then pointed out to Professor Black that it is a faculty responsibility to determine procedures for student violations.

Dean Miller then reminded the speakers that what is being discussed is not infractions of the Student Code but violations of the Trustees' regulations, for which the Trustees can establish their own procedures.

Professor Douglas Dowd agreed with Professor Black that a feel for justice would lead us to give students and faculty equal access to due process. Instead of striking the word "faculty" from paragraph 2a, he suggested it would be appropriate to provide means for giving students access to due process. What has been wrong with the judicial system, apart from failing to take account of disruptions of a political nature, is the absence of due process. That is why black students have demanded arbitration and challenged the competence of the court. Our procedures in this faculty meeting indicate that they were correct. We must have a system which gives due process to students and faculty at the first level. As Professor Williams said, it will be very difficult to reverse

a guilty judgment by a lower court, particularly if publicity is present and due process is absent. Finally, what Professor Mahr said should be kept in mind. The rules under discussion here will work where unimportant matters are involved. They will not work where large numbers of seriously motivated students or faculty challenge the rules.

Professor Julius Fabricant said that the best argument for passing the original resolution is the speech just presented. Assistant Professor Paul L. Gurnier said the crux of the matter, which we haven't faced up to, is are we willing to call in the necessary forces when an emergency occurs. He is opposed to the motion to amend.

Following calls for the question and some discussion about whether Professor Black's earlier question was actually an amendment, the motion to amend was defeated by a voice vote.

Professor Paul Olum asked Professor Rossi whether his committee had considered the possibility of publicity at the initial hearing adversely affecting the judicial process. Professor Rossi replied that a number of faculty members were consulted as the report was being prepared; none seemed particularly concerned about the publicity issue. Due process, including protection against undue publicity, has been part of student procedures; committee members felt it would automatically be applied to faculty. Presumably faculty members would be censored publicly only after the penalty was affirmed by the appellate mechanism. With more people on the boards, publicity may occur when a faculty member is charged. However, since existing dismissal procedures have never been used against a professor, we cannot turn to experience for an answer to the question of publicity. Furthermore, it is his understanding that the resolution now under consideration is advisory to the Board of Trustees. The second resolution [not yet introduced] applies to the area where the faculty

has jurisdiction; to wit, student conduct not involving violations of the regulations for the maintenance of public order. Professor Rossi asked Dean Miller if this understanding was correct. The Dean replied in the affirmative.

The Provost pointed out what actions are appropriate for the Board of Trustees regarding the regulations on public order. The Trustees may amend the regulations, create hearing boards, and establish penalties, these actions to be submitted to Albany. Then, as Trustee legislation they may provide for the composition of the boards and establish procedures. The procedures proposed for the Board of Trustees have all the standards of due process. The part that is strictly faculty prerogative is in the second resolution which has not yet been presented. In the resolution that is under consideration the Board of Trustees is looking for advice.

Professor Frank H. Golay noted that the procedures read earlier by Professor Williams were followed in the case of Professor McPhelin.

Professor Benjamin Nichols moved to amend paragraph 4 to read "the establishment of penalties in the nature of reprisal and censure may be imposed by the UHB for faculty violations of the regulations." Speaking in support of his motion, Professor Nichols said he found the penalty for suspension most awkward. It is essential to develop procedures for reprimand and censure which are handled in a community way. The regular dismissal procedures for faculty could then be followed.

After a second, Professor Ian Macneil referred to the prohibition against unreasonable noise in the regulations governing public order. This provision, he said, goes beyond the verge of constitutionality with regard to freedom of speech. The present regulations governing faculty dismissal have evolved over a long period of time precisely because of a concern for maintaining academic liberty. Therefore he supports Professor Nichols' amendment.

Assistant Professor James Matlack urged that the faculty not seek special privilege. He opposed Professor Nichols' amendment since it leaves no middle ground between a verbal slap and dismissal. As a point of information, he asked whether Cornell is willing to join in the ACLU challenge to the Henderson Act. In replying, Dean Miller said he knew of no such interest.

Professor Alfred Kahn, speaking in opposition to the Nichols' amendment, said that he plans to be guided by two rules: avoidance of recrimination and shunning of fear. He urged avoiding references to how faculty members have behaved in the past. He is not afraid to be judged as students are judged and is not so concerned about his prerogatives as a faculty member that he will insist upon special treatment. He is confident of his ability to defend himself and anticipates that his colleagues will help protect him when an actual case arises and, should worst come to worst, he can leave. In concluding, he emphasized that he will not live in fear.

Professor Nichols questioned the relevance to his amendment of Professor Kahn's remarks. Professor Nichols proposed the amendment not because he is anxious to preserve his prerogatives or afraid of trial by a mixed tribunal but because he wishes to preserve good procedures which have been devised over many years.

Professor Alan McAdams then offered a friendly amendment, to wit: if in the judgment of the judicial administrator, dismissal of a faculty member is a reasonable possibility as punishment, then the proceedings must be through existing procedures for dismissal of a faculty member. If there is no possibility of dismissal, proceed as we are about to. This amendment was not accepted by Professor Nichols.

The question was moved, seconded, and called by voice vote. The amendment was defeated by voice vote. The previous question was moved, seconded, and called by voice vote. By a show of hands the motion passed, 380 yes, 46 no.

Professor Bowers then moved the following resolution on behalf of the Faculty Council:

RESOLVED, That the Faculty Legislation of May 1, 1968 be amended, effective on the date of Trustee action on the Ad Hoc Judicial Committee Report, to provide that:

- 1. The responsibility for Code Administration be vested in the Judicial Administrator;*
- 2. The appointment of members to, or the filling of vacancies on, the SFBSC and SFAB shall be made by the President pending the establishment and implementation of appropriate selection machinery;*
- 3. The jurisdiction of SFBSC and SFAB shall be limited to adjudication of alleged Student Code misconduct which does not constitute a violation of the Regulations for the Maintenance of Public Order;*

BE IT FURTHER RESOLVED, That the Dean of the Faculty and Legal Counsel be authorized to make necessary changes in the language of the Faculty Legislation of May 1, 1968; such changes to be approved by the Faculty Council.

After a second, Professor Fabricant asked why, in item 4, the USCC is omitted. Dean Miller replied because the Long Committee proposes to establish a University Conduct Conference which would incorporate the USCC and the two new boards.

Professor Alice Cook asked whether the method of filling vacancies in paragraph 2 refers only to student members. Dean Miller replied that it was the sense of the Faculty Council and the drafting committee that the vacancies exist either because of the lack of machinery to fill them or because of resignations, such as when a year ago enough students resigned from a board to leave that board without a quorum.

The motion passed by a voice vote with a single no.

Professor Paul Olum asked about the future of the Long Committee. He felt that many faculty members who voted for the resolution were unhappy about details

of the report, for example, the absurd suspension provision. Is it possible for the Long Committee to become a continuing committee? Dean Miller thought the Long Committee expected to be discharged when the Trustees complete action on its report. He also thought the committee expected the next move to come from the faculty or the Constituent Assembly.

Assistant Professor Douglas Archibald thought that the University Conduct Conference was created to accomplish what Professor Olum desires.

Professor Fabricant moved that the Faculty Council appoint a committee to work in this area, then requested that his motion be cast into the proper wording. To bring the meeting to a close Dean Miller said he would take up the matter with the Faculty Council, then requested letters on this subject.

Associate Professor Elmer Ewing urged that a virtue of full minutes was to reflect major concerns of the faculty, such as the concern for due process exhibited today.

Assistant Professor Martin Horwitz pointed out that Professor Olum's concern is not with faculty legislation but the Henderson Law and actions of the Trustees which are independent of faculty legislation.

Professor Ian Macneil stated that in its second motion the faculty had amended faculty legislation. But we have not amended, noted Dean Miller, the things which concern Professor Olum.

Professor Olum added that he was bothered by the issues raised by Professors Macneil, Dowd and Matlack, and wanted an opportunity to discuss these issues in detail.

Moving to adjourn at 4 p.m., the faculty moved rapidly toward the exits.

G.P. Colman
Recorder

August 28, 1969

REPORT OF THE AD HOC JUDICIARY COMMITTEE

I. Background

The establishment of this Ad Hoc Committee in the late summer of '69 stemmed from a number of concerns. One arose from doubt of the continuing applicability of the student adjudicatory procedures as they had existed during the year '68-'69. These procedures had been developed in response to a number of recommendations from the Sindler and Jensen Committees and seemed on the whole to be forward looking and appropriate procedures for Cornell. In many ways they still look so. A principal problem, however, had been that 1968-69 was the first year of their existence. Some "start-up" difficulties were to be expected, as were some indications of the need for still further modification. The trouble in the spring with six black students who did not accept the applicability of the procedures to their cases and especially the faculty vote in late April rescinding the penalties which had eventually been given to the six students left many members of the Cornell community with considerable uncertainty as to whether the system was still viable and useful.

An additional complication arose in the late spring of '69 with the establishment of a new section of the New York State Education Law, herein called the Henderson Law, which requires colleges and universities to have explicit procedures filed with the State showing how they will deal with students, faculty and others involved in any disruptive activities on their campuses. Cornell developed a

set of proposed procedures and filed them just prior to the deadline date of July 20, but necessarily did so with little faculty and with negligible student participation in their preparation. Hence the adjudicatory procedures now listed in response to this law are anything but a community recommendation and therefore a cause of concern.

A third aspect of the problem is that the late spring of 1969 saw the establishment of a Constituent Assembly which plans to consider a number of aspects of restructuring of the University, including a restructuring of the adjudicatory procedures. A research group of this Assembly has been at work during the summer of 1969 but the actual consideration of adjudicatory and other procedures must wait until the full student body is back in the fall. In view of the existence of the Constituent Assembly, a committee looking at judicial or other procedures during this summer must necessarily consider itself as involved in an interim operation.

It was with all these points in mind that the Ad Hoc Judiciary Committee was organized and set to work. In his charge to the committee, Provost Corson referred to three specific points. The first was to request the committee to do what could be done to insure that a revised student code was available for fall of 1969. A second charge was to make recommendations on what adjudicatory procedures should be in operation for the fall semester. The third point was that in making these recommendations the committee should give explicit consideration to the implications of the new Henderson Law, keeping in mind that The Cornell Regulations for the Maintenance of Public Order written in

response to the Henderson Law applied to all segments of the campus, i.e., to students, faculty, other employees and even to visitors.

The Ad Hoc Judiciary Committee has accepted these charges but with one or two qualifications. The most significant qualification is that the Committee considers itself as having only a limited tenure, to terminate as early in the fall as will permit it to transmit its analyses and recommendations over to the appropriate student, faculty and administrative bodies. As a corollary to this, the Committee believes that it is inappropriate for the Committee to recommend major innovative policies or procedures. Really new ideas, no matter how potentially useful, will necessarily need careful analysis and acceptance by all parts of the community and this takes time.

II. The Cornell Student Code

By 1968 it was clear that the available Student Code, which had been first promulgated in 1963, was outmoded and inappropriate for the new philosophies of student conduct that were illustrated, for example, by the Sandler Report. During '68-'69 work went ahead on the development of a revised code and this was in an almost final state by spring of '69 but had not been reviewed by student groups and the University Student Conduct Conference, or accepted by the body with jurisdiction, the Faculty Committee on Student Affairs. However, FCSA met in late July of 1969 and finally adopted the revised code, thus making it available to the Dean of Students Office for publication this fall.

The Ad Hoc Committee is pleased that this more explicit and more appropriate code is available. At the same time it agrees with FCSA that this new code should be thought of as subject to further study and probable amendment. A general reason is that this is appropriate for any new code. A specific reason is that this new code does not contain policies and regulations which respond directly to the new Henderson Law and the Committee believes that any published set of policies and regulations should include all relevant material.

The Committee spent some time on the Henderson Law problem and persuaded itself that it would not be difficult to modify the present code to include policies for this law. However, the Committee does not recommend modification of the code at this time. Instead, it believes that full community analysis and acceptance of the new code and especially of the Cornell Regulations which respond to the Henderson Law are an important preliminary. Even with the present new code the Committee urges full community consideration of it and recommends that an explicit educational program to explain it be developed for the early fall.

III. Recommended Adjudicatory Procedures for Fall 1969

The existing student judicial system is efficient, provides for substantial student participation and meets modern due process requirements. In the absence of time and a mechanism for adequate student and faculty consideration, it seems desirable to utilize

as many of the current adjudicatory procedures as possible. Nevertheless, three factors have influenced this committee to recommend some changes in the existing judicial structure. First; the events of April 1969, culminating with faculty nullification of penalties given to black students, have created in the minds of many the belief that new procedures may be desirable in the adjudication of campus disruption. Secondly; the Henderson Law, by implication, has created a separate categorization of offenses; namely, misconduct sufficiently serious to constitute a threat to the maintenance of public order. Thirdly; the Henderson Law specifically requires that regulations shall govern the conduct of faculty and other staff as well as students.

Accordingly, the committee recommends implementation of the following procedures which constitute a workable system for use this fall and yet preserve maximum flexibility and freedom of choice for the Constituent Assembly in its future efforts. Except as hereinafter specifically modified, the 1968-69 adjudicatory procedures should continue to be used in fall 1969.

1. The Judicial Administrator

Code administration and the responsibility for processing complaints of student misconduct presently resides in the Office of the Dean of Students.

Experience indicates that the Code Administrator and the representatives of the Office of the Dean of Students cannot be comfortable with this function. The role of the members of the Dean of Students

Office as counselors and advisors to students is important and should not be prejudiced by a requirement to act as prosecutors or enforcers of the Student Code. The decision as to whether probable cause exists to cite a student defendant is a serious one. Ideally it should be in the hands of a person who, in exercising this function, is not handicapped by ambivalence concerning his major responsibility.

The Committee recommends the creation of a new post, that of Judicial Administrator. This office would absorb the functions of the Code Administrator. It would also have responsibility to process complaints and administer generally the new Regulations for the Maintenance of Public Order. The Judicial Administrator should be appointed by the President and report to him or his designee.

We envision the Judicial Administrator as a highly qualified person with a clear commitment to preserving the integrity of the judicial process. Ideally he would be capable, especially during times of criticism or crisis, of publicly explaining the process and his decisions. On policy matters relating to the adjudicatory system for students he would receive guidance from the Faculty Committee on Student Affairs. He would also work closely with the University Conduct Conference.

2. The Student Faculty Board on Student Conduct and the Student Faculty Appellate Board

The SFBSC and SFAB which form a part of the existing judicial system should continue in operation to adjudicate alleged student

code misconduct which does not constitute a violation of the Regulations for the Maintenance of Public Order. The SFBSC and SFAB should continue to have jurisdiction only over students.

Vacancies in these boards should be filled no later than September 15. In view of the shortness of time, we recommend that this be done by presidential appointment.

3. University Hearing and Review Boards

There should be created a University Hearing Board and a University Review Board to hear all cases of alleged violations of the Regulations for the Maintenance of Public Order by any member of the Cornell community. The UHB should be composed of 11 members: 4 faculty; 4 students, at least one of whom should be a graduate student; one member of the University Administration (whether or not he is also a member of the University faculty), one member from the academic staff, who is neither a student nor a University faculty member (e.g., a research associate, postdoctoral fellow or librarian), and one member of the non-academic staff.

The University Review Board should hear appeals of defendants from decisions of UHB. It should be composed of five members: 2 from the University faculty, 2 from the student body, and one from the University Administration. The URB should have power to reverse a decision and to reduce or modify a penalty, but not to increase it.

Each board should select its own chairman from its membership who should not vote except to break a tie.

Members of the UHB and URB should be selected by the appropriate constituencies from which they are drawn. Pending establishment of

selection machinery, members should be appointed, and subsequent vacancies filled, by the President after consultation with available representatives of the various constituencies.

The decision as to whether or not an alleged offense constitutes a violation of the Regulations for the Maintenance of Public Order appropriate for referral to the UHB should initially be made by the Judicial Administrator.

Penalties which may be imposed upon defendants adjudged to have violated the Regulations for the Maintenance of Public Order should be as follows: *

a) Faculty. Faculty members adjudged to have violated the Regulations should be subject to the following penalties:

- i) Dismissal; dismissal shall mean permanent severance of the faculty member from the University and termination of any contract or tenured position.
- ii) Suspension; suspension shall mean loss of salary for a period not to exceed one month, without loss of other rights and benefits. Performance of teaching and research duties during the suspension is at the faculty member's option.

*The Committee has assumed the following definitions for the categories involved: students are all individuals registered as full or part-time students at the Ithaca campus, but not including full-time employees taking courses; faculty are all members of the instructional staff at the Ithaca campus with rank of Assistant Professor, Associate Professor and Professor; other employees are all Cornell employees at Ithaca not covered by the two definitions above.

iii) Censure; censure shall mean a public reprimand for violation of the University's Regulations on Public Order.

iv) Reprimand; reprimand shall mean a written reprimand for a violation of the regulations addressed to the faculty member with copies to the Dean of his school or college and to the Dean of the Faculty.

b) Students. In the case of students adjudged to have violated the Regulations, the following penalties, as defined in the Student Code, may be imposed: (i) Expulsion; (ii) Suspension; (iii) Disciplinary Probation and (iv) Reprimand.

c) Employees. Other employees adjudged to have violated the Regulations should, subject to any applicable Grievance Procedure, be subject to the following penalties:

i) Dismissal; dismissal shall mean permanent severance of the individual from the employ of the University.

ii) Disciplinary Layoff; disciplinary layoff shall mean loss of employment, with loss of salary but not other benefits, for a period not to exceed one month.

iii) Censure; censure shall mean a public reprimand for violation of the University's Regulations on Public Order.

iv) Reprimand; reprimand shall mean a written reprimand for violation of the Regulations addressed to the employee with copies to the appropriate dean or department head and to the Personnel Director.

All decisions where the penalties of suspension or expulsion are imposed shall always be shown on any transcript or employment record furnished by the University.

Because of the special problems of academic tenure, in the case of a faculty member for whom the penalty of dismissal has been voted by the UHB, such faculty member may elect, in lieu of an appeal to the URB, to have a review by a hearing board in accordance with existing Faculty Dismissal Procedures.

4. The University Conduct Conference

The existing University Student Conduct Conference (USCC) shall be renamed "University Conduct Conference". Its function shall be to facilitate an exchange of views on current and emerging problems of community conduct and discipline including the several functions delineated for the USCC in the relevant faculty legislation. The members of the Conference shall be: all members of the UHB, URB, SFBSC and SFAB; the Judicial Administrator; a representative of the Office of the Dean of Students; a representative of FCSA; the Vice President for Student Affairs; the Dean of the Faculty; the Personnel Director, and a representative appointed annually by the Faculty Council, who shall serve as chairman. In view of the size of this new body and the importance of its role as a forum it may be desirable for it to establish an executive committee for the consideration of specific policy and regulatory matters.

IV. Cornell University Regulations for the Maintenance of Public Order

We anticipate that faculty, students and employees will review in the fall the Regulations for Maintenance of Public Order with a view to making the suggestions for amendments which have been invited by

the Board of Trustees. Certainly, consideration of our recommendations for a judicial system requires an understanding of the language and scope of the regulations which are to be enforced. Accordingly, we find it appropriate to comment briefly on these regulations.

Our committee notes that the Regulations, although more detailed in language and extending also to faculty and other employees, define as misconduct acts of disruption which for the most part would be presently prohibited by the Student Code. There are, however, provisions in the regulations which are not covered in the Code and which the community may find troublesome. Specifically, the committee urges study, with a view toward revision or deletion, of the following provisions of the regulations:

IV - 1(b) "Using language or actions likely to incite the use of physical force or violence by others;"

IV - 1(f) "Engaging in any other reckless, tumultuous, or unlawful act or course of conduct."

The use of either of these provisions as a basis for charges appears unlikely. Some would see subparagraph IV-1(b) as providing an opportunity for abuse of rights of free speech, and it has been suggested that incitement to disruption would be amply prohibited under other sections such as IV-1(a) (threatening physical force or violence) or IV-1(d) (causing obstruction). A resolution incorporating language similar to that of IV-1(b) was presented to the faculty at its meeting of April 16, 1969 and was defeated. The second of these, Regulation IV-1(f), appears too vague and all-inclusive to form a proper basis for a charge of misconduct.

V. Related Issues

It is a truism that any judicial procedure operates better in an atmosphere of mutual respect and cooperation. Thus the effectiveness of the procedures recommended in the previous sections will be greatly influenced by the overall Cornell atmosphere in the fall of 1969 and by the various procedures available to hear and respond to protests, to settle disputes, and in other ways to work toward a peaceful, educationally oriented campus. This section deals with a number of specifics in this broad area.

1. The Establishment of a Cornell Ombudsman

It is good to know that the establishment of an ombudsman is being studied by a committee under Dean Kahn and we hope his group will make specific recommendations which will shortly lead to the presence of a Cornell ombudsman. Assistance in understanding and penetrating the Cornell bureaucracy will be welcomed by all parts of the Cornell community. This Committee urges prompt establishment of an ombudsman.

2. Assistance in the Settling of Disputes

In Cornell's recent past, the spectacle of a minor dispute eventually becoming serious and ultimately a burden on the judicial procedures due to confusion and delay in its resolution has been a too frequent occurrence. This Committee does not feel that it is within its province to propose specific new mechanisms to handle disputes, but it does urge all parts of the community to be sensitive to this problem and to try in every possible way to provide prompt and effective ways to hear and settle disputes which arise in their areas. Over the long pull the Committee suspects that a more formal, represen-

tative mechanism, for example a University Council or Senate, may be needed to address this and other important community-wide problems.

3. Clarification of the Functions of the Cornell Division of Safety and Security

The uniformed Cornell Campus Patrolmen are an ubiquitous feature of Cornell life and it is vital that their role, responsibility and functions be made crystal clear. The fact that Mr. Lowell George, Supervisor of Public Safety, was once Proctor of the University makes it especially important that his current role be fully explained to the campus. Cornell has been fortunate in having a responsive patrol force with good community relations. It is important that this state of affairs continue.

4. Maximum Feasible Understanding

A serious drawback to some of the otherwise desirable recent developments in the Cornell judicial system is that, being new, they have not been well understood. Since still further changes are in the offing, there must be explicit efforts to develop broad community understanding. Basically, this means a community educational program. Many groups have roles to play: The Cornell Sun, the News Bureau, the Constituent Assembly, the college and university faculties, many different student groups. The Committee hopes that this need for better community understanding is taken seriously by all of these groups and specifically recommends that the Cornell Public Information Office be charged to work in this area starting immediately and continuing into the fall semester.

The Committee

Noel Desch
*James Maas
Elizabeth McLellan
Susan Meld
Faust Rossi
Arthur Spitzer
Sheila Tobias, Secretary
F. A. Long, Chairman

*Absent after August 10 and not involved in preparation of final report.

The President called the meeting to order in Bailey Hall at 4:35 p.m. with 355 members present. He called for additions and corrections to the minutes of the special meeting of the faculty held on September 4, 1969. There being none, he declared the minutes approved as distributed.

1. REMARKS FROM THE PRESIDENT.

The President noted that some confusion exists concerning membership in the University Faculty. Only persons holding professorial positions or positions identified by title in the Bylaws as ex officio faculty members are members of the faculty. While instructors and lecturers may be elected to faculty membership in some colleges, this election does not confer membership in the University Faculty. Research associates are not members.

Speaking on the state of the University, President Corson thanked faculty members for their expressions of support and noted that with such support it may be possible to do the job. He invited the patience of faculty members when he makes mistakes, which he probably will given the circumstances in which he must act or react. He called attention to the business end of the University; it is a critical area because of the size of the budget, the pressures upon it, and the approaching retirement of senior administration officers. He is seeking someone to help manage the business side of the University. Since the job of President is impossible as presently defined, he will devote his full time to the academic side, staying on campus as much as possible; the fund raising function will then be handled through new administrative arrangements or by providing more resources within the existing structure.

The President announced the appointment of Professor Robert Plane as Acting Provost; the appointment of Professor Lisle C. Carter as Vice-President for Social and Environmental Studies; the appointment of Dean Donald W. Cooke to a full time administrative position to enable him to assume duties regarding research policy formulation formerly handled by Vice-President Long; the assignment of 80% of Vice-Provost Kennedy's time to his earlier responsibility, a liaison function between Cornell's statutory colleges and Albany, the remaining 20% to be devoted primarily to budgetary problems in the endowed colleges; the appointment of Professor Alice Cook as Ombudsman; the establishment of the Office of Judicial Administrator; and the organization of university deans into a council so that the deans can handle a larger part of the University's academic business. With regard to the organization of the faculty, he welcomed changes contemplated by the Van Riper committee.

Concerning the financial situation of the University, the President said it has been necessary to curtail programs in the statutory colleges because of insufficient state appropriations. In the endowed divisions we have been dipping into budgetary reserves for the last four years, the deficit this year being in the order of three million dollars. At this rate the budgetary surplus will be exhausted this year, leaving only unrestricted capital funds to meet the bills. In working out of this situation, the University will concentrate on people. Belt-tightening will take the form of establishing and holding to priorities. New programs will require the curtailment of established programs with low priorities. Regarding University income, tuition and fees must at least keep pace with inflation. We have been fortunate in our gifts, but not to the point that last year's goal was met. We must seek to reduce pressure on the budget by substituting restricted program support for unrestricted funds.

A paper by Professor Turner on Afro-American Studies is on the way to distribution to the University community. After considerable discussion with friends of the COSEP program, the President feels that a central office is needed to coordinate the program with the aid of an advisory committee composed of faculty, administration, and student members. He favors substituting this committee for the present presidential committee; the administration base of this committee assures the program of insufficient attention and tends to isolate it from academic aspects of the University. He will seek additional advice before reaching a decision on this matter.

In concluding, the President urged faculty members to submerge personal differences in the interest of moving forward in higher education.

2. PRESENTATION OF THE BETHE COMMITTEE REPORT. *(attached) Appen. A.*

Dean Miller described the Faculty Council's program for presenting the report. Should the presentation become entangled in parliamentary procedures, a member of the Faculty Council is prepared to take steps to transform the body into a committee of the whole. Whereupon the Dean introduced Professor George Winter to present the report, Professor Bethe being on sabbatic leave.

Professor Winter reminded the faculty that the report is a response to a resolution passed unanimously at the May 2, 1969, meeting of the faculty [minutes p. 3704] following the adoption of a resolution prepared by the Faculty Council concerning the establishment of the Constituent Assembly. The committee took very literally the request to "delineate, subject to the approval of the faculty, those specific functions and duties that will necessarily remain within the province of the faculty." The report does not try to legislate, have the effect of amending Bylaws, or constitute a manual of faculty procedures. The report was intended to inform the Constituent Assembly and to formulate certain faculty procedures. The committee is broadly representative of the

faculty. The report has been discussed twice with the Faculty Council, most recently a week ago. As a result of that meeting a change was made which was distributed at this meeting ["The Academic Responsibilities of the Faculty, correct text"]. Professor Winter then moved that the report on the Academic Responsibilities of the Faculty be approved as a statement of the sense of the faculty.

After a second, Professor Franklin Long noted that a significant body of University policy has developed about research. He would feel better if the statement stating that the topic of research is the free choice of the individual were preceded by something like "subject only to the broad constraints of departmental and University policies." He wondered whether the committee would consider that as a friendly amendment.

Professor Winter replied that in his opinion the report clearly implies that freedom of choice in research is limited by available facilities and departmental procedures. While he is not opposed to this friendly amendment he thinks that the same preface would need to be applied to all six points in the Bethe Committee report. This would be repetitious and would not contribute to faculty responsibility as distinct from faculty procedures.

Professor Long then moved to insert before the second sentence in line 5, the words "subject only to the broad constraints of departmental and overall University policies."

Following a second, the amendment was defeated by voice vote.

Speaking to the situation that would prevail should the original motion be passed, Professor Urie Bronfenbrenner urged that in the interest of developing a common view of the responsibilities of the faculty in the University community, the report be presented to the community to provide an opportunity for discussion, particularly for students.

Professor Clinton Rossiter then moved to table the report until the next regular meeting of the faculty. In explaining this motion he said the delay would provide the occasion for what Professor Bronfenbrenner desired - the opportunity for reaction to the report. The faculty could then consider the report in the light of this reaction.

A discussion followed concerning how to move the discussion forward since only the time provision in the motion was debatable. Professor Paul Olum proposed to speak to the need for immediate consideration of the report but was ruled out of order by the President. Professor Olum then appealed the ruling of the Chair.

The Parliamentarian, Professor Dean, said the assembly could decide by majority vote whether to uphold the ruling of the Chairman. By voice vote the Chairman was upheld. Then, by voice vote, the motion to table was lost.

Associate Professor David W. Henderson offered a friendly amendment to section 3, moving that in comment c, between the words "course" and "should" there should be inserted the words "and the content and academic level of that course" and in comment d, the last three words should be replaced with "the conduct of courses."

Following a second, Professor Henderson said that if left unamended, the content of comment c will apply only to grades, which will suggest that the faculty will listen to suggestions concerning grades but not to suggestions about course content or academic level. This, he feels, is not the intent of the faculty. Professor Alfred Kahn said that the amendment addresses an important point. However, he is not sure that Professor Henderson's amendment adequately accounts for the problem. He is, therefore, uneasy about both alternatives. Professor Bronfenbrenner offered a suggestion: request the committee to redraft the report, taking into account the criticism

presented in this meeting, and find language to broaden the sense of section 3 of the report.

Professor Winter questioned the appropriateness of Professor Henderson's first amendment on the ground that what is suggested is assumed to be part of good teaching. He questioned the vagueness of the second part of the amendment (Professor Henderson then said he intended the phrase "conduct of courses" to include grading, scholastic performance, content, academic level, and other matters), then went on to indicate that the report is not insensitive to the points raised by Professor Henderson, noting specifically sections 1 c and 4 c.

Professor Bowers reported that the Faculty Council anticipated that the report would be redrafted with a view to the discussion in this meeting. Speaking to Professor Long's amendment, Professor Bowers said that the faculty did not deal with the question which Professor Long raised. Using the statement on research as an example, he said that abstracted from the report the statement is factually false. Professor Michael E. Fisher asked whether the motion before the house has a legally binding effect. Would we, he asked, be giving procedures described in the report the force of law? Professor Winter replied that the report does not have the force of law; furthermore, the commentary in the report, which is an informal consensus of the committee, has even less force than the report's six points.

The President then asked for advice about moving forward with the consideration of the report. Professor Olum asked him to determine whether other amendments were pending. Professor Fisher then explained that he had favored tabling since there was no warning that the sense of the faculty resolution would be presented and, given time, other amendments would be offered. Professor Long suggested that if the report did indeed seem to be the sense of the faculty

it would be desirable for the committee to reconsider its wording in order to avoid any appearance of a ukase. Professor Robert Elias expressed concern about the comments of Professor Winter where he placed primary statements in the report in a different category than the comments. In Professor Elias' opinion the comments give validity to the primary statements; he would not want to support the report with the comments removed. He suggested that the committee reconsider the document and arrive at wording which will reflect the discussion in this meeting. Professor Bronfenbrenner suggested that the new draft be made available to the University community prior to the next faculty meeting in order to identify the concerns of other constituencies.

Professor Nyle Brady noted that in the State units funds are sometimes obtained for research prior to the appointment of faculty members who are employed with the general understanding that they will do this research. Therefore, a statement similar to the one offered by Professor Long is needed if the report is to reflect actual practice. In regard to the part of the amendment relating to academic standards, he too would like to go beyond the matter of grades but would like language more precise than "the conduct of courses." Therefore, he supports the request to delay action in order to take account of discussion in this meeting.

Professor Cushing Strout spoke of the intent of those who prepared the Bethe resolution. The resolution was addressed to the restructuring activities of the Constituent Assembly; its purpose was to have the faculty declare its sense of its own boundaries. While he is in favor of having the faculty debate refinements in the report as long as it wishes, he feels that opening the debate to community discussion would defeat the purpose of the original motion. Professor Elias moved to recommit the report to the committee for incorporation of the ideas expressed on the floor of the faculty. Following a second, Professor William L. Brown, Jr., said the content of the report

has received considerable discussion in the committee and with the Faculty Council and that the faculty came to the meeting prepared to vote; it would be more appropriate to kill the report by vote than by picking it to death. We should get to a vote on the whole document in order to tell the community, and particularly ourselves, where we stand. Professor Herbert Carlin moved to call for the question in order to limit debate. Following a second, the question was called by voice vote. Professor Bronfenbrenner's motion to recommit was then lost by voice vote. Following a call for a division, the motion lost 126 to 100.

Professor Henderson then explained his insertion in item c. Students are not in a position to exercise freedom to select courses, he noted, unless they have accurate information on which to base their choices. Assistant Professor Marshall M. Cohen, speaking on behalf of the amendment, agreed that the matter of academic standards should not be limited to grades. He does not see how the report speaks to the issues which gave rise to the report, particularly the issue of academic freedom. It isn't clear to him what battles the committee is fighting. Professor Henderson's amendment, he feels, gets the report back to the broad spectrum.

Following a motion and a second, the previous question was called by voice vote.

3. ACTION TAKEN ON THE BETHE COMMITTEE REPORT.

Professor Henderson restated his motion:

RESOLVED, That in the text at section 3, that in comment c, between the words "course" and "should", the words "and the content and academic level of that course" be inserted, and that in comment d, the last three words be replaced with the words "the conduct of courses."

Professor Henderson's amendment was then carried by voice vote.

Professor Olum then moved to reconsider Professor Long's original amendment. Following a second, Professor Brown reported that the committee deliberated at some length on the question which the amendment addresses. The committee was concerned about the possibility of department heads getting money and then pressuring department members to do the research. The effect of Professor Long's amendment would be to negate the spirit of what is now stated. Professor Richard O'Brien hoped that a statement can be prepared which would help protect the faculty member from the ferocious chairman without going so far as to say that the faculty member has free choice of his research subject. Associate Professor Gordon M. Messing asked, in connection with Professor Long's amendment, whether it is University policy that research undertaken by faculty members must be unclassified. Professor Long replied that it is University policy that classified research is barred from the campus.

Professor Robert Morison, in support of the amendment, said that since research is a powerful tool having broad social ramifications as well as implications regarding the mix of activities within the University, the way that research is funded must be a matter of University policy rather than the policy of individual professors. Associate Professor A. Gerd Korman urged that the faculty as a faculty take a position on University research policy independently of other interest groups in the community. Professor Karl Berkelman suggested that Professor Long phrase his amendment to indicate that the only power which departmental administrators have over research is a veto power.

Professor Elias then moved the previous question. Following a second, the faculty by voice vote, moved to Professor Long's amendment. After some discussion of parliamentary procedure, Professor Olum again moved Professor Long's amendment:

RESOLVED, That in section 5 of the report, the words "Subject only to the broad constraints of departmental and over-all University policies" should be appended as the opening clause of the second sentence.

It passed by a voice vote. However, a count was called for; the amendment then passed 130 to 56. Professor Julius Fabricant moved to call the previous question, which was the main motion as amended: the question was called by voice vote. Professor Winter's motion was then restated:

RESOLVED, That the report be approved as a statement of the sense of the faculty.

The motion was adopted by a voice vote.

4. RESPONSIBILITIES OF THE SECRETARY OF THE FACULTY.

Professor Benjamin Nichols reported that the new campus newspaper, the Cornell Chronicle, will contain a page or pages called "The Bulletin of the Faculty." This page will report official faculty actions and provide an opportunity for the expression of faculty opinion (the latter limited for the present to 250 words.) It seems appropriate for the Secretary of the Faculty to be responsible for the content of the faculty page.

Dean Miller then moved an amendment to item 4 of Faculty Legislation adopted on April 10, 1957, dealing with the Secretary of the Faculty. The amendment was distributed with the call to the faculty meeting.

The duties of the Secretary shall be (i) to keep minutes of meetings of the University Faculty and of the Faculty Council with the assistance of a Recorder appointed by the Dean, (ii) to keep records of actions of the University Faculty, (iii) to supervise publications made in the name of the University Faculty, (iv) to assist the Dean of the Faculty at the Dean's discretion, serving as Acting Dean on appropriate occasions.

By agreement with the Faculty Council the Dean added the following wording:

"subject to guidelines mutually agreed upon with the Faculty Council."

The motion carried by voice vote without opposition.

5. THE RATNER COMMITTEE ON ROTC.

Dean Miller announced the postponement of the October meeting of the Faculty from October 8th to October 22nd to accomodate the committee.

The meeting adjourned at 6:20 p.m.

G.P. Colman
Recorder

The Academic Responsibilities of the Faculty

The major obligations of a free university are to communicate and extend knowledge, to subject to continuous critical scrutiny and transmit man's intellectual and cultural inheritance, and to provide conditions in which students are stimulated to explore, to challenge, and to learn. The effective conduct of these enterprises is only possible in a climate of understanding, goodwill, and the toleration of diverse views. Such a climate requires general consent about the distribution of the main areas of responsibility among faculty, students, and administration and the determination on the part of all of these groups to maintain the conditions essential to a free university.

The elemental relationship within a university is that between teachers and students, and this distinction in role indicates the appropriate division of responsibilities between these two constituencies. To the students belongs a major voice in determining and applying the rules of community order and in planning the broad spectrum of facilities and activities which determine the quality of social and cultural life on the campus. The major responsibility of the teachers, on the other hand, lies in the academic province: to set and maintain the highest possible educational and scholarly standards and levels of achievement, to embody these values in their teaching and counseling, and to uphold the conditions of free enquiry both for their students and for their colleagues.

All essential operations of the university, however, are of importance to all members of the community. While the particular aim of this report is to define the academic responsibilities of the faculty, it must be understood that students also have a legitimate concern in this province, and that it is the obligation of the faculty to remain sensitive and responsive to their needs. A major task of the university, at this point in Cornell history, is to develop procedures which will promote full and free communication between faculty, students, and administration, and will ensure to students adequate procedures for voicing their considered judgment, both on academic policies and on academic practices.

The Bylaws of Cornell University allocate academic duties to the separate faculties of the various units, but reserve matters bearing on overall educational policy to the university faculty as a whole. Article XIV, Section 3 (as of 1963):

Subject to the authority of the University Faculty on all matters affecting general educational policy, it shall be the duty of each separate college or school to determine the entrance requirements for its own students; to prescribe and define courses of study for them; to determine the requirements for such degrees as are offered to students under its jurisdiction; to recommend to the Board such candidates for degrees as may have fulfilled the requirements therefor; to enact and enforce rules for the guidance and supervision of its students in their academic work; and in general to exercise jurisdiction over all other educational matters in the particular college or school.

Following is a more detailed description of the various functions which must fall within the responsibility of the teachers and investigators who constitute the faculty:

1. Faculty Appointments

The primary decision on the appointment or promotion of faculty members, both to junior and tenure positions, is to be made by an appropriate group of the faculty, subject to approval by the University administrative officers concerned, and by the Board of Trustees where applicable.

Comments:

a) It is the responsibility of each department to determine considered student opinions about faculty members who are eligible for promotion to tenure. These opinions should be available to the body of the faculty responsible for the primary decision, and should be transmitted in writing to the Dean, the ad hoc committee, and the Provost.

b) We consider highly desirable the democratic procedure for faculty appointments or promotion to tenure now in use in many parts of the University. Initial recommendation is made by a small group of faculty members in the immediate area of the candidate's interest. The major decision is made by the faculty members of the department involved (or, in the case of small schools, of the whole school) who have the same or higher rank as that to which the candidate is to be appointed. Tenure appointments are then scrutinized by an ad hoc committee, and must be approved by Dean, Provost and Board of Trustees.

c) It is a continuing responsibility of each department to maintain the highest possible standards of teaching and counseling, among all ranks of the teaching staff.

2. Admissions

The determination of admissions policy, and the supervision of procedures for admitting students to Cornell, are the responsibility of the faculties of the various colleges and schools within the university.

Comments:

a) The Bylaws of Cornell University (Article XIV.3) defines an area of responsibility in admissions for the University Faculty as a whole, as well as for the faculties of the separate units, by specifying that "the duty of each separate college or school faculty to determine the entrance requirements for its own students" is "subject to the authority of the University Faculty on all matters affecting general educational policy."

b) The various faculties may choose to delegate the actual procedures in recruiting and admitting students to committees which include non-faculty members.

c) The faculty encourages methods for discovering and recruiting able students who have been disadvantaged by their social circumstances, or by the inadequacy of the schools they have attended. These methods include: (1) facilitating the admission of students who have demonstrated their abilities in two-year community and junior colleges; (2) making reasonable allowances in admitting first-year students, to take into account deficiencies in their preparation; (3) conducting remedial and tutorial programs to compensate for deficiencies in preparation.

d) Advice and guidance on admissions policies, as well as on the procedures for administering both standard and special admissions programs, should be sought from all qualified sources, including students already on campus. Procedures need to be established to ensure ready access to student judgment on these matters.

3. Academic Standards

* Subject To applicable CURRICULAR OR SEQUENTIAL CONSTRAINTS, ^{are} the content and academic level on which a given course is taught ~~is~~ set by the professor teaching it. In the case of sequential courses, prerequisites may be set by the department.

The University Faculty devises and adopts university-wide systems of grading the students' scholastic achievement. Within this framework the methods of rating student performance in a given course are set by the professor teaching it.

Comments:

a) High standards of teaching cannot be maintained without high levels of student performance. Procedures for rating scholastic achievement should contribute to student motivation and self-evaluation in the interest of promoting academic excellence.

b) Grading systems must be sufficiently specific to permit differentiated ratings, yet sufficiently flexible to allow experimentation by student and teacher. They should also be adaptable to the evaluation of students in non-standard study situations, such as independent study, group efforts of the discussion or project type, or instruction in residential colleges.

c) In any given course the particular ways of rating student achievement in that course and the content and academic level of that course should be clearly explained at the start.

d) The faculty should be open to student opinion on alterations and improvements in the conduct of courses.

4. Curricula, Degree Requirements, and Programs of Study

The faculty of each college, school, or separate academic department, division, or center, is responsible for and shall approve curricula, degree programs, and, where relevant, requirements for a departmental major.

Comments:

a) Where more than one college, school, department, division, or center are concerned, such responsibility and authority shall be jointly exercised. Where general educational policy is involved, such responsibility and authority shall be exercised by the University Faculty.

b) The faculty recognizes the importance of keeping and bringing the appropriate courses in contact with the conditions and problems of the contemporary world. Accordingly, it must be alert to desirable changes in material, to the possibility of new courses, and to innovations in teaching methods.

c) Students have an important role in curriculum planning and should participate in the work of curriculum committees.

d) Experimentation with courses and seminars conducted primarily by students is encouraged. The question of credit for such courses remains a faculty responsibility.

e) It is anticipated that degree programs, or requirements for a departmental major, will remain reasonably well defined, especially in professional and semi-professional areas. So far as the nature of a subject permits, however, students should, in consultation with their faculty advisors, have flexibility in developing their own programs of study.

f) The faculty recognizes its obligation to counsel students as individuals.

5. Research

Original work is an integral part of the activity of a faculty member. Subject only to the broad constraints of departmental and overall University policies the topic of research or the area of creative endeavor should be the free choice of the individual, or of groups of cooperating faculty members.

Comments:

a) Support for research should be sought, or unsolicited grants accepted, only for subjects which are of interest to faculty members, or which fall under the recognized obligations of particular faculty members.

b) Increased efforts should be made, wherever faculty interest allows, to obtain support for research directly concerned with social and environmental problems.

c) Wherever feasible, research should be of a nature which generates appropriate topics for graduate students' theses and for undergraduate projects.

d) All research contracted for by the University, or done by individuals as part of their university duties, must be unclassified.

e) Consultation work, whether for government or industry, is restricted by Cornell regulations to an average of one day a week during term time. This regulation should also apply to consultant agreements of faculty with any industry that may move to the Industrial Park.

6. Allocation of Resources

The faculty should have an effective role, in cooperation with the administration, in the planning of major academic changes and the initiation of new programs. Environmental values and planning that affects those values are a legitimate concern of faculty as well as students and administration.

Comments:

a) The faculty should share in any decision affecting the academic character of the University directly or indirectly. Any major change or new program--or

even the cumulative effect of normal growth or contraction--can be of major academic importance because of the complex interrelation of the various parts of the University and the virtual autonomy of many of its units.

b) The faculty should have a voice strong enough to guard against any undue diversion of resources to non-academic purposes.

c) Students have a valid interest in both academic and non-academic changes and new developments. They should be given a formal role in planning facilities or programs affecting the quality of student life; for example, housing, dining, community relationships and extracurricular activities.

M. H. Abrams
William L. Brown, Jr.
Howard Evans
Vernon H. Jensen
Robert S. Pasley
George Winter
Hans A. Bethe, Chairman

July 15, 1969

The President called the meeting to order in Bailey Hall at 4:35 p.m. with some 260 members present. He called for additions and correction to the minutes of the meeting of the Faculty held on September 24, 1969. There being none, he declared the minutes approved as distributed.

1. NECROLOGY.

The President announced the death of *Dr. David A. Karnosky*, Professor of Medicine (Medical College).

Whereupon the President yielded the chair to Professor W. Tucker Dean for the remainder of the meeting.

2. PROCEDURES FOR DISCUSSION OF THE RATNER REPORT.

Dean Robert Miller moved:

RESOLVED, That the rules be suspended to permit discussion of the Ratner report in accordance with the following procedures:

- 1) *The members of the committee are to take places on the platform,*
- 2) *Professor Ratner is to present the report together with a draft resolution prepared by members of the committee in consultation with members of the Faculty Council, this resolution to be formally introduced at the next faculty meeting,*
- 3) *The chair will recognize members of the faculty who desire to speak (those wishing to introduce amendments or substitute motions being requested to inform the chair by note to assure that they will be recognized),*
- 4) *Those who wish to introduce substitute motions or amendments following the meeting should submit them to Dean Miller in writing, preferably by October 31,*
- 5) *Professor Ratner may seek guidance from the faculty by means of straw votes, these votes to have no parliamentary force,*
- 6) *No later than 5:40 p.m. the chair will seek a motion to move to other items on the agenda. During the discussion period no other motion will be in order.*

Following a second, the motion passed by voice vote without opposition.

3. DISCUSSION OF RATNER COMMITTEE REPORT.

In commenting on the report Professor Ratner noted that some members of the faculty were disappointed by the absence of a coherent statement of general principles which should guide universities in dealing with military education. He then assured the faculty that the composition of the committee met the requirement that it be representative since it encompassed a number of faculties and a range of viewpoints concerning ROTC. Thereupon he introduced the members of the committee.

Commenting on the preparation of the report, Professor Ratner noted that after obtaining student and faculty input the committee sought to resolve differences among its members concerning the identification of significant issues and positions. A wide range of opinion within the committee reflects the manifold issues and concerns that have become associated with ROTC; it also reflects a situation unique to Cornell, the combination of land grant and ivy league orientations toward military education. Given a concern that divisions over ROTC might hamper the faculty as it meets other problems, the committee chose to concentrate on aspects of ROTC which can be resolved by the faculty. On the fundamental question of whether to retain ROTC, there was substantial agreement in favor of retention, subject to negotiations on matters which cause concern to members of the faculty. To make the issues manageable, the committee concentrated on ROTC functions. In this consideration there was far more agreement in the committee on what should be done than on why.

Professor Ratner then summarized the section of the report dealing with academic credit and noted that it was not the intent of the committee to take positions that would lead to the abolition of ROTC units by indirection. Rather, the intent was to leave room for negotiations as the services go through the process on introducing new courses and possibly taking different positions on

credit. In concluding, he offered the faculty a draft resolution [which was distributed at the door] and invited alternative approaches to presenting the subject for action at the next faculty meeting.

Professor Paul Olum then announced that he would offer a substitute motion which differs basically in philosophy from the Ratner Committee report and which gives the faculty a clean-cut opportunity to depart from the status quo. This motion would read:

RESOLVED, That;

1. It is the sense of this faculty that there should be a change in the program of officer education at the University which would provide that the purely military aspects of this education be conducted off campus, for example in summer or in a post-graduate year. Those students interested in a military career, including those who enter into a contract with the military, would then pursue a pre-military program in their undergraduate years consisting of courses chosen from the regular academic offerings of the University and accepted by the Defense Department as suitable for such officer education.
2. President Corson or his representatives is hereby requested to enter into discussion with the appropriate officers of the government for the purpose of establishing a mutually acceptable program of this character including, where necessary, the creation of additional courses within the framework of the present academic departments, and to do so in a manner to preserve the land grant status of the University.

Speaking to his resolution, Professor Olum argued that it is not proper in a university to have professional military courses taught by military officers, that the Defense Department has indicated in the Benson Report it is close to accepting what he advocates, that his resolution leaves students the right to pursue a military career at the University, and that his recommendation provides the services with an opportunity to evaluate students, this need being met off the campus where such evaluation is most appropriate. Furthermore,

his resolution provides for the entrance into the military of students from universities as an alternative to the service academies. Finally, his proposal opens the way to negotiation; by voting this resolution, the faculty will place President Corson in a strong position to negotiate with the Defense Department. Professor Olum believes that the military presence on campus is unnecessary to what the military wants to achieve. Commenting on Professor Ratner's concern about avoiding faculty divisions over ROTC, Professor Olum stressed the need for faculty members to work with and to be responsive to their students.

Captain Mortimer Prince said that Professor Olum's motion would do away with ROTC as it is known at Cornell. The summer programs cited by Professor Olum which the services now have are low-input programs not comparable to ROTC. Professor Olum's resolution certainly brings the matter of ROTC into focus. Speaking for all the services at Cornell, Professor Prince said he wants to know how the Cornell faculty feels about ROTC. For their part, the services consider the preservation of civilian input into the military to be of paramount importance. ROTC, they feel, is the most effective avenue for tempering the values of an officer corps with those of civilian society. The nation and the services will be the losers if ROTC is discontinued at Ivy League colleges. Contrary to comments in the Cornell Sun, ROTC trained officers often achieve a place in the top ranks. After reviewing the objectives of NROTC, he asked whether these objectives are distasteful to the Cornell faculty. As to the legal requirements governing all ROTC programs, he noted that institutions having these programs must adopt as part of the curriculum of a two- or four-year "course of military instruction which the secretary of the military department concerned prescribes and conducts." If the Cornell faculty takes action which, in effect, makes the ROTC courses extra-curricular, the services must leave the University. Courses prescribed by the secretary must receive credit. In

conclusion, the ROTC units are willing to negotiate; they wish to stay at Cornell as long as the University provides an environment where an effective officer education program is possible.

Professor Benjamin Nichols said that the faculty should have an opportunity to face the basic question of whether or not to continue ROTC at Cornell. The Olum resolution does not address that question. He regrets that neither the Ratner Committee nor the Kennedy Commission provided an opportunity for serious debate on that question. Assistant Professor Eldon Kenworthy then challenged the Ratner Committee's premise that its function was to devise a report that everyone on the faculty can live with. Defining the issue as a determination of whether officers should be trained at the undergraduate level in universities, he offered the analogy of society's stake in a trained religious leadership and urged the faculty to consider the propriety of training that leadership in universities, particularly when the heads of instruction are appointed from outside the institution. Professor Geoffrey Chester said he intends to offer an amendment to items 2 and 3 in the Ratner Committee's resolution to the effect that courses not under the control of an academic department should receive no credit after September, 1970, this with a proviso excepting students presently enrolled in ROTC courses. While items 2 and 3 reflect good intentions, they are excessively vague. A deadline is needed. Reflecting on Professor Olum's last point, Professor Chester said the faculty must be responsive to the entire community; it would be good to see the matters at issue debated throughout the community.

Professor Norman Penney urged the faculty to consider the problem of maintaining Cornell's land grant status, an objective of concern in the Olum resolution. This status is not assured by providing for instruction in military subject matter. Rather it is a designation within the control of the New York State

Legislature. He noted that three states have reassigned land grants. Professor William Keeton said that thus far there has been no formal and representative student opinion on ROTC. He urged that such opinion be obtained before the faculty vote since he would like his vote to be influenced by the feelings of a majority of students. Assistant Professor Peter L. Minotti drew on three years' experience in the Marine Corps and preparation for the Corps in summer programs in concluding that, at least in the Marine Corps, the summer program produces effective officers. Professor Cushing Strout urged a separation of issues of concern to students from those of concern to the faculty. The faculty is concerned with whether it will give academic credit to ROTC courses and will permit ROTC personnel to have faculty status. These matters should be decided by the faculty, leaving what is relevant to students to be decided by students.

Professor Ratner then commented on matters raised by faculty members. Regarding Professor Nichols' suggestion, he said the committee did not prepare a motion favoring continuation of ROTC because some committee members favor continuation only when it is part of the package of modifications. However, to expedite consideration of the report the committee will prepare a resolution meeting Professor Nichols' wishes unless someone else prefers to do so. Professor Chester's point will be met by working in appropriate language. Professor Penney's point is a matter of great concern to the committee. He urged faculty members to consider the interests of colleagues whose work may depend on land grant status. With regard to Professor Keeton's concern about representative student opinion, the committee would welcome that opinion. Student opinion obtained during the summer was highly divided. Regarding Captain Prince's comments, the committee does not understand that the enabling legislation requires the granting of academic credit to maintain ROTC units. Rather, such a requirement is an administrative position.

At this point, Dean Miller moved the termination of the discussion. The faculty returned to the regular order of business by voice vote without opposition.

4. UNIVERSITY CALENDAR

Professor Paul Olum moved the following resolution on behalf of the Calendar Committee.

RESOLVED, That the calendar for 1970-71 have exactly the same structure as the present calendar, with the first day of instruction coming on Monday, September 14.

Following a second, Professor Olum reported that logistical difficulties prevented meeting the wishes of some faculty members to shorten the intersession by a week and make the fall term a full 14 weeks. The motion was passed by voice vote with a single "no."

5. COMMITTEE ON NOMINATIONS

Dean Miller moved on behalf of the Committee on Nominations the adoption of the slate which was distributed at the meeting. [The slate appears in the Cornell Chronicle, October 23, 1969, page 2]. The chair called for additional nominations. There were none. The slate was accepted by voice vote without opposition. (Copy of slate attached)

6. S-U GRADES IN THE COLLEGE OF ARCHITECTURE, ART AND PLANNING

Dean Miller, with the approval of the Faculty Council, moved the adoption of the following amendment [distributed with the call to the meeting.]

RESOLVED, That the University Faculty legislation pertaining to S-U grading in the College of Architecture, Art and Planning, adopted April 13, 1966, be amended to read as follows:

- A. *The various Faculty units of the College (art, urban design, structures, etc.) may designate courses in which S-U grade options will be permitted.*

All courses specifically required for a degree in this College must be given letter grades, excepting Art Department courses for undergraduate art majors at the third and fourth year level.

- B. All courses not specifically required for a degree may be graded S. or U., provided that:
- a. in a course designated as S. or U. course, the instructor may give these grades for the entire class, but must announce this decision before preregistration.
 - b. where the option for letter grades of S. and U. exist both student and faculty member must agree on the option. This agreement must be made by the end of the first week, in writing.
 - c. once agreed upon, this grade option will be used for the final grade.
 - d. the comparative value of the S. grade will be determined by each departmental faculty, with the approval of the College Faculty.
 - e. The S. grade will be calculated as satisfying credit points, but is not calculated in cumulative average.
 - f. The U. grade will be recorded, but is not calculated in the cumulative average.
- C. The course in the New York City Program may be given S. and U., although they are required for the degree.

The motion passed by voice vote without opposition.

Dean Miller then sought advice on the desirability and timing of a special meeting to take action on the ROTC report. There was no neat consensus.

Adjourned at 6:00 p.m.

G.P. Colman
Recorder

REPORT OF THE COMMITTEE ON NOMINATIONS
SLATE OF NOMINEES FOR A BY-ELECTION

(Not a Ballot!)

For election as SECRETARY OF THE FACULTY

WILLIAM T. KEETON, Associate Professor of Biology, Neurobiology and Behavior,
Biological Sciences

WILLIAM W. LAMBERT, Professor of Psychology, Sociology, Anthropology, College
of Arts and Sciences

For the Committee on ACADEMIC FREEDOM AND TENURE for a 3-year term, 1 to be elected

JOEL SILBEY, Professor of American History, History, College of Arts and Sciences
S. CUSHING STROUT, Jr., Professor of English, College of Arts and Sciences

For the Committee on STUDENT AFFAIRS for a 2-year term, 1 to be elected

A REEVE PARKER, Assistant Professor of English, College of Arts and Sciences
JOHN W. WILKINS, Associate Professor of Physics, Atomic and Solid State Physics,
College of Arts and Sciences

For the Committee on ACADEMIC INTEGRITY for a 2-year term, 1 to be elected

HERBERT MAHR, Associate Professor of Physics, Atomic and Solid State Physics,
College of Arts and Sciences
THOMAS A. RYAN, Professor of Psychology, College of Arts and Sciences

For the APPEALS BOARD, ACADEMIC INTEGRITY for a 3-year term, 1 to be elected

M. H. ABRAMS, Frederic J. Whiton Professor, English, College of Arts and Sciences
DAVID NOVARR, Professor of English, College of Arts and Sciences

For the APPEALS BOARD, ACADEMIC INTEGRITY for a 2-year term, 1 to be elected

DAVID DROPKIN, Professor of Mechanical Engineering, Thermal Engineering College
of Engineering
HOWARD L. MORGAN, Assistant Professor of Operations Research and Computer
Science, College of Engineering

For the APPEALS BOARD, ACADEMIC INTEGRITY for a 1-year term, 1 to be elected

J. MURRAY ELLIOT, Associate Professor of Animal Science, College of Agriculture
RALPH L. OBENDORF, Assistant Professor, Field Crop Science, Agronomy, College
of Agriculture

(see reverse side)

For the BOARDS ON STUDENT CONDUCT for a 3-year term, 1 to be elected

RUSSELL D. MARTIN, Associate Professor of Communication Arts, College of Agriculture
RICHARD D. O'BRIEN, Professor and Chairman, Neurobiology and Behavior, Biological
Sciences

For the BOARDS ON STUDENT CONDUCT for a 3-year term, 1 to be elected

ARTHUR L. BLOOM, Associate Professor of Biological Sciences, College of Arts
and Sciences
RANDALL L. JONES, Assistant Professor of Linguistics, Modern Languages, College
of Arts and Sciences

For the University HEARING BOARD for a 4-year term, 1 to be elected

FREDERIC FREILICHER, Assistant Professor, Industrial and Labor Relations
FRED SLAVICK, Professor, Industrial and Labor Relations

For the University HEARING BOARD for a 3-year term, 1 to be elected

MARGARET M. GAFFNEY, Assistant Professor and Counselor, Department of Academic
Services, College of Human Ecology
CHARLOTTE M. YOUNG, Professor of Medical Nutrition, Graduate School of Nutrition

For the University HEARING BOARD for a 2-year term, 1 to be elected

MICHAEL E. FISHER, Professor of Chemistry and Mathematics, Chemistry, College of
Arts and Sciences
PETER C. STEIN, Professor of Physics, Nuclear Studies, College of Arts and
Sciences

For the University HEARING BOARD for a 1-year term, 1 to be elected

BORIS W. BATTERMAN, Professor of Materials Science and Engineering, College of
Engineering
WALTER R. LYNN, Professor, Environmental Systems Engineering and Director,
Center for Environmental Quality Management

For the University REVIEW BOARD for a 4-year term, 1 to be elected

EDWIN B. OYER, Professor and Head, Vegetable Crops, College of Agriculture
RICHARD G. WARNER, Professor of Animal Science, College of Agriculture

For the University REVIEW BOARD for a 2-year term, 1 to be elected

JOHN W. DeWIRE, Professor of Physics and Nuclear Studies, and Associate Director,
Lab of Nuclear Studies, College of Arts and Sciences
EDWARD S. FLASH, JR., Associate Professor of Public Administration, Graduate
School of Business and Public Administration

The President called the meeting to order in Bailey Hall at 4:45 p.m. with some 550 members present. He called for additions and corrections to the minutes of the Faculty meeting held on October 22, 1969. There being none he declared the minutes approved as distributed.

1. NECROLOGY.

The President announced the death of *Glenn H. Beyer*, Professor of Consumer Economics and Public Policy and Director, Cornell Center for Housing and Environmental Studies.

The President then relinquished the chair to Professor W. Tucker Dean for the remainder of the meeting.

2. FACULTY ELECTIONS.

Dean Miller presented the report of the Committee on Elections by reference to a document distributed at the door. He then paid tribute to the services of the retiring Secretary of the Faculty, Professor Ernest F. Roberts, Jr.

(Attached)

3. PROCEDURES FOR FACULTY ACTION ON ROTC.

The Dean called attention to his flow chart to program the various motions and amendments that were received by his office, in accordance with his request at the last meeting. He mentioned that one motion was received so late it could only be distributed at the door. He then reminded the Faculty that the motion of the Ratner Committee should be labelled "A."

4. FACULTY COUNCIL RECOMMENDATIONS REGARDING ROTC.

Dean Miller told the Faculty that the proposals before the house had been discussed by the Faculty Council with the following results: the Council was divided on the desirability of substituting the Nichols motion for the Ratner motion, but a majority opposed the substitution; the Council strongly opposed substitution of the Strout and Grossvogel resolution; the Council strongly

avored adoption of the Ratner Committee resolution embodying the majority view on Item 2, without amendment; the Council strongly favored adoption of the Olum resolution in addition to the Ratner resolution. Finally, on behalf of the Faculty Council the Dean moved

That a limitation on debate be imposed during the present meeting, with a speaker being limited to one five-minute speech on each of the questions to come before the house.

Following a second, the motion passed by voice vote with a single "no."

5. PROPOSALS FOR ACTION ON ROTC.

Professor David Ratner moved the adoption of the following resolution. He noted that the DeWire amendment had been voted upon and accepted by his committee as a clarifying amendment. This amendment substitutes the phrase "military instruction" for "ROTC programs" in the first sentence.

RESOLVED: That it is the sense of this Faculty that ROTC programs should continue at Cornell under the following conditions:

1. That military drill and orientation be considered ineligible for academic credit;
2. That professional military courses, in order to receive academic credit, be taught either within or under the auspices of one of the degree-granting colleges or schools, after an appropriate period of transition;
3. That in academic subjects (as distinguished from professional military subjects) there be further substitution of courses taught by members of the faculties of the degree-granting colleges and schools for those taught by military officers, with the objective of providing substitution in all academic subjects for which credit is to be awarded;
4. That insofar as the University Faculty continues to assign hours of credit to professional military courses, the individual colleges and schools continue to be free to determine the extent to which such credit may count toward their degree requirements;
5. That the qualifications of candidates for the position of senior officer of each of the ROTC units be carefully reviewed by the University Administration prior to their initial appointments in a manner comparable to that applied to other similarly influential positions in the University community;

6. That junior officers attached to the ROTC units henceforth generally receive appointments as Visiting Lecturers;

7. That the Air Force and Navy be requested to make changes to eliminate possible unfairness in connection with withdrawal of students from their programs;

8. That there be established a new committee with broad responsibility for the readjustment of the relations between ROTC and the University and for reporting annually to the appropriate segments of the University, and that this committee comprise representatives of the three services, of the individual faculties, of students enrolled in the program, of other students, and of the University administration.

Following a second to the Ratner resolution, Professor Benjamin Nichols moved to substitute the following, which was distributed with the call to the meeting:

RESOLVED, That it is the sense of this faculty that,

1. All ROTC programs at Cornell should be phased out as soon as possible consistent with the University's responsibilities to the students presently enrolled and to its contractual commitments; and

2. A new committee (composed of representatives of the faculty, students, and administration) be established, with responsibility for the planning and implementation of a strong and broadly conceived academic program of studies related to the military. This program should both satisfy the University's legal requirements in this area and contribute to the general education of students.

Following a second, Professor Nichols said that contracting a program in military education with an outside agency has led to a minimum program rather than one which is adequate for the needs of the soldier and society. The responsibility of the University is greater than what is recognized by the Ratner Committee's resolution. He stressed the fact that the public, through the Congress, was being called upon to make decisions of enormous importance and economic significance that required knowledge of military matters, and the University ought to provide students with some basis for comprehension.

Colonel Claude E. Bailey, Jr. then spoke in opposition to the Nichols' amendment. He said the military services need two decisions from the Cornell Faculty: 1) Will ROTC continue at Cornell, 2) If ROTC is continued, how can

it be administered to best fit the needs of Cornell and the military services. Reflecting on the historical relationships between the military services and the University, Colonel Bailey asked whether these relationships had suddenly become so distasteful as to make severance necessary. Presuming that Faculty members recognize the need for the military services, he assured the Faculty that ROTC has proven to be an effective and inexpensive way to produce top leadership. The Faculty should recognize, however, that certain professional military instruction is necessarily a part of that training. This instruction requires wearing the uniform. We cannot permit this dress to become associated with a second-class status at Cornell. If the Faculty decides to keep ROTC, there must be support for an effective military program.

Assistant Professor James H. Matlack informally offered on behalf of himself and James R. Finley a statement devised by the Ithaca Young Friends, and distributed at the door to the meeting. This statement, he said, is entirely consistent with the Nichols substitute motion. He then argued that the outside control associated with ROTC is inconsistent with the freedom of inquiry necessary in the classroom. There are other ways for the military to obtain the civilian input which they seek. An institute for peace and war studies could be an innovative substitute for ROTC. Professor Gordon Messing said that the efforts of Professors Nichols and Olum to substitute for ROTC a new fine-sounding plan was analogous to creating a certain fine Greek garlic sauce without garlic. Professor Paul Olum then rose to a point of order. It was improper, he said, to discuss his motion before it was introduced. Whereupon the speaker said he was finished. Responding to Professor Messing's argument, Associate Professor Neil Brice requested a separate vote on each part of the substitute motion. At this point the chair deferred to Professor Nichols, who objected that this method of voting would defeat his objectives. Whereupon the chair asked for

a vote on whether the Nichols' motion should be substituted for the resolution offered by the Ratner Committee. By voice vote, the substitute motion lost.

Professor Cushing Strout then introduced the following motion:

To protect the independence and the critical function of the University against the danger of the military's exploitation of its prestige, we resolve that no existing military-oriented courses, devised and staffed by military officers, be given academic credit and that no military officers in such a program be given faculty status or powers; and

To protect the student's voice in determining what extra-curricula services shall be available and the administration's stake in the legal requirements of land-grant status, we resolve that it shall be the sense of the Faculty that whether or not some form of opportunity for military training, on or off campus, should exist is a question to be determined by prudent administrative response to known student opinion as ascertained by democratic procedure.

Following a second, Professor Strout said his motion is based on the need for the University to maintain its critical independence. The motion distinguishes between the educational and political by concentrating on the single issue of academic credit. Following the principle of separation of powers, it also distinguishes between student and faculty interests. Speaking to Colonel Bailey's concern about the lowly status of non-credit courses, he listed several non-credit campus activities that have other than lowly status.

Assistant Professor J. Robert Cooke asked whether Professor Strout was aware of the recent action of the Constituent Assembly regarding ROTC, his point being that the students in the Assembly were opposed to the removal of ROTC. After some discussion about the relevance of this information to the Strout motion, Professor Matlack pointed out that there was no way of separating the student vote in the Constituent Assembly from that of other elements in the community. Professor J. Herbert Bruckner then said that although he was emotionally opposed to the Vietnam war, he urged the passage of the Ratner resolution since the effect of the substitute motions was to abolish ROTC. Then, in response to

a point of information concerning the legal requirements of land-grant status, Professor Strout noted that experts differ on this matter and that the Strout and Grossvogel motion provides flexibility with the phrase "prudent administrative response." Professor John Whitlock reported that in his forty years' association with a land-grant university he had seen no threat to the critical function of the university. Those who claim such a threat exists should present their evidence. Furthermore, ROTC accomplishes a useful and historic objective by combining a people's college and a people's army. Following calls for the question, the chair requested a vote on the substitute motion. On a voice vote, the motion failed.

On behalf of the minority of the Special Committee on Military Training Professor Neal F. Jensen moved the amendment included under point 2 of the Committee report, to-wit:

Strike the words "after an appropriate period of transition;" and substitute the following: "with the exception that when such a course cannot be so accommodated it may be evaluated on the basis of its merits for establishing a permissible level of academic credit to be granted."

Following a second, Professor Jensen said that since the Faculty has determined that ROTC will continue, a situation should not obtain where ROTC might be abolished by indirection. Providing for courses which are not accommodated within the degree-granting colleges and schools is essential to the consistency of the entire report.

Professor Robert Elias, speaking on behalf of the majority of the Ratner Committee, noted that everyone on the Committee tried to subordinate personal views in order to find positions which the Faculty could support. The goal was a sense of consensus. The majority report finds common ground for Faculty members who feel a need to offer military instruction, either in the national interest or to obtain Selective Service deferments for students, and Faculty members who as educators cannot support the present program in its details. Credit, not the

uniform, is the issue. Moving military instruction into the college framework meets this problem; it is impractical for the University Faculty to meet this problem. On Professor Jensen's point concerning courses the colleges will not accommodate, the majority believes, on the basis of conversations with the leaders of the military programs at Cornell, that extra-curricular status for these courses will not seriously harm these military programs. Captain Mortimer J. Prince then took the position that credit is essential to military instruction. By the criteria of content and difficulty, military courses at Cornell merit such credit. These courses, indeed, are granted credit in all except one college. The Navy unit is concerned about certain courses needed for officers, such as navigation. To be respectable, these courses must be assigned credit. Speaking for the Navy and Air Force, their courses must be accredited in order for these units to stay at Cornell. Distinguishing between transcript credit and degree credit, he welcomes recommendation 4 of the Ratner Committee.

Professor Jay Orear urged the importance of the University having complete control over its courses. Where course content is outside this control, courses should be extra-curricular. He then noted that although last spring the Faculty accepted the Presidential Commission's recommendation that courses dealing with history and politics be transferred to the regular Faculty, he now understands from the director of the Department of Military Science that courses with this content will be offered next year by military instructors.

Responding to a call for information about how credit for homeless courses would be determined, Professor Jensen said that this was still to be decided by the Faculty. However, he feels this would be an appropriate function for the Educational Policy Committee. Responding to a request that he reply to Professor Orear, Colonel Bailey said that what Professor Orear has said about instruction next year in military history is completely erroneous. A new

program to go into effect next September places historical and political subject matter in a regular academic framework. Concerning Professor Orear's point that last spring the Faculty determined that henceforth courses having such content would not be taught by military officers on active duty, it is his impression that on April 22 the Faculty turned the report of the Presidential Commission over to the Ratner Committee, thereby making a new start. He will cease teaching a course in military history, now half over, if he is not completely within the policy of the Faculty. Professor Orear replied that he was referring to the year 1970 and that the information he has received indicates the course he referred to will start in February 1970. This, he added, is further evidence of the inability of the Cornell Faculty to control its courses. The chair then called for a vote on the amendment offered by Professor Jensen. Following a call for a show of hands, the vote was 296 in favor, 234 against.

In view of the Faculty action to this point, Professor Geoffrey V. Chester withdrew his first amendment as distributed with the call to the meeting and moved the following:

That (3) of the Ratner Committee resolution be amended to read "That in academic subjects (as distinguished from professional military subjects), for which credit is to be awarded, there be substitution of courses taught by members of the faculties of the degree-granting colleges and schools for those taught by military officers. This stipulation shall only apply to students entering Cornell after September 1, 1970."

Following a second, Professor Chester said that such a time schedule is consistent with other provisions in the Ratner resolution. Should this schedule prove to be onerous, it can be modified by later Faculty action. With no one wishing to speak against the amendment, the chair called for a voice vote. When this voice vote was inconclusive, the chair requested a showing of hands with the stipulation that a count would be taken only if the result were in doubt. The motion then passed.

Professor Orear moved to amend recommendation 6 of the Ratner Committee resolution to read "That junior officers attached to the ROTC units henceforth receive non-academic appointments to the staff of Cornell University." Following a second, Professor Orear said that instructors should be free to express themselves on academic matters; in the case of military instructors, this principle is inconsistent with the Uniform Code of Military Justice which forbids criticism of certain government officers and certain aspects of foreign and military policy. Professor Bruckner asked whether this amendment would have the effect of depriving courses of credit which were taught by junior officers, thereby overthrowing what had already been passed by the Faculty. Dean Miller responded that he knows of no language in the By-laws of the University which states that a person must be a member of the staff of instruction in order to give a course for credit. However, such has been the tradition with the exception of guest speakers.

Associate Professor A. Gerd Korman urged the Faculty not to adopt a stance which suggests that extra-curricular activities are without educational values since there is considerable evidence to the contrary. Professor Julius Fabricant reminded the Faculty that what is being considered is not the assignment of credit to some new unproved activity, since credit has been given to ROTC for some fifty years. He urged the Faculty to keep in mind this distinction between the new and the established. Thereupon the chair called for a vote. By voice vote the amendment was defeated.

The chair then called for other amendments to the Ratner resolution. There were none. Professor Albert Silverman then reminded the Faculty that paragraph 3 of the Ratner resolution had been restructured by acceptance of his amendment. Colonel Bailey then inquired about the implications of substituting "military instruction" for "ROTC programs" in the first sentence of the Ratner resolution;

specifically, does ROTC qualify as that military instruction? Professor Ratner replied that in accepting the suggestion of Professor DeWire the Committee did not intend to affect the content of the resolution. The change, he assured the Faculty, is not a subterfuge to get rid of ROTC. Professor Michael E. Fisher urged the Faculty to vote against the Ratner resolution in its present form since it is essentially an endorsement of the status quo. To agree to proceed without serious Faculty control over military instruction is an inappropriate decision for a university faculty.

Professor Neil Brice offered a friendly amendment to resolution 8. This would delete the phrase "for the readjustment of the relations between ROTC and the Univeristy" and substitute therefore "for military instruction at Cornell." Professor Ratner said he did not see any inconsistency between the present wording and other parts of the resolution and that acceptance of the proposed amendment would require discussion with his Committee. Following calls for the question, the amendment failed on voice vote. Amid further vigorous calls for the question, Professor Norman Penney moved to terminate debate, whereupon the house supported this motion by voice vote.

6. FACULTY ACTION ON ROTC.

A division was then requested for the vote on the Ratner resolution as amended, to wit:

RESOLVED, That it is the sense of this Faculty that military instruction should continue at Cornell under the following conditions:

- 1. That military drill and orientation be considered ineligible for academic credit;*
- 2. That professional military courses, in order to receive academic credit, be taught either within or under the auspices of one of the degree-granting colleges or schools, with the exception that when such a course cannot be so accommodated it may be evaluated on the basis of its merits for establishing a permissible level of academic credit to be granted;*

3. *That in academic subjects (as distinguished from professional military subjects), for which credit is to be awarded, there be substitution of courses taught by members of the faculties of the degree-granting colleges and schools for those taught by military officers. This stipulation shall only apply to students entering Cornell after September 1, 1970;*
4. *That insofar as the University Faculty continues to assign hours of credit to professional military courses, the individual colleges and schools continue to be free to determine the extent to which such credit may count toward their degree requirements;*
5. *That the qualifications of candidates for the position of senior officer of each of the ROTC units be carefully reviewed by the University Administration prior to their initial appointments in a manner comparable to that applied to other similarly influential positions in the University community;*
6. *That junior officers attached to the ROTC units henceforth generally receive appointments as Visiting Lecturers;*
7. *That the Air Force and Navy be requested to make changes to eliminate possible unfairness in connection with withdrawal of students from their programs;*
8. *That there be established a new committee with broad responsibility for the readjustment of the relations between ROTC and the University and for reporting annually to the appropriate segments of the University, and that this committee comprise representatives of the three services, of the individual faculties, of students enrolled in the program, of other students, and of the University administration.*

This vote was 385 in favor, 99 opposed.

Professor Paul Olum stated that in view of the hour, he would postpone the introduction of his resolution dealing with long-term relationships between the University and military instruction until the next regular meeting of the Faculty. Thereupon a motion to adjourn coincided with the movement of Faculty members toward the exits.

Adjourned 6:30 p.m.

Gould P. Colman
Recorder

THE UNIVERSITY FACULTY

Office of the Dean

November 10, 1969

Report of the Committee on Elections

There were 773 ballots cast of which 756 were valid and the following were the results:

1. For the office of the Secretary of the University Faculty for a three-year term, 718 ballots were cast, of which 487, a majority, were cast for the Professor of Biology, William T. Keeton.
2. For a member of the Committee on Academic Freedom and Tenure for a four-year term, 686 ballots were cast, of which 370, a majority, were cast for the Professor of English, S. Cushing Strout, Jr.
3. For a member of the Committee on Student Affairs for a two-year term, 655 ballots were cast, of which 420, a majority, were cast for the Associate Professor of Physics, Atomic and Solid State Physics, John W. Wilkins.
4. For a member of the Committee on Academic Integrity for a two-year term, 632 ballots were cast, of which 336, a majority, were cast for the Professor of Psychology, Thomas A. Ryan.
5. For a member of the Appeals Board, Academic Integrity for a three-year term, 649 ballots were cast, of which 428, a majority, were cast for the Frederic J. Whiton Professor of English, M. H. Abrams.
6. For another member of the Appeals Board, Academic Integrity for a two-year term, 611 ballots were cast, of which 373, a majority, were cast for the Professor of Mechanical Engineering, Thermal Engineering, David Dropkin.
7. For another member of the Appeals Board, Academic Integrity for a one-year term, 603 ballots were cast, of which 373, a majority, were cast for the Associate Professor of Animal Science, J. Murray Elliot.
8. For a member of the Boards on Student Conduct for a three-year term, 664 ballots were cast, of which 344, a majority, were cast for the Professor of Neurobiology and Behavior, Richard D. O'Brien.
9. For another member of the Boards on Student Conduct for a three-year term, 590 ballots were cast, of which 419, a majority, were cast for the Associate Professor of Geological Sciences, Arthur L. Bloom.
10. For a member of the University Hearing Board for a four-year term, 557 ballots were cast, of which 301, a majority, were cast for the Professor of Industrial and Labor Relations, Fred Slavick.
11. For another member of the University Hearing Board for a three-year term, 585 ballots were cast, of which 345, a majority, were cast for the Professor of Medical Nutrition, Graduate School of Nutrition, Charlotte M. Young.

12. For another member of the University Hearing Board for a two-year term, 634 ballots were cast, of which 358, a majority, were cast for the Professor of Chemistry and Mathematics, Chemistry, Michael E. Fisher.

13. For another member of the University Hearing Board for a one-year term, 599 ballots were cast, of which 357, a majority, were cast for the Professor of Environmental Systems Engineering, Walter R. Lynn.

14. For a member of the University Review Board for a four-year term, 582 ballots were cast, of which 303, a majority, were cast for the Professor of Animal Science, Richard G. Warner.

15. For another member of the University Review Board for a two-year term, 627 ballots were cast, of which 315, a majority, were cast for the Professor of Physics and Nuclear Studies, John W. DeWire.

The President called the meeting to order in Ives 120 at 4:30 p.m. with some 480 members present. He called for additions and corrections to the minutes of the Faculty meeting held on November 12, 1969. There being none, he declared the minutes approved as distributed.

1. NECROLOGY.

The President announced the death of *Louis M. Massey*, Professor Emeritus of Plant Pathology and of *Mabel Wilkerson*, Associate Professor of Housing and Design (retired).

The President then relinquished the chair to Professor W. Tucker Dean for the remainder of the meeting.

2. ROTC.

Professor Paul Olum introduced the following resolution which was held over from the agenda of the November meeting:

RESOLVED:

1. That it is the sense of this faculty that there should be a change in the program of Officer Education at the University which would provide that the purely military aspects of this education be conducted off-campus (possibly in summers or in a post-graduate year). Those students interested in a military career, including those who enter into a contract with the military, would then pursue a "pre-military program" in their undergraduate years consisting of courses chosen from the regular academic offerings of the University and accepted by the Defense Department as suitable preparation for such Officer Education.
2. That President Corson (or his representative) is hereby requested to enter into discussion with the appropriate officers of the government for the purpose of attempting to establish a mutually acceptable program of this character, including where necessary the creation of additional courses within the framework of present academic departments, and to do so in a manner to preserve the Land Grant status of the University.

Professor Olum noted that the first paragraph of his resolution identifies a goal; the second paragraph specifies a method. The method is one of negotiation and persuasion. The resolution does not change anything. It is not conceivable that it threatens Cornell's land-grant status. Since it would lead to placing the purely military aspects of military education off campus, the resolution implies that the Department of Military Science would be ended. He accepts the purposes of military forces in American society and grants that the nature of military education requires that certain courses be taught by professional military officers. However, such instruction is incompatible with the freedom of inquiry and expression necessary in an academic environment and with the concept of faculty control over the curriculum. The difficulties military programs are experiencing on campuses throughout the United States make changes inevitable. Therefore, it is reasonable to assume that this resolution could serve both the interests of the University and of the Defense Department.

The chair then asked Professor John Hartman if he wanted to introduce his substitute motion, which had been circulated to the faculty with the call to the meeting. He replied that there were not enough people present. The chair then asked Professor Charles B. Wharton if he desired the floor. He replied in the negative since his amendment anticipated the introduction of Professor Hartman's proposal.

Colonel Claude E. Bailey agreed with Professor Olum that there is no threat in negotiations. He then observed that the Olum resolution is inconsistent with the recent Faculty decision to continue ROTC. Furthermore, he said that Vice-President Stuart Brown has accepted the new Army curriculum with the observation that it appears to move in the direction of the Ratner Committee recommendations. Weapons and uniforms, the speaker noted, are a necessary part of this program. The Olum resolution would reduce ROTC to OCS status. The

Army lacks the facilities or the personnel to take on the additional summer training. The OCS route is more expansive than ROTC. Should the Olum resolution be approved, he suspects that the Army's response would be to pull out of Cornell, thereby reopening the land-grant problem. In concluding he invited the faculty to stick with the decision of last month and give the new Army program a good try.

Assistant Professor Martin Horwitz wondered about the propriety of speculating about the response of the Department of Defense, when the purpose of Professor Olum's resolution was to move negotiations off the campus.

Professor Robert J. Young then moved to amend the Olum resolution by deleting the first paragraph and substituting in the fifth line of the second paragraph "military training" for "this character." Speaking to his substitution, Professor Young said the first paragraph of the Olum resolution sets up conditions which tie the hands of the President in his negotiations with the Defense Department. By acting to destroy the ROTC program, the resolution jeopardizes Cornell's land-grant status before the President has a chance to work out alternative arrangements. He hopes for the adoption of the second paragraph of the Olum resolution, as amended, in view of the dilemma over military training at Cornell.

Professor Max Black could not see that an expression of faculty opinion would tie the hands of the President. To conclude that the ROTC program would be destroyed anticipates the outcome of the proposed negotiations.

Professor Norman Penney stated that the opinion the faculty was being asked to express is based on little more than a concern about what some people object to. He feels that little homework has gone into the Olum resolution. In support of this position he noted that the Benson Committee study has already considered the off-campus military instruction envisaged by the Olum resolution. He would support the Olum resolution if he felt it were compatible with the

need of the military services to procure officers educated by means of a blending of military and humanistic studies. The basic question to be faced is how can we have the most effective military program compatible with our educational program.

Professor Hartman said the amendment is a source of confusion; it proposes to abolish ROTC, contrary to the decision of last month to continue it.

Associate Professor Roger A. Morse cited a case of a student with a low draft number seeking a campus alternative to military service to point out the need for a continuing ROTC program at Cornell.

Assistant Professor James A. Matlack hoped that the faculty would vote directly on the Olum resolution rather than dodge the issue by treating ROTC as a device to enable students to avoid the draft. He urged the faculty to consider the implications of the Nuremberg principle for ROTC instruction. Then, following a point of order requesting him to speak to the amendment, Professor Matlack called attention to the contractual coercion implicit in the power of military officers at Cornell to subject students in the last two years of ROTC programs to induction for up to four years, a situation he finds repugnant to the freedom of inquiry basic to a university.

Professor Albert Silverman urged the faculty to vote upon the entire resolution. Its second paragraph makes sense only in terms of the faculty's instructions contained in the first paragraph. To eliminate the first paragraph changes the character of the proposed resolution.

Following calls for the question and for a division, the vote was 187 for the resolution, 216 opposed.

Associate Professor Donald F. Solá noted that in the course of chairing a research group of the Constituent Assembly concerned with the University budget he learned that the funds directly associated with land-grant status

are very small as contrasted with the large sums coming to the University to support the contract colleges. President Corson then indicated that under federal legislation providing for research, extension, and teaching activities at land-grant institutions, Cornell is receiving something over \$8 million annually. Professor John G. Seeley expressed appreciation of the President's clarification of the financial implications of land-grant status.

Professor Robert Elias noted that page 25 of the Benson Committee report, cited by Professor Penney, indicates that the report reflects current Department of Defense policy. The Benson Committee report urges the exploration of alternatives to ROTC, with ROTC being continued during the course of exploration. He urged the faculty to consider what could be lost by supporting the Olum resolution in view of the fact that this resolution is in accord with Defense Department policy and in view of the further fact that the Ratner Committee considered its recommendations to be only a temporary solution to the problems of military education at Cornell.

Associate Professor Gordon M. Messing said that, hydra-like, certain opponents of ROTC have again reopened the issue of abolition. No new arguments will be offered in this meeting. He regards ROTC as a legitimate part of the University program. Indeed, students should have the opportunity to take courses which, in our society, meet the requirements of decency and fair play. Professor Ephim G. Fogel took exception to ad hominum remarks concerning so grave an issue. Because of conditions in American society, the ROTC issue will not be settled by defeating the Olum resolution. The method the resolution provides for resolving the issue is a moderate one. He asked the faculty whether winning the votes to defeat this resolution will serve the purposes of collegiality and the purposes of a university. He thinks it will not.

Assistant Professor Peter Sharfman then asked Professor Olum what force

his resolution would have if the proposed negotiations fail. Professor Olum responded that if the military would not move from their present position the President would so inform the faculty. A counter proposal, on the other hand, could lead toward a solution. Following calls for the question, the vote was 174 in favor of the resolution, 253 opposed.

3. ANNOUNCEMENTS.

Dean Miller made the following announcements. There will be an early election for terms that are expiring on the Faculty Council; temporary vacancies will be filled by appointment. The Faculty Council has proposed a formula for staffing the new ROTC committee created by adoption of the Ratner resolution. This solution has been accepted by the President.

4. COURSE AUDITS.

On behalf of the Faculty Council, Dean Miller moved the adoption of the following resolution which was distributed with the call to the meeting:

RESOLVED, That hereafter course name and the grade of V (Visitor) will no longer be recorded on the term record or the transcript of students who have audited a course.

Following a second, the motion passed by voice vote with a single "no."

5. NEW PROFESSIONAL DEGREES.

Dean Miller introduced the following motion (distributed at the door) with the unanimous consent of those present since it was not on the agenda for the meeting:

RESOLVED, That the faculty approve a change in the designation of two professional degrees, approved by the faculty on April 9, 1969; the Master of Agriculture (M. Agr.) degree would be redesignated Master of Professional Studies (Agriculture) [M.P.S. (Agr.)] and the Master of Communication Arts (M.C.A.) degree would be redesignated Master of Professional Studies (Communication Arts) [M.P.S. (C.A.)].

Following a second, the motion passed by voice vote with several "no's."

Adjourned 5:45 p.m.

Dean Robert Miller called the meeting to order at 3:00 p.m. with 170 members of the Faculty present. Also present were Miss Madeleine Zelin, Mrs. Eleanor D. Macklin, and Mssrs. William Broydrick, Eric Freedman, Gary Richwald, and William White. Following approval of the minutes of the previous meeting of the Faculty as distributed Dean Miller relinquished the chair to Vice-President, Donald Cooke.

1. INTRODUCTORY SPEECHES

Professor Paul Olum noted that the proposed Constitution for a University Senate provides for a transfer of power in matters where the community has a proper interest by bringing non-academic elements of campus life within a Division of Campus Life. This Division is given policy making power, the means to be fiscally responsible, and is provided with an administrative officer. Provision is also made for educational innovation (with course credit being determined by the existing procedures) and for the representation of students on the Board of Trustees.

Miss Zelin stated that her purpose was to reflect the student point of view. She stressed that new methods of governance are needed to cope with an impersonal quality of life which is associated with the increasing size of the University. She then described how the Drafting Committee, by a process of compromise, wrote the Senate proposal after a highly polarized situation developed in the Assembly. She concluded that reform is the document's underlying principle and that its implementation will serve to make crises unnecessary.

Mr. White urged the Faculty to read the document carefully and not rely on Press accounts. He cited errors of fact or interpretation that have appeared in the Sun, the Chronicle, and the Ithaca Journal.

Professor John Whitlock took the position that the documents published last

summer by the Constituent Assembly are symptomatic of a serious malaise that exists with regard to the social organization of the University. He stressed the considerable effort that has gone into finding a vehicle with adequate safeguards which will enable the University to keep functioning and, at the same time, meet problems due to the increasing size of the institution and to changing social conditions. He called attention to the promise inherent in the Division of Campus Life. For the first time, non-academic elements of campus life that impinge on students are drawn together so that the student-consumer, the supplier, and the specialist who is knowledgeable about the environment are brought together for dialogue. By taking a wholistic approach, this Division offers greater promise for real solutions than the endless committee reports that treat environmental problems in a fragmented way. The new arrangement should be viewed as an experiment; it presents no inherent dangers, and it may make the University a more friendly and productive place.

2. DISCUSSION

An unidentified member asked how the State Legislature is involved with the document. Professor Olum replied that involvement is limited to the composition of the Board of Trustees. Assistant Professor Anne Rosokoff then asked a series of questions: (a) The first was for clarification of the last sentence of Article I, Section 2. Professor Olum answered that this should be read in connection with the last sentence of Article I, Section 7. (b) With reference to Article VII, Paragraphs 2 and 3, is there a change in the role of the Vice-President for Medical Affairs? Mr. Broydrick said there is no change. (c) With reference to Article VII, Paragraph 4, what is the relationship of the new Vice-President to the Administration of the University? Professor Olum replied that the intent is to have this vice-president located in the President's office, just as other vice-presidents are, where he will administer the units of the

University identified in this document. However, he will have a dual responsibility, since in implementing Senate policy he will have a close relationship with the Senate. (d) With reference to Article XI, Paragraph 1, under what circumstances could the Senate call for confidential information, and how would the principle of confidentiality be maintained? Vice-President Cooke replied that as far as he knew nobody envisaged that the Senate would look at individual student or employee records. Professor Olum added that in meeting its function the Senate may need information that can only be derived from individual files. The objective is to avoid identifying individuals.

Professor Henry Ricciuti inquired about the future role of the University Faculty and its relationship to the Senate if the proposal is adopted; specifically, will the University Faculty deal with such matters as ROTC and CAL while the Senate discusses these matters or will it be delegating responsibility to the Faculty members in the Senate? Professor Paul Van Riper replied that in his experience in the Assembly he saw no evidence that the Senate intended to interfere in any way with the operation of the University Faculty. The Temporary Committee on the Organization of the University Faculty, which he chairs, has also taken the position that the proposed Senate and University Faculty are independent, and this has been communicated to the Constituent Assembly. This committee is planning to make recommendations to the Faculty in accord with its charge, but it seems reasonable to wait until the Senate has been tried or has been rejected.

Professor J. Herbert Bruckner wondered, in view of the Senate's power to delay action of the Faculty, whether giving the Faculty power to delay actions of the Senate was considered. Professor Olum replied that, unlike the Faculty, the Senate has no legislative authority in academic matters. Since the Faculty is heavily represented in the Senate, to the point of parity with students, it

seems appropriate for it to meet its community-wide functions unimpaired by checks imposed by the Faculty.

Professor Richard D. O'Brien wondered about the possibility that the Senate would decide a serious matter in a poorly attended meeting. Miss Zellin replied that the Senate will have no validity unless it operates with a substantial and realistic quorum.

An unidentified member then expressed concern about the complexity of the amendment procedure. Why not have a provision whereby minor amendments could be made by a two-thirds vote of the Senate? Mr. Freedman replied that it is expected that minor matters will be dealt with by means of Senate legislation, leaving changes in the document itself to the amendment process.

3. STUDENT HEALTH SERVICES

Professor Ralph W. Alexander, speaking as a representative of the Student Health Services, strongly opposed changing the status of the Health Services by putting this unit under the Senate. He said this was done without consultation. There was no legal authority to change the status of an independent division of the University; it is arbitrary and high-handed and violates the rights of members of the Faculty. Furthermore, it will destroy the University Health Services by making it impossible to recruit staff. He challenged the statement he attributed to Professor Olum, to the effect that the Senate has no desire to get into business operations, by referring to the last two sentences of Article VII, Paragraph 3.

Professor Whitlock replied that no one is trying to pillory the Health Services. He thinks it unfair to say that the Services were not taken into account when they had representatives in the Constituent Assembly. The Executive Committee of the Assembly gave attention to the positions taken by representatives. Assistant Professor George Miller expressed astonishment at Professor Whitlock's

claim that the Health Services were consulted. As one of its two delegates to the Assembly, he was never consulted, nor was the other delegate, Assistant Professor Leroy Young. They did not have an opportunity to raise the issues he now raises until very late in the Assembly's deliberations.

Mr. Broydrick replied that the proposed arrangement does not threaten Faculty prerogatives of the clinic staff. The proposed Board of Student Health can only deal with the clinic as an institution; it is divorced from the behavior of staff members as physicians and researchers. He noted that the arrangement for the Board of Student Health was discussed at length with Professor Miller and Professor Young, and that the Health Services would control a majority of the Board members. Professor Miller then challenged the latter statement, saying that medical people would constitute only two-ninths of the Board's membership. He wondered when the serious matters discussed in this meeting of the Faculty were discussed with himself and Dr. Young. Professor Whitlock recalled a meeting of Committee #10 and the Vice-President for Medical Affairs, when these matters were discussed. He also recalled that Mrs. Elizabeth deProsse, acting on behalf of the Constituent Assembly, discussed these problems with the acting director and assistant director of the Health Services. The Senate proposal was before the Constituent Assembly for three months; people having problems were expected to come forth. Assistant Professor Frances M. McCormick of the Mental Health division of the clinic noted that when Mrs. deProsse interviewed her she dealt only with the services that are rendered to students. Mr. Richwald noted that the clinic did not send representatives or alternates when Assembly Committee #10 met with the Vice-President for Medical Affairs. He also noted that the students want the Health Services to be more heavily funded so that services can be improved. The proposed structure gives students an opportunity to help accomplish this.

Professor Young stressed the implications of the proposed arrangement upon problems of attrition and recruitment. Doctors are in short supply. Cornell must compete with other universities which pay higher salaries and offer greater perquisites. Doctors are unlikely to take a position where working arrangements are onerous.

Assistant Professor Peter J. Sharfman, who was identified by Vice-President Cooke as the principal author of the provision for a Board of Student Health, pointed out that this Board is a compromise developed to meet the concerns of Professor Miller and Professor Young. It is not discriminatory with regard to their Faculty privileges since there are other people in the University having Faculty status whose main duties are not teaching and who may enjoy less than complete academic freedom. Given their control, direct and indirect, of four-ninths of the membership of the Board, the medical staff will have a strong voice on it. He reported that, after much discussion, the Assembly concluded that the Health Services perform a service function to the community and as such should be responsible to the community. The Assembly was unwilling to abandon that position. Professor Miller then made it clear that the document is not acceptable to him; all revisions that he had requested had been rejected.

Associate Professor John Doris observed that five out of twenty positions in the Health Services are currently unfilled. In view of the importance to the community of efficient health services, he suggested having a group appointed by the President, which would be representative of students and Faculty, find the most appropriate place for the Health Service in the University structure. What could we lose, he asked, by further consideration? Miss Zellin recognized that serious problems exist in the Health Services, yet she cannot understand why it is onerous to put these services under the Division of Campus Life. The object is to improve the Health Services, which are of prime concern to the community.

Professor Paul L. Hartman expressed concern about other parts of the document. Specifically, he wondered why Faculty review of Senate action would not appropriately parallel Senate review of Faculty action. He also wondered what courses of action are available to the Faculty with regard to the document. Dean Miller replied that in a few minutes he planned to request members of the Faculty desiring substantive changes in the document to identify these changes in order that they can be presented for a vote at a future meeting of the Faculty. Responding to Professor Hartman, Mr. Richwald noted that in the process of compromise, students, to the vast disappointment of many of their number, were left without any legislative power over academic matters, with the exception of a miniscule provision for innovation. Since the Faculty is equally represented in the body dealing with community concerns and in all probability is more than equally represented by virtue of its more consistent attendance, it seems inappropriate to provide for Faculty review of Senate action.

Professor Jean Failing wondered whether the Senate would prepare detailed budgets for the units under its jurisdiction, such as housing. Professor Olum replied that it is the intent that the Vice-President for Campus Affairs will make a budget for the units under Senate jurisdiction in accordance with the usual procedures for budget-making. This budget will go to the Senate for approval, subject to the usual constraints on the availability of funds. He noted that the arrangement rests on the assumption that the members of the Senate will be reasonable people. Professor Miller wondered whether the Senate would have power to hire, fire, and set salaries. Professor Olum noted that Article VII, Section 4, provides that employees shall be responsible to the Senate only through the Vice-President for Campus Affairs.

4. PROVIDING FOR FACULTY ACTION

Dean Miller returned to the chair. He then invited members feeling compelled

to request changes to identify those changes and to transmit them to his office in writing at an early date.

Professor Bruckner asked whether Faculty approval of the document is necessary in view of the requirement for campus approval. It was established that in addition to campus approval the University Faculty and the Trustees must approve the document.

Professor Raymond Bowers asked whether it is possible for the Faculty to register "no objection" to the parts of the document dealing with community concerns and simply vote on the four matters of direct concern to it. Professor Olum replied that the Faculty must accept the entire document. Although it has the power to require changes as the price of approval, he hopes that after the Faculty concentrates on matters that concern it most directly it will pass the document, recognizing that the Trustees will scrutinize the document closely. Professor Bowers stressed the need to avoid a line-by-line review of the document and urged approval with the exception of the four matters of direct concern to the Faculty.

Dean Miller said that if the Faculty should decide to vote on the document next week, he intends to assemble a group drawn from the Faculty Council and perhaps from the Executive Committee of the Constituent Assembly to prepare a flow chart to govern that meeting.

Professor Hartman inquired about whether Faculty reservations had to go back to the Constituent Assembly and if so, could that group be reassembled. Vice-President Cooke replied that if changes are required the document must return to the Assembly. Dean Miller suggested an alternative procedure if it is acceptable to the Elections Committee: to wit, listing changes required by the Faculty as proposals in referendum.

Professor Alexander rose to say he would present a reservation to the document

based on his statement at this meeting. Mr. Broydrick inquired about what his reservations would do substantively. Professor Alexander replied that time is needed to review the whole situation and that members of the medical staff are being treated differently from Faculty elsewhere in the University.

Professor Peter Stein said he was disturbed, but perhaps not to the point of requiring a change, by the open-ended character of the last sentence of Article VII, Section 2, and by the provision whereby another body determines part of the Faculty's representation on the Board of Trustees.

Associate Professor Richard Polenberg said he would call for a change whereby Article I, Section 3, would read, "By majority vote have the power to require the reconsideration of any vote taken by the University Faculty."

5. DATE FOR FACULTY ACTION

Professor Alexander moved as follows:

*That the meeting to consider the Senate proposal
be held on February 11th.*

Following a second, Professor Peter Stein moved to amend by substituting the date of January 14 in order that consideration by the Faculty would precede the community referendum scheduled for February 2. Professor Herbert J. Carlin opposed the substitute motion on the ground that it allows insufficient time to discuss the issues that have been raised. At this juncture a point of information was requested: why must the campus referendum be held on February 2? Assistant Professor Scott McMillin replied that if the hope to have the Senate operational this spring is to be realized, in view of the elaborate ratification procedure, an early referendum is necessary.

Professor Richard P. Korf then urged the Faculty to take time to reflect upon the possibility of passing the document so that the Assembly does not need to be reconvened. He hoped that those proposing to make changes do not do so.

Professor Bruckner then urged rejection of Professor Stein's amendment on the ground that many Faculty members are away from the campus and that two weeks is too short a time to consider such serious matters.

At this point, the question was called and the amendment was defeated by voice vote. The main motion was then passed by voice vote without opposition.

Adjourned 5:05 p.m.

Gould P. Colman, recorder

The President called the meeting to order in Bailey Hall at 4:40 p.m. Some 470 members were present. The minutes of the special meeting of the Faculty on January 8, 1970, were approved as distributed. [Previously, the Recorder was informed that remarks attributed in those minutes to Professor John D. Hartman were actually those of Professor Paul L. Hartman].

1. NECROLOGY

The President announced the deaths of *A. Henry Detweiler*, Professor of Architecture and Associate Dean, College of Architecture, Art and Planning; *Marius P. Rasmussen* Professor Emeritus of Agricultural Economics; *Eben S. Reynolds* Associate Professor of Hotel Accounting; *Thomas J. Schoch*, Professor of Human Nutrition and Food; and *Dr. Gene A. Welch*, Assistant Professor of Clinical Medicine in the University Health Services.

He then yielded the chair to Professor William Tucker Dean.

2. COMMITTEE ON NOMINATIONS

Professor John Loosli, chairman of the committee, reported the slate of nominations for the election of a Faculty Trustee. The slate is *Urie Bronfenbrenner*, Professor of Human Development and Family Studies and Professor of Psychology; *Edmund T. Cranch*, Professor of Theoretical and Applied Mechanics and Associate Dean, College of Engineering; *Louise J. Daniel*, Professor of Biochemistry and Molecular Biology; *Jean T. McKelvey*, Professor, Department of Collective Bargaining, Labor Law and Labor Movements; *Paul Olum*, Professor of Mathematics; and *Clinton Rossiter*, John L. Senior University Professor of American Institutions, Government and History.

Associate Professor Herbert Mahr objected to the slates of nominees for Faculty Trustee and for Faculty Council on the ground that since they include no

assistant professors they do not fully reflect the range of interests of the Faculty, which tend to vary with the age and rank of faculty members. Professor Loosli replied that the committee had considered the problem; its solution is to include assistant professors among the nominees for other important committees. He invited nominations from the floor. There being none, he moved adoption of the slate for Faculty Trustee. The slate was approved by voice vote with several members dissenting. Professor Loosli then reported the slate for the election of four members of the Faculty Council. The slate is Paul R. Broten, Professor of Hotel Engineering vs. Jeremiah J. Wanderstock, Professor of Hotel Administration; David Dropkin, Professor of Mechanical Engineering, Thermal Engineering vs. Arthur L. Ruoff, Professor of Materials Science and Engineering; Donald P. Greenberg, Associate Professor of Architecture vs. Barclay G. Jones, Professor of City and Regional Planning; and A. Richard Seebass, Associate Professor of Aerospace Engineering vs. Richard N. White, Associate Professor of Civil Engineering, Structural Engineering.

After inviting additional nominations, he moved its adoption. This was done by voice vote with several "no's."

3. ADMISSION OF STUDENTS TO MEETING

Associate Professor Frank Rosenblatt moved the following:

RESOLVED, That a delegation of student members of the Drafting Committee of the Constituent Assembly be permitted to attend this meeting of the University Faculty for the purpose of answering questions on the University Senate Proposal. It is understood that these students shall absent themselves, at the direction of the Chair, during the taking of any substantive vote.

The Chair stated that this motion to suspend the rules requires a two-thirds vote, rather than unanimous consent as it had ruled the last time the matter of

student attendance was raised. Professor Rosenblatt urged the Faculty to view the presence of these students as a resource for obtaining information about student opinion, rather than as an effort to pressure members of the Faculty. He also noted that the presence of students was a reasonable courtesy in view of their contribution in preparing the Senate proposal. The motion passed by voice vote with several "no's." At this time Walker C. Baugh Jr., James C. Rice, William B. Broydrick, Eric A. Freedman, and Gary A. Richwald were admitted.

4. ACTION ON SENATE PROPOSAL

Dean Robert D. Miller introduced the following motion on behalf of the Faculty Council, as distributed with the call to the meeting.

1. *This faculty favors the establishment of a Cornell University Senate and, in order to expedite its founding, accepts the Proposal for a University Senate adopted by the Cornell Constituent Assembly.*
2. *It is the sense of this faculty that some provisions in the proposed constitution may need to be reformulated, and that the University Faculty intends to propose amendments to this end for consideration by the Senate at an early date after its inauguration.*
3. *As a specific example, it is the sense of this faculty that the delivery of effective and responsive medical services to the Cornell Community requires the following alterations in Article VII, Paragraph 3, of the Proposal for a University Senate:*
 - a. *The phrase "... and the Vice President for Campus Affairs." shall be deleted and replaced by the following:*

... and an administrative officer of the University appointed by the President. The Vice President for Campus Affairs shall serve ex officio and without vote.
 - b. *The phrase "... and the Board of Student Health shall determine the detailed budgets." shall be deleted and replaced by the following:*

... and the categorical budget shall be prepared by

the Director of the University Health Services with the consultation and approval of the Student Health Board.

President Corson stated his views on the Senate Proposal and his position regarding Faculty action on it. After commending the Constituent Assembly for having achieved agreement on a plan and noting that the Board of Trustees favors the three main objectives of the proposal, he hoped that the Faculty would let technical difficulties with the document be corrected by the constituencies involved in accord with the principle of good faith. He hoped that the Faculty, after due deliberation, would vote "yes" or "no" on the proposal rather than become involved in a debate on its details. The Senate Proposal, he reminded the Faculty, would not result in any dilution of responsibility for governing or administering the University; these functions would remain the responsibility of the Trustees and the President, respectively. [For complete text, see Cornell Chronicle, February 12, 1970].

Dr. E. Hugh Luckey, speaking as a member of the University Faculty in the Medical College and as chairman of an ad hoc committee appointed by an assembly of faculty and students from the Medical College, the School of Nursing, and the Graduate School of Medical Sciences, read for the information of the University Faculty a resolution passed unanimously by that assembly on February 5th. The resolution formally disassociated the Cornell medical community in New York City from the proposal for a University Senate and stated that since its system of governance had been affected contrary to its expectation, by the provision in the Senate proposal for ten new Trustees, it would seek authority to form a body representing the Cornell medical community which might also seek representation on the Board of Trustees.

Professor Peter C. Stein introduced the following substitute motion, which was distributed at the door.

1. This Faculty favors the establishment of a Cornell University Senate, and accepts the Proposal for a University Senate adopted by the Cornell Constituent Assembly, with the exception of those items listed below.
 - a. In Article VII, Section 2, the sentence "Other non-academic functions...may be added to this list by a three-fifths vote of the Senate."
 - b. Article III, Section 1, b and c.
2. The Faculty suggests the following modifications to the above mentioned sections, and indicates its willingness to accept them subject to these changes.
 - a. In Article VII, Section 2, the last sentence shall read "Other non-academic functions intended to enrich or expand campus life may be added to this list by a three-fifths vote of the Senate, providing that such action of the Senate is not overruled within 60 days by simple majorities of either; a) a referendum of all students on the campus together with all persons employed by Cornell University, excluding members of the University Faculty; or, b) a meeting of the University Faculty; or, c) a meeting of the Board of Trustees. A referendum shall be conducted by the Senate upon presentation to the Senate of a petition bearing the signatures of three percent of those eligible to vote in a referendum."
 - b. The Faculty endorses the inclusion of student trustees and community selected trustees on the Board of Trustees. However, the Faculty shall propose to the trustees its own representation on the Board of Trustees. Therefore, the Faculty wishes to delete parts b and c of Article III, Section 1.

Professor Stein stressed that his substitute motion requires the Faculty to discharge responsibilities by critically examining the recommendations of the Constituent Assembly. He reminded the Faculty of its resolution of May 7, 1969, which stipulated that the Faculty could reject particular recommendations of the Constituent Assembly. To take the position that good faith requires blanket acceptance of the Senate Proposal is to invite difficulty in the future. To approve a document with serious flaws will lead to misunderstanding and confrontation. Referring to the open-ended nature of Article VII, Section 2,

he noted that his provision for disapproving additions to this list of functions meets the need for an expeditious procedure while retaining the Faculty's responsibility for determining what is academic. Furthermore, the tendency of a legislative body to expand its power should be checked by requiring it to obtain this power from its constituents. As to Faculty representation on the Board of Trustees, he resents another body telling the Faculty how it shall select its representatives.

In opposing the substitute motion, Professor Paul Olum asked the Faculty not to exercise its right to make a detailed review of the proposal because the Constituent Assembly had proved to be a representative and responsible body, faculty members had dominated its deliberations at all times, and the final vote on the proposal of 204 to 21 indicated overwhelming approval by faculty members in the Constituent Assembly. He does not think the items of concern to Professor Stein are significant enough to justify attempting to reconvene the Constituent Assembly. He feels that the provision for expanding the functions of the Division of Campus Life by a three-fifths vote of the Senate is a reasonable compromise. Furthermore, the difficulties in obtaining a three-fifths vote of the full body serve as an effective safeguard to the Faculty. Finally, the fact that the Senate must operate with powers delegated by the Board of Trustees serves to protect the Faculty from inappropriate acquisitions of power by the Senate.

Professor L. Pearce Williams asked Professor Stein to withdraw his substitute motion so that the Faculty Council motion could be split into two separate motions: 1) does the Faculty favor the establishment of a Senate and 2) if so, does it wish this to become the enabling document. This division would give the Faculty more freedom to execute its responsibilities, enable it to inform students how it feels about the proposal, and finally, permit it to

achieve clarity in a difficult situation. Professor Stein did not choose to withdraw his motion.

Professor Paul P. Van Riper moved to divide Professor Stein's substitute motion so that 1 and 1a are considered together and 1b and all of 2 are considered together, on the basis that the matter of Faculty representation on the Board of Trustees is substantially different from the question of determining what is an academic matter. Professor Stein agreed to divide his motion. After some discussion of parliamentary procedures and some confusion about what parts of the substitute motion were now grouped together, it was established by Professor Stein that the first unit of the divided motion should contain 1, 1a, 2, and 2a, and that the second unit should contain only 1b and 2b. Following a request for information about what is now substituted for what, the Chair indicated that the two parts of the substitute motion, as divided, are a substitute for the Faculty Council's motion.

Professor John H. Whitlock objected to the attempt to amend the document from the floor. He said there is only one problem before the Faculty: whether negotiations for the delegation of power from the Board of Trustees are to be carried on in a senate or whether it will be necessary to reconvene the Constituent Assembly. The President and the Board of Trustees have promised to make the Senate proposal workable; the Faculty cannot do it here. He then moved to table the motion of Professor Stein and the motion to divide. The Chair ruled this motion out of order after Professor Stein noted that the speaker had made an argument and then moved to table.

Professor Donald Cooke urged that the Faculty not start down the long road of amendment. He would like the Faculty for once to say "yes" or "no" to a matter before it.

Professor Cushing Strout said he would like to see the Faculty debate the

matter without being stamped into a "yes" or "no" response. The Faculty does not perform its function of educating students when it appears to the students to have accepted a reasonable proposal under duress. While the "reasonable men" argument of Professor Olum is appealing, the behavior of faculty members last spring casts doubt on its validity. Further doubt is cast by differences of opinion in the Constituent Assembly concerning the distinction between academic and non-academic.

Professor Peter Auer noted that the Senate and Division of Campus Life are not synonymous as some speakers have implied. The issue Professor Stein raises is what functions should come within the Division of Campus Life. Since that is the only issue under discussion, the motion he proposes will serve no purpose.

Assistant Professor David B. Wilson moved to table all previous motions and close off debate. Some discussion followed about whether the motion to table necessarily included the Faculty Council motion. On the advice of the parliamentarian, the Chair ruled that it extended that far but no further, i.e. it covered both parts of the Stein motion but not the Faculty Council's motion. Rising to a point of order, Professor Joel Silbey reminded the Chair to ask the students to withdraw during the vote. The Chair did so. The motion to table passed on a voice vote and discussion returned to the Faculty Council's motion.

Professor Fred Marcham took the position that the poor draftsmanship in the Senate document goes beyond technicalities to the issue of whether the Senate is workable. He cited as examples of sources of potential difficulty ambiguous provisions concerning the accountability of individual Faculty members and the looseness with which the document defines the relationship of the Senate to other units of the University. He urged the Faculty to follow the example

of the Trustees and treat the document as an interesting effort that requires re-formulation. Certainly, the Faculty should not accept it at this time.

Assistant Professor James Matlack noted that while the language may seem faulty, the faults will appear in different places to different people. Much effort and compromise has gone into the document; it should be permitted to evolve. If the Faculty rejects the document or defers action it will break continuity with the events of last spring and make it very difficult, if not impossible, to establish a viable Senate. The Faculty should keep in mind that it will be well represented in the new body.

Associate Professor Gordon M. Messing urged rejecting the motion on the ground that the weaknesses of the document are so glaring that the Faculty is being asked to sign a blank check. He favors endorsing the Senate principle, then setting out to develop an adequate instrument.

Professor L. Pearce Williams then moved to amend the motion to read: The Faculty favors the establishment of a Cornell University Senate. Professor Williams urged the Faculty to get on record whether it wants a senate or not. Should it decide in the affirmative, he then would introduce another motion to deal with the enabling instrument. Discussion followed on whether this was indeed an amendment or a motion to strike that part of the original motion that followed the introduction. The Chair ruled that it was the latter. Professor John Harding said that as a Faculty representative in the Constituent Assembly he had witnessed parliamentary maneuvering to the point he had developed a feeling for hypocrisy. Professor Williams raised a point of order to the effect that he was being insulted. Professor Harding promptly disavowed any intent to characterize Professor Williams, but asserted that the effect of the motion would be to defeat any Senate document acceptable to the student body.

Another point of order was raised. Was Professor Williams' motion an

amendment to the Faculty Council motion or a substitute motion? The Chair ruled that it would treat the pending motion as a motion to divide the Faculty Council's motion. Following a moment of confusion over what motion was actually before the house, the motion to divide the Faculty Council's motion was defeated by voice vote. Following a call for a division, the vote was 156 in favor, 213 opposed.

Professor Whitlock cited a case where the Faculty was unperturbed about a grant of broad powers. He referred to a provision in the General Legislation of the Faculty which states that the Faculty, in general, has jurisdiction over academic policy. Why, he concluded, can't we have some confidence in the judgment of students.

Professor Julius Fabricant moved to amend Section 2 of the Faculty Council motion to read:

"It is the sense of the Faculty that some provisions in the proposed Constitution need to be re-formulated and that the University Faculty reserves the right to suggest such modifications."

Professor Raymond Bowers said the amendment should be defeated since what it seeks to accomplish is already provided for. Professor Fabricant replied that the Faculty Council motion provides that changes would be submitted to the Senate while the Faculty might prefer to submit changes to the Board of Trustees. Professor Olum asked whether the motion constitutes Faculty approval of the document with the thought that Faculty concerns would be submitted to the Board of Trustees to consider along with its own concerns. Professor Fabricant replied that his amendment was intended to be friendly; its intent is to have a channel open to the Trustees during the period when the content of the document is negotiated. The amendment was defeated by voice vote.

A vote was then taken on the Faculty Council motion. It passed, 307 in favor, 54 opposed.

The President called the meeting to order in 120 Ives Hall at 4:30 p.m. 280 members were present. He noted that in the Necrology section of the minutes of the previous meeting, Assistant Professor Gene A. Welch was associated with the Medical College, rather than with the Ithaca campus as he should have been. With this correction, the minutes were approved as distributed.

1. NECROLOGY

The President announced the death of Professor *J. Herbert Bruckner*, Professor of Poultry Science.

He then yielded the chair to Professor John H. Whitlock.

2. PROCEDURES

After reminding the Faculty about the rule concerning smoking in the meeting room, the chair obtained its consent to change the order of items on the agenda.

3. REPORT OF THE COMMITTEE ON ELECTIONS

Dean Miller summarized the report of the Committee on Elections, stating that the full report would be inserted into the minutes of the meeting. The report follows:

There were 998 ballots cast of which 980 were valid and the following were the results:

1. For the office of Faculty Trustee; the number of votes received by the several candidates were:

The Professor of Human Development and Family Studies and Professor of Psychology, Urie Bronfenbrenner, 430 votes;

The Professor of Theoretical and Applied Mechanics and Associate Dean, College of Engineering, Edmund T. Cranch, 386 votes;

The Professor of Biochemistry and Molecular Biology, Louise J. Daniel, 366 votes;

The Professor of Collective Bargaining, Labor Law and Labor Movements, Jean T. McKelvey, 231 votes;

The Professor of Mathematics, Paul Olum, 351 votes;

The John L. Senior University Professor of American Institutions, Government and History, Clinton Rossiter, 376 votes.

2. For a member of the Faculty Council for a three-year term, 663 ballots were cast, of which 448, a majority, were cast for the Professor of Hotel Administration, Jeremiah J. Wanderstock.
3. For another member of the Faculty Council for a three-year term, 655 ballots were cast, of which 331, a majority, were cast for the Professor of Materials Science and Engineering, Arthur L. Ruoff.
4. For another member of the Faculty Council for a three-year term, 679 ballots were cast, of which 423, a majority, were cast for the Professor of City and Regional Planning, Barclay G. Jones.
5. For another member of the Faculty Council for a three-year term, 676 ballots were cast, of which 347, a majority, were cast for the Associate Professor of Aerospace Engineering, A. Richard Seebass.

The names of Professors Bronfenbrenner, Cranch, and Rossiter will be presented to the Trustees for the selection of a Faculty Trustee.

Additional nominations were invited for the slate of nominees for faculty committees, which was distributed with the call to the meeting. There being none, the slate is as follows:

For the Committee on Academic Freedom and Tenure, 2 to be elected

RAPHAEL M. LITTAUER, Professor of Physics, Nuclear Studies
RICHARD POLENBERG, Associate Professor of American History, History

GERTRUDE D. ARMBRUSTER, Associate Professor of Human Nutrition and Food
JOHN E. LOWE, Associate Professor of Veterinary Surgery

For the Committee on Academic Integrity, 1 to be elected

JAMES O. MORRIS, Professor, Industrial and Labor Relations
FRANK L. SPITZER, Professor of Mathematics

For the Academic Integrity Appeals Board, 1 to be elected

JOHN M. ECHOLS, Professor of Linguistics, Assoc. Dir. S.E. Asia Program,
Asian Studies and Assoc. Dir. Modern Indonesia Project
J. PAUL LEAGANS, Professor and Chairman, Graduate Program in Extension
and Adult Education

For the Committee on the Economic Status of the Faculty, 1 to be elected

WENDELL G. EARLE, Professor of Marketing, Agricultural Economics
RICHARD R. WEST, Associate Professor of Finance and Associate Dean,
Graduate School of Business and Public Administration

For the Committee on Nominations, 3 to be elected

MALCOLM S. BURTON, Professor Material Science and Engineering and
Acting Associate Dean, College of Engineering
HOWARD E. EVANS, Professor of Veterinary Anatomy and Secretary of
the Veterinary College

GEORGE GIBIAN, Professor and Chairman, Department of Russian Literature
WILLIAM W. LAMBERT, Professor of Sociology, Psychology, Anthropology

HAROLD R. CAPENER, Professor and Head, Department of Rural Sociology
KENNETH W. EVETT, Professor of Art

For the University Hearing Board, 1 to be elected

ALBERT SILVERMAN, Professor of Physics, Nuclear Studies
WILLIAM C. DILGER, Associate Professor of Ethology, Section of
Neurobiology and Behavior

For the Committee on Student Affairs, 2 to be elected

RICHARD D. BLACK, Associate Professor of Agricultural Engineering
FRANCIS W. SAUL, Associate Professor of Architecture

JAMES H. MATLACK, Assistant Professor of English
MARSHALL W. MEYER, Assistant Professor, Industrial and Labor Relations

For the Student-Faculty Adjudicatory Boards, 2 to be elected

HARRISON W. AMBROSE, III, Assistant Professor of Biology, Neurobiology
and Behavior

ANNE McINTYRE, Assistant Professor of Human Development and Family
Studies

THOR N. RHODIN, Professor of Applied Physics
LAWRENCE K. WILLIAMS, Associate Professor, Industrial and Labor Relations

For the Board on Physical Education and Athletics, 1 to be elected

GLENN W. HEDLUND, Professor of Agricultural Economics
L. PEARCE WILLIAMS, Professor of History of Science and Chairman,
Department of History

For the Board on Student Health, 1 to be elected

DOUGLAS R. BROWN, Associate Professor of Hospital and Medical Care
Adm. and Dir., Health Adm. Development Program, B&PA
JEAN T. SNOOK, Associate Professor of Human Nutrition and Food

For the Committee on University-ROTC Relationships, 2 to be elected - 3 yr. term

ARTHUR A. MUKA, Professor of Entomology
ROBERT J. YOUNG, Professor of Animal Nutrition and Head, Department
of Poultry Science

CHARLES D. GATES, Professor of Sanitary Engineering and Head, Department
of Water Resources Engineering
RAYMOND G. THORPE, Associate Professor of Chemical Engineering

For the Committee on University-ROTC Relationships, 2 to be elected - 2 yr. term

BART J. CONTA, Professor of Mechanical Engineering, Thermal Engineering
PETER H. CRAIG, Associate Professor of Veterinary Pathology, Physical Biology

FRANK ROSENBLATT, Associate Professor of Neurobiology and Behavior and
Director, Cognitive Systems Research Program
ARTHUR W. ROVINE, Assistant Professor of Government

For the Committee on University-ROTC Relationships, 2 to be elected - 1 yr. term

WILLIAM P. FISHER, Assistant Professor in Hotel Administration
BYRON YAFFE, Assistant Professor, Industrial and Labor Relations

EDWARD S. FLASH, JR., Associate Professor of Public Administration, B&PA
COURTNEY RIORDAN, Assistant Professor of City and Regional Planning

4. PRESIDENT CORSON'S ADDRESS

The President described the financial condition of the University. After listing the causes of what he indicated is a serious situation, he identified the priorities that will guide the University in the process of bringing expenses into phase with income. In concluding this topic he invited help and advice from the Faculty.

The President then turned to the policies that govern the admission to Cornell of black students, and particularly of black graduate students. Before discussing events and positions bearing upon that policy, he expressed his regret that whites in the Cornell community appear unconcerned about a recent incident at Wari House; he invited the Faculty to help him prevent irresponsible acts in the Ithaca area. He then described recent negotiations with a group of black graduate students who are seeking a program of increased admissions. He reminded the Faculty that he is committed to increasing the number of black students at Cornell until they are in proportion to the percentage of blacks in the U.S. population. To achieve this objective at the graduate school level, graduate fields must review their admissions criteria. He identified six steps which will be undertaken to realize

the long term goal of increased admission of black students and referred to negotiations to increase the number of black undergraduates. In conclusion, he invited ideas and comments from the Faculty. [The entire text of the President's address appears in the Cornell Chronicle for March 12, 1970.] *Attached*

5. BOARD ON TRAFFIC CONTROL

In introducing plans for traffic circulation and parking, Professor James W. Spencer, Chairman of the Board on Traffic Control, stressed that this presentation was not intended to circumvent consideration of these matters by the University Senate. Rather, the present report is intended to introduce to the Faculty tentative solutions to problems caused by shrinking parking space, increasing peak hour traffic congestion, increasing hazards to pedestrians, and extensive parking violations.

James D. Parkes, Assistant Planning Officer, described possible solutions for the period to 1980. One plan involves a loop road around the campus on which buses would pass between five parking areas. A restricted area at the center of the campus would be controlled by means of entrance booths to achieve something approaching a walking campus. However, the economics of the situation make it necessary to preserve some 900 parking spaces within this area. In substantiating the need for such a plan, he indicated the effects that currently projected building construction will have upon campus parking. He then described an alternative scheme to provide parking in the central area of campus by means of parking garages. This alternative also involved the traffic loop and a bus scheme, but has the disadvantages of high cost and of occupying land that may be better used for other purposes. A third alternative involved a combination of parking garages, outlying parking lots, and a bus system; though not as expensive as the second alternative, this would also require expenditure of large sums.

Professor William Maxwell indicated that plans for next year involve re-

stricting traffic on Central Avenue, changing the categories of parking permits, making new provisions for visitor parking and for metered parking, introducing jitney service for personnel in outlying locations, introducing fees on a sliding scale to reduce demand for parking at choice locations, an expanded bus service, and control over night-time parking.

Associate Professor Jack W. Hudson, Zoology, presented the following petition, which he indicated was signed by all of the 22 faculty members working at Langmuir Laboratory. "The undersigned professors all have offices and research laboratories off campus, and perform teaching and committee activities on campus. On the average we visit the campus twice each day. We currently suffer a financial disadvantage because all this travel is at our personal expense. We submit that it is obligatory that we perform this travel by private automobile, because of the excessive time which would be spent in utilizing buses several times each day. We submit that we should not be subjected to additional financial disadvantages in using private cars for this purpose."

6. ADMISSION TO MEETINGS

Dean Miller introduced the following motion on the recommendation of the Faculty Committee on Student Affairs. He indicated that it had been drafted with assistance from several members of the Faculty Council but was not being introduced as a recommendation by the Faculty Council since other matters had prevented the Council from completing a discussion of the subject.

RESOLVED:

That, within limits imposed by convenience and order, space be allocated by the Dean for seating visitors at meetings of the University Faculty, and

That, it is the sense of this faculty that free expression of views might be inhibited if it were believed that persons taking positions in a faculty meeting would be identified in news reports prepared by visitors to the meeting. Accordingly, the Faculty enjoins visitors to refrain from reporting positions taken by individuals and to refrain from bringing or using either cameras or sound recording equipment.

Professor Dalai Brenes, Romance Studies, said that since the University is soon to have a Senate, the Faculty would do well to have a place to commune with itself. Furthermore, reports in news media and particularly in certain local news media, are less than exact; corrections never catch up with errors.

Elmer E. Meyer, Jr., Dean of Students, supported the motion on the basis of his experience in the Faculty Committee on Student Affairs and the Ad Hoc Committee on Student Housing. He believes the press can be educated to operate within guidelines established by the Faculty. The Office of Public Information, in cooperation with the Dean of the Faculty, could provide a service where the press could check statements for accuracy. While some members of the Faculty might speak differently with the press present than they would otherwise, this is not necessarily a bad thing. The motion should be supported because it opens new channels for communication and trust to people in the community who want to know what the Faculty is doing.

Associate Professor Gordon M. Messing, Classics, opposed the motion. It is important to maintain an atmosphere where Faculty members feel free to discuss whatever is at issue. Many delicate matters may soon come before the Faculty; members should not be inhibited from saying things that some people in the community may dislike.

Dean Miller pointed out that the Faculty could exclude visitors by majority vote. It did not seem necessary to include this statement in the motion, since it is in Robert's Rules of Order, which governs Faculty meetings.

An unidentified member, in opposing the motion, asserted that a similar motion had been voted down before. Furthermore, opening meetings to visitors would lead to a situation where matters would be settled at rump sessions. Professor Brenes noted that means are presently available for keeping the press informed about the content of Faculty meetings and for admitting visitors to meetings. He is particularly concerned about having his positions misrepresented by the press.

Professor Ulric Neisser, Psychology, opposed the motion. The degree of participation in faculty meetings has been low since the April crisis. Meaningful discussion will be even more difficult to achieve if meetings are open to the press. While he is sympathetic with the intent of the motion, he will oppose it until Faculty members recover enough confidence to speak up.

Professor Paul L. Hartman, Physics, said that he would like to see what procedures the Senate sets up before adopting the motion on the floor.

Professor Vance Christian, Hotel Administration, spoke from his viewpoint as Chairman of FCSA concerning the intent of the motion before the Faculty. FCSA would like the Faculty to open its meetings and those of its committees to visitors in order to give students greater confidence in the deliberations of the Faculty. If the University Faculty is not prepared to open its meetings he would like it to consider opening meetings of faculty committees that are concerned with student activities. As to FCSA's admission of visitors, it has not proved difficult to establish guidelines to govern their behavior.

W. Jack Lewis, Director, Cornell United Religious Work, urged support of the motion because it will further a sense of community at Cornell. Faculty meetings deal with moral and ethical questions of interest to the entire community. Procedurally, the motion is only an extension of the existing arrangement whereby visitors are admitted by permission of the Dean.

Associate Professor Neil Brice, Electrical Engineering, said he favored the objective of the motion but was concerned about its wording. He moved to postpone further consideration until the next Faculty meeting.

The chair invited debate on that portion of the motion concerning the date. There being none, the chair requested a show of hands after a voice vote on the motion to postpone proved indecisive. The motion was defeated.

A motion to terminate debate by calling the previous question was approved without dissent, but not without interim confusion as to the purpose of the motion. The main motion was then put to the house and was defeated by a voice vote.

Adjourned 6:10 p.m.

G. P. Colman, recorder



Here are the remarks prepared by President Corson for delivery to the University Faculty at its meeting Wednesday night:

"My purpose today is to give you the facts about the serious financial situation in which the University finds itself and to tell you how I propose we deal with the problem, including the priorities we shall maintain. For the most part I shall be talking about the endowed colleges, although I shall also have something to say about the statutory colleges. I can tell you the conclusion at the very beginning; we are faced with a serious financial problem and it will require valiant efforts to solve it. For whatever comfort there is in the fact, almost every university and college in the country is in similar trouble. Our particular problems are, however, less serious than those of some of our sister institutions.

"For the past decade or more there has been a rapid rise in the cost of higher education per student; the annual increase in instructional costs in private institutions has been about eight per cent. Costs in public institutions have risen at a somewhat lower rate. This rapid growth, representing a doubling of annual cost per student in about nine years, has been during a period when the economy-wide rate of annual increase in costs has been about 10 per cent.

"There are many reasons for this rapid rise and I will not detail them here. Suffice it to point out that library costs are skyrocketing, a yearly increase of something like 15 per cent simply to assure the same service. I need hardly say that deficit budgets can hardly meet such challenges. Computers, expensive tools to which educational scene. There have been growing numbers of graduate students for whom instructional costs per student have been high. The productivity of the faculty, by the very nature of the business, however, remains more or less constant.

"During this period of rapid rise in the cost per student it was to be presumed that costs would outrun income. In private institutions, the result has been deficits. In public institutions, savings factors and cutback in programs have been applied. At Cornell, in the endowed colleges, we have had successive annual deficits of about a quarter million dollars, half-million, half-million, and last year, \$1.8 million. This year it appears that the deficit will be somewhere between \$2 and \$3 million. Again, for whatever comfort there is in the fact, some of our sister institutions are running deficits greater than \$10 million this year.

"How do you meet a deficit? There must be money in the bank to pay the bills, and this money must come from somewhere. In our case there are two sources. Until now the bills have been paid by drawing on reserves, built up over a period of years by small operating surpluses. This year may well see the end of those reserves, and then we shall be left only with capital funds, i.e. the principal of the funds in the University's investment pool. In New York State only unrestricted capital funds, i.e. those which were given to the University under conditions which permitted spending the principal, are available to meet deficits. The endowed colleges in Ithaca have approximately \$25 million of such funds. If we allow the deficits to grow, it is obvious that this sum will not long suffice. Every dollar spent from this pool, furthermore, decreases the annual income for the future, and prudent management demands that these capital funds should not be invaded at all.

"Once an annual operating deficit exists, it is a truism that it will continue to exist forever unless income can be made to exceed expense. We are living in a time, however, when expense persistently exceeds income. For next year, we are doing everything possible to increase income and we are taking major

steps to hold down expense and still, as of now, we cannot project a deficit for the '70-'71 year of less than \$2.5 million. Even to achieve this, we're having to cut back programs by as much as five per cent.

"There are several uncontrollable expense factors which are working to defeat us. The first of these is inflation, which is growing annually. Maintenance costs, for example, are increasing around ten per cent a year. The debt service on borrowed money has doubled in six years, both through increased borrowings for new construction and from the extreme interest rates we now have to pay. Staff benefits, including social security, health care, life insurance, etc., have doubled in six years, representing about a 12 per cent per year increase. Salaries at all levels have risen rapidly. One factor in our present financial situation has been the practice in the State of New York to grant across-the-board salary increases on top of normal merit increases for state employes, exceeding the rate of inflation substantially. Statutory college staff has, of course, benefited from this State policy and we have tried to achieve the same benefits for the endowed staff at approximately the same rate. These policies have improved the standard of living for those on the University staff, but they have notably contributed to our deficit position. Last year the endowed college deficit was increased by approximately \$1 million from this source, and for the current year the increase will be more than a million.

"Another uncontrollable expense is that required to meet commitments made in the past to pick up ongoing programs initially supported by grant funds of one kind or another. As grants expire, these commitments now add something like a half-million dollars per year to the operating budget.

"Every effort is being made to increase income. Tuition and fees in the endowed colleges will go up \$250 next year, the biggest step Cornell has ever made and all that the Trustees will allow. The new tuition-fee figure will be \$2,600, which gives us the dubious distinction of sharing with a number of our Ivy League colleagues the privilege of being at the top of the tuition heap.

"We hope to have increased gifts. This year we are being aided immensely by a million dollar gift from an anonymous donor which we will receive provided there are increases over previous alumni gifts totaling a similar amount. Gifts, however, represent only a small fraction of our total income.

"Our Board of Trustees has sought to increase investment income by investing the totally unrestricted funds in the investment pool in a so-called Capital Fund, which is invested for both capital gains plus interest and dividend returns. By appropriating some of the capital gains for operating purposes, this fund returns a substantially higher rate than does the larger endowment pool.

"Consideration is being given to the acceptance of transfer students where excess upperclass teaching capacity exists and where qualified applicants are available.

"We have, for the first time this year, an appropriation of funds for private universities by the State of New York, the so-called Bundy money. This year it amounts to about \$1.3 million and next year we expect \$1.5 million for Cornell.

experiencing cuts in income. At the present moment, the federal budget does not include the teaching funds for the Land-Grant Colleges. For Cornell this represents a cut of about \$330,000 in the endowed colleges, and \$220,000 in the statutory colleges. The last time this cut was included in the President's budget, we were fortunate enough to have it restored by Congress, and we shall do our best to have it restored this year. Another distressing loss of income is through restricted funds we have received for the support of graduate students. Such funds which have been available from foundations, from industry and from the Federal government are being withdrawn at an alarming rate.

"In order to hold down expenses we shall restrict the number of new positions provided for in next year's budget. Typically, we add 100 to 150 entirely new positions in the endowed colleges each year, but this rate cannot be sustained at the present time. We are concerned about teaching efficiency insofar as there are rather large numbers of small classes, i.e. classes with fewer than ten students, at the upper-class level. I am in no position to say what savings can be achieved through reductions in such classes, but we must not disregard this situation.

"We shall use restricted funds whenever it is possible to find such funds for particular purposes. However, in budgeting these funds we shall pay more attention to future commitments which may be involved than we have done in the past.

"We are making a major effort to improve the efficiency of the business and financial operations of the University. We have appointed a new Vice President for Administration, Mr. Samuel Lawrence, who will have broad business and financial responsibility. At the same time, we are having a study made of the administrative organization and operation of the University with the hope of improving both quality and efficiency.

"We are joining with our sister universities in the Ivy League to combine athletic expenses to see where these might be reduced.

attempts to increase income and cut expenses, it is important that we have before us some clearly defined principles and priorities. In the first place, we shall maintain salary standards and remain competitive for manpower at all levels of academic and non-academic staff. To maintain the quality of the University we must have competent staff.

"At the January Board of Trustees meeting, the Trustees endorsed three other specific priority areas which I recommended to them. The first of these is the COSEP Program. We must expand and strengthen this program if Cornell is to play its proper role in achieving the objectives which we previously stated, and which were set forth in the Carnegie Corporation-Kerr Commission Report published last week. Our goal will be a percentage of minority students in the University equal to the percentage of minority members of the general population. The time scale to achieve this goal will necessarily depend upon funds we can acquire, including some from new (probably government) programs. Last September, four per cent of our entering freshman class represented minority groups. Next September the number will probably be about six per cent.

"Another area of high priority is that of social and environmental studies. Universities in general and Cornell in particular must find the proper role in helping solve the big social problems before us and in providing graduates to help solve such problems.

"Finally, we must emphasize the general area of the humanities. In our technological society we must find ways to keep in clear focus the values represented by the humanities and the arts.

"In stating these high priority areas, we must realize that nobody will get the moon. To push new programs, old programs will have to be abandoned, and this is always painful.

"As far as the statutory colleges are concerned, we have had substantial savings factors imposed on us for the last two years. These factors have resulted in decreased and other

budget for '70-'71 has substantial improvement built into it and we are hopeful. We have also had an increase in Federal funds which affect the statutory colleges. The Hatch Act Research Funds, for example, are up \$200,000 and Extension Funds are up \$1.6 million. I have already mentioned the possible loss of the teaching funds, however, which amount to \$220,000 in the statutory colleges.

"As far as research support is concerned, we have all seen the bleak prospects ahead of us. Most Federal agencies have been cutting back substantially and we have lost some major research grants, and have had heavy cutbacks in others. However, overall we have more research grants and contracts in effect now than we have ever had before and so far we are doing better than we had previously anticipated.

"In conclusion, it is appropriate to ask how long this belt tightening will continue. I can only say I do not know, but I do not see any immediate relief. I anticipate continued tuition and fee increases, and continued program limitations. I do know that I and my administrative colleagues will need all the help and advice we can get.

"I shall keep the Faculty and the entire community informed about the University's financial position as it evolves.

"I would now like to turn to future policy concerning black student admissions, most particularly the admission of larger numbers of black graduate students. This is my first opportunity to discuss this question with the University Faculty since the Board of Trustees, at its meeting in January, affirmed Cornell's responsibilities in the area of black student admissions.

"Before I get into the discussion of black students, however, I would like to express my regret at what appears to be a lack of concern by the white community about the Wari House incident in the early morning hours of February 22. Someone threw a kerosene-filled construction flare pot at Wari House, where some dozen black women students live, and it landed on the porch. Fortunately

damage resulted. "Such a reckless act, which could have endangered the lives of the residents, is intolerable. Mr. (Arthur H.) Peterson, who was Acting President, issued a statement deploring the act and pledging every effort to apprehend the perpetrators to prevent a recurrence. I made a similar statement as soon as I returned to town, and the Educational Policy Committee of the Arts College also made a statement but there were no others.

"I hope you will join with me in creating an atmosphere on the campus and in town where such irresponsible acts will not happen again.

"Now for the graduate students. A small group of black graduate students met with me and Dean (W. Donald) Cooke of the Graduate School on February 17th to express their concerns. They made some telling points. They raised the apprehension that the rapid development of black studies programs at many predominantly white universities would drain away the faculty resources of this country's predominantly black colleges and universities; and that the present level of black graduate student admissions and enrollment at Cornell and elsewhere is drastically insufficient to provide future black faculty for all types of American institutions of higher education and for trained manpower to aid the development of the black community. They proposed that Cornell University should

develop a concentrated program of black graduate student admissions at a greatly accelerated pace over a period of three years, beginning in 1971.

"To quote directly from the memorandum which has already been made public: "Such a program, operating above and beyond the normal channels and levels of admission to the various graduate departments, would admit one hundred and twenty (120) black graduate students per year directly to the Graduate School, without departmental affiliation. Of course, a fully-staffed and equipped counseling and guidance office would be provided. Taking normal

to discuss the problems presented by the black graduate students with the Faculty Council at its regularly scheduled meeting the same day, March 4th; and on March 5th, I sent a memorandum to the Black Graduate Students Association expressing my position on the points raised. This is what I said:

Concerned Black graduate students at Cornell have made proposals and demands for increased enrollment of Black graduate students. For this reason and because of my own personal concern about this problem, it is important that I make clear my position on the issue and the steps which I believe are necessary for progress on this front.

As I indicated in my speech before the graduate faculty on February 27, I am committed to increasing the number of graduate students from minority groups at Cornell University, and within the bounds of my jurisdiction I will do whatever I can appropriately do to expedite such a program. I believe that special efforts will be required to bring about such an increase.

Considering the urgent needs of Black Society for persons with professional training and advanced academic capabilities, the present percentage of Blacks in graduate schools both in the Nation and at Cornell is wholly unacceptable. Ways must be found to increase these numbers until the percentage of Black students is a least equivalent to their percentage of the population.

Achieving this goal presents both short and long-term problems. The short-term problems in increasing the number of Black graduate students are the small number of applicants and their concentration in a limited number of fields of study. At Cornell, for 1970 admissions, one half of the Black applications do not have a single applicant. Many fields which might be of interest to potential candidates may not be known to them.

A large number of universities

are actively recruiting programs for Black graduate students. Accordingly there is severe competition. Despite a significant effort on our part, the number of applications is disappointingly small. To date, 135 Graduate School applications have been received, of which only 90 are complete in the sense of having a transcript and at least one letter of recommendation. Unfortunately the number of completed applications is not substantially greater than last year. During the recruiting period, volunteers were sought for the recruiting effort and all who wanted to participate were accepted.

Moreover, based on our experience, Black students to whom financial offers are made are likely to accept at the relatively low rate of 40 per cent.

In light of these considerations, progress can only be made if the fields of the Graduate School are willing to review their admissions criteria. A review of these criteria and admission experimentation are in order since a study made by the Graduate Faculty in May, 1969, shows that the rate of attrition of students who are provisionally admitted is similar, to that of students who are awarded NDEA Fellowships. However, you must realize that admission of graduate students is the responsibility of the fields of the Graduate School. While I am willing to encourage the fields in this direction, the final judgment as to whether an applicant can complete a graduate program must remain a decision within the faculty of the fields.

The faculty has been responsive to this problem and last year 60 per cent of the Black students who completed applications were admitted with financial support. It is too early to tell what the acceptance rate will be this year, but I hope that it will be at least that of last year.

The considerations which I have discussed above with respect to the short run problem obviously have implications for the long run as well. The dimension of the latter can be realized from the following:

striving to attain an equivalent population percentage, i.e. to achieve a Black graduate student population of say 15 per cent, there would have to be 625 completed applications. This assumes an admission rate of 60 per cent and an acceptance rate by students of 40 per cent.

To move us toward our long term goal and to deal with some of the immediate problems which I have identified, the following actions will be undertaken:

1. Dean (W. Donald) Cooke and I are meeting with the Graduate Field representatives to discuss admission of Black graduate students for the fall of 1970. We will encourage the

fields to admit students whose qualifications are as close to the lower limits of their normal standards as possible.

2. We will also encourage the fields to recommend for admission to the Graduate School students who would not normally qualify for support, but for which the Graduate School has limited special funds.

3. I am asking Dean Cooke to establish a Black graduate student-field representative committee to a) follow up the steps in 1. and 2. above, and b) propose plans for a longer range plan for the admission of Black graduate students which will dip deeper into the available pool of Black graduates.

4. I am prepared aggressively to seek funds to carry a program that might be developed by this committee.

5. The Cornell Graduate School has funds for recruiting graduate students and I am confident it will work effectively with the Black Graduate Students Association in developing recruiting programs of maximum effectiveness.

6. The Cornell Graduate School is sponsoring a national conference on the recruitment of Black students which will be designed to provide ideas and coordination for increased Black graduate enrollments in the graduate schools of the country.

The problem remains with us. Dean Cooke and I met with Graduate Field representatives on March 5. I had a reply this afternoon from the Black

Graduate Students Association to my memorandum. It is a reasoned reply, but I have not had an opportunity to study it or to discuss it with Dean Cooke.

"I must also advise the faculty that additional questions are being raised about the COSEP program and the admission of Black undergraduate students at the University. Some of these relate to the manner in which Black students are recruited, others to an increase of the number of Black undergraduate students including a significant number to be admitted provisionally. A group of Black undergraduate students called at my office on Monday, March 9th, and two members of the executive committee of the Faculty Council and Dean David Knapp, Chairman of the COSEP Committee, also participated in this discussion. There has not yet been time to formulate a response to questions concerning the recruitment and admission of Black undergraduate students.

"In all these questions I will continue to work closely with the Graduate field representatives, the COSEP Committee, the Faculty Council and the University Faculty as a body to the end that Cornell do as effective a job as it can in solving a great national problem. I will welcome your comments and ideas at any time."

1) Resolved that the University provide black guards for the Africana Studies Center, the Kati Co-op, the Elmwood Co-op and the house of Director James Barber.

2) Resolved that amnesty be granted to anyone involved in the incidents at the new Campus Store on Monday, April 5.

Further, in that Cornell is the predominant economic institution, and in that Cornell is tax exempt, we propose that the faculty:

3) Resolve that the University finance the rebuilding of the South Side Center, leaving funds already raised for this purpose to finance continuing programs at the Center.

The spokesman concluded by urging the representatives of the faculty to attend a meeting to be held that evening.

The President called the meeting to order at 4:55 p.m.* Some 600 members were present. After the minutes of the previous meeting were approved as distributed, the President relinquished the chair to Professor William Tucker Dean.

1. THE PRESIDENT'S ADDRESS (*Attached*)

In outlining events of the past week and in seeking to assess the present situation, President Corson emphasized the impact of the fire at the Africana Studies Center on the lives of the students and staff. The building, records, and other property were only part of the loss; important also was violence to the symbol black people were seeking to create. The black community views the fire in the context of an attack upon black people in American society. The President knows they have a strong urge to strike back.

* Prior to the meeting Dean Miller requested permission to admit a group of students who wished to make a statement. After an effort by several Faculty members to limit the number admitted, permission was granted on condition that the students leave promptly after presenting their statement. About 170 persons then took places on the stage, with some 30 more sitting with the Faculty. A spokesman, who did not wish to be identified, made the following statement:

"In that the destruction of the Africana Studies Center by arson and the continuing harassment of blacks create a situation of emergency on this campus, we demand that the Faculty take the following action:

1) Resolved that the University provide black guards for the Africana Studies Center, the Wari Co-op, the Elmwood Co-op and the house of Director James Turner.

2) Resolved that amnesty be granted to anyone involved in the incidents at the new Campus Store on Monday, April 6.

Further, in that Cornell is the predominant economic institution, and in that Cornell is tax exempt, we propose that the faculty:

1) Resolve that the University finance the rebuilding of the South Side Center, leaving funds already raised for this purpose to finance continuing programs at the Center."

The spokesman concluded by urging the representatives of the Faculty to attend a meeting to be held that evening.

The President gave an account of the fire and the procedures to relocate the Center in Dorm 8. He reported that on the morning of April 6 he had received demands from black students for black guards at six locations, transportation from Dorm 8, a new Africana Studies Center, rebuilding the South Side Center, giving complete responsibility for disbursement from the Africana Center Commitment Fund to Professor Turner, and additional provisions for physical security at Wari House. That afternoon he wrote to the BLF asking it to appoint a small committee to work with a small committee he would appoint in dealing with the issues at hand. Thus far there had been no response. The President reported that a guard had been on duty at Wari House since February 22; since the fire at the Africana Center, a guard has been established at additional locations. Arrangements have been made to provide transportation from Dorm 8. The only way a new building could be constructed for the Center by September would be to resort to prefabrication; the question of a location for such a building is unresolved. In the meantime other solutions were being explored.

The President read an address he had given that noon at a student rally. In it he reported what steps have been taken to investigate the Africana Center fire, to replace the space and materials that were lost, to provide greater personal security for blacks on campus, to rebuild the South Side Center, and to increase the number of graduate students. [The text of the President's address at the student rally appears on page 11 of the Chronicle for April 9, 1970.] After the rally he had met with a group of students (who were the ones who appeared at this meeting of the Faculty.) To a question about amnesty, the President had said the University would stick by its judicial system and he would not become involved in its operation. He noted that other students' questions had dealt with CAL, ROTC, and racism in the University and in society.

With regard to the Campus Store incident, the President urged the Faculty not to equate that event with the disaster on Wait Avenue. Prevention of hit-

and-run acts and identification of those involved is difficult because of the small size of the Safety Division and the hands-off position that Faculty members have taken with regard to identification.

As to the future, the President urged the Faculty to help create a climate where black students are comfortable. As new procedures are developed for determining priorities and for relating budgets to those priorities, he hopes to make sound judgments regarding black graduate and undergraduate programs. He urged the Faculty to bring wisdom and patience to problems involving black and white relationships within the University and society.

2. FACULTY RESPONSE

Professor Urie Bronfenbrenner responded to the President's report. He urged the Faculty to recognize that to do nothing significant in the present situation is to invite the destruction of the Cornell community. It is not enough to leave it to the President to respond. In view of the meaning of the Center to black students and faculty and its destruction in the context of events of last spring and more recent attacks on Wari House, it is vital that white Cornellians respond with understanding and positive action. Thus far the latter has been insufficient. Fortunately, the Ithaca community through its political and business leaders, is taking specific steps to replace materials lost in the fire. He then read a letter being sent to business leaders by the Chamber of Commerce.

Professor Bronfenbrenner observed that a concern for maintaining public order is appropriate. Public order, however, rests on and is sustained by a climate of trust and mutual concern. This climate does not exist. Indifference to activities that destroy this climate encourages polarization which can destroy the efforts taking place in the Ithaca community along with the hopeful actions taken by President Corson. For the purpose of moving toward a situation where this climate exists, Professor Bronfenbrenner stated that at the appropriate time he would offer the following resolution:

Be it resolved that this faculty:

1. Gives full support to the President and the Board of Trustees in the specific steps they have taken and will continue to take to re-establish and further the activities of the Africana Studies Center and to insure the safety of its faculty and students.
2. Urges its members, the students of the University, and the entire University community to indicate the measure of their concern by contributing to the Africana Studies Commitment Fund.
3. Expresses its deep appreciation to the Ithaca community for the important effort they have mounted to assist the Africana Studies Center in re-establishing and furthering aspects of its program not being supported by University funds.
4. Reaffirms the commitment of the University to insuring public safety and protection for all segments of the University community against unlawful acts.
5. Shares with the Ithaca community a determination to re-establish a climate of trust, mutual respect, and concern and instructs its executive bodies to initiate measures, in cooperation with the administration and with the Ithaca community, designed to re-establish such a climate.

At this point Dean Miller announced that a report of the Committee on Elections will appear in tomorrow's Chronicle and will be attached to the minutes. The chair stated that it was now in order for Professor Bronfenbrenner to introduce his resolution, and he did so.

Professor Herbert Carlin said that while he agreed with the content of the resolution he opposed it on the ground that it contains practically nothing not already resolved by the Faculty Council or acted upon by the President. Further, it is similar to the resolution passed by the Faculty a year ago and, like that resolution, may be twisted by some to mean what it was never intended to mean. The law and order provision dealing with the Campus Store incident is potentially troublesome. He therefore suggested that the resolution be tabled. Professor Robert Elias stated that in accordance with Professor Carlin's logic, tinkering with the resolution could also be misunderstood.

Assistant Professor James Matlack asked for clarification about the meaning

of that part of the resolution dealing with losses the University is not in a position to make up. Professor Bronfenbrenner replied that while a determination regarding specific losses awaits decisions by insurance adjusters, a substantial amount of personal property and other materials not owned by the University will not be covered by insurance. Professor Matlack then favored tabling the resolution on the basis that a motion that does not adequately meet the situation may be worse than no motion.

Professor Carlin asked whether, in view of the position of the previous speakers, Professor Bronfenbrenner would withdraw his motion. Professor Bronfenbrenner chose not to do so.

Assistant Professor Robert Strichartz said it would be evidence of goodwill rather than just words of goodwill to locate a space for the Africana Center nearer to the center of campus. He would be willing to give up some space to accomplish this.

Professor Carlin moved the following as a substitute resolution:

The Faculty expresses its agreement with the actions
of the President and the resolution of the Faculty
Council of April 1st.

Professor Michael Fisher urged that the substitute motion be strengthened by using the phrase "the Faculty strongly endorses." Professor Matlack found the resolution of the Faculty Council unacceptable as a statement of the Faculty's present position because evidence of arson has been essentially confirmed since that resolution was written.

Professor Harold Feldman asked whether the Faculty was going to take a stand. Almost any kind of stand would be preferable to the vague indications of support contained in the discussion on the substitute motion. Failure to support the Bronfenbrenner resolution would be viewed negatively by the students and other Faculty members. Professor Milton L. Scott stated his strong support for the Bronfenbrenner motion; he is not concerned about misconstruction of Faculty

motions that are made in good faith and understood by the Faculty. An unidentified member of the Faculty supported the Bronfenbrenner resolution. He would like to see specific mention of Ithaca College in the statement regarding the Ithaca community.

Dean Alfred Kahn said he had considered at great length whether or not he should make a public statement in addition to writing a letter to Director Turner offering to share space in the Arts College. He recognizes that a public statement will not satisfy all interested parties and it may be subjected to misconstruction. Nevertheless, no response is far worse when the community has asked for a response. While he would strongly prefer a briefer and more dignified statement, he will support Professor Bronfenbrenner's resolution.

The Secretary then read the substitute resolution, as revised by Professor Fisher:

The Faculty supports the recent resolution of the Faculty Council and expresses its full support of the actions of the President in responding to the tragic Africana Center fire.

On a showing of hands, the substitute motion was defeated.

An unidentified member of the Faculty said that since Item 4 of the Bronfenbrenner motion has been the focus of objection, would its author consider eliminating that item? Professor Bronfenbrenner replied that before responding he would like to take account of the information concerning evidence of arson by inserting a new Item 1. The other items could then be renumbered. Item 1 would read: "The University Faculty expresses shock and unequivocal condemnation of arson on the Cornell campus." Regarding Item 4, he said that he heard last April, and he still hears as an accusation, that there is an unwillingness to say things which are strongly felt but which sound undignified to a university faculty. Reaffirming the commitment to public order is reasonable in view of the willingness of the Ithaca community to support the Africana Center. While he would welcome alternative wording, he feels that a statement concerning due process is essential.

The Chair asked unanimous consent to insert the new Item 1. This was refused. Professor Bronfenbrenner then offered the new clause as an amendment. Professor Roger Morse noted that Chief Weaver did not say the fire was arson but rather that it looked like arson. He opposes the amendment as inaccurate and a bit of an overreaction. Professor Elias then raised a point of order. Since the amendment was made by the author of the motion and accepted by its second, a vote is not needed. The Chair consulted the parliamentarian, who agreed with his earlier ruling. Professor Kurt Gottfried said that the motion is sufficiently pious in its unamended form. As amended, it is excessively so. On a showing of hands the amendment lost.

An unidentified member argued that if due process is actually the concern, that phrase should be used rather than a reference to public order. There may, indeed, have been no violation of public order. Professor Max Black asked for a separate vote on the items comprising the resolution. Professor Robert Ascher opposed the resolution because it does not speak to the dialogue initiated by the President in that it does not address the demands of the black community. The President's address is a better statement of his feeling than the resolution.

Professor Richard D. O'Brien would like a clear statement of the Faculty's sense of outrage and its desire to take action, with a specific reference to the Faculty Council's defining this action within the coming week. He is prepared to introduce a substitute motion to accomplish this since he is pessimistic about the Faculty's ability to successfully define specifics in this meeting. At the urging of several members he introduced the following substitute motion:

This Faculty is outraged by the Wait Avenue fire which is an attack upon us all. We offer our time, our space, and our financial support to bring unity to our community and permit our colleagues to pursue their studies without fear. We ask the administration and the Trustees to take every possible means to extend and accelerate the growth of the Afro-American Studies Center. We ask the Faculty Council in the coming week to find means to translate these sentiments into action.

Professor Bronfenbrenner responded that he liked the motion but hoped that a reference could be incorporated to the positive response of the Ithaca community. He also noted that the title of the Center needs to be corrected. Professor Michael Fisher urged Professors Bronfenbrenner and O'Brien to confer and then present a single motion. They agreed to do this.

While they were conferring, Professor Fisher urged the Faculty to respond to the students who made a statement prior to the opening of this meeting. To accomplish this he was prepared to make a motion along the following line:

The Faculty recognizes the concerns of the students which were presented in the statement to the Faculty meeting this afternoon. The Faculty itself is seriously concerned but wishes to endorse the response to these questions made by President Corson.

Professor Ulric Neisser urged Faculty members to attend that meeting as an indication of the Faculty's desire to communicate with students. Dean Miller said he would welcome this company, adding that he would like to see the motion passed so that he would attend the meeting as a representative of the Faculty rather than as an individual.

The Secretary then read the motion prepared by Professor Fisher. Professor Paul Olum moved to lay the Bronfenbrenner motion on the table in order to consider Professor Fisher's motion. After some discussion of parliamentary procedure, the Olum motion passed by voice vote. The Secretary once again read Professor Fisher's motion, that motion follows:

The Faculty requests the Dean of the Faculty, or his appointee, to attend the meeting of students this evening to make the following response: "The Faculty recognizes the concerns of the students who presented their statements to the Faculty meeting. The Faculty shares their concerns. The Faculty endorses the response to those questions made by President Corson this morning" (the last two words being added at the request of an unidentified member.)

The motion was passed by voice vote.

Professor Walter R. Lynn asked whether Faculty members had received his mimeographed resolution dealing with voting University holdings of General Motors

stock. Many had not. Professor Lynn decided to withhold his motion. Dean Miller reported that the Board of Trustees investment committee has this item on its agenda.

Professor O'Brien presented the following resolution which he indicated would be followed by two additional resolutions:

This Faculty is outraged by the Wait Avenue fire, which is an attack upon us all. We offer our time, our space, and our financial support to bring unity to our community and permit our colleagues and students to pursue their studies without fear. We ask the Faculty Council, in the coming week, to find means to translate these sentiments into action.

It was established that this motion and the two succeeding motions will be substituted for the motion introduced earlier by Professor Bronfenbrenner.

Professor Roger Morse objected to the phrase "an attack upon us all" since the evidence regarding arson is not conclusive.

At the request of several members Professor Bronfenbrenner read the other two motions. In doing so he noted they are essentially the same as Items 1 and 3 in his earlier resolution. To a question about what happened to the part of the original resolution dealing with law and order, Professor Bronfenbrenner replied that since the President spoke to that matter it was omitted now in order to achieve agreement.

Associate Professor Gerd Korman asked Professor O'Brien to explain the difference between these three motions and the statement the President made to the Faculty. Professor O'Brien replied that it is timely for the Faculty to give its views as distinct from those of the President. Professor Korman said the Faculty would do far better to endorse the carefully prepared statement of the President than to endorse the three resolutions. Robert Starobin, Society of the Humanities, objected to the phrase "an attack upon us all." To regard the attack upon the Africana Center as an attack upon us all indicates a lack of understanding of the meaning of racism in this country. On a showing of hands, the resolution was passed.

Professor Bronfenbrenner introduced the second resolution, as follows:

The Faculty gives full support to the President and the Board of Trustees in the specific steps they have taken to re-establish and further the activities of the Africana Studies Center and to insure the safety of its Faculty and students, and urges them to continue and extend these endeavors.

On a showing of hands, the motion was passed.

Professor Bronfenbrenner introduced the third resolution, as follows:

The Faculty expresses its deep appreciation to the Ithaca community for the important effort they have mounted to assist the Africana Studies Center in re-establishing and furthering its program.

An unidentified member asked the Faculty to consider a response to the student demand regarding the South Side Center. Then, on a showing of hands, the motion was passed.

Professor Bronfenbrenner introduced the following resolution:

This Faculty calls upon its members, the students of the University, and the entire University community to indicate the measure of their concern by contributing to the Africana Studies Commitment Fund.

Assistant Professor Guillermo Prada objected to the phrase "measure of their concern." He would like it changed to "measure of their ability." On a showing of hands, the resolution was passed.

Dean Miller invited those who wished to accompany him to the meeting that evening to meet with him after the meeting adjourned.

Adjourned 6:30 p.m.

G. P. Colman, recorder

Corson Statement Issued Wednesday

I want to tell everyone where things stand and what we are doing. And let me make it clear at the outset that we are all in trouble together, and that only by working together can we put things right.

The investigation into the fire at 320 Wait Avenue has reached a point where Fire Chief Weaver has this morning stated that the circumstances support the theory that this fire was arson.

On the basis of Chief Weaver's statement we have taken several steps:

1. The Chairman of the Board of Trustees has authorized me to offer a reward of \$10,000 for information resulting in the arrest and conviction of those involved. The details of this offer will be in a separate announcement later today.

2. On the basis of possible violation of Federal laws I am today requesting an investigation by the FBI.

3. Cornell University will also welcome the involvement of New York State agencies in the continuing investigation of the fire and of presumed arson if local authorities request such help.

Protection for the Black community at Cornell is of the most urgent importance. A number of locations are involved and the Safety Division has been providing protection at several of them but the potential danger exceeds the resources of the Safety Division. We cannot responsibly put this vital matter into the hands of volunteers. Accordingly, we are engaging a professional security agency, the Burns Detective Agency, to provide this protection on a contract basis beginning this week. The Burns Agency will assign Black personnel to the maximum extent possible. Details of the arrangements will be worked out with those being guarded.

In the five days between the fire and the beginning of classes on Monday, the University provided temporary quarters for the Africana Center. Director James Turner furnished us with lists of essential items lost in the fire. These items have been reordered and are being made available as quickly as possible.

The problem of adequate transportation from the temporary Africana Center to the other parts of the campus is an obvious one. Campus bus schedules are being redirected and expanded to meet this need at least on an intermediate basis. An additional two or three days will be required to obtain buses.

The question of a permanent site for the Africana Center is also of great urgency. Several possible sites are under consideration and will be discussed with Professor Turner. The University will provide a permanent site by the beginning of next semester.

I respect the concern of everyone with the terrible problems with which we are faced. One constructive avenue of participation is the commitment fund initiated immediately after the fire by the Faculty Council and supported by me. As of now this fund stands at \$11,740. It should be possible for every member of this community to make an appropriate contribution to this effort. I also welcome warmly the parallel effort made in the larger Ithaca community which was initiated spontaneously in the wake of the fire.

Cornell is already deeply involved in the programs of the South Side Center. The primary problem may well not be the dollar cost of restoring the building damaged by fire because we have been advised by some of the Center Directors that substantial resources for this

purpose have already been identified. We have begun conversations about how we can continue and strengthen our commitments to the Center.

It is not enough for us simply to try to recover from the blow we have suffered. We must move ahead. Despite the crisis with which we are faced, I am pleased to report that our efforts to increase the number of Black graduate students are proving effective. To date, 115 completed Black graduate student applications have been received for next year and 71 offers of admission have been made.

The theory of an arson attack on 320 Wait Avenue is deeply felt by all of us. We want to provide for the security of students and faculty of the Center but this attack was not only directed at them, it was directed at all of us. It puts to the test our faith in ourselves and our faith in each other. If we now lose our ability to stand and work together, the attacker will have succeeded to the utmost.

Of all times, this is not a time for rashness or for words or deeds that would divide us further. Our only chance is to pursue our common purposes in common. It is a time to talk openly and to move together to solve our problems. Isolated and divided, we have no community and no university. Together, we can achieve a community of peace and a university of greatness.

Office of the Dean

April 8, 1970

Report of the Committee on Elections

There were 781 ballots cast of which 742 were valid and the following were the results:

For a member of the Committee on Academic Freedom and Tenure for a four-year term, 701 ballots were cast, of which 442, a majority, were cast for the Professor of Physics, Nuclear Studies, Raphael M. Littauer.

For another member of the Committee on Academic Freedom and Tenure for a four-year term, 632 ballots were cast, of which 333, a majority, were cast for the Associate Professor of Veterinary Surgery, John E. Lowe.

For a member of the Committee on Academic Integrity for a three-year term, 623 ballots were cast, of which 393, a majority, were cast for the Professor of Industrial and Labor Relations, James O. Morris.

For a member of the Academic Integrity Appeals Board for a two-year term, 662 ballots were cast, of which 333, a majority, were cast for the Professor and Chairman, Graduate Program in Extension and Adult Education, J. Paul Leagans.

For a member of the Committee on Economic Status of the Faculty for a five-year term 649 ballots were cast, of which 358, a majority, were cast for the Professor of Marketing, Agricultural Economics, Wendell G. Earle.

For a member of the Committee on Nominations for a three-year term, 638 ballots were cast, of which 358, a majority, were cast for the Professor of Veterinary Anatomy and Secretary of the Veterinary College, Howard E. Evans.

For another member of the Committee on Nominations for a three-year term, 656 ballots were cast, of which 381, a majority, were cast for the Professor of Sociology, Psychology, Anthropology, William W. Lambert.

For another member of the Committee on Nominations for a three-year term, 667 ballots were cast, of which 366, a majority, were cast for the Professor of Rural Sociology and Head of Department, Harold R. Capener.

For a member of the University Hearing Board for a four-year term, 676 ballots were cast, of which 370, a majority, were cast for the Associate Professor of Ethology, Section of Neurobiology and Behavior, William C. Dilger.

For a member of the Committee on Student Affairs for a three-year term, 633 ballots were cast, of which 347, a majority, were cast for the Associate Professor of Agricultural Engineering, Richard D. Black.

For another member of the Committee on Student Affairs for a three-year term, 720 ballots were cast, of which 465, a majority, were cast for the Assistant Professor of Industrial and Labor Relations, Marshall W. Meyer.

For a member of the Student-Faculty Adjudicatory Board for a three-year term, 615 ballots were cast, of which 376, a majority, were cast for the Assistant Professor of Human Development and Family Studies, Anne McIntyre.

For another member of the Student-Faculty Adjudicatory Board for a three-year term, 639 ballots were cast, of which 323, a majority, were cast for the Associate Professor of Industrial and Labor Relations, Lawrence K. Williams.

For a member of the Board on Physical Education and Athletics for a three-year term, 730 ballots were cast, of which 404, a majority, were cast for the Professor of Agricultural Economics, Glenn W. Hedlund.

For a member of the Board on Student Health for a three-year term, 628 ballots were cast, of which 356, a majority, were cast for the Associate Professor of Hospital and Medical Care Adm., and Director, Health Adm. Development Program, B&PA, Douglas R. Brown.

For a member of the Committee on University-ROTC Relationships for a three-year term, 631 ballots were cast, of which 374, a majority, were cast for the Professor of Animal Nutrition and Head of the Department of Poultry Science, Robert J. Young.

For another member of the Committee on University-ROTC Relationships for a three-year term, 599 ballots were cast, of which 334, a majority, were cast for the Professor of Sanitary Engineering and Head of the Department of Water Resources Engineering, Charles D. Gates.

For another member of the Committee on University-ROTC Relationships for a two-year term, 648 ballots were cast, of which 348, a majority, were cast for the Associate Professor of Veterinary Pathology, Physical Biology, Peter H. Craig.

For another member of the Committee on University-ROTC Relationships for a two-year term, 669 ballots were cast, of which 375, a majority, were cast for the Assistant Professor of Government, Arthur W. Rovine.

For another member of the Committee on University-ROTC Relationships for a one-year term, 590 ballots were cast, of which 339, a majority, were cast for the Assistant Professor of Hotel Administration, William P. Fisher.

For another member of the Committee on University-ROTC Relationships for a one-year term, 623 ballots were cast, of which 421, a majority, were cast for the Associate Professor of Public Administration, B&PA, Edward S. Flash, Jr.

The Provost called the meeting to order in Bailey Hall at 4:20 p.m. with some 750 members present.* He requested members to rise in honor of four students killed at Kent State University and other victims of campus violence. He announced a memorial service for May 7th for these victims, extended greetings from President Corson, and read a statement on behalf of the President. (Attached)

In the statement, President Corson condemned political attacks by the President and Vice President as inappropriate responses to campus dissent. Although there is a tradition in American universities of avoiding political stands, these unjustified political attacks require him to speak in defense of universities. As educators and citizens we must look to Congress to assert its constitutional role in declaring war and protecting civil liberties. No one can remain silent in the face of efforts to convert our system of justice into an instrument for political repression; a commitment is needed to the preservation of due process.

The President reported that he had joined other university presidents in requesting President Nixon to discuss with them campus reactions to the expansion of the war. The President urged that the opportunity to complete the term's work be kept open at Cornell, that opportunities be available at Cornell for orderly opposition to national policy, and the Faculty contacts with members of Congress be increased. [The entire text appears in the Cornell Chronicle for May 7, 1970.]

* Prior to the opening of the meeting, Dean Miller relayed on behalf of a group of students assembled in front of Bailey Hall a request to admit 25 of their number as observers, with the understanding that they might later seek permission from the body to speak to three issues which were expected to come before the meeting. Permission was granted by a showing of hands. Thereupon 25 persons who had submitted their names took seats.

The Provost then relinquished the Chair to Professor William Tucker Dean.

1. STATEMENTS AND REPORTS

Dean Miller reported the following resolution of the Faculty Council.

In the context of unilateral decisions to send American troops into Cambodia and again to bomb North Vietnam, the National Administration has also mounted an attack upon universities -- their students, their faculties, and their presidents. Recent statements by the President and Vice President of the United States are, in effect, an attack upon the American university community.

We feel compelled, therefore, to communicate to the people and the national leadership the nature of the crisis. We call upon the President of the United States to reverse current policies. We urge our faculty and students to extend their educational activities beyond the campus to the Congress and to the people, so that they can exercise informed and proper control of national policy.

We believe that this effort must be a sustained one, not limited to three or four days of intensive action. Under these circumstances, to discontinue all normal educational activities would be to abdicate our primary responsibility and would strengthen the very forces that threaten us. We therefore urge all faculty and students to meet both their academic and their civic obligations.

He then reported the following resolution from the Medical College:

"The administration and executive faculty of the Cornell University Medical College are sincerely concerned about this country's further military involvement in Southeast Asia. Further, we share especially the deep anxiety and frustration that this, and consequent internal strife, have caused many Americans. In particular, we were profoundly shocked by the tragedy at Kent State University. In concert with our students, the administration and executive faculty recommends that all classes at the Medical College be cancelled tomorrow, May 6, 1970, in recognition of these events. We as a faculty intend to explore positive and constructive avenues to prevent further similar tragedies."

Assistant Professor Alexander Gelley, Comparative Literature, reported the following resolution, which was passed by the Faculty of the College of Arts and Sciences on May 5, 1970:

"The faculty of the College of Arts and Sciences urges individual faculty members throughout the university to suspend regular class meetings on May 8 and 9 in support of the Washington protest. It does so believing that peaceable public demonstration before this country's elected representatives is a proper exercise of democratic prerogatives and that the university, in exceptional times like these, may encourage such an exercise while remaining true to its basic educational aims. Further, it urges that faculty members and students who remain on campus during these days engage in forms of discussion and study appropriate to the present circumstances."

Professor Benjamin Nichols, Electrical Engineering, read a statement critical of the expansion of the war. He invited members to join him in signing it. [Attached]

Professor Albert S. Roe, History of Art, invited members to sign a statement he had drafted. This statement, addressed to various members of Congress, was available at the door. [Attached]

[The complete texts of the Nichols and Roe statements appear in the Chronicle for May 7, 1970.]

2. ROTC

Colonel Claude E. Bailey, Jr., reported that there had been complaints that the agreement between Cornell and Ithaca College for the cross-enrollment of students into his unit should have come before the Cornell Faculty. Since letters announcing this agreement were not yet mailed to Ithaca College freshmen, he was prepared to request that the agreement be suspended to permit whatever discussion the Cornell Faculty desired, with the proviso that the suspension should not extend beyond January 1, 1971, for the two-year ROTC program or June 1, 1971, for the four-year program. He then asked permission to take a straw vote to guide him in deciding whether to request suspension.

Assistant Professor James Matlack, English, raised a point of order: Is it proper for a member to conduct such a vote? The Chair ruled that the vote would only be advisory. Professor Matlack protested. Assistant Professor Gelley appealed the Chair's decision. By a show of hands the Faculty sustained the ruling.

At the request of Professor Herbert Mahr, Physics, Colonel Bailey read his request again. Professor Robert Elias, English, raised a point of information. Do the dates circumscribe the question? Colonel Bailey explained the significance of the dates by reference to a schedule followed in processing students. Professor Paul Olum, Mathematics, asked who has the legal right to suspend the agreement. Colonel Bailey replied that the Provost of either school can do so. Associate Professor Gary W. Bickel, Economics, asked Colonel Bailey to offer the Faculty the alternative of voting to suspend the agreement permanently. Professor Jack C. Kiefer, Mathematics, asked if there could be discussion before the vote. Colonel Bailey replied that he was trying to make a simple decision; substantive matters have already been reported in the Cornell Chronicle. Professor Gelley raised the point of order that Colonel Bailey's vote was not on the agenda. This point was overruled by the Chair. Colonel Bailey took his vote by a show of hands. The result apparently being inconclusive, he asked the Faculty to vote by standing, which it did. The majority favored the proposal for suspension.

3.

GRADES FOR SEMESTER

Assistant Professor Matlack requested permission for a student to speak in favor of a proposal which was distributed at the door under the title "The Student-Faculty Committee on Academic Affairs of the Strike Coordinating Committee." Following a showing of hands, Gary Richwald was recognized. He said neither he

nor his brothers and sisters outside the building could possibly understand the distinction between civic and academic duties made by President Corson. He noted that on the advice of several Faculty members a provision for a mandatory pass had been eliminated from the options listed in the proposal, since this option would not be understood by the Faculty. In urging support for the body of the proposal so that a burden would not be placed upon students, he indicated less concern for the introductory and concluding paragraphs, which he referred to as greenery. Professor Matlack then offered the following resolution on behalf of the committee: *(corrected version attached)*

Whereas recent events with regard to the expanding war in Indo China have resulted in students and faculty spending increasing amounts of time in opposition to the war, the Student-Faculty Committee on Academic Affairs suggests the following modification of the present grading system at Cornell University for the Spring Term 1970.

Specifically, the undergraduate and graduate students at Cornell University be allowed to choose one of the following options for each course in which he or she is currently registered.

1. To complete the Spring term's academic work as scheduled including all exams, papers and projects and receive the normal letter grade.
2. To receive a grade of incomplete.
3. To receive a letter grade on the basis of academic work completed through May 4.
4. to receive a grade of S/U on the basis of academic work completed through May 4.

It is understood that students choosing options 2, 3, and 4 are morally bound to devote their full energies to solving the problems which have placed this country in a crisis situation and these students are responsible for notifying the appropriate faculty members of their intentions.

Professor Matlack then explained that the first option enables students to Proceed fully without interruption to a full letter grade. Concerning the

incomplete, the point is that while the incomplete is already available and individual Faculty members can provide for its use, only action by the University Faculty can make the incomplete available to every student in each course so that it becomes an item within a standardized range of options. On the third and fourth options there is no intent to guarantee a passing grade or an S in cases where little or no work has been done. In every case the student would be expected to exercise his option through conversations with his instructor.

Professor Richard M. Phelan, Mechanical Engineering, urged the Faculty to stick to academic matters and to condemn blatant political actions such as the resolution of the Faculty Council. He asked the Chair to rule the motion on the floor out of order since it is concerned with political goals rather than with the proper business of the Faculty. The Chair ruled the motion to be in order.

Professor John H. Whitlock, Veterinary Medicine, called attention to a problem of certifying graduates of the College of Veterinary Medicine to licensing agencies. He explained that a solution has been developed within the College to free students from some academic activities, and asked that an exception be made for his College. He also observed that the Law School has a similar problem with certification.

Professor Phelan appealed the ruling of the Chair on his previous point of order. On a showing of hands the ruling was upheld.

Assistant Professor Toby Berger, Electrical Engineering, said he did not understand Professor Whitlock's request since a student needed only to select the first option to meet certification requirements. Professor Whitlock replied that the problem arises because the third option is inconsistent with certification requirements. He asked to have professional colleges excepted in the motion. Assistant Professor Matlack refused to treat this request as a friendly amendment

since he did not want to change what was prepared by a committee. Furthermore, he found himself in agreement with the statement of Professor Berger. Professor Robert S. Pasley, Law, then supported the request of Professor Whitlock.

Professor Jean Failing, Human Ecology, raised a question of interpretation: Does Option 1 mean that the Faculty may not strike? Assistant Professor Daniel H. Finlay, English, replied that as the proposal was being drafted the complexity of what was at issue had not been recognized. He agreed that the wording of the first option precluded Faculty members from striking and moved to amend it to read "to complete the Spring term's grade." Professor Michael E. Fisher, Chemistry, opposed the amendment on the basis that the resolution on the floor deals with student, not Faculty, options. If individual Faculty members strike, they make the first option unavailable to students, who have every right to select it. Professor Robert Elias suggested that if "as scheduled" were to be removed from Item 1 of the resolution, almost everyone would be satisfied. Professors Matlack and Finlay accepted this wording as a friendly amendment. In response to a query as to whether the absence of a time limit was intentional, Professor Matlack said that he understood the normal letter grade to mean normal in the sense of reporting grades to the Registrar at the normal time.

As the Chair proceeded with discussion of the amendment, several points of order were raised concerning what was before the body. Assistant Professor Guillermo Prada, Electrical Engineering, wished to vote on the options separately. The Chair, on the advice of the parliamentarian, ruled that Professor Finlay's amendment had become the property of the body.

Professor Gwen J. Byrners, Human Ecology, offered, as a substitute to the Matlack motion, the following motion which had been drafted by the Faculty Council:

The University Faculty hereby authorizes Cornell students to exercise a choice among the following options in each of their courses for the purpose of receiving grades for the Spring Term of 1970 (with procedures for filing choice to be determined by the individual colleges):

1. To complete the Spring Term's academic work as scheduled, including all examinations, papers and projects or as much of these as the instructor shall prescribe, and receive the normal letter grade. This may include, at the option of the instructor, the acceptance of the work completed to date as the basis for that grade.
2. To receive a grade of S/U on the basis of work completed to date. In the event that the course is one in which little or no work has been handed in, the instructor may require that some substantial amount of work be completed in order that this option be exercised.

In cases where neither of the above seems to the instructor to be appropriate, we urge a liberal policy in granting incompletes.

Following a point of order, the Chair ruled this to be a substitute for both the original motion and the Finlay amendment.

Professor Bymers then noted that the resolution protects the right of both the students and the Faculty. Professor Elias said he found greater clarity in the original motion; the options are spelled out there so they could not be misunderstood. He urged the Faculty to reject the substitute.

Professor John H. Whitlock offered the following amendment: "It is further understood that students in the Schools of Law and Veterinary Medicine may not qualify for professional licensure or qualification if they select their options without the concurrence of the concerned Faculty."

Professor John W. MacDonald, Law, said that Professor Whitlock's amendment would not work for the Law School because grades are determined entirely by the final examination. He urged that the Law School be exempted from the motion. Professor Whitlock accepted Professor MacDonald's suggestion as a friendly amendment. The amendment then read: "It is further understood that students in the School of Veterinary Medicine may not qualify for professional licenses or qualifications if they accept the options without the concurrence of the Veterinary School Faculty." The amendment was passed by voice vote.

Professor MacDonald then moved to add to the substitute motion the words: "This resolution shall not be applicable to the Law School." The amendment passed by voice vote.

The Chair then read a statement from the President of the Law Students Association. It stated that by a vote of 86 to 51, Law students had resolved that all final examinations in the Law School should be on an optional basis. It went on to ask that if there was a move to exempt the Law School from a decision made by the Faculty, he wished to have a resolution from the Law School community read to that body. The Chair read the resolution, which concluded with the request that examinations in the Law School in the Spring of 1970 be on an optional basis. An unidentified member moved to reconsider the previous amendment. Following a second, the Chair explained that it had not been aware of the content of the message from the Law Students Association and consequently had reported it at an inappropriate point in the meeting. Professor MacDonald said he did not know how the Law School could comply with the request of its students since it was necessary to certify with respect to time in classes and examinations taken. Since there are no grades as of May 4, there is a dilemma to be worked out with licensing bodies.

Professor Raymond Bowers, Physics, offered a solution to the dilemma. He suggested with regard to both the original motion and substitute motion that the Faculty concur in the understanding that they apply in principle to the whole university and in detail to the undergraduate and graduate schools, and further that the Faculty ask the Faculty Council to adjudicate the special problems and make the necessary modification in the case of those professional schools in which an impossible problem arises. Professor Bymers accepted this interpretation as coming within the spirit of her motion but added that the Faculty Council might experience some difficulty in acting as an adjudicatory body.

The Chair then called for a revote on the MacDonald amendment in the light of the interpretation offered by Professor Bowers. At Professor Bowers' suggestion, the Chair determined by a show of hands that this interpretation did reflect the sense of the body. Then, by a show of hands Professor MacDonald's amendment was defeated.

Associate Professor Gary W. Bickel said that since amendments were being offered without a determination of whether the substitute motion is properly before the body, he moved, either as a friendly amendment or as an amendment for debate, to change one word so that the second sentence under numbered paragraph 1 of the substitute resolution would read: "This may include, at the option of the student, the acceptance of the work completed to date as the basis for that grade." Professor Bymers did not accept the change as a friendly amendment. Assistant Professor Jerry Stockdale, Rural Sociology, made the point of order that it would be better to decide whether to discuss the substitute motion before proceeding to amend it.

Professor Paul Olum asked for information concerning the meaning of the words "On the basis of" in options 3 and 4 of the original motion. He suggested two interpretations: a grade on the work completed to May 4 and a grade on the work to May 4 relative to the total work in the course. The Chair then put the question of whether to consider the substitute motion. Following a point of order, Professor Olum again raised his question. Professor Matlack replied that there is no blanket answer; he expected differences would be reconciled through conversations between student and teacher. His sense of the intent of the motion is that where a substantial equity in the course was achieved by May 4, the grade would be based on that work, but if the Faculty member judged that there was no substantial equity the only grade possible would be F or U.

Professor Richard O'Brien, Neurobiology and Behavior, noted that the substitute drafts placed the decision to grant incompletes with the instructor while the Matlack resolution made this available at the option of the student. The Chair reminded the Faculty that the question before the house is whether to debate the substitute resolution. He called for a division; the result was 230 in favor, 264 opposed.

The meeting then turned to the amendment to the original motion: to delete from option 1 the words "as scheduled." Professor Bymers opposed the motion since it would deprive students of the opportunity to finish work as they had planned. Professor Matlack explained his understanding of item 1 as amended to mean the student would have a full academic record with grades reported to the Registrar at the usual time. Any flexibility would come prior to that date. On a showing of hands, the amendment was lost. Following a call for division, the amendment was defeated by a vote of 243 to 247.

Associate Professor Donald F. Solá, Linguistics, said the situation in the United States is so grave that he would like to see a motion to strike rather than one on grading. The latter is a relatively insignificant problem which is already being handled by individuals, departments, and colleges. To handle it in the way now proposed is symbolically destructive of the idea of the University. He would like to see the matter tabled.

Professor John Whitlock moved as a friendly amendment:

It is further understood that students in the school of Veterinary Medicine may not qualify for professional licenses or qualifications if they select the options without the concurrence of the Veterinary School Faculty.

Although this was accepted by Professor Matlack, there was an objection from the floor. Professor Richard P. Korf, Plant Pathology, objected to the phrasing

and wondered if the Veterinary School Faculty concurred in the amendment. Professor Whitlock replied that the Veterinary College Faculty concurred unanimously. The amendment was then accepted by voice vote without opposition. Professor Whitlock offered, as a second friendly amendment, to add to option 4 the words "*or through the end of the term.*" This was accepted by Professor Matlack. [Corrected resolution attached.]

Professor Walter Slatoff, English, favored the resolution but urged further clarification of option 3, since to leave matters as they stand invites endless discussion between teachers with large classes and students with limited moral concern. He also challenged Mr. Richwald's reference to the first and last paragraphs of the proposal as greenery. He said he would not vote for the proposal unless he took those paragraphs seriously. He is worried about students who simply take their grades and depart, as he noted happened last year.

Professor Raymond Bowers called for the question. A member then requested information concerning whether the student or faculty member would decide whether the grade would be calculated as of May 4 or the end of the term. Professor Matlack replied that the student would decide. Professor MacDonald asked whether the interpretation offered by Professor Bowers during the discussion on the substitute resolution with reference to the professional schools would also apply to this resolution. Professor Matlack said that it would. Another question was raised with reference to procedures by which students would announce selection of the options. Professor Matlack said that ideally this would occur in conversations. The resolution then passed by a showing of hands.

4. RESOLUTION ON KENT STATE

Dean Miller, acting on behalf of the Faculty Council, introduced the following resolution:

The Faculty of Cornell University expresses its horror and anger at the shooting of college students by National Guardsmen on the campus of Kent State University. We reject the President's implication that the blame for these deaths is the sole responsibility of those who protest his actions and policies.

The denunciation of students in repeated public statements by the Vice President of the United States has helped to create a climate in which students in general, and protesting students in particular are seen and treated as dehumanized non-persons alien to American society.

We call upon the President and Vice President to acknowledge their share of responsibility for the tragic events at Kent State and to reflect this in their future words and actions.

We ask the President of the University and the Dean of the University Faculty to transmit this statement by telegram to the President and the Vice President with copies to our representatives in Congress.

The resolution passed by voice vote.

5. RESOLUTIONS CONCERNING PROCEDURES FOR THE REST OF THE TERM

Professor Kurt Gottfried, Physics, read two resolutions passed the previous day by the faculty of M.I.T. He then offered the following motion which he indicated was adapted from the M.I.T. action:

The Faculty of Cornell University is aware of the profound crisis and anguish caused throughout the nation, and particularly on the nation's campuses by the renewed escalation of the war in Southeast Asia. Sharing these feelings and noting in particular the profound interference of these events with the educational process, the Faculty recommends that:

I. Formal schedule of classes be suspended until Sunday, May 10, but that instructors be encouraged to continue to meet informally during this period with their students who desire to meet them.

II. Furthermore, the Cornell University Faculty supports the nationwide university strike in protest against the invasion of Cambodia and the continued war in Vietnam. It abhors the deaths of the students at Kent State University and stands against the growing suppression of political dissent.

Speaking to the resolution, Professor Gottfried said the basic question is whether a university faculty should take political actions. While he objects in general to such actions, the U.S. Government has taken political action by attacking universities. We must indicate where we stand.

Professor Shailer S. Philbrick, Geological Sciences, objected strongly to the resolution since the strike which is proposed conflicts with the duty of the Faculty to teach. Professor Urie Bronfenbrenner, Human Development and Family Studies, said that while he had previously opposed a strike and still feels that a strike at Cornell would help President Nixon advance his policies, he supports the resolution since a vote against it would be misunderstood by Cornell students as support for these policies. American institutions are being challenged; the university, as one of these institutions, must stand up if it is to survive. Professor David Novarr, English, found himself in a quandry since the present resolution seems inconsistent with option 1 of the Matlack resolution, which by Faculty action still contains the words "as scheduled."

Professor Arthur L. Ruoff, Materials Science and Engineering, took the position that to institutionalize political action would infringe on individual prerogatives, both academic and civic. He introduced the following substitute resolution: "This Faculty supports President Corson's stand and particularly urges the members of this community to attend to their academic obligations, to attend their assigned classes, and to attend to their civic obligations with all their energy."

Professor Mark Nelkin, Applied Physics, raised a point of order: Since the substance of the motion differs from that on the floor, it must be considered separately. The Chair sought the guidance of the house, and on a show of hands it was found to be out of order. However, following a call for a division, the

motion was found to be in order by a vote of 207 to 197. Another question was raised: Does the strike become mandatory on Faculty members or is it optional? Professor Gottfried replied that the operative clause in his motion is "The Faculty recommends that the formal schedule of classes be suspended until Sunday, May 10, but that instructors be encouraged to continue to meet informally during this period with their students who desire to meet them."

Professor Brian Tierney, History, said that however much he deplored the President's action in Cambodia, he did not want to further the attack on universities by self-destructive actions such as not meeting classes.

Professor Ruoff then read his substitute motion again. Professor Elias asked whether this would prohibit him from carrying out the resolution of the College of Arts and Sciences, which appears earlier in these minutes. Professor Ruoff replied that his resolution only urges certain actions upon Faculty members. Although Professor Elias was not satisfied with this answer, the Chair ruled that it must stand since the body was ready to vote on whether to consider the substitute motion. This it did by division when a voice vote proved inconclusive. The vote was 237 in favor of considering, 190 opposed.

Assistant Professor Peter J. Sharfman, Government, moved to substitute the resolution of the Faculty Council which was reported earlier in the meeting.

Professor Nelkin asked whether Professor Ruoff would accept this as a substitute for his resolution. Professor Ruoff replied with a proposal to divide the Faculty Council motion so that the last paragraph would be voted on first, followed by a vote upon the first two paragraphs. This Professor Sharfman declined to accept. By voice vote, this resolution was then substituted for that of Professor Ruoff.

Professor Sharfman then asked to clarify an ambiguous word in the motion. By unanimous consent, in the second paragraph, "reverse current policies"

was changed to "reverse these policies." Professor Peter C. Stein, Physics, moved to delete the third paragraph of the motion since deciding whether or not to strike is highly personal and consequently should not be a matter of instruction by the Faculty. A voice vote once again proved inconclusive. As a vote by a division proceeded, the Chair reminded research associates that they should not participate in the vote. The vote was 161 in favor, 232 opposed.

Professor Herbert J. Carlin, Electrical Engineering, moved to amend the third paragraph by deleting "would be to abdicate our primary responsibility and..." The amendment was lost on voice vote.

Professor David L. Ratner, Law, moved to amend by striking the final sentence in order to give individuals maximum freedom to decide whether to hold or attend classes. Associate Professor Gordon M. Messing, Classics, said this would accomplish what was intended in the motion recently defeated. Professor Ratner did not reach this conclusion; it was important, he argued, to preserve the first part of the paragraph. His amendment was adopted by voice vote.

Assistant Professor Charles E. Elliott, Linguistics, offered a friendly amendment to clarify the meaning of "they" in the last sentence of the second paragraph. He wished to substitute "all the people". Professor Sharfman did not accept the amendment.

The resolution, as amended, then passed by a show of hands. The final version of the resolution read as follows:

In the context of unilateral decisions to send American troops into Cambodia and again to bomb North Vietnam, the National Administration has also mounted an attack upon universities -- their students, their faculties, and their presidents. Recent statements by the President and Vice President of the United States are, in effect, an attack upon the American university community.

We feel compelled, therefore, to communicate to the people and the national leadership the nature of the crisis. We call upon the President of the United States to reverse these policies. We urge our faculty and students to extend their educational activities beyond the

campus to the Congress and to the people, so that they can exercise informed and proper control of national policy.

We believe that this effort must be a sustained one, not limited to three or four days of intensive action. Under these circumstances, to discontinue all normal educational activities would be to abdicate our primary responsibility and would strengthen the very forces that threaten us.

The Chair rejected a call for a division on the basis that the vote was decisive.

6. ROTC

Professor Matlack urged the Faculty to consider at greater length the Ithaca College-Cornell agreement. He observed that some 300 students from Ithaca College were waiting outside the building for the Faculty to consider this matter. He then introduced a revision of a resolution which was distributed at the door: "Be it resolved that the University Faculty urges that the Administration suspend immediately the 'Agreement for Cross Enrollment of ROTC Students' between Cornell University and Ithaca College and that any such agreement not be reinstated without the approval of all duly constituted representative bodies of faculty and students on both campuses and the approval of all committees with jurisdiction over military training on both campuses." The Provost accepted this motion as Cornell's position. No vote was taken.

Assistant Professor J. Robert Cooke, Agricultural Engineering, said that, rather than rising to a point of order relating to the series of motions concerning ROTC which he anticipates will be introduced, he moved to adjourn. Before recognizing Professor Cooke for that purpose, the Chair recognized Dean Miller, who reported that the students admitted to the meeting want the Faculty to consider two resolutions on ROTC by Professor Douglas Dowd, which had been distributed at the door, either at this meeting or in the very near future.

Professor Cooke then moved adjournment. A voice vote being inconclusive, the vote by division was 202 in favor, 160 against.

Adjourned: 7:20 p.m.

G.P. Colman, recorder

RESOLUTION ON GRADING

Adopted by the University Faculty May 6, 1970

WHEREAS recent events with regard to the expanding war in Indo China have resulted in students and faculty spending increasing amounts of time in opposition to the war, the Student-Faculty Committee on Academic Affairs suggests the following modification of the present grading system at Cornell University for the Spring Term 1970.

Specifically, the undergraduate and graduate students at Cornell University be allowed to choose one of the following options for each course in which he or she is currently registered.

1. To complete the Spring Term's academic work as scheduled including all exams, papers and projects and receive the normal letter grade.
2. To receive a grade of incomplete.
3. To receive a letter grade on the basis of academic work completed through May 4.
4. To receive a grade of S/U on the basis of academic work completed through May 4 or through the end of the term.

It is understood that students choosing options 2, 3, and 4 are morally bound to devote their full energies to solving the problems which have placed this country in a crisis situation and these students are responsible for notifying the appropriate faculty members of their intentions.

It is further understood that students in the School of Veterinary Medicine may not qualify for professional licenses or qualifications if they select the options without the concurrence of the Veterinary School Faculty.

May 7, 1970

"We, the undersigned members of the Cornell University Faculty, in opposition of the war in Indochina, agree to suspend our normal activities to the extent necessary to undertake the following program:

(1) Persuade our fellow citizens in Tompkins County and elsewhere to bring pressure on Congressional and Senatorial representatives to take action against the Indochina War;

(2) Maintain a delegation in Washington beginning on May 7 to urge Congressmen and Senators to take such action;

(3) Raise money and provide transportation for the May 9 Washington demonstration; and

(4) Work with our colleagues in other colleges and universities to enlarge support for similar actions.

"We also agree that we either will refuse to accept an appropriate portion of our salaries or will donate it to organizations supporting the purposes stated above. We further agree to do everything in our power to assure that students will not be penalized academically on account of anti-war activities this semester."

The group added that petition forms were available from professors Thor Rhodin, applied physics, and Benjamin Nichols, electrical engineering, and that persons wishing to donate funds in support should make checks payable to "Faculty Anti-War Fund" and send them to James Siegel, assistant professor of anthropology, 324 McGraw.

Professor Albert S. Roe, history of art, read the text of a proposed telegram to be sent to both New York Senators, to Representative Robison, to the chairmen of the Foreign Relations and Armed Services Committees of both Houses of Congress. He urged all faculty who are willing to do so to sign this telegram.

The Constitution of the United States vests primary power to declare War in the Congress and also grants the Congress the power to raise and support armies. While the Constitution also provides that the President shall be Commander in Chief of the Army and Navy of the United States, his exercise of his perogatives as such are clearly subject to Congressional review and control.

For some years, since the time of the Tonkin Resolution, this primary power to declare war has been loosely construed and Congress has by act and implication delegated extended discretion to the President to make decisions involving the utilization of armed forces. An extreme instance of this has occurred within the past few days when the President ordered armed forces to invade a neutral country without prior notification of the people of the United States through consultation in any way with their elected representatives.

As citizens of the United States and as concerned faculty members of Cornell University, we the undersigned, acting as individuals, call upon the Congress of the United States to reassert its supremacy and sole discretion in this area decisively and promptly, and we pledge our support now and in the future to those Senators, Representatives, members of Congressional committees and candidates for future office who are exerting their efforts to this end.

Text of Corson Message to Faculty

In such a sad and dangerous time it is difficult to know where the path of wisdom lies. What steps shall we take which will best protect and preserve the University and promote its capacity to play its proper role in dealing with the terrible problems before us? What shall we do to hasten the end of the war in Southeast Asia — a war which is surely the most controversial in our history — at a time when the scope of the war is expanding? What shall we do when death is the fate of those who dissent from established policy about that war?

I claim no special wisdom and no special insight. I will tell you my views and suggest some directions.

Let me begin with the attacks on higher education which have come at an increasing rate from many segments of our society but which recently have come from some of our national political leaders. These attacks appear to have been motivated by campus dissent, dissent widespread and deeply felt, but too often marred by irresponsible and destructive actions by small student groups or, often, non-students. By such attacks our political leaders are damaging our colleges and universities out of all proportion to the numbers involved in irresponsible dissent.

I cannot remain silent when the Vice President of the United States publicly calls for the ouster of a University President because he disagrees with that President's opinions. I cannot remain silent in the face of an implicit attack on university students by an indiscriminate public reference to "bums," blowing up the campuses. Above all, I cannot remain silent about the National Guard role in the terrible Kent State tragedy.

Of course, I object to violence on our campus, and I will do my best to prevent it and to apprehend those responsible if it

does occur. Of course, I condemn those few individuals at universities and elsewhere who advocate anarchy and who use violent means to try to bring it about. But I have faith in our University, our students, and our faculty.

A long-standing tradition restrains American universities from taking political stands, but I am obliged to express my defense of these institutions from political attacks by others. Criticism of the undeclared war in Southeast Asia does not justify attacks on our universities and on their students, faculties, and administrative officers.

As educators and citizens we must all look to the United States Congress to assert its constitutional role with respect to the involvement of the American people in wars abroad and we shall look to them also for the preservation of constitutional liberties on our campuses and in our communities.

Furthermore, none of us can afford to remain silent when there is a danger that the American system of justice may be perverted into an instrument of political repression. I do not endorse the doctrine or tactics of extreme militant groups, be they Black or White, but I do believe that the test of justice comes precisely when those on trial hold unpopular views. I urge all Americans to insist that the highest standards of due process and of justice in this country be applied and preserved.

I believe that every campus in the country has felt dismay and despair at the expansion of the war in Southeast Asia. Two days ago, I joined with thirty-six other college and university presidents in a telegram to President Nixon informing him about campus reaction and requesting the opportunity to discuss the problem directly with him. The

text of our Telegram is the following:

Dear Mr. President:

The American invasion of Cambodia and the renewed bombing of North Vietnam have caused extraordinarily severe and widespread apprehensions on our campuses. We share these apprehensions. As college and university presidents in contact with large numbers of concerned Americans, we must advise you that among a major part of our students and faculty members the desire for a prompt end of American military involvement in Southeast Asia is extremely intense. We implore you to consider the incalculable dangers of an unprecedented alienation of America's youth and to take immediate action to demonstrate unequivocally your determination to end the war quickly. We urgently request the opportunity to discuss these problems with you directly."

Finally, the deaths of the dissenting students in the confrontation with the National Guard at Kent State University have left us all sickened and angry.

At Cornell, what should our course of action be? In the first place, I believe the University should remain in session and the term's work completed. The University has no right to dictate actions of conscience which each individual must be free to make of his own choice. We have a clear obligation to our students to maintain the opportunity to follow the educational programs they came here to pursue. It is the responsibility of the faculty to decide equitable arrangements for those students who feel they cannot complete this term's work in the face of the national trauma which exists.

In the second place, orderly dissent is a legitimate aspect of individual liberty and academic

freedom at Cornell. Those who wish to devote their energies to peaceful efforts to change the course of national policy must have the opportunity to do so, provided they show due respect for the rights of others.

In the third place, I believe we must all expand greatly our discussions with our congressmen and senators. We must find ways to discuss the issues with them so that they know our views and so that we understand their problems.

Finally, I support those who elect to use classroom time on Friday and Saturday of this week to discuss current problems and constructive action toward their solution. As for me, I shall continue to work with other university presidents in a concerted approach to our problems and I shall continue to take every opportunity to communicate to those in authority my own concerns and what I believe to be the overwhelming mood of the Cornell campus.

Telegrams sent to President Nixon and Vice President Agnew 5/7/70

In accordance with an action of the Faculty of Cornell University we transmit to you the following resolution adopted by the Faculty

"The Faculty of Cornell University expresses its horror and anger at the shooting of college students by National Guardsmen on the campus of Kent State University. We reject the President's implication that the blame for these deaths is the sole responsibility of those who protest his actions and policies.

"The denunciation of students in repeated public statements by the Vice President of the United States has helped to create a climate in which students in general, and protesting students in particular are seen and treated as dehumanized non-persons alien to American society.

"We call upon the President and Vice President to acknowledge their share of responsibility for the tragic events at Kent State and to reflect this in their future words and actions.

"We ask the President of the University and the Dean of the University Faculty to transmit this statement by telegram to the President and the Vice President with copies to our representatives in Congress."

signed,

Dale R. Corson, President Cornell University
Robert D. Miller, Dean of Faculty

The following resolution, adopted by the Faculty, has been transmitted to President Nixon and Vice President Agnew. "The Faculty of Cornell.....
(see above)

This telegram was sent to Senators Charles E. Goodell and Jacob Javits and Representative Howard W. Robison

The Provost called the meeting to order in Bailey Hall at 4:10 p.m. with about 760 members present. The minutes of the meeting of April 8, 1970, were approved as distributed.

1. NECROLOGY

The Provost announced the death of *Loren C. Petry*, Professor of Botany, Emeritus.

2. PRESIDENT'S HEALTH

The Provost reported that President Corson plans to return to Ithaca next week following treatment for a disc problem in New York City.

He then relinquished the Chair to Professor William Tucker Dean.

3. COMMITTEE REPORTS

Dean Miller presented on behalf of the Committee on Nominations, the following slate of nominees for a vacancy for Faculty Trustee:

Edmund T. Cranch, Professor of Theoretical and Applied Mechanics
and Associate Dean of the College of Engineering

Howard E. Evans, Professor, Veterinary Anatomy and Secretary of
the Veterinary College

Walter Galenson, Professor, School of Industrial and Labor Relations
and Professor of Economics, College of Arts and
Sciences

Kermit C. Parsons, Professor and Chairman of the Department of City
and Regional Planning in the College of Archi-
tecture, Art and Planning

Clinton Rossiter, John L. Senior Professor of American Institutions
and member of the Departments of Government and
History

Charlotte M. Young, Professor of Medical Nutrition and Secretary of
the Graduate School of Nutrition

He moved its adoption, which followed by voice vote.

The Dean then called attention to the report of the Committee on Economic Status of the Faculty. [The report, which was distributed at the door, appears in the Cornell Chronicle of May 14, 1970.] *ATTACHED*

4. APPROVAL OF MINUTES

The Dean asked the Faculty's consent to a proposal for approval of the minutes of the meetings of May 6 and May 13, 1970, to enable him to prepare the "Proceedings of the Faculty" for the year 1969-70. He requested that corrections be submitted to him in writing by July 1 for consideration and final approval of the minutes by the Faculty Council. There were no objections.

5. REGULATION OF PARKING AND TRAFFIC

The Provost outlined the steps followed in the development of plans approved by the Executive Committee of the Board of Trustees on May 12, indicated in what ways these plans differ from recommendations of the Committee on the Economic Status of the Faculty, and stated the rationale for these differences. [His statement and the new parking regulations appear in the Cornell Chronicle for May 14, 1970.]

6. TEMPORARY COMMITTEE ON THE ORGANIZATION AND PROCEDURES OF THE UNIVERSITY FACULTY

Professor Robert S. Pasley, Law, reported that the Committee expects to complete its deliberations and hearings in time to permit the installation of a new system about January 1, 1971. In a progress report, he noted that a Senate will be proposed which will consist of about 100 members to be representative by college and status. This organization would meet monthly and take over a major part of the business of the University Faculty. The full Faculty would continue to meet about twice a year and have certain powers to review and delay actions of the Senate. The Faculty Council would be replaced by a Review and Procedures Committee which would function as an executive committee of the Senate. A new nominations committee and a new elections committee are also proposed, as is the

reduction in the term of office of Dean of the Faculty from five years to three.

Professor John D. Hartman, Vegetable Crops, rose to express his opinion that it is urgent to institute a Senate. He stressed the absence of democratic procedures in the conduct of faculty business and gave as an example bringing up ROTC five times in fourteen months.

7. REPORT OF AD HOC COMMITTEE ON GM PROXIES

Professor Walter Lynn outlined the steps the committee followed prior to the decision of the Executive Committee of the Board of Trustees to vote Cornell's General Motors stock with GM management.

8. ROTC

As chairman of the Faculty Committee on University-ROTC Relationships, Professor David L. Ratner, Law, requested the Faculty to admit six student members and one alternate student member for the duration of the discussion. Permission was granted by voice vote; the students were then admitted.

The Provost called the Faculty's attention to a statement by President Corson on ROTC, which was distributed at the door. He asked if he should read it. The Faculty indicated that this would not be necessary. [The President's statement appears in the Cornell Chronicle of May 14, 1970.] *Attached*

Professor Douglas Dowd, Economics, introduced the following motion:

BE IT RESOLVED, That the University Faculty urges
the Administration to end all ROTC, NROTC, and
AFROTC programs on campus by September, 1970.

Professor Gordon Fisher, Environmental Systems Engineering, objected to its consideration. When asked by the Chair to state his grounds, he replied that according to parliamentary procedures the Chair is required to take immediate action. The Chair overruled the objection. Professor Fisher again objected. A vote was then taken on whether to consider Professor Dowd's motion. At the

request of Professor Paul Olum, Mathematics, the Chair noted that a two-thirds vote would be needed to block consideration. The vote was 310 in favor of considering, 447 in opposition. The motion remained on the floor.

Speaking to his motion, Professor Dowd took note of the reluctance of the Faculty to become engaged in political disputes but observed that once an issue becomes as controversial as ROTC has become at Cornell, there is no way the Faculty can avoid political disputes. While he regards as admirable President Corson's position favoring civilian input into the military sector of society, he noted that the history of the past 20 years has been marked by an increasing intrusion by the military into all areas of civil society. The issue before the Faculty is not whether ROTC will disappear from the campus, since students will cause this to happen in any case by some combination of declining enrollment and action directed toward making the campus an inhospitable environment for military instruction. He then submitted a list which he reported contained 2,233 student signatures in support of his motion. The issue, he concluded, is whether the Faculty will remain a frightened body acquiescing in the decisions of others or assert itself with respect to the military presence on campus.

Professor Raphael M. Littauer, Physics, introduced the following substitute motion:

WHEREAS, This Faculty has already expressed itself on such academic aspects of the ROTC program as properly fall within its competence, and whereas any wider-ranging decisions regarding ROTC would have an impact on many other groups besides the Faculty, this Faculty now declines to attempt making further recommendations, but defers instead to the decisions which will be reached by such campus-wide representative bodies as the University Senate.

The Chair announced the procedure for handling substitute motions. When a substitute motion is before the house, it will be possible to continue to discuss and amend both the principal motion and the proposed substitute. The process

of discussion and amendment will conclude with a vote on whether to replace the principal motion with the substitute.

Professor Littauer said that since the University Senate is now almost in operation and ROTC is an issue of community-wide concern, the matter should be placed before the Senate, thereby establishing that body's ability to deal with matters of consequence. Although some delay would be involved, the ROTC issue is not a matter to be rushed. Rather than being the subject of a paternalistic decision, the matter should be left to a representative body.

Professor John Whitlock, Veterinary Medicine, asked whether the substitute motion would require the Faculty to abdicate its responsibility for academic aspects of ROTC. Professor Littauer replied that his motion makes clear that there would be no such abdication. Professor Whitlock found Professor Dowd's motion fundamentally dishonest since to do away with ROTC requires doing away with the University. Professor Paul Olum then raised a point of order; the Littauer motion is not a substitute motion but rather a motion to refer. The Chair ruled that since the reference is not to a subordinate body, it is properly a substitute motion. Professor Whitlock continued. He knows it is possible to get student names on a statement, particularly when students are uninformed about the complex dimensions of what is at issue. Land-grant status, in law and in fact, is attached to military instruction. Should the Faculty act to remove ROTC from campus it would initiate a sequence of steps that would make the State University the new land-grant university in New York. Simplistic solutions have no validity, he concluded, and therefore should not be considered.

Professor L. Pearce Williams, History, spoke in favor of the Littauer motion and against the Dowd motion. He reported that he had given Dean Miller two petitions containing over 1600 signatures that favor a continuation of ROTC in some form. Clearly, he argued, student opinion is divided and the Littauer motion

has the virtue of allowing time for reflection. Referring to Professor Dowd's defense of his motion, Professor Williams challenged the conclusion that to sever a connection between the civil and military sectors of society will reduce the encroachments of the latter upon the former. The effects of removing ROTC from this and other campuses are not predictable. However, there are historical examples to indicate that moves to isolate the military have often led to dangerous increases in the degree of militarism in society.

Professor Ratner introduced the following substitute motion on behalf of the Faculty Committee on University-ROTC Relationships, after the Chair found it appropriate to have two substitute motions on the floor:

RESOLVED, (1) That the University Faculty considers it desirable that the ROTC programs at Cornell be replaced by programs in which the University's responsibility will be limited to providing academic instruction, within the framework of the University's regular departments, and professional military training will be the exclusive responsibility of the military services; and further

RESOLVED, (2) That the University Administration be requested to commence promptly negotiations with the federal and state authorities to implement resolution (1) in a manner which will enable the University to comply with its land-grant obligations and will not unduly prejudice the rights and interests of students currently enrolled in ROTC programs at Cornell; and further

RESOLVED, (3) That the Administration be requested to report to the University Faculty and the University Senate as early as possible in the Fall of 1970 the status of the negotiations conducted pursuant to resolution (2).

In speaking to his motion, Professor Ratner read the fourth and last paragraphs of President Corson's statement. He hoped that the Faculty would respond to the President's desire to work with Federal and State authorities toward the objective of meeting the University's responsibility for military education through regular academic offerings. Although recognizing the reluctance of the Faculty to open a

question that was presumably settled last November, he noted that much has happened since that time to justify reconsideration. In concluding, he hoped the Faculty would rise to its opportunity to put Cornell in a leadership position among universities.

Dean Miller took the opportunity, since the subject of petitions had come up, to list the petitions he had received. In addition to the ones submitted by Professors Dowd and Williams, he had one with 78 signatures from Hotel Administration favoring ROTC at Cornell, a petition with 416 signatures urging that military officers have a broad background of university education, a petition from law students with 17 signatures which noted that they would become subject to the draft should ROTC be ended at Cornell, and another with 129 signatures from non-academic employees calling for preservation of a voluntary ROTC. He reported that several other petitions had also been submitted. [The full texts of all the petitions appear in the Cornell Chronicle of May 14, 1970.] *attached*

Assistant Professor J. Robert Cooke, Agricultural Engineering, opposed both substitute motions but focused his objections on that of Professor Littauer since that motion is inconsistent with the Bethe resolution (passed last year) and other principles of long standing at Cornell.

Dean Alfred E. Kahn supported the resolution submitted by the Faculty Committee on University-ROTC Relationships. He observed that, quite properly, it is concerned with academic matters which he does not propose to turn over to the University Senate. As to the political determination involved in the resolution, he does not see how that determination is reduced by voting against a resolution which moves toward placing military instruction within an academic framework. The Faculty's unhappy experience with overriding careful work by faculty committees by writing legislation on the floor is further reason to reject the Littauer motion, which simultaneously denies the Faculty the opportunity to consider substantial academic

issues and ignores the position taken by the President.

Professor Richard M. Phelan, Engineering, opposed all three motions. After observing that the University Senate will consider ROTC in any event, he called attention to the possibility of a sleeper in the first sentence of the Ratner resolution. By limiting its responsibility to providing academic instruction, the University could deny any responsibility to provide facilities for military instruction.

Assistant Professor Arthur L. Berkey, Agricultural Education, moved to place on the table the original motion and both substitute motions. In response to a question from Vice President Stuart M. Brown, the Chair ruled that this could be done by a simple majority. Professor Cooke asked the Chair whether the motion is to postpone indefinitely. When the Chair ruled that it is not to postpone indefinitely, Assistant Professor Peter F. Sharfman, Government, pointed out that the mover stated that his purpose in tabling was to remove the subject from the floor, not to permit the body to move on to more urgent business. Professor Max Black, Philosophy, asked whether the motion is debatable. The Chair ruled that it is not. Professor Paul Olum appealed the ruling that only a simple majority is needed to table. Citing Robert's Rules, he indicated that tabling is not a proper means of suppressing debate and reminded the Faculty that this use of a tabling motion has come before the Faculty many times before; Robert's Rules states that when a motion to table is used to suppress, a two-thirds majority is needed. A vote was then taken, by standing, on whether to sustain the ruling of the Chair. The Chair was reversed. A vote was then taken, by standing, on the motion to table. The motion was defeated.

Professor Norman Penney, Law, then called for the question of substituting the second substitute motion (Ratner's) for the first substitute motion (Littauer's). Assistant Professor Paul L. Gournier, Hotel Administration, asked for an answer to

Professor Phelan's question about whether the first paragraph of the Ratner motion means that the University may not supply physical facilities to military programs on campus. Professor Ratner said the resolution is not intended to exclude the use of facilities by military personnel. Professor Gaurnier then requested the Chair to determine, as a matter of record, whether this is understood by the body. By way of clarifying this understanding, Professor Lawrence S. Hamilton, Conservation, suggested inserting "instructional" between "University's" and "responsibility." Professor Ratner regarded that as an amendment and did not accept it. He said the phrase "University's responsibility" was not intended to foreclose questions concerning the use of University facilities. A vote was taken, by standing, on stopping debate on the Ratner resolution. Debate was stopped. Then the Faculty voted, by standing, to substitute the motion of Professor Ratner for that of Professor Littauer.

Professor Thomas A. Sokol, Music, inquired about the meaning of the word "replace" in the first paragraph of the Ratner resolution. Professor Ratner replied that "replace" was intended to reflect the probability that implementing his resolution would probably require the development of new programs; however, there was no intent to eliminate military training. Professor Olum asked, if the motion should pass, whether military instruction would become a non-credit extra-curricular activity. Professor Ratner said that understanding is essentially correct. Professor John D. Hartman, Vegetable Crops, asked whether the Faculty Committee on University-ROTC Relationships is not an interim committee appointed by the Faculty Council rather than the standing committee the Faculty voted to establish. Dean Miller replied that the committee was appointed by the President in accordance with the Faculty Council's interpretation of the rather vague resolution passed by the Faculty last fall. The committee is intended to serve through the spring term, pending an election.

Professor Ian R. Macneil, Law, moved to cut off debate on whether to substitute the Ratner motion for that of Professor Dowd. The Chair announced that a two-thirds vote would be needed. The Faculty voted, by standing, to cut off debate. Then, by a standing vote, the Faculty substituted Professor Ratner's motion for that of Professor Dowd.

Associate Professor Roger A. Morse, Entomology, asked whether the effect of defeating the Ratner motion would be to reaffirm the Faculty's action of last November. Professor Ratner replied that his motion is directed toward the future; he would not suggest what the situation would be in the event the motion is defeated. Professor Morse then said that the motion should be defeated and by this action the Faculty would be affirming its action of last November.

Professor Whitlock urged the Faculty to vote the motion down since further nit-picking by the Faculty, CAL-style, would invite future difficulties and, in any case, the President is free to negotiate. Professor Richard P. Korf, Plant Pathology, noted that the Ratner motion meets the concern of many members of the Faculty about retaining land-grant status. He urged the Faculty not to tie that question to a particular program of military instruction. Professor Frank Rosenblatt, Neurobiology and Behavior, said that since the President has asked the Faculty to make recommendations with respect to negotiations which he proposes, the President will feel constrained about proceeding with these negotiations should the resolution be defeated.

Professor Julius Fabricant, Veterinary Medicine, moved the previous question which the Chair indicated would require a two-thirds majority. By a standing vote, the debate was ended. A vote on the Ratner resolution was then taken; 368 were opposed, 359 in favor. After some delay, Professor Chandler Morse, Economics, called for a recount in view of the crudity of the voting method and the closeness of the vote. This was denied by the Chair on the basis that the vote was taken

by a division; also some members who had voted had now left the hall. On an appeal of the ruling by Professor Morse the Chair was sustained by a voice vote.

Assistant Professor J. Robert Cooke moved as follows: "That the Cornell University Faculty reaffirm its previous position of November 12, 1969, on ROTC." A member objected to consideration of this motion. The Chair ruled that a two-thirds vote of the body would be needed to sustain the objection. Following a point of information concerning the content of the resolution of November 12, 1969, and a response by the Chair that the resolution was too long to read, the Faculty voted, by standing, to sustain the objection.

Professor Michael E. Fisher, Chemistry and Mathematics, introduced the following motion:

The Faculty urges President Corson to conduct the negotiations he has explained in his statement to the Faculty.

Professor Fisher took the position that although the President is indeed free to negotiate and can be guided by his reading of the debate, since he requested recommendations from the Faculty and the Faculty has made none, it should act to endorse his move to negotiate. He called attention particularly to the fourth paragraph of the President's statement.

Professor Thomas Gold, Astronomy, urged the Faculty to resolve the question about whether ROTC will stay on campus or not. The issue must be addressed directly and not obfuscated in legalistic verbiage. He moved the following amendment: "That the President consider specifically the question of whether accommodations for the ROTC will or will not be on campus." Professor Robert Elias, English, asked whether the minutes of the meeting wouldn't be a sufficient guide to the President concerning the position of the Faculty. Professor Gold replied that they would not since the meeting took no position on the question he raises. Professor Fisher said that since the President's statement is clear, there was no need for

the amendment. Professor Max Black supported the original motion. He said that thus far in the meeting the Faculty has been a do-nothing body. It would be unfortunate, he argued, to meet the President's request with another negative position. Professor Richard M. Phelan said that to endorse Corson's statement would only confuse matters since the Faculty had already voted against doing what is proposed by the President in the second sentence of his fourth paragraph. He then differed strongly with Professor Black's conclusion concerning the do-nothing character of the Faculty, since it had reaffirmed the position of November 12th. The original motion and the amendment were read again. Then, by voice vote, the amendment was defeated.

Associate Professor James W. Lorbeer, Plant Pathology, urged the Chair to rule the motion on the floor out of order since the Faculty had voted to continue ROTC in its present state and the President is already free to negotiate. Dean Alfred E. Kahn detected an element of disingenuousness. Since some members of the Faculty, for example, Professor Whitlock, have clearly indicated that they do not regard a vote against the Ratner resolution as a vote for the *status quo*, the motion clearly is in order. He moved the previous question. The motion to cut off debate passed by voice vote. Professor Fisher then read his motion, slightly reworded, as follows:

The Faculty urges President Corson to conduct the negotiations along the lines he has explained in his statement to the Faculty.

The motion passed by voice vote.

9. CORNELL INVESTMENT POLICY

Professor Richard D. O'Brien, Neurobiology and Behavior, introduced the following resolution, which was co-sponsored by Professor Walter Lynn, Engineering.

WHEREAS, This Faculty voted on May 8, 1968 that "Cornell's investment policies should reflect a serious concern with the possible moral implications of those policies"

AND WHEREAS, The Faculty Council voted on May 11, 1970 to request the Executive Committee of the Board of Trustees to vote its General Motors proxy in favor of the "Campaign GM" resolution

AND WHEREAS, The Executive Committee of the Board of Trustees on May 12 instructed the University Treasurer to vote its GM proxy against the "Campaign GM" resolution

THEREFORE BE IT RESOLVED, That this Faculty

- (a) requests that a full meeting of the Trustees make a declaration on its policy on utilization of voting rights to influence social issues
- (b) urges the Trustees to adopt a policy whereby the influence of the University, as expressed through its stock voting power, be used to strengthen consumer interests in the governance of corporations
- (c) requests the trustees to agree that when major policy issues relating to stock voting procedures arise, the Trustees will seek an expression of the Cornell Community's view prior to voting its proxy.

With respect to voting the University's stock, Professor O'Brien noted a discrepancy between the resolution of the Faculty Council of May 11, 1970 [see (Attached) Cornell Chronicle of May 14, 1970] and the action of the Trustees the following day. In this instance, he claimed, the Faculty Council spoke for the entire Faculty. The failure of the University to express itself through voting after it was asked to address the issue by the Securities and Exchange Commission reflects a lack of concern about faculty opinion. Professor Phelan said it was immaterial how the Trustees voted. While he does not favor environmental pollution, he is worried about the effect of the resolution upon the Faculty's ability to do its academic work. Since every legitimate concern about voting of University stock may now come before the Faculty, he would prefer to ignore the issue since the University's financial policy is not the business of the Faculty. Professor Lynn replied that all the resolution requests is information

from the Trustees which is of concern to the entire community. Associate Professor Gordon M. Messing, Classics, challenged Professor O'Brien's claim to speak for the majority of the Faculty since that has yet to be determined. Since many members of the Faculty have left the meeting, he suggested that adjournment is the proper action at this point in time. Professor O'Brien rested his case on the content of the first two paragraphs of his resolution. The question was then called. By voice vote, the Faculty moved to end debate.

Professor Julius Fabricant moved to table the resolution because of the significance of the issue and the departure of some persons attending the meeting. The Chair accepted a point of order to the effect that a vote on the resolution had already been called. Assistant Professor J. Robert Cooke asked whether a motion to adjourn would be in order. The Chair ruled that it was obliged to proceed with a vote. Professor O'Brien read his resolution again. Professor Fabricant called for a division. The vote was 222 in favor, 218 opposed.

Adjourned: 6:40 p.m.

G.P. Colman, recorder

University Faculty Committee on the Economic Status of the Faculty Report to the Faculty May 13, 1970

Children's Tuition Program

ear this committee ended that the tuition scholarship under this program be substantially. As a on November 19 the recommendation was to the Provost:

strongly recommend that Administration and Trustees action to increase the tuition scholarship eligible faculty and children attending other than Cornell to of the undergraduate and fees for the endowed at Cornell, this to be effective for the academic year. We recommend that the benefits be increased to for the year 1971-72 the previously ended 75 per cent for the academic year."

ated out last year the of the CCTS program usly deteriorated since in 1966-67. The limit of \$1,000 ed 55.5 per cent of the undergraduate tuition when the program was For the 1969-70 period e \$1,000 represents only cent of the tuition and felt that as a minimum d immediately return to er cent level.

Administration responded ing in essence that of budgeting problems a would have to be made increasing a fringe program or increasing salaries. It was felt that equitable distribution ed resources would be faculty salaries.

Performance of

were quite disturbed by an is of the CREF ment performance by a group at even which indicated that equity fund had not med as well as might have pected in the last decade.

pendence with the ent of TIAA-CREF has not ed in any answer with to this problem. Since faculty has such a large in this program we feel an impartial review of their ment management is ed. We will recommend ommittee Z of the AAUP hey publish in the AAUP in an annual review of the

Establishment of a Mutual Fund Plan

We are exploring the feasibility of a voluntary, payroll deduction-mutual fund purchase program. New tax rulings have made it possible for some tax sheltering for those who wish to build a supplement to their retirement program. Another option without tax sheltering is also to be explored for employees who may wish to use the payroll

deduction route to purchase fund shares but may not want to have their funds tied up until retirement. We hope to have a plan ready by the fall.

Insurance for Personal Effects in Offices

Many of you have expressed concern that our personal effects in our offices are not covered by insurance. Although some individuals may be able to obtain coverage under their homeowners policy it appeared that a group plan might be more economic. Unfortunately Cornell is not very popular with insurance companies these days, but we think we may have a company willing to offer such a policy. Hopefully within a month and definitely by fall we will advise you further on this matter.

Other Matters

Your committee is investigating the feasibility of a group auto insurance program based on new legislation. Savings of 15 to 20 per cent are forecasted. We also joined with the Statler Club Board on a joint study of Statler Club-Statler Inn operations — and a report is in the mill. We have discussed with the Deans the advisability of making available every three years a salary comparison by rank by college to supplement the information now published annually. We also held a hearing and reported to the Provost on the Traffic Board proposal.

Improvements in Health Insurance Programs

There were some major improvements in the endowed health insurance programs that the faculty should be aware of. For example the maximum limit for a single illness under the Major Medical plan was increased from \$25,000 to \$50,000. Other improvements were also incorporated. The Endowed Blue Cross-Blue Shield plan for example has an increased

maternity benefit and coverage has been extended from 120 days to 365 days. Some minor improvements were also made in the plans of the statutory units.

Faculty Salaries for 1969-70

From 1965-66 to 1969-70, average compensation received by faculty in the endowed divisions increased approximately 20 per cent and in the statutory divisions almost 37 per cent (see table 1 for dollar figures). The increase in average compensation in the statutory units relative to the endowed has brought the two divisions together. The recent increase in the average for all ranks in the statutory units is, however, somewhat misleading. The increase is the result (a) of increases in compensation within ranks (table 3) and (b) a shift in the distribution of faculty from junior to senior ranks (table 4). Thus, the statutory divisions have relatively more full professors than the endowed units, and the large jump in average compensation for all ranks last year in the statutory units is partly explained by a shift in the distribution of faculty by ranks.

The price level increased 6.2 per cent from January 1969 to January 1970. The compensation for full, associate, and assistant professors in the endowed units increased 5.5, 6.2, and 5.0 per cent, respectively, from 1968-69 to 1969-70. The comparable percentages for the statutory units are 6.3, 11.2, and 5.0 (table 5, column 3).

Two problem areas perhaps should be emphasized. One is maintaining growth rates in compensation for all ranks at least to maintain real incomes and to remain competitive with other institutions. A second problem is the persistent, relatively low average compensation for full professors in the statutory divisions (see table 2).

The AAUP will institute a new rating system for faculty compensation next year. The letter ranks will be replaced by 10 numerical grades, and institutions of higher education are classified into three categories (essentially 2-year, 4-year, and 4-year plus graduate schools). The average compensation required in 1970-71 for the top 3 grades are provided in table 6. Rather substantial increases in compensation in every rank at Cornell will be required even to be in grade 2. It would appear that grade 2 should be the minimum goal for Cornell. In this inflationary period a real effort will be required to match the cost of living increases and move into the grade 2 category. Obviously this committee feels that this effort is absolutely essential.

For the Committee,
David L. Call,
Chairman

Table 1. Average Compensation (Salary and Fringe Benefits), Full-Time Faculty, 9-Month Basis

Academic Year	Cornell			Annual change	Average change nationally
	Endowed divisions	Annual change	Statutory divisions		
1965-66	15109		13368		
1966-67	15762	653	14969	1601	723
1967-68	16395	633	16156	1187	839
1968-69	17325	930	16695	539	875
1969-70	18140	815	18295	1600	NA

a / Fringe benefits include Cornell's outlay for social security, retirement, medical insurance, and tuition for faculty children.

Table 2. Cornell: Average Salary and Compensation, Minimum Salary and Compensation, 9-Month Basis, by Rank and by Division, 1969-70

Division and rank	Average		AAUP rating	Minimum		AAUP rating
	salary	comp.		salary	comp.	
Endowed	dollars			dollars		
Professor	20691	23788	A	15000	17472	A
Assoc. Prof.	14569	16708	AA	12000	13856	AA
Asst. Prof.	11018	12714	AA	9000	10474	AA
Statutory						
Professor	18194	21728	B	14104	17015	A
Assoc. Prof.	13917	16578	AA	9980	12051	A
Asst. Prof.	11523	13657	AA	8794	10519	AA

Note: The Statutory Divisions have a substantially higher proportion of their faculty in the senior ranks than the Endowed Divisions (see table 4); thus, no discrepancy exists between the overall averages reported in table 1 and the averages by rank reported in table 2.

Table 3. Cornell: Changes in Average Compensation by Rank, Selected Time Periods

Divisions and rank	1960-61	1964-65	1968-69
	to 1969-70 (9 years)	to 1969-70 (5 years)	to 1969-70 (1 year)
Endowed		dollars	
Professor	11247	5238	1243
Assoc. Prof.	7389	3548	978
Asst. Prof.	4930	2375	610
Statutory		(3 years)	
Professor	----	3821	1287
Assoc. Prof.	----	3081	1672
Asst. Prof.	----	2395	645

Table 4. Number of Full-Time Faculty by Rank, 1969-70

Rank	Endowed Divisions		Statutory Divisions	
	Number	Change from 1968-69	Number	Change from 1968-69
Professor	327	-7	314	11
Assoc. Prof.	164	13	214	-11
Asst. Prof.	255	23	134	-16
Instructor	32	-7	10	-10

Endowed Divisions: Architecture, Arts and Sciences, Business, Engineering, Hotel Adm., and Law. Statutory Divisions: Agriculture, Human Ecology, I and LR, and Veterinary Medicine.

Table 5. Percent Change in Average Compensation by Rank and in Consumer Price Index, Selected Periods

Divisions and rank	1960-61	1964-65	1968-69
	to 1969-70 (9 years)	to 1969-70 (5 years)	to 1969-70 (1 year)
Endowed	Percent change		
Professor	89.7	28.2	5.5
Assoc. Prof.	79.3	26.6	6.2
Asst. Prof.	63.3	23.0	5.0
CPI	27.0	21.0	6.2
Statutory		(3 years)	
Professor	----	21.2	6.3
Assoc. Prof.	----	22.8	11.2
Asst. Prof.	----	21.3	5.0
CPI	----	14.9	6.2

Table 6. AAUP Average Compensation Rating Scales for Category I Institutions, 1970-71

Rank	Rating Scales		
	1	2	3
Professor	25740	24580	23410
Assoc. Prof.	17990	17650	17310
Asst. Prof.	14550	14150	13750

May 14, 1970

Plane Parking Statement

ing is a statement by
Plane, provost, on the
parking and traffic
ns:

received from the
on Traffic and the
Office a set of
endations for the future
ment of circulation and
at Cornell. These are the
endations which have
discussed before this
and described in *The*

Following the initial
on of its proposal, the
Traffic Control received
communications from
of the community.
s carefully considered.
ore, the plan was
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c Status of the Faculty
the subject of an open
of that committee with
ty faculty members in
ce.

May 5th I received a
andum from the
ee on Economic Status
Faculty, which made
s, some of which had
been considered at
by the Board on Traffic
On the basis of both
I took a plan for next
arking to the Executive
ee of Trustees on
May 12. I fully realize
Senate will have much
about the future of
parking, but I need not
at that the problem is
and mailing of
ons must go out this

own feelings concerning
an are perhaps best
ed by the first point made
memorandum from the
ee on Economic Status
Faculty: "The (Traffic)
as done a thorough job
rizing this problem and
n is well thought out and
lead to less congestion
easing of the traffic and
problems. Since about
e in the community is in
ay affected by this plan, it
us that it will be next to
le to gain unanimous

The principal difference between the proposals from the Traffic Board and that from the Committee on Economic Status of the Faculty concerns the source of revenue to pay for the new plan. The Committee on Economic Status of the Faculty realizes that the increased cost which is necessitated, not just by the new plan, but by the increased problem of parking on campus, must come from some source. They suggest an alternative to the institution of parking fees for Faculty members, a corresponding reduction of pay increases for Faculty for next year. Such procedure would have an obvious advantage in terms of income tax, but I have instead chosen the Traffic Board's plan and fee schedule for three reasons:

1. A basic ingredient of the Board's plan is that parking fees will reduce demand for increasingly scarce parking spaces and in the future may make it economically advantageous for the Ithaca community to institute greatly expanded mass transit.

2. Under the Traffic Board's plan, a faculty member will have several options, one of which is to pay nothing for parking although in an outlying lot. Another option is to receive economic benefit from car pooling which in turn would decrease the parking problem.

In addition, the Committee on Economic Status of the Faculty suggested some modifications of the fee structure. Each suggestion had been considered at length by the Traffic Control Board (and in each case they had recommended against the proposed change). One suggestion is a graduated scale by salary or rank. However, at this late stage of the year it would not be possible to institute such a plan for next year, although it could well be considered for the following year.

Another suggestion concerns those faculty members fortunate enough to have offices close to little-used parking lots. In such cases the Economic Status Committee noted that these faculty members would be receiving a real break. However, two points should be noted:

(1) That the purchase of a "U" sticker, which would not be necessary for people in these fortunate locations, entitles one not only to park close to his office, but furthermore gives him free access to the whole campus.

(2) Those faculty members fortunate in the respect of being able to park cheaply close to their offices are correspondingly unfortunate in being located generally far from the center of campus. Thus it would seem that they should have the option of choosing either less expensive parking without access to the rest of the campus of a "U" sticker with full access.

On the question of accessibility of offices, the Board on Traffic Control has recommended, and I have accepted the proposal, that for those faculty whose only office is off the main campus, a free "U" sticker will be issued. Finally, it is the recommendation of the Committee on Economic Status of the Faculty that money resulting from the parking fee be spent only on the Traffic Control Program. This I accept. Thus the University will allocate the same amount of funds to next year's program as to this year's. This runs in excess of \$200,000. All money collected from parking fees will be used to pay the incremental costs of the new program and if any remains it will be earmarked for implementation of future steps of the developing traffic control plan.

Plane Announces Extensive Campus Parking, Traffic Rule Changes

ing on the
 ndations of the Cornell
 Traffic Control, Provost
 A. Plane yesterday
 ed extensive changes in
 iversity's parking and
 ulation system effective
 er, 1970.
 ing fee for parking
 restricted traffic in the
 campus area, controls on
 campus parking,
 peripheral lot bus
 and a revamped parking
 schedule are among
 s major changes.
 on, the four dollar fee
 to all students for
 g their cars regardless
 if they were eligible for
 Privileges, has been
 d.
 changes were
 nited by Plane after
 by the Executive
 ee of the University
 Trustees, which met
 in New York City. The
 ulations came as a
 to an ever-increasing
 of vehicles driving
 and parking on the
 and a decreasing
 of parking spots
 for them.
 ease the demand for on
 parking spots,
 on of faculty and staff
 as been tightened, and
 be charged for most
 permits.
 ors and administrators
 s who meet eligibility
 s will pay \$108 next
 e privilege of parking in
 "E" and "LT" permits
 \$54 per year, "O"
 will cost \$27 for the
 e employees parking in
 AC and some O areas
 ve to pay a fee.
 ible for U permits,
 o walk or don't want
 can choose the more
 but less costly — E,
 her areas.
 s who are eligible for
 permits and still want
 also have to pay: An
 or (for commuting
 iving more than one
 half miles from campus)
 7-Vet school student

dormitory residents who wish to park in the Cascadilla, University Halls area, Hughes Hall, Anna Comstock and North Dormitory lots will have to pay \$54 per year.

Dormitory residents who do not wish to pay the fee may, however, park at no cost in certain other areas — west dormitory residents (University Halls, Baker complex, etc.) can park in the soon-to-be-expanded Country Club lot, off Jessup Road, and residents of other dorms may park free in a lot that will be built during the summer near the Von Cramm house on University Avenue.

A group of either employees or students who would normally be issued separate permits for their vehicles, and who agree to a car-pool arrangement, may be issued new car-pool permits and one display card. For staff, the permit category which can be elected is determined by the highest eligibility category of the car-pool members.

Students who wish to form a car-pool must all meet the "commuting student" definition.

The fee for a car-pool arrangement is the same as the one for a single permit in the category elected. Only one vehicle in a family unit may be registered under car-pool provisions.

Traffic will be restricted on the central campus next year, according to Plane, to cut down on the congestion that clogs Cornell streets during the daytime.

Cross campus traffic will use a loop road — a route designed to carry vehicles around the periphery, rather than through the heart, of the campus. Campus Road, West Avenue, University Avenue, Forest Home Drive and Plantations Road will make up the loop. Improvements on sections of those roads will begin this summer, Plane said.

The Traffic Control Board and the University Planning Office recommended the installation of control and information booths at four locations, so that only

mass transit, emergency, service and delivery vehicles can drive across campus.

The booths will be set up at East and University Avenues (near Rand Hall), East Avenue and Campus Road (across from Statler Hall), Campus Road and Garden Avenue (near Barton Hall and Hoy Field), and Tower Road near Wing Drive on the upper campus. One or two patrolmen will be on duty at each booth to regulate traffic and assist visitors, according to James W. Spencer, professor of agricultural engineering and chairman of the Traffic Control Board.

Within the limited-access central area, there are some 1,100 spaces, of a total 2,340, paid spaces available. Outside this controlled area additional full-time parking checkers will be on duty weekdays to cut down parking violations.

A new system of fines and tow-away provisions have also been established to further provide strict control of parking.

One parking area will be expanded, and a new one constructed by the beginning of the fall term to help alleviate space shortages. The Country Club lot, on Triphammer and Jessup Roads, will be expanded to accommodate 384 cars, and space for an additional 130 cars will be provided near the Von Cramm house on University Avenue. There will be no bus service to these lots.

The Planning Office has estimated that income from permits and parking meters will amount to approximately \$200,000 for the next year. The operating costs of the first stage of improvements, including amortization is estimated at also \$200,000.

Plane said that all revenues from permits and meters will be set aside in a special fund for further improvements of parking and traffic circulation.

Evening parking on campus, which has also become a problem, will be more tightly controlled. The lots near Morrill, Newman-Savage, Mann-Fernow and Thurston-Kimball Halls will be open only to holders of "U" permits. Personnel will be stationed at each lot.

In addition, a start will be made during the summer on road improvements as part of the loop system. These will be part of a ten-year plan developed by the Traffic Board and Planning Office, which has been approved in principle by the Building and Properties Committee of the Board of Trustees, Spencer said.

PARKING PERMIT AREAS

Designated	areas
E	Anabel Taylor, Myron Taylor, Hughes circle, Hollister, and Grumman
LT	Lynah, Teagle, and Schoelkopf Drive parking east of Garden Avenue
AC	Anna Comstock
AB	A or B lot
RP	Research Park
O	I. Wilson lab, Ag. & Vet. lots and areas east of Wing Drive

Reserved Areas

- I. Loading deck areas and service vehicle areas, as posted
- II. Visitor
 - A. Barton lot
- III. Dormitory
 - A. West Dorms (WD areas)
 - B. Dickson, Donlon, North Dorms (ND area)
 - C. Hughes Hall (HH areas)
 - D. Cascadilla Hall (CH area)
 - E. Balch, Risley, Anna Comstock (AC area)
- IV. Student Commuter
 - A. Kite Hill (K lot)
 - B. Country Club (CC lot)
 - C. Vet commuter (VET areas)

Unreserved Areas

- I. Sage lot (all 30 minute metered)
- II. Posted spaces at dairy sales and dairy bar, meat market, small animal clinic, Noyes lodge and Schurman (all time zoned)

Special Areas

- I. Gannett clinic area for student patients only.
- II. Federal Nutrition Lab for federal employees only.
- III. Others as posted.

PARKING PERMIT FEES

1970-1971

Basic Fee Structure (per year)

Eligibility Category	U	E, LT	Permit Category Elected	
			O	AB, RP some O's, AC
I	no fee	no fee	no fee	no fee
II	\$108	\$54	\$27	no fee
III	X	\$54	\$27	no fee
IV	X	X	X	no fee

Eligibility Standards for Parking Permits

- I. Sponsored parking (S permits)
 - A. (*) Employees who are required to have a vehicle as a condition of their employment and who are reimbursed for such use of their vehicle.
- II. Unrestricted parking (U permits)
 - A. Academic Deans and the Executive Officers of the University.
 - B. Faculty - Emeritus Professor, Professor, Associate Professor, Assistant Professor, Senior Research, and Senior Extension Associate.
 - C. (*) Exempt employees (executive, administrative, professional) as defined by the Fair Labor Standards Act) and certain non-professorial academic employees (librarians, lecturers, research associates, extension associates, etc.) who meet salary eligibility requirements as established by the Board on Traffic Control.
 - D. Employees with 25 years or more employment at the University.
- III. Perimeter Parking (O, LT, E, and AC permits)
 - A. (*) Employees who intermittently need their car on University business, i.e. 3 to 10 times a week.
 - B. (*) Employees whose working hours and/or primary location of employment do not permit their use of the bus system.
- IV. Peripheral Parking (AB permits for the bus lots, or RP permits for Research Park)

Employees who do not qualify for parking under I, II, or III

Fees

	Permit	Lot/Lots	Fee/Vehicle
Student Commuter	AK	K lot	\$27
	CC	A lot	
VET Student	VET	Country Club lot	no fee
		VET area	\$27
Dormitory Resident			
Cascadilla	CH	Cascadilla lot	\$54
West dorms (University Halls, Baker Tower, Boldt, etc.)	WD	north & south lots	\$54
Hughes Hall	HH	Hughes lot	\$54
Sage		no lot available	
Balch, Risley, Anna Comstock	AC	Anna Comstock lot	\$54
North dorms, Dickson, Donlon	ND	Country Club and various lots by Dickson	\$54
*West dorms	CC	Country Club	no fee
*Other dormitory residents	VC	Von Cramm	no fee

* essentially dead-storage and space not assured

Corson Message to Faculty on ROTC

programs.

I discussed these, as well as other ROTC-related problems, with Assistant Secretary of Defense (for Manpower) Roger T. Kelly, in Washington last December. Secretary Kelly gave me a sympathetic hearing and encouraged me to talk further about modified programs with the individual services.

Several additional conversations on this topic have been held with groups on our own campus, including the ROTC commandants; Provost (Robert A.) Plane and Professor (David L.) Ratner have a meeting scheduled with Assistant Secretary of the Navy Hittle for tomorrow (May 14) in Washington. It will give special attention to the question of NROTC disenrollment policy.

If any program resembling the one I have suggested is to gain acceptance I believe it can only be through the concerted action of many universities. I have already discussed the general problem with a few individual university presidents and I have participated in one assembled meeting of university presidents devoted to this subject. I have also raised the matter with Chancellor (Alexander) Heard, President Nixon's new liaison official with universities. It is clear that action of the type I have suggested will take time. Major changes by September, 1970 are unlikely. More likely is a series of desirable changes spread over a period of time. The program cannot be revolutionized all at once.

One of the corollary problems in any modified program is the cost of the program. The Federal Government now pays only a part of the true cost of existing ROTC programs. As the programs are modified in the direction most campuses consider desirable, the Federal share of cost decreases. Part of our effort must be to increase Federal support.

while at the same time preserving the University's land-grant status. In such a program as I visualize Cornell students could work towards a commission in the armed forces during their undergraduate years.

Cornell University is already participating in modified programs which, I believe, are a step in the right direction. We are one of a handful of universities participating in an experimental Air Force program to substitute regular departmental courses for the usual ROTC courses taught by military instructors. The College of Engineering during the current year organized two such courses in the Aerospace field open to all students, ROTC and non-ROTC alike. Next fall, the Army ROTC curriculum will be modified to substitute a number of departmental courses in a similar way.

If the ROTC programs are to attract the number of students necessary to meet the needs of the armed services, it is clear — at least to me — that they must be modified perforce. Freshmen enrollment, nationally, in Army ROTC programs was down more than 25 per cent in the fall of 1969 from the fall of 1968. Our experience at Cornell University has followed a similar pattern. The several services have maintained standards for the minimum number of ROTC graduates per year from any individual university. Below that standard they do not normally maintain an ROTC unit on that campus. At Cornell, we are currently operating close to the minimum figures for both the Army and the Air Force. The services, however, have temporarily abandoned these standards during the current nation-wide discussion of ROTC. While I do not know the likely effect of future draft policy on ROTC enrollments, I do know that the current decline in enrollments has stimulated the interest of military manpower officers in modified ROTC

To summarize, I believe that universities have an important role to play in the education of prospective military officers; that major changes in ROTC programs are inevitable; that limitation of the University's role to normal academic instruction may be possible; that military manpower officials are to some degree receptive to suggestions for change; that intelligent change is most likely to be achieved through concerted action by a group of universities; and, finally, that desirable changes cannot be made overnight.

I shall look forward to the Faculty's recommendation.

Many Petitions Concerning ROTC Presented to University Faculty

Wednesday's meeting of the Cornell University Faculty in which it considered the ROTC issue, several petitions expressing viewpoints on ROTC circulated on campus and were presented to the faculty.

More than 125 members of the academic staff signed a petition which read: "We, the undersigned, being members of the academic staff at Cornell University, are concerned that our rights of choice remain at issue. It must be emphasized - the relationship in ROTC is not a partnership. ROTC presents an alternative for college education for those who subscribe. ROTC is a college educated man in the ROTC should be kept for those who wish to take advantage of its opportunities. Removing ROTC from campus would take away from students one more freedom of

415 students and staff members signed "a petition to the Faculty of Cornell University", which said: "We, the undersigned, wish to express our concerns for the following reasons:

We feel that United States ROTC officers should have the same background that a military officer offers. We do not feel that it is in the best interests of the university to ban a course of ROTC from those who

We feel that abolishment of ROTC encourages a policy of shortsightedness, out of mind" while ignoring the possible problems of ROTC.

We deplore the disruptive and destructive tactics of some ROTC members in supporting their own narrow view. We hope that our quiet, responsible voices will be heard above the throng."

More than 75 members of the Cornell Hotel Administration signed a petition which read: "We, the undersigned, as members of the Cornell Hotel Administration

Reserve Officers Training Corps on the Cornell campus, respectfully request that a representative of the hotel school be admitted to Wednesday's Faculty meeting concerning the vote on this subject."

Seventeen persons signed a petition that read: "If the Faculty endorses the current proposal to abolish ROTC by September, 1970, we, the undersigned students in the Law School, will immediately become subject to the draft and will be unable to complete our legal education.

"If the Faculty wishes to sever University ties with ROTC, we respectfully request our plight be considered. We therefore offer and endorse the following proposals as these accomplish the goal of eliminating ROTC while avoiding hardship on individual students.

Alternative Proposals:

I. *Phase out ROTC by June, 1973.* This allows all students currently enrolled in ROTC to complete the program on schedule.

II. *Phase out ROTC by June, 1972.* This would allow all students except freshmen to complete the program on schedule. Freshmen could elect to complete the program on an accelerated basis.

III. *Eliminate ROTC by June, 1971.* This one year proposal was selected by the Harvard Faculty. It allows all students presently under contract and graduate students in the Two Year Program to complete their ROTC work on an accelerated basis.

A dozen Law School students signed this open letter to the Faculty: "It is most regrettable that the future of ROTC at Cornell may be decided in an atmosphere in which calm deliberation may be an ideal incapable of achievement. The sincerity of those who would banish it from the university is not questioned. The wisdom of such a move is.

"We do not dispute the right of the university to concern itself with certain features of military training on campus. The line of demarcation between appropriate areas of concern and improper interference is what must be determined. It is entirely within the province of this university to see to it that all students are adequately informed of their rights and obligations as members of ROTC.

"This follows naturally from the very fact that Cornell offers its students an opportunity to participate in such a program. It is quite another for this university to arrogate to itself the right to determine just what those rights and obligations shall be. Once you have acted to insure that a student has access to all necessary information on which to base his decision, is it not presumptuous to substitute your own evaluation for his?

"This in effect, is what you do when you require disenrollment procedures to conform to University specifications. Moreover, as it is unrealistic to assume that the military services, in administering a program of this magnitude, could alter its policies in response to the demands of one university, however well-intentioned, such proposals become nothing more than a disguised attempt to force ROTC to terminate its relations with Cornell University.

"Unfortunately, you are being asked to consider a proposal which is even more intemperate. Let us leave aside the question of the legality (in light of agreements between the government and the University) and confine ourselves to an examination of the propriety of such a move. ROTC has been in existence for decades before any of us ever heard of Vietnam and will continue to play an important role in the training of qualified officers, whether or not at Cornell, long after we have all forgotten about it. There is at least a presumption that it is

"Yet today it is being attacked not on its own merits but as a symbol of a policy which many in good conscience cannot support. To attack one thing as a symbol of something else without an independent examination of the former is, in effect, to kill a patient to cure a disease. Yet few of ROTC's opponents even pretend to discuss the underlying question of ROTC's own value. When Vietnam is past history, will we still be better off for having abolished the program at our colleges and universities?

"While we cannot here attempt an exhaustive evaluation of this issue, a few observations are in order.

"In the first place, assuming that armies and nations" will not be abolished in our lifetime, how can we mitigate the dangers of professional elitism and insure that our officer corps will contain socially aware individuals who have been exposed to a liberal educational environment?

"Secondly, it is entirely proper to deprive a student of his freedom of choice in the matter of military service because the policies of the present Administration offend you? Proposals to compensate such students for their loss of ROTC monies means in essence that you are purchasing their rights with university funds. It may soothe some consciences but it smacks of intellectual dishonesty nevertheless.

"Thirdly, what are you going to say to those graduate students for whom the termination of the program means subjection to immediate military service? It can hardly come as a surprise to you to learn that many such students have rejected formerly deferrable positions in reliance on the continued existence of such programs at Cornell.

"Fourthly, as more and more of the traditional avenues to military deferment are closed, it is conceivable that the number of those interested in joining ROTC will increase. Is this why it is so

Much was said on this point during the fall; so, in the interest of time we will forego a lengthy discussion and review briefly what we believe to be the major justifications of ROTC.

"The maintenance of academic freedom is a prime reason why ROTC must be kept on campus. The right of a student to take a course should not be abridged merely because there is some political disagreement over the course content. Questions of ROTC courses meeting university standards are becoming ever more moot as more and more ROTC courses — in keeping with the faculty directive of last fall — are assigned to regular University professors or taught under the auspices of another department; while the remaining military-taught courses — in the opinion of the vast majority of ROTC students — are at least on par with regular University courses of equivalent credit hours.

"Another factor in favor of ROTC is that its graduates have a liberalizing effect on the Armed Forces. Assuming that the Armed Services will exist regardless of ROTC's fate, it is much preferable to have a high number of liberally educated junior officers, for they have the greatest contact with the men. We cannot help believing that, had the Army had enough liberal ROTC junior officers so that Lt. Calley and Capt. Medina had not been forced to assume command without a college education, the My Lai massacre would never have occurred. The argument of those who would abolish the program on the basis of ROTC career officer statistics is self-contradictory. How can one argue on the one hand that ROTC is intimately connected with the war effort and policies he opposes and then argue on the other that ROTC people are in no position to make these policies?

"On a similar note, it is constantly argued by friend and foe of ROTC that Cornell University cannot remain sterile and neutral in society — that it must be active, relevant, and contributing. What better way to contribute to a liberal society than to help to ensure that it is

staffed by liberal officers with a basically civilian outlook. A Cornell graduate can afford to buck the system if necessary because he knows he can survive and succeed outside the military.

"On a more practical level, abolition of ROTC would mean the loss of deferments for many Cornell graduate students in Law and Business — most of whom have already given up possible occupational deferment or a Reserve appointment on the expectation that ROTC would remain at Cornell. Also, with the new policy of no new student deferments, it becomes imaginable that ROTC could serve to draw some of the best high school graduates in the country to Cornell in the interest of completing their education. We wonder whether this foreseeable rise in the pro-ROTC sentiment on campus beginning next year is the reason why some find it so imperative to banish ROTC by the nearly impossible date of next September 1, or why these same people would seek a commitment from you *now* to end it a year later. We ask that you wait and see.

"We do not, however, ask that you compromise your conscience. As students, we recognize that there are, indeed, changes that can be made in ROTC programs that will serve to make them more compatible with the university environment and, perhaps, more understanding in their relations with involved students. We would submit that the way to a real solution of any differences with ROTC is not to simply banish it from campus in a decision affected by a justified, but emotional anger over the unrelated issue of government policies in South East Asia.

"A method more benefitting a University faculty, it would seem, is not the negative approach of presenting an ultimatum, but rather the more positive approach of seeking a reasoned position acceptable to both parties."

A 12-member student-faculty group sent the following proposal

"—A student-faculty group has been working since last fall gathering ideas for a course in war and its alternatives.

"—Faculty from various departments would give weekly lectures on such topics as aggression, conflict resolution and game theory, non-violent civilian national defense, economics of disarmament, and others, on the order of large-scale courses such as Biology and Society.

"—The need for a broadly-based study of causes and alternatives to warfare exists. Such programs have been instituted at the University of Pennsylvania and Univ. of North Carolina, where it replaced ROTC.

"—Such a course might fulfill Cornell's commitment under the Morrill Act with a truly exploratory and disinterested approach to the study of war and peace."

A short statement reading "We, the undersigned, would like to express our support for the presence of ROTC on this campus," was signed by 825 persons while 804 signed a petition reading: "We, the undersigned members of the Cornell Community, urge the faculty to allow the continued presence of a voluntary R.O.T.C. program at Cornell. We recognize that an enlightened citizen officer corps is necessary to insure just use of the military. Whereas the military is under the control of our elected civilian leaders, it is they who use or misuse our military power. We also recognize that certain changes in R.O.T.C. may be necessary. However, its complete elimination from campus is not desirable."

Trustees Back GM, Oppose Stockholders

The Executive Committee of the Cornell University Board of Trustees, at a regularly scheduled meeting Tuesday in New York City, directed the University Treasurer, Lewis H. Durland, to vote shares of General Motors Corporation common stock held by the University in favor of management recommendations and against stockholder proposals.

The text of the Executive Committee resolution reads:

"Resolved that: The Executive Committee of the Cornell University Board of Trustees directs the Treasurer of the University to vote shares of common stock of General Motors Corp., held by the University, in favor of the management recommendations and against the stock holder proposals at the annual meeting to be held on May 22, 1970. The

Executive Committee is guided in this decision by a serious doubt about the effectiveness of proposals numbers four and five in achieving the purposes for which they are intended. At the same time, the Committee expresses the deep concern of the University Community over the problems of automobile safety and pollution. The Committee appeals to the General Motors management to devote major attention to these problems and, in view of the seriousness of these matters to the public, the Committee urges that a concern for automobile safety and environmental quality be integral parts of all corporate policies and operations. The Treasurer is directed to advise the General Motors management of the Committee's action, in the foregoing language."

The GM proposals in question
Continued on Page 14

deal with the addition of three consumer-oriented directors to the General Motors board of directors as well as with the formation of a shareholders' committee to study the effects of General Motors policy on many problems affecting the national welfare.

On Monday, the Faculty Council, by a vote of 9-1-1, passed a resolution recommending that the Executive Committee of the Board "depart from its usual practice of voting the University's shares of stock with management" and instead vote in favor of the motions "designed to increase the responsiveness of the GM management to questions of social policy."

The Faculty Council further resolved "that the Faculty Council recommends that procedures be established by which the view of the Cornell Community can effectively be made known to the Board as and when significant questions of public policy are submitted to the University in its capacity as a shareholder, and that the Board's action in all cases be a matter of public record."

At the Wednesday Faculty meeting, Richard D. O'Brien, professor of neurobiology and behavior, presented a motion in which it was resolved by the Faculty that it "(a) requests that a full meeting of the Trustees make a declaration on its policy on utilization of voting rights to influence social issues; (b) urges the Trustees to adopt a policy whereby the influence of the University, as expressed through its stock voting power, be used to strengthen consumer interests in the governance of corporations; and (c) requests the Trustees to agree that when major policy issues relating to stock voting procedures arise, the Trustees will seek an expression of the Cornell Community's view prior to voting its proxy."

3866
Room 120
Ives Hall
June 10, 1970

The President called the meeting to order in 120 Ives Hall at 4:00 p.m. with 241 members present. He reported three errors in the previous minutes: the identification of Associate Professor James W. Lorbeer as Assistant Professor Steven V. Beer; parenthesis erroneously included in the Matlack resolution on grading (minutes May 6, 1970, page 4); and the "N" as the middle initial of Professor Richard M. Phelan. The minutes were approved as corrected. The Faculty agreed to correct the minutes of the June meeting by the procedures which had been intended for the minutes of the May meetings.

The President relinquished the Chair to Professor William Tucker Dean.

PARKING

Professor L. Pearce Williams summarized what he had learned about the limitations of the campus parking system from 200 replies he had received from faculty members in response to a query circulated by the History Department. He reported that notices of the hearing held by the Committee on the Economic Status of the Faculty had not been distributed in a timely way, that the assessment of \$108 for a permit to assistant professor and professor alike is not equitable, that since the permit is not tax deductible, the actual cost is in the neighborhood of \$140 to \$150, and that the assessment should be related to the need for a permit. He concluded that the new parking system would deter faculty from coming to the campus and thereby weaken the academic effectiveness of the University. He asked for delay until an equitable plan can be developed which will not affect the academic quality of the University. Professor Williams then moved as follows:

The Cornell University Faculty earnestly requests that President Corson submit the following resolution to the Executive Committee of the Board of Trustees at their July meeting.

BE IT RESOLVED, That the regulations of the Board on Traffic Control relating to the charging of parking fees be set aside until a more equitable and helpful scheme can be brought to the Faculty of the University for its approval.

The Provost, speaking as the administrative officer charged with responsibility to develop the long range parking plan, noted that next year will be critical since there will be a shortage of 179 spaces after allowance is made for the cars which have permits but do not appear on campus each day. In view of this situation the University has not applied to traffic control the general budget cut of some 5%. The Provost stated that he chose the current plan from two alternatives, one being the plan developed after long deliberation by the Board on Traffic Control and the Planning Office, the other being a modification of that plan by the Committee on the Economic Status of the Faculty. He summarized the rationale for his selection and reminded the Faculty that he had dealt with these alternatives at length at the May meeting.

Professor Robert S. Morison, Biological Sciences, took the position that the Faculty should not waste its time on administrative matters when there are serious policy and academic issues to consider. As to the point about income taxes adding to the cost of the permit, it is standard procedure to pay a tax on commuting costs; furthermore, the charge for the permit is equitable since people living at a distance from the campus pay lower rents. Finally, speaking as a former physician, he finds the parking plan a splendid inducement to good physical and mental health since it will encourage people to walk and utilize more fully a beautiful campus environment.

The Provost was asked about the differences between the alternative plans. He noted that the most significant difference is that the fees would come out of faculty salaries rather than leaving the options to each faculty member. Professor Richard D. O'Brien, Biological Sciences, objected to the arbitrary way the plan was developed; he reported having sent six memoranda to the Board on Traffic Control

without receiving a single direct answer. Secondly, he said that since the Senate has been given responsibility to regulate parking, it is inappropriate to rush into a program before the Senate has an opportunity to exercise that responsibility in a considered way. Finally, 150 parking spaces could be recovered by judiciously reviewing the issuance of U stickers in order to eliminate the boondogglers.

The Chair asked whether a Senator would like to report on the Senate's discussion of parking. Professor John H. Whitlock, Parasitology, then reported that a motion similar to that of Professor Williams' was introduced before the Senate. The debate was between a let's-stop-everything position and a position that said, in effect, the critics of the plan have not examined the problem as carefully as the planners and therefore it would be wise to let the plan prevail until there is time for adequate consideration. The latter position was the majority view.

Assistant Professor Peter J. Sharfman, Government, asked why the proposal to base the parking fee on the ability to pay was rejected. The Provost replied that the pressure of time did not permit doing this; he noted, however, that it might be done another year. Professor Sharfman hoped it would be. He then asked about the plans of the Board on Traffic Control to govern access to the West Sibley parking lot. Professor William L. Maxwell, Operations Research, a member of the Board, replied that the Board intends to reduce the floating permits which now account for 25% of occupancy and to have personnel on hand from 8:00 a.m. to 5:00 p.m. to prevent unauthorized use.

Professor Norman Penney, Law, said he resented the time spent on debating a complex mix of selfish concerns. Since the Board on Traffic Control devoted 40 sessions to developing the plan, he would like to see the Faculty guided by its conclusions, pending further deliberation by the Senate. Professor Richard B. Fischer, Education, supported Professor O'Brien's observations about boondoggling in U permits. Too many of these permits go to secretaries. He then objected to being excluded from the inner campus for transit purposes except by payment of fee and observed that it

is not appropriate to exclude Faculty from the inner campus in order to accomplish the exclusion of students.

Dean Alfred E. Kahn said that while criticisms of the activities of the Board on Traffic Control and individual Faculty grievances may be justified, to halt everything on a crash basis would be irresponsible since planning has been proceeding systematically over a long period of time. The academic issue involved does not justify such a halt, although it is regrettable to take a step which tends to keep Faculty away from the campus, not taking it could also keep Faculty away as a consequence of frustration in finding a parking space. He suggested that the Faculty Council create a committee to consider the problem next year.

Associate Professor Charles S. Levy, English, questioned whether the projected shortage of parking is real. All that is necessary, he suggested, is to restrict the issuance of U stickers and control illegitimate parking. He questioned the economics of the new scheme since faculty members will spend the equivalent of ten days going to and from work. That construction workers for the Social Science building are provided with parking close to their work is evidence that it costs money to spend time commuting between the campus and outlying parking lots.

Professor David L. Call, Nutrition, speaking as an individual, observed that extracting \$100,000 from Faculty salaries is no easy matter since the State of New York takes no note of Cornell parking in its budgeting. The graduated fee seems to present no problem in the future. He would like to see the Faculty Council create the committee suggested by Dean Kahn so that the Committee on the Economic Status of the Faculty can get on to more important matters. He opposed the Williams' resolution since the points raised in the meeting had already been considered. He favored going ahead with the plan since no one has opposed the long range plan, which can be improved once it is operational. Professor Michael E. Fisher, Chemistry and Mathematics, said that non-fee parking contributes to a desirable atmosphere at

Cornell. Although the parking issue is not critical in itself, it is necessary to take a stand somewhere in order to maintain the quality of the University. He objects to the long term plan since it does not provide for adequate parking near the place of work.

Professor Donald F. Holcomb, Physics, speaking as a former chairman of the Board on Traffic Control, reviewed the history of the Faculty parking fee issue. He noted that there is no satisfactory solution to the parking situation and observed that it makes sense for the Faculty Council to appoint a committee to consider parking only if that committee is more representative of the Faculty than the Board on Traffic Control.

The motion on the floor was read again and then passed by a showing of hands. Following a call for a division, the vote was 138 in favor, 68 opposed.

Adjourned: 4:55 p.m.

G.P. Colman, recorder

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