

MINUTES OF A MEETING OF THE FACULTY COUNCIL OF REPRESENTATIVES

September 14, 1994

First Meeting of the 1994-95 Academic Year
(Number in parenthesis indicates attendance at meetings to date)

Present: **Afr. Ctr.:** Greene, S.E. (1). **CALS:** Baer, R.A. (1); Parks, J.E. (1); Pritts, M.P. (1); Rockcastle, V.N. (1); Smith, M. (1). **Geneva:** Rao, M.A. (1). **AAP:** Cruvellier, M. (1); Kord, V. (1); Saltzman, S. (1). **A&S:** Albrecht, A. (1); Ashcroft, N.W. (1); Cotts, R.M. (1); Devenyi, J. (1); Fay, R.C. (1); Hirschmann, N.J. (1); Kennedy, K.A.R. (1); Mebane, W. (1); Mermin, D. (1); Mermin, N.D. (1); Pelliccia, H.N. (1); Regan, D.T. (1); Shanzer, D. (1); Smith, A.M. (1); Stark, D. (1). **Engr.:** Boyd, I.D. (1); Farley, D.T. (1); Fisher, E. (1); Giannelis, E. (1); Rand, R. (1); Sachse, W.H. (1). **Hotel:** Chase, R.M. (1); Sherry, J. (1). **H.E.:** Brenna, T. (1); Hahn, A. (1); Obendorf, K. (1); Street, L. (1); Wethington, E. (1). **ILR:** Ehrenberg, R.G. (1); Kuruvilla, S. (1); Lieberwitz, R. (1). **JGSM:** McAdams, A.K. (1). **Law:** Green, R.A. (1). **Libr.:** Atkinson, R.W. (1). **ROTC:** Eason, C. (1). **Vet. Med.:** Ball, B. (1); Bertram, J.E.A. (1); Hermanson, J.W. (1); Randolph, J.F. (1). **At-Large:** Abowd, J. (1); Allen, J.A.V. (1); Bierman, H. (1); Decker, D. (1); Earle, C.J. (1); Farley, J.T. (1). **Faculty Trustee:** Calvo, J.M. (1).

Absent: **CALS:** Awa, N.E. (0); Tauer, L.W. (0). **Geneva:** Koller, W. (0). **A&S:** Geber, M.A. (0); Hayes, D. (0); Kalos, M.H. (0); Keil, F. (0); Peirce, L. (0); Roldan, M.J. (0); Shapiro, G. (0); Strauss, B. (0). **Engr.:** Jirka, G. (0); Liboff, R. (0); Lo, Y-H (0); Webb, W.W. (0). **JGSM:** Isen, A.M. (0). **Law:** Taylor, W.F. (0). **Vet. Med.:** Casey, J.W. (0); Dubovi, E.J. (0); Kallfelz, F.A. (0). **At-Large:** Holcomb, D.F. (0); Howland, H.C. (0); Lumley, J.L. (0).

Guests: W. Cohen; H. Dullea; M. Nesheim; N. Scott.

1. ELECTION OF SPEAKER

Peter Stein, Dean of the Faculty: "I'd like to call the meeting to order. For those of you who are new, welcome. It's a new room, a new year, lots of new things. For those of you who are new we have an annual, very suspenseful political event that opens each of our years. That is, we elect a Speaker for this body. Every year it's a hotly contested, bitterly fought post. I wonder if there are any nominations for Speaker for this body. I recognize Kay Obendorf, Chair of the FCR Executive Committee, with a nomination."

Professor S. Kay Obendorf, Professor and Chair, Textiles and Apparel, and Chair of the FCR Executive Committee: "I'd like to nominate Russ Martin."

Dean Stein: "Russ Martin has been nominated by the Executive Committee. Being a committee nomination, it does not require a second."

"Other nominations for speaker? Hearing none, I would entertain a motion that the nominations be closed."

The motion was so moved and accepted.

Dean Stein: "Then we have one candidate and we declare our Speaker for the new term, Russ Martin. Russ. I say that with humor, but Russ really does us a great service. For those of you who don't know, Russ has been our Speaker for many years and has conducted our meetings very carefully and fairly with an eye on the clock, and I'm sure that he will do so this year also."

Russell Martin, Professor Emeritus, Communication: "Thank you, Peter. Well, it was a tight race again, but I do appreciate the privilege of serving as your Speaker. You're a great group to work with. Now I'm going to turn it back to Dean Stein for remarks."

2. REMARKS BY THE DEAN

Dean Stein: "I have some remarks that will be extensive. Usually the Dean's remarks take place while we are waiting for a quorum, sort of like a warm-up for a rock group. We do have a quorum, and I actually do have something to say.

"The first remark is that I'd like to apologize to all of my Jewish colleagues at Cornell. This is an inconvenient time for observing Jews. Yom Kippur starts this evening at sundown and it is traditional in a Jewish family to have a large ceremonial meal that starts at the same time that the FCR meeting starts, and so for those of you who are taking the trouble to be here, I do appreciate it. We have problems. It is difficult to move these meetings. Last year I remember I moved a meeting from a Wednesday to a Tuesday to accommodate the Provost so that he could give his report on the University finances. People wrote to me saying that FCR meetings are Wednesdays at 4:30. It's difficult to move the meeting but so be it. Perhaps we'll think more carefully about the Yom Kippur calendar next year. Of course, it doesn't always fall on the same days.

"Let me give you a brief report of last year. Last year, in a number of ways, can only be called successful from the point of view of faculty governance. The first thing I want to report is something I feel very good about. Last year was the first year that the FCR had its full compliment of meetings--eight meetings in a year. In all previous years, it had never exceeded seven and mostly was around five. And also it was the first year where there was a quorum for all of the meetings. That is important. I think that it's a good sign that we have full meetings that are regularly scheduled and we have a quorum. A quorum is not an end in itself, it is merely a symptom and one can attract a quorum in a variety of ways. One chief way is to provide wine and cookies which probably accounts for another two or three people but I'd like to think that it's more fundamental, that faculty members will in fact come to a meeting if they feel their time is

well spent, if they feel that important matters are being addressed and if they feel that in some way they can affect them. I'd like to feel that the reason we had eight meetings and all were attended is a combination of wine, cookies and a feeling that what we were doing had some significance. I intend to keep the wine and cookies tradition going and I will try to keep doing the harder task, namely to present an agenda that is meaningful and worth your while.

"Last year I wrote down a series of things that we did. We addressed the financial aid policy. We had visitations to all the academic departments and brought a resolution to the FCR from the Admissions and Financial Aid Committee. As a result of those visitations the resolution was passed. Of course in these matters it is hard to assign cause and effect but I should note what was asked for was in fact maintained as Cornell policy for that year. Mainly that we did not depart from need blind admission and meeting full need.

"Another thing that the FCR did was the tuition policy. A resolution came to you from the Commission on Higher Education that Don Holcomb pioneered, asking that the administration and the Board of Trustees maintain a policy of having the tuition rise no faster than the cost of living and that policy would be phased in over a period of three years and that after three years from now that would be university policy. I presented that to the Board of Trustees and also to the administration and of course everyone said that it was a laudable goal. There was some question whether or not it was a possible goal. On the other hand, there is no difference in what the administration is proposing and what you proposed. The administration has in fact moderated the rate in rise of tuition and really the question of the difference in the strict policy that you recommended and what the administration is planning will only become clear two or three years from now. As of the moment both of those policies coincide with each other.

"The third thing I think is important is that the Provost has established what he calls a Budget Planning Committee which consists of the deans and some of the vice presidents, the Treasurer, and also the Provost appointed two faculty members to be on that Committee. After long discussions with the Provost, the Executive Committee felt that it was not only important symbolically but also important in fact that the FCR Executive Committee and myself, be the persons to whom the Provost looked to name people to serve on that budget committee. After rather lengthy discussions with the President and the Provost the Provost agreed to do that. He would take our nominations. Now what we did was really a matter of principle because the two individuals that were nominated, Don Holcomb and Ron Ehrenberg, were people we felt as an Executive Committee were legitimate representatives to serve on that committee. We did feel it was important, however, that they be serving as representatives of the faculty, nominated by the faculty, instead of being nominated by the Provost. We asked the Provost to accept our nominations of Professors Ehrenberg and Holcomb and after great thought he said he would and then having had his

agreement on that, we nominated Holcomb and Ehrenberg to fill those two posts. That may be angels dancing on the head of a pin, I'm not sure, but I don't think so. I think it is a significant change and an important one.

"The FCR approved the Latino Living Center after considerable work by its Committee on Academic Programs and Policies and the rationale that we gave for approving that was in fact the rationale that was presented to the Board of Trustees and the Latino Living Center was duly constituted after that.

"The last thing I want to point to was the Graduate Tuition Policy to which the FCR registered significant objection. That Policy was changed partially, I like to think, on FCR intervention. The FCR is representative of the faculty which have no difficulty in speaking for themselves. All of those forces I'm sure led to a rethinking of that policy.

"I also want to talk about the change of room. You all found it--that's good. I had a hard time finding it also. We had the feeling that where we were meeting was not conducive to the kind of intimate discussion that we think should go on. It was too big, people sat at the back, you had to holler to get to the rear. We looked around for a room that was more commensurate with our size and came up with this room (265 Statler Hall). We will use this room and hope that the warm close spirit of the room will translate itself to a warm close feeling within the body.

"Let me talk a little bit about the presidential search. The Executive Committee spoke at some length with the Trustee Search Committee which is empowered to choose the next president and our representative, Joe Calvo, who is the Faculty Trustee and serves on that committee, has just come into the room. The chairman of that Committee, Paul Tregurtha, asked me to appoint a committee to advise him and the Search Committee with regard to faculty sentiments about the new president and various other duties that he might assign. The Executive Committee and I came up with a representative group of faculty and presented it to Mr. Tregurtha and to you and immediately discovered that it was not representative according to your analysis and so we added a few more members to make it more representative. That Committee has worked very hard over the summer meeting on a weekly basis and it did several things. It made a survey of faculty opinion which you all saw and some of you hopefully participated in. From that survey we made an assessment of what we think are the important items that the faculty is looking for in a president. We mailed what our assessment was to all of you. After that a group of four of us went down to a Trustee meeting in New York City and presented our assessment to the Trustee Search Committee and I think it was well received. There was nothing very remarkable in that document if you looked at it very carefully. Mostly the things you think are important are the things I would have guessed you think are important but of course when you are speaking to the Trustees who are not familiar with the faculty, I think it was important that we had some actual numbers to say in fact these were our sentiments. We were also asked to poll the faculty for nominations for president and

we wrote to all of you and your department chairs and you responded vigorously to that. We had more than 75 different nominations from you, and we've passed those nominations on to the search committee. My understanding that the rough dimensions of the Trustee search are that they received something like 400 nominations from students, alumni, and the faculty. Their timetable is such that sometime in September they will have a list of a couple of dozen, by Thanksgiving they will have a short list of maybe 5 or 10. Early in the new year Mr. Tregurtha told me the Trustees would announce who the new president is. One of the difficulties in talking about this is the need for confidentiality. That has been stressed to me over and over again. I was a skeptic like a lot of you as to whether or not confidentiality was indeed all that important. But I have become convinced that it is. I started from a position of great skepticism about this but having been given a book on presidential searches and talking to the Search Committee and talking to faculty members who were involved in other searches--one at Northwestern, one in Chicago, one at Penn--I became convinced that in fact the fears that the Trustee Search Committee expressed to me regarding confidentiality were not exaggerated and in fact one can point to good presidential candidates that would have been good for a particular school and would have been the president except that confidentiality was violated and for various reasons that person was then required to say, 'no I'm not interested'. That is the scenario that is feared and I believe that they're in fact right by enforcing a very strict discipline of confidentiality. But then that makes it impossible to communicate with the wider faculty what is going on and I can only say to you that the faculty committee that represents this group believes that we are satisfactorily involved in interacting with the Board of Trustees. We believe that the Board of Trustees has shown by various actions that they are seriously desirous of faculty interaction and that will in fact happen. The fears that some of you may have had is that the faculty point of view would be totally shut out of this operation are unjustified.

"I want to talk a little bit about the strategic planning exercises which is a subject that has occupied the intellectual and physical energies of a large number of people, both faculty and administrators on the campus, which seems to be rising to some sort of crescendo at the moment. There was a document that was issued very late in the spring term last year which is a document which is roughly 1/2 inch thick; its covers are red. I call it the Red Book. The title changes periodically. The title started off as the Strategic Plan and then it changed to Strategic Planning Report and then it changed to Consultation Draft Planning Report. It's not clear what its status is but the contents and the color have stayed the same. The print on the front changes. In some sense this is a strategic plan in birth or an embryonic strategic plan or something or other. It has to do with the strategic plan but we are told that it is not a strategic plan. Whatever it is I was concerned and I reported to you last time. I'll speak very openly about this. I was concerned that there was not sufficient opportunity in the timetable for the faculty to have what I thought was the input that was fitting for the faculty of a great university to have when that great university was plotting its course into the future. I objected vigorously to that. What our original plan seemed to have been was that in May there

would be a draft strategic plan and then over the course of the summer that would turn into a strategic plan. A number of people, particularly members of the Executive Committee, were fearful or paranoid or whatever adjective you want to use, that this draft plan which was essentially an administrative plan would become cast in stone at a period when the faculty was not very able to comment on it because there were finals and then there was the first weeks of summer. As a result we decided, the Executive Committee and myself, that it was important that we make some kind of response. We couldn't figure what other representative group of faculty there was to make such a response. We met. It wasn't exactly clear who we were. We were the Executive Committee. Then there was an invitation to members of the Commission on Higher Education. Then a couple of people drifted into it. I used to call it the gang of 20. It was 20 loosely connected people who met really often to try to draft a response to this strategic plan. We drafted a response which was a one and a half page letter which we sent to the President which in this university with its tradition of politeness was seen as a very abrasive letter. I didn't think it was very abrasive myself. You've all seen it. We sent it to the President, we sent it to John Wiesenfeld, and then we sent copies to the entire faculty. That letter, I believe, had a significant affect. The strategic planning engine was somehow slowed down by that basis. Soon thereafter the title on the Red Book changed from one thing to another. We met with the President. We told him of our concerns. Our concerns were really very simple. One concern was that it appeared to us that this plan seemed to be saying that Cornell was significantly going to be changing its direction from being a research university to going much farther in the direction of being a teaching university. While it didn't seem to say that specifically, that seemed to be a threat that a lot of people read in reading that report. We reacted very vigorously to that. We reacted very vigorously to what seemed to be an inappropriate decision making process that seemed to pervade the document in being an administrative driven decision making process rather than a grass roots decision making process. We complained about that. We also complained about the fact that some rather monumental changes or at least monumental in our world, such as going to a year round operation and other such suggestions, were in that report, were deemed to be good and doable and should be done now and we felt there was not a sufficient analytical base to justify making those decisions. Those basically were the concerns that we brought to the President. Then when we met with the President we were encouraged by him to do more. Namely to say something more positive. It's easier to criticize than to write an alternative. You can get backing from many members of the faculty when criticism is directed at the administration. That's kind of easy. If you say what would you do instead, it's not clear that in fact a group of faculty could come up with something they would all agree with, but President Rhodes encouraged us to do that. We did that and produced a document which I call a framework when talking about it. It's a four page document which purports to be what we felt was an outline the way strategic planning should be done. We assured the President that in fact the faculty was not adverse to looking at the problems that he points out. There are problems. We did not believe that the model of the faculty member is someone who wants to put his/her head in the sand and say 'no, I just want

to do it the way my thesis supervisor did it and nothing is going to change for me or my students forever.' That was not an accurate model. Faculty members were willing to look at real things and strategic planning was not an absurd concept. In fact planning for the future was probably a good thing to do. To say that is not to say that the Red Book was a good manifestation of this. Our four page outline differs considerably from an outline one might write down for the Red Book and we presented our outline to the President in reality on your behalf. I distributed copies of this outline to you as you came into the room. That's what we did in your name saying this is what we felt was a reasonable outline for the strategic plan. What followed after that, the President and Vice President Wiesenfeld have decided to visit with the faculties of all of the colleges and all of the major non-academic units to discuss the Red Book. The President invited members of the gang of 20 to come along with him. We accepted that and 2 or 3 of us will be accompanying the President and Vice-President Wiesenfeld when they go and talk to the college faculties about the strategic plan. If we consider it appropriate, we will discuss what we consider to be the deficiencies of the Consultation Draft Planning Report.

"The last items I want to talk about are items we ought to be doing next year. What are the big ticket items. I think one has to say that the Red Book for all it's deficiencies has had a positive affect. People have thought about a lot of things they might not otherwise have thought about. One thing that occurred to me after sitting through a lot of these discussions is that the Red Book is full of suggestions for changes in academic policy that transcends college boundaries. Year round operation is one suggested change. Required senior thesis for the entire university is another such change. Another such change is a requirement that every student has to take out of college courses. I won't comment on the merits of these but to just outline some ideas that have been raised. Another suggested change is that there be a common core of requirements that all undergraduates in the university should have to satisfy. These of course would be major changes if we adopted them and they all fall under the purview of this body. This body is given the responsibility for matters of academic policy which transcend college lines which currently is enormous, namely the physical education requirement. The suggestions that are being made have considerably more import for academic policy than the physical education requirement no matter how important that requirement is. Our committee structure has no way to deal with this. We have no FCR committee on academic policy the same way all of the colleges have on academic policy. There is a lot of talk about academic policy and we don't have a way of talking about that in our committee structure. One thing that I have been thinking about is forming a committee on academic policy so that there be faculty input into the major changes being recommended in academic policy.

"The second item that really came up as a result of the discussions following the publishing of the Red Book is that, now here's something you've never heard before, faculty governance doesn't work in this university. That's a new thought, right? I've heard that ever since I came, well not ever since I've been a faculty member, but at

least 20 years people have said that faculty governance doesn't work in this university. There is a lot of evidence that in fact that is true. If you go beyond the departmental level almost anywhere on the campus you find that organized faculty or even unorganized faculty participation in decision making is rusty to say the least. It's not clear that has to be. It is not clear that there are not mechanisms whereby in fact faculty could have significant input into decision making that goes on. I don't know what these mechanisms are, but I've become sufficiently interested to call up people in various institutions to get some sense as to what faculty governance has done at other places. Mostly if you call places up they say it doesn't work. I called up the Provost at the University of Pennsylvania and asked him what the faculty governance was like at Penn. He said, 'you can't believe how bad it is. We have a university-wide representative body that people are elected to but people don't like to come to it because they think that it doesn't do anything worthwhile and it's mostly boring and talks about silly things.' in addition they have something called, I forget the names, the first one might be called senate, the second might be called something or other. He said then, 'we have a student, staff, faculty organization whose sole purpose seems to be to complain about things.' I said to him you've adopted the Cornell system. Another idea that was in our framework document that we do a fair amount of at Cornell but not in a systematic way is program evaluation. The statutory units do periodic regular program evaluation, the endowed units do not. Some people do it better than other people. It's not clear that the non-academic departments do program evaluation in a systematic way at all. It occurred to us in writing the frame work that it's very hard to plan for the future if you don't know where you are at the moment. The only way that you know where you are at the moment is to get a systematic way to study all the programs, evaluate all the programs you have at the university. Particularly when times are tight this may become a significant activity. It seemed to me this was something to look into. I've discussed it with the Executive Committee and there seems to be agreement that we might or perhaps should organize a committee to look into these matters. To look into governance and to look into program evaluation and to see if there is something that we think is important. This is the right time to do this because we are having a change of administrations. There won't be a better time for the next 18 years to look into the fundamental change in the way that we do business. So we thought that we would look into that. You all know my e-mail address because I sent you all a reminder of this meeting and if you are interested in serving on either of these committees (the Committee on Governance or the Committee on Academic Policy) or if you have something to say about the way to look into governance and academic policy or if you have suggestions of people who would be good to do that, I really would appreciate hearing from you. If you don't have e-mail, see me in my office in Day Hall. And that concludes my remarks."

Speaker Martin: "Are there questions for the Dean? Please identify yourself for the record."

Professor Harold Bierman, Jr., Johnson Graduate School of Management: "I do object to the strategic planning framework being presented as a statement of the FCR when the FCR had no input into it but rather a group of 20. I have no problem with a group of 20 presenting it as their statement. I think it's entirely inappropriate for the rest of us not to have a chance to edit the statement or offer suggestions."

Dean Stein: "That's fair enough. We have been careful at all times to refer to this document as a document that was written by the Executive Committee of the FCR and members of the Commission on Higher Education. I said it was on your behalf in a certain sense in that the Executive Committee has a responsibility of acting for the FCR at a time when the FCR cannot act for itself. The time to do this was during the summer time and it was in that spirit that I said we did it on your behalf. You are quite right to point out that you did not have input into it but on the other hand there really was no way for you to have input into it because there was no constituted FCR at that time. I certainly would like to hear your comments on it, all of you."

Speaker Martin: "Are there other questions? Thank you, Dean Stein."

3. APPROVAL OF SUMMARY MINUTES

Speaker Martin: "We have three sets of minutes to approve this afternoon--March 9, April 13, and May 11. Are there any corrections to those sets of minutes? There being none, they stand approved as distributed.

"The chair next calls on Dean Stein to introduce a resolution from the Committee on Academic Programs and Policies."

4. RESOLUTION FROM THE COMMITTEE ON ACADEMIC PROGRAMS AND POLICIES AMENDING MEMBERSHIP ON THE COMMITTEE

Dean Stein: "I forgot to say that in my list of accomplishments, one of them was a long standing issue regarding the status of lecturers that we concluded last year and brought you a resolution which was passed by the FCR and will be on the agenda of the Board of Trustees Meeting in October for amendment to the University Bylaws. It occurred to the Committee on Academic Programs and Policies that it made sense to have participation in that Committee by the lecturers and senior lecturers. CAPP now has two non-faculty members associated with it, both of whom are students. Professor McIsaac would present this, but he had to be out of town. The Committee decided to ask you to change its representation so one outside member be a student and one be a lecturer/senior lecturer. So I present it to you:"

Resolved that the current membership of the Committee on Academic Programs and Policies of seven faculty and two students be amended to seven faculty, one student, and one lecturer/senior lecturer.

Speaker Martin: "The floor is open for discussion."

There was no discussion, and the resolution was voted on and carried.

The Chair called on Dean Stein to introduce a resolution on Graduate Tuition Policy.

5. RESOLUTION ON GRADUATE TUITION POLICY

Dean Stein: "Noa, would you like to introduce this resolution?"

Associate Professor Noa Noy, Nutritional Sciences, and Co-Chair, FCR Committee on Research Policies: "Sure. Dean Cohen's resolution?"

Dean Stein: "It's not Dean Cohen's resolution, it's our resolution. Noa is the Co-Chairman of the Research Policies Committee. There was a lot of talk last year about the Graduate Tuition Policy. A lot of people were unhappy with it. I don't want to talk about those issues again and again. The Research Policies Committee complained and voiced specific objections. Those objections were met and the Research Policies Committee now brings you a resolution which I guess was badly worded in the call to the meeting. It should be an action item.

Whereas, the concerns expressed at the May 11, 1994 FCR meeting concerning the Graduate Tuition Policy have been met,

Therefore, the Research Policies Committee recommends that the FCR endorse the August 17 draft of the Graduate Tuition Policy (circulated to all Graduate Faculty).

Dean Stein: "We want to take out 'the Research Policies Committee recommends' and make it an action item and say 'the FCR endorses' that."

Professor Noy: "Can I answer that?"

Speaker Martin: "Please identify yourself."

Professor Noy: "I am Noa Noy, Co-chair of the Research Policies Committee. I just want to point out that our main concern was that we wanted to protect principal investigators on grants and we wanted to add a statement to the policy saying that no grant will ever be charged with more than 60% tuition on any graduate student. That resolution was returned to the committee that drafted the Graduate Tuition Policy for further thought and in the meantime the policy now contains a statement that actually does more than we asked for, splitting 50% between the university or the deans and the PI's of particular grants."

Speaker Martin: "Further questions or discussion?"

Wolfgang H. Sachse, Meinig Family Professor of Engineering: "I have discussed this plan with some of my faculty colleagues and there is a great deal of support for it, especially in the fairness aspects, but there are some serious objections also. I would like to present those to the FCR now. May I do so? I have printed them out and they are now being distributed. There are three points. I will read them.

"Let me just say the first amendment deals with the tuition rebate level which is now set at 50% in the proposal. The current tuition proposal does not address the critical question underlying tuition levels, that of the true cost of graduate education and although the current model is designed as revenue neutral compared to the present reduced tuition, there is concern that the rebate level may decrease in the future. Therefore this could be detrimental to the entire program. Granting the FCR an opportunity to review and approve the request for a decrease in the rebate level will insure that this proposal does not ultimately increase the cost contracts of graduate education at this university."

Speaker Martin: "Amendment A, is there a second? Seconded. Floor is now open for discussion on amendment A. Does everyone have a copy? No? The amendment is that changes in the tuition rebate level, initially 50%, can be made only in consultation with and approval of the FCR. Is there discussion. Do you wish to speak further?"

Associate Professor Alan K. McAdams, Johnson Graduate School of Management:
"I don't understand the rationale. Could you explain it?"

Professor Sachse: "The rationale is that in time there is nothing magic about 50. In fact I believe for it to be revenue neutral it should be 53%, so there is nothing magic about 50%. What will prevent actions that will automatically increase the level at which the tuition will be charged at say 51, 52, 53%? There is no end; it's like overhead rates. What I'm saying is this number should only be adjusted in consultation with the faculty. After all, we have to go out and get the research grants and I think it would only be appropriate that this number be discussed with us."

Professor McAdams: "I still don't get it. If there is a given cost X and you are limited to 50% of X and X changes to X plus 4 and you are limited to 50% of X plus 4 isn't the 50% still effective as sharing 1/2 of the tuition cost?"

Associate Professor Michael O. Thompson, Materials Science and Engineering: "I think the concern is that the Graduate School would say that it's 70% next year."

Speaker Martin: "Further discussion on amendment A? Professor Abowd."

Professor John M. Abowd, Industrial and Labor Relations: "This may be something that is more in line with the overall proposal. The proposal if it were accepted by the FCR, goes to the Trustees and becomes a matter of university policy. Isn't it ultimately the Trustees that decide? What you are saying is that before the Trustees are asked to change the percentage again we would like to be consulted which I think in that regard is reasonable. We are not consulted on overhead rates. They are not a matter of university policy. They are a matter of negotiation between the University and the various funding sources."

Professor Sachse: "This is not overhead rates."

Professor Abowd: "I understand, but the point is your analogy to overhead rates isn't a good analogy here. This speaks more to the resolution than to the amendment but the overall purpose of the resolution I think was to take it a large step away from using artificial pricing policies to drive the research generated behavior of the faculty. I thought towards that end it made a good step."

Professor Sachse: "The people that I represent agree with that goal. There is a very strong sentiment for that. However, there are some small things that they've asked me to present to this body. This number 50% is quite arbitrary and it may change."

Dean Stein: "I just wanted to say that it doesn't seem to me very objectionable. What he's trying to do I think is to say this 50% is not a floating number that changes from time to time but in approving it we approve it as a principle instead of a parameter. There is nothing we can do. The administration would not be bound by this whether you pass it or not but it just announces and underscores that it's a principle and not a parameter. Right?"

Professor Sachse: "Right."

Professor Bierman: "Would you entertain a change in wording that would remove the implication that we were dictating to the Board of Trustees but that we would request that they would consult with the FCR before change?"

Speaker Martin: "Do you accept that?"

Professor Sachse: Yes, I accept that."

Speaker Martin: "Further discussion?"

Walter Cohen, Dean of the Graduate School: "This is just a small clarification. The proposal as written does fix 50% through the end of the century. After that you are quite right, it doesn't. It's not something that could go up before it's implemented."

Unidentified Speaker: "Would you clarify what is being amended?"

Professor Sachse: "These amendments were pointed out to me by my faculty colleagues in Engineering saying this is a great proposal but we really should have the following points mentioned in addition. Therefore we have come up with these amendments. What we are saying is that the concerns of the faculty regarding the Graduate Tuition Policy have not been fully met. We would like to have these amendments included in the graduate tuition policy draft two of a report and this is the document that we would like to amend."

Speaker Martin: "Professor Obendorf."

Professor Obendorf: "I think that it's in the August 17 draft of the Graduate Tuition Policy on page 3 top of F which says, '50% Cornell Tuition fellowship support'. Isn't that what you are amending?"

Professor Thompson: "I think it might clarify this problem. The proposal before the body is the one that the FCR committee set forth endorsing the August 17 Graduate School Proposal. So what it would be is essentially an amendment to that endorsement with the following clarifications being requested in the Graduate School Proposal."

Professor Sachse: "We are amending the resolution that we are going to vote on. We are asked to pass this resolution and what I'm saying is what my colleagues have told me is they like the resolution except for the following items."

Dean Stein: "Point of order. I think this is something for the chair to rule on, There is something that this resolution has amended in my oral presentation making it an FCR resolution instead of a Research Policies resolution. It seems to me that it is duly in order for them to introduce an amendment saying that we endorse the idea with the following amendment."

Dean Stein: "To the resolution, to this resolution."

Speaker Martin: "Any other discussion before we vote?"

Unidentified Speaker: "Can we have someone read it back, we've changed what's sitting up there so we need to understand what we're voting on."

Professor Sachse: "What has been changed is 'should be made in consultation with the approval of the FCR'. Is that correct, Professor Bierman?"

Speaker Martin: "Is that the intent of your comment?"

Professor Bierman: "Yes, exactly right. Thank you."

Speaker Martin: "All right. Further discussion? Yes."

Elizabeth Fisher, Claire Boothe Luce Assistant Professor of Mechanical and Aerospace Engineering: "Don't we still need some additional wording to make that an amendment to our current resolution? For example, that we recommend approval with the following changes and then this wording?"

Dean Stein: "I think you should leave it to my office to make this read right. I don't think there is any controversy about what's being said in this room."

Speaker Martin: "Any further discussion? All in favor of amendment A, say Aye. Opposed, no. It is carried. Amendment B."

Professor Sachse: "Amendment B says that the mechanisms and written guidelines for approving and setting the level of tuition subsidies on external and endowed fellowships should be established and included in the final proposal. The focus of Amendment B is on externally funded fellowships. Some of the faculty feel that the language is not perfectly clear in those guidelines that deal with the externally funded fellowships (item D, page 5, August 17 draft of the Graduate Tuition Policy). The proposal as currently written refers only vaguely to tuition subsidies on external and endowed fellowships. Always with the phrase not as an entitlement. The concern of my colleagues is that there are no written guidelines for this non entitlement. It seems quite arbitrary between deans of the colleges, deans of the Graduate School and back and forth and so on. The point being that the faculty compete with other universities for corporate fellowship dollars as well as for research dollars and anything we can do to help the faculty in that competition is good and therefore this should be clarified."

Speaker Martin: "Is there a second to Amendment B?"

The motion was seconded, and Speaker Martin opened the floor for discussion.

Dean Stein: "I'd like to ask Dean Cohen to comment on that."

Dean Cohen: "If I'd been able to come up with any guidelines on that or if anyone I'd asked had been able to we would have put them in. The discretionary character on fellowships is not a pleasure to me. It is simply a recognition of the reality. I asked the General Committee of the Graduate School last year to establish guidelines and the best that came from that request was to look at the quality of the student. That was the best guideline that anyone was able to come up with. So I warn you that this is a problem. The question of non-entitlement I just want to clarify that. That doesn't mean that there's going to be more money charged to fellowships. The reason we put it that way is so not to freeze the status quo. Consider this possibility. Option one is the exact

same amount of fellowships, paying the exact same amount of money coming in the future as now. In that case the system operates transparently as it does at present. Those fellowships continue to be covered. Option two, fewer come in, no problem. Option three a lot more come in, there is no more financial aid and that's the option that your resolution was designed to address. As I said the reason we left it loose like that is the alternative was to grandfather the current stuff or come up with a set of explicit policies that I don't think could be enforceable because I don't think it's possible to have consistency. Because if I did, for instance, I would charge Engineering more than in some other areas because there is just more money there. We could do that."

Dean Stein: "I have a friendly amendment to suggest. My guess is that you're making an impossible task that it be established and included in the final proposal. I think I understand what your concern is. How about changing that last phrase and not be included in the proposal but be established and reported to the Research Policies Committee of the FCR."

Professor Sachse: "I accept that."

Speaker Martin: "Further discussion before we vote? All in favor of Amendment B, say Aye. Opposed, No. The Chair declares the motion passes unless you wish a counted vote. All right. Amendment C."

Professor Sachse: "Amendment C is a proposal that the relationship of the 50% return on full charged tuition should be clarified. That is in terms of what is stated on page 6 that 1/2 of the tuition goes to the endowed general purpose budget. That is the true tuition it is referred to as such. And 1/2 is returned to the grant. It is not clear if the returned funds are then subject to overhead rates of the original grant or returned as flexible funds to the principal investigator. In an ideal situation we feel that they should be returned to separate accounts similar to salary recovery. This maximizes the flexibility of the moneys to be used as matching funds for other grants and at the worst or at minimum the proposal should clarify the overhead charged on the returned tuition dollars either non-school or at agreed level of the grant. In other words, there should be some clarification as to what happens in terms of overhead charges to the money that is returned to the PI."

Speaker Martin: "Is there a second to amendment C?"

There was a second to the amendment and Speaker Martin opened the floor for discussion.

Unidentified Speaker: "I thought there were no overhead charges on tuition."

Professor Sachse: "We would like that to be re-confirmed in fact."

Unidentified Speaker: "Why is there a question about it?"

Professor Sachse: "Because when the money comes back it is no longer tuition money. It can be used by the principal investigator as he or she sees fit."

Dean Stein: "He's raised a question it seems to me he should be able to get an answer. Norm, can you answer the question?"

Norman R. Scott, Vice President for Research and Advanced Studies: "The answer is there are no indirect charges on tuition, but what Wolfgang is saying, is when it comes back and when it is spent the way overhead is handled, is that when you make expenditures those on which overhead is charged, those expenditures then incur it. That's what he's worried about."

Professor Sachse: "Right."

Speaker Martin: "Further discussion?"

Dean Cohen: "This is just about the scale of the issue. The vast majority of the grants will not have any money coming back to the PI, so you have to understand this is a marginal consideration. We were throwing around numbers but you have to understand numbers we don't know in the committee. The numbers we were throwing around were tens of thousands of dollars a year, maybe one or two hundred thousand dollars. Because the vast majority of money is government money and in that case the government is simply handing 50% to the endowed general purpose budget and nothing is going back to the PI. So we are talking about those corporate grants that are currently paying reduced tuition which we could jack up above reduced tuition or above 50%."

Professor Sachse: "But you are also talking about the grants that are currently paying full tuition. I would like to have this point clarified."

Dean Cohen: "That's right. I wasn't objecting to the clarification I was just trying to give people a sense of the size of the issue."

Speaker Martin: "Anymore discussion? All in favor of Amendment C, say Aye. Opposed, No. It is carried. Thank you. We have now a resolution and three attached amendments to vote on. Is there further discussion? Yes."

Associate Professor Risa Lieberwitz, ILR: "Under the recommendations on pages two and three there's B (page 2) talking about self-supporting students who are enrolled by the Spring semester of 1995 being totally grandfathered. Then there is also G (page 3) about the phasing in over a period of two years and then followed by a switch to the new system in 97/98. And then on page five there's more discussion about

grandfathering (each student genuinely on self-support who was enrolled by the Spring semester of 1995 will be fully grandfathered). One question I had is if there is a relationship between these. That is, does fully grandfathered mean that everybody that was enrolled by Spring semester '95 has no change in the reduced tuition policy?"

Dean Cohen: "The answer is yes. There is no changing the policy the rate of reduced tuition we recommend will go up every year."

Professor Lieberwitz: "But is that the rate that you are recommending in G or is that different? There are two different discussions about changing the rate over a period of time."

Dean Cohen: "The rate in G--that's the accelerated rate over two years. (Reduced tuition will rise \$1,000 per year in 1995-96 and 1996-97, followed by a switch to the new system in 1997-98. That's reduced tuition."

Professor Lieberwitz: "That's for everybody? That's what reduced tuition would be for anyone paying reduced tuition in those years. One question then. It just seems inconsistent at that level. My reading of your change over 95/96 and 96/97 is \$1,000 per year."

Dean Cohen: "Right."

Professor Lieberwitz: "And on page five you say with regard to students on self or unknown support, you'd recommend an annual increase of \$500."

Dean Cohen: "Since reduced tuition as a general option will cease to exist after the 96/97 academic year, it will be computed thereafter exclusively for the purpose of accessing charges covered by the self supporting students. We recommend an annual increase of \$500 and this annual increase of \$500 begins in the 97/98 year."

Professor Lieberwitz: "So you're saying for the self-supporting students as well as everybody else from 95/96 and 96/97 that everybody gets raised annually \$1000 and then for those who you are calling fully grandfathered they are staying on reduced tuition raised at \$500 every year."

Dean Cohen: "Yes, that's right."

Professor Lieberwitz: "OK. Why should you say that you are fully grandfathering subsequent students and also be saying that you are treating them the same that you are not grandfathered for 95/96 and 96/97?"

Dean Cohen: "Everyone is grandfathered for 95/96 and 96/97 with the exception of the higher rate of tuition in the sense we keep the full tuition and reduced tuition rate. The reason for grandfathering is that self-supporting students came in as did everybody else in the system where reduced tuition existed. We concluded that self-supporting students would be the ones that would most likely to be badly affected by a change of that system. The system of the rise. The system that they are protecting is the system of reduced tuition. It's not a particular rate rise per year. At this point I recognize it's kind of a fine tune in the way I'm arguing the point but that was the thinking. There have certainly been years in the past that reduced tuition has risen faster than \$500 a year."

Professor Lieberwitz: "I guess. Then you're saying that people who have enrolled prior to spring '95 will always have reduced tuition during such time that they are enrolled at Cornell."

Dean Cohen: "And are eligible for reduced tuition."

Professor Lieberwitz: "Right! A second question is this seems an exorbitant rate of a rise in tuition for the students per year. I mean \$500 a year sounds high and a \$1,000 a year rise in tuition seems to me to be exorbitant. How did you come up with that? Is it just because you can make more money that way?"

Dean Cohen: "The report is explicit on the point. \$1,000 a year is designed to produce revenue neutrality in the general purpose budget over the two transition years plus the first three years in the new system because the endowed general purpose budget given our best estimate which is admittedly a rough estimate stands to lose money. The endowed general purpose budget takes a loss every year. It was a compromise between a mild concession from the point of view of the general purpose budget on the one hand and forcing people to pay more money up front on the other hand.

"On the same topic. We also had a number of concerns with the transition and the problems it imposed. One of them was that it delayed the advantage of the new tuition proposal until 97/98. In terms of grants there are some great advantages to the new structure. The second one is related to this \$1,000. We are being asked to fund now increased payments in order to reap potential benefits in later years 97/98, 98/99 at a time when research funding is extremely tough and extremely difficult to get which seems precarious at best. The third is that there is a substantial bubble in the cost of students under the transition period. In the transition this bubble depends a lot on the very nature of the funding. The scheme is if you take a model for students and follow it there can be a ten to fifteen percent increase in the cost per student. This is a problem of revenue neutrality across the career of a student or revenue neutrality to the general purpose budget which is year by year. There is no direct proposal and there is nothing to amend or structure. It seems the transition period should be used to review and to

address those problems and to adopt, if they exist, alternatives that may deal with those problems without hurting grants now and without increasing costs now."

Professor Lieberwitz: "The point of fully grandfathering and keeping people on reduced tuition who have been involved in it by spring '95 is really a responsive change and I'm glad to see that you did that. My question really is the level seems so high."

Dean Cohen: "Let me explain. We have a system of listing the students on some of the computers in the Grad School and there is an unknown category and there is a self category. You have to understand that some of the people in the unknown category might be self supporting students. Some of the students in the self supporting category might not be. I know that sounds crazy but I did my own very small field and found two students listed as being self supporting and it turned out to be false. They were both fully supporting. So it generally means they are paying out of family or friends and that has to be determined."

Professor Lieberwitz: "OK."

Professor Clifford Earle, Mathematics: "This is a change of subject if that's OK. I read the May minutes and the Dean predicted that although a proposal might manage to be revenue neutral to the university as a whole and to the PI as a group, it is bound to help some and hurt others. I guess it sounds good to some people with grants and corporations in the Engineering College and they are looking forward to the revenue sharing. It's my sad duty to report that for the field of mathematics things are much bleaker. Our financial support from outside funding is rather fragile and even with the improvements the cost of the GRA or RA will be increased by more than 20% and our grad faculty representative predicts that this will be a significant enough change that by the time the new plan is fully in force the number of students supported for one semester in the field of mathematics will decrease from 8 - 10 as it is today to zero. I'm not certain that this body can do anything about it but I think that it's important that this fact should be on the record."

Speaker Martin: "Further discussion? Are you prepared to vote? All in favor of the proposal with the amendments say Aye. Those opposed, No."

The resolution was approved as follows:

WHEREAS, the concerns expressed at the May 11, 1994 FCR meeting concerning the Graduate Tuition Policy have been met,

THEREFORE, the FCR endorses the August 17 draft of the Graduate Tuition Policy (circulated to all Graduate Faculty), subject to the following conditions:

First, that changes in the tuition rebate level of 50% should be made in consultation with and approval of the FCR,

Second, that mechanisms and written guidelines for approving and setting the level of tuition subsidies on external and endowed fellowships should be established and reported to the Research Policies Committee of the FCR, and

Third, that the relationship of the 50% return on full-charged tuition should be clarified and reported to the Research Policies Committee of the FCR.

6. NEW BUSINESS

Speaker Martin: "I would remind you that we have the Provost, Vice President Scott and Vice President Dullea with us from Day Hall if you have any questions you'd like to direct to them. Would you like to say a word about the United Way, Hank?"

Henrik Dullea, Vice President for University Relations: "Delighted to, thank you. I didn't know I'd have the opportunity.

"The kick-off for the Tompkins County United Way effort will come this Monday. The same day we'll start the Cornell drive. I'm the chair this year of the Tompkins County United Way campaign. Cornell's portion of that campaign is, of course, very important. We hope to raise 1.5 million dollars this year for about 41 organizations here in Tompkins County. The target for Cornell is 526 thousand dollars. Every year it is about 1/3 of the entire county's effort. We very much appreciate your support in the past and in the future."

Speaker Martin: "As you just heard, Hank is county chair for this year and we are looking forward to great things. Now, any words of wisdom?"

Vice President Dullea: "No, I think we are off to a great academic year start. I do want to thank the FCR for the wisdom they have provided us in the things they have talked about today."

Speaker Martin: "Is there any further business? If not, we are adjourned".

Adjourned: 6:00 p.m.

Robert F. Lucey
Secretary of the Faculty

MINUTES OF A COMBINED MEETING OF THE FACULTY COUNCIL OF
REPRESENTATIVES AND THE UNIVERSITY FACULTY

October 12, 1994

Second meeting of the 1994-95 Academic Year
(Number in parentheses indicates attendance at meetings to date.)

Present: Afr. Ctr.: Greene, S.E. (2). **CALS:** Awa, N.E. (1); Baer, R.A. (2); Davis, P.M. (1); Gebremedhin, K. (1); Lucey, R. (1); Luckow, M.A. (1); Pritts, M.P. (2); Reeve, H.K. (1); Rockcastle, V.N. (2); Setter, T.L. (1); Smith, M. (2); Tauer, L.W. (1); Trumbull, D.J. (1); Yavitt, J.B. (1). **Geneva:** Koller, W. (1); Nyrop, J. (1); Rao, M.A. (2). **AAP:** Cruvellier, M. (2); Kord, V. (2). **A&S:** Fay, R.C. (2); Geber, M.A. (1); Hirschmann, N.J. (2); Kennedy, K.A.R. (2); Mebane, W. (2); Mermin, D. (2); Mermin, N.D. (2); Pelliccia, H.N. (2); Shanzer, D. (2); Shapiro, G. (1); Smith, A.M. (2); Strauss, B. (1); Vogelsang, T.J. (1). **Engr.:** Farley, D.T. (2); Fisher, E. (2); Giannelis, E. (2); Gubbins, K. (1); Liboff, R. (1). **Hotel:** Sherry, J. (2). **H.E.:** Hahn, A. (2); Obendorf, K. (2); Street, L. (2). **JGSM:** McAdams, A.K. (2). **Libr.:** Atkinson, R.W. (2). **Vet. Med.:** Bertram, J.E.A. (2); Hermanson, J.W. (2); Kallfelz, F.A. (1); Randolph, J.F. (2). **At-Large:** Abowd, J. (2); Bierman, H. (2); Earle, C.J. (2); Farley, J.T. (2); Holcomb, D.F. (1). **Faculty Trustee:** Calvo, J.M. (2).

Absent: **CALS:** Knuth, B.A. (0); Liebherr, J.K. (0); Nasrallah, M.E. (0); Parks, J.E. (1); Whitlow, T.H. (0). **AAP:** Saltzman, S. (1). **A&S:** Albrecht, A. (1); Ashcroft, N.W. (1); Bem, D.J. (0); Cotts, R.M. (1); Devenyi, J. (1); Hayes, D. (0); Kalos, M.H. (0); Keil, F. (0); Peirce, L. (0); Regan, D.T. (1); Roldan, M.J. (0); Stark, D. (1). **Engr.:** Boyd, I.D. (1); Jenkins, J.T. (0); Jirka, G. (0); Lo, Y-H (0); Rand, R. (1); Sachse, W.H. (1); Webb, W.W. (0). **Hotel:** Chase, R.M. (1). **H.E.:** Brenna, T. (1); Wethington, D. (1). **ILR:** Ehrenberg, R.G. (1); Kuruvilla, S. (1); Lieberwitz, R. (1). **JGSM:** Isen, A.M. (0). **Law:** Green, R.A. (1); Taylor, W.F. (0). **ROTC:** Eason, C. (1). **Vet. Med.:** Ball, B. (1); Casey, J.W. (0); Dubovi, E.J. (0). **At-Large:** Allen, J.A.V. (1); Decker, D. (1); Howland, H.C. (0); Lumley, J.L. (0).

Guest: P. McIsaac.

The Speaker, Emeritus Professor Russell D. Martin, Communication, called the meeting to order at 4:35 p.m. He called on Dean Stein for remarks.

1. REMARKS BY THE DEAN

Peter Stein, Dean of Faculty: "I may have paid a terrible price for neglect. I forgot to send out the e-mail message to all FCR members reminding them that today was the meeting. As of yet, we don't have a quorum, so let's hope that people drift in. I wanted to talk about a couple of items.

"The first was at the last meeting I described to you two committees that I was thinking of forming; one was a Committee on Governance, and the second was an Educational Policy Subcommittee. In fact, the Executive Committee of the FCR approved formation of both of these committees. We did form a Governance Committee. The people who are on it are Tom Brenna, David Brown, Cynthia Farina, Howard Howland, Sheila Jasanoff, Geoffrey Chester, Keith Gubbins, and Milton Zaitlin. What we are trying to do is look at the whole question of governance and to what extent faculty should be involved in decision-making that goes on at the University. We are not limiting ourselves to what brand of wine we would have at the FCR meetings or what other minor adjustments we might make to make it a better instrument. If we were starting from scratch, what would we consider as a good form of faculty participation in the variety of decisions that we make at Cornell? We expect to think this through and bring to the FCR a series of proposals or a set of findings before the end of this term.

"Secondly, the Executive Committee approved the formation of an Educational Policy Subcommittee. You picked up the hand-out on the way in describing the charge of this Subcommittee on Education Policy. (Appendix A, attached). Let me first explain the subtlety of why it's a 'subcommittee' and not a 'committee.' It is experimental in nature, so we thought we might form it; and if it's a useful committee, we'll then fold it into the permanent committee structure of the FCR. Until we make that determination, we decided to make it an *ad hoc* committee; and in our structure, the best way of doing that was to call it a 'Subcommittee of the Executive Committee.' It has a very general charge. The notion of this committee comes out of the Strategic Planning Committee document. There are a series of major recommendations on educational policies that are contained in the red book. I had a discussion with Vice-President Wiesenfeld early in the game where he said, 'I'd like to take this to the FCR.' And I thought about what committee would be appropriate to do that, and it became clear that we didn't have a Committee on Educational Policy--a committee whose charge it was to look at undergraduate educational policy--and it seemed like a peculiarity that we did not have a committee to look into matters of educational policy. There are a lot of matters of university-wide policies that we might adopt or we might not adopt. To name a few: the calendar, the university-wide requirements, senior projects, and others. So with that in mind, we are forming this subcommittee; and I'm calling forth the Nominations Committee to try to fill it. I would not propose to fill it by election since it's on an *ad hoc* basis but to fill it by the Nominations Committee.

"A third item I want to talk about is an item that has concerned a lot of people over the last year which is the managed care option. I was called by a lot of people, and I went to an Arts College meeting where there was a lot of discussion and concern by many people that, in fact, the subdividing of our health policy into two parts--an 80/20 part and a managed care option--inevitably has the result that the 80/20 option would suddenly find itself by the normal economic calculus to be driven out of existence. Its premiums would be driven too high, and then we would have solely a managed care option, and that choice would be denied us. The basic issues are the pools that make

up these groups. Are the health risks calculated separately or calculated as one? We've discussed this with the administration in various forms and with the Office of Human Resources. They have come to the conclusion that they will in fact treat the risk pool as one which then guards against the danger that the 80/20 plan will be priced out of existence. This does not mean that the premiums for the 80/20 will be higher than the managed care, because managed care is a cheaper option. 80/20 does give one more flexibility; but as is, you would expect to pay for that flexibility and pay for it with a greater premium. But the danger that the premium becomes so astronomical that people can't afford it, I think, is not a realistic option once this particular plan for calculation of the premiums is agreed upon. That has been done, and that ought to lay to rest a lot of concerns that a lot of people had.

"The fourth item that I wanted to talk to you about is an item which I've been aware of for maybe a month or so and has surfaced in *The Cornell Daily Sun*. It is the so-called 'COFHE Study.' What the COFHE Study is is a group of 32 institutions of higher education that are in some way or other like us. They have agreed to conduct a survey of common attitudes toward students. They do it in a number of ways, and I'm not competent to describe exactly how they do it and what groups of students they use. But they use a variety of surveys on students' evaluations of their university experience. That gives one an instrument whereby we can compare how our students feel about their experience at Cornell to how average students in these 32 institutions feel about their experiences in their institutions. Wiesenfeld did this with the laudable goal of trying to find out where we are behind other institutions in terms of student satisfaction. Let me say that I don't believe that student satisfaction is the sole measure of the work of the institution. We are not in the business of making people feel good; we are in the business of educating people. But we all know that part of that is the sense on the part of the students that they are being well educated. That's not the whole story, but it's an important part of the story. I think we all understand that this is a complicated web of high-quality faculty, high-quality research, high-quality student satisfaction, good applications, high SAT scores--that the whole issue we think about is interrelated in a very complicated way. It would be foolish of us in our own self-interest to deny the fact that our well-being depends on the fact that we can continue to attract a high-quality group of students, and that in some degree depends on the reputation that we have among students. It seems to me that even if this is not your interest, it's important that we pay attention to this.

"There are a couple of items on here which I want to tell you about which I find somewhat disturbing. In particular, it is not all bad. There are a lot of items in which students rate Cornell as better than the average of these 32 schools. But there are three items which I find surprising where we lag behind our peers--that is to say where students at other institutions find themselves better served than students at our institution. The couple that concern me a little bit were size of classes. We are comparing ourselves to Columbia, Dartmouth, Duke, Johns Hopkins, Northwestern, and Penn--kind of a mixture of places that are vaguely like us. The students at our

institution find themselves more dissatisfied with the size of classes, meaning that they find themselves more in large classes than students in other large institutions--because the sample is dominated by large institutions. Hopkins students, Northwestern students, Penn students, and Duke students find themselves in smaller classes than our students do.

“Another item that I found, and this one really surprised me, is the out-of-class availability of faculty. I would have thought that in this rural setting where we all come in at night--and we go to lectures, and we go to concerts, and our whole life is bound up in the campus--I would have guessed that our faculty was more available than the faculty at Northwestern or Penn or Hopkins, which are in large metropolitan centers. I think that’s a concern: that our students find the faculty here less available than do the students at those other institutions. It concerns me, and I think it should concern all of us.

“The third one may be of even more concern than the other two, and that is what I would call a ‘sense of community.’ When it comes to a sense of community, our students find themselves less satisfied than do students on other campuses. As I say, I find this a concern; and I don’t think it ought to be our concern. I have no program. I don’t know what it all means, but I think we ought to be worried about it, individually and collectively. It’s not all bad. For instance, one thing that I think we get banged over the head a lot about is that we don’t do a good enough job advising. We probably don’t do a good enough job. I advise, and I probably could do it better also. Let me say that our students are more satisfied, or more accurately, less dissatisfied, than the students in this COFHE norm group. While that doesn’t mean that we should stop worrying about advising, I think that what it does mean is we are doing a better job according to the students than the faculty at those other institutions. So I just want to bring that to your attention.”

It was asked whether it was possible to get a copy of the COFHE study, and Dean Stein replied that hopefully, within the next couple of weeks, it would be distributed to the entire faculty. For those interested in statistics, the data set would be shared if requested, as long as whatever results found were shared as well.

Speaker Martin: “The chair next calls on President Rhodes for an announcement of faculty deaths.”

2. ANNOUNCEMENT OF DEATHS

Frank H. T. Rhodes, President: “I do announce, Mr. Chairman, with great regret, the deaths of a number of valued colleagues and friends.

Ferdinand H. Butt, Professor Emeritus, Entomology, December 11, 1993

Mario Einaudi, Goldwin Smith Professor of Government, Emeritus,
May 15, 1994

John Whitlock, Professor Emeritus, Parasitology, May 22, 1994

Earl Brooks, Professor Emeritus, Administration, May 30, 1994

Leo Meltzer, Associate Professor (retired), Sociology, June 4, 1994

True McLean, Professor Emeritus, Electrical Engineering, June 10, 1994

Milton L. Barnett, Professor Emeritus, Rural Sociology, June 17, 1994

George C. Eickwort, Professor, Entomology, July 11, 1994

Shailer S. Philbrick, Professor Emeritus, Geological Sciences, August 19, 1994

Roger G. Young, Professor Emeritus, Entomology, August 21, 1994

Thomas H. Johnson, Associate Professor, Landscape Architecture,
October 6, 1994

Philip J. McCarthy, Professor Emeritus, ILR, October 10, 1994

"I ask you to join with me in remembering these, our colleagues. Thank you."

Speaker Martin: "The Chair would like to call on Professor Paul McIsaac, member of the Committee on Review and Procedures, to introduce a resolution amending the method of election for the Dean of Faculty."

3. RESOLUTION AMENDING METHOD OF ELECTION FOR DEAN OF FACULTY

Professor Paul McIsaac, Electrical Engineering: "On behalf of the Committee on Review and Procedures, we present this resolution. I think you've all seen it. The major changes are instead of electing the Dean of the Faculty by a plurality of the votes, we use the Hare System, which would result in a majority of the votes."

Speaker Martin: "The motion is on the floor for discussion, and we would remind you to please identify yourselves for the records."

Professor McIsaac: "Perhaps I should say a word or two. According to the rules, there should be three candidates for the Dean of Faculty. I don't believe that was always the case in past elections. The concern was that it would be possible for someone to get a plurality, let's say 35 percent, and still not be either the first or second choice of the majority of the faculty. By instituting the Hare System, we would ensure that the person getting the majority of the votes would be either the first or second choice of the majority of the faculty, and that seemed to be preferable."

Speaker Martin: "There being no further discussion or questions. . . . All in favor say 'Aye'; opposed, 'No.' It is passed. (Appendix B, attached)

"The chair next calls on President Rhodes for his State of the University Address."

4. STATE OF THE UNIVERSITY ADDRESS

President Rhodes: "Mr. Chairman and friends, this is the eighteenth occasion on which I've had the pleasure to address you on the State of the University, and I'm reminded of the first occasion in which then General Eisenhower spoke to the faculty of Columbia and addressed them as 'employees' of the university. There was an awkward murmuring, and then a dignified gentleman at the back of the room rose and said, 'Sir, do come and sit down.' It's a long story.

"We are not employees, we *are* the University. In a real sense that is true, and so I have felt over each of these years grateful for the opportunity to meet together with you and talk about our University--and more specifically, *your* University. I believe it's not simply a matter of style but a matter of fact that the *strength* of the University depends on the strength of its faculty. The *distinction* of the University depends on the distinction of the faculty. The *effectiveness* of the University depends on the education of the faculty and the common goals and directions. I think we've been the enormous beneficiaries of Cornell during the time I've had the privilege to be a part of the institution by having not just a *distinguished* but *dedicated* faculty.

"Addresses to the faculty, of course, are something else. I'm reminded of the comment that the position of the university president is very much like that of the director of a cemetery. There are a lot of people underneath him, but very few are listening. That is especially true about talks that deal with the State of the University. In fact, I remember very vividly my first State of the University talk. It was in Kaufmann Auditorium--less substantial seats (though no more silent ones), and no alcohol on that particular occasion, and no cookies. I pointed out to Bob Fay as I was coming in that I was the only one drinking water. He commented this is likely to be a very sober report if that's the case. But in Kaufmann Auditorium, I went back to look at my notes. I talked about budget and changing the calendar and student dissatisfaction and stress, administrative transitions, mandatory retirement, gifts, and faculty salaries. And as I look at the agenda over the last 18 years, I realize that very little has changed. But we

have made some progress. I think we've come a long way together, and the first thing I want to do very specifically and very directly is to say 'thank you' to all of you, both as colleagues and friends, for having been such wholehearted partners on this journey that we've taken. I like the story about the college president who broke his leg in a skiing accident and was duly commiserated by various members of the faculty. And at a meeting, a vote was proposed wishing him a speedy and complete recovery, and the vote was 75 to 71. We haven't always agreed. It would be surprising if we did. I want to thank you and salute you for all that you've done.

"I want to look back a little way because those distant days--five Deans distant and almost a total turnover of members of the FCR--were days when we faced particular challenges together. Let me remind you of some things, because they have a foreboding ring about them. Applications had fallen, in terms of student applications for each of the previous five years. In fact, in the period of January 1976 to January 1977, applications went down by 1,500 students to a base of 14,500. The second thing that was troubling was that we'd just come off a long period on admit/deny--a term that is almost unknown in this present generation of you professors--admitting people to Cornell but denying them financial aid. It was only in 1976 that we were able to cease that practice. But there was a great discussion as to whether we should go back to it. In fact, a student-faculty committee had recommended that we should award merit scholarships. There was a third concern, and that dealt with budget. We were dealing with a deficit budget for something like ten years, and over that period, we'd eaten up \$34 million of Cornell's endowment fund balancing the budget and taking care of our needs. That was about 12 percent of the total budget in the year 1976-77. We had a freeze on positions and a plan to reduce faculty numbers systematically over the next five years. We had launched a campaign in which giving in the first two years of the campaign for \$230 million had actually gone down rather than up. That's remarkable for any campaign--certainly one that was conceived with care. All that represented a threatening prospect.

"Looking back, it's clear that we knew where we were going. It wasn't a happy picture. But we saw the issues that were going to confront us. Accurate as that was, what is interesting about it is that every one of those clouds on the horizon identified as a future threat or coming off former and existing threats came to pass. The interesting thing about that is that in spite of that, together we have really prospered during this period. We have, for example, if you look at the picture of student applications, 21,000 applications--up from 14,500. That in a time when the college-age pool in the Northeast has declined by 23 percent. That's a remarkable achievement in itself, but more remarkable is the fact that the aptitude of the students measured by SAT scores has increased. Our total minority enrollment has increased from 8 percent in 1977-78 to 28 percent this year, and much of that, of course, is made up of Asian students; but it's interesting that the percentage of under-represented minority students has gone up by 50 percent: up from 6 percent to 9 percent. Much of that is made up of increases in Hispanic students; and from now on, of course, the overall question of enrollment is

going to be helped by the fact that the pool is beginning to increase again. The years of decline are over. We're up on the climbing track. The composition of that pool from which we shall be selecting will increasingly be of under-represented students in today's population terms.

"The other staggering things about these past years are the extents to which the faculty has continued, year after year, to garner the most competitive prizes and awards and with it, the remarkable success in obtaining research funding. In the years that I was talking about, total research dollars in 1977-78 was \$72 million. Last year, it was \$301 million, and in terms of the real dollar increase, that figure was almost doubled, all that in a very competitive research environment. In terms of our financial outlook, we have, with your help, balanced the budgets for 17 years. And with the leadership of Mal Nesheim and Fred Rogers, we are now on a track of financial equilibrium, not just balanced budgets. After just two years of modest belt tightening, less severe than that which we've faced over the last two years, we can realize long-term equilibrium--not just taking care of the roofs on buildings and preferred maintenance and the like, but investing in new systems which will improve our administrative and teaching effectiveness, investing in people who are displaced by changes, and investing in things like the health care cost increases. I should say that I'm an 80/20 person, so I share the interest and concern about that particular category, and I welcome Peter's report because it's an accurate one.

"We are in a campaign that has done extremely well, and we are well on the way to completing that campaign several months ahead of schedule. We're approaching 1.1 billion dollars through the generosity of so many alumni. And with luck, we will finish completely by the middle of next year. All that's good news. On the other hand, there is some troubling news. You've heard some of it from Peter in these COFHE figures. You've heard some of it or read some of it in the drop in rankings in *U.S. News and World Report*, whatever that means, from 10 to 15 as the nation's leading universities are ranked. You will know from day-to-day experience the amount of public skepticism at the value attributed to those of us who work in the field of higher education. As we look at the future, in fact, it is very unlikely that the future is going to be any more gentle or kind to us than the last decade. In fact, all the indications of the future prospects look harsher than the past. Let me itemize five ways in which challenges await us that are not going to go away.

"The first is that whether we like it or not, even though we state ourselves repeatedly to be a research university, the public is going to continue to judge us largely by our faculty devotion to undergraduate teaching. Like it or not, that's the thing that is most conspicuous in the public mind. How well we do with the experience of the average undergraduate is going to continue to be a matter of public interest. And the public view rightly or wrongly is that we've been putting students behind other interests such as research and scholarship and graduate teaching. I can reject that in countless ways, but the perception remains.

“There is a second issue I think that isn’t going to go away and that we have to confront, and that is the demographic change is going to accelerate. If you look at the pool from which we shall be recruiting in the next 30 years, the projections are interesting. The increase in the Caucasian college-age pool will be about 25 percent during that period. The increase in the African-American members of that pool will be over twice that, and the Asian members over three times, and Hispanic/Latino members over seven times that. So the demographic changes are not only going to continue--they are going to accelerate; and beyond that, there will be more applications from students from other countries, more applications from non-traditional backgrounds, older students, students who are juggling work and family responsibilities--even on a residential campus such as this. And we have to realize that unless we as a faculty reflect in large measure that pool that we should be recruiting from, then we shall be less effective in recruiting. We’ve seen that time and time again with departments that have strong affirmative action program results in their ability to recruit graduate students in particular.

“There is a third issue that I think is going to be with us for the next few years, and that is alternative learning sources will continue to proliferate--new measures of delivering knowledge quite simply. And we represent one trusted, contrived method--the residential learning community. But there are clearly alternative systems, including systems of remote learning using communication technology simply to inform people not just in a passive way but to allow them to interact. I think that’s both a challenge and a threat. It’s a threat in one sense because companies may use other universities of the non-traditional kind, some of them profit-making. It’s a promise on the other hand, because I think in our isolated location we can bring the world into the classroom in ways that have previously not been easy. It’s easier at Columbia or Stanford to bring visitors to the classroom. It’s been very difficult in Ithaca. Now we can do that. There can be in-reach as well as out-reach. And we can use the new technology not only to be more effective on campus but to be more effective off campus with our alumni, for example, in continuing professional education. One of the things I hope we shall continue to look at is how to go about that.

“Point four of the challenges ahead of us: I think we are entering an even tougher period of competition for the support of research. We are in a very difficult period at the moment, difficult because six percent of the funding from the National Science Foundation, for example, is now directed to areas of strategic national interest. It is difficult to define what that means, and we have been able--with a good deal of creativity--to segregate the NSF budget in such a way that it meets that expectation. But five years down the road that may come back to haunt us. That’s not the only thing. Indirect costs continue to be under growing pressure. The intervention of inspectors general into our labs is now an everyday phenomenon across the country

where an inspector general and order team can come in and inspect not just the books and the accounts but the work supported by federal funding. In fact, competition for federal funding and for state funding and for corporate funding for research are not likely to increase in significant ways.

“Then finally, I don’t believe financial constraint is a short-term phenomenon. I think just as industry is learning to live with less, we are in a period where we are going to have to continue to live with less. With your help, we have been remarkably successful at that. In fact, over the last three or four years, especially in the statutory colleges with leadership of the faculty, there has been the most impressive result of learning to get by in spite of these financial constraints. It’s been said that the worst thing you can do about a problem is discuss it, but in fact, we have been discussing these problems campus-wide. You will know that this strategic planning report which was published in the *Chronicle* last May has been widely discussed on campus. I won’t pretend that it’s at the top of the best-seller list; but, in fact, it’s a document that is widely discussed. I must confess that I’m very encouraged, as I’ve had the opportunity to go around to 17 or so units accompanied by John Wiesenfeld and Peter and a number of colleagues from the FCR. I’m encouraged at the large areas of agreement that exist--not agreement with detail for every priority--but large areas of agreement on the context of the mission of the university that was formulated on the kind of general priorities that we gave and the budget envelope that we have to meet those particular challenges.

“As we talked about that, there seems to me that there are three benefits that have come out of strategic planning. I think that the first is that there is widely shared at the university this sense of *context* as well as *mission*. It’s very hard to write a mission statement for a sprawling institution such as Cornell and detail a definitive agreement. But there is a general sense that the statement that we put together with a lot of revision and hemming and hawing is about right in most people’s views.

“There is a second reason that I think is growing from the strategic plan. That is that there has been very healthy debate about the kind of responses--what the priorities really are: which comes before which, whether this should be included, or whether that should be included. That seems to me to be healthy and profitable, and as we work through this together, there is a good deal of convergence to a large measure on what those priorities should be.

“The third thing that’s encouraging is that in the individual units and the colleges and the administrative units and the centers where the action really is, there are remarkable things happening in terms of looking at the context in which we are operating and thinking strategically for ways in which we can adapt to it and prosper in it. This *strategic thinking* much more than *strategic planning* seems to me to be the best possible outcome. It’s not a bound book with a red cover that you can put on the table and say, ‘This is the plan--the valuable thing.’ It is the planning *process* itself

and the kind of strategic thinking behind it which in college after college now I think it's beginning to bear results. So we've entered, I think, a new period of accountability, a new period of constraints. And the only mistake we can make, I think, is having identified the challenges around us and pretend that we can emerge unscathed--that we don't have to change any of our habits or modify any of our priorities. That, I think, would be a serious mistake.

"Where should we be going? Are there ways in which the institution of Cornell is more than the sum of its parts? Or do we simply wait for each department and each college to make its own way to these objectives and then wrap a ribbon around them and say, 'This is Cornell'? I think there are five areas where institutionally we have to move together, and we're in concert with the colleges. You in the FCR and we in the administration can work together with a Cornell objective as well as a collegiate objective.

"The first is, and the FCR puts this at the top of its own list, that we have to enhance our standing as a research university. I think there are eight or nine ways in which we can do that. But let me tonight mention just four of them which I believe are important and which I want to work with the FCR on during the coming year.

"First, I believe we have to adopt program review campus-wide. We have assumed that everything would be viewed as excellent, but in fact we know in practice that it is not. Some things we can do better, including things that I'm close to. I believe campus-wide, not just in departments, but in administrative operations and everything we do, we have to set benchmarks for ourselves; we have to have a clear sense of direction; and then we have to evaluate how we are doing. That won't be easy, but it can be done; and it has to be done if we are to make intelligent decisions in the years ahead. I'm encouraged in the degree of agreement that there is going around the colleges with that particular notion.

"Second, and this is more debatable, I think we need to give added support to department chairs. In some colleges we do a fair amount to support their work. In other colleges--especially the endowed colleges--we give them almost no support in terms of help, in terms of time, and in terms of reward. I think if we are to prosper at the department level--and that's where so much of the responsibility lies--we must do a much better job of supporting the chairs and in making that position of chair more attractive to every member of the faculty who is able to serve. It's a burden at the moment which is soon to be handed on to the next person. Yet I believe the department needs the kind of nurture and creative leadership which is the best we can

give. And we've done a poor job in recognizing the needs of the faculty member coming into the chair of the department. I thought we could do better than that. We have made this an item in the Cornell Campaign. I'm very disappointed that we have almost no response from alumni for this particular gift opportunity. That's partly because we haven't explored very well the burdens under which the chair today works.

"Third, I think we need to finish the Cornell Campaign. In fact, I've begun to need your help in doing that. Every group you bring to the campus that comes into contact with you, the members of the faculty, has a role in completing this campaign. In spite of the fact that we are on the way, we have about \$150 odd million to go, and we need your help in doing it.

"And finally, fourthly, under the heading of 'enhancing the standing of the university,' we are still a university which has overlap and fences and boundaries and layering to a degree that I think makes us less effective than we should be as a university.

"Let me go on to mention the second objective that I want to share with you: to identify and support the most outstanding members of the faculty and the staff that we can find. As we have gone around the colleges, this has probably been one of the most debatable aspects of the report. John Hopcroft, the Dean of Engineering, is co-chair of the committee that dealt with recruiting the 'faculty of the future.' That committee suggested a much more university-wide review of the appointment procedure, the tenuring procedure, and the promotion procedure. We've done very little about that. As we've gone around the colleges, we've had very mixed signals as to how we should go about this. Let me tell you, though, why I think this is something that we as individuals and as a faculty have to pursue. If you look at the situation six years ago, we took in 107 new faculty members. This year on the tenure track: 29--down from 107 to 29 in six years. During that same period six years ago, the tenure ratio of faculty tenure was 76 percent. This year it is up to 82 percent. Tenure ratio has increased 6 percent in six years. Now that's partly due to budgetary tightening, especially in the statutory colleges, and it's partly the result of the fact that the mandatory retirement age of 70 has been lifted and people are no longer required to retire at age 70. What the effect of that will be long-term, we don't know. But it may well be that faculty members for whatever reason will choose to continue well beyond the age of 70. The result of that in the intellectual life of the university is very serious. It's not that an 82 percent tenure ratio is unmanageable, but it's rather that it reduces our responsibility to respond to new needs and new opportunities because we cannot add by *growth*--we have to add by *substitution*. The tenure ratio and the number of new appointments would make it impossible for us to add something like Biotechnology, for example, which was done by cooperation of the deans, especially Arts and Sciences and Agriculture and Life Sciences, over a period of five years or so. So together I think we need to address this question of faculty career prospects in two particular senses. I think we have to state clearly with one another what the

expectations are for a faculty member, what the professional expectations in terms of teaching and scholarship are, and what the career expectations are in terms of what we expect. And second, I think together we have to think about how to be explicit in providing both incentives and unique opportunities for early retirement.

"There are three ways of achieving that. One is we could have a professional code of conduct, kind of a Hippocratic Oath. Maybe that's one way to go. That's what the legal profession does. But when I look at the legal profession, I'm not sure it's the most effective way. John will forgive me in saying that, I hope.

"Secondly, we could have the kind of direct approach that someone in Day Hall says, 'you will teach X courses per semester, you will publish so many papers a year as judged by your peers.' That's never going to work, and we could never hope to enforce it. There is only one way to do this, and that's to have a self-developed expectation to have peer pressure to produce. It's to have common discussion about what the expectations will be, but unless we do this, I believe the threat to tenure is really long-term. And it won't come from within the faculty, and it won't come from within the administration. I think it's most likely to come from the public and even from Washington as an Appendage to Title 15 of the Re-Authorization of the Higher Education Act, for example. Just as it was unthinkable that the government should get into financial aid a few years ago, it did. I think together we have to work on this. I don't have a solution, I don't have a proposal, but I believe this is a big enough issue that it has to concern all of us. That's the second task. To look carefully and thoughtfully together at career development opportunities both in faculty and staff.

"Third, I think we have to support and promote graduate and professional education. That deficiency in the Strategic Planning Report is being remedied this year, and Walter Cohen is at work with representatives from the FCR addressing a whole series of questions. For example, what is the purpose of graduate and professional education? What should the balance be between different degrees? This year, I'm told for the first time--I'm not sure it is accurate--the number of Masters candidates exceeded the number of Ph.D. candidates. Is that a trend we should be more careful about and more thoughtful about? What is the effect of graduate and professional education on the other work at the university, undergraduate teaching, research by the faculty, and popular opinion? Are we serving our students well? Are we serving society well? What about the cost in terms of the institution as a whole? These are some of the questions we need to think about.

"Priority number four seems to me to be the whole question of the undergraduate experience. I believe we continually need to have champions on the campus for undergraduate education, not believing it's the only task that is important but one where we constantly need to reassure ourselves that this is part of our calling. I was delighted that Peter told me the Executive Committee proposes to set up a committee which is going to look at these broad questions of educational policies. I hope they'll

help us with a variety of things, such as the calendar. I've asked the Provost to suggest what alternative models might be, and I hope some members of the new committee will help us with that. We need to look at the question of housing so we don't find ourselves without a long-term, carefully developed plan for all kinds of aspects of housing, especially in relation to learning on campus. I've asked Susan Murphy if she will begin to develop a task force to work on that. I hope again that members of this committee will join us on that venture. I think we need to look at the COFHE report that Peter described and think about what the implications of that are. And in connection with the report of Don Randel's committee, Mal Nesheim has already been working with the deans in discussing on a college-by-college basis how the recommendations of that Randel committee are to be viewed by each of the colleges. All these are issues we need to think about. I hope that's something we could count on, the cooperation of the FCR.

"There's a fifth priority I think we need to develop together. I think we need to rekindle and reinvent the land grant university. We've not kept pace as an institution. I'm not talking about extension but as an institution where every part is the land grant university of the state. We haven't kept pace with that. We need together to reinvent the land grant university. That's going to mean looking at electronic means of communication. I hope again we can count on the FCR in developing a new model.

"The real trick in all of this is to go from vague propositions of this kind--bullets on a page--into reality. What's been so encouraging as we've gone around the colleges is the extent to which colleges are already moving in this direction. In fact, every college is beginning to think in strategic terms. Let me tell you about Engineering, just to give you one example. Engineering has identified four priorities in faculty meetings: undergraduate education, graduate education and research, intellectual priorities and phase-outs, and improvement in the quality and reputation of the college. They have taken on each of these topics with fundamentally looks at everything from closed courses to freshman advising on one hand to the structure of departments in relation to research and teaching on the other. In doing that, they have made all the data on which decisions are going to be made public. In the college, teaching loads of every individual in the college, graduate students of every individual are now matters of public discussion and public knowledge. That's a healthy environment in which to discuss our response to changing needs.

"I commend the colleges and you as members of the colleges in what you've done to start on this vital process of strategic planning. In the end, of course, I don't believe that universities prosper because of strategic planning. I hope I've convinced you that it's important. Nor do they prosper only with balanced budgets or because of individuals who are creative and inventive and who have spin-off ideas that will change our way of thinking--and that's why Cornell has been so blessed. That's why whatever *U.S. News* says about our rank, we are an institution unique in its character and outstanding in its achievements. I believe we are an institution that is not simply

devoted to education and not simply devoted to research. I do believe *discovery* is at the heart of what we do. I do believe *leadership* is a vital product of what we have to offer. I do believe we exist to provide *service*. But in the end, we're a special kind of society. We are a society of *learning*. In a society that is tough-minded in what it approaches but also nurturing in the way it treats its individuals, that society represents the dream that I continue to cherish that is Cornell. I want to thank you for the wonderful part you've played over these long years in creating that special institution. Thank you."

Dean Stein: "As always, you've pointed out what are the critical issues and what are the things we have to think about, and I think that you are right. I think that this faculty does believe that the goals that you've pointed out are our goals, and I believe that together we will work with you and your successor to try to bring these things to pass. Thank you very much."

Professor Richard L. Liboff, Applied and Engineering Physics: "One of the points the President made was that the outside world looks at us mostly for our teaching. In my many years here, this head has emerged from the sand many times, and there is an opposing point of view that the outside world looks upon us and sees the eminent research members of the faculty. I don't know, for example, how good a teacher Carl Sagan is, but I venture to think that he brings in great funds. He attracts many students. I don't think Hans Bethe teaches anymore, but the mere name of that man, a Nobel awardee of great renown, attracts students. We have another Nobel awardee in chemistry. I don't know if he is a good teacher or not--I'm sure he's an excellent teacher--but the eminent part of that is his research. This argument has gone in and out. I have colleagues who share this point of view. We are researchers, and we are teachers. We believe that one hand feeds the other. We are proud of both, but we always know the outside world looks at a great institution such as Cornell for its research. That's what I have to say."

President Rhodes: "I don't disagree with that, and in fact, I agree so completely that I wonder if I expressed myself adequately. I have heard Carl Sagan teach; he's an outstanding teacher. I have heard Hans Bethe teach; he's an outstanding teacher. I've heard Roald Hoffmann teach; he's an outstanding teacher. I see no discontinuity with the most outstanding scholar and the most outstanding teacher. It was John Slater who said, 'Research is to teaching as sin is to confession. Unless you've participated in the former, you have nothing much to say in the latter.' We've simply managed to bring the two together, and nothing that I have said suggests anything otherwise. That's one of the secrets of Cornell's strengths. Whether we like it or not, the public is going to continue to judge us on the quality of our teaching, and that's not a contradiction to research--it's a wonderful supplement."

Professor Liboff: "I just differ as to how the public views us. Your statement was that they look upon us for our teaching--that teaching is an in-house effect. I don't think they see that at all."

President Rhodes: "Well, we shouldn't debate it. I can just tell you that the billion dollars plus that we have been so fortunate to secure from alumni in this campaign has increased by 50 percent the number of endowed chairs that we've produced in the previous 125 years. That comes from people who love this place because they love their teachers. And we neglect that at our peril."

Speaker Martin: "Are there questions or comments? Thank you, President Rhodes. We are going to miss that talk next fall. Is there further business to come before the Faculty? There being no objections, we are adjourned."

Adjourned: 6:00 p.m.

Robert Lucey
Secretary of the Faculty

SUBCOMMITTEE ON EDUCATIONAL POLICY

Charge to the Committee

1. The Committee shall concern itself with matters of educational policy that relate to instruction and are beyond the jurisdiction of a single school or college, except for matters delegated to other committees by the University Faculty or the FCR. Matters that will fall under the jurisdiction of this committee include (unless otherwise delegated), but are not necessarily limited to; grading policy, examination policy, University wide academic requirements, the academic calendar, and the hourly schedule of instruction.
2. The Committee will undertake other tasks relating to educational policy that are beyond the jurisdiction of a single school or college assigned to it by the University Faculty or the Executive Committee of the FCR.

RESOLUTION AMENDING THE METHOD OF ELECTION FOR THE DEAN OF THE FACULTY

WHEREAS, the Nominations and Elections Committee, following the last election, requested that the Review and Procedures Committee review the method of election for Dean of Faculty,

THEREFORE, BE IT RESOLVED, that the Review and Procedures Committee, having completed its review, recommends that OPUF, Part Two, Section V.F. Selection of Dean, be amended as follows:

(deletions in brackets, additions underlined)

F. Selection of Dean. The selection procedures for Dean of the Faculty shall be as follows:

1. The Dean must be selected from among the tenured voting members of the Faculty and shall maintain such status.
2. At least three months before the deanship becomes vacant, or as promptly as possible if the office should become vacant without three months' notice, the Nominations Committee shall solicit nominations and canvass Faculty opinion, and shall prepare a slate of three or more candidates. The Nominations Committee should consult the President in this regard.
3. The Committee on Elections shall conduct a mail ballot of the voting members of the University Faculty, using the Hare System, and shall promptly report the results to the President and the Faculty.
4. Subject to confirmation by the Board of Trustees, the candidate receiving a [plurality] majority of the votes cast shall be appointed Dean.

BE IT FURTHER RESOLVED, that following adoption by the University Faculty, this proposal be submitted to all voting members of the University Faculty for a referendum by mail ballot.

Rationale

Rationale: When there are three or more candidates, the current voting procedure can result in a Dean being chosen without the support of a majority of the faculty who participate in the election. In the elections for faculty committees and faculty trustees, the Hare procedure is used to avoid this eventuality. The Review and Procedures Committee believes that the adoption of the Hare procedure would aid the Dean in the pursuit of his or her duties by providing assurance of broad support by the faculty.

MINUTES OF A MEETING OF THE FACULTY COUNCIL OF REPRESENTATIVES

November 9, 1994

Third Meeting of the 1994-95 Academic Year
(Number in parentheses indicates attendance at meetings to date)

Present: **Afr. Ctr.:** Greene, S.E. (3). **CALS:** Awa, N.E. (2); Baer, R.A. (3); Davis, P.M. (2); Gebremedhin, K. (2); Knuth, B.A. (1); Liebherr, J.K. (1); Lucey, R. (2); Luckow, M.A. (2); Parks, J.E. (2); Pritts, M.P. (3); Rockcastle, V.N. (3); Smith, M. (3); Tauer, L.W. (2); Trumbull, D.J. (2); Yavitt, J.B. (2). **Geneva:** Koller, W. (2); Rao, M.A. (3). **AAP:** Cruvellier, M. (3); Kord, V. (3). **A&S:** Albrecht, A. (2); Ashcroft, N.W. (2); Bretscher, A.P. (1); Cotts, R.M. (2); Devenyi, J. (2); Fay, R.C. (3); Hayes, D. (1); Hirschmann, N.J. (3); Keil, F. (1); Kennedy, K.A.R. (3); Mebane, W. (3); Mermin, D. (3); Mermin, N.D. (3); Peirce, L. (1); Pelliccia, H.N. (3); Regan, D.T. (2); Shanzer, D. (3); Shapiro, G. (2); Strang, D. (1); Strauss, B. (2). **Engr.:** Boyd, I.D. (2); Farley, D.T. (3); Fisher, E. (3); Giannelis, E. (3); Jirka, G. (1); Rand, R. (2); Sachse, W.H. (2). **Hotel:** Chase, R.M. (2); Sherry, J. (3). **H.E.:** Brenna, T. (2); Hahn, A. (3); Street, L. (3); Wethington, E. (2). **ILR:** Ehrenberg, R.G. (2); Lieberwitz, R. (2). **JGSM:** Isen, A.M. (1); McAdams, A.K. (3). **Law:** Green, R.A. (2). **Libr.:** Atkinson, R.W. (3). **Vet. Med.:** Bertram, J.E.A. (3); Dubovi, E.J. (1); Kalfelz, F.A. (2); Randolph, J.F. (3). **At-Large:** Abowd, J. (3); Allen, J.A.V. (2); Bierman, H. (3); Earle, C.J. (3); Farley, J.T. (3); Holcomb, D.F. (2); Howland, H.C. (1).

Absent: **CALS:** Nasrallah, M.E. (0); Reeve, H.K. (1); Setter, T.L. (1); Whitlow, T.H. (0). **Geneva:** Nyrop, J. (1). **AAP:** Saltzman, S. (1). **A&S:** Bem, D.J. (0); Geber, M.A. (1); Kalos, M.H. (0); Roldan, M.J. (0); Smith, A.M. (2); Stark, D. (1); Vogelsang, T.J. (1). **Engr.:** Gubbins, K. (1); Jenkins, J.T. (0); Liboff, R. (1); Lo, Y-H (0); Webb, W.W. (0). **H.E.:** Obendorf, K. (2). **ILR:** Kuruvilla, S. (1). **Law:** Taylor, W.F. (0). **ROTC:** Eason, C. (1). **Vet. Med.:** Ball, B. (1); Casey, J.W. (0); Hermanson, J.W. (2). **At-Large:** Decker, D. (1); Lumley, J.L. (0). **Faculty Trustee:** Calvo, J.M. (2).

Guests: W. Cohen; J.R. Cooke

The Speaker, Professor Emeritus Russell Martin, Communication, called the meeting to order at 4:35 p.m. He called on Professor Robert Lucey, E.V. Baker Professor of Agriculture and Secretary of the Faculty, for remarks.

1. REMARKS BY THE SECRETARY

Secretary Lucey: "We do have a quorum. Well, obviously, I'm not Peter Stein. He regrets that he can't be here with you today due to another commitment which he couldn't change. He wanted me to comment on one item. We talked about the formation of an Educational Policy Subcommittee, a Subcommittee of the Executive Committee. These are the members of the Subcommittee and the areas they represent:

Kraig Adler, Agriculture and Life Sciences
Harold Bierman, Johnson Graduate School of Management
John Forester, Architecture, Art and Planning
Richard Galik, Arts and Sciences
Robert Kay, Engineering
William Kennedy, Arts and Sciences
Richard Moore, Hotel Administration
Peter Schwartz, Human Ecology
John Sherbon, Agriculture and Life Science
Pamela Tolbert, Industrial and Labor Relations

“The Provost has asked the committee to examine the calendar. The calendar for the 1998-99 academic year has been pretty much completed. The question asked was what would happen if the calendar for the spring term was changed so the term would start two weeks earlier? That’s one activity that this committee is going to be looking into. The second activity is to develop a questionnaire and circulate it to the faculty for comments. That’s basically the extent of the remarks that I have. If there are any questions on this, you may address them at the end of the meeting.”

2. APPROVAL OF SUMMARY MINUTES OF SEPTEMBER 14, 1994

Speaker Martin: “Thank you, Bob. Are there any corrections to our minutes of the September 14 meeting? There being none, they stand approved.

“The Chair next calls on Professor Donald Farley, Co-Chair of the Financial Policies Committee, for a report.

3. COMMITTEE REPORTS

Professor Donald Farley, Electrical Engineering: “Peter just called me a day or two ago to tell people what we were doing. I’m one of the chairs; J. Robert Cooke is the other chair. Basically, we’ve been looking at a couple of things. One major area is database issues. Those of you who were here last year might remember that Peter Stein gave a report, and I think Bob Cooke did as well, looking at basically who the University employs and where the money goes. One thing we found out was there are a lot of questions you ask the University that they cannot answer. The databases are just inadequate. We really don’t know who works for Cornell, what they do, and where their support comes from. So that’s one thing we want to do. In fact, the administration is in the process of revising their whole procedure for gathering this information, so we are trying to mix into that as well as we can--in terms of trying to make sure that any future plans for databases will be able to answer the kinds of questions that we would like to ask.

"The other database issue--on which you are going to hear a lot more about from Bob Cooke in just a minute--is the question of what we know about courses. It turns out the way the information exists now is not terribly ideal. There are some questions about courses and teaching that are very difficult to answer, but I'll leave that for later.

"The other big area we are charged with being involved in is the budget planning process, especially long-range issues. Examples of these are the tuition policies and financial aid policies, and there have been FCR resolutions on those areas in the last year or so. We continue to monitor that; so to some extent, that has been done.

"Another area is the faculty salary policy. Where do we think that Cornell's salary should rank in relation to our peer institutions? Another question is head count issues. This came out in some of the presentations that Peter Stein gave last year. It looks like numbers are going up in various categories; but again, it is difficult to get that information out. Another question is, 'What is our long range policy about adding people--particularly people who are in a non-academic category?' Other categories are benefits policies, health care, spouses, and things like that. Retirement issues may become progressively large in the coming years. Should we be trying to encourage early retirement, for example; and if so, how should we do it? What sort of incentives should we offer, or should we offer any incentives? These are some of the issues we in our committee are dealing with."

There being no questions for Professor Farley, the Speaker next called on Professor J. Thomas Brenna, Chairman, Faculty Advisory Committee on Athletics and Physical Education.

Assistant Professor J. Thomas Brenna, Nutritional Sciences: "I have a habit of speaking with overheads, so if you will excuse me, this will only take a couple of minutes. I'm Chair of the Faculty Advisory Committee on Athletics and Physical Education, which has the unfortunately unpronounceable acronym of 'FACAPE.' Peter Stein called me and asked me to recap the Athletic Director search. FACAPE consists of nine elected members from the University Faculty for three-year staggered terms, and there are a bunch of people besides that on the committee such as the Dean and Secretary of the Faculty, the Athletic Director, student representatives, team faculty advisors, and so forth. We meet seven or eight times per academic year. Our role is not really to set policy, but we're a committee that suggests policy which is then voted on by this body for important things like undergraduate physical education requirements, swimming requirements, and that sort of thing. We also review the Athletic Department policies and advise the Athletic Director.

"The search process for the new Athletic Director was something that took place over about five or six months. There were sixteen people on the committee, representing constituencies like students, coaches, and athletic administrators; and there were two faculty representatives, myself and Dave Call. Jay Morley, Senior Vice-President, was

the Chair of the committee. Our original plan in identifying a candidate was to interview six to eight people whom we referred to as 'semi-finalists,' who would have dinner with six FACAPE members altogether. This was the principal mechanism by which the faculty had input into this decision. The next day, the candidate would fill out some kind of questionnaire which then would be assembled and discussed as the finalist left campus. The original thoughts were to have two to three finalists return to campus, if necessary, out of that pool of six to eight. We interviewed four candidates altogether. Three were the traditional type of athletic administrators: one was a Division I-A Athletic Director, one was a Division I-A Associate Athletic Director, and one was a Division III Athletic Director. A successful candidate emerged; and it became obvious from the enthusiasm of all the constituencies, including the Faculty Advisory Committee, that this person was very highly regarded. And it was one of those things where it just didn't seem fair to bring people onto campus just for the purpose of the process. So that's the search process, and we ended up with Charles Moore, who's a Cornell graduate from Engineering. You hear people say that he never lost a race as a Cornell hurdler. In the same year he graduated from Cornell, he won the Gold Medal in the 440 m hurdles at the Helsinki Olympics and the Silver Medal in the relay Olympics. And he is a world-record-holder, and there are a few other things you hear about. But one of the things that you hear lots about is that Charlie revolutionized the sport by 'using his engineering background to determine that the 15 steps that everybody used between hurdles was no good, and you ought to use 13'; and every hurdler now uses 13 steps. Charlie was prominent in amateur athletics and is presently a member of the U.S. Olympic Committee and Chair of the Audit Subcommittee, which sounds good for keeping the books over in Teagle. He's basically spent his career in business. He's been CEO of some Fortune 500 companies that I hadn't heard of (which is why I didn't put them on the overhead). IBM is not one of them, but nevertheless, he seems to have had quite a bit of business experience--lots of business experience, I should say. He's 65, and he takes on the position on the 28th of November. And that's what I have to say about that."

Speaker Martin: "Are there any questions for Professor Brenna? Okay, thank you, Tom; good job. The chair next calls on Dean Walter Cohen for a discussion of the charge to the Graduate School Strategic Planning Task Force."

4. GRADUATE SCHOOL STRATEGIC PLANNING TASK FORCE

Walter Cohen, Dean of the Graduate School: "This is the latest generation of the charge (Appendix A, attached). It's gone through various stages, and it has a little bit more to go until the final charge. Basically any comments you make today will be taken into consideration as to whether this has captured the spirit of that meeting adequately, and the Advisory Board on Strategic Planning will get a crack at it. I should tell you what the intent of the Task Force has been, which is--despite the length of this--to focus on a relatively small number of issues in a relatively logical fashion if we can and to choose issues where we thought we might have something to say."

Graduate research and study are important. Hopefully we'll make them better, given the realities we are facing. I could go on like this for a long time, giving you the ins and outs of it; but maybe it's more useful to find out what you think about it."

Speaker Martin: "The floor is open for questions or discussion. [Silence] That must mean that they understand it. Any comments?"

Dean Cohen: "Does that mean that you haven't had time to think about it, or you don't want to talk about it?"

Professor S. Kay Obendorf, Textiles and Apparel, wished to have the charge summarized because she hadn't seen it and didn't have a copy.

Dean Cohen: "We are trying to boil down 30 different items of what we thought were some central issues that affect what you think about graduate education quality. That is, we all aspire to provide good-quality, high-quality education. Many people would like to think that is an overriding paramount and exclusive force in graduate education, but I don't believe that is a position that is possible to defend. Maybe we should try to make it more so, but it's certainly not the case now. 'Responsiveness to social needs' is supposed to refer to things like the market, but it's supposed to go beyond questions of the market to what types of skills we are training people to have--in terms of issues like what we think ought to be out there as opposed to merely where we think people can get employment. Those things are not easy to separate. I don't think they are identical. The kinds of things we considered doing were basically reallocating resources and, in extreme cases, closing down fields, moving money into one place or taking it away from another. Closing down fields and degree programs we don't think have a good future is the extreme, and I can see that as a continuum. Other people see them more separately. Finally, the last issue is, 'How would we go about doing this?' Who would make the decision? And who would have the power to do it? The attempt is to try to grasp the situation of graduate education at a time when, I guess, most people on the Task Force think they will be reasonably lucky if the real financial support and real economic situation remain stable, though we are most likely to be in a more constrained situation. We're talking about seeing if we can actually do better with a slightly smaller budget. If you have an expanding budget, you just add programs or add students to your programs and you have a stable or retracting budget. And you may have to make more difficult decisions, which will mean that we won't be able to cover everything that is on these two pages (Appendix A, attached); that would be my prediction. We have seven more meetings as a Task Force, and we certainly won't be able to address all of the things you feel are left out. So if you feel something is left out, I'd like to hear about it. But in the same token, I'd like to hear why it's more important than the things that are included. That's what it comes down to."

Professor Donald F. Holcomb, Physics: "I've skimmed through this charge. Has this been run by a group of graduate students?"

Dean Cohen: "There are graduate students on the Task Force. It's also gone to the Graduate and Professional Student Assembly (GPSA). They saw a previous version-- we just got this version together today. They appointed several members to that Task Force."

Professor Holcomb: "In skimming through it, I was struck by the possible absence of issues having to do with the changing scene from which many of our excellent graduate students come."

Dean Cohen: "What sort of things are you thinking of there?"

Professor Holcomb: "Well, the family structure of students. We deal more with married students. Do our students come, more or less, from the depths of undergraduate school? I'm just thinking off the top of my head. It seems to me there is a class of issues."

Dean Cohen: "I suppose my only answer to that is the last item under number two. 'How should we address demographic issues?' which is an incomplete version of that topic. That's part of my answer. The other part is perhaps oblique to that. We raised at the last meeting of the Task Force the question of student life issues in a broad sense, which involved everything from how students are funded to whether they are exploited as TAs and that whole range of issues like health insurance. We asked if these have sufficient weight for them to be specific, numbered items that we discuss, and the graduate students said, 'no.' They may not speak for undergraduate students, but they are people who are very active in the Steering Committee of the GPSA; so I'm hoping they are representative. We will probably address them to some extent, but that made us feel that we weren't running roughshod over graduate student opinion on that issue. Perhaps wrongly, though."

Professor Howard C. Howland, Neurobiology and Behavior: "This is not a question but a comment. A number of us were at some sort of Strategic Planning meeting held by the administration recently. Those of us who attended the budget session heard a sort of disturbing analysis of why the professional masters programs have grown: namely, that they are cash cows that bring money into the department. That, I think, is a very serious issue."

Dean Cohen: "It's in there."

Professor Howland: "I see it in there. I want to underline it and say that it is something that must be looked into."

Professor Frank Keil, Psychology: "Do you think that this Task Force can come up with any specific recommendations about quality of graduate programs?"

Dean Cohen: "I don't know. I can tell you what's in the works, independent of what this Task Force does. John Hopcroft, the Dean of Engineering, has instituted a five-year review cycle for all of his departments, including graduate programs. The statutory colleges are routinely reviewed as part of their legal requirements, and I've been talking to Don Randel in the Arts College about doing that. The problem there is there are over 25 departments. This year, human cost of that is high, and Don was initially shrinking from it, but the longer you spread it out--if you go, say, to a ten-year cycle or an eight-year cycle--there is a kind of loss in it. We haven't resolved anything in that, but his last word was, 'Maybe we should just do it and on a much more frequent basis.' The question is, 'How are you going to do that?' I think speaking as an administrator, the natural fear about external reviews is they say there is nothing wrong with this program that ten-year factoring lines are going to solve. You have to short-circuit that sort of response. One way to do it, of course, is to say, 'If this program is lucky, it will have its budget stabilized.' But it's more likely it won't do that, so, 'What is the best way to use this budget?' That's one way to start, and any recommendation will basically discredit the rest of the report. Just tie the hands of the outside committee that way; that might help. Another thing is to put people who aren't from a discipline on the review, partly so you can get some kind of comparison across disciplines. This is, of course, dicey. We know there are no objective standards of quality. Even across disciplines, if I can agree with other people in literature, my area, on what I think would be statistically good, that wouldn't be the same thing as in the physical sciences or biological sciences. It wouldn't look the same. I don't think we are going to have a standard matrix, but I suppose we do want some set of criteria as to what counts as good. We at last ask that question. My own view is that in evaluating graduate programs, the quality of the faculty is not the first thing to look at. The quality of the product would be my view, and in some cases, there may be a close correlation; but I wouldn't assume that. That's something the committee would have to debate. I'm expressing my own view on that."

Speaker Martin: "Other questions or comments?"

Dean Cohen: "If you have any suggestions, e-mail them to me in the next few days. Thanks."

Speaker Martin: "Thank you, Walter. The chair next calls on Professor J. Robert Cooke for a summary of the report, 'Cornell Courses: A Quantitative Overview'."

5. SUMMARY OF THE REPORT "CORNELL COURSES: A QUANTITATIVE OVERVIEW"

Professor J. Robert Cooke, Agricultural and Biological Engineering: "I have a two-page summary of the report (Appendix B, attached). The entire report is about 36 pages or so with lots of minute details (Appendix C, attached). Hopefully the summary will help you focus on the questions, and it also allows me to go a little faster than

otherwise might be possible. What I've proposed to do is cover it quickly, take questions for clarification from the floor, and then leave the bulk of the time for you to debate the content of what the report means or doesn't mean. I apologize to the few of you who have seen this report already from the academic leadership workshops, but my thanks go to the Financial Policies Committee, who gave me some coaching; so now, maybe, I can take the training wheels off.

"Here is the overall objective. This report came out of the Commission on Higher Education, which is currently inactive. You voted on a resolution from that group suggesting that the administration try to bring tuition growth under control and to match it with CPI growth. One of the operative parts of that resolution was that the faculty was then obligated to try to find ways that we could contribute to making it possible to slow the growth of tuition. So that was one of our primary objectives in trying to deal with this: just to look at the course-related aspects of Cornell education and look for opportunities for moderating the pressure on tuition. The overall goal was to try to improve the quality of the educational experience, and I think we've come up with some things that both reduce cost and improve quality. The strategy is to look at this as a challenge. We have evolved over many years into a configuration in which we operate. Just because that's what happened over time doesn't mean that's the best possible way to function. I'm looking at ways to improve the performance and assuming that, in fact, we have the capacity to make some changes--that will improve the performance. More importantly, I'm trying to identify some issues that have long-term strategic value to the University so that we look at the details and go beyond the details and use that to focus the conversation on what ought to be done.

"There are a few organizing themes in the report that I think will help you understand the report. The first is that I spent time looking at the overall system--not at individual courses, but at how the pieces of all of the courses fit together as a system--and I have emphasized the rule of communication among the faculties across different colleges. Another factor of consideration is that it focuses on student needs as the driving force of how we examine the system to see how that might guide it, as opposed to what is convenient and pleasant for the faculty. The fourth point is to use objective data to the extent that that is possible. It turns out that every student and faculty member has practically all of the data that I used. One source was the Course Catalog, and the other was the Course and Time Roster. In addition to that, I used the enrollment data for the existing historical data. To search for benign cost-reduction measures is not to diminish the quality of the Cornell experience but to improve it. Can we become more sensitive to the costs without sacrificing the autonomy which we all value and which drives our creative energies? One of the things we love about this institution--and certainly one of the things that brought me here--is the level of autonomy that faculty members are allowed and are encouraged to have; and my sense is that is the driving power behind this great institution. So can we pay attention to cost without doing things that compromise that important asset and focus on the system and not just treat courses in isolation? My point is that we have too often viewed courses from a very

narrow point of view and not from a system point of view; and, consequently, we treat things differently than we might otherwise treat them. I'm trying to share the data and trends without leading you too much on what the correct response would be.

"I'm going to concentrate on the trends that I have discovered in looking at the data. First is probably not the most important. I looked at the Course Catalog. There was some question about how many courses we teach and whether we have too many courses. As it turns out, answering that question about how many courses we have is a lot more difficult than you might imagine. If I were to take the time to give you a thorough definition of what a 'course' is, I think you would be astonished at how ambiguous that term is. I'm going to skip over that unless it clogs up the discussion. The Course Catalog is produced and distributed widely, and I found that 70 percent of the courses listed in the catalog were actually effective listings, and 30 percent had rather minimal value in that 20 percent of the courses were listed as 'not offered' this year. It has value in knowing courses exist, but the disappointing part is that it doesn't say when the course will next be offered, and that, of course, is what the student needs to know. It has implications for each of us because it means making some commitment so that we can deliver the course when we say and take into account sabbaticals and that sort of thing. Just saying it's not offered is a terrible cop-out. Then there is redundancy due to multiple listings of courses--courses that have different names but are basically the same course. It is not a big deal, but it is a recurring instance. It's not just one that happens this year, but it happens every year. It potentially has some value. In crude numbers, we have roughly 2,600 courses a semester, fairly evenly divided between the two semesters. The number of courses has remained relatively stable over the time period. One of the Strategic Planning Task Force's reports suggested that there ought to be an electronic version of the course catalog, and, in fact, in doing this analysis, I imported the entire course catalog--and it fit nicely onto one floppy diskette--and it's searchable, and it has an index so that you can search on any word in the title and find anything in a matter of one or two seconds. It allows you to do cross-referencing, and it may eliminate some of the pressure of cross-listings if you can, in fact, find them quickly. Another thing that came out of it was that even the paper version ought to have course descriptors. If you had a broad category like 'statistics' or something comparable, it would certainly make it easy for you to find these courses that are scattered throughout the University and are in fact in different departments. That is available, and I have a meeting scheduled with the registrars to talk with them about it. The thing I think that has some real promise is that you can merge the Course Catalog, the Course and Time Roster, Room Availability, and Faculty Advising so the student can have the program totally on-line. The program could check for conflicts in scheduling, and it could be submitted, then, electronically for scheduling. So there's another potential benefit to this besides just saving trees. You can see that the apparent number of courses, if you take out the multiple listings, has grown very modestly, and so that is part of the reason for giving the impression that we had more courses. Here is a chart showing the number of courses (Appendix C, Figure 15). It includes the cross-listings and actual number with the co-listings

taken out, and you can see that the number of co-listings has gone up from 400 to 600, a 50 percent increase in three years for two years of growth. It's an area of fairly considerable activity.

"One of the things that became apparent in trying to understand the data is we need a better numbering system, because it was exceedingly difficult to discover which courses were in fact the same course. It made the number of the courses look larger, and it made the course size look smaller. The Division of Biological Sciences has a scheme by which they account for each course each semester so they know faculty effort. If it's team-taught, it really doesn't matter--you have a record of where the financial resources came from. My hunch is, for financial accountability, that would be a thing worth doing. For example, of the co-listed courses, it's not clear from the data I have available whether it's one course taught by one person who has several names or whether several faculty are using their time simultaneously and making it more resource-intensive. What extent is that going on, and to what extent does that increase the cost? The total number of courses taught each academic year is roughly three times the total number of tenure-line faculty. The students take approximately five courses per semester across the whole University.

"There was some discussion in the Strategic Planning document about using the Summer Session, so I just put in some data on that. The size of the catalog is roughly ten percent of a regular semester's catalog for a given term, and roughly 25 percent of the summer faculty are not ordinary Cornell faculty--they are guests here specifically for that purpose. The first item here suggests a need for more communication. Arts and Sciences has changed a substantial number of their courses from three credits to four so that now 66 percent of all their courses carry four credits. It was done to serve their purposes, but my observation is that 42 percent of their students are from outside the college, and that change really has an impact on graduation requirements and a lot of other things across the University. It's the kind of thing that there would be value in having more conversation before the fact instead of after the fact.

"Approximately one-third of all main lecture courses for which there is a time in the Course and Time Roster do not comply with the FCR legislation. In other words, there are eight time periods within the daytime, and you are supposed to start at the beginning of those. Tuesdays and Thursdays, you are allowed to combine first and second, third and fourth, and so forth, to get longer periods, and that has been overridden. The deans have permission to make exceptions, but one-third suggests to me that the policy is broken and needs to be revised or reexamined. Basically what is happening is that courses are being combined to meet fewer times during the week; but if you have a course that straddles the 10 o'clock time slot and the 11 o'clock time slot, you are knocking out about a fourth of all courses that are then automatically not available to the student, so it has a heavy price. About 58 courses in some fashion intrude into the protected time, and Don Farley has looked at that and says he's not terribly worried about that. Something I didn't know, though, is there are 68 lecture

courses that start in the evening at 7:00 or later. So our students are spending more time in class. Tuesdays and Thursdays are prelim nights for the big courses, but formal courses can occur on Mondays or Wednesdays, and there are 68 such courses. That means there is pressure on the students around the clock now, besides homework. I certainly wasn't aware of it, but it potentially has some implications for explaining why students are asleep in my classroom. I can't imagine how they do that, but they do.

"Another thing that came out of the enrollment data is that there is enormous variability in course sizes. That has some rather spectacular ramifications, I think. Other people who have looked at this say, 'Well, what's new?' So I leave it up to you to decide. The first is looking at it from a course perspective--that is, a course that has a name and a number and a title. So it's courses, not sections. Twenty percent of all enrollees throughout the University are in courses of 300 or more students. Half of all student enrollments occur in courses of 84 or more students. While we as faculty see huge numbers of small courses, the students see a small number of huge courses, and so their reality might not be the same."

Professor Ronald Ehrenberg, Irving M. Ives Professor of Industrial and Labor Relations: "Just a question of clarity. If we offer four sections of the same course, each taught by a different faculty member in a self-contained setting, and each with thirty students, would that show up here as 120 students in one class?"

Professor Cooke: "If it has the same department name and department number, it would show up on the first list. If it is like a math course, such as Math 191, that has multiple sections, then it would show up as a separate section in the second piece that I'm going to talk about. In the first case, if the course has the same department name and number, then it is a course, however many sections it might have. It has more to do with allocation of resources than what the student sees. The section is what the student sees. In some ways it is more important. In the fall of 1993, there were 224 lab sections, excluding sub-courses--that is, if there is something attached to it that they go off and do something in a lab, but it doesn't have a separate name and number. Recitation sections totaled 2,617, with a median size of 18, and the 1,732 sections had a median size of 75. The lecture size, which may or may not be a relevant variable, is how much 'face time' a student has with a faculty member. If it's in a large course, the face time is not going to be very great. There were 1,476 sub-courses, and most of those are called 'recitations.' Many of them, I suspect, would be taught by graduate students. Another deficiency of my data is that it does not distinguish between courses taught by tenure-line faculty, non-tenure faculty, lecturers, instructors, graduate students, or undergraduates. I have no data on that.

"This is a histogram on the course size, and you can see that in terms of the faculty view, the preponderance of courses is in the 0-50, but here are the numbers along this category, four with more than 700 (Appendix C, Figure 11). Let's look at that figure in

a couple of different ways. We take the enrollments in each course, and we sort them in increasing size, and each one of these is a bar, but there are so many--there are three thousand across--that they run together. You can see we have a huge number of small courses but a small number of huge courses. The area into the curve is the number of enrollments. That enormously skews, and I'll try to show you now what that does to the perception if you are a student (Appendix C, Figure 13). The first half is the percent of courses. This is the fall of 1993, and 70 percent have 25 or fewer in the course, not the section. Thirty percent are bigger. But look what happens to the students. This 70 percent only accounts for 20 percent of the contact time. This huge number only accounts for 20 percent of the face time roughly, and this 30 percent accounts for 80 percent of the face time; and that is just a fundamental dilemma that comes out of the mathematics. The challenge for us is how to balance large and small and have it be the kind of experience we want it to be and still be affordable. Median size of freshman level lecture sections their first semester is 180. By the time they are seniors, it drops to 41; so we are putting far more resources in the upper-level division than we are for the first-year students. Approximately 70 percent of all courses enroll 25 or fewer students, and, on the other hand, approximately 30 percent of the courses teach 80 percent of the enrollees."

Professor Alice M. Isen, Johnson Graduate School of Management: "Are these numbers due to the fact that two sections of a course may have two listings?"

Professor Cooke: "It's still there, but it's going to make them look smaller than they really are. The gross figure of the actual courses is roughly 90 percent of the total number of courses, so you can see how it would shift. This is taking courses of 50 or fewer--you can see that a substantial number are down here in the 0-5 range. The 755 lecture courses have five or fewer students, and then it drops off. So the system is biased heavily in favor of really small courses.

"I made a comment about classroom usage in saying that only 21 lecture classrooms are in use at 8:00 a.m. any day of the week. Someone said, 'How about the other courses?' so I went back and looked at the main courses that have a name and number, lecture lab, and recitation. The number starting before 9:00 a.m. is 155. So 3.4 percent of the space is used before 9:00. If you take the sub-courses that are appended to bigger courses, it's only 3.9. Only 3.5 percent of our facilities are used before 9:00 am, so if you are looking for a way to save money, it may be painful, but there is a possibility. I'll counter that with something I've mentioned already. There are 68 evening lecture courses starting after 7:00, so we can operate around the clock either for the student or the faculty benefit. It's clear that 8:00 has halitosis.

"Half of all enrollees during Fall '93 were attributable to only 236 of the 3,006 courses; that is, half of all students come face-to-face with 236 faculty representing the bulk of us. The other 1,400 of us deal with the other half, and so the question is, 'Is that a sensible balance or allocation of effort?' Excluding independent research courses,

there are 209 undergraduate courses having four or fewer enrollees. I'm sure you could still find some good reasons for having some of those anyway, but even if you were to have half of them, that would be a substantial savings if you did something different. Can we continue to be indifferent to financial considerations? Can we justify not using the lecture halls at 8:00 a.m.? When our educational enterprise is viewed as a whole system of scheduling, faculty deployment, etc., are we actually delivering the educational experience that we imagine we are offering?"

Speaker Martin: "We'd like first all questions of clarification."

Assistant Professor Paula Davis, Entomology: "A number of courses in our department are listed which are given in alternate years. Are they listed when they are offered or lumped in with others?"

Professor Cooke: "The number of listings of alternate years was a handful, and I separated them out, and the numbers are actually in the report. Those were the enrollments. Those were the courses for which the Registrar's Office had some numbers. If they had no numbers, they don't show up on that list."

Professor Davis: "Is 'zero' then listed as a number?"

Professor Cooke: "There were only a few with zero, and those were the courses that were co-listed. If you had a companion course that was offered with an alternate name, but it had no students in it, then that course still tagged along. But otherwise, the ones that had no enrollments were not on that list at all. So I can actually give you the data if you want to see it. That's a good reminder to me that the data is very complex, and it's very easy to misunderstand it. So the raw data from which this was drawn is available, and if something doesn't feel right to you, I can supply the data so you can check it out. But I'm sure as our understanding evolves, we're going to find some things that are not as they appear."

Professor John Abowd, Industrial and Labor Relations: "It seems like in making the comparison between the view of the firms, which is the average course that we teach in the view of the average size of the course that someone is in, it might be productive now that you have put together reasonable data to take a random sample of freshman, sophomore, juniors, and seniors from the colleges and ask, 'What is the average size of such a person's experience?'"

Professor Cooke: "Absolutely. If you tried to do that now, you would need to set aside about three months, because it is not possible to extract that data automatically. It would be a manual job. But to do it right, you need to take a sample of representative transcripts and go back and match up to size and see how much of their time was spent with a grad student, how much with a tenured faculty member, how big their classes were, and so on. That's how it ought to be done."

Professor Abowd: "Do you think the data you put together are up to that exercise?"

Professor Cooke: "No, I don't have their transcripts, and so I don't know."

Professor Abowd: "Suppose I got a sample of their transcripts. Do you have the rest of the information that would allow a research assistant to hand-match?"

Professor Cooke: "I have three years' worth of data, and you would probably take a four-year transcript, but it could be done. The people in Institutional Planning could be persuaded, I'm sure, over time. They don't have it now, and they struggled mightily to get what they gave us. But it would be machine-readable and it could be done. And I think it ought to be done."

Professor Timothy C. Murray, English: "I was wondering if you could explain the number components that you used. 'Smaller courses' is 50 students and smaller. That seems to me to be a pretty extensive range for smaller courses."

Professor Cooke: "One of the charts I showed you dropped it to 25, and I have the table, so if you pick a number, I'll tell you how it splits. So that was totally arbitrary. I think most people would consider 25 a small course."

Professor Murray: "Would you take into consideration the fields in which those courses are taught? For example, a humanities course in which there is a large writing and discussion component would be unmanageable if larger than 25."

Professor Cooke: "The Freshman Writing Seminars fall under a 'recitation,' not a 'lecture,' and so when I gave the analysis on the sections, it showed that the median size is about 18 or 19, and so that was handled properly."

"'Recitation' is a category. Courses come in three flavors: there are 'lectures,' 'labs,' or 'recitations'; or--to say it differently--lectures, labs, and everything else. Those that are small writing things usually fall under the category of 'recitation,' not under a 'lecture' course. But the data says if you put them all together and look at all the encounters a student has, they get a very different kind of setting than you might imagine than looking at the Freshman Writing Program."

Assistant Professor Nancy J. Hirschmann, Government: "My question sort of follows up on this. I thought that part of what you are asking is that a 300-level English course could have the same writing requirements as a Freshman Writing Seminar. Does that still get counted as a recitation?"

Professor Cooke: "It's how it's listed in the Course and Time Roster, if you want to check it out. It's this little throw-away thing from the Registrar's Office, and whatever section type it says in here is how I counted it, and that's how it was set up. I didn't fiddle with it."

Professor Farley: "I think freshman English is a good example of what a Freshman Seminar is. 'English 165' is kind of a catch-all number for a lot of Freshman Writing Seminars. So when you list it as a course, it looks like a huge course, but from the student's point of view, it's a class of 17 or 18 people. So you have to be very careful when you look at these statistics."

Professor Cooke: "That's one reason I broke it out into sections, because that takes care of it."

Professor Farley: "In the ideal world, we have some magic numbering that you could ask the kinds of questions you really want to ask. Bob's done a heroic job of trying to mine out the information that exists. But it's really hard to get at, and the kind of questions you want to ask this data are really tricky."

Professor Cooke: "Sometime when you want to be amused, sit down with me and let me explain what the definition of a 'course' is."

Professor Farley: "Then you talk about 'face time.' You say that face time is small if I'm in a course of 300 students, but if I'm only ever in a room with 18 and the one in the front, you've got lots of face time."

Professor Cooke: "But even in the section basis, it still comes out that the lectures are very large and the recitations are very small."

Assistant Professor John E.A. Bertram, Anatomy: "If we're going to use this kind of information to evaluate effectiveness or monetary efficiency of providing these courses, shouldn't we have some sort of measurement of cost per credit given?"

Professor Cooke: "What I wanted to say is in the report, but I was chastised and agreed not to say it today. The courses with four or fewer students seem like an outrageously expensive operation. Unless the individual professor and department chair could agree that that really needed to be offered, that would be a candidate for every other year or some other kind of arrangement. There are a huge number of student lecture courses with one student. The value of the courses goes down if you don't have discussions. So all I'm saying is we need not be so traumatized by paying attention to the economics that we recoil from examining it. I think we could do great harm by trying to put it all into a formula and parcel it out. What I tried to do is get the big picture, and I've not done any dollar marks at all. I'm just assuming that the basic cost of the course is the faculty member's time. That's where the expense is."

Professor Howland: "It's clear we've clock-shifted our students into the evening. But a worry to me is this fitting together of courses. For example, a course that uses a period and a half seems quite wasteful and really screws up the fitting together of curriculum. If we want to change that, there's got to be some direction. Perhaps the Dean has to say something or this body has to say something, but that's got to go to the curriculum committees, because in a curriculum committee, you'll get all kinds of good arguments why that particular course needs to be taught in that particular way. There has got to be some sort of overall policy."

Professor Cooke: "My hunch is the system is so broken that you have to start over and figure out why what is going on now happened. The number of periods in the day maybe needs to be changed, but I think this is the group that decides. I think the FCR created the specification, and I remember when it was set up that Tuesday and Thursday you could combine periods one and two. A great many people have combined periods two and three, and so they knock out an entire half-day with one course."

Professor Ehrenberg: "I would like to pick up on Howard's point. We know some of the reasons that these things occur because you talked about it in the beginning of your presentation. We schedule things for our convenience as well as the student's. I can't travel anywhere back and forth in one day, so I have to teach on Mondays and Wednesdays. I can't teach on Monday, Wednesday, and Friday. But I do think there is a way to sort of consider this sort of problem, as you said in terms of 'under-utilization.' So, for example, I always teach from 8:40-10:00 because, as you pointed out, you're not in conflict with anything. I would sort of echo Howard's point that there should be some relevant committee of the FCR that this report goes to that can sort of think about the appropriate policy to benefit students. The college deans really need to have the second type of issues that we have been talking about at their grasp for each department. And the deans need to talk to the different departments and get an understanding of what it means. And it may mean that the departments can fully justify what they're doing; but if they can't, that's a college-level decision."

Professor Cooke: "There are some rather wholesale things going on, for example, and I'm not trying to offend anyone. The Law School operates on its own schedule, the Johnson School operates on its own schedule, and the Vet School does the same. Those three colleges take almost no course work outside their boundaries."

Associate Professor Alan McAdams, Johnson Graduate School of Management: "Not so. The Johnson School does regularly, and we have two or three a year. We do it quite a bit, but it's hard because of the way it's scheduled."

Professor Cooke: "That really complicates it, and in the case of the Johnson School, I've heard someone from mechanical engineering say that the joint Master of Engineering/MBA program is exceedingly difficult because of the shift in the scheduling."

Professor Andreas C. Albrecht, Chemistry: "The small enrollment courses are usually graduate courses, aren't they?"

Professor Cooke: "The numbers I showed you were for undergraduates. There are 209 undergraduate courses having 4 or fewer enrollees even after you take the independent research out. So, yes, there are a great many graduate courses that are small, but there are also several hundred each semester that are undergraduate courses."

Professor Albrecht: "I was going to add that at the graduate level, they frequently pull out the auditors, and you probably don't know them in your statistics."

Professor Cooke: "No, they would not show up. But nor would the University get any money for that."

Professor P.C.T. de Boer, Mechanical and Aerospace Engineering: "I'm concerned about the statement about under-utilizing the lecture halls at 8:00 a.m. It says here we should focus on the needs of our students. The students live on California time. They go to bed at 2:00 a.m. when it is 11:00 p.m. in California. They are not about to come to class at 8:00."

Professor Cooke: "Maybe we need to recognize the reality and shift the period later in the day. I'm not sure very many faculty members get started at 8:00 either. But I think it really is a problem and I think that it's a cultural problem. I know Professor Maas has talked about sleep deprivation, and I see it."

Professor de Boer: "Eight o'clock is just as bad as Saturday morning classes."

Professor Cooke: "We used to have Saturday classes once upon a time, then they were dropped. There are three now, total. But Friday afternoon is really quite slack. But it really is a culture problem, and if we try to solve it without taking that into account, we are probably going to fail."

Professor Holcomb: "I'd like to comment about this whole discussion. I think that something comes up like this study, and it's full of questions. On the other hand, you hear in the responses there is a tendency that the way we're doing it is surely the right way; and therefore, if I can find something wrong with this data, then I will settle back into my way of doing things. It seems to me that you can break this into two parts. One of the smaller parts is the part that I think Professor Howland is addressing. We have

some facts and policies. Those are being abrogated in substantial amounts. I guess, off hand, here comes one of those conclusions that can be attacked. It's 80 percent self-indulgence and 20 percent good, solid reasoning."

Professor Ann T. Lemley, Textiles and Apparel: "You mentioned the difference in the credit hours. What implications do you see with that?"

Professor Cooke: "I know one course that is joint between my department and an Arts College department, and it's an identical course that's three credits in our department and four in the Arts College. Same thing--no different requirements; just a flat out accidental policy. I think it deserves to be looked at. I think there is a degree of competitiveness among colleges that that policy doesn't recognize. Why would an Arts student take a course for three credits when one is available at four credits for roughly the same amount of work or same amount of commitment if they are in fact the same? But if there is an inequity, that will certainly bias the student to staying within the college. It also is likely to start a competition with other faculty, and my hunch is you'll find the other colleges escalating their credit hours so that we can corrupt the current system. That's a hunch. I don't know that to be a fact. I have not looked at it, but the fact that it's such a large scale means that something important is happening and the rest of the faculty don't really yet understand it."

Associate Professor Marvin P. Pritts, Fruit and Vegetable Science: "Doesn't that also have implications for accessory instruction?"

Professor Cooke: "It did. I think the policy has been changed. In a sense, that would change, because they were bought by credit hour, so what they would have done for three credits is now four credits, so that's a 33 1/3 percent increase. And there was a big crisis in the State of New York when the accessory instruction bill kept going higher and higher, past \$12 million now. It also precipitated a crisis with some of the departments like English who were having heavy daily teaching loads; they weren't getting what they considered fair compensation for the additional burden, and my hunch is if that money that flows across the boundaries for that purpose were to flow to the people doing the work and that they knew that their efforts were going to be rewarded instead of it coming out of your hide, I think it would change lots of things. Another overall impression I had was that we have very few conversations across college boundary lines. Another flaw I see in the structure is that we have separated things out so there is a Financial Policies Committee, and then there are committees that study other things. As the budgets become tighter and tighter, the two are going to collide. We have been very lucky. If money gets tighter and tighter, there are going to be some tradeoffs if our structure does not provide a mechanism for a rational consideration of that. We have an Academic Records Committee, and they have nothing to do with finances. It's not on their agenda; it's not part of the questions they are supposed to discuss."

Speaker Martin: "Other comments? Thank you very much, Bob. Now before we adjourn, are there any questions for Professor Lucey who gave his report at the beginning of the meeting? Is there further business to come before the body?"

Professor Cooke: "Let me show one more slide (Appendix C, Figure 16). I promised to come back to this when there was a question, but I didn't. This is the number of cumulative courses--excluding independent study, and this is the enrollment of one, two, three, four; so this is after the independent research has been taken out and this is 100 level, 200 level, 300, and 400 level; and this is the 209 courses, if you add all four years with four or fewer students. But there is the number, and it goes right on up, and I have it for any cutoff point you want to make."

Speaker Martin: "Any further business? There being none, we are adjourned."

Adjourned: 6:00 p.m.

Robert Lucey
Secretary of the Faculty

Draft

Charge to Task Force on Graduate and Professional Education

A. Context

Cornell's distinctiveness rests primarily on its stature as a research university. Although one can debate the nature of the relationship between research, on the one hand, and graduate and professional education, on the other, few would deny that the relationship is close. It would be safe to say that the university aspires to the interconnected goals of producing high-quality research and highly creative and highly skilled people. The rationale for these aspirations is that both the research and the people contribute to society. We should encourage programs that achieve these goals.

There has been increasing talk in recent years about the crisis of graduate education. Whatever the current reality, the future may well bring widespread financial difficulties. We operate under the assumption that in the foreseeable future we are unlikely to see more than a modest increase in graduate support and are more likely to see a decline--quite possibly a substantial one--especially from outside sources. In any case, it is reasonable to imagine that external funding priorities will shift, a shift that raises questions of complementary or compensatory reallocations of resources on campus. Our challenge is to find ways to improve graduate education in this uncertain and perhaps unfavorable environment.

B. Issues

1. Quality: How can we maintain and improve the overall quality of our graduate and professional programs?

How can we improve quality? Would we strengthen programs if we enhanced oversight--for instance, by reducing the powers of special committees or even fields? If so, how should such oversight be structured? Similarly, should we 'sunset' graduate faculty field membership? Would it help to reduce barriers--for instance, between statutory and endowed units, between professional schools and the rest of the university, or between Cornell Medical Center and the Ithaca campus? What other mechanisms or policies are appropriate?

How and why should we evaluate quality? Does "quality" refer to the graduate faculty, the curriculum (including teacher training), students, the jobs they get, or their later career success? How do we weigh graduate and professional students' intellectual contributions to Cornell?

Should we calibrate resources (faculty, faculty time, facilities, graduate student support, etc.) more closely to quality? If so, should we limit field enrolments? Similarly, is it worth sacrificing some breadth, including the elimination of fields and degree programs--to achieve this end? What implications, if any, would such changes have for the mix of different degree programs we offer and for undergraduate teaching?

2. Responsiveness to social needs: To what extent should our priorities in graduate and professional education be governed by judgments about society's needs and--what is not necessarily the same thing--the employment opportunities of our degree recipients?

What weight should such concerns have in determining the enrolment balance between the Ph.D., research master's (M.S. and M.A.), professional master's in various colleges (M.P.S., M.Eng., etc.), and professional school degrees (M.B.A., J.D., D.V.M.)?

Should Ph.D. programs increasingly prepare students for nonacademic careers? If so, should the changes include a shift in university Ph.D. requirements, the establishment of new degrees (e.g. D.Eng.), both?

Should the extent to which a program meets society's needs be one of the "quality" considerations?

How should we address demographic issues--the mix of international and domestic students, nontraditional and part-time students, ethnic diversity?

3. Finance: How much weight should financial considerations have in determining the size and composition of various degree programs--undergraduate, professional, research master's, doctoral?

To what extent should sources of revenue (tuition, external funding, alumni giving) and costs of education drive decisions on field and degree program size? How do we factor in the financial impact of teaching and research assistants?

What should be the underlying philosophy according to which graduate student support decisions are made? What will be the support packages offered, and who will get the packages within and across fields?

C. Mechanisms

What roles should be played by various components of the campus community in addressing and acting on the issues raised above?

Who should evaluate?

Who should decide?

Who should implement?

Notes for the FCR Presentation of "Cornell Courses"

Nov. 9, 1994, jrc

Objective

Identify course-related opportunities for moderating the pressure on tuition growth.

Goal

- Improve the quality of the course-related aspects of the Cornell educational experience.

Strategies

- Identify strategic, course-related issues that should be explored by the Faculty, the Administration and the Students.
- Assume that we seek to provide the highest-quality educational experience feasible and that we have the capacity to improve our performance.

Organizing Themes of the Report

- Examine the overall system, i.e., how the courses interact and reinforce (or hinder) each other.
- Emphasize cross-college dialog as an approach to improving the overall impact of our courses.
- Focus attention on the needs of our students, rather than our needs.
- Use available objective data to inform and guide our discussion.
- Search for benign cost-reduction measures.

Main Questions

- Can we become more sensitive to the costs of our courses, without sacrificing the autonomy that stimulates our creative energies?
- Should we devote more attention to the 'system', i.e., treat our courses as more than a just collection of isolated offerings?

Data Sources

Course Catalog, '93-94; Course and Time Roster, Fall '94; Enrollment Data of Record, Fall '91-Spring '94

Findings/Trends

The number of actual courses is approx. 70% of the number listed in the course catalog due to the inclusion of 'not offered' courses (20%) that make no commitment about future availability and the duplication due to co-listing of courses (10%).

When the enrollment data is corrected for co-listings, the number of actual courses (2,600/semester) available to students is smaller than the number of apparent courses (3,000/semester).

The number of actual courses remains relatively stable, but the number of apparent courses is increasing largely because co-listings are increasing rapidly (50% in two years).

Should we augment the course numbering and financial system to provide a better means for exercising academic and financial accountability for the co-listed courses?

The number of courses taught each academic year is roughly 3 times the total number of tenure-line faculty.

Our students take approximately 5 courses per semester.

The Summer Session catalog lists approx. 10% of the courses offered during the Fall or Spring Term.

Approximately 25% of the Summer Faculty are Guests.

There has been a dramatic shift from the standard 3 credit to 4 credit courses in A&S affecting 66% of their courses. The next highest unit is half that percentage.

Approx. 1/3 of the main lecture courses (for which specific meeting times were announced) do not comply with the FCR legislated meeting times and, thereby, interfere with student access to the legitimately scheduled courses.

Approx. 200 MWF and 200 TR lecture courses span 2 or more allowed periods. 58 intrude into the 4:25-7:00 PM protected time. Compression of courses into fewer meeting times appears to be the goal. 68 lecture courses begin at 7:00 PM or later on MW.

The great variability in course size creates some surprising results.

From a faculty perspective, Cornell offers mainly small courses, but from a student perspective, classroom encounters are mainly in large courses.

From a course perspective:

- 20% of all enrollees are in courses (not classes) of 300 or more students.
- Half of all student enrollments occur in courses of 84 or more students.

From a section perspective:

- During the Fall '93 semester the named-courses had sections as follows:
 - 224 lab sections (excluding sub courses) with a median size of 17.
 - 2617 recitation sections (excluding sub courses) with a median size of 18.
 - 1732 lecture sections (excluding sub courses) with a median size of 75.

The median size of freshman level lecture sections is 180 and the median size of senior level courses is 41. The course size for freshmen is approx. 4 times that for seniors., i.e., we concentrate faculty resources heavily in the upper level courses. Is that appropriate?

- Approx. 70% of all courses enroll 25 or fewer students, but these small courses represent only 20% of the enrollees. On the other hand, approx. 30% of the courses teach 80% of all enrollees.

Half of all enrollees during Fall '93 were attributable to only 236 of the 3,006 courses, i.e., half of all student enrollments are associated with approx. 236 faculty.

Excluding the independent research courses, there are 209 undergraduate courses having 4 or fewer enrollees.

Can we continue being indifferent to financial considerations (including allocation of faculty effort)? Can we justify under-utilization of the lecture halls at 8:00 AM?

When our educational enterprise is viewed as a whole system (scheduling, faculty deployment, etc.), are we actually delivering the educational experience to our students that we think we are offering?

A personal observation:

- After completing this study, I am left with the impression that we are functioning as a symphony orchestra during warm-up, not quite ready to perform in concert.

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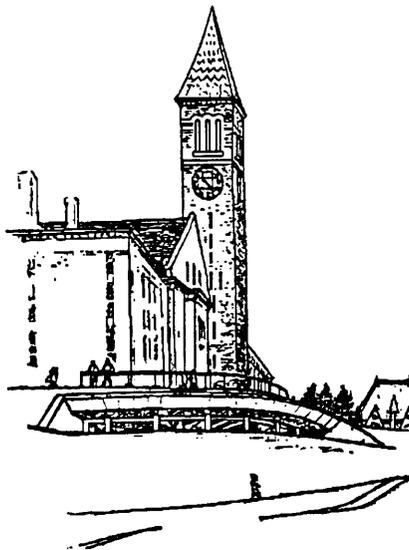
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Cornell Courses: A Quantitative Overview

J. Robert Cooke¹

Prepared for
The Cornell Faculty Commission on Higher Education

Monday, October 17, 1994



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Abstract

This analysis of Cornell courses was motivated by a desire to identify opportunities for improving their cost-effectiveness without diminishing their quality. I quantitatively characterize the courses (e.g., their number, size, and how we describe them to our students) and also examine how the faculty is deployed in support of the courses. No financial data are presented.

Two main themes characterize this report,

- How to increase the value of our course offerings to our students by optimizing the 'system', e.g. through attention to scheduling to improve course assessibility and a more effective presentation of what we offer and when we offer it.
- Students and faculty have two very different views of the course offerings. The widely-held Faculty perception is that a preponderance of our courses are small; but the contradictory, widely-held student perception is that the preponderance of their classroom encounters are in large courses. How can this be? What are the implications?

This report presents some background data in order to stimulate a faculty discussion of these issues and also contains suggestions for improving the impact of our courses—even while reducing costs.

Introduction and Purpose

The Cornell Faculty Commission on Higher Education (CHE) was created by the Faculty Council of Representatives (FCR) to examine and make recommendations on issues of strategic importance to the future of the University. In support of that goal the CHE produced several background reports on a variety of topics including cost recovery for faculty research, budgets of the university and Statutory colleges, the size of the workforce (University and Colleges), and a detailed analysis of the College of Arts and Sciences workforce.

The CHE-recommended policy on tuition-growth restraint was endorsed by the FCR. That resolution also committed the Faculty to an active role in support of the recommended policy; the purpose of this report on courses is to support that commitment. (Note: the CHE is presently inactive.)

Focusing on courses does not imply that this is necessarily the most promising area for improving our cost-effectiveness. Rather, since the Faculty has a clear responsibility for the course offerings, we direct our attention to the courses. The Faculty also has a special interest in protecting the academic quality of its degree programs that depend on the course offerings, so we seek to explore prudent changes to improve cost-effectiveness, but without harming the high standards we associate with a Cornell education.

In addition to the CHE efforts, a concurrent planning effort has been organized by the University administration. Both groups have been handicapped

by the paucity of appropriate and reliable data to inform and guide their planning efforts. Intuition alone is an inadequate guide for the planning process. This report seeks to provide some of the data needed to make more informed policy recommendations.²

This report summarizes the results of the exploratory/discovery process of examining various existing University databases and suggests some issues believed to be worthy of serious consideration by the FCR and by the University and College administrations and their strategic planning groups. However, given the faculty culture of 'freedom with responsibility', perhaps the most important use of these analyses will be to inform the personal decisions of the individual members of the faculty³. The promotion of a university or system-wide view and dialog on the issues identified herein is the goal, not the promulgation of autonomy-limiting policies. However, after completing this study, I am left with an impression that we are functioning as a symphony orchestra during warmup, not quite ready to perform in concert.

This report deals with various issues related to Cornell's course offerings. A computer-searchable⁴ version of the *Courses of Study* catalog was generated⁵ and examined. Questions of cross-referencing, changes in credit-hours, and future availability of courses are discussed.

The *Course and Time Roster* also was analyzed for various attributes—balance of courses by semesters, by day of week, by hour of day, and by faculty and scheduling problems.

The definitive data of record on *Course Enrollments* was supplied by the Office of Institutional Planning and Research—names and numbers of courses, credit hours, and enrollments⁶. This report considers these data at a more detailed level than usual, extending below colleges and departments to a consideration of individual courses and sections.

Because the level of reliability varies considerably among these data sources, the following discussion is organized by data source, rather than subject matter, so some cross-referencing is provided to link the various findings on shared topics.

² Warning: The policy issues identified in this report have not been evaluated by nor approved by the CHE, the FCR Executive Committee, or the FCR at large; and, consequently should be viewed only as background (not conclusions) for those discussions.

³ For example, the decision to cancel a low enrollment course is generally left to the individual faculty member. Knowing the campus-wide pattern of course enrollments may help guide the individual faculty member in making this highly decentralized decision.

⁴ The database software (DiscoverPro™) used in this analysis is available free to all students, faculty and employees through a campus-wide site license. Its more common usage is as a bibliographic retrieval database.

⁵ This approach was suggested independently by the strategic planning group.

⁶ A special word of thanks to Jerry Wilmarth of IPR for his leadership in creating a 'datawarehouse' and for supplying the data of record on courses used in this study.

Section 1 Course Catalog (Courses of Study)

The course catalog is the official listing of the Cornell courses; this document is a convenient starting point for this study. As will become apparent later, other resources permit a different view of the course offerings. In particular, we shall see that the actual 'courses' available are a smaller percentage (approx. 70%) of the inclusive course listing. Both the catalog and the reality it describes are discussed in this section.

Consider first an overall summary of course attributes. As indicated by the first column of Table 2 (and Figure 1), the catalog lists 7,082 'courses' for all the colleges, schools, divisions, and special units. The Arts and Sciences (A&S) list includes half of all the courses. The second and third largest are Agriculture and Life Sciences (A&LS) and Engineering (Engr) with 11.9 and 10.8%, respectively. The remaining listings are shared among eleven other units⁷. For several reasons, including some peculiar to Cornell's organizational structure and the inventiveness of its faculty, these numbers require further comment.

Surprisingly these courses are evenly divided between Fall (48%) and Spring (50%) Semesters. The Summer and Winter session courses are listed separately and administered separately. These are discussed in Section 2, but for our present purposes I simply note that the number of summer and winter courses is quite small.

Some listings (255) are offered as 'fall and spring', mainly seminars, special topics, and independent research and projects. About 1,358 list 'fall or spring', but presumably the intent is both semesters.

Some (394, or 6%) are available in alternate years, presumably due to faculty unavailability or enrollment demands. [We have a strong sabbatical leave program and this means that speciality courses will likely be unavailable every seventh year.]

⁷ There are ten degree-granting units at the Ithaca campus [College of Agriculture and Life Sciences (A&LS), College of Arts and Sciences (A&S), College of Architecture, Art and Planning (AA&P), College of Engineering (Engr), School of Hotel Administration (HA), College of Human Ecology (HE), School of Industrial and Labor Relations (I&LR), Johnson Graduate School of Management (JGSM), Law School (Law) and Veterinary Medicine (VM). There are two non-degree-granting, cross-college Divisions: Division of Biological Sciences (DBS) and the Division of Nutritional Sciences (DNS). The course offerings of these units consist largely of courses that are co-listed in the degree-granting units. Of the fourteen separate listings in the catalog the remaining two units [Officer Education (OE) and Physical Education (PE)] are also outside the bounds of the degree-granting colleges.

More surprising is the large number of listings (1812 or 20% of the entire catalog) designated as 'Not offered in 1993-94'. This figure reaches 37% for A&S, which has the largest listing, but drops to 24% for AA&P, and is much lower for the other larger units (17%, HE; 16%, Engineering and 13%, A&LS).⁸

Many courses have more than one name. These 'aliases' are frequently used when faculty from different departments share the responsibility for a course that bridges departmental boundaries. In some cases, the lecture portion is shared by students at different levels, but with the more advanced students required to prepare extra materials. Although the faculty may feel uncomfortable with acknowledging it, this practice is also used as a marketing technique to attract students and to increase the political visibility of a subject-matter concentration. A total of 1381 (or 20%) of all the course listings include a notation that there are other names for these courses.

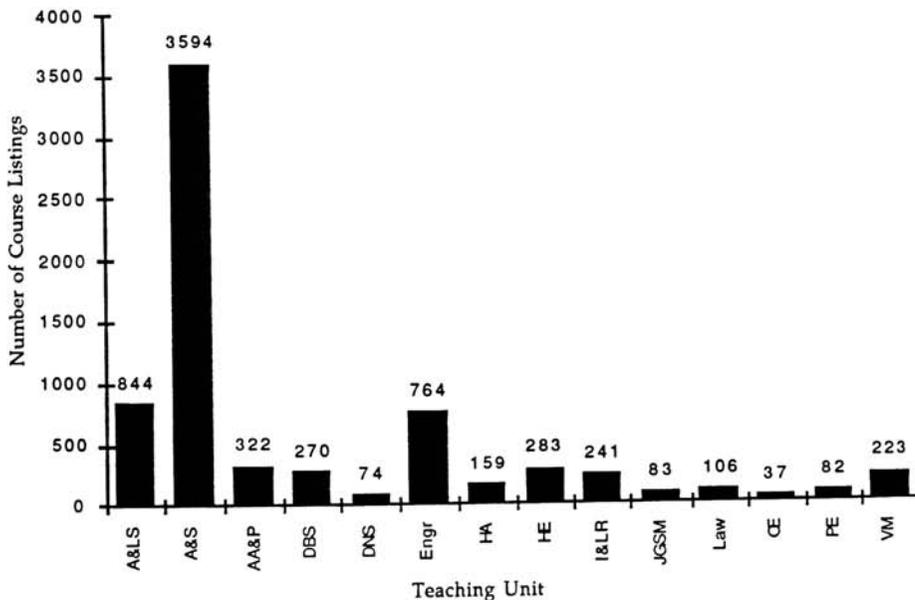


Figure 1 Distribution of Course Listings by Teaching Unit

There is some overlap between the courses 'not offered' and 'also' subsets. Eliminating the overlap leaves 2799 listings. If half of the 'also' courses are excluded ('also' courses usually pair two courses, but sometimes involve up to seven), this leaves 2325 of 7082 listings that might be candidates for abbreviated listings. The 'not offered' course listings are smaller than the set of all listings and account for 23% of all the space allocated to listings. Combining half of the 'also' set with the 'not offered' set accounts for 31% of all the catalog space.

⁸ A postage and publishing costs savings opportunity exists if only abbreviated descriptions were used for courses not actually available during the period covered by the catalog. Furthermore, a student's academic planning would be better served if these listings specified WHEN the course will be available, rather than a completely noncommittal, implied hint of future opportunities.

There are a few negative aspects of using aliases. There is redundancy in the catalog. For example, if courses have only two aliases, this means that approximately 700 course descriptions are being published needlessly.⁹ Perhaps more significantly, the faculty and department having academic oversight responsibility for the course is obscured. A less important problem is the complexity in the administrative oversight processes such as accessory instruction. The artifact of course aliases also creates an erroneous impression of the number and redundancy of courses.

Possibly the most fundamental policy issue suggested by this analysis is the change in the credit-hour assignments for courses. A&S is again the outlier—66% of its courses carry 4 credits. The next highest concentration of 4 credit courses is less than half this number (I&LR, 31%; Engr, 30%; AA&P, 28%; A&LS, 10%). Conversely, A&S has the lowest percentage of 3 credit courses (19%). For the other undergraduate degree-granting units, the percentage of listings at 3 credits is as follows: HA, 69%; I&LR, 54%; HE, 53%; A&LS and Engr, 48%; AA&P, 42%). In other words, 4 credit courses are more frequent in A&S, but 3 credit courses are decidedly more common in all the other units.¹⁰

Now a few comments about the course catalog, as a document. A new student unfamiliar with the organization of the University probably could locate the courses more easily if the courses were listed alphabetically by department name and course number¹¹. The current organization emphasizes the academic political divisions. The degree requirements and overall comments could still be grouped as is presently done, but a composite listing of courses sorted by department and course number (with a department glossary) would expedite a user's search process.

There is a great variation in the level of detail provided in the course descriptions (Figure 2). Some (VM, JGSM, Law) give no course descriptions (Figure 3) and, hence, do not convey meaningful information to non-majors. On the other hand, some courses, e.g., some of the largest of the A&S listings, give more information than may be needed by prospective students to make informed choices, e.g., complete reading lists should not be necessary. The description need only indicate the nature of the course and need not serve as the course syllabus. Figure 2 shows the size ranges in bytes (roughly the number of characters). Shortening some descriptions would make space for lengthening others. Figure 3 shows the mean listing sizes, the minimum, maximum and standard deviation for the 14 sections of the catalog. DBS has the largest mean record size. The mean record size for A&S is smaller than in A&LS, but the variation in size (scatter) is greater than for A&LS.

⁹ See a subsequent section for a proposed electronic version of the catalog that overcomes this.

¹⁰ This difference should be examined as an academic policy issue. Some of the practical consequences of this shift include: changed workload for faculty and for students, increased accessory instruction charges for Statutory Colleges before the accessory instruction algorithm was changed, and this potentially decreased the attractiveness for A&S students to take out-of-college courses.

¹¹ This idea was suggested by a faculty colleague.

The entries for courses having multiple names for a single, common, actual course could be limited to single comprehensive listings with abbreviated listings and page cross references or department references (if listed by department, rather than by college, division, or other unit) for the aliases. The space now used for redundant listings could be reduced. If a course requires more than two names, a unique course (not section or CID) identifier might be helpful. For example, assign a universal Cornell number (e.g. CU nnnnn) to each broad-based course that now requires three or more names (and there are many, including some having as many as six and seven different names as discussed later) and use that number in addition to or instead of the multiple departmental identifiers now used for the course. [Note: There is currently no computer check to verify that students are not getting duplicate graduation credit for the same actual course. This is confounded by the legitimate use of multiple independent project and special topics credits.] Use of universal, rather than multiple departmental, identifiers would not thwart legitimate cross-listings that encourage cross-department collaboration. This could expedite greater use of out-of-college resources as Graduate Fields do so effectively with a cross-boundary strategy. The use of non-departmental identifiers for broad-gauged courses could allow the forming of new and evolving alliances and emphases more easily.

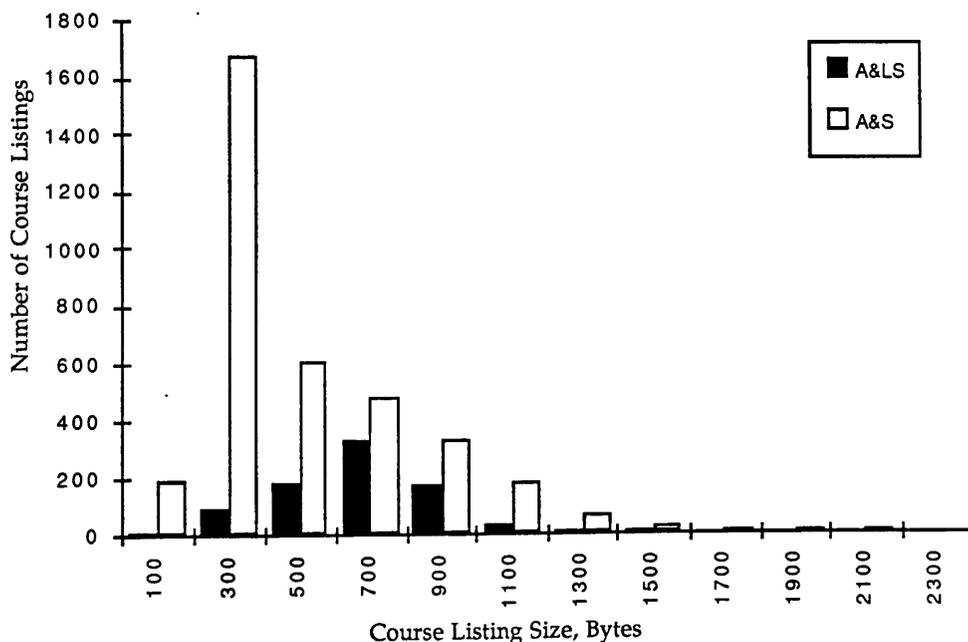


Figure 2 Distribution of Record Sizes, A&LS, A&S

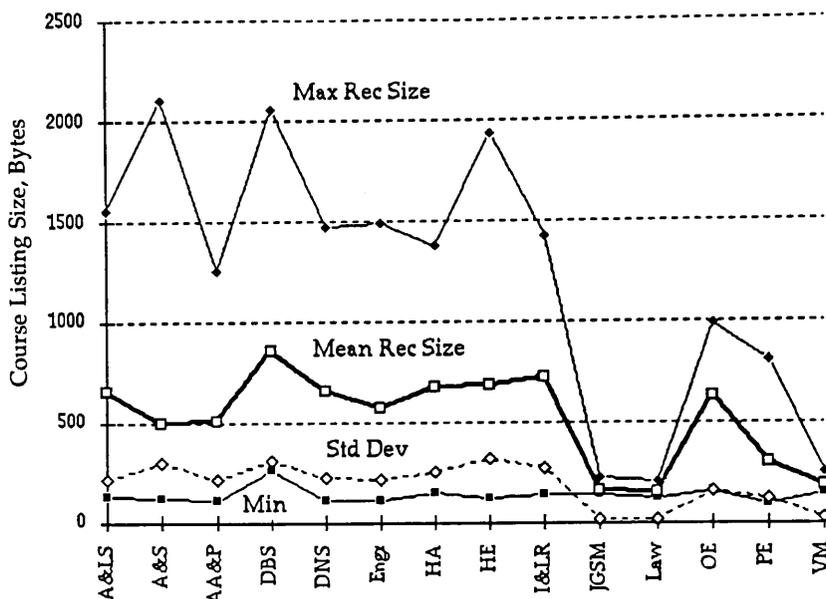


Figure 3 Course Listing Sizes by College

Table 2 shows the approximate number of course listings per faculty in 93-94 by colleges. In view of the caveats mentioned above (aliases, not offered, etc.), these ratios have limited usefulness. In the enrollment section the Biological Sciences courses are allocated to the teaching college and the 'not offered' category disappears, a more meaningful ratio is presented. Even then, the other cross-listed courses are not (but should be) allocated according to the college origin of the faculty. A&S has the highest ratio, but this apparent difference may be due largely to the factors mentioned above.

Table 2 Approx. Catalog Entries per Faculty

Teaching Unit	No. Course Listings	No. Faculty	No. Listings per Faculty
A&LS	844	411	2.1
A&S	3594	501	7.2
AA&P	322	57	5.6
Engr	764	218	3.5
HA	159	38	4.2
HE	283	97	2.9
I&LR	241	51	4.7
JGSM	83	38	2.2
Law	106	31	3.4
VM	223	128	1.7
DBS	270		
DNS	74		
OE	37		
PE	82		
Sum	7082	1581	

A histogram of the number of courses associated with each faculty name (Table 3) shows that relatively few faculty relate to more than 4 courses. Perhaps as many as 33 faculty in A&S are associated with more than 10 courses. Given the inclusion of multiply-listed courses, the 'not offered' courses, the use of last names only to identify the faculty, and the fact that some courses do not identify the instructor, treat this table as suggestive, not definitive. The number of courses is not necessarily correlated with the faculty workload, but may suggest the scope of a person's interest.

Table 3 Histogram of Courses per Faculty

Ave. No. Course Listings per Faculty '93-'94 Course Catalog								
	A&LS	A&S	AA&P	DBS	Engr	HA	HE	ILR
>=20		7						
11-19		26						
10	2	11	1					1
9		16	4					
8		16			3			4
7	6	22		2	3			
6	11	33	3		4		2	2
5	23	49	5		8		3	7
4	31	58	7	5	13	8	6	11
3	52	94	7	20	20	18	13	11
2	93	128	10	51	28	20	14	12
1	125	208	15	110	31	12	28	13
"non-specific"	180	303	145	81	46	21	81	48

The utility of an electronic course catalog was mentioned in the draft planning documents. Such an implementation was created for this report. See Appendix 1.

Summary for Section 1

- The course offerings are approximately evenly divided between semesters.
- 20% of all course listings are 'not offered' during the current year and provide the student no indication of when those course will be available.
- 20% of all course listings are co-listed. Therefore, approximately 10% of all course listings appear twice.
- The 'not offered' courses plus half the co-listed courses not included in the 'not offered' set accounts for 31% of the entire course listing text and, therefore, are candidates for space reductions.
- A&S, unlike all other units, has a preponderance (66%) of four credit listings. [Were all affected colleges consulted before this change was made?]

- Most faculty members are associated with four or fewer listings.
- The paper version of the catalog might be more accessible to students if all courses were listed alphabetically by department designation and number, rather than being grouped by colleges and other units. The absence of course descriptions for three professional units (JGSM, Law, VM) diminishes the value of the catalog for students outside those units.
- An electronic version of the catalog would significantly enhance the accessibility of the information and the courses. Descriptor fields are needed to facilitate searches, given the great dispersion of course offerings among departments; this would be especially valuable for students interested in locating interdisciplinary courses that span the interests of several academic units.

Section 2 Summer Session Catalog

This section is included in view of the discussion of year-round use of facilities. The Summer Session is quite distinct from the Regular Fall and Spring Sessions.

- The number of course offerings is much smaller (323 or approx. 10% of the Fall or Spring Terms). These are taught during 3, 6, or 8 week sessions, but meet more frequently than during the regular sessions.
- The 6-week session is most popular.

Table 4 Summer Session Courses

Length	Number
3-week	65
6-week	223
8-week	25

- 52 of the 323 courses require a fee in addition to tuition. The average fee is \$30; the median is \$20; maximum, \$80; minimum, \$5.
- The Faculty of 225 consists of 168 members of the regular Cornell Faculty and 57 Summer Guest Faculty (or 25%).
- The courses are scattered among 62 participating 'departments' with a median of 3.5 courses per department and a maximum of 23 for any participating department.

- Most courses are at the lower (100 and 200) levels.

Table 5 Summer Courses by Level

Level	Number
099	1
100	109
200	120
300	44
400	29
500	10
600	8
800	1

Section 3 Course Scheduling

The Course and Time Roster, when treated as a database, yields information about the day of week and time of day of courses, as well as credits and grading options, and even faculty teaching loads and classroom utilization levels. The scheduling of courses (semester, day of week, time of day) affects the availability of courses to students. Having an impressive array of diverse courses can be compromised if sub-optimal scheduling of the courses precludes access by students. The lack of conformity with the standard schedules (i.e., scheduling of a course such that it overlaps two or more allowed time periods inadvertently blocks access to all the rich variety of courses available during both periods.

In this section, the current semester's Course and Time Roster (C&TR), Fall 1994 is used to reveal scheduling trends. Unlike the data on enrollments, this data source indicates only what is proposed, and may not necessarily reflect the actual outcome. However, this is adequate for present purposes.

The C&TR lists all courses and sub-courses uniquely identified by a six digit course identification number. Each main course and its associated sub-courses are grouped together as a single record; there are 4,540 records or main 'courses'. Some large main courses occur in multiple sections and, therefore, are treated herein as separate 'courses', resulting in a larger number of 'apparent' courses. There are 271 'duplicate' sets (or different real courses) that appear as 1,689 'apparent courses'. Furthermore, some courses such as independent research may list a separate section for each faculty member for bookkeeping clarity, even if few or no students enroll.

A majority of the courses (Table 6) permit letter grades or Satisfactory/Unsatisfactory options. Three credit course are only slightly more common than four credit courses. (Refer to the discussion of the Courses of Study Catalog in Section 1 for more detail.) The variable credit courses are the most frequent and are typically used for independent effort such as theses and projects.

Table 6 Course Type, Grading Option, and Credit Hours, Fall 94

Number of Records	Group
4,540	All Main
1,402	All Sub-Courses
1,402	Letter Grade Only
2,689	S/U or Letter
445	S/U Grade Only
259	1 Hr Credit
238	2 Hrs
1,138	3 Hrs
1,079	4 Hrs
12	5 Hrs
64	6 Hrs
1,663	Variable Hrs

Of the 2,608 main courses (not sub-courses associated with a host) having an announced time, 1,571 are lectures, 175 labs, and 862 are Recitations (denoted as 'SEC'). Of the 1,476 sub-courses, 5 are lectures, 468 are labs, and 1,003 are recitations sections.

Most courses (Table 7) comply with the scheduled meeting times, but those that do not appear to compromise seriously the number of courses nominally available for selection by students. Optimization of the system for students appears to require greater coordination than now exists.

Table 7 Lecture Courses Scheduled During the Regular Periods

Regular Periods	Number of Lecture Courses
0800-0850A	21
0905-0955A	143
1010-1100A	159
1115-1205P	150
0125-0215P	78
0230-0370P	36
0335-0425P	11

Table 7 confirms the practice of concentrating the lectures between 9 AM and noon. Few (21) lecture courses begin at 8 AM.

In addition to those listed in Table 7 there are 364 lectures scheduled for combined 1st and 2nd periods, 3rd and 4th, etc. as provide by the scheduling policy. A large number of the small, independent study, mostly 400 level and higher courses (1,664 or 37%) list no scheduled meeting time.

Approximately one third (497) of the main lecture courses (for which a specific meeting time was announced) do not meet precisely during time authorized by Faculty legislation as described on p. 12 of the Courses of Study for 1994-1995 catalog. Many of these depart in insignificant ways, but many are scheduled at prohibited times or overlap multiple course periods and therefore needlessly limit course selections.

Of the main lectures (ignoring labs and recitations), 497 violate the scheduling policy in three primary ways (Table 8)—probably reflecting a common motivation of having fewer class meetings each week. On Monday, Wednesday and Friday, 198 lecture courses span more than one period, but lectures are permitted to meet only during once of eight standard periods. Combined periods are allowed only on Tuesday and Thursday. Some MWF classes have been scheduled to meet only one or twice during the week. On Tuesday and Thursday, periods 1 & 2, 3 & 4, 5 & 6, and 7 & 8 may be combined. These extended periods were added for pedogogical reasons and to avoid Saturday classes. This accounts for the scheduling errors for 207 courses. The most common Tuesday-Thursday problem is the combining of other periods (e.g., 2 & 3), thereby allowing one course to block half of a day.

Table 8 Number of Scheduling Exceptions for Lecture Courses

Number of Lectures	Problem
497	Non-Std Lecture Time
20	Probably OK
198	Span MWF Periods
207	Span Extended Periods
58	Intrude into 4:25-7:30P
3	Wrong Evening Hrs
10	Unclear Time
1	Other

No classes are allowed during the protected time period between 4:25 and 7:30 PM, but 58 lectures are scheduled during that time. Evening classes (all three types) are allowed on Monday and Wednesday and are quite numerous—139 end at 6:00 PM or later, with 68 of these beginning at 7:00 PM or later. Furthermore, subcourses can meet on these evenings.

Given the extent of the exceptions, both compliance and the scheduling policy itself should be reviewed.

Section 4 Course Enrollments (Fall '93 and Spring '94)

This section examines the 'data of record' for the enrollments in courses taught (a subset of those listed in the Courses of Study) during the Fall of 1993 and Spring of 1994 in an effort to provide a quantitative characterization of how we organize our teaching efforts and the environment experienced by our students. We administratively organize and support our courses on the basis of 'course' (rather than section) size¹². On the other hand, from the student's perspective, the section size of the students assembled at one place and time, rather than the composite size of multiple sections of a course, is more pertinent. In particular, the typical size of the lecture, lab and recitations students encounter is quite different than implied by the usual statistics.

The administration and the faculty share a common interest in providing a high quality educational experience, but their differing roles lead to contradictory strategies. In other words, these two groups tend to optimize different aspects. A faculty member's perspective frequently is guided by the presumption that small courses are inherently 'pedagogically better' than larger ones. The administration's role in providing the various instructional resources usually leads to a contradictory reality that smaller courses are more expensive than larger ones (on a per student basis). Surprisingly, there has been little explicit attention to the proper balance among these and other competing pressures.

An administrative perspective

Consider now the distribution of course sizes. As a working definition I shall consider a course to be an entity that has been assigned a department name and number in the course catalog. There are some instances where this definition leads to ambiguity; e.g., the same department and number designator may have a different title and different content. Independent study and research courses may bear a common department, number and title, but pertain to different content. Sometimes such courses have a different faculty associated with each section and sometimes a common section is used for all departmental faculty.

The word 'department' has a specialized meaning in connection with courses. For example, until the current semester (Fall 94), all Biological Sciences courses carried a common 'department' designator, regardless of the Section and regardless of the College affiliation of the faculty teaching the course. On the other hand, the language courses have various 'department' designations—even when taught by a common administrative unit. This ambiguity means that there were 155 and 148 'departments' for Fall '93 and Spring '94, respectively, while there are fewer than one hundred teaching Departments (with a capital 'D'). An additional complexity for this analysis is

¹² *Reader beware:* Before proceeding with a discussion of the data, I must emphasize that these data on enrollments constitute only one of many aspects that must be considered when forming policy and allocating resources. Furthermore, Cornell is a very complex environment so a superficial understanding can lead to erroneous conclusions.

the existence of interdisciplinary sharing of courses among Departments—either resources or just a course's name. For example, the Biological Sciences offerings are taught by several colleges, with CALS being the largest college source of faculty. Some interdisciplinary programs rely almost exclusively upon cross listings for their offerings. Obviously, this will bias the casual inference of course size because the students in the same actual course are divided among two to seven 'departments'. This effect is discussed elsewhere in this report; however, in the present discussion that distinction is ignored. This practice also can leave the impression that there are more apparent than 'real' courses. Courses listed as co-meeting include those cross-listed by two or more departments and having the same requirements; those co-listed, but having different academic requirements; and cross-level courses within a department, having some similar content, but usually have differing requirements, e.g., for undergraduate and graduate students.

Finally, a course having the same department and number designator will be treated as a different course if taught in different semesters. This discussion does not include courses taught in alternate or irregular years or other than in the fall or spring.

Subject to the above definition, the faculty taught 3,006 courses during the Fall of '93 and 3,143 during the Spring of '94 for a total of 6,149. If the co-meeting courses are excluded from this count, there are 5,118 courses. In other words, we teach approximately 1.6 times as many courses during the semester (or 3.2 for the academic year) as there are tenure-line faculty. These courses are split roughly equally between the semesters. [Very few courses are taught during the summer months. Also, the number of courses actually taught is substantially smaller than the number of courses listed in the current year's Courses of Study catalog, as discussed elsewhere in this report.]

Appendix 2 characterizes the courses of all 'departments' for the Fall '93 and Spring '94 semesters, sorted by 'department' and median course enrollment (column 4), i.e., half the courses have enrollments smaller than the median. The table in Appendix 1 lists the number of courses taught by every 'department', the median enrollment, the average enrollment (not as useful due to the unusually large courses taught in some departments), the largest individual course enrollment in the department, the sum of the enrollees in all 'department' courses, the sum of the credit-hours in all 'departmental' courses, and the average credit hours per enrollee for the 'department'.

The vast variability in course size creates peculiar circumstances. For example, in the Fall of '93, the largest single course had an enrollment equal to the 1,197 smallest courses. The ten largest courses together enroll 5% of all enrollees. Twenty percent of all enrollees are in courses (not classes) of 300 or more students. Later in this report, the impact of the typically small independent research course, design project, directed readings, etc. on course size numbers is discussed. Also, the effect of course level and course type (lecture, lab, or recitation) are considered.

The vast range in course size creates a resource allocation problem because faculty salaries are the single most expensive operating budget item. As shown in Appendix A1, the teaching loads vary widely among 'departments' as well as the balance of other faculty responsibilities (e.g., research and service). Faculty size within a 'department' is not simply proportional to the teaching load. The variability in course sizes has profound pedagogical implications. Some mechanism for load-leveling across Departmental and College boundaries might be appropriate for the largest introductory level courses, as is being done with Math 191, Calculus for Engineers.

Superficially, it would appear that we can claim great strength in a Cornell undergraduate education due to the numerous, resource intensive, small classes. However, there is another way to consider the situation, i.e., from the student's perspective.

A Student Perspective

Students experience courses in sections—equivalent and parallel sessions of a course. They experience larger classes than the foregoing might suggest. Consider now the size of the group of students who gather at the same place and at same time for formal instruction (Table 9).

Table 9 Median Section Enrollments

Semester	Section Type	Number of Sections	Median Section Enrollment
F 93	Lec	1732	75
F 93	Lab	224	17
F 93	Rec	2617	18
S 94	Lec	1912	80
S 94	Lab	211	15
S 94	Rec	2404	18

The sense of small classes is true for lab and recitation courses, but half of all student encounters in lectures are in groups of more than 75 students!

Table 10 shows the distribution of courses by level (e.g., 100's usually means an entry level or Freshman course). The term 'course' refers to each instructional unit to which a unique 'department' and number has been assigned. This table ignores the practice of giving a single course multiple names, as will be discussed elsewhere in this report. A course may consist of several 'sections' that meet at different times and places. Therefore for administrative purposes the enrollment listed in Table 10 refers to the composite of all sections; but from a student's perspective the section enrollment is the more important indicator of size.

Table 10 Course Enrollment (Fall '93) by Course Level

Course Number	Number of Courses	Median Enrollment	Sum of Enrollments	Course Size at Half of Enrollments	# Courses with ≤ 10 Students
< 100's	14	46	571	180	
100's	339	30	24,986	180	64
200's	335	26	20,511	134	89
300's	466	16	14,878	64	171
400's	684	9	13,658	41	370
500's	253	16	8,161	74	99
600's	527	8	7,600	28	314
700's	250	7.5	3,113	22	153
800's	77	5	1,082	50	60
900's	61	1	550	16	53
All	3006	12	95,540	84	1373

The last row of Table 10 shows that there were 3,006 courses taught in the Fall '93 semester. **The overall median course enrollment was 12** and the total number of student enrollments was 95,540 or an average of about 5 courses per student that semester. The table also exposes an apparent contradiction that poses a major educational paradox—the vast range in course sizes. A median course enrollment of 12 and the existence of 1373 courses (more than one-third of the total) having enrollments of 10 or fewer students suggests that we have an astonishing number of small courses. On the other hand, **half of all student enrollments occur in courses having 84 or more students** (column 5). The following figures assist in the interpretation of Table 10.

Figure 4 shows, as expected, that the number of 300 and 400 level courses is much larger than the number of 100 and 200 level courses. Figure 5 shows that median course enrollment decreases monotonically for the undergraduate years, dropping from 30 to 9 as the level increases. Figure 6 shows the total number of enrollees in courses by course level. This figure suggests that students do not restrict their course selections to the year of study; no attempt was made to correlate the number of students by their year of study, although that could be extracted from the database. Figure 7 shows that the typical course size encountered at the freshman level is more than four times that encountered at the senior level. In other words, we concentrate the faculty resources heavily in the upper division courses. This large imbalance in faculty resource allocation has not been explicitly discussed by the faculty. Figure 8 shows the number of courses (by level) that have ten or fewer enrollees. The more widespread use of alternate year offerings for small courses not mandated in graduation requirements might allow a substantial reduction of faculty resources without harming the rich diversity of courses.

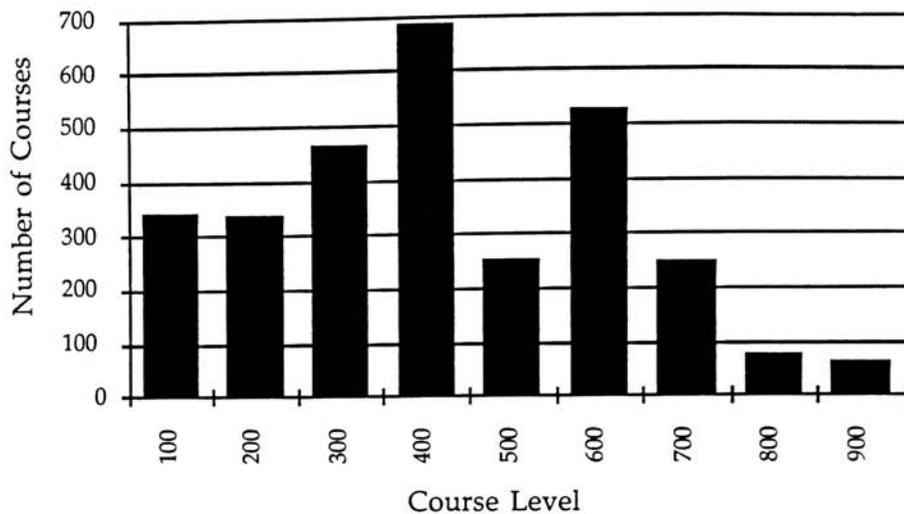


Figure 4 Number of Fall '93 Courses by Level

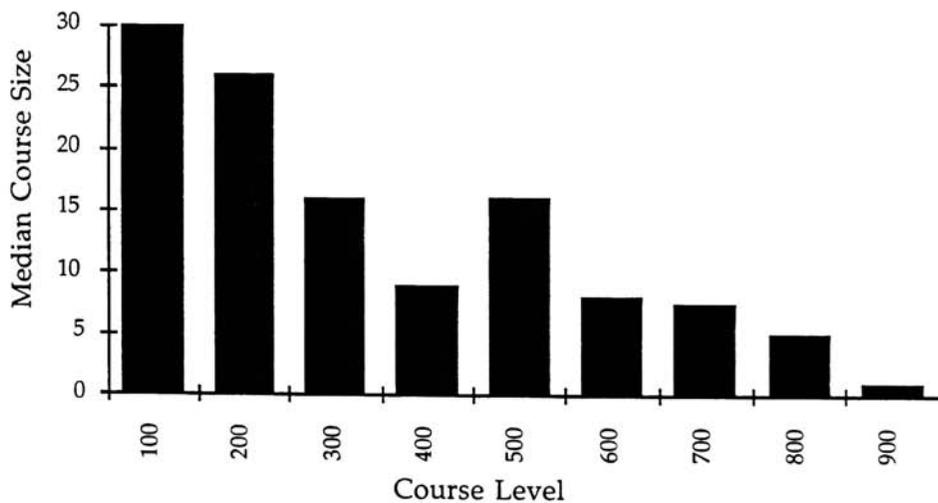


Figure 5 Median Course Enrollment (Fall '93) By Level

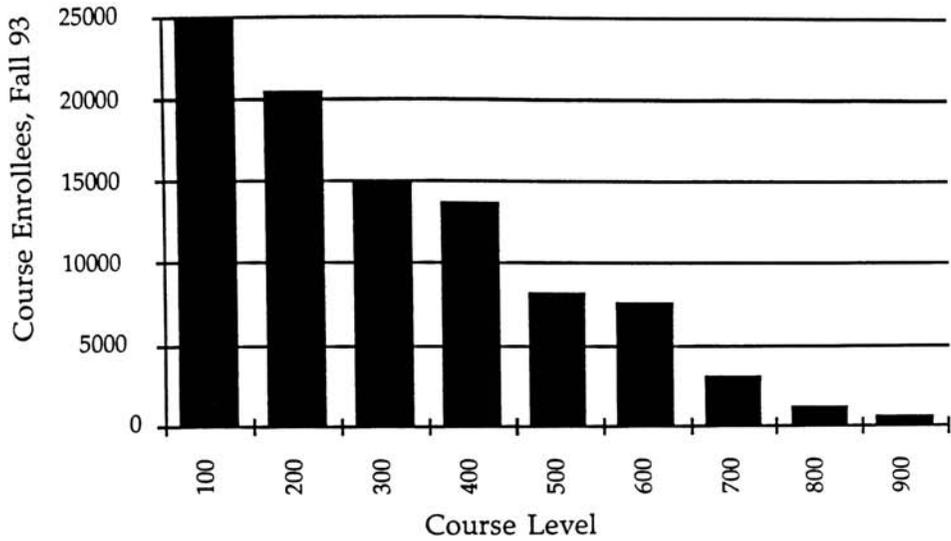


Figure 6 Total Enrollees by Course Level

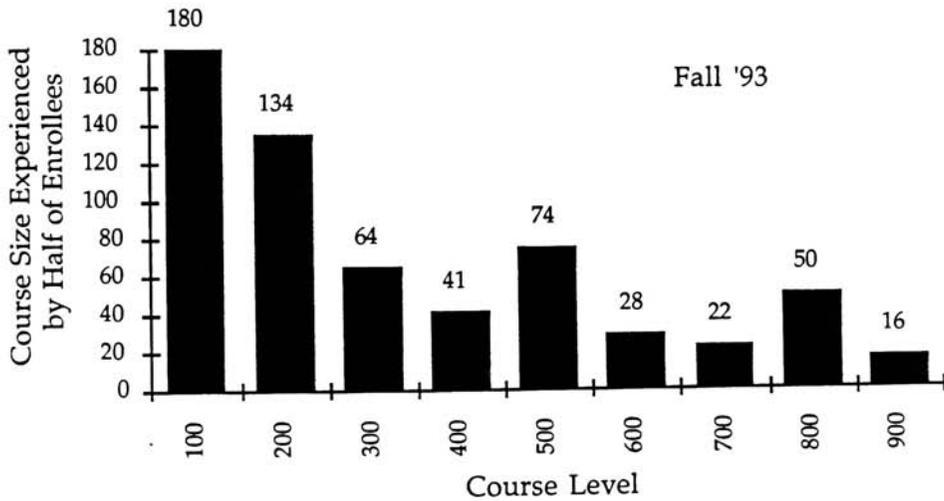


Figure 7 Median Course Enrollment by Course Level

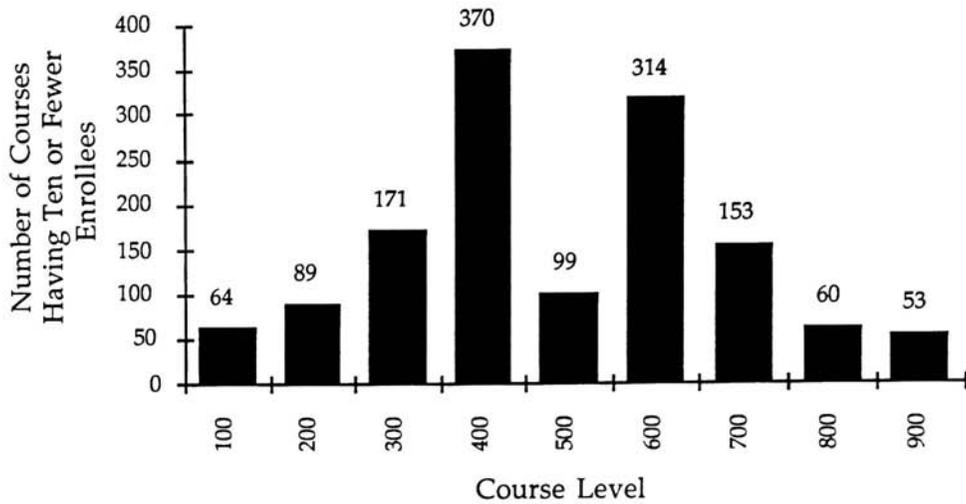


Figure 8 Courses Having Ten or Fewer Enrollees

The great variability in course size is the root cause of the differing perceptions of course size by the faculty and students (Figure 9).

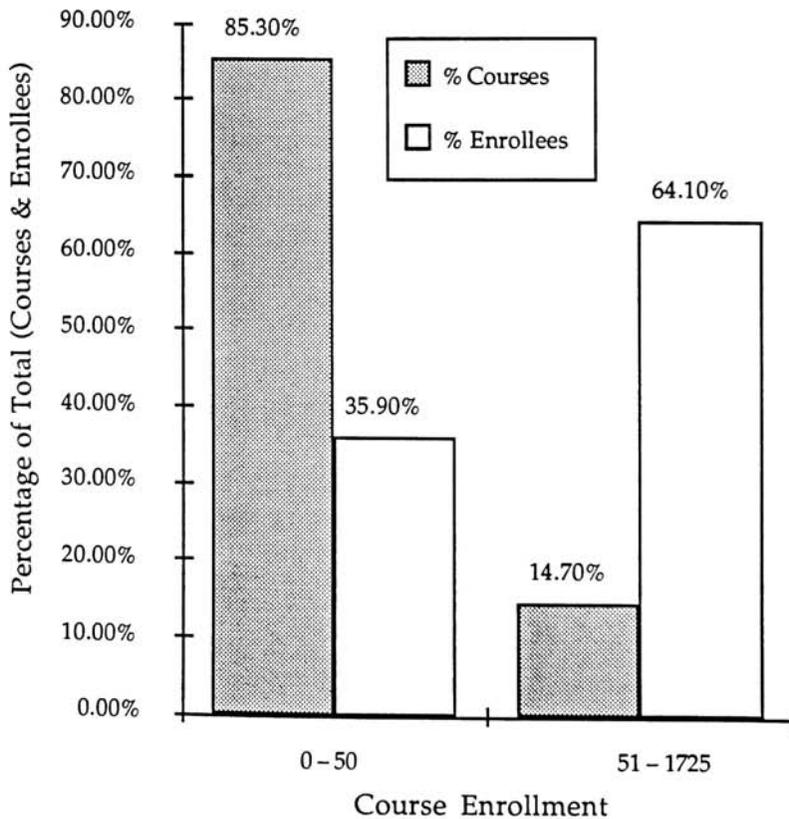


Figure 9 The Course Size Paradox

The faculty tends to focus on the numerous smaller courses they teach (shaded bars in Figure 9) but the students tend to identify with the large enrollment courses, where they encounter the courses most often.

The great variance in course size is shown strikingly in Figure 10. The course size is plotted for the courses sorted by size. The vertical bars for each course are so close that the graph resembles a shaded plot. The area under the curve represents the cumulative enrollment and shows that the enrollments are concentrated in the larger courses. In fact, half of all enrollees during the Fall semester of 1993 were attributable to only 236 of the 3,006 courses.

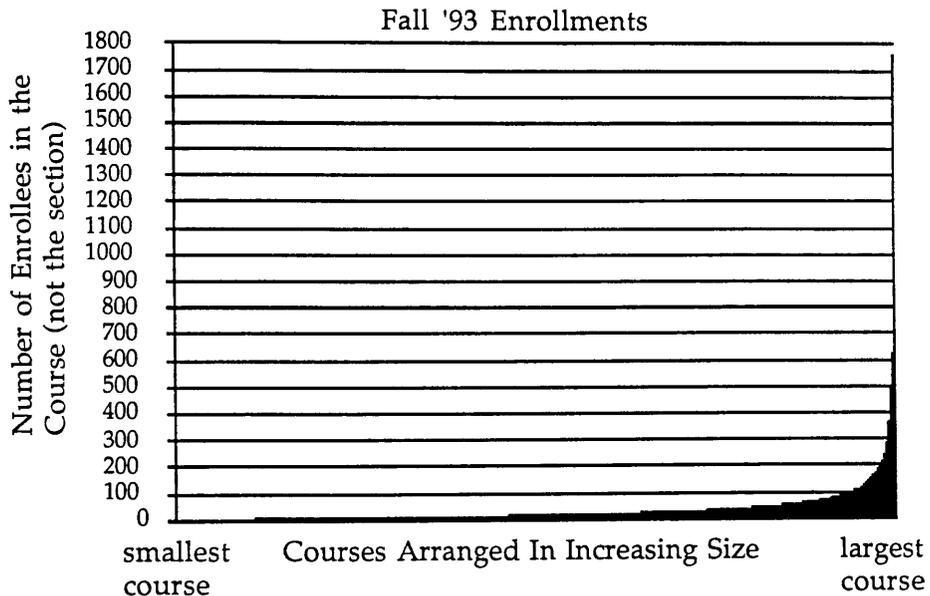


Figure 10 Course Size Sorted in Size Order

Figure 11 represents these data in a more traditional histogram format. Again, the preponderance of the courses (by number) have 50 or fewer enrollees. The largest course has 1725 enrollees—the equivalent of the sum of the enrollments in the smallest 1,197 courses. *The 10 largest courses are equivalent in enrollment to the smallest 2,591 courses. When the instructional program is viewed as a whole system, this great variation in course size stimulates questions about the proper deployment of faculty resource to achieve the best overall result for the students, something the Faculty should examine.* Should some of the larger courses be taught in a larger number of smaller sections? Math 191, taught jointly by Mathematics and the College of Engineering, is currently in the third year of such an experiment. Note: The data in this section pertain to course, **not** section, size so this experiment is not reflected in these graphs.

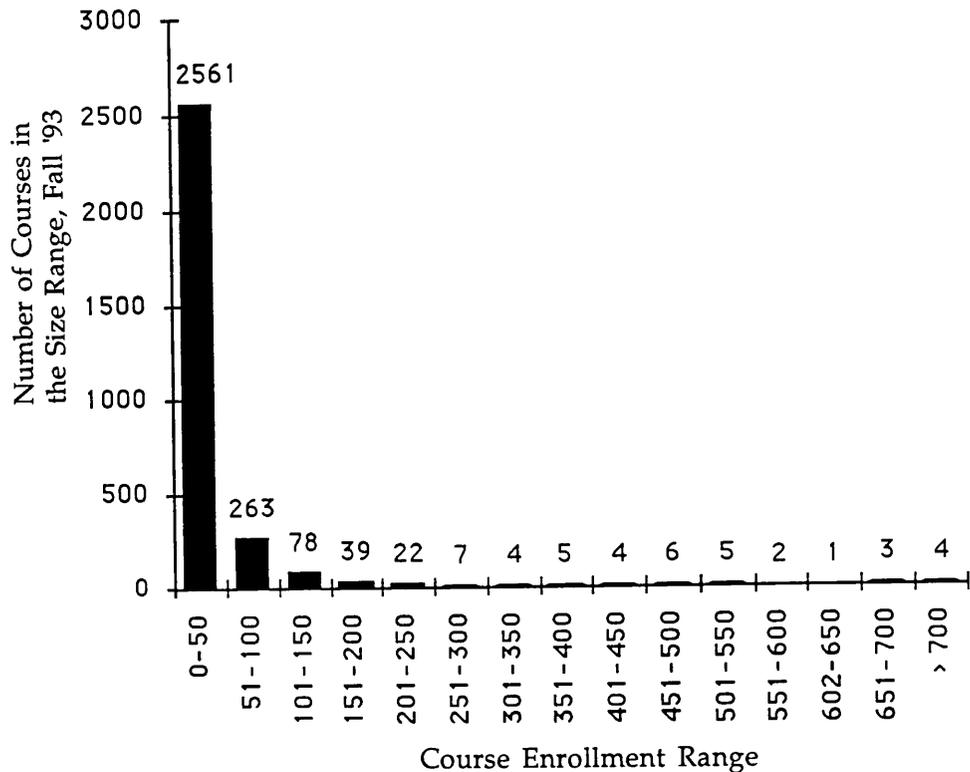


Figure 11 Histogram of Fall '93 Course Sizes

Figure 12 shows that although all the courses having enrollments of 50 or fewer constitute 85% of the total number of courses, they collectively account for only 36% of all enrollments. Perhaps more striking is the fact that the courses enrolling 10 or fewer students account for only 6% of all enrollments.

On the other hand, the larger courses provide most of the encounters for the students. With a better balance in the allocation of faculty effort to the teaching load, an improved system performance might be achieved. Note: The enrollments in sub-courses, i.e., recitation and lab experiences associated with the courses bearing a department name and number, are not included in these enrollment figures.

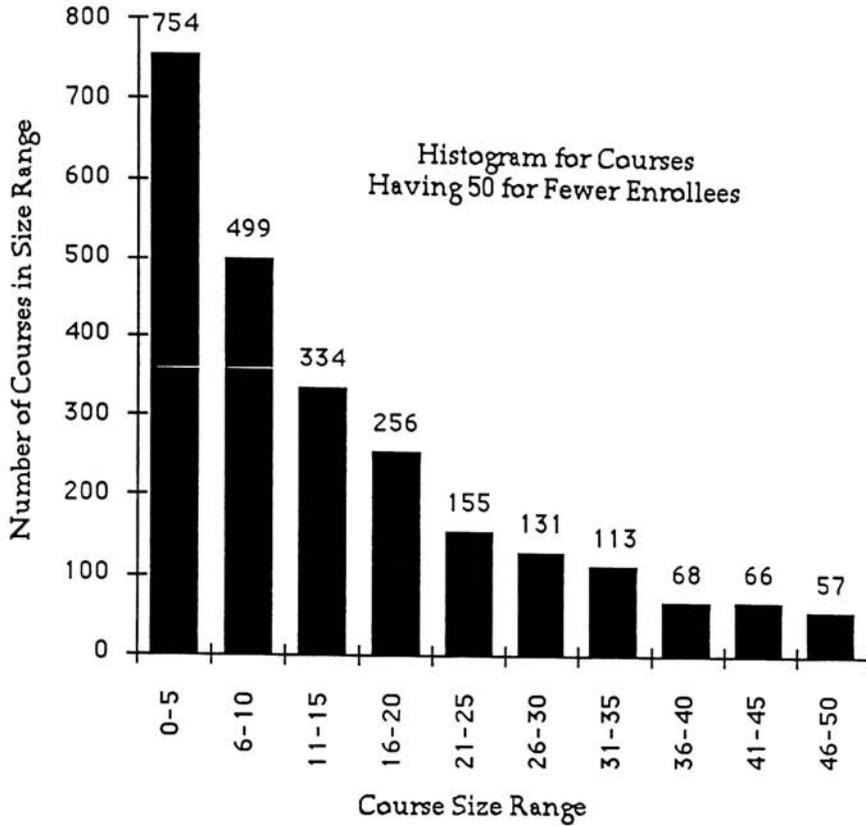


Figure 12 Histogram of Fall '93 Courses of 50 or Fewer Enrollees

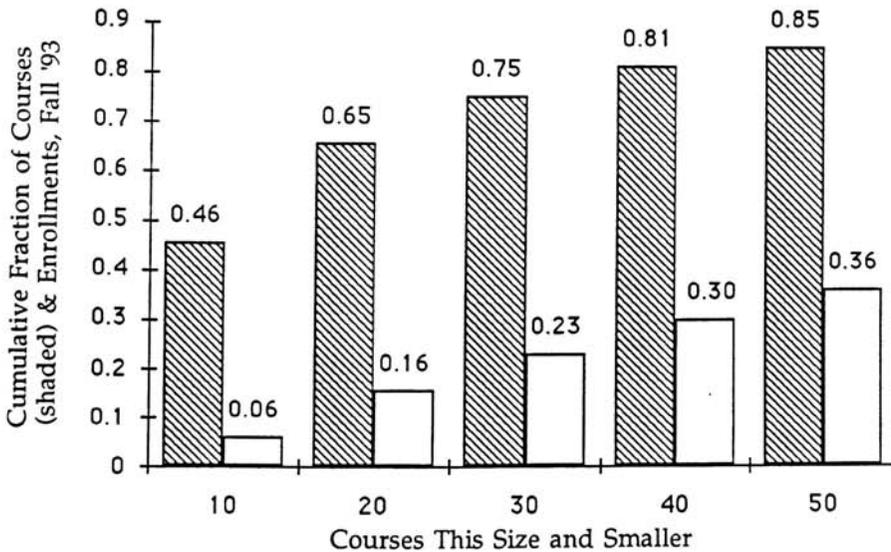


Figure 13 Cumulative Proportion of Courses and Enrollments For Courses of 50 or Fewer Enrollees

Co-Listed Courses

We now return to co-listing of courses I discussed in Section one in connection with the course catalog. In general, co-listing refers to assigning two or more different departmental names and numbers (aliases) to a single course. This often occurs when two or more faculty from different departments and/or colleges share responsibility for a course, but also results for other reasons as well. Co-listing leads to the impression of a larger number of 'apparent' courses than actual courses. To distinguish the courses having a shared identity a unique internal number was assigned by IPR to the enrollment records for such courses. Let's now consider the impact of these aliases on apparent number of courses.

During the past six semesters (Figure 14) the number of apparent courses has increased from 402 in Fall '91 to 628 in Spring '94, representing more than a 50% increase in two years. Superficially at least, this creates an impression of increasing the number of courses, even if only existing courses are involved. The actual number of courses has been 44% of the number of co-listed courses during each of these six terms. During the Fall '91 semester there were 224 (=402-178) fewer courses than appeared to be the case, while during the Spring '94 semester there were 353 (=628-275) fewer courses than superficially appeared to be the case.

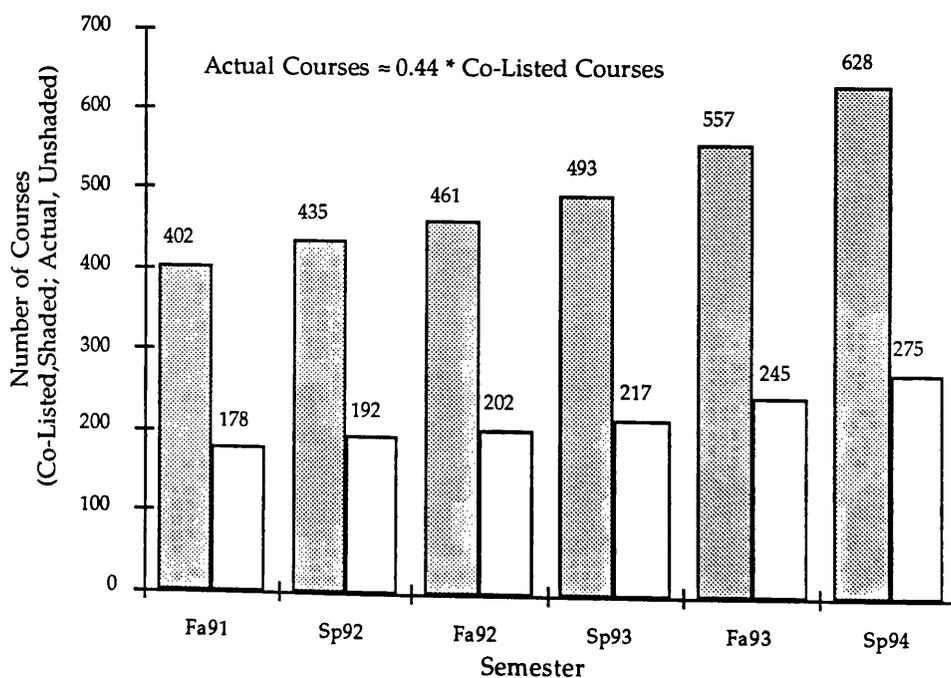


Figure 14 Co-Listed and Actual Courses by Semester

The largest group of co-listed courses (and the only co-listed courses subjected to regular administrative oversight for accessory instruction) are in the

Division of Biological Sciences. The enrollments in these courses are explicitly allocated to the contributing units that funded each course.

Although there are numerous educational benefits of co-listing courses, there are some associated administrative difficulties that accompany this practice—concerning both financial and academic accountability. There are 288 of these co-listed courses not involving Biological Sciences that have not been part of an annual, systematic allocation process.

There are 145 other co-listed 'courses' shared across the Statutory – Endowed boundary. In some of these instances the faculty's salary is reimbursed. However, in general, the accountability process is mostly informal and ad hoc, so there may be an incomplete accounting for accessory instruction. Another cross-boundary situation arises when the course is assigned three credits in a Statutory college and the identical course is given four credits in an Endowed college! This makes no sense to me.

Given the existence of co-listings redundancy, how many 'different' courses do we offer each semester? Figure 15 shows a rather stable number of actual courses for the last three Fall and Spring semesters of approximately 2597 and 2744, respectively.

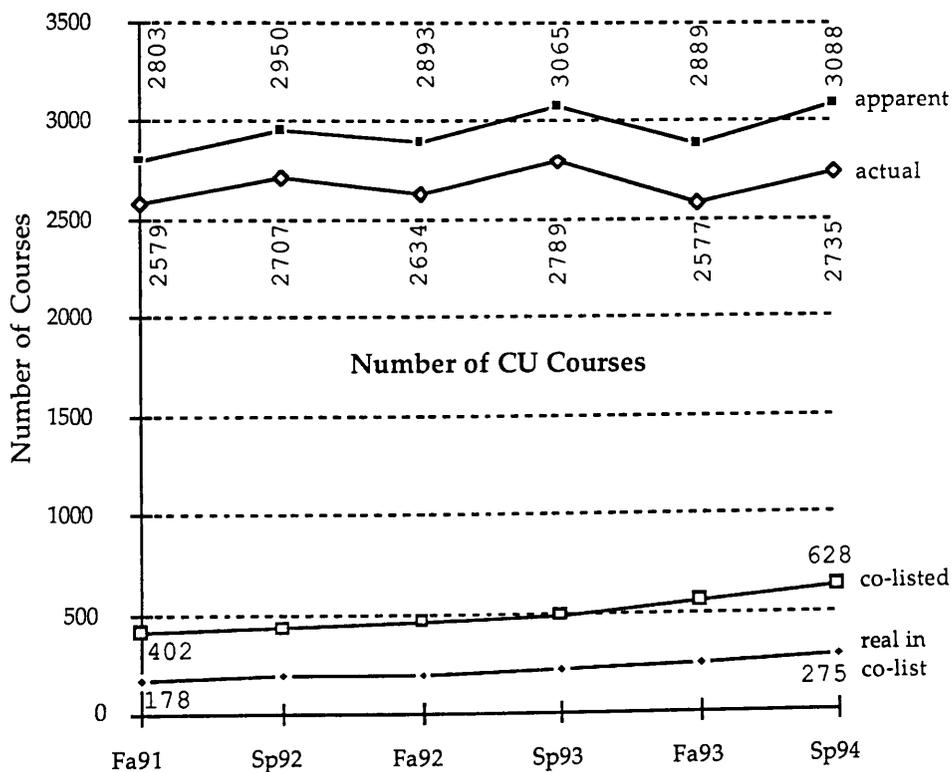


Figure 15 The Number of Apparent and Actual Courses by Semester

Each semester the number of actual courses is approximately 90% of the number of apparent (co-listed) courses. As shown in the lower portion of Figure 15 the number of co-listings is increasing, but the number of actual courses has remained more-or-less constant for the last three years.

Section 5 Discussion

The number of 'actual' courses taught each semester (Figure 15) is substantially smaller than the number of courses listed in the course catalog and smaller than the number of courses for which enrollments are listed. The inflated impression of the number of courses is due mainly to the listing of courses not actually offered (or even promised to be offered) and the use of multiple names for courses. Whether we have too many or too few courses requires a value judgment beyond the scope of this report, but hopefully, this data helps sharpen the focus of that issue.

The Faculty has prided itself on providing a rich menu of courses for our students and are especially proud of the small, intimate nature of a majority of our courses. Two significant factors must be considered, however.

The first theme is that, we can improve the situation for our students if we give more attention to the 'overall system'. As discussed in Section 3, we need to give more attention to scheduling. If we rely too heavily upon individual faculty preference, rather than taking a system view, this rich variety of courses becomes less accessible and effectively negates their value for many students. Classrooms are mostly idle at 8:00 AM, but saturate during late morning. More important than the limitations imposed by the physical plant, is the issue of scheduling courses in a sequence such that curricular needs can be met with a logical sequence without extending the time to complete the degree.

A candidate strategy for scheduling courses in a manner to minimize conflicts might be drawn from the old final exam scheduling algorithm. I recall that the largest courses were given first priority in the scheduling algorithm and then the smaller courses were fitted around them. This might mean giving the largest courses priority for the morning time periods and then fitting the smaller courses around them (for example, at 8:00 AM or in the afternoon). Scheduling is a proper university-wide concern for the FCR, and colleges and individuals should have recommendation rights only.

Course scheduling as well as issues such as fundamentally changing the meaning of credit hours, or creating new courses that significantly overlap existing courses, require that we take a 'system view', i.e., make a more concerted effort to consult across college boundaries—rather than simply making unilateral decisions.

The second major theme of this report is that we need to view courses from a student as well as a faculty viewpoint. The faculty view is that we provide mostly small courses because most faculty do indeed teach small courses. On the other hand, a completely different, but valid view by students is that most

of their classroom encounters, especially their lectures, are very large classes taught mostly by the Faculty. A very large fraction of their formal instructional encounters, however, are lead by graduate students and Lecturers.

We should have a serious discussion of the tradeoffs implicit in having a large number of very small courses and a small number of very large courses. Have we achieved an optimal deployment of the faculty resource? Are our students well-served by a system in which half of all enrollees during a semester appear in only 236 courses and the other half are in the remaining 2,770 courses? For example, should we shift undergraduate courses having enrollments of four or fewer students into alternate year offerings unless a course must be offered for some reason or is necessarily of an independent study by its nature?

Figure 16 suggests that there are up to 51 courses at the Freshman or Sophomore levels (excluding independent study courses) that have four or fewer enrollees and that up to 209 courses in the 100 through 400 levels have four or fewer enrollees. Surely there are compelling reasons for some of these to be taught even with very small enrollments. Even if half of these must be taught despite small enrollments, a substantial reduction in faculty teaching load results and allows a reallocation of some faculty resource to assist with larger courses or an eventual reduction in the size of the faculty. As a general principle, faculty teaching loads should take class enrollment as a consideration. Small courses often capitalize on the faculty member's research speciality and, therefore, might be especially stimulating to students, so faculty might be allowed to teach these small courses, even if such courses do not count officially as a substantial part of that person's teaching load.

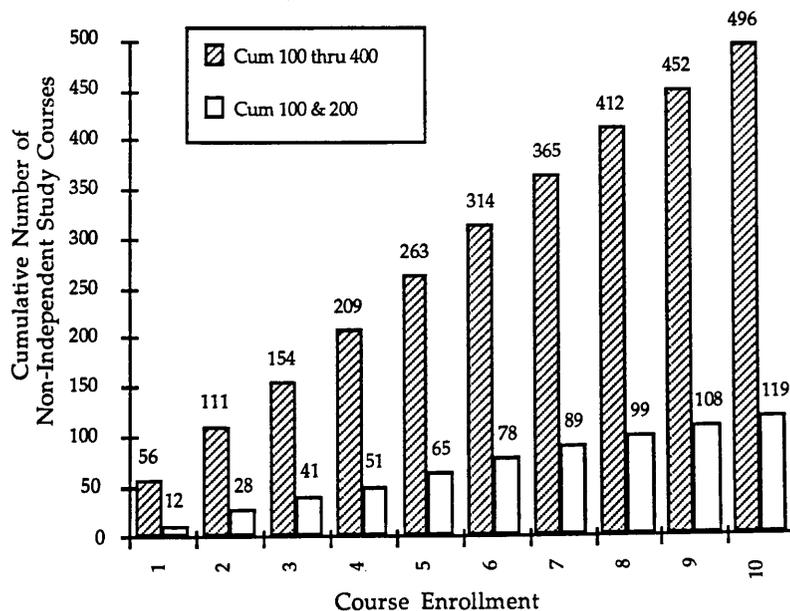


Figure 16 Cumulative Number of Courses by Course Level vs. Course Size

Conclusions

We need to devote more attention to how the components of our educational program fit together to serve our students, i.e., we need to give more explicit attention to 'optimization of the system'.

We need to have a serious discussion of faculty load-balancing and how that affects the quality of the Cornell educational experience.

Appendix 1 An Electronic Version of the Course Catalog

The fields chosen (Figure 17) correspond to the existing TurboGopher files available via Bear Access: Course (Dept. & number and Course Title), Faculty (instructors), Description (course description), When (term, credits, and restrictions), College/School/Division (Offering Unit), Dept./Sec. (Teaching unit). An electronic version might have a different set of fields.

The browse or list view of the courses (Figure 18) shows several records simultaneously. DiscoverPro's indexing feature makes possible very rapid searches, usually on the order of a few seconds to find any combination of search conditions. One can locate course listings (records) containing text strings anywhere in the records or within specific fields. However, the electronic version would be more useful to the uninitiated, e.g., those who are not already familiar with the organizational structure of Cornell, if a set of descriptor phrases were added.

The screenshot shows a TurboGopher window titled "A&S Cat/042194". The interface includes a menu bar with "Editing" and "All Records", a "Selected" checkbox, and an "End Editing" button. Below the menu bar, there are controls for "Record Type" (set to "Course Catalog Tags") and "Field Type" (set to "Text"). A progress indicator shows "1680 of 3594" records. The main display area is a table with the following fields and values:

100	Course	MATH 191 Calculus for Engineers
105	Fac	
106	Desc	One section will be taught with computer experimentation, and will carry an extra credit. Plane analytic geometry, differential and integral calculus, and applications.
104	When	Fall. 4 credits. Limited to 25 students per section. Prerequisite: three years of high school mathematics, including trigonometry.*
102	Col/Div/Sch	A&S
101	Dept/Sec	Math

At the bottom of the window, there is a "Course Title" field and a "Course Catalog Tags" checkbox which is checked.

Figure 17 Course Catalog Fields in Demonstration

For example, if one wished to locate all the statistics or math courses, or all the courses that satisfy specific graduation requirements, additional phrases would be useful. If this were done, the redundant listing of alias courses would be unnecessary. An unlimited number of course cross referencing becomes feasible.

One can also use this tool to identify the many courses dealing with a general topic. For example, approximately one-fifteenth of the A&S listings contain either the word 'sex' or 'gender'. A frequency list was created automatically for all courses. This, however, should be supplemented by adding course descriptor fields chosen to be broad enough to be useful to a student having a limited knowledge of a particular subject. [Librarians have learned the value of keyword descriptors when locating references.] This would help students locate interdisciplinary courses such as statistics, for example, that are dispersed among many Cornell departments.

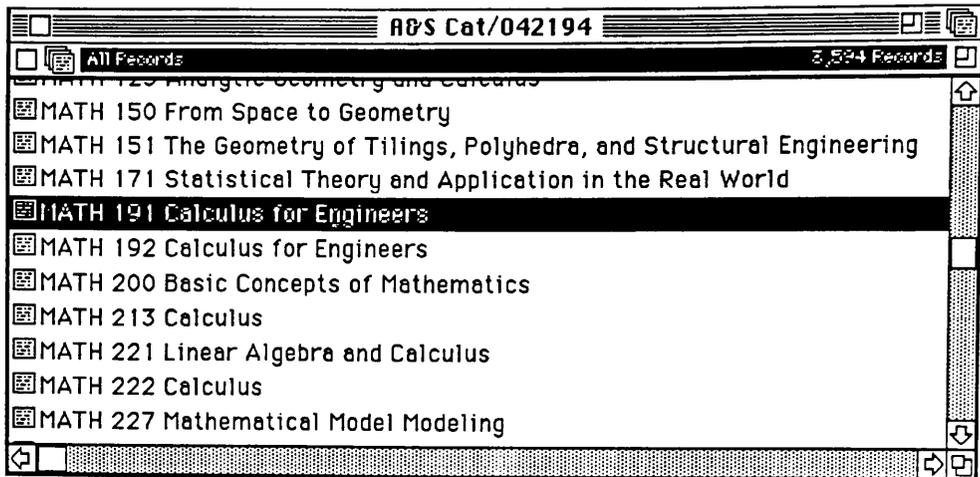


Figure 18 A Browse List of the Courses

Appendix 2 1993-94 Course Enrollments by 'Department'

This table lists for each 'Department' for the Fall '93 and Spring '94 courses the number of courses, median course enrollment, average enrollments, largest course, total number of enrollees in the department's courses, the total number of credit-hours taught, and the average number of credit hours per enrollee. The entries are sorted according to the median number of course enrollees for that department and term.

Dept	Term	Num of Courses	Median HeadCnt	Average HeadCnt	Maximum HeadCnt	'Dept' TotHdCnt	'Dept' TotCrHr	CreditHr per HdCnt
GRAD	Sp94	1	578	578	578	578	0	0
GRAD	Fa93	1	571	571	571	571	0	0
NCC	Sp94	5	185	124.6	193	623	1866	3
NCC	Fa93	8	156.5	136.6	216	1093	3267	3
VTMED	Fa93	3	83	64	83	192	1105	5.8
VETA	Fa93	1	81	81	81	81	81	1
WRIT	Fa93	2	72.5	72.5	102	145	306	2.1
SPAND	Sp94	7	57	64.1	138	449	1521	3.4
ENGR	Fa93	33	53	66.2	267	2185	5570	2.5
ENGR	Sp94	30	50.5	65.4	215	1961	5647	2.9
FRDML	Fa93	7	50	65.1	130	456	1611	3.5
NBA	Fa93	33	48	54.3	178	1792	5004	2.8
MEDVL	Fa93	3	48	48.3	50	145	435	3
NBA	Sp94	45	46	50	127	2252	6384	2.8
HE	Fa93	1	44	44	44	44	88	2
FR DR	Sp94	1	42	42	42	42	84	2
SPAND	Fa93	8	41	70	196	560	2042	3.6
FRDML	Sp94	8	40	48.8	86	390	1289	3.3
VETCS	Fa93	34	39.5	37.8	81	1286	3415.5	2.7
FRROM	Fa93	2	38.5	38.5	40	77	234	3
CHEM	Sp94	31	37	107.4	1070	3330	10966	3.3
ENGLF	Fa93	3	34	39	69	117	297	2.5
INTAG	Fa93	5	33	35	60	175	287	1.6
CHEM	Fa93	34	31.5	126.3	946	4293	14356	3.3
P ED	Fa93	118	30.5	48	290	5668	3716	0.7
OR&IE	Fa93	27	29	35.3	107	952	3219	3.4
VETCS	Sp94	41	28	33.3	82	1367	3872	2.8
ECON	Fa93	38	27.5	52.3	497	1988	6977	3.5
ILRST	Fa93	7	27	48	146	336	1148	3.4
MEDVL	Sp94	3	27	24.7	30	74	222	3
LANG	Sp94	2	27	27	54	54	160	3
COM S	Fa93	45	26	44.7	527	2013	6581	3.3
VETPA	Sp94	8	25.5	38.6	81	309	793	2.6
H ADM	Fa93	101	25	53.8	506	5435	14793	2.7
FRROM	Sp94	3	25	27.7	46	83	216	2.6
P ED	Sp94	125	24	42.1	492	5268	2868	0.5
AG EC	Fa93	35	24	62.7	352	2195	6662	3
SPANR	Sp94	1	24	24	24	24	96	4
CHEME	Sp94	18	23.5	36.5	84	657	2143	3.3
CHEME	Fa93	16	23.5	28.5	63	456	1696	3.7
KOREA	Fa93	4	23.5	25.3	40	101	423	4.2
ELE E	Fa93	46	23	35.9	111	1650	5818	3.5

Dept	Term	Num of Courses	Median HeadCnt	Average HeadCnt	Maximum HeadCnt	'Dept' TotHdCnt	'Dept' TotCrHr	CreditHr per HdCnt
VTMED	Sp94	22	23	31.5	81	692	2109	3
AN SC	Fa93	24	22.5	34.5	147	828	2550	3.1
KOREA	Sp94	4	22.5	22.8	36	91	379	4.2
H ADM	Sp94	113	22	57.3	761	6476	15379	2.4
LANG	Fa93	2	22	22	44	44	107	2.4
LAW	Sp94	60	21.5	48.7	191	2923	8373	2.9
BIO S	Fa93	115	21	78.3	955	9002	26080	2.9
ELE E	Sp94	53	21	31.7	118	1679	7254	4.3
ECON	Sp94	40	20	48.2	556	1927	6657	3.5
M&AE	Fa93	33	20	37.6	156	1242	4322	3.5
ILRPR	Sp94	23	20	23	67	530	1590	3
LANAR	Sp94	2	20	20	39	40	126	3.2
ENGRG	Sp94	1	20	20	20	20	20	1
ENGLB	Fa93	1	20	20	20	20	60	3
HSS	Sp94	34	19.5	34.5	278	1172	3599	3.1
HASP	Fa93	4	19.5	18.8	30	75	215	2.9
PHYS	Sp94	41	19	57.2	478	2345	8781	3.7
HDFS	Sp94	34	19	35.3	298	1200	3740	3.1
MIL S	Fa93	8	19	18.9	22	151	110	0.7
NMI	Sp94	3	19	19.7	28	59	127	2.2
CZECH	Fa93	1	19	19	19	19	51	2.7
PHYS	Fa93	38	18.5	56.2	433	2134	7953.5	3.7
LA	Fa93	14	18.5	18.6	40	260	1086	4.2
MIL S	Sp94	8	18.5	18.4	25	147	105	0.7
MATH	Fa93	54	18	85.6	954	4621	18019	3.9
AG EC	Sp94	41	18	55.9	563	2291	7091	3.1
COMM	Fa93	51	18	36.5	486	1860	5385	2.9
CEE	Fa93	43	18	26	104	1118	3724.2	3.3
ILROB	Fa93	23	18	27.8	245	640	2032	3.2
ILRCB	Sp94	19	18	33.3	178	633	1942	3.1
ILRST	Sp94	9	18	46.8	287	421	1567	3.7
GERLA	Sp94	8	18	22	64	176	626	3.6
NAV S	Fa93	8	18	16.3	31	130	81	0.6
PHIL	Fa93	26	17.5	27.3	161	710	2548	3.6
HE	Sp94	4	17.5	17.8	35	71	477	6.7
COM S	Sp94	47	17	41	379	1928	6395	3.3
GOVT	Fa93	53	17	28.5	195	1511	5781	3.8
ILRCB	Fa93	20	17	33.9	218	677	2090	3.1
FOOD	Fa93	17	17	21.5	71	366	1021	2.8
NAV S	Sp94	9	17	17.6	28	158	222	1.4
ENGLB	Sp94	1	17	17	17	17	51	3
SPANR	Fa93	2	16.5	16.5	27	33	132	4
BIO S	Sp94	117	16	63.9	866	7480	21414	2.9
ENGL	Sp94	92	16	29.1	174	2681	8976	3.3
ENGL	Fa93	85	16	31.2	201	2651	8895	3.4
LAW	Fa93	61	16	42.8	201	2610	8217	3.1
COMM	Sp94	41	16	35.7	419	1462	4309	2.9
M&AE	Sp94	36	16	34.2	142	1231	4397	3.6
NTRES	Fa93	31	16	22.9	91	711	2290	3.2
NTRES	Sp94	28	15.5	39.9	337	1118	3148	2.8
HDFS	Fa93	28	15.5	37.3	275	1043	3253	3.1
OR&IE	Sp94	30	15.5	26.2	89	785	2760	3.5

Dept	Term	Num of Courses	Median HeadCnt	Average HeadCnt	Maximum HeadCnt	'Dept' TotHdCnt	'Dept' TotCrHr	CreditHr per Hdcnt
PL BR	Sp94	10	15.5	15.1	31	151	525	3.5
AN SC	Sp94	36	15	32	124	1152	2784	2.4
HSS	Fa93	37	15	26.6	123	986	3143	3.2
ANTHR	Fa93	39	15	19.6	141	763	2550	3.3
ABEN	Fa93	25	15	25.6	104	640	1842	2.9
ILRLE	Fa93	14	15	29.1	157	408	1246	3.1
GERLA	Fa93	9	15	29.3	129	264	952	3.6
INTAG	Sp94	5	15	16.8	30	84	237	2.8
ENGLF	Sp94	6	14.5	16.2	35	97	230	2.4
R SOC	Fa93	24	14	44.3	528	1064	3211	3
EDUC	Sp94	37	14	27.3	192	1011	3306	3.3
CE&H	Fa93	20	14	32.9	160	658	2320	3.5
FOOD	Sp94	22	14	27.9	222	614	1441	2.3
ITALA	Fa93	8	14	37.6	180	301	1128	3.7
LA	Sp94	20	14	14	36	279	1101	3.9
JAPAN	Fa93	13	14	21	98	273	1381	5.1
CEE	Sp94	58	13.5	21.3	137	1235	3976	3.2
AIR S	Sp94	8	13.5	12.1	15	97	90	0.9
ILRPR	Fa93	23	13	20.7	94	477	1473	3.1
VETPA	Fa93	9	13	25.7	79	231	553	2.4
JAPAN	Sp94	11	13	18	73	198	1066	5.4
VETDL	Sp94	3	13	31.7	81	95	42	0.4
JPLIT	Fa93	2	13	13	21	26	100	3.8
AS&RC	Fa93	24	12.5	19.8	91	475	1535	3.2
STATS	Fa93	14	12.5	30.4	191	425	1384	3.3
CHIN	Sp94	12	12.5	16	49	192	796	4.1
COLLS	Sp94	2	12.5	12.5	17	25	156	6.2
EDUC	Fa93	41	12	22.4	141	919	2985	3.2
DEA	Sp94	27	12	21.4	277	578	1800	3.1
AS&RC	Sp94	28	12	18.2	96	510	1767	3.5
VETA	Sp94	5	12	37.6	82	188	376	2
ITALA	Sp94	7	12	25.6	123	179	673	3.8
AIR S	Fa93	9	12	11.7	18	105	96	0.9
FR DR	Fa93	4	12	13	26	52	127	2.4
ART H	Fa93	26	11.5	30.3	344	787	2494	3.2
CE&H	Sp94	22	11.5	24.7	141	544	1788	3.3
COLLS	Fa93	2	11.5	11.5	19	23	166	7.2
CRP	Fa93	64	11	15	98	960	2929.2	3.1
CRP	Sp94	52	11	15.4	70	801	2616	3.3
MUSIC	Fa93	35	11	20.5	125	719	1644	2.3
PHIL	Sp94	25	11	23	125	574	2026	3.5
DEA	Fa93	22	11	25.5	235	561	1635	2.9
ANTHR	Sp94	29	11	17.6	197	511	1664	3.3
SOC	Sp94	20	11	19.6	115	392	1261	3.2
MS&E	Fa93	21	11	18	68	379	1454.2	3.8
T&AM	Fa93	15	11	16.8	78	252	879	3.5
B&SOC	Fa93	10	11	11.9	27	119	436	3.7
CZECH	Sp94	1	11	11	11	11	33	3
ART H	Sp94	26	10.5	26.3	231	683	2140	3.1
MATH	Sp94	66	10	51.8	866	3418	13293	3.9
HIST	Sp94	63	10	26.3	348	1656	6412	3.9
NS	Fa93	39	10	30.8	400	1203	3280	2.7

Dept	Term	Num of Courses	Median HeadCnt	Average HeadCnt	Maximum HeadCnt	'Dept' TotHdCnt	'Dept' TotCrHr	CreditHr per HdCnt
R SOC	Sp94	21	10	49.6	514	1042	3158	3
TXA	Sp94	21	10	15	87	315	983	3.1
GERST	Fa93	17	10	17.8	134	303	994	3.3
HORT	Sp94	25	10	10.7	51	268	777	2.9
SPANL	Sp94	13	10	14.6	52	190	698	3.7
TOX	Sp94	11	10	8.5	19	93	284.5	3.1
PORT	Fa93	3	10	8.3	13	25	90	3.6
ABEN	Sp94	30	9.5	18.9	94	566	1397	2.5
COM L	Fa93	36	9.5	12.3	64	443	1514	3.4
T&AM	Sp94	16	9.5	13.4	64	215	683	3.2
GOVT	Sp94	55	9	27.8	310	1530	5678	3.7
ARCH	Sp94	59	9	25.5	246	1503	5539	3.7
HIST	Fa93	74	9	20.1	161	1484	5597	3.8
ARCH	Fa93	66	9	22.5	156	1484	5659	3.8
ASIAN	Sp94	28	9	22.4	140	626	2008	3.2
MS&E	Sp94	25	9	15.6	65	390	1437	3.7
NES	Sp94	28	9	12.3	56	344	1324	3.8
HORT	Fa93	26	9	12.4	35	322	926	2.9
VETMI	Fa93	9	9	29.7	79	267	835	3.1
CHIN	Fa93	13	9	17.5	54	228	971	4.3
COGST	Fa93	1	9	9	9	9	18	2
NS	Sp94	48	8.5	20.4	99	979	2911	3
A&EP	Sp94	28	8.5	14.3	58	400	1868	4.7
LANAR	Fa93	6	8.5	15.8	41	95	309	3.3
MUSIC	Sp94	36	8	17.5	90	630	1343	2.1
SOC	Fa93	21	8	17.8	92	374	1201	3.2
ASTRO	Fa93	15	8	23.3	171	349	1245	3.6
ASIAN	Fa93	25	8	13.8	90	345	1170	3.4
TXA	Fa93	19	8	15.2	78	289	902	3.1
FRLIT	Fa93	15	8	11.3	39	170	579	3.4
TOX	Fa93	12	8	8.2	22	98	288	2.9
NMI	Fa93	3	8	10.3	21	31	81	2.6
HINDI	Sp94	3	8	7	10	21	72	3.4
PORT	Sp94	3	8	6	9	18	64	3.6
SANSK	Fa93	1	8	8	8	8	28	3.5
PSYCH	Fa93	48	7.5	66.4	1756	3186	9639	3
ART	Sp94	44	7.5	12.5	77	550	1911	3.5
ILRLE	Sp94	16	7.5	23.9	188	382	1187	3.1
NES	Fa93	28	7.5	11.7	67	327	1260	3.9
PSYCH	Sp94	53	7	27.6	302	1463	4635	3.2
THETR	Sp94	58	7	10.9	95	634	1669	2.6
ART	Fa93	42	7	13.4	71	563	1925	3.4
COM L	Sp94	33	7	11.3	70	374	1296	3.5
SCAS	Fa93	32	7	10.3	67	328	943	2.9
ENTOM	Fa93	17	7	17.1	125	290	738	2.5
A&EP	Fa93	26	7	10.8	62	281	1519.5	5.4
ARKEO	Sp94	9	7	30.2	168	272	850	3.1
LING	Fa93	25	7	9.6	36	241	865	3.6
SPANL	Fa93	15	7	12.7	53	190	704	3.7
FRLIT	Sp94	17	7	10.1	34	171	573	3.4
RUSSA	Fa93	12	7	13.8	40	166	513	3.1
B&SOC	Sp94	14	7	7.4	17	103	331	3.2

Dept	Term	Num of Courses	Median HeadCnt	Average HeadCnt	Maximum HeadCnt	'Dept' TotHdCnt	'Dept' TotCrHr	CreditHr per HdCnt
ITALL	Sp94	5	7	13.2	34	66	226	3.4
ILRIC	Fa93	7	7	8.9	22	62	193	3.1
NS&E	Fa93	6	7	6.8	11	41	86	2.1
AAS	Fa93	3	7	12.7	30	38	139	3.7
QUECH	Sp94	3	7	6.7	12	20	46	2.3
DUTCH	Fa93	2	7	7	9	14	48	3.4
SWED	Sp94	2	7	7	8	14	50	3.6
ALS	Fa93	2	7	7	11	14	106	7.6
COGST	Sp94	1	7	7	7	7	14	2
SEBCR	Fa93	1	7	7	7	7	21	3
GEOL	Sp94	26	6.5	15.3	113	398	1103	2.8
S HUM	Sp94	12	6.5	7.3	17	87	256	2.9
CLASS	Fa93	41	6	20.7	466	849	2688	3.2
THETR	Fa93	57	6	10.4	106	595	1667	2.8
CLASS	Sp94	41	6	12.1	118	496	1574	3.2
ILROB	Sp94	18	6	24.7	303	445	1443	3.2
ASTRO	Sp94	18	6	23.4	180	421	1483	3.5
STATS	Sp94	17	6	24.7	128	420	1139	2.7
GEOL	Fa93	27	6	14.3	134	385	882	2.3
LING	Sp94	27	6	8.6	35	233	825	3.5
PL PA	Fa93	21	6	10.8	50	227	552	2.4
S&TS	Sp94	25	6	6.8	16	170	606	3.6
RUSSA	Sp94	11	6	10.5	32	116	348	3
RUSSL	Sp94	14	6	8.3	31	116	380	3.3
ILRIC	Sp94	6	6	10.3	24	62	198	3.2
NRE	Sp94	7	6	6.1	11	43	84	2
AAS	Sp94	3	6	10	19	30	96	3.2
HINDI	Fa93	3	6	7.7	11	23	84	3.7
SWED	Fa93	3	6	7	13	21	82	3.9
GERST	Sp94	20	5.5	11.8	83	236	741	3.1
RUSSL	Fa93	14	5.5	9.3	32	130	415	3.2
PL BR	Fa93	10	5.5	9.8	33	98	370	3.8
PL PA	Sp94	16	5	24.7	251	395	835	2.1
SCAS	Sp94	33	5	8.9	70	295	1047	3.5
S&TS	Fa93	28	5	6.5	17	182	606	3.3
VETMI	Sp94	9	5	18	78	162	314	1.9
WRIT	Sp94	4	5	16	51	64	192	3
NRE	Fa93	5	5	7	16	35	104	3
QUECH	Fa93	2	5	5	6	10	30	3
WELSH	Fa93	1	5	5	5	5	10	2
SEBCR	Sp94	1	5	5	5	5	15	3
TAG	Sp94	1	5	5	5	5	20	4
S HUM	Fa93	14	4.5	6.3	17	88	257	2.9
INDO	Sp94	4	4.5	4.8	7	19	132	6.9
CHLIT	Fa93	2	4.5	4.5	7	9	29	3.2
WOMNS	Sp94	31	4	6	56	187	620	3.3
ARKEO	Fa93	13	4	8.6	34	112	360	3.2
AM ST	Sp94	3	4	31.3	89	94	392	4.2
JPLIT	Sp94	5	4	7	19	35	129	3.7
HASP	Sp94	4	4	8.5	26	34	116	3.4
DUTCH	Sp94	3	4	5	9	15	51	3.4
BENGL	Sp94	3	4	3.3	5	10	35	3.5

Dept	Term	Num of Courses	Median HeadCnt	Average HeadCnt	Maximum HeadCnt	'Dept' TotHdCnt	'Dept' TotCrEr	CreditHr per HdCnt
DANSH	Fa93	1	4	4	4	4	12	3
SANSK	Sp94	1	4	4	4	4	16	4
RELST	Fa93	20	3.5	4.2	25	83	280	3.4
INDO	Fa93	4	3.5	4.5	9	18	91	5.1
THAI	Sp94	4	3.5	3.8	6	15	48	3.2
THAI	Fa93	4	3.5	3.3	4	13	50	3.8
RELST	Sp94	24	3	13.5	227	323	982	3
VETPR	Sp94	9	3	18.3	78	165	280	1.7
WOMNS	Fa93	26	3	4.7	20	123	460	3.7
ILRID	Sp94	5	3	15	49	75	250	3.3
ITALL	Fa93	6	3	7.5	34	45	146	3.2
NS&E	Sp94	6	3	4.2	10	25	61	2.4
VIET	Fa93	3	3	4.7	9	14	72	5.1
TAG	Fa93	3	3	4.3	7	13	49	3.8
CHLIT	Sp94	3	3	3.7	6	11	35	3.2
NEPAL	Fa93	3	3	2.7	3	8	33	4.1
POLSH	Fa93	1	3	3	3	3	9	3
ROMAN	Fa93	1	3	3	3	3	9	3
DANSH	Sp94	1	3	3	3	3	9	3
ROMAN	Sp94	1	3	3	3	3	9	3
ALS	Sp94	4	2.5	3.5	7	14	88	6.3
VIET	Sp94	4	2.5	3.3	7	13	53	4.1
IM	Fa93	2	2.5	2.5	3	5	27	5.4
ILRID	Fa93	5	2	40	163	200	278	1.4
VETPR	Fa93	9	2	18.6	79	167	443	2.7
AM ST	Fa93	4	2	24.3	93	97	396	4.1
VETAV	Fa93	5	2	18.4	82	92	197	2.1
ENTOM	Sp94	19	2	4.8	35	92	317	3.4
JWST	Sp94	9	2	5.1	17	46	133	2.9
BENGL	Fa93	4	2	2.5	5	10	36	3.6
VETPH	Fa93	3	2	2.7	6	8	19	2.4
NEPAL	Sp94	2	2	2	2	4	18	4.5
POLSH	Sp94	1	2	2	2	2	6	3
KHMER	Fa93	4	1.5	2	4	8	28	3.5
KHMER	Sp94	4	1.5	1.5	2	6	27	4.5
MANDI	Fa93	2	1.5	1.5	3	3	12	4
IM	Sp94	2	1.5	1.5	2	3	20	6.7
OVST	Sp94	118	1	2.4	25	289	4335	15
OVST	Fa93	100	1	1.9	15	193	2895	15
FIS	Fa93	3	1	10.7	30	32	387	12.1
JWST	Fa93	8	1	2.9	12	23	106	4.6
VETPH	Sp94	6	1	1.5	6	9	11	1.2
BURM	Fa93	3	1	1	1	3	12	4
BURM	Sp94	2	1	1	1	2	9	4.5
JAVA	Fa93	1	1	1	1	1	3	3
PALI	Fa93	1	1	1	1	1	3	3
VETDL	Fa93	1	1	1	1	1	3	3
MANDI	Sp94	1	1	1	1	1	4	4
SINHA	Fa93	1	1	1	1	1	6	6
TAMIL	Fa93	1	1	1	1	1	6	6
SINHA	Sp94	1	1	1	1	1	6	6

Minutes of a Meeting of the Faculty Council of Representatives

December 14, 1994

Fourth Meeting of the Academic Year

(Number in parenthesis indicates attendance at meetings to date)

Present: **Afr. Ctr.:** Greene, S.E. (4). **CALS:** Awa, N.E. (3); Baer, R.A. (4); Lucey, R. (3); Luckow, M.A. (3); Pritts, M.P. (4); Reeve, H.K. (2); Rockcastle, V.N. (4); Smith, M. (4); Yavitt, J.B. (3). **AAP:** Saltzman, S. (2). **A&S:** Albrecht, A. (3); Ashcroft, N.W. (3); Bem, D.J. (1); Cotts, R.M. (3); Fay, R.C. (4); Geber, M.A. (2); Hayes, D. (2); Hirschmann, N.J. (4); Keil, F. (2); Kennedy, K.A.R. (4); Mebane, W. (4); Mermin, N.D. (4); Peirce, L. (2); Regan, D.T. (3); Shanzer, D. (4); Smith, A.M. (3); Strauss, B. (3); Vogelsang, T.J. (2). **Engr.:** Boyd, I.D. (3); Farley, D.T. (4); Fisher, E. (4); Giannelis, E. (4); Jenkins, J.T. (1). **Hotel:** Chase, R.M. (3); Sherry, J. (4). **H.E.:** Brenna, T. (3); Obendorf, K. (3); Wethington, E. (3). **ILR:** Ehrenberg, R.G. (3). **JGSM:** Isen, A.M. (2); McAdams, A.K. (4). **Law:** Green, R.A. (3). **Libr.:** Atkinson, R.W. (4). **Vet. Med.:** Bertram, J.E.A. (4); Casey, J.W. (1); Hermanson, J.W. (3); Kalfelz, F.A. (3); Randolph, J.F. (4). **At-Large:** Allen, J.A.V. (3); Bierman, H. (4); Decker, D. (2); Earle, C.J. (4); Farley, J.T. (4); Holcomb, D.F. (3); Howland, H.C. (2).

Guests: W. Cohen; J.R. Cooke; M. Nesheim

Absent: **CALS:** Davis, P.M. (2); Gebremedhin, K. (2); Knuth, B.A. (1); Liebherr, J.K. (2); Nasrallah, M.E. (0); Parks, J.E. (2); Setter, T.L. (1); Tauer, L.W. (2); Trumbull, D.J. (2); Whitlow, T.H. (0). **Geneva:** Koller, W. (2); Nyrop, J. (1); Rao, M.A. (3). **AAP:** Cruvellier, M. (3); Kord, V. (3). **A&S:** Bretscher, A.P. (1); Devenyi, J. (2); Kalos, M.H. (0); Mermin, D. (3); Pelliccia, H.N. (3); Roldan, M.J. (0); Shapiro, G. (2); Stark, D. (1); Strang, D. (1). **Engr.:** Gubbins, K. (1); Jirka, G. (1); Liboff, R. (1); Lo, Y-H (0); Rand, R. (2); Sachse, W.H. (2); Webb, W.W. (0). **H.E.:** Hahn, A. (3); Street, L. (3). **ILR:** Kuruvilla, S. (1); Lieberwitz, R. (2). **Law:** Taylor, W.F. (0). **ROTC:** Eason, C. (1). **Vet. Med.:** Ball, B. (1); Dubovi, E.J. (1). **At-Large:** Abowd, J. (3); Lumley, J.L. (0). **Faculty Trustee:** Calvo, J.M. (2).

Professor J. Robert Cooke, Agricultural and Biological Engineering: "I'm substituting for Speaker Martin who is absent today. We almost have a quorum, but since there are no resolutions, we are going to get underway with three presentations: one from the Dean of the Faculty, one from the Provost and one from the Dean of the Graduate School. Dean Stein."

1. REMARKS BY THE DEAN

Peter Stein, Dean of Faculty: "Thank you. I want to talk to you about a couple of things. The first is the successful search for the president. I reported to you before in terms that were less than forthright about the involvement of the faculty in the search process, and I'd like to report to you fully now that the process is over. About halfway through the search for the president, the Faculty Advisory Committee of sixteen

members suggested to the Chair of the Trustee Search Committee that the search would be better served if there were more faculty input into it. We made a modest study by reading a book which indicated that in presidential searches these days it is conventional to have something like a third of the members of the search committee be faculty members, and the Cornell search was rare in that there was only one faculty member on the search committee. When the search was about at its halfway point, the Chairman of that committee, Paul Tregurtha, called me up the beginning of September and suggested to me a procedure. Namely, we would decide - we being the Faculty Advisory Committee - on four people and that those four people would be added to the Trustee Search Committee as equal participating members except that they wouldn't vote. I think it was born out by the process afterward that voting or not voting was not an issue but in general the experience of committees is that they make their decisions unanimously and that it is vastly more important to be sitting at the table as a fully participating member than to actually being able to raise your hand. In the end they forgot that we were not voting members and asked us to vote but it really didn't matter one way or the other. The four people who were selected were myself; Kay Obendorf, Chair of the Executive Committee and Chair of the Department of Textiles and Apparel, College of Human Ecology; Ken McClane, English Department, College of Arts and Sciences; and Sid Leibovich, Mechanical and Aerospace Engineering, in the Engineering College. These four people participated fully in the search process.

"I was going to tell you all this at the September meeting but the Chair of the Search Committee in his wisdom decided it was not a good idea to make this public at that time so he asked me not to say anything. We took an oath that not only during the course of the search but indeed for the rest of our lives we would take to the graves with us the secrets of the Search Committee and that we would never reveal any of the candidates or details on how long they were in the search. But let me say that I think all of us found it a very interesting process. We found that the Trustees were as dedicated to getting a good president for Cornell as we were, and that the standards and criteria they used were as nearly as we could tell, identical to ours. We didn't always agree that certain individuals had the same measure of these standards but people always disagree on these matters and I think it's fair to say it would be hard to identify who was a Trustee and who was a faculty member by looking at the positions that they took on various candidates. There was a sense of community on the Search Committee, a sense of purpose, a sense of the importance of the job, and I was pleased with the process. The search was carried out in ways that were different than I was used to. Basically what that means is that my own experience was limited to faculty member searches where we agonized over things and had enormous amounts of information available and looked and discussed and argued about fine points of differences of colleague contributions. Their decisions tended to be made with more dispatch and with less primary data with a reliance on secondary data. By secondary data I mean reputation in the field of higher education, what other university presidents have to say about the people and so on. In the end, I felt that had the four or five faculty members been charged with making this decision that we would come up with

the same answer, but on the other hand, I see no reason why we wouldn't have come up with that answer. I think that all in all, it was important that faculty were involved in the search to the degree that they were. I think that there is sort of a ratchet effect. I think that it's important to have made that principle of faculty involvement and I believe that in future searches it will be difficult to walk away from that position. So all in all, I was very pleased not only with the process but with the people that we worked with and also with the choice that we made.

“Several people have called me up and asked me about my peculiar statement in the Ithaca Journal. I don't know if you've seen it but it was a very grudging acceptance. I say, 'well, at least he won't be a disaster'. I didn't say it that way. There was a lot of material that was missing in front of that. What I said was I was very pleased with the search, we were all very pleased with the search. In the end, you don't know how a person is going to act in a given situation, but that we felt or I felt that given the fact that Hunter Rawlings had been very successful at an institution that was roughly the same as Cornell, we hoped that he would be a star and we felt assured that he would not be a total failure. That was what came out as saying 'that the Dean of the Faculty feels that at least Rawlings will not be a total failure'. Anyway, we do feel positively about him. We met Hunter Rawlings. We talked to him for two or three hours and asked him a lot of questions. We felt that he was thoughtful, intelligent, that his heart was where our hearts were, that his goals were what our goals were, and he speaks well and we don't see any reason why he won't be a fine and even a great president of Cornell. Kay, do you have anything to add to that?”

Professor Kay Obendorf, Textiles and Apparel: “No. I think it was a very rewarding experience for me personally and I hope that everything works out for all of us. I think you just go on from here and I think it was a good choice for us.”

Dean Stein: “The other thing I want to talk about briefly is a couple of efforts that are going on at the moment. The Executive Committee formed a Subcommittee on Educational Policy and that Subcommittee has taken under its belt the question of whether we should move the spring term back to touch the end of the fall term. We have taken on a part of that question and the part of that question is not should we do this or shouldn't we do this but what are the academic implications of making this two-week shift. The Subcommittee met and identified half a dozen issues that they thought were important in coming to that conclusion and we sent out a mailing to the entire faculty asking you to check whether the issues were important or not important. We included a couple of blank lines for you to put down other important issues which you think should be considered. We will make a report to you on what seems to be your views on the academic implications on making that shift in the spring semester. Of course, we're not addressing at all the financial implications of that, or the larger implications of going to year round operation, which is yet another step on the horizon.

"The second thing I told you about is the Governance Committee. With the help of the Executive Committee, I appointed a committee of about seven or eight faculty members to try and think through faculty governance - what are the weaknesses of this institution, the FCR, college faculty governance. The whole question of what should we be doing, and whether we start all over from scratch. The question we are proposing is what kind of a faculty governance system would be appropriate for this particular institution at this particular time? What we've done is we've surveyed other institutions and found that the actual formal input that Cornell faculty have in both college and university decisions is less than at other institutions that are like us. The committee is writing a report on what it thinks is the right form that faculty governance should take - the ideal faculty governance scheme - and I intend to take that to the Review and Procedures Committee. I've already taken it to the FCR Executive Committee, which thought that it was OK, and after the Review and Procedures Committee, I shall bring it to this body and ask you to debate it. I guess those are the items that I wanted to report on. I'll be happy to answer any questions."

Acting Speaker Cooke: "Any questions for the Dean?"

Professor P. C. T. deBoer, Mechanical and Aerospace Engineering: "Would you care to comment on the role of the outside recruiting agency?"

Dean Stein: "Yes. I presume you are talking about the presidential search. There was an outside recruiting agency, Heidrick and Struggles was the recruiting agency, and its representative was William Bowen and he played a key role in the deliberations. It was a support role but a high level support role looking for names from all kinds of places and ending up with an enormous amount, something like 500. The search consultant was used in the first instance to reduce that to maybe 75 names which were then sifted by the Board of Trustees. The consultant offered his opinion at various times. Sometimes his opinion swayed the group, sometimes it did not. He then played a role in terms of contacting people. It's very difficult to contact people at that level. You don't want to say you're interested because it's difficult to say how interested you are. He is an expert at doing that. Is that the answer to your question?"

Professor deBoer: "He did not come up with the 500 names?"

Dean Stein: "No. You see the fact that he has done this before means that he knows a lot of names of people who have been considered by other people and I'm sure that those names came in but my own sense was it was very widespread. Faculty put in names, parents put in names, alumni put in names, students put in names, and then there was a search of worthies in the higher education business, foundation presidents, presidents of other large institutions, trustees that were on search committees of other recent searches and people like that who also put in names. So they came from a variety of sources."

Acting Speaker Cooke: "Other comments? The next item is a presentation by the Provost."

2. REPORT ON BUDGET PLANNING (Copies of Slides, Appendix A)

Malden Nesheim, Provost: "Thank you, Bob. I will talk to you a little bit about where we are in our budget preparation for next year. We have been working for the second year now with a budget committee that has been for me, very helpful. It has included two members from this body, Don Holcomb and Ron Ehrenberg; the three deans from the general purpose colleges, Bill McMinn, Don Randel and John Hopcroft; Dave Call representing the statutory colleges; and Alan Merten from the Johnson School representing another kind of college. We've also had people like Hal Craft, Jay Morley, John Wiesenfeld, and Fred Rogers working with us on this budget committee. We've spent the time examining a number of issues, some of them long-term some of them more immediate issues that we are going to have to deal with in the course of this coming year's budget. So let me just go through a number of items and I'll tell you some of the things we are going to talk about. I'm going to give some comments about tuition, enrollment, research funding, compensation, and planning assumptions.

"Last year our endowed undergraduate tuition went up 4.6 percent to 19,066. I was somewhat dumbfounded when I found out the rest of our Ivy peers were much more aggressive last year. I thought that there was going to be a general sense that tuition increases were going to be somewhat constrained and it turns out that this year we are almost a full percentage point lower ahead on tuition than almost anyone on that list. We can, on one hand, congratulate ourselves on our frugality and on our financial responsibility and on the other hand, we can say what are they doing with all that money in terms of salaries and kinds of programs that they are able to support? In the long run, if we continue this type of separation from the pack, is that going to have an effect on the overall quality of the institution relative to some of our sister institutions?

"We planned to have some 12,906 students on the campus this year. We actually have at the 10th week or at the 8th week as this slide says, some 12,991 students which is a variance of 85. However, 123 of those are in the statutory colleges and we are short about 37 at this point in the endowed colleges. And in the statutory college, it turned out that there was one program particularly in Ag and Life Sciences where suddenly the acceptance rate went way up and the Ag College overshot its freshmen enrollment. Last year we had a overshoot in enrollment in the Engineering College which we didn't have this year so we are slightly short on the endowed side from our targets. But a more fundamental thing seems to be happening in enrollments and that is what is troubling us as we look ahead. As we look now at the spring term enrollments, we see a marked increase in the number of students finishing at mid-year, so enrollments are in fact lower than we had anticipated and that has considerable significance on our projected tuition income as we look to the spring term. And that's good news and bad news. On the one hand, for the students, that

makes some economic sense if they can get a degree in three and a half years. They're saving a semester's tuition. From the university perspective, that means we have a lot of empty places in that year and we are not getting the tuition from those students."

Dean Stein: "How big of an effect is that on the endowed colleges?"

Provost Nesheim: "Well, we're probably going to be 100 short of our planning assumptions. I don't have the exact number but it's going to be something like that. One hundred students is roughly two million dollars in income. So what is happening? Why is that suddenly occurring? There are a couple of things that are going on this spring. There are more mid-term graduations and there are more students abroad in Cornell Abroad, which is something that goes up and down and sometimes makes our planning assumptions difficult at times. But clearly you can say what does that really mean in the long run? Well, it means not so much that we are not going to be able to find the students but it does create some enrollment management issues that we are going to have to confront. Can we replace those students that are graduating in the spring? Can we replace them with transfer students for example? Because they are going out of upper class courses, if we replace them with freshmen, we put more pressure on our introductory courses and our freshman courses as opposed to transfer students where we could take advantage of the upper level courses. Statutory colleges of course do this a lot. We do relatively little transfers into the endowed colleges both in Engineering and Arts and we have not built a transfer pool over the years in expectation of students that they can readily transfer to Cornell. So there are some enrollment management issues that I think our current enrollment situation shows are somewhat troubling and it is going to have to be dealt with. We are, in terms of next year's applications, looking good. At this time, we are up about one percent in applications compared to last year. We are about equal with our early admissions applications so the implications are that the students who want to come to Cornell are still consistent with the size of classes that we would like to bring in. But there are going to be some tricky issues relative to enrollment management as I look down the road.

"Indirect cost recovery is another issue that we continue to talk about when we talk about budget because of what's been going on over the years. This is a somewhat complicated slide but it shows the dollars on this dark line on the endowed side that we recover in indirect costs. It shows that we recover something over 30 million dollars from research on the endowed Ithaca campus and this shows the recoverable amount and it shows the difference between what's recoverable and what we actually recover. It's a reflection of areas where we don't completely collect the indirect costs on some of this research. Some of it is because of caps that the federal government has put on reimbursement of indirect costs. The statutory colleges, you'll notice, is much lower. They recover about 10 million and the actual recoverable is actually way up here. A lot of this is because these are state dollars which do not pay an indirect

cost and so therefore the state feels they are already paying once and they don't want to pay twice so they have not paid the indirect costs. But what has happened, is that this dollar amount has actually come down a little bit and our rate a few years ago was 75 percent of modified total direct costs. In the last year it was 67 percent and this year it has been moved down to 65 percent. Our actual income in indirect costs has stayed relatively constant in spite of that decrease because we've had some increase in volume but that means our indirect recovery costs have been pretty flat over the last few years and we've not actually had those major increases that we had back in the 80's in indirect costs. The issue as to the future of that is still troubling. Those of you who have read any of the issues that are coming out of Washington still see congressional reports of putting a 50 percent cap on indirect costs at all institutions and that's going to be made again. That's going to be a serious determination. That's fine for most state institutions which are having these indirect costs largely subsidized by the state, but it'll really hurt all of the private colleges and would uniformly affect a good share of the private institutions. Whether that will happen or not and whether that's just a 'sky is falling' mentality, I don't know.

"Faculty salaries, of course, are another big piece of our budget and we've had conversations about this over the years. This shows Cornell's average faculty salaries in this group of institutions we compared ourselves with back in 1979-80. We're 16th in this list - we've now moved up to 13th. We've now moved ahead of essentially all the state institutions with the exception of Rutgers. The state institutions have been really constrained on faculty salaries. Back in 1980, Michigan, Berkeley, and UCLA were all above us on this salary scale and now they have gone lower. We continue to compare these various salaries when we put in cost-of-living numbers that we use to compare the various costs in the various communities and when we make that correction it moves us up to about 5th on the list. It may not feel very good when it comes in the paycheck and, of course, it depends a lot on the individual persons circumstances as to whether that kind of cost-of-living package is representative, but nevertheless that's what happens when you do that. Some of our private brethren have been aggressive in salary increases over the last several years, whereas our state brethren have been constrained.

"A major issue for us on the campus is one that we've also had a lot of discussion about over the last several years and that is employee benefits. This shows the employee benefit rate for endowed Ithaca over the last several years. In 1977-78, it was less than 20% of salaries and wages. That rate is up to 32-33 percent of salaries and wages and you will notice as we project this out through 1997-98 we don't see any turnover of that curve and it's very worrying and it takes an increasing portion of our salary dollars to pay for the benefits pool.

"Let me just show you what makes up employee benefits. This shows the fact that, of course, the biggest piece which is in the darkest line is the health and life benefit and primarily health insurance and the cost of health which has been in the double digits

for some time. There is a major jump here which came about by our having to fund up front the future liability for retiree health care. Those of us that are sitting here in this room are all accruing a certain liability. Those on the endowed side are accruing a certain liability for the university for your health care after you retire. Up until now we have not been funding that. We've just been funding that out of current expenses and hoping that when we retire, the university will still have enough money to carry those health care premiums for us and federal accounting rules and so forth have required that we recognize those and begin to fund those up front. So that's been a bit of this boost but nevertheless, health care costs continue to rise. It's a little early to know whether the managed care option is going to constrain a health care growth but the additional data on that suggests that maybe it isn't going to constrain it all that much, between the two health care plans.

"You will notice another big piece of this, of course, is retirement but that has moved up very slowly over time. I think the reason it's gone up as a percentage of the salary wage base has to do with who it is that is now eligible in that wage base. Social Security is something that is federally mandated. Then there are some things down here like salary continuation program which has been going up and that is Workmen's Compensation. Those of you who have been listening to industry over the last few years know that Workmen's Compensation costs for industry have been going up strikingly. We've not been immune from that. Then education programs, basically the Children's Tuition Programs. Then a lump of things in there called 'other'. So those costs have continued to rise and I have asked that we undertake some investigation using people in Human Resources as well as a Subcommittee of our Budget Planning Group to really examine what we can do about that. Because in the long run that rise in benefits is going to eat us up in ways that we are going to have to make some tough choices. We are going to look at what our options are in that regard.

"This is our general purpose budget for this year and what it shows at this time, I'm not very happy at quite frankly. It shows us having tuition and fees forecast as some three million short. That's from two sources. One is the under-enrollment we had in the fall in the endowed colleges and the projected further under-enrollment we are going to have in the spring. And I'd be very pleasantly surprised if that didn't occur but we have to project. And the further drop in graduate enrollment. We have a further drop in graduate enrollment particularly tuition paying graduate enrollment that is causing this shortfall in tuition and fees. The graduate enrollment drop is not because we have a lot of students that don't want to come. I think it's a reflection in the drop in research funding. I think the individual support grants where faculty were supporting students on individual grants are dropping whereas some of our major center grants have gone up a bit and it made up the slack between those. Nevertheless that results in a shortfall in tuition. Accessory instruction is an estimate that comes out reasonably close.

"It takes us awhile to react when we invest out in our short-term pool and so we invest our overnight balances in short-term pools. Our rate that we are projecting now is five and a quarter yield on that for this year. Even though interest rates on that have risen, we should look for an increase in that. Anyone who invests in these gets themselves out far enough to get reasonable rates at the time we are in those rates and it takes us a while to turn those around. That may come up in the course of the year but it's still somewhat lower than we anticipated. So we are looking at about four and a half million dollars short in the general purpose budget of our projected income.

"In terms of expenses, we put down a potential over-funding of undergraduate financial aid. On the other hand Don Saleh says we are not going to need that \$500,000 so he thinks we are going to come out all right on financial aid. We're not going to have to put some away in enrollment reserve because we are anticipating a somewhat over-enrollment and we are not going to fund certain other items that were originally going to be funded. So we think that we are going to be about three and one half million dollars short if the projections come in for this year.

"Now we have some ways of dealing with that. I'm not going to go back to colleges and ask for in-year payback of funds as I did a couple of years ago when we were in financial difficulty. I think we will be able to make some adjustments and get through the year without having a major deficit at the end of the year but nevertheless that will eat up some of our short-term reserves if that continues in that way. The major thing that it goes back to is our enrollment and the critical nature of planning our enrollment and anticipating some of these issues about enrollment that seem to be coming to bear upon us right now. Let me tell you some of the thinking we have as far as the tuition is concerned.

"We are assuming an inflation rate next year of something in the order of three and a half percent. Some predictions are a little higher than that on inflation. They do not expect it to be as low as three percent as it was this year. We're looking at an increase in tuition. I announced in the Sun we were considering a five to six percent increase. My recommendation to the Board is probably going to be something like 5.3 percent which will bring us up to \$20,000 for this year and five percent going up for our future planning so that's \$24,000 by the year 2000. The graduate reduced tuition report recommended that we build up a reserve to help smooth in the transition to full graduate tuition a couple of years from now by raising the reduced tuition by a thousand dollars in each of the next two years and then implementing full tuition in 1997-98 which will require us to get a \$9.1 million increase in tuition but will then reinvest \$9.6 million of that back into financial aid for graduate students by the time this whole process kicks in. Those are our current estimates on that. They are probably somewhat rough and we will have to continue that.

"We have been in a process of discussing with the statutory colleges the issue of accessory instruction and the issue of coming to an agreement on unrecovered accessory instruction costs on the basis of how we have calculated accessory instruction. And we based our long term budget on the basis of fully recovering accessory instruction costs. That number now is \$2.4 million. Whether it will end up being that, I'm not certain, but for our planning numbers we've put that in there. Next year we will be recovering something like \$800,000 in accessory instruction recovery. The plan for our long-term investment pool is that we will continue to have a 5.6 percent increase in the payout. We're going to \$2.19 per share in 1994-95 and that will eventually go up to \$2.87 in 1999-2000, with a planned 2 percent growth each year in the number of shares. We've got it all revealed on our short-term pool - five and a quarter percent and that will probably go up so that will improve over time if the interest rate picture in this country goes on the way it is. So we are planning on a 64 percent indirect cost rate dropping at another point this year with a 3 percent increase in volume after time. Your guess is as good as mine as to what that is going to be but you have to put some kind of an estimate in there and that's what we've chosen.

"In terms of expenditure assumptions, If we go from what we had planned last year which was a four percent tuition rise in our long-term plan to this 5.3, our plan is to invest all of that change in salaries so instead of a 3 percent salary pool, we're looking at a 3.5 percent salary pool. With the benefit rise, that really means about a 4.5 percent increase in total compensation when you consider salary and benefits altogether. You may not feel that, but again, the costs to the university in providing that level of benefits is really 4.5 percent of the pool. We are going to be asking that we fully fund the faculty pool but for staff salaries, we will ask the units to dig a half percent of that out of their budgets. We are looking at an increase in maintenance allocations at about 4 percent. We have a slight increase in debt service because we are having to do some renovations that will allow us to relocate some things out of Sage. Graduate stipends will see a 4 percent increase. Financial aid, 8 percent through 1996-97. Graduate fellowships will increase at the rate of tuition. Then we are looking at a contingency. We are trying to get up to about 1 percent of the GP budget but currently that's only 1.2 million out of a 300 million dollar budget. There's not a lot that's left in my hands at the end of the year to play with.

"Now over the years, as you recall I've talked about the fact that we've had to tighten our belts for a number of reasons. So you've all been aware that the university has been tightening its belt in a number of areas. Let me just give you a progress report on that. We look at this 1992-93 base and then consider the reductions from the normal inflation on that base as if nothing was taken out. We've reduced the growth of those bases of about 211 million by 9.8 million dollars up until the end of this fiscal year. It is our plan to get us through financial equilibrium of a sort by the end of 1996-97 and to make additional reductions of this base of 1.8 million in the 1995-96 budget and 2.5 million in 1996-97. You will notice that is less than one percent and it's a little over one percent for the following year. Now if you look at the total here, you will notice that

the colleges reduced their overall budget growth rate by 4.7 percent. The amount of reduction we've made in the growth is equivalent to 4.7 percent of this 1992-93 base. This is what those numbers say.

"After we did our budgets last year we wrote to the units saying here are some things that you might want to be planning against for 1995-96. We've had a major discussion of how to deal with our research centers in the budget planning group. We've been trying to rationalize the amount of money that goes into that relative to indirect cost recovery that comes from each of those centers. And some of the things that are essentially paid for by the centers you could view as a general purpose subsidy. We've been trying to understand that and the fact of the matter is we gave Norm Scott some pretty aggressive numbers for him to look at in terms of planning. He's come back to us and I think we have a better understanding of the issues there and we are going to have to make adjustments there. I don't think we will make that size of adjustment in the research centers' budgets in the course of the next year. Of course, if we do that we have to find some other arrangements.

"In terms of libraries, we've asked them to think about \$250,000 in each of the next two years but I've said to the libraries if you can make those reductions, I'll give you back half of that for you to reinvest in getting the salary equity that you've been trying to get into the library system so we can make those adjustments in a reasonable sort of a way. The library has been thinking about this and I don't know where they are in their planning. I haven't had a chance to sit down with them yet and see how they are making out. Clearly it's a tough issue, but they do have real difficulties relative to trying to plan on their salaries. So I tried to give them some incentive to be helpful in this regard. The cuts to other groups, other academic programs, student services, over that period of time, will be 9.5 percent, 7.9 percent overall. So the reduction overall is 6.8 percent. We've tried to protect the academic units more than we have the central and some of the administrative and service units. So they have not just been across the board and within those units they've made other reductions. We still have to revisit each of those in each of the years as we go through our budget planning and we haven't given all of those targets to all of the individual groups at this point. That's where we seem to be heading."

Dean Stein: "May I ask a question about that?"

Provost Nesheim: "Yes."

Dean Stein: "Those three numbers on the top left, colleges 100 million, 2.9 million, and 105.7 million. You say the allocation in 1992-93 was 100 million, and in 1994-95 it will be 105 million. Now what's the 2.9 million?"

Provost Neshiem: "If we just had normal inflation going on and we hadn't asked them to cut back on their budgets because of salary programs being what they were, general expense, inflation, and so forth, it would have been 108 million roughly."

Dean Stein: "That says 8.8 million inflation in two years. It doesn't sound right to me. We haven't been running at 4.4 percent inflation per year."

Provost Nesheim: "Well, that's what it would have been in those colleges. There are a variety of reasons for that. I can't give them all to you right now but I think I could justify those numbers."

Dean Stein: "Ok."

Provost Nesheim: "The salaries and benefits went up. Even though the salaries only went up three percent, our salaries have gone up 5. something percent a year on salary and benefits and so it would have taken a good share of that. I know that this group has been interested in FTE's. These are budgeted FTE's and they are not body count but there has been a reduction of 60 FTE's in the general purpose budget in this area in that period of time. We anticipate at least another 30 budgeted FTE's reduction during that period of time and there are probably a number of other vacancies that are not filled but that are still listed as budgeted FTE's. There has been some reduction in overall people and we know that we haven't filled some faculty positions and done things like that. The overall five-year base line projection on the general purpose budget right now is that we have a reasonably level bottom line that's showing slightly negative at this point. I think that there are enough unknowns relative to our indirect costs and our investment incomes and so forth that I'm not too concerned. I think that we are running about 300 million and I think we are running relatively close to where we are going to need to be. Clearly we are not in a world that seems to be static. When we finished our budget planning last year, I kind of said well that was a tough thing to do but maybe we have ourselves in a plan that will sit for a few years and then we ran into these enrollment issues this fall and the federal government continues to talk about other issues so I think the financing of a university like this one will continue to be fraught with some uncertainty. I guess it's true of any private organization that has something to sell and something to make. I'm hopeful that we are going to leave the university in relatively good shape for the next president and provost when they come in and they may make a whole new set of assumptions and ideas that may change this five-year projection very much over the years ahead. I'll be glad to answer any questions you have."

Professor Howard Howland, Neurobiology and Behavior: "The most startling figure to me in that budget you presented was that 29.8 percent reduction on the research centers. That really stood out. Could you give us a little more background on that?"

Provost Nesheim: "First of all we looked at the departmental administration piece of the indirect costs and we've looked at the amount generated by the various centers and therefore the university return relative to that. So we've looked at that somewhat and said we're returning more than we've generated in some areas. Then we've looked very carefully how we actually fund some of the central laboratories, in particular the LASSP laboratories and how they are funded. I didn't understand it, the Dean of the college didn't understand it, and some of our budget people were not completely understanding as to exactly what the relationship of those fundings were. And so we kind of dropped in those figures in the budget last year to say 'let's get those figures on the table and let's have a look at it.' That's come back to us now. Norm has come back to us and I think has made some good discussion of that and so we are going to go back and adjust those numbers. It isn't that we have had it in for research and we are going to try to sock it to them, but on the other hand, we are getting constrained in our indirect costs and we do need to find ways where we are funding things with indirect costs to constrain expenditures in those areas."

Professor Donald Holcomb, Physics: "I'd like to say something about the tuition issue. I suppose this won't surprise the Provost since we've been exchanging discussions about this in the budget planning. Last year as the Provost has said, he presented a budget to us with a five-year plan which had the 4.6 percent for this year and the 4 percent the following. Not too long after that, this body produced a resolution which recommended rather strong control of tuition growth. I guess I would interpret this subsequent action as one way of saying that leadership is dangerous. We found then a substantial readjustment of that plan for this year and so far as I can see, no real direct reference to the faculty resolution of last year. And in case I'm mistaken, the Dean did not receive any direct feedback from the administration. The other angle is just to remind people of something I think everyone knows. We are again back at roughly 2 percent above and I think the critical thing is not really the CPI which is an easy thing to fix, but in fact is disposable family income. In 1980 we separated off the tuition rise from that and it's been going up to 2 or 3 percent above that since that time. We've heard these big numbers so long that I think they no longer shock us but let me put one in front of you just to remind you how it works. If we run at 2.3 percent above the disposable family income, the doubling time then is 30 years. In other words, Cornell student cost is roughly 25,000 now; 30 years from now it will be 50,000 dollars. This is in 1994 dollars and so that 50,000 dollars per student is to be compared against 1994-95 income. You say 30 years is a long time. On the other hand, there are most people in this room who within 30 years, will have grandchildren in college. There is almost no one young enough that that is not the case. The other aspect and this is one that I think is going to continue to haunt us. I believe quite strongly that the tie between this and the present financial aid policy simply is going to have to be broken. That is, equal needs policy at this institution and our peers. I just don't think can stand another five years of this the way we are growing. Financial aid population is growing at 2 percent per year. It doesn't take a genius to realize that as you draw the net tuition from a smaller and smaller fraction of the population, at some point it's

going to break and the question is not whether but when. And this is reality to our peer institutions as well as us. If not now, when will we try to meet this problem?"

Provost Nesheim: "I look at this in many respects also as an industry as opposed to an individual institutional phenomenon. I think that's something we have to look at very carefully. We are part of an industry that has a certain price structure which allows us to carry out certain activities and provide certain services which are attracting students to the institution and to maintain the quality of that institution. If we undertake a pathway that severely separates us from our peers in terms of the quality perceived or real, I think we do it somewhat at our peril. And so that's the dilemma that we have. Do we want to say that Cornell is going to make a fairly Draconian reduction in the things that we do and the services we provide and be perceived as having done that by the people who want to come here for a quality education who are willing to pay for it? I think we try to still be very modest in our aspirations in terms of increases in tuition. I have no idea what our peers are going to do over this coming year but I will wager that we still are not going to be in the high levels of what our peers are going to do. So it's a dilemma, Don. I wish I knew, but I think it's an industry phenomenon as much as it is an institution phenomenon to change that."

Professor Holcomb: "I think we are really going to have to look at the financial aid situation much more carefully."

Professor Ronald Ehrenberg, ILR & Economics: "One of the fun things of being on the Budget Planning Committee is that I get to think about a lot of issues. Don and I don't always come down in the same area and this is one point where we disagree. It has been interesting for me to watch the process because everybody else in the room, except the Provost when we go through this process, is worried about what does the bottom line mean for me and the Provost has to worry about what does it mean for the institution. He or she has to balance the budgetary fitness of the institution with issues like what does it mean for academic quality. The real concern I think many people on the committee had, which I personally agree with, is if we take any more things out, either in reduction in size or in terms of no increases, are we really going to compromise the quality of the institution relative to our competitors? When I look and I see a constant stream of faculty going from Cornell towards Duke, it sort of bothers me. I'd rather see the flow coming in the other direction.

"Finally, in terms of financial aid, how do you keep doing it? I think we err when we talk about what percentage of the students are receiving financial aid. People on the top, which is where we draw a lot of our students from, can afford to pay a lot more now than they could afford to pay before even though the mean family income has not gone up that radically. Mean family income of the top 20 percentile or the top 30 percentile has gone up more rapidly in recent years than the rate in which I think we have been raising tuition. The final thing to say is, think about what would happen if we raise tuition by \$1000 and I previously was not receiving financial aid, but now because I

was just at the margin, I get \$100 of financial aid. Well, the financial aid population has gone up but the net revenue of the University has gone up \$900 also. So in this business I think what universities have to think about is net revenue, not what fraction of the people are we giving something back to. We are very fortunate here at Cornell in that the demand for the product that the elite institutions are providing isn't falling here. It is falling at the level of institutions below us. It is sort of witnessed by what the University of Rochester has recently done. I guess the issue which Don raises is should we be a leader and lead before we absolutely have to? My fear is that if we did that, we would really harm the quality of the institution."

Unidentified Speaker: "Do I interpret your transparencies to suggest that aggressive enrollment management would solve a significant part of this problem?"

Provost Nesheim: "Yes, for the problem that I showed you for this year. We do have to manage our enrollment very carefully. 100 students now means 2 million dollars in overall revenue to the institution. It's important that we manage within some reasonable thing so we do have to make more careful enrollment management."

Assistant Professor Elizabeth Fisher, Mechanical and Aerospace Engineering: "Do you know for sure that most of those people graduating in the middle of the year are graduating early rather than late?"

Provost Nesheim: "No, we don't. It's probably a combination of both."

Dean Stein: "I just want to underscore what my colleague, Don Holcomb, said. I think that this business in the rise of the population that is on financial aid is a critical problem and one that will sink us in the end. I disagree with you entirely, Ron. If you have a population, part of whom is supporting the other part, and the line between who giveth and who receiveth is creeping up, that must be the road to disaster. There is no way out of that."

Professor Ehrenberg: "Everyone who comes here receives this because everybody pays less than the full cost."

Acting Speaker Cooke: "The chair has the responsibility for keeping us on schedule so do we need to put this on the agenda for later?"

Dean Stein: "I'd like to finish the thought. In my opinion, having looked at these numbers again and again, the one single number that you could look at that indicates the danger the most is that number that indicates the increase of people who are on financial aid. While it is true that someone who is right at the border only gets \$100 of financial aid, you do not ever receive any more tuition from that person no matter how much you increase the tuition. That number is now at about a family income of about \$120,000 a year. We no longer will receive any additional income from families that

are making less than \$120,000 a year no matter how high we raise the tuition and that strikes me as very dangerous.”

Susan Murphy, Vice President for Student and Academic Services: “I believe that \$120,000 figure would apply if there were more than one child in college. That figure is considerably lower for one child in college.”

The Acting Speaker called on Dean Cohen for a discussion of graduate task force program reviews.

3. GRADUATE TASK FORCE PROGRAM REVIEWS

Walter Cohen, Dean of the Graduate School: “The handout that you got on the way in on the Graduate Task Force Program Reviews (Appendix B) is the only part of the report that we have a draft of that we can show around. What we are trying to do as we go on this is to get it in front of as many people as we can. What the task force will do in late February and the beginning of March is take the drafts that have been written and the comments from different groups and then revise them and put them together into what is potentially a coherent report. So the purpose of this brief conversation today is to get responses to that. I should say that there is a certain amount of detail to this but the first question I'd like your responses on is: ‘Are program reviews a good idea or a bad idea?’ If they are a bad idea, then we need not discuss the details. If they are a good idea then we can negotiate on the details. So the first question is not how to do it, but whether to do it.”

Acting Speaker Cooke: “Are you looking for a response?”

Dean Cohen: “Yeah, that's the idea.”

Dean Stein: “Why not define ‘program review’ so we know what we are talking about. What programs are involved and what do you mean by a review?”

Dean Cohen: “Our charge is about graduate and professional education. Our belief is, however, that there are a lot of reviews that already go on in the university - primarily, although not exclusively, on the statutory side. And for that reason and also because there is no intrinsic reason why graduate programs are more worthy of review than other aspects of academic programs, say undergraduate education, economies of scale and other sorts of rationality interlocking the two would suggest that where possible you do an omnibus review of a program which could be like the History Department or the Physics Department or Mechanical Engineering or like that. In other cases that won't be possible. The graduate fields, for instance, do not have undergraduate analogs and those would have to be dealt with separately. So we would see the graduate review as part of one of those omnibus reviews where possible. That's what we are talking about here.

"The review has three components which are self assessment by the unit, outside peer review and the internal review by colleagues and students drawn from both ancillary disciplines, and perhaps university-wide, and there are rationales given for all of those. The primary logic of the reviews is meant to focus on the internal self assessment and the argument that people have made is that 'let's say we're right, and it costs \$10,000 a shot but you get \$10,000 back just in terms of improved quality and better use of resources.' A second reason is reallocation of resources. We are operating on the principle on the task force that the total amount of money available for graduate education, although in the best of circumstances, rises slightly but it might decline a fair amount. We're not operating on the assumption of an absolute catastrophe, say resources cut in half. If that happens, I think you would want a different kind of report. So we are imagining a probability of continuing belt tightening without strangulation. As I said, if there were catastrophic changes I think it would be a clear mandate to close down programs in a fairly widespread way as opposed to cutting everything back to sixty percent. I don't think we could sustain a lot of the programs that way. We are not assuming that. That doesn't mean we are excluding the possibility of closing some programs down but we are not assuming a catastrophic change. If that happens I think this stuff will have to be revisited. We're just assuming a tight situation."

Harold Bierman, Nicholas H. Noyes Professor of Business Administration: "I would like to see you get some basic core information about the quality of students and economics of the programs, and so on, so that we could form an evaluation of whether we wanted real money spent on the next step. Right now I don't have enough information to really give you a directive as to whether or not I want a full blown assessment of all the programs but it is entirely possible that there could be some programs at Cornell that would warrant an external review - external meaning other than the department itself or the school itself."

Professor Howland: First of all, let me say I'm very strongly for the program, it's a very useful instrument. I have one worry that I want to bring out. Cornell has a unique graduate system in its fields that go across departments and there are very important fields I think which have virtually no resources. So I worry very much we will get a process which will develop a check list and those little fields are going to have a lot of blanks on that check list and could fall between the cracks."

Dean Cohen: "Why is that a probability or even a rational danger?"

Professor Howland: "There are fields by comparison to other fields which produce very few graduates."

Dean Cohen: "It seems to me that when for instance you talk about the number of applicants, the relevant issue there to me would be not that there are only twenty applicants in a program. It would be relevant if there were twenty applicants and only thirteen enrolled, then I would say that there is a prima facie problem there compared

to other programs. I could be wrong about that in that case, but I would want to look at that. A program that has twenty applicants and accepts half a dozen of them and enrolls three a year, that we see has critical mass, what's the problem in that? I don't see any problem in that. So in the issue of numbers there is a question of selectivity and then the only other side of that is critical mass. We are particularly concerned about critical mass in the relationship to humanities where we have been squeezing the program smaller and smaller in order to keep on approving financial support. But I don't think absolute numbers would be the way to go on that. I wouldn't assume that bigger programs are better programs."

Acting Speaker Cooke: "Just a moment. The scheduled adjournment time is 6:00 PM. That's 13 minutes from now. Are there any items that need to come before us before the adjournment time so I will understand how to pace the discussion, under new business? We have one item. So we will finish this in another three minutes."

Assistant Professor John E. A. Bertram, Anatomy: "With the professional programs it is fairly common to have a program review and to evaluate how well the program is working. But with the fields that have no direct budget, how are they supposed to respond to a program review?"

Dean Cohen: "I guess I assume standard things you know, data, for instance."

Professor Bertram: "If you came to a result that it was good or bad, let's say that it was negative, that something needs to be done, how can a field respond to that?"

Dean Cohen: "Well, some of the conclusions about good or bad would not turn on a financial axis for instance. It just seems to me there are some programs where we are advising students better than others and that has to do with the faculty commitment to the program and that's a non-budgetary issue. It's a time issue but not a budgetary issue. Budgetary issues to some extent, have to do with what a college or provost office, directly or indirectly, is willing to put into those fields and that would be a resource allocation issue. Fields aren't in reality self-financed. Some of them feel like they are, but it is rarely the case. There are questions in terms of support programs that range from TA support that is available or fellowship support that is available to those fields, to facilities decisions - are we willing to put money into building X or Y and those issues are in the long run crucial to fields. A field can respond to a report by making those changes if they are problematic ones that are in its power. I would hope that the self-assessment part if we go through with this, would be one in which fields would lay out a program. The external reviewers and internal reviewers from other programs would have that report before they report and that ought to give us some idea of what's going on in the field. I suppose what you were talking about is in the end of the paragraph on page two - 'In decisions on resource allocation, a seriously self-critical attitude and a willingness and ability to change will count in a program's favor.' The unstated, but I think clearly implicit inference from that is that in decisions

on resource allocations, an unself-critical attitude or an unwillingness or inability to change will count against a program. If you want to know what this is going to be and how it will be carried out and what the decisions will be, I don't have the slightest idea. But I do want to say that was written deliberately to leave open the possibility that a weak program showing clear signs of improvement and an upward trajectory might be one that might actually have resources moved to it. That's a theoretical possibility. It depends on how much money there is. A strong program that shows signs of actually declining might actually be cut. That's conceivable. But there would have to be decisions about where we are going to go only for our strong programs or not. That isn't addressed in this. My guess would be, and this is only a guess, is that the tighter the budget the more the pressure would be to go only with the strong programs. That would be my guess."

Dean Stein: "I happen to think this is a good idea but people may disagree. It is important that we get some kind of a response. One thing you could do is write either Walter or me by e-mail and say whether it's a good idea or a bad idea."

Dean Cohen: "Better to write to Christine Ranney by e-mail."

Acting Speaker Cooke asked whether there would be an FCR committee looking at the issue.

Dean Stein replied: "Not at the moment, except if someone wants to refer it."

Dean Cohen: "I'm sure that Christine would be willing to report on the progress on these documents in the spring semester."

Acting Speaker Cooke: "We will switch topics. Professor Baer."

4. NEW BUSINESS

Professor Richard Baer, Natural Resources: "If you were a member of the FCR in February of '93, you will recall that Roger Cramton from Law and I raised some questions at that time about the HIV/Aids policy at Cornell. A new draft policy, 6.1, has come out and in some ways I think is a substantial improvement over the last policy. I think some of our objectives about having a chilling affect on freedom of speech and academic freedom have been reasonably met and I want to commend the people who worked on it. I'm very interested in the whole issue of our treatment of the handicapped and my wife is severely handicapped with multiple sclerosis and I think all of us have seen enormously positive changes over the last ten years or so. I was out at the mall yesterday evening and must have seen six or eight wheelchairs running around the mall - some on their own, some with people pushing them - and if you compare that with 10 or 20 years ago when you hardly ever saw that, I think we recognize the enormous strides that we've made as a society in compassion and

concern for handicapped people. And I realize that to some extent the policy 6.1 is constrained by state and federal law. Wendy Tarlow, Assistant University Counsel, has been helpful on this although she hasn't gotten all of the answers as to how much we are constrained and how much freedom we have to shape our own policy. The concern I have is particularly the conflict between potential legal constraints and moral concerns of the policy as it stands. Let me point to one particular item which was also a concern."

Professor Howland: "Point of order, Mr. Chairman, may I ask what's going on?"

Professor Baer: "This is under new business."

Acting Speaker Cooke: "There is no motion pending."

Professor Baer: "I'm just expressing a concern under the area of new business."

Dean Stein: "I think it's in order for a faculty member to raise a concern under new business."

Acting Speaker Cooke: "There is no motion pending as far as I know."

Professor Baer: "No."

Acting Speaker Cooke: "You're not leading to one?"

Professor Baer: "No, although I have a recommendation."

Acting Speaker Cooke: "That's not going to be considered today."

Professor Baer: "Probably not. I hope we have the option of speaking to each other under new business; otherwise, I think we could communicate better through writing. On page seven of policy 6.1 we read 'Supervisors, advisors and other university employees who become aware in the course of their work of an HIV infected employee or student must maintain confidentiality. Exceptions will be made only with the written permission of the infected individual.' And just before this we read the caution: 'Breaches of confidentiality are subject to disciplinary action. The problem I have with this and it was the same problem that Roger Cramton expressed two years ago, is that I can easily conceive of myself as being in situations that I would consider myself morally obliged to violate that requirement. Let me give a hypothetical. If I happen to learn of a student or university employee or faculty member, staff person, who was HIV positive and who was thinking about having sex with another person or persons and was not going to inform those persons, I would feel morally obligated to break the policy in its present form or New York State Law. It would seem to me that any reasonable judgment about this issue, and this was Roger's point two years ago,

where we have what is potentially a life-death situation, we ought to be able to find some other way to phrase this so that the responsibilities and so on are shared on both sides. The really interesting thing about the policy as it stands now is that all the obligations and all the potential disciplinary action are on the side of the people who are not handicapped or in this case, infected. The infected people have zero obligations under this policy as it is expressed. The empirical data on this is not too encouraging. I spent an afternoon or two in the library and the *New England Journal of Medicine* and the Journal of the *American Medical Association and Nature* and various other periodicals and where they do have data on notification, it is not at all encouraging, for instance in North Carolina, and other places. I would simply like to recommend that whoever is involved in formulating the policy, that they put more work into it. I would like to recommend possibly if we have some time under 'old business' or discussing it further here as we did in February of '93. It seems to me it is not a balanced policy. It's a politically correct policy, but it reflects little of the kind of concern that the academeologists and people in public health have had for dealing with what has been an epidemic of very serious proportions and is still a very threatening part of public life together. I find that as it stands now, all of the obligations on one side, all of the potential discipline on one side, no obligations or potential disciplines on the other side. This just seems unreasonable to me. I consider it not part of a civilized community to know that someone might give the death sentence to someone else and we would be constrained by our university policy not to warn that person. This just seems very, very strange indeed to me, and I would just like to suggest that we might have further discussion of this among the faculty and perhaps have recommendations for those involved in formulating the policy."

Acting Speaker Cooke: "You might talk to the Chair of the Executive Committee to have it considered an agenda item. We ought to save these last two minutes to see if there are other subjects that people would like to comment on. Is there something else that needs to be stated? The meeting is adjourned."

Adjourned: 5:58 p.m.

Robert Lucey
Secretary of the Faculty

**Faculty
Council of
Representatives
Budget Planning
December 14, 1994**

- Here is an attempt at an agenda and the topics of the following slides.

Agenda

- I. Overview Where we are in budget planning?
- II. Tuition Comparative Market Information
- III. Enrollments
- IV. Research Volume and Recoveries
- V. Compensation
Faculty Salaries
Benefits
- VI. Draft Planning Assumptions
- VII. CIP budget with Planning Assumptions

- The rate of increase is for 1994-95.
- Cornell- endowed had the lowest increase in this group in terms of percent.
- Only Penn and Stanford have tuition and fee levels lower than Cornell-endowed.

Tuition and Fees Ivy League and Selected Others

	<u>1992-93</u>	<u>1993-94</u>	<u>1994-95</u>	<u>94-95</u> <u>%increase</u>
MIT	\$18,000	\$19,000	\$20,100	5.8%
Brown	17,865	19,006	20,028	5.4
Princeton	17,750	18,940	19,900	5.1
Yale	17,500	18,630	19,840	6.5
Harvard	17,674	18,745	19,820	5.7
Dartmouth	17,334	18,375	19,650	6.9
U. Chicago	17,346	18,207	19,236	5.7
Columbia	16,918	17,948	19,110	6.5
Cornell (endowed)	17,276	18,226	19,066	4.6
U. Penn.	16,838	17,838	18,856	5.7
Stanford	16,536	17,775	18,779	5.6

- This is as of the 8th week which is our published - we now have 14th week data and it decreased slightly:
 - CALS (10) 3,131
 - AAP +3 527
 - Arts (11) 4,039
 - Engineering (2) 2,567
 - Hotel 3 730
 - Human Ecology (1) 1,266
 - ILR 0 644
 - Internal Transfers 0 69
 - (18) 12,973

Undergraduate On-Campus Fall Enrollment Ithaca Campus

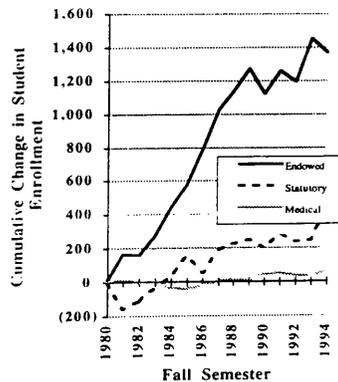
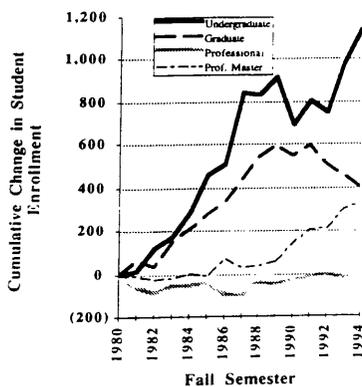
(Registrar counts as of 8th week)

	Actual 1993	Plan 1994	Actual 1994	Variance 1994
CALS	3,050	3,058	3,141	83
Architecture	533	519	524	7
Arts and Sciences	4,065	4,070	4,050	(20)
Engineering	2,598	2,591	2,569	(22)
Hotel	713	728	727	(1)
Human Ecology	1,260	1,259	1,267	8
ILR	564	612	644	32
Internal Transfers	64	69	69	0
	12,847	12,906	12,991	85

Endowed GP	7,260	7,249	7,212	(37)
Statutory	4,874	4,929	5,052	123

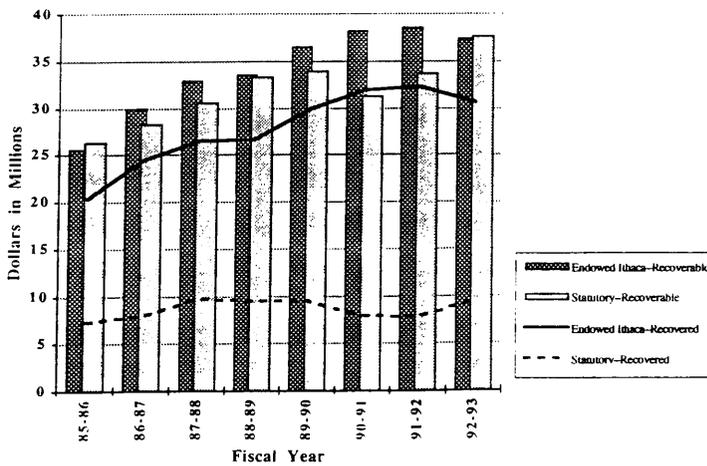
- These are both cumulative change graphs. (Not total enrollments)
- The graph on the left shows the jump in undergraduate enrollment in fall 1993 (engineering). It also shows the slowing of graduate enrollment with a corresponding increase in professional masters programs (mainly Master of Engineering.)
- The graph on the right shows this by division instead of by class.

Cumulative Change in Full-Time Enrollment



- These are actual dollars in millions.

History of Indirect Cost Recovery



- Source: IPR

- Since 1980, Cornell has moved from 16th to 13th.

- The 3 schools that had been ranked higher than Cornell in 1980 and are now lower are primarily state funded schools

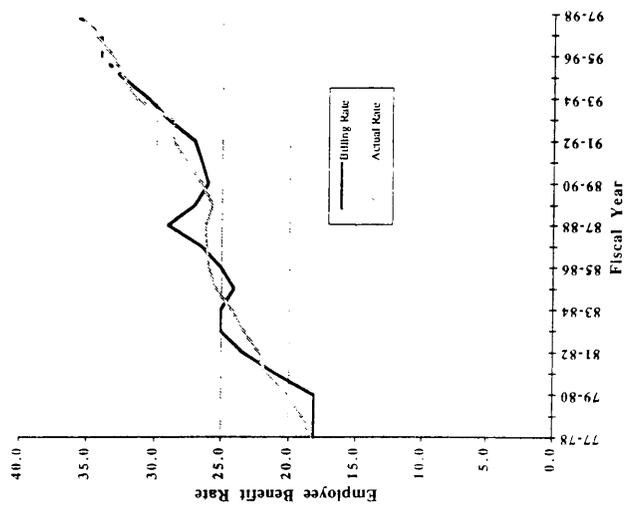
Michigan, UC Berkeley, UCLA

Average Faculty Salaries 15-Year Change Among Peer Institutions

Institution	79-80	93-94	Average Annual Growth
Harvard	\$30,018	3 \$80,443	1 7.3%
Stanford	30,416	1 79,939	2 7.1%
MIT	28,888	5 76,808	3 7.2%
Princeton	27,360	15 76,752	4 7.6%
Penn	29,202	4 75,268	5 7.0%
Chicago	28,477	8 74,820	6 7.1%
NYU	27,526	14 74,391	7 7.4%
Yale	27,970	10 73,876	8 7.2%
Northwestern	27,854	11 72,764	9 7.1%
Columbia	30,227	2 72,176	10 6.4%
Rutgers	28,751	7 71,988	11 6.8%
USC	27,823	12 68,701	12 6.7%
Cornell (Endowed)	27,030	16 67,518	13 6.8%
Michigan	27,801	13 66,894	14 6.5%
Dartmouth	25,417	20 65,777	15 7.0%
UC Berkeley	28,852	6 64,101	16 5.9%
Brown	25,426	19 63,465	17 6.7%
UCLA	28,153	9 62,177	18 5.8%
Texas	25,618	17 61,365	19 6.4%
Maryland	25,465	18 59,486	20 6.2%

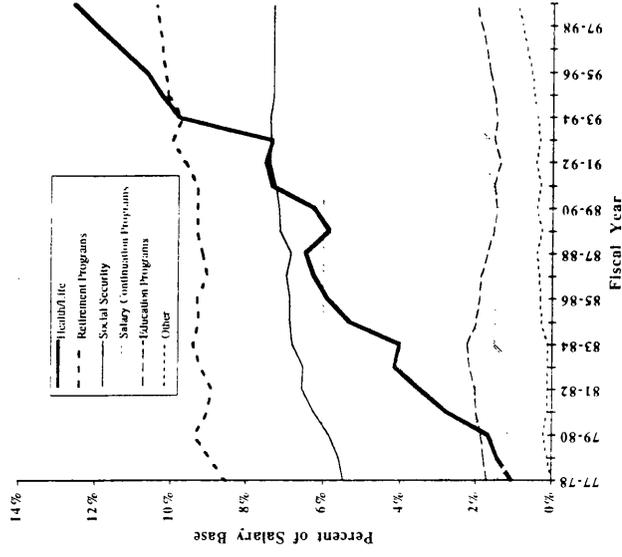
- The solid line is the billing rate that is used as the basis of charging and pooling the benefit recoveries as salary expenditures are incurred.
- The light dotted line is the reported costs in the endowed Ithaca benefit pool.
- This shows that we over-recovered in 1987-88, and then reduced the rate.
- The opposite happened this past year, where our actual costs were greater than our billed recoveries.

Employee Benefits Rate Endowed Ithaca



- This shows the major components as percent of salary base over time.
- Health and life have increases most significantly.
- This is partially due to FAS106 in 93-94, but also represents the double digit medical growth trend expected.

Employee Benefits – Components Endowed Ithaca



- This reflects the current five year model.
- There are a few changes from what we sent out to units
 - Tuition up from 4 to 5.3 %
 - STIP lower net rate
 - Salary programs slightly higher

Preliminary General Purpose Budget Five-Year Planning Assumptions

Revenues

5.3% increase for 1995-96, followed by 5.0%, 1994-95 increase from \$19,000 to \$20,000 growing to \$24,310 by year 2000.

Increase from 1994-95 base of \$6,000 by \$1,000 in each of next two years, followed by implementation to full tuition in 1997-98 (\$9.1 million increase in tuition and \$9.6 in financial aid).

GP undergraduate on-campus enrollment planned at 7,135 through 1996-97, followed by 7,110 through 1999-00. (Currently 7,088 on -campus)

GP graduate enrollment planned at 2,415. (Currently 2,401)

Phased implementation of new model with GP budget collecting \$2.4 million of previously unrecovered costs (fully implemented in 1997-98).

5.6% increase in payout growing from \$2.19 per share in 1994-95 to \$2.87 in 1999-00. Planned 2% growth in shares.

5.25% net return on average fund balances
Budget planning number of 64% federal rate with a 3 percent increase in volume.

Tuition (full)

Tuition (reduced)

Enrollment

Accessory Inst.

L:TIP

STIP

Indirect Cost

- There are a few changes from what we sent out to units
 - Salary programs slightly higher
- Financial aid assumptions are our budget planning targets - the current financial aid forecast is between 10.8% and 12.0 % increase.

Preliminary General Purpose Budget Five-Year Planning Assumptions Expenditures

Salaries	3.5% pools. In 1995-96, GP units will fund 0.5% from unit sources for staff salaries.
Benefits	Base rate increasing from 32.5% in 1994-95 to 37.0% in 1999-00. Academic rate 2.5% above the base rate for sabbaticals.
Plant O&M	Utilities and maintenance allocations planned at 4%.
Debt Service	Increases for "Sage Shuffle" project and transportation plan.
Grad Stipends	4.0% increase in minimum.
Financial Aid	8.0% undergrad through 1996-97, followed by 9.0% in following years (due to a reduction in restricted gift commitment). Graduate fellowships increase at rate of tuition.
Contingency	Targeted at 1% of total GP budget, currently \$1.2 million, with plan to grow to \$4.0 million in 1999-00.

- Tuition and fees lower than planned for both graduate and undergraduates.
- Accessory Instruction reflects revision of hotel based on agreement.
- Investment reflect last years actuals and reduced short term balances, short term rates.
- Bundy aid based on current payment schedule.
- ICR assumes, volume flat with rate lower by one point from plan.
- My current estimate of financial aid is \$500K. Financial aid assumes that this will be covered by restricted gifts and endowments.
- Since our undergraduate enrollments are expected to be less, I am assuming that we would not fund the enrollment reserve.
- Sources to cover deficit: enrollment reserve, utilities contingency, TBA, unallocated contingency.

General Purpose – In-Year Forecast

\$ in Millions	93-94	94-95	94-95	Variance
	Actual	Plan	Forecast	to Budget
Resources				
Tuition and Fees	169,956	178,271	174,609	(3,662)
Accessory Instruction	10,121	11,403	11,170	(233)
Investments	25,546	27,459	25,981	(1,478)
Gifts	3,815	4,186	4,186	0
Bundy Aid	1,398	1,463	1,681	218
Overhead Recoveries:				
External	33,053	32,330	32,362	32
Internal	43,244	45,838	46,113	275
Miscellaneous Income	3,324	1,950	2,250	300
Total Resources	290,457	302,900	299,661	(4,548)
Expenditures/Allocations				
Operating Allocations	185,611	187,263	188,699	1,436
Utilities	13,982	14,795	14,795	
Insurance	1,116	960	960	
Library Acquisitions	5,581	5,804	5,804	
Research Support	813	813	813	
Subsidies (Desig. Units)	6,771	6,771	6,771	
Undergraduate Fin. Aid	30,485	33,391	33,891	500
Graduate Funding	28,139	28,979	28,979	
Student Wages	1,357	1,384	1,384	
Central Debt Service	4,054	5,249	5,249	
Other Expense/Allocations	11,810	15,986	14,550	(1,436)
Enrollment Reserve	715	1,505		
Total Uses	290,434	302,900	301,895	(1,505)
Net from Operations	23	0	(3,543)	

- These were the basis of the targets distributed earlier this fall.
- I have added the budgeted FTEs which is both faculty and staff. The decreases greatest in research centers, engineering, facilities.

General Purpose Base Budget Allocations

(S in thousands)

<u>Unit Allocations</u>	<u>92-93 Base</u>	<u>FY93 to FY95 Reductions</u>	<u>94-95 Allocations</u>	<u>Reductions 95-96</u>	<u>96-97</u>	<u>Total as % of FY93 Base</u>
Colleges	\$100,404	\$2,924	\$105,717	\$900	\$900	4.7%
Research Centers	4,688	597	4,503	400	400	29.8
Libraries	17,553	518	18,951	250	250	5.8
Other Academic Programs	3,892	330	4,123	8	0	8.7
Student Services	8,896	721	9,039	60	60	9.5
Central Support	<u>75,759</u>	<u>4,734</u>	<u>77,148</u>	<u>233</u>	<u>985</u>	<u>7.9</u>
Total	\$211,195	\$9,827	\$219,483	\$1,851	\$2,595	6.8%
FTEs	2,957	60	2,897	10	20	

- This is the current view of the model with the previous assumptions rolled in - tuition at 5.3%.
- This includes the base reductions shown at the bottom as having been accomplished.
- This does not include the additional O&M for the new buildings - estimates are being developed.
- This does include investments totaling \$4.3 million in 1995-96 growing to \$9.7 million in 1999-2000.
- This includes the addition of \$3.1 million of additional Public Affairs funding in 1999-2000.

General Purpose Budget – Five-Year Base Line Projection

(\$ in Millions)	Base of					
	94-95	95-96	96-97	97-98	98-99	99-00
Tuition, Fees, Accessory Instruction	\$185.8	\$198.2	\$209.1	\$228.6	\$239.9	\$251.7
Investments (LTIP/STIP)	26.0	27.5	28.3	30.1	32.1	34.2
Unrestricted Gifts	4.2	4.3	4.4	4.6	4.7	4.9
Bundy Aid	1.7	1.7	1.7	1.7	1.7	1.7
Overhead Recoveries	78.6	80.4	83.8	86.9	90.1	93.4
Miscellaneous Income	<u>2.1</u>	<u>2.1</u>	<u>2.2</u>	<u>2.2</u>	<u>2.2</u>	<u>2.3</u>
Total Income	298.4	314.2	329.6	354.0	370.6	388.1
Salaries & Benefits	159.6	166.8	172.1	178.9	185.9	193.3
General Expense	20.6	21.0	21.4	21.8	22.3	22.8
Physical Plant	24.7	25.7	26.8	27.8	28.9	30.1
Library Acquisitions	5.8	6.0	6.3	6.5	6.8	7.1
Research & Designated Units	6.4	6.6	6.8	7.0	7.2	7.4
Undergraduate Financial Aid	33.9	36.6	39.5	43.1	47.0	51.2
Graduate Financial Aid	28.9	30.2	31.6	42.7	44.7	46.8
Debt Service	5.2	6.1	6.8	6.8	6.8	6.8
Other Expense	<u>16.8</u>	<u>17.8</u>	<u>19.5</u>	<u>21.9</u>	<u>23.1</u>	<u>26.3</u>
Total Expense	301.9	316.8	330.7	356.5	372.6	391.6
Net from Operations	(3.5)	(2.6)	(1.1)	(2.5)	(2.0)	(3.5)
<i>Cumulative Base Reductions Included</i>		1.9	4.5	4.6	4.8	4.9

Graduate Task Force Program Reviews

A careful system of program reviews has the potential to improve graduate and professional programs by encouraging a better use of existing resources. The major gain--in enthusiasm and sense of direction--will probably come from each field turning a critical eye on itself. Secondary benefits will result from shifts in resources within and across fields, as well as from structural changes. These shifts will make it possible to invest in new and promising areas, to build on traditional strengths, to help areas--strong or weak--that show promise of improvement, and to reduce areas that do not. Structural reorganization can include division, amalgamation, reorganization, or elimination of fields. Such decisions can be made in the field and department, in the college and Graduate School offices, and at the central administrative level.

Both anecdotal information and a brief look at other universities' experiences suggest that it is hard to do really effective reviews. Formal evaluation can generate paranoia and a wagon-circling mentality within target programs, encourage impossible wish!lists of new resources along with frustration when such requests go unmet, and use up a lot of time and money (\$10,000 per review?). Further, the most important evidence of quality--especially the eventual contribution to society of degree recipients--is the hardest to measure while other indicators--excellence of faculty or of theses--are difficult to influence. A commitment to program review must be tempered by these concerns, which should inform the design of the entire process.

For both academic and economic reasons, the evaluation of graduate and professional programs should be part of a larger process of review that includes not only research but also, where relevant, undergraduate education and extension as well as other outreach activities. Similarly, wherever possible reviews should build upon, rather than duplicate, current assessments of quality (e.g. CSRS, NIH, NSF). Each program should be evaluated regularly (for example, every seven years--or almost 15 reviews per year, university-wide). Dual intellectual standards are appropriate--the best programs in the country (or the world) in the discipline under review and the best programs at Cornell, particularly in ancillary fields.

Three bodies ought to participate in each review, so as to produce contributions from multiple frames of reference. The most important group, consisting of the members of the program under evaluation, will be responsible for gathering and maintaining reliable data (if they do not already exist) and especially for thinking of ways to improve. This work

should enable different programs to share information with each other more easily and should help establish standard, effective, university-wide operating procedures. More crucially, it should be designed to guide the unit throughout the period between evaluations. Annual program reports, where these exist, could provide interim assessments. In decisions on resource allocation, a seriously self-critical attitude and a willingness and ability to change will count in a program's favor.

Second, an external group will provide a national view of a program. Primarily composed of academic specialists in the same discipline, it may also include scholars in related areas or people from outside the academy. In an era of few new faculty appointments, opinions from beyond Cornell will prove particularly valuable not just in inspiring self-scrutiny but also in renewing intellectual vitality here. The external team should be drawn from lists assembled both by the program under review and by the internal advisory committee (see below), and will be charged to make proposals to the relevant dean(s) in the context of budgetary constraint.

Finally, internal standing committees will provide cross-disciplinary, intra-university perspectives designed to assess relative quality, to identify programs worth evaluating together, and more generally to recommend the redrawing of academic boundaries. Combining faculty with graduate and professional students, these committees should be constituted from elected bodies (e.g. the General Committee and Fellowship Board of the Graduate School, the Academic Policies Committee of the FCR, the Humanities Council, the GPSA). They will advise the administrators charged with making and carrying out decisions—from GFRs to the President—on all aspects of the review process. One or two members of the appropriate internal committee will also serve on each external review team. Both the evaluated program and the standing committee will have an opportunity to comment on the report of the external reviewers.

The criteria of quality include the following.

1. The ability of entering students (number and stature of applicants, percentage of those admitted who enroll, relative and absolute size of the financial offer, diversity of the student body);

2. Faculty achievement (research and creative work, but also teaching, advising, outreach);

3. Program of study, broadly conceived (intellectual quality, courses, curriculum, advising, time-to-degree, attrition, teacher training, ethics);

4. Facilities (libraries, labs, performance space, equipment, support services, work space);

5. Student professional accomplishment during graduate or professional school;

6. The nature of student contributions to teaching, research, and outreach here;

7. Excellence of theses or projects (measurable in part through thesis abstracts, standing of journal or press that publishes the research, the publications themselves, etc.);!

8. Job placement (standard criteria, but also the "fit" between the training at Cornell and the actual jobs available; movement to second jobs in the first few years; tenure success);

9. Graduates' eventual contribution to their field and society (partly defined by extradisciplinary and extra-academic criteria);

10. Overall impact of the program at Cornell and beyond--locally, nationally, internationally (perhaps a summary of several of the above).

Walter Cohen

12/6/94

MINUTES OF A MEETING OF THE FACULTY COUNCIL OF REPRESENTATIVES
February 8, 1995

Fifth Meeting of the Academic Year
(Numbers in parentheses indicate attendance at meetings to date)

Present: **CALS:** Awa, N.E. (4); Baer, R.A. (5); Davis, P.M. (3); Liebherr, J.K. (3); Lucey, R. (4); Nasrallah, M.E. (1); Parks, J.E. (3); Pritts, M.P. (5); Reeve, H.K. (3); Rockcastle, V.N. (5); Setter, T.L. (2); Smith, M. (5); Tauer, L.W. (3); Trumbull, D.J. (3); Whitlow, T.H. (1); Yavitt, J.B. (4). **Geneva:** Koller, W. (3). **AAP:** Cruvellier, M. (4); Kord, V. (4); Saltzman, S. (3). **A&S:** Albrecht, A. (4); Ashcroft, N.W. (4); Bem, D.J. (2); Cotts, R.M. (4); Fay, R.C. (5); Geber, M.A. (3); Harris-Warrick, R. (1) (spg. only); Hirschmann, N.J. (5); John, J. (1) (spg. only); Kalos, M.H. (1); Regan, D.T. (4); Roldan, M.J. (1); Shanzer, D. (5); Shapiro, G. (3); Smith, A.M. (4); Stark, D. (2); Vogelsang, T.J. (3). **Engr.:** Boyd, I.D. (4); Fisher, E. (5); Giannelis, E. (5); Gubbins, K. (2); Jirka, G. (2); Liboff, R. (2); Lo, Y-H. (1). **Hotel:** Chase, R.M. (4); Sherry, J. (5). **H.E.:** Brenna, T. (4); Hahn, A. (4); Obendorf, K. (4); Street, L. (4); Wethington, E. (4). **ILR:** Ehrenberg, R.G. (4); Kuruvilla, S. (2); Lieberwitz, R. (3). **Law:** Green, R.A. (4). **Vet. Med.:** Ball, B. (2); Casey, J.W. (2); Dubovi, E.J. (2); Kallfelz, F.A. (4). **At-Large:** Abowd, J. (4); Allen, J.A.V. (4); Bierman, H. (5); Decker, D. (3); Earle, C.J. (5); Holcomb, D.F. (4); Howland, H.C. (3); R. Schuler (1) (spg. only). **Faculty Trustee:** Calvo, J.M. (3).

Guests: J.R. Cooke; H. Dullea; F.H.T. Rhodes; J. Wiesenfeld

Absent: **Afr. Ctr.:** Greene, S.E. (4); **CALS:** Gebremedhin, K. (2); Luckow, M.A. (3). **Geneva:** Nyrop, J. (1); Rao, M.A. (3). **A&S:** Bretscher, A.P. (1); Devenyi, J. (2); Hayes, D. (2); Keil, F. (2); Kennedy, K.A.R. (4); Peirce, L. (2); Pelliccia, H.N. (3); Strang, D. (1); Thorne, R. (0) (spg. only). **Engr.:** Mukherjee, S. (0) (spg. only); Rand, R. (2); Sachse, W.H. (2). **JGSM:** Isen, A.M. (2). **Law:** Taylor, W.F. (0). **Libr.:** Atkinson, R.W. (4). **ROTC:** Eason, C. (1). **Vet. Med.:** Bertram, J.E.A. (4); Hermanson, J.W. (3); Randolph, J.F. (4). **At-Large:** Lumley, J.L. (0).

The Speaker pro tem, J. Robert Cooke, Agricultural and Biological Engineering, called the meeting to order. He indicated a very full agenda but no quorum yet. He asked anyone who had not yet signed in to please do so.

The first agenda item was a presentation by Vice President John Wiesenfeld.

1. REPORT ON THE CONSORTIUM ON FINANCING HIGHER EDUCATION (COFHE)

John Wiesenfeld, Vice President, Academic Programs and Planning: "You may recall that Dean Stein, at one of the earlier meetings this year, referred to a survey that had been done, the so-called 'COFHE' survey. I thought it would be useful if we could at least report to you a little more of the details of that survey, because a number of very interesting questions have been raised regarding it. This is a survey that was carried out in collaboration with a large group of members of the Consortium on Financing Higher Education, COFHE. These are basically what I would call the highly selective private colleges and universities across the country. The survey covered a number of

aspects, but I'm only going to be talking very briefly about the part that had to do with student satisfaction in the evaluation of the undergraduate experience.

"Just to give you some idea of who participated in the survey, we were one of a rather large group that included a good selection of Ivy and other universities as well as co-educational and women's colleges. We had 2,874 seniors to whom we sent surveys and had about 900 returned, or about 33 percent. We administered the survey during the middle of the spring semester. Other schools had all sorts of methods for doing this. One of the favorites I heard was to hand out coupons for ice cream that you could turn in along with the survey. We may try that next time in order to get participation rates higher. The GPA of the students who participated was a little bit higher than the GPA of the senior class in general. This is not self-reported; we actually had the demographic information from our data bases. I might tell you that students' satisfaction is indeed positively correlated with their GPAs. It's a relatively small correlation, but you might want to reflect on that when you think about the results because, probably, this is a slightly more satisfied group than the total sample. I'm only really going to concentrate on a couple of questions.

"One of those is, overall, how satisfied the students were with their undergraduate educations, and would they encourage a senior similar to themselves four years before in high school to attend your college--in this case, Cornell? First of all, I think there is some reasonably good news if you look at the Cornell results both with regard to satisfaction and what we have come to call 'endorsement.' Basically, our student body is relatively satisfied, and, yes, would recommend Cornell to a high school student in very similar circumstances to themselves. Certainly, that is consistent with results we obtained in two previous surveys of alumni seven and ten years after they had graduated from Cornell. These were two graduating classes from the 1980s whom we sampled in 1990 and 1992 respectively. You might want to compare Cornell to other classes of schools and you can see, in general, by looking at the percentage who expressed that they were very satisfied, Cornell basically comes out looking a bit like the other universities--not quite up to our Ivy peers, perhaps--but really not that different. I think both the women's colleges and the co-ed colleges really stand out in terms of satisfaction. I think that's probably something that most of you wouldn't be terribly surprised by. In terms of endorsement, Cornell again does relatively well.

"Very quickly looking at a more detailed set of questions just to give you a sense of some of the areas examined, at each of these 27 different colleges and universities, students were asked how satisfied they were with each of the various aspects of services of their college or undergraduate experience ranging from 'very dissatisfied' to 'very satisfied.' As I indicated in one of the earlier meetings last fall, I would be delighted if any of you would like to contact either me or Peter Hurst, our analyst in Institutional Planning and Research, for a copy of the data base in any format you can use for your own analysis; but the only proviso is that you share your analysis with us.

“Concentrating on facilities, we are only looking at the 14 universities because we truly do believe that the college experience is somewhat different and has to be judged on a different scale. In this particular case, you can see for classroom facilities, fifty percent of the students said they were very satisfied, ranging down to ten percent at the school with the lowest level of satisfaction. There is the median in the box; there you see Cornell close to the median. As you look across the spectrum, we go from science to foreign language to athletic facilities, library facilities, and computer facilities. Cornell does fairly well compared to what I think to be a tough, rigorous group of peers. These are schools that we compete with heavily for undergraduates, and I think it’s a perfectly reasonable peer group against which to compare ourselves.

“It’s interesting that universities in general really provide relatively good library facilities. In fact, that’s probably one of the best things of being in a university instead of a college: the libraries have the vast resources of a research university. As a faculty member, I think certainly I’d be happier in a research library rather than one basically the equivalent of a Uris. I think we do relatively well there. There are a couple of other areas that I’ll show you just briefly. By the way, those computations at the bottom correlate satisfaction with this one particular aspect of the academic experience with total satisfaction. It just gives us a sense of how important these things may be to students. Again, here, in opportunities to take each of the disciplinary courses and to engage in independent study, we do relatively well. We seem to do less well with tutorial help and academic assistance and availability of faculty. Here we wind up being relatively low. That’s an issue that I think was addressed by President Rhodes in his State of the University Address in the fall, and it’s something that once again we bring to your attention.

“Let me finish up the last slide, which is one that I know there has been some conversation about. This shows student satisfaction--senior satisfaction--with humanities, natural sciences, math, and social sciences. Cornell again is at the median or better in this very competitive group. I do bring to your attention one item regarding class size. Cornell, in terms of student satisfaction with the size of the classes they attend, is absolutely dead last of the 14. If I were to include the colleges--the women’s and co-ed colleges--we’d rank dead last among 27. I offer this for what it is or is not worth. I think it is an indication of our students’ satisfaction with the course sizes. I think it has some face validity, if nothing else, for the fact that they really do find themselves relatively satisfied with the content of the courses and the delivery. But there is an issue of class size and contact with faculty that I believe deserves further exploration. With that, I’ll close.”

Speaker Cooke: “Thanks. Let me survey the Secretary. I understand from Bob Lucey that we do have a quorum.”

2. APPROVAL OF SUMMARY MINUTES OF OCTOBER 12 AND NOVEMBER 9, 1994, MEETINGS

Speaker Cooke: "In that case, I will call for approval of the minutes of October 12 and November 9. Any corrections? If not, the minutes are approved for those two meetings."

"The next presentation is the annual report from the Affirmative Action Committee."

3. REPORT OF THE AFFIRMATIVE ACTION COMMITTEE

Associate Professor Carlos Castillo-Chavez, Plant Breeding and Biometry, and Chair, Affirmative Action Committee: "There are copies of the report in the back (Appendix A, attached). I'm just going to highlight some parts of the report. As the era of President Rhodes comes to an end, this committee felt that we must at least review swiftly the history of this committee. During the time that this committee has been in place, I think we have made a tremendous effort in increasing the awareness and the level of information that the administration has regarding the needs for affirmative action. Essentially, the committee has used as keys to communication the annual report, which is usually based on the detailed disaggregated statistics on the composition of the faculty, and the annual presentation of its chair to the FCR and Faculty at large. I have been Chair for four years."

"Essentially, this committee was created as a result of a study conducted by Walter Cohen and Henry L. Gates over a decade ago, and since then, this committee has been working very hard. In 1972, there were 1,448 individuals with the rank of professor; and at that time, the categories of 'Hispanic' or 'Native American' did not appear on the statistics. There were 15 African-American males, one African-American female, eight Asian-American females, and 26 Asian-American males. So in 1972, 3.5 percent of the faculty belonged to a minority group. By 1991 there was an increase of about 120 faculty; and at that time, the faculty included 27 African-American males, 12 African-American females, 5 Asian-American females (less than in 1972), 70 Asian-American males, 11 Hispanic-American males, 1 Hispanic-American female, no Native American males and one Native American female. Essentially, there was a change from 1972, where 7.9 percent of the faculty were white women and women of color. In a period of about 18 years, Cornell experienced a significant increase in its diversity. So one might ask, 'why did we need to have a Committee on Affirmative Action?'"

"The reason became quite clear when we started to look at the data in a disaggregated manner. Rather than looking at the rough numbers, we started looking at the diversity of the faculty, department by department, program by program, etc. It was clear from this that the increase in faculty was due to the emergence of ethnic studies programs. So there was a clear pattern to faculty diversity, and, in fact, that came

mostly from efforts of the administration and some selected faculty to create ethnic study programs. The 1990-91 report clearly showed Cornell as an academically segregated University.

"During my first year as Chair, essentially what I asked from the office of Vice President Joycelyn Hart was to provide detailed statistics, and I feel it has changed the view of an extremely successful program toward diversity. These statistics have become part of all university reports on affirmative action, including those of the Associate Vice President for Human Relations. What came from these reports was essentially that Cornell faculty are hired by Cornell faculty. That really explained the fact that Cornell's program for diversity was being carried on the shoulders of a few programs and departments.

"Changes have taken place over these last four years, and Provost Nesheim increased the discussion by creating the Human Resources Development Council (HRDC) in 1991. And jointly with this committee, we created the Provost's Visiting Professors Program at Cornell that provided \$150,000 a year for a period of five years for bringing under-represented faculty to Cornell. This program is administered by the Provost and deans of the colleges, and the overall conclusion is that there is a strong commitment by the administration to increase the number of minorities, but there was not a strong commitment from the faculty to hire minorities. Really, if we are going to succeed, what we need is a strong commitment from University Faculty. So essentially, the absence of diversity in many university programs and in some colleges is the result of the inaction of its faculty and perhaps in some situations, lack of leadership. We concluded by noting a typical example of tokenism: many departments had either one white woman or one male faculty member of color.

"One good point--and, of course, I think that many good things have happened this last year--is the tremendous increase in the number of women that have received tenure at Cornell. I think that has been a very positive affect and that we are going to have a significant impact in the changes that we are going to see at Cornell over the next few years. Even though these changes have taken place, the fact that many changes have not occurred at Cornell has to do with the hiring practices that we have at Cornell. It's true that we have a very good faculty, but many that are equally talented have not received opportunities. We need to continue to educate our faculty and demand firm leadership from our administration. We need to understand that the main threat to faculty quality is really the 'old boy network.'

"Last year we took a different twist in the sense that we took a hands-on approach, and our committee identified several minority candidates for faculty positions and essentially worked very closely with several faculty and administrators to increase minority faculty. Although we cannot play a role in all the hirings, there were tremendous successes last year. For example, the College of Arts and Sciences hired 11 minority faculty, including a large number of Latino faculty. The data used to outline the state of

affirmative action includes appointments made prior to February 1, 1994, and there is a table there. This data, compiled at the request of this committee to Vice President Joycelyn Hart, showed that out of 106 departments and units, 46 still have no minority faculty. In the School of ILR, for example, there are only two minority faculty out of 51, and both of them are not tenured. This is a percentage of 3.9 (and is the worst one except for the Hotel School). This is highly ironic, considering that the ILR School has the highest percentage of minority students of any college. In the College of Engineering, there are 21 minority faculty out of 215. Of these, 20 are male minority faculty and one is a minority female. There is only one Latino faculty member, two African-Americans, and no Native Americans. There are six white female faculty in the College of Engineering, or 2.7 percent of the college's faculty. In the College of Agriculture and Life Sciences, for example, there are 21 minority faculty out of 418--or 5.0 percent of its faculty. It's interesting to note that most of CALS's minority faculty have already received tenure. CALS, for example, includes three Native Americans in its faculty and two tenured minority women. In the Hotel School, there is one Asian-American member out of 38, and this gives the Hotel School a percentage of 2.6, the worst one in the University, which is highly surprising when one thinks that the hotel industry should be really striving toward diversity. Despite the recent progress in 1994, there are still colleges with no tenured minority faculty. The School of ILR with only two minority tenure-track faculty is a good example. They have no senior minority tenured faculty and must implement an aggressive program to keep up with other Cornell colleges that have been successful in recruiting minority and women faculty. There are many success stories, and there is a lot of expertise in the College of Human Ecology or Arts and Sciences on how to successfully recruit and bring outstanding minority faculty. Frankly, to me it's puzzling to see the lack of success of the School of ILR and Hotel School.

"The recent successes of CALS and the College of Arts and Sciences in recruiting under-represented faculty must be studied by those schools like ILR that have been unsuccessful in hiring minorities in areas of study where there is a clear representation of minority and women candidates. The use of the minority faculty already at Cornell as part of ILR or the Hotel School hiring committees could prove to be the key to successful implementation of affirmative action. Obviously, the Hotel School must follow a similar approach. The efforts of people like Reeve Parker, Peter Bruns, Don Randel, David Call, and Malden Nesheim proved convincingly that faculty and administrators can work together effectively to hire a substantial number of minority faculty. Will the School of ILR and the Hotel School take up this challenge?

"Last year I was particularly proud of the tremendous successes that we experienced at Cornell in hiring, and the committee decided to recognize some of the individuals who contributed to these successes. Last year, economic conditions and budget decisions made it even more difficult to attract and hire minority faculty. So our committee decided to give some special citations. They include:

'Malden Nesheim, Provost, for his strong leadership and financial backing for the hiring of minority faculty, including the creation of the Provost Visiting Faculty Program for Underrepresented Minorities. His creation of the Human Resource Development Council brings to the forefront issues of diversity at Cornell.'

'Don Randel, Dean, Arts and Sciences, for his efforts to build a more diverse university. His vigorous support for the hiring of minorities has sent a strong signal about the seriousness of the College of Arts and Sciences' efforts to bring strength through diversity to Cornell.'

'Dean David Call, College of Agriculture and Life Sciences, for his efforts on behalf of under-represented minorities. His vigorous support for their hiring of Native Americans and the support of our Native American students has sent a strong signal about the seriousness of the College of Agriculture and Life Sciences' efforts to make Cornell a truly diverse university.'

'Reeve Parker, Chair, English Department, for his efforts to build a more diverse university. His leadership in minority hiring has been instrumental in expanding dramatically the opportunity to study Latino literature and culture at Cornell.'

'Peter Bruns, Director, Division of Biological Sciences, for his efforts to build a more diverse university. His initiatives, with the support of the Division of Biological Sciences Faculty, have brought one of the foremost Latino scientists and leaders to Cornell University.'

"In reality, with this leadership and the support of our faculty, we are really paying tribute to the great president that we have had over the last 18 years."

Speaker Cooke: "Any questions? We have only one minute or so for questions if there are any."

"The next presenter really has two items to bring to our attention. Professor Galik of the Department of Physics is Chairman of the Subcommittee on Educational Policy, and the first issue is a report on the calendar survey."

4. REPORT ON THE CALENDAR SURVEY

Professor Richard S. Galik, Physics: "Dean Stein decided that the Executive Committee of the Faculty Council of Representatives should establish a university-wide body to look at educational policy. Many of the schools and colleges on campus have such committees, but a committee was needed to look at university-wide academic issues. And of course, the usual boiler plate in the charge includes some things that are very

specific and some things that say 'will include but are not necessarily limited to' so that it leaves things wide open. So again this all has to do with university-wide matters. This Subcommittee includes one member from each of the schools and colleges. The first time we met was the fourth of November. After the third committee meeting, I was in charge of the committee as its chair.

"The first issue that came up was actually mentioned in the charge, and that was the concept of the University calendar. It came to Dean Stein's attention that there was a suggestion that the spring semester start roughly two weeks earlier, which would make us start during the second week of January instead of the fourth. Our committee put together a survey which you all received around December 12 (Appendix B, attached). We listed eight items on which we thought the University Faculty would have some input for us to see whether or not this change in the calendar would actually help the university or harm the academic programs. We actually worded this as 'moving the two weeks of free time from January to May would facilitate: attending professional meetings, coordinating tasks with colleagues at other institutions,' etc. You could either agree that this change would facilitate that, or you could disagree. We also gave you the opportunity to say what is important or unimportant so we could have some way to gauge whether you were satisfied or dissatisfied on how this change might affect your ability to teach and do research, handle students, etc. The eighth item--the last item on the list--was whether or not the proposal would facilitate students' abilities to earn more money or to gain better experience averaged over the entire year. So now we'll go to the results (Appendix C, attached).

"With the exception of the students' earnings, the faculty voted that they felt all the other factors would be harmed by the change. There were 555 who thought that starting two weeks earlier would harm their 'preparation of classes' and so on. 'Research productivity' is a little more bimodal. Some actually thought the change would facilitate their research productivity. Not only did we give you the opportunity to vote on those issues, we also allowed you to cite other issues. There is a long list of issues that might be helped or harmed (Appendix D, attached). One hundred forty-nine said that it was important to have more time to unwind before the next term. Oddly enough, the second largest group said that if we were to change things, start the fall term after Labor Day. We also gave the opportunity for people to write comments (Appendix E, attached). There were 150 comments--people actually took the time to write us comments. The ratio of things as I read these was one to three. So for every person who thought that it was a reasonable idea, there were three who thought it was an unreasonable idea to move the calendar two weeks early. Those are the results of this survey."

Speaker Cooke: "The Chair's understanding is that there is no resolution to be introduced, but there is time to raise questions for the speaker."

Arthur L. Ruoff, Class of 1912 Professor of Engineering: "Did anybody suggest that it would be a very wise thing to start the fall term the first working day in September?"

Professor Galik: "Certainly there were a number of people who said the better way to do this is to start the fall semester later--the number was in the forties. I don't remember there being any specific comment about any specific date to do that. However, you must remember that was not the change that was being proposed to us. We did not form the questionnaire to ask, 'Well, gee, if we are going to start the semester at some other time, when should we start it?' We had a specific proposal in front of us to move the spring semester two weeks early, and that is how we fashioned the survey. Some people came to us and asked, 'Why did you word it in such a way as to make this thing sound so positive?' In principle, we as a committee--the vast majority of us--thought that this proposed change was not a good idea, and we were careful to word it in the least biased way. Nonetheless, some thought it was biased in favor of the proposal."

Professor Richard E. Schuler, Economics and Civil and Environmental Engineering: "I gather the motivation driving the proposal that led to this was to close up the gap between the semesters. Now you have cited that 48 people responded, 'Why not consider moving the start of the fall term back?'--which would accomplish the same thing. But many of the other objections cited would still be raised because there seem to be objections that arise just by not having a gap between the semesters."

Professor Galik: "I believe that your statement is certainly correct. People who voted that their research productivity would be harmed did so because they felt they needed to have this one-month period to speak to their graduate students, for example. Now, however, the survey was not asking, 'What other changes you would like?' and 'If you add this other change, would you respond the same way?' We had a specific model, and we asked about the model, and I can only concur with you that my feeling is that many of the other problems that were listed that caused so much negative response would still be there if you made a one-week break in January, no matter whether it be the third week or the first week. If you cut the January break dramatically, many of those objections would still be there."

Professor Andreas C. Albrecht, Chemistry: "Was it incorrect to assume that this was to probe making room for a third semester?"

Professor Galik: "We made no such assumption."

Professor Albrecht: "I did when I received the survey."

Professor Galik: "Well, certainly the faculty are free to make assumptions as they wish about the purpose of the change. Our initial understanding was that the proposal was done to allow more earning power on the part of the students, who can get reasonably high-paying jobs in the summer and therefore can have more of that time in the

summer than they can during the short intercession period. There would actually be a net gain to the students in terms of their earning power and experience at an internship or whatever, where they are actually working in the summer at something that is going to lead to their careers. And indeed the faculty seemed to agree with that. That was the one aspect of the survey that they believed would be facilitated by this change.”

Speaker Cooke: “Unless there is a pressing question we will move to the next topic. Professor Galik will also introduce that.”

5. RESOLUTION ON INSTRUCTIONAL POLICY/PRACTICE

Professor Galik: “You received in the mail a four-part resolution. As I will explain, the second, third, and fourth parts of that have been resolved to the Committee’s satisfaction, and so we are left with only one part of the resolution that we will be voting on.”

The Subcommittee on Educational Policy, with the concurrence of its parent committee, the Executive Committee of the FCR, offers the following resolution for consideration by the FCR:

The FCR strongly recommends that the FCR be consulted in all matters related to instructional policy and practice, of which changes to the Courses of Study would be an example.

Speaker Cooke: “This is a report from a committee, and so it requires no additional second. Would you care to elaborate further?”

Professor Galik: “Certainly. We were certainly quite aware that there are problems with the Courses of Study catalog: among them, for example, courses that are listed which have not been taught for a very long period of time and for which there is no particular inclination on the part of departments to teach them in the foreseeable future. And so we wondered whether there should be some policy about whether those remain. There was also some question about the validity of the statements of the times and dates. Some departments, we felt, were keeping times and dates in there even though they were not actually holding themselves to them. Things of that nature we thought were problems. And we were getting ready to start looking in detail at this when it was pointed out to us by one of our members, who just happened to see this on a memo from someone else, that there already were changes that were proposed as of November 1994. This was at a meeting in December 1994 that we saw this. These were the five things that came from David Yeh’s office to the various people putting together the Courses of Study:

1. Elimination of courses and descriptions without specific semester/year of offering. Expected course offerings in the 1995-96 edition will indicate the semester and year of offering, including summer and winter sessions, for the academic years 1995-96, 1996-97, and 1997-98.
2. Full course description given with the primary course only. Cross-listed or co-listed courses will give the course title and explain where to find the course description.
3. Full descriptions of Law School, Johnson Graduate School of Management, and College of Veterinary Medicine courses rather than just titles.
4. Removal of course times and days.
5. Removal of courses that have not been taught in two years.

“Now we, on the one hand, applauded the fact that someone was thinking about this and wanted to make these changes. On the other hand, here we had a group of twelve people all supposedly very interested in educational policy and teaching at this University, and none of us had any idea these changes were taking place. We thought that was a bit strange. So I asked Dean Stein to check with the Provost, and the Provost’s Office came back and said that they did not know about these changes. There was clearly at a minimum a lack of communication, and we also thought there were some problems with several of these issues. For example, several people of our group said, ‘But I know of several courses that are taught every third year.’ About item five, to remove those from the catalog--there are several of us who, in our advising roles, use the Courses of Study as a valid advising tool. In order to set out students’ schedules for next semester and the semester after, we ask: Can you take this course? Does it fit in? It’s particularly true in the sciences, which are very hierarchical in their structure. Then there was this business in item two as to how on earth you determine which are the primary courses if someone gets thirty percent of resources this year and sixty percent next year.

“So I went to speak with David Yeh. Unfortunately we are under very big time constraints, seeing as the Courses of Study is being put together essentially as we speak, and so we had to make sure that if all else failed, we at least tried to address those issues. That is why you have in front of you from the circulation of the call to meeting the proposals that involve items two, four, and five as well as the general proposal. In the interim, I have now spoken with David Yeh, and he and our committee have now gotten around this by actually modifying two, four, and five to our liking. Item five is removal of the course if it hasn’t been taught in the last three years. Item four: Days and times may be included at the discretion of the department, but the department has to be confident of the stability of the listing and has to have a disclaimer in the introductory text that things do happen, and course times and days might change.

They must assume responsibility for disseminating information about changes. If in Physics we change the time and day of a course, we should tell all the people who we think are involved--the math people, the chemistry people, all those people who are likely to have their students take that course. Item two: We eliminated this reference to the 'primary course.' We allow the full course description to appear if it's the same in all the places. This came about by my asking David Yeh why he wanted to eliminate it. One is that often times there are cross-listed courses and they don't reference each other. Other times there are cross-listed courses, and the descriptions are different as to what the courses are. We simply got around that by saying if you are going to give the full description, you both have to agree on what that description says and you must reference each other."

Speaker Cooke: "The resolution distributed is not the one on the floor but rather the one before us on the transparency. It is now open for debate. Unless someone requests to speak, we will move to a vote. Are you ready to vote? All in favor, raise your right hand; all opposed. It clearly carries. Thank you."

"We have one remaining item, rather lengthy. Dean of the Faculty, Peter Stein, will present a report on governance."

6. REPORT FROM THE GOVERNANCE COMMITTEE

Peter Stein, Dean of Faculty: "Before starting, let me say we've done a number of surveys over the past couple of years from my office, and the return on the calendar survey swamps any others. We got about two-and-a-half times as many people telling us about moving the spring calendar as we got on what qualities we want in the next president. I don't know quite what to make of that."

Speaker Cooke: "Let me make this clear: there is no resolution being introduced, right?"

Dean Stein: "No resolution being introduced."

"I don't quite know what to make of that. Although my guess is that people felt that the calendar is something where their voice might have a real effect and might actually change what happened. For whatever reason, it is clear that people feel very strongly about the calendar issue, and that may actually feed into what I want to talk about."

"I told you, I think last September, that I had appointed an ad hoc Committee on Governance. Members, other than myself, are:

Tom Brenna, Nutritional Sciences
David L. Brown, Rural Sociology
Geoffrey V. Chester, Physics
Cynthia R. Farina, Law
Keith E. Gubbins, Thomas R. Briggs Professor of Engineering
Howard C. Howland, Neurobiology and Behavior
Sheila S. Jasanoff, Science and Technology Studies
Robert F. Lucey, E.V. Baker Professor of Agriculture and the Secretary of the
University Faculty
Milton Zaitlin, Plant Pathology

"The reason I appointed this committee was really twofold. One was that it had become my conclusion from just talking to a lot of people that faculty governance had fallen into some state of disrepair. A significant number of people that I talked to just in passing about things talked about the 'good old days'--when the faculty really ran this institution and there was close cooperation between the faculty and the central administration--and that has eroded with time. I myself had no idea how to evaluate this--whether this is the same sort of statement as, 'You should have seen the snows when I was a boy, they came all the way up to my shoulders,' or whether we are talking about something new, something real. And I thought long and hard about it. People are skeptics; people are always saying it was better twenty years ago than it is now, no matter what question you ask. There might be some of that, but there also might be some reality to it. I've spent my whole professional career here at Cornell. I've been a professor on this faculty since 1959, and it's certainly my sense that people feel that way; although, to be frank with you, I am not entirely clear in my own mind how strong the effect is. But it's one of those things where the thought makes the reality, because I know that thought is bad for the University. It is not good for morale because faculty members should feel. I like Frank's words of ownership, and I think they're very important to have. 'The faculty should feel that they own the institution.' If they don't, that is sufficient to make it a problem--even if it's only a perception.

"The other thing that I know is real is the fact that faculty governance at the college level, at least at the large college level, has deteriorated. I know it in my own College of Arts and Sciences. I know that attendance has fallen off. I can remember a period of time, and here I have a real scale, where we used to have four, five, six meetings a year; and you would go to Kaufmann Auditorium, and it was full. There was a quorum there, and people sat and debated issues; and I know that doesn't happen any more. And the same thing is true, I'm told, in CALS and perhaps to a lesser degree in Engineering and Human Ecology. It did seem to me that the perception of how significant faculty governance was at this institution at both the university and college level was important enough to think about.

"The second reason is that if one was ever going to think about it, this is a good time to think about it. This is the time when we are getting a new president, a new provost, several new administrators in the central administration, and several new deans; and a change of administration is a good time to think of a change in the way that various groups and constituencies interact with each other. People come in new with a fresh mind in a certain sense, and it's an easy time to start fresh. It's also interesting that this is the twenty-fifth anniversary of the FCR where we went from a town meeting form of governance to the current one, and now seems like a good time to rethink that process. So for both of those reasons, I asked this group to get together and sit down and talk about it.

"One thing we did was to make a rather modest survey that encompassed only seven other institutions--but institutions that we felt in some sense were comparable to Cornell. These institutions ranged from a small elite Ivy League institution like Princeton to large state institutions like the University of California and the University of Wisconsin at Madison. I made a survey over the telephone just by calling up people and talking about their governance system or how their faculty participate in faculty governance. I was rather surprised to find that procedures for governance at all of the institutions to some degree had a greater institutional faculty participation than they do at Cornell. This group of people whose names I gave you sat down and talked and finally came up with a proposal, and it is a proposal for what this group of people thinks should be a model for faculty involvement in governance. You've all seen the proposal (Appendix F, attached). It's modeled very closely after the University of Wisconsin in Madison. Their system is very much like this and has at least four distinct features I would like to point out to you.

"One is there is a group that we call the 'Senate'--just so that you can read the document and not get mixed up between this Senate and the FCR--but it's a body of about this size, and the base of the body is from the departments rather than from the colleges. We believe that is a significant change because the departments are really the only places where a faculty member's sense of identity really works any more. Departments do have a sense of cohesion. People know each other, and it seemed to us that the very basis of representation assumes that there is some kind of communication between the representative and the constituency that representative represents. I certainly know from experience that the people from the Arts College who represent the Arts College have very little interplay back and forth with their constituencies. I know the Physics Department, which I know very well, meets together every week on Monday and has lunch together, and we either have formal faculty meetings or informal faculty meetings. And there have been a lot of Physics Department members on the FCR, but it is very rare to have that kind of reporting, because there isn't the sense that that person represents the Physics Department--they just somehow represent the Arts College. I think that is a problem. This body as drawn up has a size of 100. We've talked of this proposal to a few people: President Rhodes, the Provost, Ron Ehrenberg; and we've had a long discussion about it, and President-elect

Rawlings has seen it. There are probably a few other people I have neglected. All have made various comments, and some of them have been reflected in the draft. The way we first had it drawn up is the Senate had 180 members; and the reason for that was to make it proportional to the departmental size, because the departments vary widely in their sizes. Several people felt that was too large a body. It would be hard to get people to serve on it, and it would be hard to get a cohesive governance group. At the expense of making the representation proportional to the departments, we cut the size back down to the size of this body, 100. Large departments greater than 25 would get two representatives in this proposal rather than one. The idea is simply that I am making the department responsible for choosing its representative to this body in order to create a sense of representation and a sense of tie between the constituency that's being represented and the group that selected them. Another is that it has been very difficult to achieve the kind of communication between the central administration of the University and the committees of the FCR.

"The FCR has struggled for 25 years, I think with good faith on both parts, to try to establish some relationship where there is some consultation. It's clear none of us on this committee believes that the faculty ought to be administering this university. There are administrators who administer and faculty members who teach and do research. What we are talking about is a consultative relationship that is strong enough so that not only faculty viewpoints have their hearing on all major policy issues but--maybe even more important--so the faculty feels that is true. It is particularly important in the days ahead that look very bleak. I don't want to go to another meeting with Hank Dullea. It's so depressing to hear him talk about what's going on in Washington. It really is a very hard time, and I think particularly in times like this it's important to have this sense of ownership by faculty in the institution. I think part of that is their feeling that they can in fact affect these difficult decisions that will be made. We have not found a good process. At Madison they spoke very strongly about the process they had. What they had there was one small group that was entrusted with this responsibility of reflecting faculty input. This group had a major commitment in time. This group spent every Monday afternoon with the provost. The provost spent every Monday afternoon with the group going over all the major decisions. I spoke both with the provost and the people there, and they said 'absolutely': the faculty is involved in this group--the university committee is involved in all major decisions. It occurred to us that our structure is basically different. We have a Financial Policies Committee to be involved in those decisions, a Research Policies Committee to be involved in those decisions; and somehow neither of them is intense enough to establish that working relationship that I think one really needs if one is going to have mutual trust on both sides. The idea here is to put all of that energy of consultation into one place. That's the so-called 'Priorities Committee' that is here.

"A third important feature is the notion that somehow this group of 100 people realizes when they become members of this Senate that they are making a major commitment to governance. Namely, they are not only the people that serve on this nine-person

Priorities Committee, but all of them are the pool from which people will be drawn to answer administrative needs for consultation on a variety of other issues. What the structure says is that when the administration wishes to put faculty on a committee, half of the membership of that committee will be supplied from this pool of 100 people, namely the Senate. It's a political reality that if the administration appoints a committee to make a particular recommendation, the people always say 'that's not our committee, that's your committee; you chose it, they don't represent us.' Even if it's not true, one always has that structural danger. So the notion here is to avoid that by saying that the administration will agree to choose half of the members of these committees from this group of 100 people who represent governance.

"Another thing we found is that college governance is on some other parallel, non-intersecting tract with FCR governance. We get talking about issues and discover that they are doing something in Arts and Sciences about that, or CALS has a committee about that, and it just goes along in parallel without any interaction. The idea is that there should be a similar committee in all of the colleges that also draws half of its membership from this group of 100 faculty members so there are links established between college governance and university governance that are hardly independent from each other. I mean they are obviously inextricably linked in all the issues that they consider.

"The last feature is probably the most important decision that we ever make in this university, and that is who will be tenured faculty members. If one wants to ask 'what is the future of Cornell?', the future of Cornell is those 30-40 appointments that we make every year of new faculty members. It's a critical decision, and at the moment, the faculty involvement in that decision is of course very strong at the departmental level. It's the members of the department that propose people, but beyond the departmental level, there is no significant faculty input as faculty in that decision, and that is unusual. If you look at all of the other places that I looked, there is either something at the college level or something at the university level--a standing committee. They didn't make decisions, but they had oversight. It was a group where the dean or the provost or president--depending on where the level was--would take an appointment and get a faculty view on that particular appointment. When it was done at Madison, it was, I thought, done in a rather interesting way that I didn't see at any place else, and it had certain features that were attractive about it. They had a university-wide faculty-elected faculty committee that did this job, but it was not one committee but four committees, and the four committees were the four basic divisions of social sciences, humanities, biological sciences, and physical sciences. And they were cross-colleges, so that people in every college who fell into one of these four disciplines would participate in an election to choose the membership on these committees. The committees would look at tenure appointments no matter what college they were in but depending on what particular discipline that appointment fell into. It's sort of a radical step for this institution with its tradition of decentralization, although there are certain attractive features about it. We talk a lot about the disciplin-

any problems that cross various colleges, and this is an interesting way of getting some leverage over that particular problem. The way we have it set up here is one that is more conventional. Namely, there would be elected committees in every college that would have this same function. A dean or a department would send all tenure proposals to this committee, and this committee would then send a recommendation to the dean in parallel with the recommendation of the department. So anyway, I'm here to listen. This is the first time we have presented this proposal to a cross-section of faculty, and so I would very much like to hear what you have to say about it."

Professor Castillo-Chavez: "This college committee that you suggest: would it have two purposes--one to decide on tenure decisions and another to participate in hiring?"

Dean Stein: "No. It would not participate in original hiring, only appointment and tenure decisions and appointments from the outside."

Professor Ronald G. Ehrenberg, Irving M. Ives Professor of Industrial and Labor Relations: "I think this is a wonderful proposal, but I think the comment that was just made is suggestive. If we are in a situation where over 60 percent of the people hired get tenure at the university, then it says that there should be some way to talk about allocation of positions at the initial hiring time because, otherwise, we are tying up slots for a long time. It might be very useful to have this committee, under point six, advise the committee on new appointments as well."

Professor Schuler: "I appreciate the thoughtful effort, and as I go through, it raises a number of issues in my mind. One is a matter of maybe a personal problem of tone and image that the label 'governance' implies, because I think the university is closer to a labor-governed/managed system, and what we're really talking about here is the interface of both of them. While I really applaud the effort to strengthen the roll of representative participation, nonetheless it's almost like admitting defeat that we can never get the whole faculty out here. I know that even the FCR meetings are open University Faculty meetings as far as attendance is concerned. Could we have a body, such as the Senate, act effectively as an Executive Committee yet be the body that votes and acts in the absence of a quorum of the entire faculty? That has yet to be defined whether a quorum of the entire faculty might be a third of the participation; but it might, at least, provide the framework and groundwork to invite all the faculty to attend any meeting and to vote and have their vote count where the issue is so deeply felt and of such widespread importance. That's very much, in a practical framework, just a friendly suggestion, but at least it still maintains the mechanisms to reach out as broadly as possible and invite the participation of the faculty and then, as a functioning entity, to allow this Senate to participate."

Dean Stein: "I think actually that's a good idea. We actually have that in this body here. There's the faculty override provision, and I honestly think it's slipped everyone's mind. I think that's a good point and that we will want to think about that."

Professor Schuler: "The reaching to the departments as the basis or the focus, I think, is an important transition, and I think by and large a good one because most faculty participation today is at the departmental level. Still, it seems that most models of representative participation suggest maybe two bodies or two ways of selecting candidates. As an example, we have the House of Representatives which comes close to the departmental representation; but we also have a countering body, the Senate, that has a somewhat broader jurisdiction. Even on the FCR as it exists today, we have some members who are delegates at-large, not just representatives of their individual constituencies, in an effort to provide some continuity. Perhaps some thought has been given to that issue. An important ingredient of that issue would be linked to the anticipated terms of selection. Will those terms be staggered because decisions on those issues could go some way toward providing the continuity and sweep and minimizing just a parochial interest on the part of the representatives?"

Associate Professor Elaine Wethington, Human Development and Family Studies: "I'd like to compliment the committee on coming up with a proposal which I think sort of gives a new lease on life to representative governance among the faculty and makes the faculty body the sort of body that has the prestige that is more likely to be listened to by the administration and be consulted before decisions are made. But I'd like to extend a little bit about what Professor Schuler was saying--that there are other constituencies other than departments that have been represented in the Faculty Council of Representatives over time, successfully or unsuccessfully. For example, for four years, I represented non-tenured faculty on the FCR. Putting aside the fact that I was the only one who could be talked into that position at the time, I still managed to get tenure. There are interest groups in the university for which I do not see their particular interests represented or held specifically in the charge of this document."

Dean Stein: "I spent a long time thinking about what to do about the non-tenured faculty members' problem. You can write it in that some fraction will be non-tenured faculty members, but with the few exceptions that I can think of, it's hard to find people who have the energy and the sense of commitment, particularly in these days."

Professor Wethington: "I agree. I guess I'd appreciate other people leaving this meeting and thinking about other instances in which it would be necessary to have younger, less experienced faculty represented in university governance. Affirmative action might be a category."

Speaker Cooke: "As a point of information, any faculty member has speaking rights at the FCR meetings; not voting rights but speaking rights. It's open to any member of the faculty. If there are some here who are not FCR, you may speak also."

Associate Professor Monica A. Geber, Ecology and Systematics: “Back to your point, Peter. It seems to me that younger faculty might be more willing to get involved if they truly felt that governance was representative and that their voices were being heard and they were part of the community in which what they said mattered.”

Professor Donald F. Holcomb, Physics: “I’d like to support particularly the attempt to focus interaction with the administration in a single group. It seems to me that it would be a big job for that group. It seems clear that one of the problems at the moment is that there are too many faculty committees that are trying to interact with the administration. Their membership turns over too rapidly. The University administrators feel, ‘Oh, here we go again: I have to educate one more faculty member, one more group about whether this is the right view or not.’ That clearly is the perception when you have these multiple groups, so it would be very important for this committee both to be focused and to be structured carefully so as not to turnover drastically the knowledgeable people.”

Dean Stein: “I feel that strongly. That’s the one thing I’ve learned as Dean of the Faculty for a year and a half, that this interaction with faculty committees just doesn’t work. And I don’t mean to say that it never works. Sometimes it works, but as a result, it doesn’t seem like a good governing structure to me for just the problems that Don said.”

Speaker Cooke: “The last item on the agenda is new business, and the Chair is aware of one requested permission to speak.”

7. NEW BUSINESS

Associate Professor Enrique E. Figueroa, Agricultural, Resource, and Managerial Economics: “I had an advisee in my office last week, and this advisee is a particularly good student--a principled individual--and he asked me the following set of questions. He said, ‘Why is the *Sun* printing confidential documents?’ And I said, ‘Well, because somebody provided those documents to the *Sun*.’ Then he asked me, ‘Why is that individual providing confidential documents to the *Sun*?’ And my answer was, ‘That individual’s set of values allowed him or her to do that.’ And then he said, ‘Well, why do they let him do that?’ And I don’t know whether you are the ‘they’ or not, but I didn’t know who the ‘they’ are or is. But this only rekindled a concern that I’ve had for five or six years here at Cornell, and that is really what do we mean by ‘confidentiality?’ What is it that we want to signal to our students about how we use confidentiality? What is the relationship between, at least how I interpret, how confidentiality has been manifesting itself in the last five years or not manifesting itself in the last five years and the long-term integrity of the institution? What is the penalty for the violation of confidentiality? To what extent do we pursue individuals that violate confidentiality? I don’t know whether we have answers to that. I don’t know whether we should even consider deliberating on such an issue or set of issues. But to me it is an important

issue that kind of crystallized itself by this individual that has walked away from my office with an inadequate answer. And I don't know whether that individual is multiplied a thousand times across this campus or whether that individual is unique. I personally feel that I would want to have a better set of questions and answers to provide that person. The flip side to me is what do we mean by 'disclosure'? What is our disclosure policy? Is it documents that we are deliberating as members of a committee that we've agreed to be confidential about, or is it a tenure review packet? That's all I want to bring to the body."

Speaker Cooke: "I will open up the floor to anyone who wants to respond in a moment. There are several options open to you. You may want to informally request that either the Dean of the Faculty or the Executive Committee respond or form a resolution. Now I will open the floor for any follow-up comments."

Professor Howard C. Howland, Neurobiology and Behavior: "I was very saddened by this tragedy that is being reenacted in the press, and I feel the same way. I feel that something should be done about it. If I may, I would make a motion."

Professor Howland moved that:

The Executive Committee of the FCR or its designated committee will investigate the release of confidential documents to the press in the current sexual harassment proceedings of the College of Arts and Sciences. The committee will make recommendations to the FCR as to how such unauthorized releases can be prevented in the future.

Speaker Cooke: "Is there a second? The motion is now seconded. Do you wish any further comments?"

Professor Howland: "It is a tragedy and I confess I don't see any solution to this one. I don't want it to happen again. I'm not sure this is a way of preventing it, but it's the only kind of reasonable response I can think of; and for that reason, I offer the motion."

Dean Stein: "Pass or fail, I'm glad that you brought this up, because several faculty members have brought this up to me. The whole thing is obviously a tragedy, and frankly, I've had a lot of bad moments in this. But the worst was a telephone call I got from the *New York Times* from a reporter who wanted to interview me over the phone. I said I'm the wrong person to interview because I've not been part of this process, and I've not seen any of the documents. And he said, 'Well, here, I'll read them to you over the telephone.' It's a terrible thing to hear over the phone. I'm glad you brought this to my attention, and I'm happy if the body votes on that; but I have decided on my own initiative to respond to your implied request by asking the FCR governance structure to look into the matter of confidentiality."

Professor Daryl Bem, Psychology: "The committee that is in charge of investigating these things is having all of its procedures looked at in the spring. In a guest editorial in the *Sun* by Sandra Bem, who is a senior sexual harassment counselor, she thought that the one place where all the procedures need to be looked at is when, what, and by whom disclosure in a case is appropriate. In terms of the documents leaked, some of them are actually coming from the complainants, and I'm not sure one can constrain them."

Associate Professor Risa Lieberwitz, ILR: "I'm not sure that we need to study in general questions of confidentiality and breaches of confidentiality. It seems to me that those kinds of questions are really very complex and very much situation-specific in terms of how we think about confidentiality--including what we just heard in terms of 'Who was it?' and 'In what position was that person?' if somebody gives that information as opposed to an administrator. So I'm not sure we really move forward by just appointing a committee to study these issues generally, when it's really a particular situation that people are concerned with. So I really think it doesn't move us forward to have just a generalized committee on confidentiality."

Professor Figueroa: "I just want to clarify my position on this issue. I did not raise this issue because of this incident in the last two or three weeks. I have seen this as a problem, as least from my point of view, for a number of years. I want to make it very clear that the relationship between confidentiality and our policy on disclosure has to be considered."

Professor Danuta Shanzer, Classics: "I just think in this particular instance there was a lopsided situation that is inherent in the sexual harassment proceedings. Namely, the complainants concerned can talk to anybody they'd like, but they have a right to have their names kept quiet by the faculty and the committees who are dealing with it. The people who are on this committee--I was actually one--were told very strictly to keep it confidential, and I think we did. The complainants--it's their own right--and I think they are potentially liable for lawsuits and or whatever."

Speaker Cooke: "Are we ready for a vote? All in favor raise your right hand. Opposed. It appears to carry. Since it is not challenged, the Chair rules that it did carry."

Speaker Cooke: "There is one more item."

Associate Professor Anna Marie Smith, Government: "I wanted to respond to the criticisms of Professor Baer (Appendix G) on confidentiality, but this with respect to the University's HIV/AIDS Policy. I think we should support the policy for three reasons. First of all, it merely reflects existing legislation. Secondly, it reflects the best information that we have from public health officials about how we should be dealing with the academics. And thirdly, I think it reflects our students' rights to privacy and our own professional boundaries that should govern our interactions with our students because

we are talking about intimate information when we are talking about HIV and AIDS. I think we should continue to support the HIV/AIDS policy at Cornell, and I think we should reject any suggestion that we should review, in particular, the confidentiality aspect of the policy.”

Speaker Cooke: “Any further comments? We do honor the sacred right of adjournment at six, and it’s now six, so thank you for coming.”

Adjourned 6:00 pm.

Robert F. Lucey, Secretary of the Faculty

February 7, 1995

To: Peter Stein, Dean of Faculty
 From: Carlos Castillo-Chavez, Chair, FCR Committee on Affirmative Action
 RE: Annual report, 1993-94



As the Rhodes' era comes to an end, this committee felt that a swift review of the history and work of Faculty Council of Representatives Committee on Affirmative Action (FCR-CAA) was in order. I have served as chair of the FCR-CAA for the last four years and during this time this committee has helped increase the level of information and knowledge about the role that affirmative action has played at Cornell University. FCR-CAA has used as their key instruments of communication its annual written reports which are based on detailed disaggregated statistics on the composition of the faculty and on the annual presentation of its chair to the FCR and the faculty at large.

The FCR-CAA was created as a result of a study conducted by Professors Walter Cohen and Henry L. Gates Jr. on the state of affirmative action at Cornell almost a decade ago. The first chair of this new committee was Prof. Robert Harris, who fulfilled his obligation of reporting to the FCR on the state of affirmative action at Cornell just before President Frank Rhodes delivered his state of the university address in 1990. The high visibility that this report has received over the last five years by preceding the President's address was diminished last Fall, as the chair of this committee was not scheduled to speak prior to the President's address due to an administrative mishap. It is very important that future chairs continue to fulfill their obligation of reporting on the state of affirmative action at Cornell to the faculty just prior to the President's address on the state of the university. I am certain that you as Dean of the Faculty will make this a priority.

In this, the 1993-94 annual report, I will continue to use the categories employed by the university and the federal government. Hence, the classification "Hispanic American" refers to what many of us now prefer to call Latino/Latina. To frame the discussion of the statistics in this report, I am attaching¹ a table provided by the office of Joycelyn Hart, Associate Vice President for Human Relations, on the composition of the Cornell faculty in 1972 (see "Table 10"). It is important to notice that the categories of "Hispanic" or "Latino" or Native American did not exist in 1972 so there is no data on the possible existence of Hispanic and Native American faculty at Cornell in 1972. The 1972 report states that Cornell had 1,448 individuals with the rank of professor (assistant, associate, and full): 15 African American males (1%), 1 African American female, 8 Asian American females, and 26 Asian American males. Hence, in 1972, only 3.5% of the faculty belonged to a minority group. By 1991, there were 1583 members of the faculty including 27 African American males, 12 African American females, 5 Asian American females (less than in 1972!), 70 Asian American males, 11 Hispanic American males, 1 Hispanic American female, 0 Native American males and 1 Native American female. Progress seemed evident, as by 1991, 8% of the faculty were members of a minority group. In 1972, there were 105 white women and 9 women of color in the faculty (7.9% of the faculty) while by 1991, Cornell included 227 white women and 19 women of color in the faculty (15.5 % of the faculty). Consequently, in a period of 18 years Cornell experienced a significant increase in its diversity. So we may ask, why did we need a Committee on Affirmative Action?

The reasons became quite clear once we looked at these data in a different light. It became obvious that the increase in the number of faculty of color was mostly due to the emergence of ethnic studies programs. Furthermore, there was a clear pattern of support for diversity. Some departments have made significant changes during these two

¹Due to our ecological consciousness, all attachments will be provided by the office of the Dean of the Faculty only to those who request them.

decades by adding women and minority faculty to their programs while others either failed or never tried. The 1990-91 report clearly showed Cornell as an academically segregated university.

During my first year as chair (1990-1991) we conducted an extensive series of meetings with the Affirmative Action Committees of all the Colleges. Furthermore, we requested specific data from the office of Joycelyn Hart, Associate Vice President for Human Relations, to document the state of affirmative action. These data are now being used systematically by the Vice President on her own reports, "Progress Toward Diversity". Discussions with the different college committees on affirmative action re-affirmed a well-established fact at Cornell; that is, that Cornell faculty are hired by Cornell faculty. The result of this process was an increase in diversity accelerated by the creation of ethnic and women's studies programs (driven to a great degree by the strong support of the administration) and almost no change in most other programs. The fact was that Cornell's progress towards diversity was being carried in the shoulders of few programs and departments.

Provost Nesheim formed the Human and Resources Development Council (HRDC) in 1991. Through the joint work of HRDC, the Provost, and the Deans, and following the successful approaches used by the Law School, we created the *Provost's Visiting Professors Program* at Cornell. This program allocated funds of about \$150,000 a year for a period of five years to bring under-represented faculty to Cornell. This program contributes up to \$50,000 towards each new appointment and it is administered by the provost and deans of the colleges. This program showed an increased commitment by the administration to affirmative action. However, since Cornell faculty are hired by Cornell faculty, we stressed in our 1991-92 report that a commitment from the university faculty to hiring minority faculty was fundamental for any efforts to succeed. Cornell's diversity successes and failures are ultimately determined by Cornell faculty. The absence of diversity in many university programs and in some colleges is the result of the inaction of its faculty, and perhaps due to a lack of leadership.

Using the data provided again by the office of Joycelyn Hart, Associate Vice President for Human Relations, we concluded in our 1991-92 report that of 106 departments and units (as defined by these data), 54 had no minority faculty (a decrease of 5 over 1991), and 75 had no African-, Hispanic-, or Native-American faculty members (a decrease of 3 over 1991). We concluded by noting that a typical example of tokenism was provided by the many departments that had either 1 white woman (the most common) or 1 male faculty member of color.

In 1992 our committee held a Forum on the Nature of Academic Appointments. The 1992-93 report states that: "Unfortunately, once again we have to report our general frustration. Faculty involvement remains minimal at best....Underrepresented minority candidates are seldom identified or recruited. The 1993 report, Progress Toward Diversity, shows that the situation has not changed for underrepresented minorities (African-, Native, and Hispanic-Americans). The percentage of underrepresented faculty at Cornell has varied from 3% to 3.8% over the last 5 years. The fact that underrepresented faculty tend to be concentrated in ethnic studies or literature programs makes it clear that most departments have no members of these underrepresented groups. Women have seen no progress except for some minor increase last year. Fortunately, the number of tenured women has risen from 131 to 178. Minority women (including Asian women) have seen no progress."

We further concluded that "the main obstacles for hiring minority faculty are posed by internal departmental or group politics combined with a system that blocks the access of underrepresented minorities to regular positions. Too often procedures for appointing faculty, heads of programs, and deans and other administrators are inconsistent across campus, and frequently mysterious. We must face and document the hiring cultures at Cornell if progress is to be made. We expect leadership from the FCR, the administration, and the faculty in formulating uniform and open hiring policies that cut across departments and colleges." Unfortunately, the documentation of these cultures and the creation of uniform hiring policies that take diversity seriously has not taken place at Cornell. The administration seems unable to infringe on the "hiring" rights of its prestigious faculty while some of the faculty firmly believes that diversity is synonymous with loss of quality. We need to continuously educate and inform our faculty and demand firm leadership from our administration. We need to understand that the main threat to faculty quality is the "old boy network."

The FCR Committee on Affirmative Action held several meetings during the 1993-1994 academic year. Our main goals for the 1993-1994 year were to develop specific opportunities for the hiring of members of under-represented groups such as minorities and women, and to instigate discussion around the issue of the nature of academic appointments (the processes and cultures involved in decision-making processes). During 1993, our committee identified several minority candidates for faculty positions, hence taking a hands-on approach in the recruiting process.

Some of these recruiting efforts resulted in the actual appointments of additional minority faculty in the colleges of Agriculture and Arts and Sciences.

The data used to outline the state of affirmative action in this year's report only includes appointments made prior to February 1, 1994 (the complete data is provided in an appendix). These data, compiled at the request of this committee by the office of Joycelyn Hart, Associate Vice President for Human Relations, show that of 106 departments and units (as defined by these data), 46 still have no minority faculty. In the college of ILR, for example, there are only 2 minority faculty (out of 51) and both of them are tenure track. This is a percentage of 3.9, the worst one except for the Hotel School. **This is highly ironic considering that the ILR college has the highest percentage of minority students of any college.** In the College of Engineering, there are 21 minority faculty (out of 215). Of these, 20 are male minority faculty and one is a minority female. There is only one Latino faculty member, 2 African Americans, and 0 Native Americans. There are 6 white female faculty in the College of Engineering, or 2.7 % of the college's faculty. In the College of Agriculture and Life Sciences there are 21 minority faculty out of 418 or 5% of its faculty. Most of CALS minority male faculty is tenured (6 African American, 9 Asian American, and 1 Hispanic American). CALS now includes 3 Native Americans in its faculty (2 females and one male, all tenure track), and 2 tenured minority women (an Asian American and an African American). In the Hotel School, there is 1 Asian American tenured-track faculty member (out of 38). This gives the Hotel School a percentage of 2.6, the worst one in the University. In the college of Arts and Sciences, there is 10.2 % minority faculty. In the Architecture, Art, and Planning school, there are 6 minority faculty (out of 57), making this a percentage of 10.5. The school of Human Ecology, has 12.9% minority faculty. In the Johnson Grad School Department, there are 4 minority faculty (all Asian American men) out of 36.

Aggregation of the data on 1556 tenured and tenure track faculty (as of February 1, 1994) include:

Male Tenured and Tenured-Track Faculty

- 929 White male tenured faculty
- 24 African-American tenured faculty
- 49 Asian-American tenured faculty
- 7 Hispanic-American tenured faculty
- 0 Native American tenured faculty

- 134 White male tenure-track faculty
- 5 African-American tenure-track faculty
- 21 Asian-American tenure-track faculty
- 3 Hispanic-American tenure-track faculty
- 1 Native American tenure-track faculty

Female Tenured and Tenure-Track Faculty

- 173 White female tenured faculty
- 7 African-American tenured faculty
- 3 Asian-American tenured faculty
- 2 Hispanic-American tenured faculty
- 0 Native American tenured faculty

- 76 White female tenure-track faculty
- 5 African-American tenure-track faculty
- 6 Asian-American tenure-track faculty
- 2 Hispanic American tenure-track faculty
- 4 Native American tenure-track faculty

Despite the recent progress, in 1994, there are still colleges with NO tenured minority faculty. The College of ILR, with only 2 minority tenure-track faculty (1 Asian American male, and 1 Hispanic-American female) and not a single minority tenured faculty, must implement an aggressive program to keep up with other Cornell colleges that in fact have been successful in recruiting minority and women faculty in overlapping areas of expertise (CALS, the College of Arts and Sciences, Architecture, Art, and Planning, and Human Ecology). Frankly, *it is puzzling to see the lack of success of the College of ILR and the Hotel School.*

To give an updated picture, the committee requested from each of the colleges the results of their hiring efforts after January of 1994. The College of Veterinary Medicine hired a woman to a tenure track position. The College of

Arts and Sciences added 11 minority faculty to its college (4 Asian-American/Pacific Islander, 6 Hispanic-American, African American). The College of ILR hired no additional minorities. CALS hired a prominent Hispanic Professor. Notice that in 1991 when I gave my first report there were 12 Hispanic faculty and only one full professor. This year alone 7 Hispanic American Professors were hired including two full professors!

Recommendations

The recent successes of CALS and the College of Arts and Sciences in recruiting underrepresented faculty must be studied by those colleges like ILR that have been unsuccessful in hiring minorities in areas of study where there is a clear representation of minority and women candidates. The use of the minority faculty already at Cornell as part of ILR or the Hotel School hiring committees could prove to be the key to a successful implementation of affirmative action. Obviously, the Hotel School must follow a similar approach. The efforts of Reeve Parker, Peter Bruns, Don Randel, David Call, and Malden Nesheim proved convincingly that faculty and administrators can work together effectively to hire a substantial number of minority faculty. Will the College of ILR and the Hotel School take up the challenge?

Citations for services to affirmative action

The recent successes of CALS and the College of Arts and Sciences in recruiting have inspired us to make special citations to the following individuals. Diplomas are being mailed to their offices:

Malden Nesheim, Provost, for his strong leadership and financial backing for the hiring of minority faculty, including the creation of the Provost Visiting Faculty Program for Underrepresented Minorities. His creation of the Human Resource Development Committee brings to the forefront issues of diversity at Cornell.

Don Randel, Dean, Arts and Sciences, for his efforts to build a more diverse university. His vigorous support for the hiring of minorities has sent a strong signal about the seriousness of the College of Arts and Sciences' efforts to bring strength through diversity to Cornell.

David Call, Dean, College of Agriculture and Life Sciences, for his efforts on behalf of underrepresented minorities. His vigorous support for the hiring of Native Americans and the support of our Native American students has sent a strong signal about the seriousness of the College of Agriculture and Life Sciences' efforts to make Cornell a truly diverse university.

Reeve Parker, Chair, English Department, for his efforts to build a more diverse university. His leadership in minority hiring has been instrumental in expanding dramatically the opportunity to study Latino literature and culture at Cornell.

Peter Bruns, Director, Division of Biological Sciences, for his efforts to build a more diverse university. His initiatives, with the support of the Division of Biological Sciences Faculty, have brought one of the foremost Latino scientists and leaders to Cornell University.

cc: FCR Committee on Affirmative Action, 1993-94
FCR Committee on Affirmative Action, 1994-95
Office of the Provost
Human and Resource Development Council
Joycelyn Hart, Associate Vice President for Human Relations
Office of the President

University Faculty

Office of the Dean
315 Day Hall
Ithaca, New York 14853-2801

Telephone: 607-255-4843
Facsimile: 607-255-9412

To: University Faculty

From: FCR Subcommittee on Educational Policy

Date: December 12, 1994

Subject: A Proposal for Revising the Academic Calendar

The Strategic Planning Process has proposed changing the academic calendar by advancing the start of the Spring term by two weeks.

We enclose a proposal for 1995-96 for comparison to our current schedule. While this change could not be made so quickly, the proposal serves as an illustrative example.

Dean Stein has asked us to consider the academic ramifications of this proposal. The stated motive of the Administration for such a change is to ease the financial burden on students by increasing their earning power during the summer months. We wish to examine the academic implications of this change.

We are writing to all faculty to ask for their opinion. We have identified a series of issues to consider. We would like you to react to each issue on the attached sheet and to add to the list any that we have missed.

Please return the form as well as your comments by the end of the calendar year.

Thank you for your consideration.

Academic Calendar, 1995-96

	Currently Scheduled	Alternative #1
Fall Semester, 1995		
Residence halls open	Friday August 25	Friday August 25
Freshman orientation begins	Friday August 25	Friday August 25
Registration-course exchange	Tuesday-Wednesday August 29-30	Tuesday-Wednesday August 29-30
Instruction begins	Thursday August 31	Thursday August 31
Fall recess begins	Sunday October 7	Sunday October 7
Instruction resumes	Wednesday October 11	Wednesday October 11
Thanksgiving recess begins	Wed, November 22 (1:10 pm)	Wed, November 22 (1:10 pm)
Instruction resumes	Monday November 27	Monday November 27
Instruction ends	Saturday December 9	Saturday December 9
Study period begins	Sunday December 10	Sunday December 10
Study period ends	Wednesday December 13	Wednesday December 13
Final exams begin	Thursday December 14	Thursday December 14
Final exams end	Friday December 22	Friday December 22
Winter session begins	Tuesday December 26	-----
Winter session ends	Saturday January 20	-----
Spring Semester, 1996		
Residence halls open for continuing students	Sunday January 14	Tuesday January 2
Residence halls open for new students	Monday January 15	Wednesday January 3
Registration-course exchange	Thursday-Friday January 18-19	Thursday-Friday January 4-5
Instruction begins	Monday January 22	Monday January 8
Spring recess begins	Saturday March 16	Saturday March 2
Instruction resumes	Monday March 25	Monday March 11
Instruction ends	Saturday May 4	Saturday April 20
Study period begins	Sunday May 5	Sunday April 21
Study period ends	Wednesday May 8	Wednesday April 24
Final exams begin	Thursday May 9	Thursday April 25
Final exams end	Friday May 17	Friday May 3
Senior week begins	Sunday May 19	Sunday May 5
Senior week ends	Saturday May 25	Saturday May 11
Commencement	Sunday May 26	Sunday May 12

Moving the two weeks of free time from
January to May would FACILITATE:

I Agree I Disagree Important Unimportant

My ability to attend professional meetings

My ability to coordinate tasks with
colleagues at other institutions

The ability of my students to do honors
or independent research

The ability of student athletes to participate
in both academics and sport

My preparation time for courses

My research productivity for the year

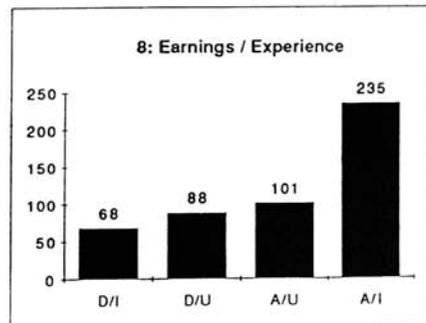
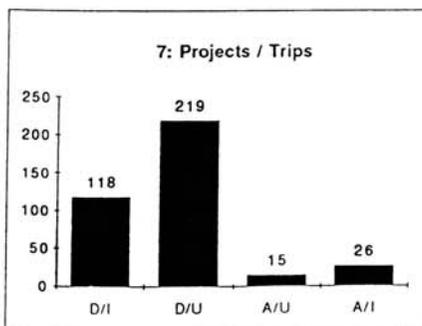
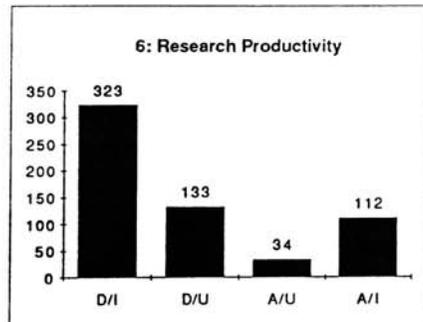
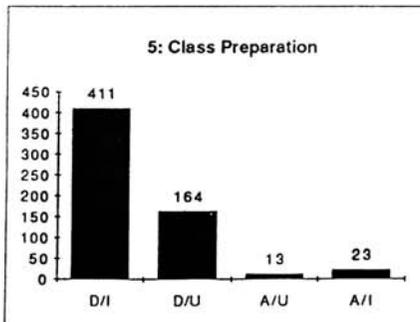
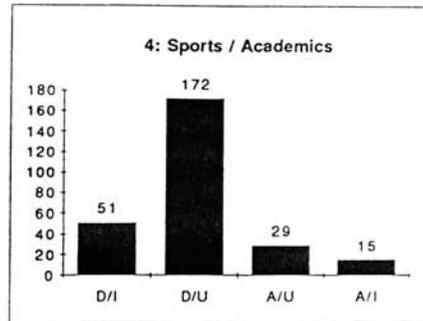
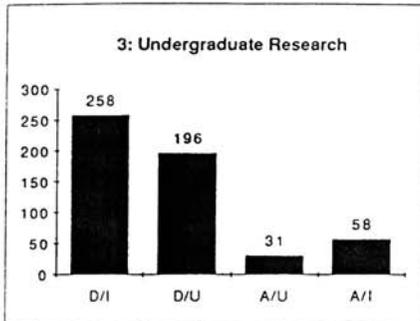
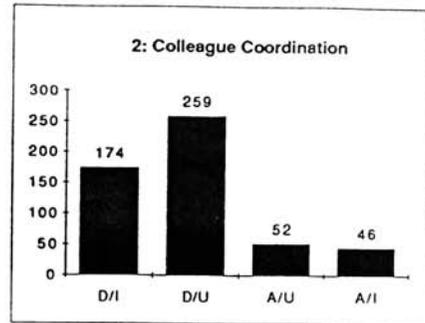
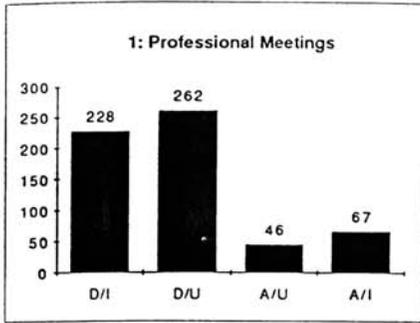
My use of time for class projects or field trips

Students' abilities to earn more money and/or
gain experience during the entire year

The potential conflict with Ithaca College graduation in the spring is

Other issues to be considered:

Please return this form, along with your specific comments, by the end of the calendar year to: **Dean of Faculty**
Use the back of this sheet if necessary. **315 Day Hall**



Other Issues	Times Cited
Stress - unwind/prep for spg term	141
Start Fall Term after Labor Day	48
Jan time for grants,proj.,res. etc.	48
Course loss in Jan-SS, Law, Engr.etc	47
Field labs in Jan/late spg.	23
Heating/snow removal costs	21
Move cal. by 1 instead of 2 weeks	21
Overtaxing of motels/restaurants	20
Hinder travel for res/recreation	19
Weather affect on morale	14
Additional summer teaching sched.	8
Coord w/Ithaca School Dist Calendar	7
Graduation-weather/volun/prep	5
Survey students	5
January internships	4
Full year appts./greater time use	3
Move to 3 semester/quarter system	3
Summer jobs for students	3
TheatreArts/CCO Conflicts	3
Earlier deadline for spg text. orders	2
Increased summer research time	2
Reduce driving hazards in winter	2
Continuity across both semesters	2
Cross regist at IC	1
Cultural confl for Latin Amer stds	1
Dept. faculty retreat	1
Fraternity/sorority rush	1
Implications of pay for Grad Asst.	1
Potential SS revenue	1
Reduce stds 9-mo. cost of living	1
Reserve Bk Sect/Libr-difficulty	1
Time for Grad stds oral exams	1
Vet. Coll. block scheduling	1
Wells College calendar	1

CALENDAR COMMENTS FROM DECEMBER 1994 SURVEY

I prefer the new proposed calendar.

I see little gain and, potentially, some serious loss associated with this change.

Overall, I would prefer to have the calendar as is!

The block of time during the year for research is much more valuable than adding to the block in the summer.

The long break is an opportunity to escape the Ithaca winter.

Doesn't facilitate teaching/consulting during the break, an important salary supplement for many of us.

I'd prefer the present schedule. Because of the differing external demands on Arts and Sciences faculty, a calendar change may well have a bigger impact on science faculty. A survey of a group of graduate students in my department produced a negative reaction to the idea of this calendar change. Will both undergraduate and graduate students be surveyed?

We can barely deal with one graduate per weekend now. I think the financial issue is the main one, especially considering the growing cost of college education. I'd sacrifice my own convenience for student finances.

This form is too simplistic. The issues involved cannot be characterized simply as "I agree" or "I disagree" and as "Important" or "Unimportant".

The month-long period between the Fall and Spring semesters is ideal for getting caught up on research activities. It should be left alone. The suggestion of shortening this period to less than two weeks is foolish.

Such a change would require our spring teams to compete in a large number of Ivy League contests during the final examination period, which would necessitate a great deal of accommodation for missed exams. Ivy League athletic schedules are determined by the League, not by individual institutions. Given the necessary weather considerations for most spring sports, the majority of League contests are played from the first weekend in April through the first weekend in May. The necessity to provide room and board for a potentially large number of student athletes for up to four weeks following the end of examinations could be a significant additional cost for the department.

One of the glories of being at Cornell - and one that makes alumni (= donors) look back fondly at us - is the experience of a Cornell spring. Alternative #1 would almost certainly cut out that experience for all students but seniors. One might make the same argument for faculty. A faculty member who, say, leaves the country on May 4 for research or vacation will only know the spring term as a long grim stretch of lousy weather. The beauty of Cornell and Ithaca (including spring) is one reason some good faculty stay at Cornell.

I would prefer for the schedule to remain as it is currently.

This is a great way for many students (Hispanic) to decide to go to other universities for their degrees - those that do not punish them and their families so that other students could get "better jobs" in the summer.

The necessity for rest and time for “clear space” to do research/artistic work would be completely undermined by this change.

Longer summer period allows more time for reflection, improvements/innovations in teaching and an extended period for summer research.

Please, please leave it alone. Doing away with the mid-year free time in January would seriously hamper my program. No. No. No!!

Shifting the academic calendar to an earlier start date will affect my honors students because they use January to gather data. Without the intersession research period they are unlikely to complete projects.

The proposed schedule overtaxes local restaurants and motels while depriving them of critical business/sales. Leave them their two big weekends. The schedule would symbolize Cornell’s contempt for both the local community and Ithaca College.

You selected the wrong year to try this. For this particular year, the break would be shorted by 3 weeks.

I would find the new schedule to be personally tough to handle. January helps not only research, but recharging the batteries!

The Cornell calendar is already badly out of sync with the Ithaca School district. This would make it worse.

I think is a terrible idea. I think it makes little difference to the students’ earning power and it is a major disservice in terms of collapsing the winter break. Faculty need this prep time. They have just barely finished grading by Christmas and need time to get the spring courses set. Students seem to really need the break too. Those who need a lot of money work during winter break. You also take away their option of attending “wintersessions” here or elsewhere.

If the plan is implemented, I will probably give up teaching in the spring semester. My department already has an imbalance with most courses in the fall - this would aggravate it.

The meaning of this (Important/Unimportant) is unclear.

When final fall grades are due - as of now - it’s hard to give reactions back. I can think of little benefit from the schedule shift to begin earlier.

Year after year students register and arrive late to campus because their employers want them to stay through Labor Day. Most students who work seasonally (or at seasonal places) cannot start work until June 1st anyway.

Overall, I like the idea.

Seriously, what is the real initiative behind this. I cannot for a minute believe that this institution has the students’ interests above its own.

I realize I am negative on all issues, but the open period in January provides an opportunity to pursue university related activities that would be totally lost if the proposed calendar were adopted.

I think we would adjust and it would make teaching summer courses less pressured.

You've done a good job of listing those that affect me.

If we want to give our students an advantage in the job market, it would be much better to start the fall semester after Labor Day. I would really like to see a change in fall semester. I am indifferent about spring. There is no child care in this town in late August, yet Cornell starts 2-2 1/2 weeks before the local schools. This puts a terrible strain on faculty and staff. Why can't we adopted the NYU, Princeton, Rochester or Yale calendar?

Two weeks is going to make such a big difference?

I like alternative #1, however, I would also like to see an alternative later start time in the Fall. Why not omit fall recess and give the students a longer Thanksgiving break so that we could essentially have two weeks after Thanksgiving, exams and finish the term before Christmas.

Would like to see more convincing reason for this disruptive change and strong enthusiasm for such a change among some campus constituency other than the administration.

I am not firmly opposed to the change in the calendar. However, as this is but prelude to a three semester cycle for the academic year, there are a host of issues connected to that which need discussion. Who determines the individual faculty member's participation in the new summer semester? How might course sequences be planned to avoid repetition of entry level courses?

It was really bad timing to ask our opinions on the eve of a one month break, which looms endless on December 20. Would this facilitate having a full summer term?

Don't do it. I need the break.

Calendar should be changed. Start after Labor Day. No extra time in winter. Bring back the old calendar.

My students use long break to make contacts. We even have programs to link students and employers during this period, i.e. intersession.

So the students will be in Ithaca for 2 additional weeks in January (ave. temp. 20F) and 2 weeks less at the end of the term (ave. temp. 60F). This would make the spring term much more of a winter term (term would be 9 weeks winter, 5 weeks spring). You better have those anti-suicidal nets under all the bridges. This proposal is a thinly veiled attempt to lengthen the summer so a 14-week term can be created and year-round teaching is adopted. Let's make a counter-proposal start the term February 1st.

This is a good idea for the simple reason that the intersession is a waste of time from an academic teaching point of view. It is not a period when a lot of research is done. Many faculty do not even come to campus in those two weeks; if an honest census was accomplished, it would prove this.

You have put an unrealistic deadline on this. Most faculties will not have time to discuss this proposal prior to January 1. If you want real feedback, don't send stuff like this out just before Christmas.

Please leave calendar alone, work on something else that needs fixing.

I very much prefer the current scheduled over the proposed schedule.

I see no need to rush quickly into the second semester. But my resistance to change is mild. If practical considerations clearly indicate that the change would improve things, I will gladly accept the revised calendar.

Don't do it!

While the stated motive of the administration is important, it may be outweighed if enough people feel the academic ramifications are, on balance, negative. The current Cornell calendar is one of the pluses of working at this university.

I am strongly opposed to the proposed change. This questionnaire doesn't seem to have been written with the point of view of the faculty in mind. Frankly, as a faculty member, students' ability to earn money is possible. In addition, a third column "no effect" should have been included.

Good idea, strongly support!

It's not clear to me that the change in the calendar would have this effect (students' abilities to earn more money/experience during the entire year). It looks like speculation.

This is a terrible idea! It would mess up my work in a major way. Leave the schedule alone!

Excellent idea.

I think this is an awful idea.

I am generally in favor of an earlier spring semester.

Is the university desiring a student body of local commuters? The calendar suggestions disregard travel or expect it to take place on national holidays e.g. current graduation. New Year's is suggested - doesn't seem to make sense.

Although I cannot agree that this 2 week change would facilitate the activities listed, I am not opposed to making this change on a trial basis.

Very bad idea.

To shorten the January break will have, as its main effect, filling the coffers of local chiropractors and therapists. It is sheer folly and maximally counterproductive.

Questionnaire is phrased so as to elicit agreement - pretty clever! What is the real motive of the administration? (The stated motive is obviously wrong)

This sounds like a 9 to 5 bureaucrat's idea. When are faculty supposed to re-charge their batteries? Torpedo this thing PDQ.

This project may suit the university, perhaps more than it suits the students. But if indeed it can help students earn more money, then I would agree to it.

This is a great idea!!

I think this is a great idea! Should have been done a long time ago.

I have no idea if this (student abilities to earn money) would help. Does anyone? Are we talking one or two weeks extra income at most?

I think it's a bad idea.

In short, except for the ability of our students to earn more money during the summer months, I can see no reason to adjust the schedule. In fact, I see every reason to keep the schedule as it currently is, i.e. January break for research, course preparation, catch up on work for journal book reviews.

The only advantage I can see is that students would be able to work longer in the summer and thus earn more money. The disadvantages are serious - very little course preparation time, Ithaca's weather in January, etc.. I think the disadvantages outweigh the advantage. I am against this proposal!

We should go to a quarter system.

In general I'm in favor of the change.
Cancel fall recess. Add that time to spring.

The proposed change is a disaster. I also am disturbed that this proposal came so late to us. Many of my colleagues have not had a chance to see this; we've not had a change to discuss it in a faculty meeting. I find it very disturbing that a major change such as this should be contemplated without full discussion in the faculty. I am strongly opposed and ask that, if the change is being seriously contemplated, there is full and open discussion in the faculty.

Strongly opposed, as this completely knocks out any chance for students (e.g. Cornell Ski Club trip) or faculty to engage in winter sports activities.

I teach students in a continuing course for the whole year. The shorter break would improve continuity and, thus, be an improvement for my students' work. In general, I think it is a better idea.

Bad idea.

The alternative allows for a much longer, more diverse summer session - this is a plus!

Why do we continue to revisit this matter year after year!

When is it, again, that the faculty is allowed to sink down wholly and earnestly into its work? As I write this I am madly finishing a major project and am able to do so as I know I will have some time in January to prepare for classes as well as read mountains of graduate admissions before the semester even begins. This plan, set forth for some reason other than the stated reason, is a rebuke to students and faculty alike. I repeat that we are not simply creatures of habit or sloths, as seems to be the sneaking assumption. But teaching is like starting a new job every three months. With snail's pace salary increases, evermore administrative work, hard delightful teaching and a passion for one's own work, please ask us instead: What is working?

I am strongly opposed to changing the calendar by two weeks. I really do not see any positive results due to such a move. In fact, I do not think the students will be ready by January 2 to start another grueling semester. I also don't think the staff would be ready. I am not sure that fall semester grades of all students will be in by January 2. This is a trivial exercise.

I have worked at a university that only takes 2 weeks off and it's too hectic to adequately prepare for spring semester, finish up fall semester, deal with grad student research, etc. Does this proposal arise from general concern among students? I do not sense widespread student support or advocacy for this change. Has the administration conducted a representative survey among students? Until there's evidence of a serious problem expressed by students, I see no need to seriously entertain this proposal.

If we want to shorten the Christmas break we should return to the pre-Vietnam calendar which was better than the current one. Harvard & MIT both stayed the course.

I hope and trust that “you” are considering the situation of support and other staff whose chance to recover from the semester-end would be throttled by this effort to squeeze a summer semester into the catalogue. For what it is worth, to say that “the Strategic Planning Process has proposed...” is gratingly illogical. People propose, people respond. A process does not propose.

Don't change it.

This makes winter break too short - students need more time. Are you just laying the groundwork for a trimester or quarter system? If so, don't try to snow us with balderdash about student “earning power”.

Excellent proposal!

I enthusiastically support moving the spring semester up. We need to have a longer summer break in order to get research done. I would like to see us compact the year even further, what about condensing the two weeks study and exam period to 1 week? This would gain us 2 more weeks in the summer. I think a longer summer break would increase my research productivity greatly. Longer blocks of time are useful, especially when there are fewer interruptions.

Faculty recruiting in my department would be easier because the semester would start right after the meetings at which we conduct our first-round interviews. Since the semester would be underway our faculty would be present and we could therefore proceed on our search in a more timely fashion.

The summer period is already quite long. I seriously doubt that any financial gains would be made. From all other perspectives, the proposed changes constitute an ACADEMIC DISASTER. I would probably retire prior to age 55 rather than work under the revised system.

This change is long overdue.

Maybe we should stay open through the summer and shut down for 3 months in winter. This would save coal, gas, and our students would be available for jobs no one else could touch...Classes should start March 25 and end December 23.

This has one glaring omission!! My ability to teach. Most of the rest is comparatively irrelevant.

I favor the change.

Basically, I am not in favor of the proposed change, although the reason(s) this proposal is being made was not included with this survey.

This questionnaire is not terribly clear, for example, in question 1 my attendance at professional meetings is important but the proposed schedule change will not affect my attendance because my important meetings are in the fall. Thus, I will mark disagree and important when in fact the proposed change will not affect my attendance of meetings in the slightest.

I think the change is a good idea.

The only change I would support would be to introduce a slightly later start for the fall, eliminate fall break, shorten the final exam period.

On the whole, I would very much dislike moving the 2 weeks of free time from January to May.

This is a terrible idea. The administration's rationale is specious. The other reason they're giving that we could somehow make money by running year round in our regular class mode - is incredibly ill-conceived.

I don't see how the effect of the change is separate from the importance of the effect because everything you have asked about (except student sports) is plainly important.

Doing this for the students is a smoke screen. The faculty wants 2 more weeks of free summer time.

I think that changing the schedule is a terrible idea.

Ending classes on 20 April is obscene. I vote NO!

Consider a quarter system for the whole academic year.

This change would make it easier for my students (who conduct field research) to participate in the field research program and to initiate their own research without conflict with exams.

I could adjust to the change.

Not in favor of a change.

I favor the change.

Students can earn some money in winter break in the present system. They can't in the new system. To make the summer break longer, students will forget what they learn in spring. I think the proposal is a bad idea.

If you want to cut time out of the calendar you could easily do so by cutting semester break, study period and final exam period. The first two would be cut altogether and the latter shortened along with policy change that would allow exams in final week of classes. You could also consider a policy change of instituting a "no shopping" policy after the first class session. It is almost impossible at Cornell to get a course moving before the 3rd week due to the "culture" of course shopping. Stopping that would allow a course to get moving from Day 1.

Absolutely not. This is ludicrous.

Not worth considering seriously - whose idea anyhow?

The loss of January break would cause many problems for the spring term. This would be a disaster - hope this is not a serious consideration. Foolish.

Absolutely not.

I strongly disagree. This is absolutely ludicrous.

Most universities have commencement immediately after finals. Encourage more departments to offer intensive extra-mural courses in January for credit and for tuition.

No - too foolhardy for consideration. Absolutely not.

Seems overall a good idea and changes would have no major impact on me or my teaching or research.

Spring break won't be in spring. Visitors prefer not to come in winter, which will become 2 weeks longer.

I strongly prefer that the schedule be left as is.

I am very strongly opposed to this change.

Is this an effort to make room for a trimester calendar?

Why was this form structured only to reflect the positive effects of the proposed change? What about the negative effects?

I think this is a dreadful idea. It significantly cuts down on one's ability to go far away places over the intersession when we can really use the time, both for R&R and class preparation.

I find to redeeming value in any category from this suggested change except possibly income-earning opportunities for some students which I suspect would net only a small impact. This proposal is a poor one especially because it would prescribe doing more in less time (and doing it less well) both for students and faculty who are already harried by time constraints.

Having operated under both calendar schedules, it really doesn't make an important difference to me.

Present a serious proposal for a 3 semester academic year.

I'm indifferent to the start and end dates.

On balance, a good idea.

I don't think any of the above questions are pertinent. My guess is that the faculty have gotten used to, and like, the long intersession and won't change it.

The current long winter break is an academic waste of time. The real solution is to return to the old late start fall semester with exams after Christmas.

Many of the campus service organizations may need January to make the transition from one semester to the other. Are we collecting such information from the libraries, CIT, Campus Store, Res Life, etc.?

I'm not clear on whether a change in the University's calendar would need to affect our (Law) program.

There is a hidden pitfall in the motive "to ease the financial burden on students by increasing their earning power during the summer months." Let's suppose that a student earns two more weeks' worth of wages in the summer. The Financial Aid Office would then be inclined to increase his or her expected contribution by the same amount. Possible result: the student has worked two weeks longer, paid all his or her wages for that time to Cornell, Cornell gives that much less in grant funds, the student takes out just as much in loans as before, and is no better off! Perhaps this objection has already been met: I'd like to hear more about the proposal.

I understand that the Strategic Planning process has made this proposal in hopes of easing the financial burden on undergraduate students. But the negative academic and administrative impact simply cannot justify the implementation of such a plan (whose overall economic gains for students are doubtful). I am concerned that your appeal for feedback fell so perilously close to the holiday break.

Alternative #1 is the worst schedule I have heard of, especially if one is involved in the placement of graduate students or the hiring of new faculty. The change would be a disaster.

I am very skeptical of the change.

It seems that the engine driving this plan on the part of the administration is their beady-eyes intention to wring more money out of the students. But many students will not be able to secure jobs for the entire long period envisioned. I certainly hope the committee will speak out firmly against this latest incursion by the administration on academic turf, which completely ignores the academic merits of the new calendar.

It is easier for most family members to attend graduation on Memorial Day.

I didn't receive this until January 3.

The proposed new calendar would hurt graduate education and faculty research. I oppose it.

The pleasures of winter break for students might be diminished by shortening their effective vacation time to 10 days - for those who must travel long distances by automobile, there isn't much satisfaction in such a short break.

Please leave the calendar as is. I vote no to changing the calendar.

Economics has a lot of conferences in the May-August period. I would be able to attend more of them under the new schedule. Also, I feel that the longer block of research time in the summer would make me more productive.

Personally, I don't like this.

I received this on December 22nd - just as I left. Please consider timing if you want 100% response rate.

There would be no time left for placement testing for language courses.

The present calendar seems to provide a better framework for pacing the academic year. All in all, the proposed shift of two open weeks from four to May seems not to be a ver good change - rather the contrary.

I strongly disagree with the proposed change.

If this is part of the plan to offer a full-semester summer program, you'll need to factor in air-conditioning as well as heat costs.

I need the break in January. Don't take it away!

Students and faculty may spend less time at Cornell, and develop more serious commitments elsewhere, reducing the richness and intensity of academic life in Ithaca, although possibly increasing linkages between Cornell and other institutions.

We have a very good schedule and it is a very bad idea to change it!!!

How does this affect the needs of administrative staff?

I am firmly opposed to the suggested revision. Objections to any calendar which concern faculty desires (except those that affect ability to teach) are not valid, i.e. ability of faculty to attend conferences. And yet on the form sent to faculty...for evaluating the diea of "moving the two weeks of free time [Whoever thinks it is 'free'?] from January to May", 5 of the 9 criteria presented concern faculty desires. One concerns Ithaca College and only 3 concerned students. That is terrible.

Sorry for the delay. I was travelling abroad over winter break. Your deadline excludes those most affected by the proposed change (those doing research in sites away from Cornell).

Talk about burning the calendar at the wrong end! Of course the summer is badly scheduled and eats into employment opportunities. That's because it runs out in August, not because it doesn't start until mid-May! From the redwood forests to the gulf-stream waters, summer means Memorial Day to Labor Day.

We in the Department of Theatre Arts would like to have our unanimous recommendation included in your discussions. Simply put, the Department of Theatre Arts is opposed to moving forward of the beginning of the spring semester. The heart and soul of the Department is our work with students in film, theatre, and dance. The hiatus from December to mid-January is the time that most students use to write final drafts and plan their shooting schedules for their second semester work. Our production schedule would be severley disrupted.

I am a wife, mother and housewife too!

Faculty Governance at Cornell: An Assessment and a Plan for the Future

It is commonly believed by the faculty that University and college (at least in the case of the large colleges) faculty governance has atrophied and become ineffective, and that faculty no longer have appropriate input into the important decision-making processes at Cornell. We do not fully understand the phenomenon, and believe that there are many contributing causes, including changes in faculty culture, the increase in University size, University and college administrative procedures, and inherent structural problems in faculty governance institutions. While each of the above factors probably contributes to the weakness of faculty governance at Cornell, we have chosen to concentrate on the structural problems in the governance institutions, not necessarily because we think that they are the most important factors, but because we think that they are the easiest to address.

As a starting point in our assessment, we surveyed faculty governance at seven institutions that we believed to be comparable to Cornell. Our survey sample ranged from small elite institutions (e.g., Princeton and Chicago) to large public universities (e.g., Berkeley and Madison). We were surprised to find that with one exception, the institutions surveyed had a greater degree of formal faculty involvement in the important decisions, including tenure appointments and resource allocation, made at levels higher than the department. By "formal involvement", we mean participation by the entire faculty of a unit, or by their chosen representatives.

The FCR, as presently constituted, has several serious limitations that prevent it from providing effective faculty input to the University decision-making process. The lack of working links between FCR representatives and their constituencies erodes the legitimacy of their representation of the faculty. The agenda of the FCR bypasses many of the critical issues facing Cornell. When it attempts to address them, its views are often ignored by the administration. When the administration solicits faculty input on important issues, it routinely finds it outside of the FCR. The FCR is caught in a tight, self-reinforcing spiral of irrelevancy. Its views are not sought because it is irrelevant, and it is irrelevant because its views are not sought.

On July 1, 1995, a new administration will take office, and will likely evaluate and modify the structures and procedures by which Cornell makes major policy decisions. 1995 also marks the 25th anniversary of the Cornell faculty's transition from a town meeting governing structure to the current FCR representative structure. For both reasons, the current year is an appropriate time to re-examine the ways that the faculty governs itself, and participates in decision making throughout the University.

The accompanying proposal is an attempt to address the weaknesses in the current governance institutions in a systematic fashion. Since academic departments (or schools for those units without a departmental structure) are the largest cohesive faculty groupings, membership in the proposed representative governance structure (the Faculty Senate) is derived from departments. Senate members, who will comprise about 7% of the faculty, will collectively be the center of faculty involvement in decision making at both the College and University levels. According to this proposal, at least half of the faculty members of all university and major college-wide committees will be members of and selected by the Senate.

The proposal creates new college and university committees to provide formal faculty input to administration decision-making in all of the major areas that affect the faculty. The college and university Priorities Committees are envisioned as focal points for the faculty to share responsibility with the administration for major decisions other than faculty appointments. By concentrating faculty input to the central administration in the Priorities Committee, as opposed to the current dispersal among many FCR committees, we hope that a working spirit of cooperation can be established between faculty representatives and the Provost. Faculty would have a formal role in promotions to tenure and reappointments of non-tenured faculty through elected college appointment committees, who would advise the college dean on all such actions.

This proposal is intended as a conceptual vision of a robust and workable integrated structure for faculty participation in decision-making, rather than as a detailed plan ready for adoption. A host of important details have not been specified. Furthermore, none of the important implementation issues have been addressed. Some parts of the proposal are entirely within the province of the University Faculty. Others fall within the areas of responsibility of the schools and colleges, the central administration, and perhaps the Board of Trustees. Nevertheless, we believe that the proposal can serve as a model for a basic and long overdue re-structuring of faculty participation in decision-making that can better equip Cornell to deal with the uncertain future that lies ahead.

J. Thomas Brenna, Nutritional Sciences
David L. Brown, Rural Sociology
Geoffrey V. Chester, Physics
Cynthia R. Farina, Law
Keith E. Gubbins, Thomas R. Briggs Professor of Engineering
Howard C. Howland, Neurobiology and Behavior
Sheila S. Jasanoff, Science and Technology Studies
Robert F. Lucey, E.V. Baker Professor of Agriculture; Secretary of the University Faculty
Peter Stein, Physics; Dean of the University Faculty
Milton Zaitlin, Plant Pathology

Re-Inventing Governance

A Proposal for Faculty Participation in Decision-Making at Cornell

1. A Faculty Senate, consisting of about 100 professorial faculty, will replace the FCR (which is of comparable size). Members of the Faculty Senate will be elected by the professorial faculty members of each academic department. For the purposes of this document, a section in the Division of Biological Sciences will be considered a department. Each department will have at least one representative, and an additional representative if the department has more than 25 professorial faculty. Departments with five or fewer faculty may, if they wish, combine with other departments to choose representatives to reduce the burden of service.
2. The Faculty Senate will have a Committee on Committees, a Priorities Committee, and such other committees as the Committee on Committees and the Faculty Senate shall deem appropriate. The Committee on Committees and the Priorities Committee will each have nine members elected by the faculty at large. All other committees will be appointed by the Committee on Committees. The Committee on Committees may add non-professorial academics and students to Faculty Senate Committees when they believe it to be appropriate. Faculty who are not members of the Faculty Senate may serve on Faculty Senate committees, but at least half of the membership must be drawn from the Faculty Senate. Members of the Faculty Senate and its committees shall serve three-year terms. The Committee on Committees shall have the responsibility of ensuring that membership of all Senate committees is broadly representative of the disciplines of the faculty within the committee's jurisdiction. In particular, the physical sciences, biological sciences, social sciences, humanities and professional schools shall have appropriate representation on the Committee on Committees and the Priorities Committee.
3. All Faculty Senate committees shall report at regular intervals to the Faculty Senate.
4. The Priorities Committee will have regular and frequent meetings with the Provost and other appropriate administrators. It is the expectation that the administration consult with the Priorities Committee in a timely fashion on the budget and on all major policy issues, except for those that the Committee on Committees delegates to other faculty committees. In these situations, the administration will establish a parallel regular consultative relationship with those committees.

5. The Faculty Senate shall select its presiding officer. Both the Dean and the Secretary of the Faculty shall be ex officio members of all Faculty Senate committees.
6. Each large college (Vet.Med, Arts, CALS, Hum.Ec., Eng., AAP) will establish an Appointments Committee and a College Priorities Committee. The Appointments Committee will advise the College Dean on all professorial reappointments and promotions or appointments to tenure, and will receive simultaneously with the Dean the complete file including the report of the ad-hoc tenure review committee. The College Priorities Committee will advise the Dean about the allocation of resources within the College. The members of these committees shall be elected by the faculty of each college, and at least half of these members will be simultaneously members of the Faculty Senate. The small schools and colleges will either establish such committees, or operate as a committee of the whole, but in any case there will be no requirement that half of the members be simultaneously members of the Faculty Senate.
7. Whenever the administration of the University forms committees including faculty members to advise them or to perform specific functions, at least half of the membership will be simultaneously members of the Faculty Senate, and these members will be selected jointly with the Committee on Committees.
8. There may be needs to form faculty committees with general or specific mandates whose jurisdiction is broader than a single college, but less broad than the entire University. For instance, it may be desirable to form a cross-college disciplinary Appointments Committee for disciplines that span more than one college. In such situations, at least half of that committee membership should be drawn from the membership of the University Senate representing the appropriate constituency.
9. The University will provide the Faculty Senate and its committees with sufficient staff, access to University analytic capabilities, and, where appropriate, released time to allow them to responsibly carry out their duties.

M E M O

TO: FCR Colleagues
FROM: Richard Baer
Date: February 8, 1995
SUBJECT: Comments on Cornell University Interim Policy (Policy 6.1) on HIV/AIDS

Since the FCR executive committee did not act on my request of December 16 to set aside some time on February 8 to discuss what is presumably the final draft of Cornell's HIV/AIDS policy (Policy 6.1), I have decided to briefly explain my dissatisfaction with the policy and why I think it should be discussed further. The sheet "CORNELL UNIVERSITY HIV/AIDS POLICY:A BRIEF HISTORY" states that the "target date for final draft and implementation" of the policy is February 1995. Thus I was not comfortable waiting till our next meeting to discuss the issue.

In February 1993 Roger Cramton (Law School) and I raised a number of questions in FCR about the policy draft of the HIV/AIDS policy being circulated at that time. I stated my conviction that the "document reflects a good deal of compassion, decency, and common sense," but that it is "unbalanced in significant respects." Policy 6.1 represents a slight improvement over the earlier policy, but I believe it still contains serious problems.

To a considerable extent Policy 6.1 is constrained by state and federal law, including the Americans with disabilities act and sections 2780-2787 of the New York State Public Health Law. Wendy Tarlow in the University Counsel office has helped me some interpret relevant law, but I am left with the impression that there is no clear consensus on just how it is to be applied.

Also, the question of university policy goes beyond the law. Laws do not always reflect sound moral principles, and in the present case the law is largely the result of powerful lobbying by special interest groups who do not necessarily serve the larger public interest very clearly. In the present case, the concern for confidentiality and the feelings of those who are HIV positive have totally overshadowed the larger public interest in containing the HIV/AIDS epidemic and protecting innocent individuals from infection.

More specifically, let me call your attention to p. 7 of our Policy 6.1, which reads as follows: "Supervisors, advisors, and other university employees who become aware, in the course of their work, of an HIV-infected employee or student must maintain confidentiality. Exceptions will be made only with the written permission of the infected individual." Just before this we read: "Caution: breaches of confidentiality are subject to disciplinary action."

My problem is that under certain conditions, I would consider myself morally obligated to violate this requirement--for instance, if I happened to learn of a student or university employee who was HIV positive and who was having sex with another person or persons without warning them of his or her infection (See *The New England Journal of Medicine* (January 9, 1992, p. 104, for discussion of low rate of compliance to North Carolina law which requires HIV-positive persons to notify sexual partners of infection).

Policy 6.1 reflects the tragic way in which our society has politicized the HIV/AIDS epidemic--tragic because it is not protecting the larger public effectively and because it has resulted in the death of many innocent people.

--over--

In the entire Cornell policy, I find only one sentence that suggests that infected persons have any obligations to the rest of the community. This statement is on p. 10 and reads as follows: "The established goals of the committee (The Cornell AIDS Action Advisory Committee) are: -to help members of the university community become more knowledgeable about AIDS, assume personal responsibility for the prevention of HIV infection," etc.

What if HIV positive persons prefer not to act responsibly? Interim Policy 6.1 contains no statement that irresponsible actions--for instance, hiding the fact that one is infected when having sex with others--would subject the offending individual to disciplinary action. Or where is there any statement urging infected persons to keep in mind that having sex with an uninfected person--even with the best preventive measures--may very well result in great harm to that person?

The medical threat to the Cornell community is from infected persons, not from uninfected persons. One could hardly discover this fact from reading this interim policy statement. Nor does the document call attention to the hugely disproportionate role that homosexual (and to a lesser extent bisexual) behavior has played in the spread of HIV/AIDS. The document is silent about what appears to be a growing consensus among public health scientists, namely that HIV/AIDS in North America is not now nor is it likely to become mainly a disease connected with heterosexual vaginal intercourse. In North America, apart from infections associated with drug use and blood transfusions (and perhaps prostitution), HIV/AIDS is chiefly connected with anal intercourse and various other questionable sexual practices.

The politicizing of HIV/AIDS has resulted in policy decisions in the United States that are expensive and ineffective. Government agencies and universities have become party to widespread propagandizing about HIV/AIDS, and medical personnel have been intimidated by the pressure tactics of AIDS activists. The U.S. would do well to pay attention to how the disease has been dealt with in Great Britain and in other nations that have targeted prevention programs largely to high risk groups.

Overall, Interim Policy 6.1 is a splendid example of a politically correct document that tries to change the behavior of the community at large rather than focusing on those who engage in avoidable high-risk behavior. I am not suggesting that the Cornell community should not treat persons with HIV/AIDS with compassion or that we should discriminate against infected persons beyond what is medically mandated. Of course we should not do such things. But it does mean that we should recognize that the HIV virus is spread mainly through high risk behavior which individuals *choose* to engage in, and we should stop dehumanizing infected persons by treating them as if they are simply victims of a capricious and unavoidable disease, thus depriving them of a sense of personal responsibility.

Policy 6.1 is unworthy of an academic community that is committed to truth telling and mutual responsibility. The document suggests that the main problems associated with HIV/AIDS are the discrimination and lack of understanding shown by the uninfected towards the infected rather than the choices individuals make to engage in high-risk behavior.

I hope that Policy 6.1 will not become our official Cornell policy, and I hope that we as the faculty council of Representatives will have the courage to discuss the policy honestly and recommend what changes seem to us appropriate.

Richard Baer, Prof. Dept. of Natural Resources, February 8, 1995

MINUTES OF A MEETING OF THE FACULTY COUNCIL OF REPRESENTATIVES

March 8, 1995

Sixth Meeting of the Academic Year
(Numbers in parentheses indicate attendance at meetings to date)

Present: **CALS:** Baer, R.A. (6); Davis, P.M. (4); Gebremedhin, K. (3); Liebherr, J.K. (4); Lucey, R. (5); Nasrallah, M.E. (2); Reeve, H.K. (4); Rockcastle, V.N. (6); Setter, T.L. (3); Smith, M. (6); Tauer, L.W. (4); Trumbull, D.J. (4); Yavitt, J.B. (5). **AAP:** Cruvellier, M. (5); Kord, V. (5); Saltzman, S. (4). **A&S:** Albrecht, A. (5); Ashcroft, N.W. (5); Bem, D.J. (3); Bretscher, A.P. (2); Cotts, R.M. (5); Geber, M.A. (4); Harris-Warrick, R. (2) (spg. only); Hirschmann, N.J. (6); John, J. (2) (spg. only); Kalos, M.H. (2); Peirce, L. (3); Pelliccia, H.N. (4); Regan, D.T. (5); Roldan, M.J. (2); Shanzer, D. (6); Shapiro, G. (4); Thorne, R. (1) (spg. only); Vogelsang, T.J. (4). **Engr.:** Fine, T. (1) (spg. only); Fisher, E. (6); Gubbins, K. (3); Mukherjee, S. (1) (spg. only); Sachse, W.H. (3). **Hotel:** Chase, R.M. (5); Sherry, J. (6). **H.E.:** Brenna, T. (5); Hahn, A. (5); Obendorf, K. (5); Street, L. (5). **ILR:** Ehrenberg, R.G. (5); Kuruvilla, S. (3). **JGSM:** Isen, A.M. (3). **Libr.:** Atkinson, R.W. (5). **Vet. Med.:** Ball, B. (3); Casey, J.W. (3); Dubovi, E.J. (3); Randolph, J.F. (5). **At-Large:** Abowd, J. (5); Bierman, H. (6); Earle, C.J. (6); Holcomb, D.F. (5); Howland, H.C. (4); Lumley, J.L. (1); R. Schuler (2) (spg. only). **Faculty Trustee:** Calvo, J.M. (4).

Absent: **Afr. Ctr.:** Greene, S.E. (4); **CALS:** Awa, N.E. (4); Luckow, M.A. (3); Parks, J.E. (3); Pritts, M.P. (5); Whitlow, T.H. (1). **Geneva:** Koller, W. (3); Nyrop, J. (1); Rao, M.A. (3). **A&S:** Devenyi, J. (2); Fay, R.C. (5); Hayes, D. (2); Keil, F. (2); Kennedy, K.A.R. (4); Smith, A.M. (4); Stark, D. (2); Strang, D. (1). **Engr.:** Boyd, I.D. (4); Giannelis, E. (5); Jirka, G. (2); Liboff, R. (2); Lo, Y-H (1); Rand, R. (2). **ILR:** Lieberwitz, R. (3). **H.E.:** Wethington, E. (4). **Law:** Green, R.A. (4); Taylor, W.F. (0). **ROTC:** Eason, C. (1). **Vet. Med.:** Bertram, J.E.A. (4); Hermanson, J.W. (3); Kallfelz, F.A. (4). **At-Large:** Allen, J.A.V. (4); Decker, D. (3).

The Speaker, Professor Emeritus Russell D. Martin, called the meeting to order. He reminded the body that according to the material the Dean sent out, items of new business should be submitted to the Speaker in advance of the meeting. He indicated that Professor Baer has already done so. The Chair then called on Dean Stein for remarks.

1. REMARKS BY THE DEAN

"I have a couple of remarks. First, with regard to what the Speaker was just referring to—new business items on the agenda. It seemed to us that it was a good idea just to have a portion of the FCR meeting where people could bring up whatever it was that they wanted to bring up. Most of the meeting is structured according to *Robert's Rules*, where one cannot speak freely. One can speak to a motion that's on the floor, to a committee report, or to something like that. People felt that it was a good idea to have some portion of the meeting dedicated to whatever anyone wanted to say. If one wanted to do it formally by *Robert's Rules*, it would take a motion to go into a committee as a whole, which becomes unstructured. It didn't seem to the Executive Committee that it was worthwhile doing that. We will traditionally reserve 5-10 minutes at the

end for items that anyone wants to bring up. Now, at the last meeting, it was suggested that in order to make that 10 minutes flow in the most efficient way, it probably made sense for people to tell the Speaker that they had something to say; so that if there were more than one wanting to speak on the same item, he could call on people that would facilitate an orderly presentation. But there is no attempt by this to restrict the debate. It still is an open portion of the meeting where anyone can bring up anything he or she wants to bring up.

"The second item is that I'm sad to bring the regrets of the new Athletic Director, Charles Moore, who called me up this morning to say that he had a personal problem in his family that required his being out of town and that he much looked forward to introducing himself to you and telling you a few things that were on his mind. He's sorry to be unable to do it at this meeting but hopes to be able to do it at the next meeting. I have met him, and I think you'll be interested in hearing what he has to say. He conceives of the office of Athletic Director somewhat differently than athletic directors have in the past, I think. I guess that concludes the remarks that I have to make."

There being no questions for the Dean, the Chair next called on Professor Brett de Bary for a presentation on the Symposium to honor President Rhodes.

2. PRESENTATION ON SYMPOSIUM TO HONOR PRESIDENT RHODES

Professor Brett de Bary, Asian Studies: "I'd like just to give you a brief progress report on the planning for the Symposium. Peter Stein invited four faculty members, including myself, to act as an advising committee to him in planning this event: Professor Yervant Terzian, Astronomy; Professor Ron Ehrenberg, ILR; and Professor Jerry Ziegler, Human Ecology. We've been discussing possibilities for the Symposium since right before Thanksgiving. At this point, all of the speakers that Frank Rhodes is inviting from outside have given us their responses in the affirmative. So what I'd like to do is go over with all of you, briefly, how we have planned this one-day and one-evening Symposium activity honoring Frank and let you know what the dates are and so forth. The Symposium is entitled 'The New American University: National Treasure or Endangered Species?' This represents kind of a compromise between Peter and Frank, I think. Peter likes short titles, and Frank likes very long titles. We kept thinking we should call it the 'New American University' because this sounded very upbeat. Frank had a sense of urgency about 'National Treasure or Endangered Species,' so we finally put them all together with a beautiful colon. As it now stands, this is the title for the proceedings of the entire Symposium. The Symposium will begin with a dinner Sunday night, May 21, to which all of you are invited. The dinner will be held in the Ballroom at the Statler Hotel and will be followed by the Keynote Address for the entire Symposium."

Dean Stein: "Excuse me, Brett. It's still 'you and a guest.' Is that right?"

Professor de Bary: "Yes. You and a guest are invited. For the Symposium, the speaker will be William G. Bowen, President Emeritus of Princeton and now President of the Mellon Foundation; and we have asked him to speak about the topic he is most interested in, with particular relevance on his vision of the future for American universities. After Sunday night's activities, we will reconvene at 8:30 on Monday morning, May 22, in the Alice Statler Auditorium to begin a day of panel discussions interlaced with eating and other types of ritual celebrations. The morning session will feature one of many keynote speakers, Charles M. Vest, the President of MIT. The topic of his talk—and you'll recognize this as Frank's topic because it is very long—but I must read it to you in its entirety, is: 'Research Universities: Overextended, Underfocused, Overstressed, Underfunded?' That session will be followed by a panel discussion picking up on these themes. The panel discussion will be carried out by all of the outside invited speakers. The other speakers include Hanna H. Gray, Harry Pratt Judson Distinguished Service Professor of History and President Emeritus of the University of Chicago; Neal Lane, Director of the National Science Foundation; Harold T. Shapiro, President, Princeton University; and Marye Anne Fox, Vice President for Research at the University of Texas at Austin. The presentations will be followed by a discussion carried out by invited Cornell faculty. Frank Rhodes has insisted that everybody who attends the Symposium should eat lunch at the Symposium. Lunch will be held in the Statler Ballroom. The afternoon session will consist of two brief presentations by outside invited faculty and will be followed by panel discussions. The afternoon session will conclude with a response to all of these topics by Frank. I think it was Peter who was sure that Frank would have trouble restraining himself after listening to all of these hopefully stimulating and provocative presentations; and we felt that we should have Frank give his own thoughtful responses at the end of the day as a way of concluding the entire Symposium. We will then adjourn to the Ballroom where there will be a reception for Frank to which all Cornell Faculty are invited. These are our plans as they now stand. Are there any questions that you have or concerns you'd like to raise?"

A question was asked if the proceedings would be recorded.

Professor de Bary: "Yes, we are recording; and Maureen Updike in the Office of the Senior Vice President was quite cagey about whether we should tell the invited speakers ahead or afterward about this. We would like to publish the Symposium in something like the ACLS Symposium format, which is relatively informal, because these are not scholarly research papers; they are just recordings of the proceedings. I think Maureen has looked into various aspects of this with Cornell University Press."

Dean Stein: "I often focus more on food than food for thought. I just wanted to make sure that the invitation for the dinner the night before includes all FCR members and a guest; it's not for the entire faculty. And then we are having an open buffet lunch

between sessions and a reception afterwards to which all faculty are invited. Interspersed with that, there are some talks of one sort or another.”

The Speaker called on Professor Kay Obendorf, Chair of the FCR Executive Committee, to introduce a resolution on electronic distribution of minutes.

3. RESOLUTION RE ELECTRONIC DISTRIBUTION OF MINUTES

Professor Kay Obendorf, Textiles and Apparel: “Since December 14, 1988, it has been legislated that the summary minutes of each FCR and University Faculty meeting be distributed to the faculty with the next call to the meeting. The duplication costs seem to be a problem in these restricted times, and we now have available to us electronic mail as a media; so this is the driving force of this cost-saving resolution. For these reasons, the Executive Committee brings to you this resolution that as soon as practical, the Office of the Dean of Faculty discontinue universal mailing of the summary minutes and issue the summary minutes electronically. In addition, a hard copy would be placed in Mann and Olin Libraries and a mailing list would be maintained in the Dean of Faculty office for those Faculty that specifically request a paper copy of the minutes by mail. I introduce this resolution.”

Speaker Martin indicated the motion is on the floor for discussion.

Dean Stein: “I’d like to offer a friendly amendment in response to an e-mail message I got from a colleague who suggests that the libraries are too far away from some units, i.e. the Vet College, for instance. Without specifying which libraries, I wonder if we could add at least to that; and then let us take under advisement where the right place is to put those hard copies.”

Professor Sidney Saltzman, City and Regional Planning: “I would like to ask, why not put them in all the libraries? I can’t imagine the cost would be that prohibitive.”

Professor Obendorf: “But all libraries makes it difficult. Where do you stop?”

Dean Stein: “How about all ‘major’ libraries?”

Speaker Martin: “All right. The amendment is moved and seconded. Discussion?”

A question was asked whether that would significantly lower publication costs.

Dean Stein replied that would continue to significantly lower the publication costs.

Speaker Martin called for a vote and the resolution as amended, carried.

WHEREAS, on December 14, 1988, legislation was adopted which prescribed that summary minutes of each FCR and University Faculty meeting be distributed to the Faculty with the next call to meeting, and

WHEREAS, duplication and mailing expenses are becoming prohibitive and electronic distribution is a viable cost-effective alternative,

THEREFORE, BE IT RESOLVED, that as soon as practicable, the Office of the Dean of Faculty discontinue universal mailing of summary minutes and

- a) issue the summary minutes electronically*
- b) place a hard copy in all major libraries, and*
- c) maintain a mailing list for all those Faculty requesting copies of minutes by mail.*

The Chair next called on Dean Stein for discussion of the governance proposal.

4. DISCUSSION OF THE GOVERNANCE PROPOSAL

Dean Stein: "The Governance Committee presented last time this new proposal (Appendix A, attached) for governance. It now has been circulated to the entire faculty, and we have started a process of going around the campus to talk to representative people; and what we decided to do was talk to all department chairs together with their deans. Yesterday I spoke to all the department chairs in Arts and Sciences with the Deans of Arts and Sciences. I have appointments with the Vet College and Agriculture and Life Sciences. I spoke to the Dean of the Law School and the Dean of ILR. So we're in the process now of hearing what deans and department chairs say about it. It is a major proposal. I should say I've also spoken on several occasions with Hunter Rawlings about it. His position is that he believes the effort we are pursuing is a good one for various reasons. One, because he's not president yet; and two, because he does not feel knowledgeable enough about the Cornell situation. He does not want to either endorse it or not endorse it at this point, but he does believe that faculty governance is important to the morale of an institution. He encourages us to continue the process but asks us to delay a final formal consideration of a new governing structure until he becomes the president, which it seems to me, is a perfectly reasonable request for him to make. But he also authorized me to say that his impression is that faculty governance at Cornell is not as strong as it should be for a strong institution. I think that is a very positive statement of support.

"I don't quite know what to do next. I've gotten a few responses by e-mail, not very many—less than 10, and I think it's important to hear what you have to say. It's also probably more important for us to hear negative comments than positive comments.

Positive comments are welcome because they make us feel good, but negative comments tell us what it is that you think we are doing wrong. I think sooner or later we have to come to closure on this. This, of course, is not a final proposal; and if it looks like this is the right way to go, then I think we have to commission a drafting committee to make a formal proposal with all the T's crossed and the I's dotted—which will be considerably longer than the two page concept document that you have in front of you. We feel that we have to get some measure of support from the faculty in the community that we are on the right track. In that spirit, I'd like to hear what it is you'd like to say.”

Speaker Martin: “The floor is open for discussion, comments, or questions. Here's your chance.”

Professor Donald Holcomb, Physics: “On page three, paragraph four, the text about the Priorities Committee describes what sounded to me like this nicely spare and effective piece of machinery but then seeks to qualify it with the word ‘except,’ which is potential for trouble.”

Dean Stein: “That's obviously an escape clause because it hasn't been thought through well enough. That's the notion.”

Professor Holcomb: “The trouble is faculty love to create committees.”

Dean Stein: “Right. Thank you for your comment. I see what you're saying.”

Professor J. Robert Cooke, Agricultural and Biological Engineering: “Overall, I think the proposal has some neat ideas in it. In particular, I like the idea of a departmental-based representation which I think would strengthen the organization considerably. But I think it has some assumptions in it that don't match reality—at least not reality as I see it—that create a much larger emphasis on governance than is necessary, which in fact is overhead in the academic community. I think it begins by assuming that the problem is a structural one and tries to solve it as such. If it were structural, the Arts College and the Ag College and other colleges wouldn't be having trouble with governance, too. I think it's something beyond being specific to the FCR. We ought to try to get our hands on what the real problem is before we try to solve it and not propose a solution before the problem has been diagnosed. In short, I think the proposal is off target. Let me go through the documents.

“It acknowledges that there is a problem and that the structural one is the easiest one to address but may not be the most important one. I agree. I think it's curious that our own faculty and this body in particular were not surveyed as to their opinions on what the problem was and how it ought to be fixed. It's useful to have the opinions of other faculties at other universities, but it seems strange that it didn't occur to us to examine our own feelings about this issue first. I think it believes that more power is the solution

to the problem and that if we can make the faculty more authoritative, more in control of management decisions in the University, that will solve our problems. I think we tried that back in the late 60s and early 70s. I was one of the participants in the University Senate which operated out of that same point of view, and it eventually collapsed because we ran out of people willing to devote that amount of time keeping the organization going. It advocates broader involvement in issues like tenure. I know that the Trustees are urged by the administration to stay out of the individual tenure decisions; and it's not spoken, but I think the assumption is that if they get involved, it would be in the wrong cases and for the wrong reasons—political reasons. I worry about broadening the scope of the faculty involved in tenure decisions. We have enough trouble keeping our political views out of those judgments as it is. To go much more deeply in that direction, I think, opens more problems.

“The links with the faculty, I agree, certainly could be improved. Some of the issues, I think, are bogus. I'm talking mainly about the cover piece that says the FCR agenda doesn't deal with issues that are really central to the faculty's concerns. That's not somebody else's problem; we have control over our agenda. We choose the issues we care to discuss. I think the more central issue is that we are more fascinated with issues that don't belong to us than with issues that do belong to us. I really find fault with administration for not doing a better job of involving the faculty in the strategic planning in a more fundamental and earlier phase. I think there is reason for us to have a conversation with the administration, but I don't see that we ought to assume that we are necessarily the problem. There ought to be some conversations, and we ought to figure out how we can work together more usefully. I think we have had a substantial responsibility to the problem in the choice of our issues—for example, in the lack of interest in studying class size versus studying some issues that belong to the Trustees or the administration.

“There is a curious phrase that says, ‘Its views are not sought because it is irrelevant; and it is irrelevant because its views are not sought.’ It's going to take more than that sentence to convince me that the faculty is a disenfranchised group in this university, because our being ignored means that we are irrelevant. I simply don't believe that. Another is how much faculty time do we want to invest in running the University? There are a handful of us who are fascinated by it and are willing to spend significant amounts of time on governance. My sense is that is a small, exceptional group; and the vast majority of the faculty have other things that they consider more important. If you look at the roll on committees that the Senate would require of you, it would be a substantial increase in time that you would have to spend if you agree to stand for election. I think the issue ought to be studied more broadly. I think, ‘What is there that is useful?’ I think we ought to think about solving the correct problem and that we ought not to necessarily assume that the new administration will perpetuate some of the difficulties we have had in the past.”

Professor John Abowd, ILR: "I think it would be instructive basically to ask, 'What are the areas of university governance in which we think there is inadequate participation, and are there things that we could reasonably hope to repair by this draft?' I can think of two. The tenure decisions that are made university-wide in disciplines that are shared across colleges are serious problems because they basically dilute the resources that are available to us. In an era of shrinking resources, that is simply not going to be tolerable; and something is going to have to be done about it. I think that would be imperative that the faculty participate in those decisions. Some mechanism should be created for standardizing the way in which tenure decisions are made across the University, especially in comparable disciplines. Second, while I don't think the faculty should take direct control of the University budget, I agree with Bob Cooke that that is the proper domain of university administrators. The degree to which there is faculty participation in the critical budgetary decisions and in the budget-making process, I think, is quite a bit more than it should be and is an area in which the FCR has had very little effect. I'm not convinced. I do think this proposal deals with the first problem of tenure decisions, although it should focus more at a university level and not at the college level. This proposal does not offer as much hope in the area of more active faculty governance for monetary allocation decisions. I don't know what to propose exactly, but I think that those two areas ought to be where we focus our attention in terms of governance procedures."

Dean Stein: "May I try to respond to why I think that this proposal does address the second question? In looking around at these few other institutions, it occurred to me that it seemed to be that those institutions which focused faculty input on a single committee were more successful in getting a dialogue with the administration than where input was not focused on a single committee. It's been my experience that we have too many committees concerned with these major issues and that none of them gets the opportunity to have that kind of focused discussion with the administration—it gets diluted. The point here is all major issues where there should be dialogue between the faculty and the administration channel through this one single committee, namely the Priorities Committee. That is the hope, that in fact, that will be a useful discussion and that committee will be the bridge between the Senate and the departments and the administration on the other hand. That's the structure; whether it will work or not, I don't know."

Professor Abowd: "Strip the FCR of all but its Executive Committee and explain the difference."

Dean Stein: "The Executive Committee can't take over the function of the Financial Policies Committee at the present moment. So this gets rid of the Financial Policies Committee and the Admissions Committee and puts them on the Executive Committee. There is an agreement within the document between the administration and the FCR that, in fact, the administration will consult this one committee on all major issues. That is to say, if the new president and the new provost say, 'No, I'm sorry, I'm not

going to do that; I'll consult you when I think it's necessary,' then, of course, this will fail. The only thing that makes it possible for us to succeed is that it looks workable to them. Let me tell you that it does not look workable to them at the moment. There are too many people to consult. They do not know whom to consult, and I hear from the Provost all the time, 'Just exactly where am I to go?' When they don't know the people—if it's a new committee or if its membership changes—it's not an efficient way of establishing a dialogue. The proposal comes from a combination of places: a couple of models where people tell me it works well, a couple of years of experience on my part, and a hypothesis for why it doesn't work."

Ronald G. Ehrenberg, Leading Professor, ILR, and Acting Vice President for Academic Programs and Planning: "I think John put his finger on part of the problem—but not on the full problem. The major budgetary issues in the University are never addressed because, basically, the central administration doesn't make any budgetary decisions—except for the possibility of transferring resources within the College of Arts and Sciences, Architecture, Art and Planning, and Engineering. Every other college within the University is effectively a tub on its own bottom. One could argue in the years ahead that it's not only the tenure rate you have to look at. One of the major issues of the Academic Leadership Committee is going to be, 'Can Cornell continue to do business the way it has been doing business, with each college going off on its own and doing what it wants?' You have, sort of, to think systematically a little bit more about the disciplinary areas to which we want to allocate resources and whom we want to hire. To the extent that decisions are going to be made more centrally, then, I think having a mechanism by which the faculty of the University as a whole has strong input into the process is a very positive thing. A proposal of this committee offers a way of doing that because of the provision that every advisory committee is appointed by the administration, and at least half of its members will come from this body. Currently they are free to appoint whomever they want to anything."

Professor Richard E. Schuler, Economics and Civil and Environmental Engineering: "My observation of one of the difficulties with governance is a lack of communication between FCR members and committee members with their own faculties. Many times when we do act on or discuss a novel or new issue, how many times do we have our colleagues come up to us afterward and say, 'I didn't realize that was being considered; I don't agree with that'? So I wonder how much of the difficulty may be a failing of ourselves in communicating back and discussing these issues with our own faculty members. As this is to become even more of a representative form of government, that has historically been an obligation. On the other hand, the caveat is usually that you won't be reelected if you don't communicate back to your constituencies, and I don't think that motivation will necessarily be the driving one that would force us to communicate. I do raise the question, however. I wonder how many difficulties of university governance might be addressed just if we uncovered more formal mechanisms to impose upon ourselves a responsibility to discuss the issues that we raise here in this body with our own colleagues back in the department."

Associate Professor Leslie Peirce, Near Eastern Studies: "I have a comment about the structure, a possibly problematic thing that I see here. I had to make myself a kind of chart to understand how this was going to work. It looks to me like this is a rather small government elite that we are going to have here. For example, half the members on the college priorities committees need to be on the Senate. The same people are going to be coming in from different angles and serving on different committees. The second point of my comment, and this comes from my own experience as someone who was appointed to the FCR as a non-tenured person—and as a female—and I think that being female was probably part of it, is about maintaining the balance among this group of people. I, as a female, and some of my friends, notice that we serve on a lot of committees. I'm happy to do that, but it is a fact that when you accept representation on committees, you do a lot of work. I'm concerned about the individuals who are elected to this committee having to do a lot of work, and I think that ties into the comment that the gentleman made there. I'm also concerned about the non-tenured members of this committee. I now have tenure, so I can say this sort of thing: Non-tenured people have a lot of work to do."

Dean Stein: "Would you prefer the Senate to be bigger or smaller?"

Professor Peirce: "I think I'm worried about the smallness of the Senate. The fact is that half of the committee, half of the faculty Senate appointed to concerned committees, is going to be drawn from members of the faculty Senate, who are elected by the faculty colleges. It's the same folks. If you ask me what I'm concerned about, it is that we are losing the possibility of more individuals in governance."

Dean Stein: "Let me try to respond, if I may, to that and add something that Bob Cooke said about the busy-work of governance. I think that the proposal attempts not to increase the amount of time that's spent on it but to re-channel it in some way. There is a lot of faculty time that is spent on governance at this institution. You don't just count the FCR; you count all of the committees that are established, all the Provost's committees, the Strategic Planning committees, and so forth; and a lot of time gets spent on this. I don't believe that this proposal tries to increase it. I think it tries to redirect it. The reason for the 50% rule is our perception that one of the reasons why faculty governance doesn't work at the institution is that the central administration goes around it. When they wish to have a committee look into something, or make a decision, or you name it, they tend to appoint the faculty members whose views they think are good or they trust. That's bad for representative government. The real decision-making happens outside of it. The ideal was that you don't want to take away the administration's prerogative to appoint members, but they should not appoint members who are totally outside the structure. Maybe 50% is wrong; maybe it should be 40%, or maybe it should be 60%. I don't know. If you accept that principle, then, of course, you run into the question of overload. At the current time, I'm actually trying to estimate how much service this would be. I asked the Provost's assistant to give me a list of all the appointments he has made to committees over the last year so I can

quantitatively estimate that. What that really means is the size of the Senate should either shrink or fall depending on what that load is. It's just not faculty who are part of this representative structure. The principle, I think, is clear. The numbers may not be exactly right, but they have to be tinkered with. Maybe this body should be a bit bigger because of the problem that you suggest. Maybe the percentage should be a little bit smaller or a little bit bigger. But at least, I believe, the general principle is sound."

Professor Cooke: "In paragraph nine, it refers to 'release time,' which implies some very heavy-duty commitment."

Dean Stein: "That's put in for somebody who gets concerned about that sort of thing. If the committee doesn't meet with the Provost very often, they don't need a lot of release time. If, in fact, it becomes a very heavy obligation of constructing a realignment of colleges or getting rid of departments or down-sizing the institution or retreating from need-based admissions, I think it's desperately important that the faculty feel that they have contributed in a meaningful way to that decision. If we are not going to make any of those big decisions, then—I agree—it's a lot of busy-work; but my assumption is that we are going to make some of those big decisions. And we've seen what's happened to the statutory colleges. It's disastrous. It must, in fact, end up in some way restructuring this university. If those people are going to spend a lot of time, a particular year or something, it may very well make sense to give them some relief from their other duties. I don't think it makes sense to put in an absolute fixed rule independent of the work load. You should do one thing or another. That item is in there, written purposefully vaguely, to answer the person who says it won't work because of the fact that it'll be too much work, people will be over-stressed, and they won't be able to fit it in their schedules. The staff and support, I think, is also important. Because another way I've seen faculty committees fail is that they can't get the right question on the table. The Financial Policies Committee gets something from the administration—a book that they can't read, that they can't understand. They can't get answers to the questions. If you ask a question, the only person to whom you can go to get an answer is Bob Cooke. That doesn't make sense. You ought to be able to go to the administration and say, 'Can you give us some information on this?' In fact, that has not been the history. The history is that faculty in our committees cannot raise their own issues. They have to raise the issues that have already been raised. In working models that I've seen, faculty members are not limited by that. They have at their disposal some of the analytic capabilities of the institution to raise their issues."

Professor Schuler: "What are the next steps?"

Dean Stein: "I can only speak for myself. The Executive Committee and the Governance Committee are going to meet and talk about this. Hunter Rawlings has asked me not to put this to a vote in the FCR for endorsement; and at first I was a little bit disappointed, but then when I thought about it, I thought that was actually quite good—because there is not enough here to vote on. It's too open-ended. There are

too many loose ends hanging. I would think at some point we should ask the FCR for a straw vote or something—or authorization to go ahead and draft a plan, along the general lines of this proposal, to be considered next fall. That's what I think the next step ought to be. I'm open for other next steps."

Professor Saltzman: "Wouldn't it be helpful to have a 'sense of the body' here, or is it premature?"

Dean Stein: "I think it's premature. I think we weren't planning on that. I think that I'd rather discuss it with the Executive Committee and the Governance Committee to see how they want to proceed."

Professor Obendorf: "I feel that it really should go out to all the faculty so that we can get broader discussion."

Dean Stein: "It did. It was in a faculty mailing."

Professor Howard Howland, Neurobiology and Behavior: "I don't think the faculty has really had time to digest it. For example, my chairman asked me if we should talk about it in a departmental faculty meeting. I think that process is probably still going on around campus. It ought to ferment a little bit before we try to push it forward."

Dean Stein: "I'd like to make one more comment. One thing I've learned in politics is that timing is everything. You come out with the greatest idea a month early or a month late—and forget about it. It is my sense that this is the right time, and the moment is the change of administration. We are having a new provost and a new president. A new provost and a new president don't have the old habits. Sometimes you can change a structure just by changing its name and by changing the relationships and so forth. I would be very loathe to wait for a year to study the problem. I think that we might simply miss the moment, and I believe this is the right time."

Professor Obendorf: "I'm back to the communication between the FCR and faculty members we represent. I don't think that we would have to beat it to death for a year, but I think that we could—now that we know every faculty member has received it—do some of the communication that I think Dick was talking about. What is our responsibility to communicate back? Before you are really getting a sense of this meeting, at least you've talked to more than one faculty member other than yourself."

Associate Professor Dennis T. Regan, Psychology: "I wonder whether the Dean would comment a little on why this business about having committees take an active role in tenure decisions is in here. Because certainly, in tenure decisions, the faculty does take an active role. Apparently this is 'in addition to' rather than 'instead of.'"

Dean Stein: "The thinking has a couple of strands to it. One strand is the procedure that's proposed is the common procedure in peer institutions. A second strand is a generalized concern that we may be tenuring too high a rate of non-tenured faculty. The third strand is that the number of new appointments we are going to make is plummeting. It's dropped by a factor of three over the past couple of years. We used to make 100 new faculty hires; last year we made 30. Those 30 new faculty hires that we make are the future of Cornell University, and each one has become so important and so valuable that one can't make a mistake on all tenure decisions. Yes, departments make those appointments subject to the agreement of the dean. There is some concern among some people that it makes some sense to have faculty input without the close relationships with the individual that the department has to sort of stand apart from and give a judgment on whether the individual meets the standard. The feeling is that sometimes departments get too closely involved and that deans have too much to do. Departments are too large. To put this critical function, that, indeed, the faculty have a great interest in, simply in the hands of the dean is not the right thing to do. The dean needs some advice on this matter. These committees are supposed to provide that advice to the dean. That's the thinking."

Ross W. Atkinson, Associate University Librarian: "You said you got very few responses on e-mail. I sense you are somewhat underwhelmed by the discussion here. Is it possible that the faculty really don't see the way you see the difference between what you have proposed with what we have now? Are there details missing, or is there just a lack of understanding of what's really being proposed?"

Dean Stein: "I wish I could answer that question. I'd be a lot more comfortable if there were a lot more brisk comments made in the room for it or against it so I could have a better sense. This is what we have. It's possible to interpret silence in a lot of ways. I went to an Arts College meeting yesterday where this was discussed—and the Arts College meetings are not well-attended anymore. They used to be attended a lot better, and a lot of people were talking about that. There were people who put two values on that. One was that people said, 'This is terrible; there is no more participation of the faculty in Arts College decisions.' Somebody else said, 'No, no; the fact that no people come to Arts College meetings is positive because it means, in fact, that they are very happy with what's going on in the college. If they were unhappy, they would be out there.' Some people interpret absence in terms of cynicism; others see absence as support. Judge it any way you want. I thought to myself, 'Gee, maybe I'll write to President Clinton telling him that the last election was a reaffirmation of his policy'—because only 36 percent of the people voted, so the rest of them obviously were happy with what he was doing. It's not how it's generally viewed in the press. I don't know what to say about that. You are right; it is disquieting that we put out a proposal expressing what we believe is the unfortunate fact that faculty governance has become less abundant in this institution, and I get back maybe ten e-mail responses. I don't quite know what to do with that."

Professor Daryl J. Bem, Psychology: "First, a smaller point—almost a point of information following up on Dennis Regan's comment. Is it the case that our peer institutions, on the tenure review, *also* had ad hoc committees? Or did they have other committees *instead of* ad hoc committees?"

Dean Stein: "I can't comment on that."

Professor Bem: "The one institution I came from that has a standing committee such as the one proposed here does not also have ad hoc committees."

Dean Stein: "It did, of course, occur to me—this question has been raised to me many times: 'Why didn't we cancel the ad hoc committees in the proposal?' I think it's due to conservatism. We didn't want to take too big a bite out of it. Maybe one would see that ad hoc committees are not useful. It's also conceived that they would have a function here. The ad hoc committee is ideally a group that gets its own evidence or reads all the evidence very carefully and gives a digested report that is independent of the department, so maybe there is a role. I myself would not be willing to take a position on that. I would rather see both of them go and then reevaluate it a little while afterward to see if it made sense."

Professor Bem: "My larger point was that I think one of the best changes here—and a couple of people have commented on it—is really to base this on a departmental model, because I would know who my constituents are. It's like it is everybody's money, so it's nobody's money."

Assistant Professor Monica A. Geber, Ecology and Systematics: "Perhaps one of the reasons why you haven't gotten much response comes back to the point made by Bob Cooke that people haven't been asked what they think is wrong."

Dean Stein: "That's what I was hoping to hear here: If people feel that we need something else—that they would in fact say that."

Associate Professor Margaret E. Smith, Plant Breeding and Biometry: "I would just point out that from the Agriculture College, we are dealing both with the new dean hire and the budgetary axe from Albany, so I really feel these are bigger, more immediate things that people are thinking about; and that may have something to do with the lack of response."

Speaker Martin: "I know that we have at least one dean and two vice presidents here. Maybe Vice President Murphy, Acting Vice President Ron Ehrenberg, or Dean Firebaugh has something to add."

Dean Francille Firebaugh, College of Human Ecology: “We are looking forward to our discussion with Peter in the College. I believe that at the college and departmental levels, there will be fairly strong responses; so maybe you’ll have your wish after all.”

Professor Mikhail E. Nasrallah, Plant Biology: “I like the idea of representation based on the departments. I think that is a strong feature, but I do not know how to link into this the concerns that Mr. Cooke raised. I think that I endorse what he says, and I think that there are definite problems with any governing body. So I do not know how we can assume or predict how the new structure is going to be any better than the old.”

Professor Howland: “If I could just say something to that based on my feeling that the kinds of disappointments I experience must affect my colleagues similarly. Often I’ve tried to take an active role in governance, and I think quite candidly the most disappointing thing in committee work is when you work very hard, and nothing comes of it. In many of the governance committees—working with the past administration—that has happened. We put proposals forward, and they just haven’t gone anywhere. It’s very clear that the administration just wasn’t listening to us. I think we have had almost 20 years of working on governance committees with the administration where we have simply gotten slapped in the face. I attribute that as a major cause to the real demoralization. The reason I’m willing to try this new venture is because I, like Peter, see it as an opportunity. I think we can really change things. Once people see—when they work on a committee involved in policies, and those policies actually come to be—then things may turn around. That’s my thought on it.”

Professor Terrence L. Fine, Electrical Engineering: “Maybe part of our problem is that we are interested in too many things, appropriate or inappropriate. Maybe we just need to focus on some things that are indeed important to us—the things on which we will demand to be heard, not heard even, but perhaps have a real say in—then give up on the others. It might be the budget. Maybe you should just give up on it. But you have very tight control over faculty appointments and tenure. In some sense, you have a capability here; but you are starting with almost a clear table with fewer committees and less tradition behind it. The current committees were created because there was a perceived and real need to solve some of these issues. We might have to keep some rein on our appetite for problems, given our ability to digest the problems.”

Professor Saltzman: “The proposal, I think, appeals to a number of people at the department-based constituency. I think another suggestion that comes out of here in terms of focusing the committees into a smaller number—and perhaps a smaller number of issues—also turns out to be important. In reading this over, one of the things I didn’t see and hear is some way of making sure that there is sufficient representation in the Senate of various other constituencies that don’t come out of departments, like women and minority faculty members and so on. I don’t know how to put that into it, but it seems to me it may be a question of some concern.”

Dean Stein: "That was brought up at the last meeting, and the Governance Committee talked about that. We considered making separate constituencies and decided that that was probably a mistake, because crucial to the whole point is that there be a relationship between the representative and those who are represented. It's not clear to me in the way that I see that happening with departments: I don't think it happens with women; I don't think it happens with minorities; I don't think it happens with non-tenured people. I think that it's probably something to think about after it gets started. The more we thought about it, we thought it was not unlikely that minorities and women would find their way into the Senate as representatives of departments. If they don't, then one wants to think about that again. I think that I and the rest of the committee believe that it would be a mistake to start with that sort of special-interest representation in the Senate unless it was proved to be absolutely necessary."

Professor Saltzman: "It may be that the non-tenured faculty who would not be represented here would be the people who are least willing to participate within the department."

Dean Stein: "You may be right; but if we adopt this, time will tell, I think."

Professor Joseph M. Calvo, William T. Keeton Professor of Biology: "I share the feelings of a number of people here who have spoken about the strengths of this proposal—in particular, the idea of department-based representation. I guess the problem I have with the whole thing is that it seems to me that, as I read the proposal, the FCR is basically a group that is looking for a function. If one asked what is it that a member of the new Senate would actually do—if that person is not on the Priorities Committee, that person would wait for committee assignments that come down from the Provost or the college. That would be the main function. I would like to suggest what I think is a viable alternative for a real function of this body in addition to providing this group of people that has the important function of working with the administration— that is, to serve as an educational part of the faculty. I think everybody here would agree that we are all believers in education. And I don't think it's a trivial function. Most don't really know a lot of these big issues in the University, and that's a responsibility that this group could take on. That is, we will select one or two important issues a year and come up with very good presentations that we would then bring to the faculty as a whole in department meetings. We actually tried something like that last year; I thought it worked pretty well. So that's a suggestion for a function for this body."

Speaker Martin: "Thank you. Anything else? Last call. I hate to have you go home disappointed, Peter. Under new business, Professor Baer."

5. NEW BUSINESS

Professor Richard A. Baer, Natural Resources: "I wanted to take just a few minutes to say a few words about the memo that was out on the table (Appendix B, attached). This grows partly out of the report last month on affirmative action. I was on the Affirmative Action Committee last year and am very proud of what the committee has achieved over the years. I think we've made some enormous progress in diversity in terms of gender and minorities and so on, but I am still troubled when I think of the University mainly as a place of ideas. It's at least possible that the University is less diverse today than it was 20 years ago when we got started on some of these issues and this particular report here. I think there are quite a few areas of the University where there is not a lot of ideological diversity and where departments are dominated by one kind of thinking—often to the exclusion of other kinds. In the report, I used the term 'censorship by omission.' The reason I focus on two departments in the report grows out of a historical factor. Over the years, many students have come to me and complained about what they consider discrimination and a one-sided curriculum in these two departments; and a little over two years ago—in the fall of 1992—a group of students asked me if I would help them think through the issue of religious and ideological discrimination in the College of Human Ecology—and particularly in the Departments of Human Service Studies and Human Development and Family Studies. We had a number of meetings with department chairs, the Dean, and Associate Dean, and we appreciated the time they gave to this. But the students and I felt these meetings were not productive. I explained some of this in the memo. We had urged that there be real consideration given to hiring some new faculty to redress the balance of ideas we found in many of the courses. The students had put an enormous amount of time into this. They had written papers up to 50 pages, analyzing in detail specific courses and what they saw as the one-sidedness of these courses. We frankly have been very disappointed that there has been so little response from faculty and administration in Human Ecology. We were not even permitted to meet with the larger faculty, although we requested this many times.

"I don't know what role the FCR has in all of this, if any. I raise it not as a concern of my department of Natural Resources, as I'm not their representative here. I'm speaking as an individual faculty person. I suspect if we as faculty and administrators do not deal with some of these issues, they will be dealt with for us. I suspect that what we are seeing with National Public Radio—which, in my judgment, has very little to do with budget—is mainly a concern by a growing number of people that National Public Radio and public television have not been fair to the wide spectrum of views—political, social, moral, and so on—of the American public so that people simply do not want to pay for it. Thomas Jefferson, as you know, said that it is the height of tyranny, and it's odious to be required to pay for the propagation of ideas with which you fundamentally disagree. I think we have a very real problem at Cornell. Not so much in the sciences, though; I think this is largely a humanities/social science issue. I don't know what the answer is, and I don't know how it might be corrected. I think the answer, in part, is a

deliberate affirmative-action type of approach where we would deliberately try to redress some of this balance so that ideas—some of which are utterly basic in our culture—are ideas where there is a solid body of scholarship and where there are competent scholars to represent these ideas. They simply are not represented; and the memo is fairly direct. It speaks of discrimination. It speaks of censorship. It speaks of these two departments as not giving quality education, not teaching students to think critically, and so on. These are very strong comments. I think we are willing and able to defend them all. We spent hundreds and hundreds of hours detailing this. I would remind you again, as I did in the memo: We have no interests in ad hominem attacks toward individual faculty. We've tried to be utterly fair, honest, courteous, and accurate in the comments we've made; but we've tried to call these shots as we saw them. I think in the endowed colleges the issue, in some ways, is educationally just as important—not to the same issue as it is in the statutory colleges, because the statutory colleges have the unique public trust. They are supported by public tax monies, and it would seem to me there is a prima facie obligation toward fairness and toward an open marketplace for ideas. I won't say any more now. The memo speaks for itself.

"I honestly don't know what role the faculty will have in this. I would like to think that changes of this sort can come about through honest, open discussion and persuasion—by looking at the issues and ideas and not mainly through protests and marches and politics and so on. So far, I'm not convinced that's possible, but I throw this out for your consideration. We have, as I said, a great deal of detailed analysis of courses and so on to back this up very specifically. And I would—and I know the students involved would—welcome feedback from you and comments, questions, criticisms, and so on.

"What might be the next step? As I see it, the next step is if there is no action within the University, then the only way to deal with the issue is to publicize it, make known what the situation is to the larger public, and let it be dealt with that way—and that does not seem to me to be ideal. It would seem to me the much better situation if faculty and administrators at Cornell could deal with issues such as this internally. The students feel very strongly on these issues. I also feel strongly about them. I think we are dealing with the very nature and integrity of the University, and I think it's a very serious problem. I would welcome comments and questions even now, or if we don't have time, later, from individual faculty."

Professor Bem: "Actually, I'm a social psychologist, so I come from one of the disciplines that is relatively homogeneous ideologically. I think the analogy to affirmative action and other minorities is actually quite good. Let me extend it just a little bit. Just as we've often said, the problem may not lie at the entry to the academy at this point but rather at who is recruited into these areas. Affirmative action in its original meaning often meant enlarging the pool of applicants or searching more diligently for what one might find, in this case, a conservative social psychologist. I find the analogy

to affirmative action reasonably good because I think that is the problem. Having been on searches in HDFS and in psychology, one rarely sees an applicant who is very far from the ideological meaning of the discipline. I will be quick to point out I don't think I've ever met any quite politically conservative social psychologists, particularly those whose areas of expertise are in such things as sexual orientation or the more contentious issues."

Professor Baer: "That makes a lot of sense. In the area of family studies and so on, they're out there. They are producing some reasonably good literature and so on. But it is a 'chicken and egg' issue. Some of these graduate school settings are reasonably intimidating for some students from very different backgrounds, so they are hesitant. A lot of these students will go into the hard sciences and so on—where these issues may not arise. My sense is you need both. We need to look for students; but I think that is facilitated in part by a deliberate attempt to find a more diverse faculty. We have done some work on what kind of people are out there and available. They are out there; they are not in great numbers, but again I think once it's known that there is a deliberate attempt to diversify, that in itself is an incentive for graduate students to specialize in those fields. But I think your comment is essentially correct."

Professor Howland: "I take it that your proposal is to make a kind of political inspection of departments and then see how you like the politics and adjust them according to that. That, of course, is not a new idea, but it is one we should find shocking, with a little reflection. The way we function as a university is to try to find the best intellectuals we can in the field and appoint them to that. It's the sort of essence of academic freedom that we don't inspect their political credentials when we do this. What you are suggesting is essentially a kind of fascist idea. I find it totally abhorring."

Professor Baer: "I think that totally misunderstands what I'm saying. What I'm suggesting is that if one has any knowledge at all of these fields and of the scholarships that are available—the facts, the literature—and if one has any sense historically of how ideas have functioned in American culture and which ideas have been basic, then your comment simply grows out of ignorance. What we have in these cases is that large areas of our culture that have been utterly formative in determining who we are as a people are ideas that still have powerful influence in the public at large, and they have simply been censored out of the curriculum. Not in the obvious sense that we tell faculty members that they can't say this or that. It's much more in the sense of the way we dealt with women and blacks and other minorities. I would say, rather than being fascistic, what we have now represents a tyranny of an ideological elite who have the power and who have no interest at all, in some cases, in a fair marketplace of ideas. We've detailed in great specificity the way in which powerful ideas, relative ideas, are simply omitted; the way other ideas are caricatured and distorted. I would come back to this point: The University will be under political control if we don't find ways to be fair. If we continue treating certain fundamentally important cultural ideas in the way we've treated blacks and women and others, then the universities will come under

political control. That will be very unfortunate, so I think your comment is utterly irrelevant or mistaken. It's not irrelevant; it's just mistaken."

Professor Ehrenberg: "Many people believe that the way to reflect on the progress of people is to cluster people together in different settings in order to bring different viewpoints together. It's hard to know whether the fact that you've identified two particular departments in the University which do not represent the view that you think should be there is telling of a critique of academia in general or Cornell more specifically."

Professor Baer: "I think that point is well-made. We would have to provide further evidence if this has any relevance to other departments. I would say, 'Yes, there is a value in clustering'; but I would think if we pay attention to the feedback of students in those two departments, many of the better students are simply saying they are not being well-educated—they are not being taught to think critically—they are not encountering other opposing ideas—or when they do encounter them, it's in a distorted, caricatured form. I would say that, yes, what you say is relevant; that might be a nice way to proceed. But there at least ought to be a handful of faculty around who can play this other function. I don't see that in these two departments, for example."

Dean Stein: "I think it's a very interesting question that you raise. Unfortunately, coming from a discipline where this kind of thing doesn't happen—physics is physics no matter where you go, more or less—it's hard to know how that works out. If a student goes to the University of Chicago Economics School, does he or she get a particular slant on what economics is that's very different? They do, huh?"

Professor Ehrenberg: "The point is that the students have good information as to what is being offered at different institutions, and they choose the institution that satisfies them."

Professor Baer: "I'm not opposed to clustering, but it seems to me we have to take really seriously the comments of students who feel they are being indoctrinated and not educated. That, to me, is a very serious charge for a world-class university."

Speaker Martin: "We have five minutes left for any other items of new business. There being none, and if there are no objections, we are adjourned."

Adjourned 6:00 PM

Robert Lucey
Secretary of the Faculty

Faculty Governance at Cornell: An Assessment and a Plan for the Future

It is commonly believed by the faculty that University and college (at least in the case of the large colleges) faculty governance has atrophied and become ineffective, and that faculty no longer have appropriate input into the important decision-making processes at Cornell. We do not fully understand the phenomenon, and believe that there are many contributing causes, including changes in faculty culture, the increase in University size, University and college administrative procedures, and inherent structural problems in faculty governance institutions. While each of the above factors probably contributes to the weakness of faculty governance at Cornell, we have chosen to concentrate on the structural problems in the governance institutions, not necessarily because we think that they are the most important factors, but because we think that they are the easiest to address.

As a starting point in our assessment, we surveyed faculty governance at seven institutions that we believed to be comparable to Cornell. Our survey sample ranged from small elite institutions (e.g., Princeton and Chicago) to large public universities (e.g., Berkeley and Madison). We were surprised to find that with one exception, the institutions surveyed had a greater degree of formal faculty involvement in the important decisions, including tenure appointments and resource allocation, made at levels higher than the department. By "formal involvement", we mean participation by the entire faculty of a unit, or by their chosen representatives.

The FCR, as presently constituted, has several serious limitations that prevent it from providing effective faculty input to the University decision-making process. The lack of working links between FCR representatives and their constituencies erodes the legitimacy of their representation of the faculty. The agenda of the FCR bypasses many of the critical issues facing Cornell. When it attempts to address them, its views are often ignored by the administration. When the administration solicits faculty input on important issues, it routinely finds it outside the FCR. The FCR is caught in a tight, self-reinforcing spiral of irrelevancy. Its views are not sought because it is irrelevant, and it is irrelevant because its views are not sought.

On July 1, 1995, a new administration will take office, and will likely evaluate and modify the structures and procedures by which Cornell makes major policy decisions. 1995 also marks the 25th anniversary of the Cornell faculty's transition from a town meeting governing structure to the current FCR representative structure. For both reasons, the current year is an appropriate time to re-examine the ways that the faculty governs itself, and participates in decision making throughout the University.

The accompanying proposal is an attempt to address the weaknesses in the current governance institutions in a systematic fashion. Since academic departments (or schools for those units without a departmental structure) are the largest cohesive faculty groupings, membership in the proposed representative governance structure (the Faculty Senate) is derived from departments. Senate members, who will comprise about 7% of the faculty, will collectively be the center of faculty involvement in decision making at both the College and University levels. According to this proposal, at least half of the faculty members of all university and major college-wide committees will be members of and selected by the Senate.

The proposal creates new college and university committees to provide formal faculty input to administration decision-making in all of the major areas that affect the faculty. The college and university Priorities Committees are envisioned as focal points for the faculty to share responsibility with the administration for major decisions other than faculty appointments. By concentrating faculty input to the central administration in the Priorities Committee, as opposed to the current dispersal among many FCR committees, we hope that a working spirit of cooperation can be established between faculty representatives and the Provost. Faculty would have a formal role in promotions to tenure and reappointments of non-tenured faculty through elected college appointment committees, who would advise the college dean on all such actions.

This proposal is intended as a conceptual vision of a robust and workable integrated structure for faculty participation in decision-making, rather than as a detailed plan ready for adoption. A host of important details have not been specified. Furthermore, none of the important implementation issues have been addressed. Some parts of the proposal are entirely within the province of the University Faculty. Others fall within the areas of responsibility of the schools and colleges, the central administration, and perhaps the Board of Trustees. Nevertheless, we believe that the proposal can serve as a model for a basic and long overdue re-structuring of faculty participation in decision-making that can better equip Cornell to deal with the uncertain future that lies ahead.

J. Thomas Brenna, Nutritional Sciences
David L. Brown, Rural Sociology
Geoffrey V. Chester, Physics
Cynthia R. Farina, Law
Keith E. Gubbins, Thomas R. Briggs Professor of Engineering
Howard C. Howland, Neurobiology and Behavior
Sheila S. Jasanoff, Science and Technology Studies
Robert F. Lucey, E.V. Baker Professor of Agriculture; Secretary of the University Faculty
Peter Stein, Physics; Dean of the University Faculty
Milton Zaitlin, Plant Pathology

Re-Inventing Governance

A Proposal for Faculty Participation in Decision-Making at Cornell

1. A Faculty Senate, consisting of about 100 professorial faculty, will replace the FCR (which is of comparable size). Members of the Faculty Senate will be elected by the professorial faculty members of each academic department. For the purposes of this document, a section in the Division of Biological Sciences will be considered a department. Each department will have at least one representative, and an additional representative if the department has more than 25 professorial faculty. Departments with five or fewer faculty may, if they wish, combine with other departments to choose representatives to reduce the burden of service.
2. The Faculty Senate will have a Committee on Committees, a Priorities Committee, and such other committees as the Committee on Committees and the Faculty Senate shall deem appropriate. The Committee on Committees and the Priorities Committee will each have nine members elected by the faculty at large. All other committees will be appointed by the Committee on Committees. The Committee on Committees may add non-professorial academics and students to Faculty Senate Committees when they believe it to be appropriate. Faculty, both tenured and non-tenured, who are not members of the Faculty Senate may serve on Faculty Senate committees, but at least half of the membership must be drawn from the Faculty Senate. Members of the Faculty Senate and its committees shall serve three-year terms. The Committee on Committees shall have the responsibility of ensuring that membership of all Senate committees is broadly representative of the disciplines of the faculty within the committee's jurisdiction. In particular, the physical sciences, biological sciences, social sciences, humanities and professional schools shall have appropriate representation on the Committee on Committees and the Priorities Committee.
3. All Faculty Senate committees shall report at regular intervals to the Faculty Senate.
4. The Priorities Committee will have regular and frequent meetings with the Provost and other appropriate administrators. It is the expectation that the administration consult with the Priorities Committee in a timely fashion on the budget and on all major policy issues, except for those that the Committee on Committees delegates to other faculty committees. In these situations, the administration will establish a parallel regular consultative relationship with those committees.

5. The Faculty Senate shall select its presiding officer. Both the Dean and the Secretary of the Faculty shall be ex officio members of all Faculty Senate committees.
6. Each large college (Vet.Med, Arts, CALS, Hum.Ec., Eng., AAP) will establish an Appointments Committee and a College Priorities Committee. The Appointments Committee will advise the College Dean on all professorial reappointments and promotions or appointments to tenure, and will receive simultaneously with the Dean the complete file including the report of the ad-hoc tenure review committee. The College Priorities Committee will advise the Dean about the allocation of resources within the College. The members of these committees shall be elected by the faculty of each college, and at least half of these members will be simultaneously members of the Faculty Senate. The small schools and colleges will either establish such committees, or operate as a committee of the whole, but in any case there will be no requirement that half of the members be simultaneously members of the Faculty Senate.
7. Whenever the administration of the University forms committees including faculty members to advise them or to perform specific functions, at least half of the membership will be simultaneously members of the Faculty Senate, and these members will be selected jointly with the Committee on Committees.
8. There may be needs to form faculty committees with general or specific mandates whose jurisdiction is broader than a single college, but less broad than the entire University. For instance, it may be desirable to form a cross-college disciplinary Appointments Committee for disciplines that span more than one college. In such situations, at least half of that committee membership should be drawn from the membership of the University Senate representing the appropriate constituency.
9. The University will provide the Faculty Senate and its committees with sufficient staff, access to University analytic capabilities, and, where appropriate, released time to allow them to responsibly carry out their duties.
10. The University Faculty may override any decision of the Faculty Senate at a meeting of the University Faculty called for that purpose. Such a meeting shall take place following the petition of 100 faculty members. 25% of the University Faculty will constitute a quorum for such a purpose.

M E M O

TO: FCR Colleagues
FROM: Richard Baer
Date: March 8, 1995
SUBJECT:

Diversity and Curricular Homogeneity at Cornell

I. Introduction

Carlos Castillo-Chavez reported at the February 8 meeting of the FCR on progress in affirmative action at Cornell over the past year. In discussing faculty hiring, he noted that "in a period of 18 years Cornell experienced a significant increase in its diversity."

With all due respect to the achievements of Prof. Castillo-Chavez and others who have worked in affirmative action, I would like to suggest that if we think of Cornell in terms of diversity of ideas, our affirmative action program has been only modestly successful, and in some respects it has not even begun to deal with the most difficult problems. It may well be the case that in terms of *ideas*, Cornell has less diversity today than twenty years ago.

Although my experience suggests that many departments in various colleges at Cornell lack adequate diversity of ideas and points of view, to illustrate my point, I would like to focus on the issue of diversity in two particular departments, both within the College of Human Ecology.

II. Background

A little background information will make clear why I have singled out these two departments, even though I think the problem exists in many parts of the university. Over the past decade, perhaps as many as twenty students from HUMEC's departments of Human Development and Family Studies and Human Service Studies have asked to talk with me about what they perceived as the extreme one-sidedness of their programs of study, and about what they viewed as serious religious and ideological discrimination in these departments. Most of these students got to know me through taking my course "Religion, Ethics, and the Environment," and some were majors in HDFS or HSS. During September of 1992 several students asked me if I would help them work for a more diverse academic climate in these two departments.

Over the following months, the students and I met a number of times and wrestled with what they considered the most serious problems. Then we contacted Dean Francille Firebaugh, Associate Dean Charles McClintock, HDFS chair Steven Hamilton, and HSS chair Connie Shapiro and asked to meet with them.

After some initial delays, we met several times to discuss our concerns about courses in HDFS and HSS. But neither the students nor I thought that these meetings were productive in terms of bringing about significant change.

III. Summary of Major Concerns

(1) In many of the larger classes in HDFS and HSS (for example, HDFS 362 [Close Relationships Across the Life Span], HDFS 150 [Families and the Life Course], and HSS 315 [Human Sexuality: Human Service Delivery]) sensitive issues are dealt with but almost always

from a single point of view--typically, very liberal, if not left-wing; strongly pro-feminist; decidedly pro-gay; clearly in favor of women working outside of the home instead of nurturing children; distinctly pro-abortion; predominantly committed to government rather than private sector solutions to family problems; etc.

(2) Faculty in some of these larger courses typically present evidence in favor of these liberal points of view very selectively, and students are seldom exposed to existing social science data which supports opposing viewpoints. As recently as two years ago, the 10% figure for the incidence of homosexuality in America was still being quoted in lectures and assigned readings even though this figure has been known to be suspect for well over a decade. Various aspects of the Kinsey studies upon which it is based are methodologically shoddy and not acceptable to most first-rate social scientists. The best-supported figure today for the incidence of homosexuality in America is between 1 and 3 percent.

Data which faculty consider unacceptable on ideological grounds or which supports positions different from what faculty embrace is often simply omitted. For instance, students are seldom exposed to studies indicating that well over half of mothers with very young children prefer to take care of their children themselves rather than put them in daycare, but in many cases cannot do so because they are under economic pressure to take a job outside of the home. Students seldom if ever are exposed to data that show how the growing burden of local, state, and federal taxes over the past forty five years has been a major factor in pressuring women to work outside of the home. Rarely are students asked to consider the very substantial body of data which shows that children generally fare far better in homes with both a father and a mother present than in single-parent families.

Students routinely are taught (often the point is simply assumed) that government solutions to family and other social problems are preferable to private sector solutions. Sweden is often presented as the model country in this respect. Business, industry, the Republican party, and the military are regularly portrayed in a negative manner.

Rarely are students asked to reflect on any of the more sophisticated arguments ethicists, philosophers, and theologians have put forward against abortion, divorce, euthanasia, etc.

In the written materials dissatisfied students have produced over the past two and a half years they have detailed many additional examples of curricular and ideological homogeneity. They decry the ideologically tendentious approaches various professors take to highly controversial issues and believe that many of their courses are both monotonous and miseducative. Their experiences as students in HDFS and HSS are not unlike those of women, African Americans, and other minorities in the years before the civil rights and feminist movements brought about substantial changes in American higher education.

(3) When occasionally more conservative points of view are presented, this is often done in a distorted manner. Conservative and traditional Christian and Jewish perspectives are caricatured, and when visitors from time to time are asked to present a more conservative viewpoint they either are not given adequate time to do so (As one example, Bob Johnson from Cornell United Religious Work was asked to discuss a Protestant Christian perspective on marriage and human sexuality in 15 minutes!), or else people without adequate academic credentials are invited to make presentations with the inevitable result that the conservative position is made to seem even less credible to students.

(4) A substantial number of students report that because many of their courses are so monotonously homogeneous they are not being taught to weigh ideas carefully and to think critically about the various controversial issues which are treated in class.

(5) In a number of cases faculty in HDFS and HSS have treated conservative Christian students with less than courtesy and respect. Their ideas have been ridiculed in class, and when individual students have objected or tried to present opposing ideas they have sometimes been treated in a rather brusque and unfriendly manner. In fairness, I should note that there has been some improvement in this area over the past two years, a change probably related to the meetings that were held between students and faculty and administrators during the 1993-94 school year.

(6) In many instances faculty simply push their own philosophical and ideological and moral assumptions on students with little chance for discussion and with virtually no exposure to alternative points of view. For instance, most faculty appear simply to assume the general correctness of moral and value relativism and teach accordingly. Again and again I find students from HDFS and HSS, including those who take my course "Religion, Ethics, and the Environment," uncritically embracing moral relativism. Hardly any of them are able to discuss the pros and cons of moral relativism in a coherent manner. This is particularly interesting in light of the fact that relatively few first-rate ethicists, philosophers, or theologians today are moral relativists. We are, of course, not blaming all of this on HUMEK faculty, for most students have already received heavy doses of moral relativism from public schools and the media before they arrive at Cornell. At the very least, however, we can say that little is being done to help students become more reflective and critical about such philosophical positions. Prof. Jerome Ziegler's graduate-level course, Professional Ethics and Public Policy (HSS 658), I might add, is a refreshing exception to the point I am making.

To take another example, many of the larger courses in HDFS and HSS present materials which uncritically assume that the meaning and purpose of life is to be found in satisfying one's own desires and in one's own self fulfillment. Reason in the service of passion is one way of understanding the good life. But it is only one, and these assumptions are seldom if ever specifically discussed, defended, or evaluated, and students are rarely, if ever, exposed to the beliefs of traditional Christianity and Judaism which hold that the purpose of life is to learn to love God and to live justly and responsibly in relation to one's fellow human beings.

Or take a third example: the courses we have examined in detail seem to assume that freedom for human beings is mainly a matter of being able to make unhindered decisions about how one wants to live--that is, freedom means to live autonomously without external constraints. This is one view of freedom, but it is far removed from the view held by many conservatives and by traditional Christian, Jewish, and Muslim thinkers. Freedom for the Christian is found in being obedient to the will of God. Some secular philosophers believe freedom is found in living one's life according to what is good, and beautiful, and true. In our own political heritage we find sentiments like those expressed by [sorry, I can't find the reference right now], who refers to "those wise constraints [or restraints?] that make men free."

Example four: when sex education is discussed in the courses we have examined, conservative and traditional religious views of human sexuality and the family are routinely caricatured or neglected, and "sexual liberation" is uncritically assumed to be a good thing. Negative impacts of no-fault divorce on children and family structure are rarely considered. Conservative secular and religious views are held to be outdated. They may have been acceptable to people long ago, but now we have science and reason and higher education, and these older views will probably appeal only to those who do not think very clearly.

(7) Faculty in HDFS and HSS claim that their classes are scientifically grounded and present issues fairly. But protesting students and I believe to the contrary that ideology plays a dominant role: the choice and treatment of subject matter are determined mainly by the liberal ideological commitments of faculty, and little effort is made towards either comprehensiveness or fairness. We, of course, realize that complete objectivity and fairness are not possible. On the other hand, the

ideological bias in HDFS and HSS is so strong that it is not an exaggeration to say that many students are not receiving the kind of outstanding education they expected when they arrived at Cornell.

(8) Faculty in HDFS and HSS engage in what might fairly be described as extensive censorship by omission. Obviously, Cornell faculty and administrators are too sophisticated to tell faculty members that they cannot express particular points of view on specific issues. That would violate their academic freedom. The censorship in HDFS and HSS is far more subtle than that: people who hold the wrong ideas simply are not hired. And we see no evidence that any serious effort has been made in these departments to broaden the marketplace of ideas with respect to traditional religious and conservative points of view by attempting to hire faculty who are competent scholars able thoughtfully and sympathetically to present such points of view. Diversity according to gender, sexual orientation, and skin color are a high priority in HDFS and HSS. But diversity of ideas appears to be unimportant to faculty and administrators.

IV. What Has HUMEC Offered to Do?

Discussions with Dean Francille Firebaugh, Associate Dean Charles McClintock, HDFS chair Steve Hamilton, and HSS chair Connie Shapiro have produced mainly the following results: (1) HUMEC faculty are being urged to be "nicer" (our term, not theirs) to conservative students and to students with deep religious convictions, and (2) HUMEC faculty and administrators will make some efforts occasionally to invite speakers to campus who will represent differing points of view.

Students have responded as follows: (1) Such a commitment to courtesy and academic respect is a positive move. On the other hand, if HDFS and HSS faculty are "nicer" to students but make few other changes, the situation will in some ways be even worse than it now is. At least today, Christian students and conservative students quickly become aware of the bias, lack of diversity, censorship, and discrimination that exist in HDFS and HSS and make adjustments of their own to these conditions. If a veneer of niceness and collegiality is added to the extreme one-sidedness of the curriculum, students may be less likely to become aware of how narrow the HUMEC marketplace of ideas actually is. (2) Inviting outside speakers to HUMEC is a step in the right direction, but it is by itself not adequate. Protesting students have also wondered who will guarantee that such a commitment to diversity will continue after protesting students have graduated?

V. What Changes Are Needed?

(1) Those of us who have wrestled for over two years with these issues believe that no serious improvement will take place in HDFS and HSS until faculty and administrators are willing to make a good faith effort to hire new faculty who will be able to present omitted viewpoints both fairly and sympathetically. We have suggested that the first stage should involve the hiring of three new faculty--two individuals who are competent to represent conservative Christian points of view and one who is competent to represent conservative Jewish points of view. Thoroughly competent scholars who meet these criteria are available. All that is needed is a commitment from the HUMEC administration to seek them out and hire them.

We do not believe that current faculty are able through their own teaching and research to redress the pervasive lack of diversity in HDFS and HSS, both because most of them are opposed to or even hostile to the missing points of view, and also because present faculty do not have the requisite academic background and experience.

To insist that current faculty are able to remedy the present situation is no more credible than to argue that women's studies or black studies need not hire women or blacks but can be adequately

staffed by white males.

We do not envision that these faculty appointments would be mainly in ethics or religious studies, but rather in one or another of the social sciences with a special emphasis on some aspect of human development and the family or on the delivery of human services. But the individuals filling these position must be thoroughly conversant with more conservative and traditional religious perspectives on child nurture, human sexuality, marriage, abortion, divorce, etc.

(2) We want to stress that the College of Human Ecology at Cornell is a public, tax-supported institution. As such it has prima facie obligations towards fairness. It is an abuse of the public trust to use public tax monies to indoctrinate students in a narrow range of ideological viewpoints and to censor competing points of view. Although we will not attempt to make the case here, it could be argued that HDFS and HSS as they currently operate violate the spirit of the First Amendment: Liberal, even left-wing, beliefs and values have been given a kind of establishment status, and competing conservative secular and religious beliefs and values are distorted or ignored.

It is our belief that if a sense of fairness and a sense of what constitutes a vital marketplace of ideas will not move faculty and administrators in HUMEC to diversify the marketplace of ideas, then pure self interest ought to do so. We say this, because we are convinced that when the general public eventually learns more about what is taking place in HDFS and HSS they will begin to put heavy pressure on state legislators either to instigate change or else to reduce financial support for the college. Why, after all, should taxpayers sacrifice to support a college that routinely undermines their deepest beliefs and values, not by fairly winning in the marketplace of ideas, but rather through censorship, caricature, and indoctrination?

(3) We want to emphasize that in all our discussions with HDFS and HSS faculty and with HUMEC deans we have stressed the following points: (a) We are totally opposed to any attempts to restrict academic freedom of individual faculty. Individual faculty should have the right to present truth as they see it; (b) We have tried very hard not to attack individual faculty or administrators as persons. We have attempted to be fair in our criticisms, realizing that faculty and administrators are our colleagues and mentors; (c) We are not trying to "Christianize" HDFS and HSS or to make these departments politically and socially conservative. We are not advocating a winner-takes-all stance, but rather are urging a more diverse marketplace of ideas. Indeed, we believe that HDFS and HSS *currently* reflect a winner-takes-all mentality, with little serious effort by faculty to diversify their ranks philosophically or to expose students seriously to solid research and writing that reflects beliefs and values different from those of the current faculty. We believe that the education students now receive in HDFS and HSS is so narrow in scope that most of them will be ill-prepared to function competently as professionals who serve a broad range of people, most of whom will have beliefs and values and life experiences very different from those of the great majority of faculty in these departments.

We realize that HDFS and HSS are now and will likely in the future remain mainly within the orbit of the social sciences. Our recommendation is not that faculty teach religion, philosophy, and ethics (although some exposure to these fields surely would benefit students), but rather that the marketplace of ideas be expanded within the general framework of the social sciences. At present, the curricula of HDFS and HSS appear to us as largely ideology-driven. No curriculum will be ideology-free, but at least there can be good-faith attempts to diversify the curriculum by deliberately seeking faculty who represent different points of view.

VI. Conclusions

In an odd sort of way, Cornell's affirmative action program may well have resulted in less rather

than greater diversity at Cornell, at least in terms of ideas, beliefs, and values. Students benefit substantially from more women and minorities on the faculty, but it is my guess that insofar as most affirmative action hires tend to be somewhat left of center politically and ideologically, we have in some respects become a more monolithic university faculty today than we were twenty years ago.

Thus it is my conviction that throughout the university, including HDFS and HSS, the attempt to achieve greater diversity over the next decade should focus more on ideas and less on skin color and gender.

Insofar as hiring faculty at Cornell is done mainly at the departmental/college level, I am not clear how FCR can or should be involved in the situation I have described. At the very least, FCR should be familiar with the conditions that now prevail. Insofar as faculty and administrators are concerned about the reputation and educational mission of the entire university, it may be appropriate to institute some kind of affirmative action program geared to remedy past discrimination, censorship, and exclusion in the realm of ideas.

Obviously, not every viewpoint and set of beliefs and values current in our highly pluralistic society can be represented at Cornell. But at the very least, those positions which have played a key role historically in America, which continue to be embraced by a very substantial portion of our citizenry today, and which are represented by a substantial body of competent scholarship ought to be represented.

In the endowed colleges at Cornell, curricular one-sidedness can be faulted as being miseducative and monotonous. In the statutory colleges, another factor is relevant, namely that the public has a right to expect that when they foot the bills for higher education their money will not be used to indoctrinate students in a narrow range of ideology that is far removed from where most citizens are today.

If HUMEC fails to understand this, it may well be that a better-informed public eventually will pressure legislators to curtail funding for this college. Even support for our endowed colleges may be threatened if donors gain a clearer picture of how ideologically narrow and one-sided some departments have become.

We might do well to pay more attention to current public debate over government funding of national public radio and television. Apart from purely budgetary considerations, the major complaint has been about the liberal bias and lack of evenhandedness and fairness that public radio and television have demonstrated in their treatment of controversial social and political issues.

It would be far better for Cornell if on our own initiative we could find some appropriate way to take necessary remedial action.

MINUTES OF A MEETING OF THE FACULTY COUNCIL OF REPRESENTATIVES

April 12, 1995

Seventh Meeting of the Academic Year

(Numbers in parentheses indicate attendance at meetings to date)

Present: **CALS:** Baer, R.A. (7); Davis, P.M. (5); Liebherr, J.K. (5); Lucey, R. (6); Luckow, M.A. (4); Nasrallah, M.E. (3); Pritts, M.P. (6); Rockcastle, V.N. (7); Setter, T.L. (4); Smith, M. (7); Tauer, L.W. (5); Trumbull, D.J. (5); Yavitt, J.B. (6). **Geneva:** Koller, W. (4); Nyrop, J. (2); Rao, M.A. (4). **AAP:** Cruvellier, M. (6); Saltzman, S. (5). **A&S:** Albrecht, A. (6); Bem, D.J. (4); Cotts, R.M. (6); Fay, R.C. (6); Geber, M.A. (5); Harris-Warrick, R. (3) (spg. only); Hayes, D. (3); Hirschmann, N.J. (7); John, J. (3) (spg. only); Kalos, M.H. (3); Regan, D.T. (6); Roldan, M.J. (3); Shanzer, D. (7); Shapiro, G. (5); Vogelsang, T.J. (5). **Engr.:** Boyd, I.D. (5); Fine, T. (2) (spg. only); Fisher, E. (7); Liboff, R. (3); Lo, Y-H (2); Mukherjee, S. (2) (spg. only); Sachse, W.H. (4). **Hotel:** Chase, R.M. (6); Sherry, J. (7). **H.E.:** Hahn, A. (6); Obendorf, K. (6); Street, L. (6); Wethington, E. (5). **ILR:** Ehrenberg, R.G. (6); Kuruvilla, S. (4); Lieberwitz, R. (4). **JGSM:** Isen, A.M. (4). **Law:** Green, R.A. (5). **Libr.:** Atkinson, R.W. (6). **ROTC:** Eason, C. (2). **Vet. Med.:** Casey, J.W. (4); Hermanson, J.W. (4). **At-Large:** Abowd, J. (6); Allen, J.A.V. (5); Bierman, H. (7); Earle, C.J. (7); Holcomb, D.F. (6); R. Schuler (3) (spg. only). **Faculty Trustee:** Calvo, J.M. (5).

Guests: P.R. McIsaac; F. Rogers; D. Yeh.

Absent: **Afr. Ctr.:** Greene, S.E. (4); **CALS:** Awa, N.E. (4); Gebremedhin, K. (3); Krasny, M. (0) (after 3/28/95); Parks, J.E. (3); Reeve, H.K. (4); Whitlow, T.H. (1); Willett, L.S. (0) (after 3/22). **AAP:** Kord, V. (5). **A&S:** Ashcroft, N.W. (5); Bretscher, A.P. (2); Devenyi, J. (2); Keil, F. (2); Kennedy, K.A.R. (4); Peirce, L. (3); Pelliccia, H.N. (4); Smith, A.M. (4); Stark, D. (2); Strang, D. (1); Thorne, R. (1) (spg. only). **Engr.:** Giannelis, E. (5); Gubbins, K. (3); Jirka, G. (2); Rand, R. (2). **H.E.:** Brenna, T. (5). **Law:** Taylor, W.F. (0). **Vet. Med.:** Ball, B. (3); Bertram, J.E.A. (4); Dubovi, E.J. (3); Kallfelz, F.A. (4); Randolph, J.F. (5). **At-Large:** Decker, D. (3); Howland, H.C. (4); Lumley, J.L. (1).

The Speaker, Professor Emeritus Russell D. Martin, Communication: "The meeting will please come to order. Thank you all for coming. First on the schedule, it is my pleasure to introduce Charles Moore, our Director of Athletics and Physical Education."

1. REMARKS BY CHARLES MOORE

Charles Moore, Director of Athletics and Physical Education: "In my allotted time, I want to make three cases for you—to challenge you or to at least provide a point of view. My first proposition is that the Ivy model for student athletes is a sound and solid one. The second is that Ivy intercollegiate competition is alive and well. And the third contention I will make is that Cornell athletics has the potential to excel, in the Ivy League and nationally. Now I have to defend those three positions.

"In regard to the 'Ivy model' for student athletes, over 100,000 students apply to our eight Ivy Leagues; roughly one-eighth of them are accepted on an annual basis. Fourteen percent of those who are accepted in our Ivy programs—undergraduate programs—are student athletes. At Princeton, Dartmouth, and Harvard, it works out

that 21-22% of all undergraduates are student athletes; at Yale, 19%; at Cornell, 8%. Over 90% of these students across the eight Ivy League colleges graduate; we're really proud of that. And it doesn't make any difference whether they're student athletes or not. From my perspective, our blind, need-based financial aid is a program that works for Cornell and works throughout the Ivy League. Again, from my perspective, we need to work a lot harder on minorities and, particularly, in athletics—and, particularly, at Cornell, where our total minority count in Cornell athletics is only 13%. At Cornell, our men, in the fall term, achieved a 2.91 grade point average. Not bad. But, as you might expect, our women did better. Their grade point average was 3.11. If you were to ask, 'What's the average of our total undergraduate population?,' the answer is, 'nobody knows, because we don't keep it that way in our decentralized approach.' But I can tell you from press studies that our men at 2.91 are slightly below the average, and our women at 3.11 are slightly ahead of the average. My concern—what I watch most carefully—is when our athletes on a given team slip to a 2.0 grade point average or lower. We watch that very carefully; and we have a couple of teams where the percentage of members slipping to a 2.0 GPA has, in my opinion, crept way out of order. I must tell you we get a lot of help from the faculty; we get a lot of help from the team members for those students. But, still, there's a lot more room for improvement, and we're putting in place a full-time person just to work in the area of student support—student athlete support—and that will take effect this summer.

"With regard to my contention regarding the Ivy League competition being alive and well, take these two facts: Last year, the Ivy League won eight national titles—they're only 18 of them—eight national titles: five in men's sports and three in women's sports. One school, Princeton, won six. No school, no other university in the country, won six national titles last year. Over the last two years, 200 Ivy athletes won either individual national titles or were elected All-Americans in some 21 men's and women's sports. I think that speaks well for our Ivy League competition. Will we ever win a football national title? No. Will we ever get in the Final Four? No. But I don't think that's so important, I really don't. We'll have some very fine football and basketball competition in division IAA.

"Finally, in support of my aspirations for Cornell athletics: Cornell represents 24%—one quarter of the total Ivy population is right here at Cornell, if you put it in that perspective. However, we are the doormat in terms of Ivy titles for a long period of time, wins and losses; and the most damaging thing I can say—particularly from your perspective but certainly from my perspective—is that we're the doormat in terms of our admission yields. That's a big problem: admission yields—those we accept, and then those who matriculate. Our record is 50%; Harvard is 78%. And the issue for me is two-fold: one, it's the low percentage; and the second is our student athletes, with whom we recruit so hard, we make very little perceptible difference. Typically, around the Ivy League, there's a five or six percentage point improvement with the student athletes as opposed to regular athletes because of all the extra effort that's put into bringing them to the University. It doesn't work as well here. Nothing upsets me more than when I see one of our coaches—or one of our faculty persons, or one of our

admissions officials—say we can't compete with Harvard or Yale or Princeton. Some of them have heard me slam down my fists and say, 'I'm not buying that!' We have the most diverse program; we have a unique blend of statutory and endowed colleges; we have some of the best facilities; and I say regularly, even when I'm not in this room, we have the best faculty. You can judge for yourself about the faculty, but I think it's the best faculty. We have outstanding programs in Physical Education and Wellness and Outdoor Education. Our enterprise system, which takes us from riding to skating to golf to tennis and on and on, provides some of the best quality of life that Ithaca can expect to have. Remember, we do have a population here—a Cornell community population—of some 28,000 people. Only 1,000 of them are athletes, and the others are graduate students and the rest of the undergraduates and the faculty and all the staff. And, you know, Cornell has a very strong regional staff, strategically located all across this country to support this athletic effort on our part. And I must say that we get outstanding help from the faculty in first attracting and then supporting the student athletes.

“So what are we doing to bring Cornell into the twenty-first century with regard to its athletic program? Well, we've taken some decisive steps with regard to the admissions and recruitment step. We have today—or will put in place today—a 'clearinghouse' if you will—where we'll have professional admissions officers that can clear the process—not the admissions—but clear the process for student athletes. What does this do? It simply connects young students who want to come to Cornell—it connects them to Cornell sooner, in their sophomore and junior years, in a counseling sense. It's a marketing effort, pure and simple. It helps us counsel these students; it helps us get their test scores and all the other things that we think are important for admission to Cornell in place. It lets us have those early meetings and discussions with coaches and brings some reality to some of the coaches' dreams in terms of what a real student athlete at Cornell is and what it means. In the end, we will raise the caliber of our student athletes, we will raise our yield, and we'll reduce a lot of expenses in terms of recruiting student athletes.

“Compliance is an equally important issue, in terms of what we're doing for the twenty-first century. I'm not only talking about the NCAA compliance but also gender equity. How do we stand? Well, we roughly have 55% men and 45% women, and the law says it ought to be proportionate in terms of the athletic teams—so we don't make it. Today we are 64-36 percent—that's a worse relationship than Brown, who just lost its suit—we have suits, as you know, that we have settled out of court. We will soon come to 62%-38%, and we have some straightforward programs to bring us to the 55%-45% level. Our travel relationships, our competition relationships, our scheduling relationships—all those things are really already on par.

“Another big effort on my part is the broad area of fund-raising through our alumni and friends of Cornell. You'll find it interesting to know that 25% of all of our donors at Cornell—these are undergraduate alumni—took part in our athletic teams or the Big Red Band, because that's what the data base we have says. Twenty-five percent of the whole donor base had this enriched experience. And maybe even more

impressive to you is that 36.5% of the funds over the last several years came from that group. Pretty important customers, right? Then you'll want to know where the money goes. And the answer is: only 7% to athletics and the other 93% to other fine things like our colleges and our museums and our libraries. I think that's all in the right kind of places. Can we increase that giving in terms of numbers? We are at the bottom of the Ivy League also in numbers giving. And the answer is yes. Can we increase the amount, the level of giving? I would hope so. But certainly we can increase the numbers, whether we like it or not, within our athletic program—both intercollegiate and our physical education system. And alumni do care, and they do reach back to Cornell with the numbers I've just shared with you.

"Yes, we also have as a fourth priority some important facilities. Whereas—it's not supported in surveys you read as recently as yesterday in the Cornell *Sun*—but in terms of higher education surveys, I think we probably have one of the best sets of athletic facilities in all of the Ivy League. But there are some gaps: some of them are driven by our weaknesses in our women's programs; some are just broader senses in terms of strength and conditioning and that sort of thing. It's interesting—you might get a kick out of this: Many more schools are paying attention to how you attract students. We can be complacent here at Cornell if we want, if we have enough applicants. But many are some really good schools, like Duke and Columbia, who are outmarketing us. And they're doing some testing: they're trying to find out the most important thing a student cares about when selecting a school. I know you're going to laugh at this, but at Columbia, the numbers are very clear: the strength and conditioning facilities is the number-one concern—not among the athletes; I'm talking about students. It's ahead of dining facilities and libraries. Wrong, of course; but that's where these kids are coming from. And what I'd like to do is the same thing here—strength and conditioning. And guess what—we're trying to improve strength and conditioning facilities. And, with a little luck and the implementation of a program that we're nearly through with, we'll have brand-new strength and conditioning facilities at Cornell.

"The bottom line—what is the bottom line here for athletics? Well, it's going to take an investment—up front—followed by some real fix-it and cost-reductions to improve our programs, to restore our programs for our students so that they can excel, and to unite our alumni still further behind Cornell. Thank you very much."

Speaker Martin: "Thank you, Charlie, for being with us. The Chair next calls on the Dean of the Faculty, Peter Stein, for remarks."

2. REMARKS BY THE DEAN: REPORT ON FACULTY SURVEY

Peter Stein, Dean of the Faculty: "I'd like to tell you briefly about the result of the survey that I talked about at a couple of meetings—the survey that the Executive Committee did of randomly selected faculty concerning the issues of how faculty feel about their involvement in the affairs of the University and how they feel about a sense of community. So, I want to do this briefly because we have a full agenda.

“With the help of Ron Ehrenberg’s office, we randomly selected 50 faculty members—actually it was 55, we selected 55 faculty members; and the ten members of the Faculty Committee plus myself each took five and distributed those 55 among the 11 randomly also. Then we went around and interviewed them with a standard interview form. Now the group of people who did it had zero experience total in doing social science research, but that didn’t deter us . . .”

John Abowd, Professor, Industrial and Labor Relations: “I don’t think that’s true. . . .”

Dean Stein: “That’s right—it was *survey* research. I’m sorry. Excuse me, John, my apologies. But I want to acknowledge the help of Elaine Wethington and Jane Millman, who helped us develop this questionnaire, although it was our responsibility, not theirs. Anyway, we then went around and interviewed the faculty that we had on the list, and all went through the same set of questions, and it was pretty good. That is, of the 55 people we chose, we ended up interviewing 50 of them so that there was not a bias for people who wouldn’t come to respond to the questionnaire. And then what we tried to do is see what we got for a result. Now we asked essentially the following questions: (1) Did faculty feel that their involvement in the affairs of their departments was too much or too little on a scale of one to five; (2) the same question with regard to the affairs of their colleges; (3) and the same question with regard to the affairs of Cornell University. We then asked them for suggestions about what one might do about this if their answer was ‘too little’ or ‘too much.’ And then we also asked them how they felt about the FCR and asked them whether they felt that a loss of sense of community was an important problem for Cornell. That essentially was the survey. As I say, I’ve not done survey research, but the one thing I know is that the square root of 55 isn’t very big and that with a sample of 55, it’s pretty hard to get out a signal, unless the signal is overwhelming. But, indeed, there were a couple of overwhelming signals in this sample of 55.

“The first overwhelming signal was that faculty are satisfied with their involvement in their departments. And that came out by something like a factor of three to one. By a margin of three to one, they felt that their involvement with the department was just fine. Likewise, with regard to their sense of the adequacy of their involvement with the decision-making by the University, by a stronger signal, namely, I think, four to one, they felt that it was inadequate. And those who felt that it was inadequate thought it was very inadequate. On a scale of one, two, three—one being ‘extremely inadequate’ and two being ‘inadequate’—they felt that, by a big margin, it was ‘very inadequate’ compared to ‘inadequate.’ So, there also was a very strong signal. With regard to the affairs of the colleges, it was more mixed. I think by a margin of one-and-a-half to one, some felt that there was less involvement than there should be in the affairs of the college, but with a sample of that size, it’s not clear that that result was very significant. With regard to the sense of community, there was no clear signal. There were people who felt that the sense of community ought to be thought of as the sense of community to their department and that was just fine. Many people said there

was no sense of community at Cornell, but it didn't matter, because the really significant sense of community is at the departmental level. There were other people who felt that there had been a serious deterioration in the sense of identification to the University and that that was, in fact, a serious problem to be addressed.

"We then went and tried to split it up—by college, by length of service at Cornell—and then the numbers got too small to find anything very significant. If you look, for instance, at endowed versus statutory—that was the only way we could split it up and maintain significant numbers—I could not detect a statistically different response to all of the questions from people in the statutory and endowed colleges, except on one question. One question seemed to be something like a two standard deviation effect; but, of course, if you ask enough questions, you'll find some two standard deviation effects. Well, on the question of community, the faculty in the statutory units seemed to feel a stronger sense of loss of community to the University than the endowed faculty members. I don't know quite what to make of that, but that seemed to be the effect.

"Then we looked at what people thought we could do about the problem. And, I don't know, it was hard to detect any coherent answers to the question—they were sort of all over the map—and people said the kinds of things that you might think they would say, and an analysis of the responses didn't seem to give a very clear message. I think we will, in fact, summarize these findings and mail them around to the entire faculty. I think that they speak for themselves and that there is no real further interpretation that I can make of them. I have tended in several quarters to use this result in describing the governance proposal that we've talked about. And some people have said, 'Well, is there a problem?' And, at least it seems that from this limited survey, there is a strongly felt problem, namely, that the departments are in good working order and that people feel that their sense of identification and involvement in the departments is just as it should be. With the University, they feel very differently; they feel that the faculty should be more involved in the decision-making at the University level. And, at least to those of us who have been developing the governance proposal, this was a signal from the faculty that we ought to keep at the task that we've set for ourselves. So, I'm now willing to answer any questions that people have about this."

Speaker Martin: "Are there questions for the Dean? No? Okay, thank you, Peter."

3. APPROVAL OF SUMMARY MINUTES OF DECEMBER 14, 1994, FCR MEETING

Speaker Martin: "The next item deals with the December 14 meeting. Are there any corrections to the minutes for December 14? There being none, they stand approved. The Chair next calls on Dean Stein, who will present the slate of candidates."

4. APPROVAL OF SLATE OF CANDIDATES

Dean Stein: "Unfortunately, copies of the slate of candidates only got laid out late, so some of you probably don't have a copy of the slate with you. So, for those of you who came early to the meeting, you don't have that. This is the slate of candidates that the

Nominations Committee came up with—and this is the same one that was circulated with the call to meeting. So I present it to you on behalf of the Nominations Committee.”

Speaker Martin: “Are there further nominations? The Chair would remind you that to nominate a person, it must be with his or her prior approval. Are there any further nominations? If not, the Chair would accept a motion that the slate be accepted. Second? Discussion? All in favor of approving the slate of candidates as presented say ‘aye’; opposed, ‘no’; it carries (Appendix A, attached).

“At this time, I believe Professor Calvo has an announcement.”

5. ANNOUNCEMENT ABOUT MAY 9 PARADE

Professor Joseph M. Calvo, William T. Keeton Professor of Biology: “I’d just like to remind you about the parade in honor of Frank and Rosa Rhodes. This is going to take place on May 9 and will be roughly between 11:00 and 2:00. Who is invited? Everyone in the Cornell community. You may be an onlooker, definitely. If you want to just go to Barton Hall and watch the festivities or station yourself along the parade route—there will be two different parade routes depending on the weather—you’re free to do that. Be a participant? Sure. If your department is coming as an organized group, then you might march with your department. Or, if you just want to come as a group of faculty, the way to do that is to call Peter Stein’s office and just give your name and e-mail address, and you’ll be notified by e-mail of the particular place to meet on that date. I’d ask you to help us advertise by telling your colleagues about it and by telling your students in class—we’ll try to get you a transparency toward the end of the term—and also by allowing the people you supervise to have some time off. What can you expect? Well, it’s going to be, I think, a lot of fun. There are altogether something like 40 student groups who have indicated that they will come, plus another 40 other groups. Altogether, a minimum number would be something like 2,500. You can expect to see the Filipino Student Association dancing; there’ll be in the parade women of the Indian Student Association wearing sari; Cornell Dining will come with the world’s largest cake; the Athletic Department will bring 1,000 athletes—so it’s going to be a lot of fun.”

Speaker Martin: “Thank you, Joe.”

Dean Stein: “Could I just add something? I have this beautiful academic regalia—this red Cornell thing that cost a fortune—and I volunteered to march in it in the parade, but I’m going to be sort of shy. So, if anybody wants to come along, I would really appreciate that. If anyone feels that they want to take part in the parade but they have no other organization or department to affiliate with, then, I offer myself as a gathering point to march in this parade.”

Speaker Martin: "The Chair next calls on Paul McIsaac, Chairman of the Committee on Academic Programs and Policies, for a resolution establishing the M.P.S. Degree in Community and Rural Development."

6. RESOLUTION ESTABLISHING THE MASTER OF PROFESSIONAL STUDIES DEGREE IN COMMUNITY AND RURAL DEVELOPMENT

Professor Paul McIsaac, Electrical Engineering, and Chair, Committee on Academic Programs and Policies, introduced the following resolution:

The Committee on Academic Programs and Policies, having reviewed the proposal to establish the Master of Professional Studies in Community and Rural Development degree, hereby recommends approval by the FCR.

Following approval, the Dean of the Faculty shall forward the proposal to the Committee on Academic Affairs and Campus Life for eventual Trustee action as soon as practicable.

Speaker Martin: "The motion is on the floor for discussion. Any comments, questions, or discussion?"

Professor McIsaac: "Maybe I should make a couple of comments. First of all, the proposal to establish this M.P.S. degree in Community and Rural Development was brought to the Committee on Academic Programs and Policies because this is a professional degree, not a research-based degree, which would have gone through the General Committee of the Graduate School. And secondly, the proposed degree is targeted at a specific set of professionals working in the area of community and rural development. It is sponsored by a broad spectrum of faculty from at least nine departments from three colleges. I believe, if there are any questions, some of the prime movers of this are present who could answer them. Thank you."

Speaker Martin: "Christine Ranney is with us; would you care to make comments?"

Christine Ranney, Associate Dean, Graduate School, and Associate Professor, Agricultural, Resource, and Managerial Economics: "As you may know—any of you who have tried to put a proposal through—it's years in the making before it ever gets here. There is a reasonably large group of faculty that has worked pretty hard to put together a coherent program in this area. There is a felt need for this program. I must tell you, however; we do not believe that it's something that's going to take over any particular college, and we expect there to be 15 to 20 students a year. We modeled it very closely on the international agriculture M.P.S. program, for those of you who are familiar with that; the intent is very much the same as that. There's a set of dedicated faculty that is willing to spend the time with these students and secures approval to do so. Any questions?"

Speaker Martin: "Are there questions before we vote? Thank you both. All those in favor of the resolution say 'aye'; opposed, 'no'; it is carried.

"The Chair next calls on Hal Bierman, Chairman of the Subcommittee on Financial Implications of Course Size, for a resolution on course size from the Financial Policies Committee and the Subcommittee on Educational Policy."

7. RESOLUTION ON COURSE SIZE

Professor Harold Bierman, Jr., Nicholas H. Noyes Professor of Business Administration: "Thank you. I want to say a few brief words about the motivations. In the first place, we have the COFHE statistics regarding the class size, where Cornell ranked number 14—that's on the downside of 14 universities. We ranked 27 out of 27 with the other institutions, including the universities. Obviously, the survey indicated some dissatisfaction with the current course sizes at Cornell. The second motivation has to do with a heroic, comprehensive study conducted by Bob Cooke. The basic statistics I'll make reference to have to do with the fall semester 1993, where Bob found that 1,373 courses—graduate and undergraduate—had ten or fewer students. And 38% of the undergraduate level courses had ten or fewer students. His report, of course, is loaded with other statistics that indicate, more or less, the same sort of situation: the median course had 12 students, and so on. The third study was the study by Dean Peter Stein. Again, it was much more comprehensive than what I'm quoting here, but this is one number I picked off: It would take 60 additional faculty equivalents to reduce the mean class size to 100 students per class. At the time of the study, the mean class size was 240.

"I want to make clear that what we're proposing here is not based on automatically accepting conclusions from this data. The data is a motivation for the next step; it isn't that today we're going to draw our conclusion that there are too many large classes or too many small classes. There's evidence that indicates that there may be a situation where students are not taking enough medium-sized or small classes; at the same time, there can be a situation where there are too many small classes. So what we're recommending is a study of the situation, rather than a conclusion at this time that, in some sense, what's happening is evil. That remains for a future committee.

"All right, here are the resolutions, a little bit wordy:

- *The Dean of each college review all undergraduate courses with five or fewer students, bearing in mind the rationales for small class size.*

"The committee report (Appendix B, attached) had six or seven logical reasons why small classes might exist, and we could go over those if you wanted. But we could see that there are good reasons for having small classes. What we want is to make sure that there are good reasons for the small classes being offered.

- *The University institute an information system to track the mix of the size of classes attended by the undergraduate graduating class during their four years at Cornell based on the size of classes taken by individual students.*

Upon completion, the Registrar of the University will supply information on a continuing basis to the Subcommittee on Educational Policy and the Financial Policies Committee of the FCR or such other committee or committees as designated by the FCR Executive Committee.

“Believe it or not, right now, we couldn’t tell you what the typical student experience at Cornell is in terms of class size. We do not know that every student takes at least one course with less than ten students or that every student takes a course with less than 100 students. So we don’t know what the situation is. We spoke to David Yeh, and David said this was a reasonable thing. Obviously it would involve a resetting of priorities of the chores he’s currently doing. But this is not a nonsensical sort of request. From my point of view, I don’t see how you could manage Cornell—its colleges or departments—without having this sort of information. Finally,

- *The Deans periodically evaluate the educational merits and practices of large classes to insure an outstanding educational experience for Cornell students and report back to the Subcommittee on Educational Policy or an equivalent FCR committee as requested.*

“The motivation for this, obviously, is that we are concerned with education, and that, while the economist in me might say, ‘We want our larger classes,’ the professor says, ‘Well, hold on a minute—let’s make sure that we are accomplishing the educational objective’; and that, of course, goes back to our wanting an information system that will guarantee that a person doing a survey will find out what the mix of courses is and determine whether the mix is effective in achieving the educational goals. And finally, this merely says that

BE IT FURTHER RESOLVED, that the Dean of Faculty inform the Deans and those directly responsible for implementation of the above resolutions as soon as practicable.

“Well, the objective here is to launch a series of studies at the deans’ levels, primarily, and to circle back to the appropriate FCR committees both to ensure economic efficiency and attain the level of educational achievement that Cornell wants to reach to guarantee this sort of satisfaction among its graduates that is necessary for the future success of this University. And, so I move acceptance of these resolutions.”

Speaker Martin: “Questions or discussion? Yes.”

Wolfgang H. Sachse, Meinig Family Professor of Engineering: “It makes me nervous around point two—to ‘institute an information system.’ It would seem to me that

somebody over in the Registrar's office ought to just hit a couple of carriage returns. I mean, the students are getting grades; why not just tally how many grades in what courses, and do it that way?"

Professor Bierman: "I rely on my colleagues who have attempted this."

Ronald G. Ehrenberg, Leading Professor of ILR and Acting Vice President for Academic Programs and Planning: "Currently the way that you could—and this is not the distribution of courses that students take at a point in time—but it's asking for the distribution of courses for students over the length of their careers here, am I correct?"

Professor Bierman: "Yes, that's correct."

Professor Ehrenberg: "Currently, the way you have to do it is the following: You pull up the transcript of a student who's on-line. Information for at least the last five years on courses is stored someplace else; so, for each student, you then have to go and match the course with not only the courses which were taken, but you also have to go back to what the course was and then determine the size. It's not quite a paper-pencil project, but it's very close to that. And there is a study under way in which the Office of Institutional Planning, working with Peter Stein, is trying to pull out information for a random sample of students. But to do this would be an innovation—I think, a very useful innovation—but it would be an innovation."

Dean Stein: "Yes, Wolfgang, I share your surprise also. But I can tell you that, hey, it's a tricky problem; it's hard to get your teeth into it. Because, on the one hand, the very large classes are some of our most popular classes; and if people said to reduce those, then fewer students would have the experience of being taught by some of the professors who give out the best educational experiences. Likewise, at the other end of the spectrum, the small classes are what make Cornell a great University, as you can study anything. I thought about the problem for a while, and I can't even think of the right metric to attack it with. I had the idea six months ago that one good thing to do would be to have 50 schedules of students for their four-year experiences with class sizes and then just kind of look at them for a while and figure out what the right questions to ask are. But that data was very hard to get; and at the moment, I have the schedules of ten students in a form that's not useful. And that required three man-days of work to put that together, or so I was told. Three man-days of work is a fair slug of the analytic capability of this institution, to do this kind of work. And so, I'm a little bit surprised; but I'm telling you that it requires some more effort to automate it."

Professor Sachse: "You're addressing a deeper question which regards the efficiency or the effectiveness of the class size. This question number two is just, 'let's find out how many students are in the courses.' And it just seems to me that each student has an individual number."

Professor Bierman: "Let me word that just a little differently. What we want to find out is what the students are experiencing at Cornell, which is a slightly different thing. I can't tell you that the median student at Cornell takes two courses with fewer than ten

students, and so on. It's entirely possible that the median student at Cornell takes no course less than 100 students—I don't know, and you don't know."

Dean Stein: "The problem is that we certainly know a number. I mean, we calculate a number from Bob Cooke's data which says, at the present time, the average student sees a class size of 240. But it's not clear what you do with that number if you don't know the distribution for individual students."

Professor Abowd: "I think that what Peter just said is entirely correct about Bob's study, so I won't put any words in his mouth. But what I took away from the study Bob presented to the FCR was that, after a large amount of backtracking on the definition of a 'class,' he arrived at the definition which said, basically, 'people in the same room at the same time regardless of which college chose to give it what number,' which I think is a reasonable definition for the courses of so many kinds that we have. From that point forward, we really know very little, as Hal just said. We need something like a random sample of student transcripts linked back to an effective definition of what constitutes a course, to even say with any kind of authority what the average experience is. That 240 number is not a number that I think we should use in public. I don't know whether it's right or not, but I don't agree with the hypothesis under which it was calculated."

Professor Danuta Shanzer, Classics: "I just have two points. One is, I've been trying to ask undergraduates, whenever I see them, how they feel about their class sizes--particularly ones I'm advising—and I try to encourage them to go places where they can get smaller classes if that's what they want. But they, at least, at the sophomore and freshman level, don't seem to find this a problem—at least the ones I've talked to. So I wonder when this happens, that it becomes unsatisfactory. The other thing that I would suggest is that, at least in the Arts College—I don't know what happened to it—but there was some discussion about going to the Canadian transcript system, which lists the number of people in the class and gives the median grade. And if you have the number of people in a class on a transcript, it would be very easy to do the calculations needed per given student."

Professor Abowd: "As long as all the common numbers were reflected in that sum."

Professor Bierman: "You should note that we aren't trying to solve a whole series of problems, such as who will determine what a 'good' mix of courses is for a student. All we want is an information-based system that will enable some future group to sit here and make the important decision. This is the first step that will enable some other group to form some judgments of what should happen next in terms of either the economics or the education or both."

Alice Isen, Samuel Curtis Johnson Professor of Marketing: "When the report was made, it was established that there was no double counting of the small classes, because often they are cross-listed. So I was just wondering if that should be corrected for in the study."

Professor Bierman: “We are not taking the numbers generated by Bob, with due respect to Bob, as proving that there are too many small classes. What we’re taking it as is as a signal that—please excuse the following—but that anybody in his or her right mind would want to find out what the facts are. And we’re clever enough to have shifted that job to the deans. Now at some stage, somebody in this group is going to say, ‘Don’t we want the deans to report to somebody—to some committee?’ Yes, I would hope that future committees will be curious. Bob might be convinced to update his study and ask the deans for explanations. But you are correct—we’re not taking that 1,300 number as being absolutely correct but rather as a motivation for finding out what’s actually happening.”

David Yeh, Assistant Vice President for Student and Academic Services: “The core issue that you’re trying to ask is: ‘Can the system provide information in order to make all kinds of decisions?’ And I would have to say, unfortunately, our systems just are not capable and cannot provide that information to us. There are a number of us who have tried to address the issues that Bob has raised in terms of ‘What is a course?’ You could ask around campus ‘Who is a student?’ and you’d have a bigger problem, because we have about 35 different definitions of what a ‘student’ is. So we get down to some very basic, core issues of whether our systems can support the decision processes that you’re trying to factor, and it becomes, really, a joint issue. Now, do we have the systems? And if we don’t, should we try to create them? Those are the basic issues at hand.”

Professor Robert C. Fay, Chemistry: “In the case of large courses—even courses that have even a single number—there are very often multiple lecture sections. And what matters to the student is the size of the lecture sections, or perhaps even more importantly, the size of the laboratory recitation sections. So it’s not clear to me in item two, for example, when you say ‘size of classes’; what data are you trying to seek: the size of courses or the size of lecture sections?”

Professor Bierman: “Bob would like to respond to that.”

Professor J. Robert Cooke, Agricultural and Biological Engineering: “Since that study, I’ve gone back and done the same analysis on the section sizes instead of just the entire courses. And that information is available now.”

Professor Bierman: “I’ll add my judgment, too, namely that if a course has 2,000 students but they’re meeting in groups of 20, it’s the groups of 20 that I’m interested in for most economic and educational purposes. So it’s not going to be the size of the course; ultimately, it’s going to be the size of the section. And you mentioned lecture sections, and there are going to be recitations, and then other people in this room can give me additional complexities. But we’re not ready for that. All we want to do is to help David to go ahead and get the data. And presumably, David will talk to some people in this room to find out what sort of data we will ultimately want. And one of the

things we're going to want, in addition to the size of the course, is the size of each section—both the lecture groups and the recitations and other things that you could supply in terms of unique situations. People are going to have unique situations at Cornell; I mean, one number will not fit all."

Professor Donald F. Holcomb, Physics: "I'd like to get away from the statistical difficulties for a moment and go back to the resolution. Could you flash it on the overhead?"

Professor Bierman: "Sure. The primary resolution is this one [points to item two]. The others merely say to get a report from the deans."

Professor Holcomb: "To focus on the first element, bearing in mind the rationales for small class size, I think we have to be careful in the following way: I'll wager that if you go to Colgate or Williams, or someplace like that, you will find more than 38% of the courses have fewer than ten students. And so it isn't that, in that sense, there is something cockeyed about Cornell. But we're looking at an optimization problem."

Professor Bierman: "Well, I'm not implying anything's cockeyed. I'm implying that we should get more information."

Professor Holcomb: "So the problem is an optimization problem for Cornell. So it seems to me that when deans are looking at this, they are looking at the abstract reasons why a class of five is good. This should never be viewed in isolation, even if it is an optimization problem for Cornell—because the number of classes of fewer than eight here is going to be very different than at Williams for the optimal educational effectiveness."

Professor Isabel V. Hull, History: "I just wanted to point out that I think it's great. And the more information you can gather, in the easiest possible way, the better it might get. But I want to point out that I've had a number of conversations just in the last week with students, all of whom, when they say that they want small classes, they're not referring to—this is, obviously, among humanities and social science students—they're not referring to the small discussion sections, as we don't have labs. They really are referring to the lecture courses; and it's the large lecture courses that they understand as being big and impersonal and not worth their money, as one young man boldly commented today, at great length. And so, I think it's good to break the data down in that way. But I think that you'll discover that what the students are looking at is how many people fit in that room where the professor gives the lecture."

Professor Richard E. Schuler, Economics and Civil and Environmental Engineering: "Sort of a practical observation to the practitioners and the researchers in this is that maybe one way of exploring this is to define a 'course' as something that is headed by a professor or lecturer or senior lecturer; that is, to exclude teaching assistants. Now again, I don't know whether the data is managed in that way, but at least I would rule

out discussion sections and attempt to get at the full impact—or at least what the students think they're paying for in their tuition."

Dean Stein: "I think it's important not to lose sight of the importance of the COFHE study—that if we're 27 out of 27, that's a real problem, and we can't shut our eyes to it. And I think that what this resolution does is say, 'hey, we as the faculty recognize this as an important problem'; and I think we have to study it, and we have to find the proper data. I don't think the people in this room can probably, at this particular moment, figure out what the right question to ask is. But what they can do is to agree that this is a serious problem and to devote a certain amount of resources to it. That's what I take as the meaning of this resolution."

Professor Isen: "I'm wondering if anybody has any ideas or any suggestions for what you meant by 'review' of small classes?"

Professor Bierman: "That goes back to Don's statement that there may be valid reasons for small classes to exist. I certainly, standing here today, did not want to suggest that there were no valid reasons why a small class should exist. There can be valid reasons. For example, it was called to our attention that in the Music Department, there could very well be a class in how to play the piano, and the instructor could say, 'All I can do is handle three or four people at once.' I'm sure that there are other people in this room who would say that also applies in our college or this or that area. Now, some of us teach in schools where it would surprise me, when talking about a 'normal course'—'normal' meaning not a doctoral course—where there may be valid reasons; there may be no other use of the instructor. There can be valid reasons why a dean looks at it and says, 'This is my decision.' But what we want is for someone to look at it; and initially, we were stopping at the deans. Quite frankly, I wouldn't have objected to some more words there about what happens in terms of management. But I'll take what I can get; and I think that, today, the most I can get is that the deans look it over. That's all we're suggesting."

Professor Abowd: "My question is for David Yeh, actually. Did I understand your comment earlier saying you actually couldn't execute part two? So do we need to be more specific in how we would design a sample so that we could get some information from what exists?"

Assistant Vice President Yeh: "No, I don't think that at the present time."

Professor Abowd: "So we can't do two, but you're prepared to come and talk with us about what could be done, correct?"

Assistant Vice President Yeh: "I think that there are a number of set processes involved. One is that we can certainly gather the data we have, even if it takes extraordinary effort. We still need to go back and start at the beginning of the search, applying our definitions for what a 'course' is. That happens because all of this

selection is very interpretative with regard to our distributions in order to get a better sample and a better understanding of the data.”

Professor Bierman: “Let me make something clear about the resolution here, because I think David may be misunderstanding. It says, ‘the University institute an information system to track,’ and so on. We’re not asking someone to go through—by hand—and pick out data over today’s inadequate system, as has been described by several people. This would be an enormous job and cruel and unusual punishment. So what we’re suggesting is for David to work with us in designing a system that will supply this information in the future. That’s the sense of the second paragraph here.”

Professor Abowd: “May I follow up? I disagree that it would be reasonable to wait until the information system is in place before we revisit the question of what the typical student’s class size experience is at Cornell. And I think we’ve been appointing a statistical study of the size that is both physical and able to inform us, as a replacement if necessary, for item two. We need more information now, not when the system is ready to give it to us.”

Professor Terrence L. Fine, Electrical Engineering: “I kind of agreed with Wolfgang earlier; I think that if transcripts were available on-line, it could be possible, through programming, to turn that into everything you want to know. And why that becomes a major obstacle has not been said, so I don’t know. But given that that is the case, then we’re asking for something substantive. Rather than asking for somebody to program for three days and get it out, we’re asking for a very good thing. Now, it’s easy to ask other people to do things, because you go away and say, ‘fine; go to it.’ So do I want this information? Well, out of some curiosity I want this information. What do I want to do with it? I’m not saying that I really want to do much with it, so I think I’m at the wrong end of the dog with this information. Yes, the most I’ve heard about this is through the COFHE study, that says with dissatisfaction, we rank at the bottom—blah, blah, blah. We have managed our department on the basis of that consideration. I don’t doubt that you manage your departments any differently. I think there are a lot of considerations that help lead to it; and in the end, how is this being treated? Will it be something from the University down, giving what our ‘mix’ is to be? I mean, that would seem kind of ridiculous. If you want to talk about accepting 35 definitions of a student, you’ve probably got 100 definitions for a department. We’re not going to run it from the top down, where this is the guideline for a statistical mix of classes, and devolve it down to the colleges. It is really a departmental consideration. And departments—well, you are doing these kinds of considerations; and hopefully, you’ll come up with these mixes for perfectly good reasons, given the resources you have and the interest that is out there. I don’t see how we’re going to manage any differently by knowing these numbers. I wouldn’t mind knowing them; but I’m not going to want to put people through a lot of trouble getting them for me, if that’s what it takes. Because I don’t think I want to be run by those numbers. I know what they are in my department; it’s not a mystery in my department. I don’t know what they are in yours, but I’m curious. They’re just details.”

Speaker Martin: "Okay, thank you, Terry. We're going to have to move along to our next item. Thank you very much, Hal. All in favor of the resolution, say 'aye'; opposed, 'no'; it carries.

"The Chair next calls on Michael Gold, Chair of the Committee on Academic Freedom and Professional Status, for a report on Confidentiality."

8. REPORT ON CONFIDENTIALITY

Associate Professor Michael Gold, Industrial and Labor Relations, and Chairman, Committee on Academic Freedom and Professional Status: "The directive that the committee received was to look at confidentiality with respect to charges of sexual harassment. The committee immediately formed a subcommittee; the members of the subcommittee talked to a number of people around campus and drafted a report which it brought to the committee. The committee evaluated the report and sent the subcommittee back for further work. And then, about two weeks ago, the full committee adopted a proposal. But we also decided to get some further advice, and so we circulated that proposal to some people around campus and received a large number of significant comments about it. I gave you that background because I'm here to say that we don't have a written report, and we don't have a proposal; but we really have tried. Let me tell you precisely what we've thought about.

"To begin with, we focused on the Arts College procedure. We did not look at the procedure in the Office of Equal Opportunity. That's significant, because the Office of Equal Opportunity has handled, in the last five years, perhaps 200 complaints which, as far as I know, have all been resolved without significant breaches of confidentiality. The Arts College procedure has dealt with two complaints and on confidentiality is batting 0.500. I'll give you the issues that we have identified and the arguments that we have heard on those issues. We don't think we've got all the issues; in fact, I left the meeting this morning feeling befuddled. But we'll give you the issues and the arguments, and then we'd like to hear what you have to say.

"One issue that we considered is whether there should be only one copy of the file. The reason for considering that issue is obviously security. *The New York Times*, in fact, had the file on James Maas. Without the file, it's doubtful that the *Times* would have been able to confirm the information it received or would have published a story on it. So an argument in favor of maintaining a single file is security. The counter argument, though, is, at least as the Arts College procedure is presently constituted, many people have to review that file. They need to review it with great care. And if there's only one file, then each individual has to go to a room and be closed into the room—it would be burdensome. It would be especially burdensome to people who were no longer in Ithaca. Also, the University has a responsibility to eliminate sexual harassment; and so some of the information that would be in that file needs to be shared with other offices around campus.

“A second issue that we considered is whether the charging party—the participants in the process—should be pledged to confidentiality, virtually to complete confidentiality. An argument in favor of that is to make it easier for charging parties to come forward and to protect the respondent (professor) from publicity if the charge is not sustained. The counter-argument is that a rule of confidentiality would be very difficult for us to enforce. All kinds of questions would arise about whether the rule is breached, about who breached it, and under whose authority that was done. Also, it’s been suggested that there is some incentive for the parties now to maintain confidentiality. The charging party could conceivably be sued for defamation for a public statement, and the respondent could conceivably be charged with retaliation for making information public. How strong those considerations are is not clear.

“A third issue we considered is, assuming that some degree of confidentiality is appropriate, what ought to be kept confidential? Should confidentiality be maintained during the investigation that precedes any formal charge being brought? The argument in favor of that is that publicity regarding unproved charges is very damaging to the respondent’s reputation, and settlement is facilitated by privacy. But the counter argument is that, from the very outset, the charging party typically needs to talk to friends; the party needs support, emotional support and intellectual support in going forward with the case; to pledge that person to confidentiality would probably not serve the system very well. Should confidentiality be maintained if the respondent is found innocent? Yes, in order to protect the respondent’s reputation; no, because the charging party may want to sue, and we really can’t control what would be revealed in the subsequent lawsuit. Should confidentiality be maintained if the respondent is found guilty? Yes, goes the argument, because the respondent could sue Cornell for defamation if we reveal information. Other disciplinary matters on campus are normally kept confidential; people do change their behavior and often don’t deserve the extra sanction of adverse publicity. No, confidentiality ought not to be maintained when a person’s found guilty on the argument that that will encourage sexual harassment. The more we know, the more likely we will be able to control the problem.

“Should the Office of Equal Opportunity publish and send out annual reports on the charges it receives and its resolution of those charges? This goes a little beyond the Arts College, but I suppose this could be applied to the Arts College procedure as well. Yes, publication of an annual report would tend to deter that behavior; but, no, if that report is circulated widely and we get some negative publicity, then we don’t think people would pay a lot of attention to it anyway.

“Should a breach of confidentiality be punished? Yes, for the pledge to be confidential is meaningless; no, because we have no control over people who have left the University, and charging parties who may feel that they’re at risk of being disciplined for having filed a charge and perhaps talked about it might choose not to file a charge at all but go directly to court, which is a result that we don’t want.

“Those are the issues we have thought about and the arguments we have come up with; we could use some guidance.”

Speaker Martin: “Are there questions or comments for Professor Gold?”

Professor J. Victor Koschmann, History: “I chair the Professional Ethics Committee; and the members of the Professional Ethics Committee are as concerned about the breaches of confidentiality as, I’m sure, you are. It may be useful to know that clearly no member of the Professional Ethics Committee was responsible for those breaches; nevertheless, they happened, and it is regrettable. I must say, though, that, although this is the first time we have heard the exact provisions of this, well—I thought it was going to be a proposal, but it turned out not to be a proposal—but, of the kinds of things that you were considering. If, for example, just to take the first one, you were to say that there should be only one copy of the documentation that is used in the course of the hearings on sexual harassment, I would have to say that I think that alone would have created a situation in which it would have been virtually impossible for us to have proceeded. In the first place, it would have made it impossibly ponderous. The scheduling of these hearings is an extremely serious problem. There are a number of people involved: you have probably more than one complainant; you have the accused; you have their legal counsel and their friendly advisers; you have sexual harassment counselors, either one or two, involved in a given hearing; you have the University Counsel’s Office involved; and at least five members of the Professional Ethics Committee—perhaps as many as eight. And sometimes you have to schedule days of hearings in very close proximity to each other; sometimes the time between them is less than a day. And, in virtually every case, materials have to be reviewed--and not just reviewed but studied, pored over, laboriously compared—in order to move from one meeting of the hearing board to the next. If it were necessary for those people, many of whom consider themselves very strongly adversarial to each other, to have to gather—either to line up outside a room or sign a schedule or something and go in and read this material—we would never get through the cases that we have to consider. And that’s just the matter of convenience; there’s also the matter of fairness. It would seem to me that a procedure like this would create a situation in which I, inasmuch as the rules enjoined me to finish the hearings expeditiously in the interests of all parties, would have to cut down on, perhaps, the amount of printed material; perhaps truncate the hearings in some manner by eliminating or refusing to hear witnesses or whatever; and as soon as you do that—or just something as simple as greatly reducing the amount of time that people have to review documentation—it seems to me you very much prejudice the ability of both the accused and the complainant to make the case that they need to make. And these are circumstances in which serious things are at stake, so I think that would be unfortunate. So, I just want to kind of register, I think, the position of the committee, which is that something other than that particular provision, I think, needs to be advanced in order to carry out the spirit of the effort which I and my committee are very much in favor.”

Professor Gold: “Accepting all those facts as being true, the issue that arises, as Peter has pointed out, is whether the Arts College procedure is as appropriate as the one we

thought we used. If there are several copies of the documents in circulation, there's no practical way to prevent leaks. If we value confidentiality, then that procedure won't work. Another procedure where confidentiality could be protected, then, would be appropriate. And Peter has given as an example the Promotion and Review process. There we manage to maintain a single file, and we preserve confidentiality. But, of course, that's different from a charge of sexual harassment. And so, the issue is whether that is the way to deal with it."

Dean Stein: "Excuse me, Michael; I was referring to the appeals for negative tenure decisions which my office has carried out over a period of ten years—very contentious cases, single file—and as far as I know, there has never been any breach of security in that process. Equally voluminous documentation."

Professor Hull: "I served for a long time on a University Appeals Committee and was a member of the world's longest appeal. And I can't believe that any other appeal could possibly have generated any more material than that case. I hope not, anyway. But the analogy isn't right, Peter, because what the University Appeals Committee looks at is essentially procedural problems. All of the work is even then less than what the Professional Ethics Committee has to listen to; it's already been done: people have already made their statements and written their letters and the rest of that. The committee that reads that stuff—which is an arduous task anyway—but the committee is only made up five people. You may hear a few witnesses to straighten out some unclarities; but you do not have a whole string of people making a statement and then being challenged by somebody else and then being questioned also by the Professional Ethics Committee and so on. It's simply not the same procedure. And you don't have nearly the number of people involved; you don't have the problem, usually, that people are coming in from out-of-town; it's just really not analogous."

Mary Beth Norton, Mary Donlon Alger Professor of American History: "I would argue, as someone else who was involved in drafting the Arts College Procedure, that there's another way—and I've been involved in tenure appeals cases, too—there's another way in which the tenure appeal analogy doesn't work. And that is that you don't have the adversaries themselves reading the files. I mean, you don't have either the dean who's being appealed against or the person who is appealing reading the files and making counter-arguments to things that are in the files. The only people who are reading the files are the people who are judging the materials, and they're only reading the written materials. They're in this case as an appeals committee precisely because they have no personal investment in it. And, frankly, if I were accused before the Professional Ethics Committee and I were denied the opportunity to have a copy of the charges in my hand to take away with me, to think about, to ponder, to make responses to—I would be extremely upset, and I would charge the University with violating my rights. I don't see how the University can deny a person who's accused an actual physical copy of the words of accusation. And once you've done that, then you cannot deny to the complainant an actual physical copy of the words of response. And that's the end of it; then you can't deal with one copy any more."

Associate Professor Elaine Wethington, Human Development and Family Studies: "You began your presentation by talking about what appears to be the pretty flawless record of the Office of Equal Opportunity in maintaining confidentiality in contrast with the Arts College, and I was wondering whether your committee considered why the OEO has had no difficulties with this but the Arts College did."

Professor Gold: "The Committee didn't look carefully at the Office of Equal Opportunity's procedures, and we certainly had no intent to compare them to the Arts College procedures. I can tell you, though, that the charges in the OEO are handled on a substantial part by lawyers and other professionals who counsel everyone about confidentiality, which may have something to do with it. I don't know; I really can't say more than that."

Professor Wethington: "May I make, then, what's probably an editorial comment? Why are the faculty involved as quasi-legal judicial administrators in a procedure such as this? I mean, is that appropriate for us to be involved? Other than under very strict circumstances under which we are informed, are our duties to keep this information confidential—despite the risks to which we could expose ourselves and the University if confidentiality is breached?"

Professor Gold: "Of course, the breach was probably not by one of the faculty members."

Professor Wethington: "But the fact that someone other than a faculty member was involved, since confidentiality could not be maintained, put everyone at risk."

Professor Hull: "If I understood the question right, part of the question was whether these kinds of problems should be handled by faculty members. There was a strong feeling of the Arts College when we passed these procedures four years ago, whenever it was, but, yes, we definitely should; this is part of our duty of self-regulation. It is certainly a legal duty enjoined upon Cornell that we have procedures that actually work, that are clear and published. And I still see no reason why we should not take over this burden ourselves rather than pushing it off onto lawyers and, in essence, pushing it, in the end, off on the courts, which is where a number of cases which were handled by OEO in the end have ended up. It's also true that at the Professional Ethics Committee meetings, there is legal counsel: there is the University Counsel and the right of both respondents and complainants to have counsel present with them if they desire. And I believe, although maybe Vic Koschmann would like to speak to this, that everybody was admonished by the committee to maintain confidentiality. And it is very regrettable that everybody didn't follow that. But I still think that your very laudable efforts to try to figure out a way to keep confidentiality, in the end, may in fact be impossible—that you're not able to muzzle people who feel they've been wronged or who feel that by stirring up public opinion they will be able to outflank the Professional Ethics Committee or something else. And I think that while it is extremely desirable—and I would desire it as well—it may be a little delusory and, essentially, impossible."

Professor Wethington: "I just want to say that I prefer due process of the law in cases such as this, not this procedure."

Speaker Martin: "Further discussion? Thank you very much."

Professor Gold: "Well, the Committee needs some guidance now, or have we discharged our responsibility? Say 'yes.' Well, all I had to do was ask."

Speaker Martin: "Thank you. We are now going on to New Business. Is there anything further to be brought before the Body? If not, the Chair would accept a motion for adjournment. We are adjourned."

Adjourned 5:55 PM

Robert Lucey
Secretary of the Faculty

REPORT FROM THE COMMITTEE ON NOMINATIONS AND ELECTIONS

SLATE OF CANDIDATES

(all terms commence July 1, 1995 unless otherwise indicated)

AT-LARGE MEMBER, FCR - 3 vacancies, 3-year terms

Ronald R. Kline, Associate Professor, Electrical Engineering & Science and Technology Studies
 Marvin P. Pritts, Associate Professor, Fruit and Vegetable Science
 Peter Schwartz, Professor, Textiles and Apparel
 Michael B. Timmons, Professor, Agricultural and Biological Engineering

COMMITTEE ON MEMBERSHIP OF THE UNIVERSITY FACULTY - 1 vacancy, 3-year term

Jean-Yves Parlange, Professor, Agricultural and Biological Engineering
 Andrew Yen, Professor, Pathology

NOMINATIONS AND ELECTIONS COMMITTEE - 2 vacancies, 3-year terms

Carl F. Gortzig, Professor, Floriculture/Ornamental Horticulture; E.N. Wilds Dir. of Plantations
 Jean N. Locey, Professor and Chair, Art
 Nick A. Salvatore, Professor, Industrial and Labor Relations

REVIEW AND PROCEDURES COMMITTEE - 3 vacancies, 3-year terms

John Eckenrode, Associate Professor, Human Development and Family Studies
 Douglas A. Haith, Professor, Agricultural and Biological Engineering
 Kathryn S. March, Associate Professor, Anthropology and Women's Studies
 Jonathan Ngate, Associate Professor, Romance Studies

UNIVERSITY-ROTC RELATIONSHIPS COMMITTEE - 2 vacancies, 3-year terms

James A. Bartsch, Associate Professor, Agricultural and Biological Engineering
 Francis A. Kallfelz, Professor, Clinical Sciences
 Deborah J. Trumbull, Associate Professor, Education

COMMITTEE ON ACADEMIC PROGRAMS AND POLICIES - 3 vacancies, 3-year terms

Kevin M. Clinton, Professor, Classics
 Ileen DeVault, Associate Professor, Industrial and Labor Relations
 Martin F. Hatch, Associate Professor, Music
 Ritch Savin-Williams, Professor, Human Development and Family Studies

(over)

COMMITTEE ON ADMISSIONS AND FINANCIAL AID -

2 vacancies, 1 of which is non-tenured, 3-year terms

Louis D. Albright, Professor, Agricultural and Biological Engineering

Monica A. Geber, Assistant Professor, Ecology and Systematics

Nina Glasgow, Assistant Professor, Rural Sociology

Deborah H. Streeter, Bruce F. Failing Sr. Professor of Personal Enterprise/Small Business Mgmt

Jonathan P. Tittler, Professor, Romance Studies

COMMITTEE ON AFFIRMATIVE ACTION - 1 vacancy, 3-year term

Joan Jacobs Brumberg, Professor, Human Development/Family Studies; & Women's Studies

David W. Henderson, Professor, Mathematics

Geza Hrazdina, Professor, Food Science and Technology, Geneva

Henry A. Walker, Professor, Sociology

FACULTY ADVISORY COMMITTEE ON ATHLETICS AND PHYSICAL EDUCATION -

1 non-tenured vacancy, 3-year term

Jun-Lin Guan, Assistant Professor, Veterinary Pathology

Don Ohadike, Assistant Professor, Africana Studies and Research Center

COMMITTEE ON FINANCIAL POLICIES - 2 statutory vacancies, 1 of which is non-tenured,

3-year terms

Klaus W. Beyenbach, Professor, Physiology

Nandinee K. Kutty, Assistant Professor, Consumer Economics and Housing

Ann T. Lemley, Professor, Textiles and Apparel

Dean R. Lillard, Assistant Professor, Consumer Economics and Housing

COMMITTEE ON RESEARCH POLICIES - 2 vacancies, 3-year terms

James M. Cordes, Professor, Astronomy

Stephen F. Hamilton, Professor and Chair, Human Development and Family Studies

Christopher K. Ober, Associate Professor, Material Science and Engineering

Geoffrey W.G. Sharp, Professor and Chair, Pharmacology

UNIVERSITY ASSEMBLY - 3 vacancies, 2-year terms

George L. Good, Professor and Chair, Floriculture & Ornamental Horticulture

Andre T. Jagendorf, Liberty Hyde Bailey Professor of Plant Physiology

Betty Lewis, Associate Professor, Nutritional Sciences

Chris B. Watkins, Associate Professor, Fruit and Vegetable Science

Motivations for Considering Class Size Issues

1. COFHE statistics:
Regarding Class Size Cornell Ranks 14 of 14
Universities
Regarding Class Size Cornell Ranks 27 of 27
Institutions
2. Study of Professor J. Robert Cooke:
1993 Fall Semester
1,373 courses with 10 or fewer students
38% of undergraduate level courses had 10 or
fewer students
3. Study of Dean Peter Stein:
It would take 60 additional faculty equivalents to
reduce mean class size to 100 students per class.
At the time of the study the mean was 240.

Resolution on Course Size

- The Dean of each college review all undergraduate courses with five or fewer students, bearing in mind the rationales for small class size.
- The University institute an information system to track the mix of the size of classes attended by the undergraduate graduating class during their four years at Cornell based on the size of classes taken by individual students.

Upon completion, the Registrar of the University will supply information on a continuing basis to the Subcommittee on Educational Policy and the Financial Policies Committee of the FCR or such other committee or committees as designated by the FCR Executive Committee.

- The Deans periodically evaluate the educational merits and practices of large classes to insure an outstanding educational experience for Cornell students, and report back to the Subcommittee on Educational Policy or an equivalent FCR committee as requested.

BE IT FURTHER RESOLVED, that the Dean of Faculty inform the Deans and those directly responsible for implementation of the above resolutions as soon as practicable.

Financial Policy Committee
Report of Subcommittee on Financial Implications of Course Size
Introduction

Two different studies supplied the motivation for this report. One was a study of class size conducted by J. Robert Cooke of the Cornell faculty. Professor Cooke found that during the 1993 fall semester there were 1,373 courses with 10 or fewer students. At the undergraduate level 38% of the courses taught had 10 or fewer students.

The second was a study conducted by Cornell's Office of Institutional Planning and Research and other COFHE schools. A survey was sent to 2900 graduating Cornell seniors in the Spring of 1994. There were 936 responses. The responses to the size of class question indicated that Cornell compares unfavorably with other institutions with which Cornell competes for students. Fortunately, on some other dimensions Cornell does well.

The evidence from both studies indicates that one problem might exist (too many small courses) and that one problem does exist (Cornell students are not pleased with the available size mix of courses).

Cliff Earle (Mathematics)
Sandra Greene (Africana Center)
Joe Stycos (Rural Sociology)
Hal Bierman (Johnson School)

17 March 1995

Financial Policy Committee

Report of Subcommittee on Financial Implications of Course Size

This Committee was asked by the Chairman of the Financial Policy Committee to consider whether Cornell University could enhance education and conserve resources by changing the mix of the size of courses. This report is divided into four sections.

- I. The Committee's recommendations.
- II. The locus of responsibility for controlling class size.
- III. Conflicting objectives affecting class size.
- IV. Rationales for small class size.

The primary source of the data used by this Committee was the October 17, 1994 report prepared by J. Robert Cooke for the Cornell faculty. Since that report dealt with "courses" we shall primarily focus on courses rather than sections. The report used course enrollments for the Fall of 1993 and Spring of 1994.

During this period the faculty taught 5,118 courses. There were 3,006 courses taught in the Fall 1993 semester. There were 1,373 courses with 10 or fewer students. At the undergraduate level (courses with numbers less than 500) 694 of the 1,838 courses taught had 10 or fewer students.

We understand the complexities of accumulating and interpreting this data. The only conclusion we reach based on the available data is that there are reasons for reviewing the class size situation. The current information system does not allow us to evaluate the class size mix taken by individual students.

I. The Committee's Recommendations

The Committee's specific recommendations are:

1. All undergraduate courses with five or fewer students should be reviewed by the relevant Deans, bearing in mind the rationales for small class size.
2. The University institute an information system to track the mix of the size of classes taken by students. The information should summarize the size mix of classes attended by the undergraduate graduating class during their four years at Cornell. The information should be based on the size of classes taken by individual students.
3. Upon completion of the second recommendation, the registrar of the University should be asked to supply information on a continuing basis to the Educational Policy and Financial Policy Committees of the FCR or other committee or committees designated by the FCR Executive Committee.
4. Large classes have the advantage of economic efficiency, but Deans should periodically evaluate the educational merits and practices of large classes to insure an outstanding educational experience for Cornell students.

The objective of the above recommendations is to insure a reasonable mix of class sizes from both an educational and economic viewpoint.

II. The Locus of Responsibility for Controlling Class Size

The primary locus of responsibility is now the educational unit(s) that sponsors the course and the faculty member(s) teaching it. Thus an economics course is the responsibility of the professor teaching the course, the Economics Department and the Arts College. The Arts College Dean determines the degree of delegation to the Department.

We do not propose changing this responsibility chain, but we do suggest a more systematic review, i.e. that all undergraduate courses with less than six students should be reviewed by the relevant Deans.

III. Conflicting Objectives Affecting Class Size

There are two primary conflicting objectives affecting class size. One is the need for teaching efficiency (if only to finance the University's research function) and the second is to fulfill the University's educational mission at the highest feasible level. A large number of small courses serves the objective of enriching the undergraduate program with a diversity of educational opportunities. Efficiency tends to dictate a relatively few courses (and classes) with a very large number of students. The educational mission leads to a desire for small classes where the definition of "small" would depend on the exact nature of the course and the educational philosophy of the professor(s) teaching it. To some extent these objectives are in conflict.

Occasionally there is the happy event where a talented professor can teach a very large course (and section) with little or no loss in educational quality. In fact, given the professor's talent the educational experience in the very large class can be better than the likely educational experience to be gained in any of the feasible alternatives.

Thus, we do not advocate the abandonment of very large classes. However, it is important the courses taken by students be monitored to insure that the mix of courses of all students include a suitable number of small sections. This review process is not currently in place, thus efforts will have to be made to establish an information system that will allow the relevant data to be accumulated.

IV. Rationale for Small Class Size

There are many valid reasons for the existence of small courses (or sections). These reasons include:

- a. Several different listings of the course (for example, three different course listings each with 10 students would hide the fact that the one course actually has 30 students).
- b. Educational reasons that dictate small class size, given the subject matter.

- c. Low but growing demand.
- d. The teacher is in an area that does not attract many students.
- e. The course is taught as an extra (not part of the normal load).
- f. The course is taught by someone who is temporary and the value of the course exceeds the cost.
- g. While the subject matter can be taught in a large section, educational considerations dictate small-sized sections.

Despite this long list of valid reasons why small courses exist, it is still very likely that some small courses exist because of managerial inertia or lack of the necessary information. It is desirable that the Deans of all colleges institute a systematic review process.

MINUTES OF A MEETING OF THE FACULTY COUNCIL OF REPRESENTATIVES

May 10, 1995

Eighth Meeting of the Academic Year
(Numbers in parentheses indicate attendance at meetings to date)

Present: **Afr. Ctr.:** Greene, S.E. (5). **CALS:** Baer, R.A. (8); Davis, P.M. (6); Lucey, R. (7); Luckow, M.A. (5); Parks, J.E. (4); Pritts, M.P. (7); Reeve, H.K. (5); Setter, T.L. (5); Smith, M. (8); Tauer, L.W. (6); Trumbull, D.J. (6); Yavitt, J.B. (7). **Geneva:** Rao, M.A. (5). **AAP:** Saltzman, S. (6). **A&S:** Albrecht, A. (7); Ashcroft, N.W. (6); Bem, D.J. (5); Bretscher, A.P. (3); Cotts, R.M. (7); Fay, R.C. (7); Geber, M.A. (6); Harris-Warrick, R. (4) (spg. only); Hayes, D. (4); Hirschmann, N.J. (8); John, J. (4) (spg. only); Kalos, M.H. (4); Kennedy, K.A.R. (5); Peirce, L. (4); Pelliccia, H.N. (5); Regan, D.T. (7); Roldan, M.J. (4); Shanzer, D. (8); Shapiro, G. (6); Smith, A.M. (5); Thorne, R. (2) (spg. only); Vogelsang, T.J. (6). **Engr.:** Boyd, I.D. (6); Fine, T. (3) (spg. only); Fisher, E. (8); Lo, Y-H (3); Mukherjee, S. (3) (spg. only); Rand, R. (3); Sachse, W.H. (5). **Hotel:** Chase, R.M. (7); Sherry, J. (8). **H.E.:** Brenna, T. (6); Hahn, A. (7); Obendorf, K. (7); Street, L. (7); Wethington, E. (6). **ILR:** Ehrenberg, R.G. (7); Kuruvilla, S. (5). **JGSM:** Isen, A.M. (5). **Libr.:** Atkinson, R.W. (7). **Vet. Med.:** Casey, J.W. (5); Hermanson, J.W. (5). **At-Large:** Abowd, J. (7); Earle, C.J. (8); Howland, H.C. (5); Schuler, R. (4) (spg. only). **Faculty Trustee:** Calvo, J.M. (6).

Guests: B. Chabot; F. Firebaugh; M. Nesheim; D. Yeh.

Absent: **CALS:** Awa, N.E. (4); Gebremedhin, K. (3); Krasny, M. (0) (after 3/28); Liebherr, J.K. (5); Nasrallah, M.E. (3); Rockcastle, V.N. (7); Whitlow, T.H. (1); Willett, LS. (0) (after 3/22). **Geneva:** Koller, W. (4); Nyrop, J. (2). **AAP:** Cruvellier, M. (6); Kord, V. (5). **A&S:** Devenyi, J. (2); Keil, F. (2). **Engr.:** Giannelis, E. (5); Gubbins, K. (3); Jirka, G. (2); Liboff, R. (3). **ILR:** Lieberwitz, R. (4). **Law:** Green, R.A. (5); Taylor, W.F. (0). **ROTC:** Eason, C. (2). **Vet. Med.:** Ball, B. (3); Bertram, J.E.A. (4); Dubovi, E.J. (3); Kallfelz, F.A. (4); Randolph, J.F. (5). **At-Large:** Allen, J.A.V. (5); Bierman, H. (7); Holcomb, D.F. (6); Lumley, J.L. (1).

The Speaker, Professor Emeritus Russell D. Martin, Communication, called the meeting to order. He then called on Dean of the Faculty, Peter Stein, for remarks.

1. REMARKS BY THE DEAN

Peter Stein, Dean of the Faculty: "I have a couple of remarks to make today. One is that I want to report to you what I consider one of the more successful activities that we carried out, which, to me, indicates the way a consultative organization like this can, in fact, accomplish something. But, as you know, our colleague Bob Cooke has spent considerable time trying to understand various facts about the way this university operates by looking at various publicly available data bases and seeing what he can get out of them. And one thing he found out simply by abstracting information from the Course Catalog was that a fairly large number of courses were given at times which did not correspond with the uniform schedule of course hours that has been adopted by the faculty. Now that is a curious document, because it says, 'Here are the times

when courses can be given—they can be given at these times and only at these times—except that a College Dean may make unlimited exceptions to this.’ And, in fact, what Bob discovered was that in the schedule which allows one-and-a-half hour courses to be given on Tuesdays and Thursdays—but says that these one-and-a-half hour courses shall appear only in certain time slots—that schedule of when these courses took place was going on differently: There was a different schedule for the scheduling of one-and-a-half hour courses in two of the ten colleges. Without reserving judgment on whether that was a better schedule or a worse schedule, it was a different schedule than the schedule that the other colleges were adopting. It becomes clear, if you think about it, that, to the extent that we have courses at non-standard hours, we create more conflicts for students than we otherwise would have, and it’s very difficult to figure out how many such conflicts we’re making. But it’s clear that we increase and do not decrease the number of conflicts in this way. That report was given to the new Subcommittee on Educational Policy, and they went through it and looked carefully at the results that Bob got, and they came up with a recommendation that all colleges adhere to the uniform course hour schedule, except for a small number of specific, well-justified exceptions. I can give you an example of what a specific, well-justified exception is. For instance, I know of one case where the College of Architecture, Art and Planning gives sculpture classes during the evening hours. And the reason they do that is because there’s a very small number of students that can be accommodated in a sculpture class, because of the facilities, the very small ratio of students to teachers, and the small number of teachers. And there was a demand for students out-of-college to take sculpture classes, and they couldn’t be accommodated because the teachers that could instruct in sculpture during the ordinary class hours did not allow any out-of-college students to take it. And so they petitioned their dean to allow courses to be given during otherwise ‘forbidden’ hours—from 4:30 to 7:00—so that they could accommodate students from out-of-college. The dean allowed that, and that seems to me to be a move that’s wise. In any case, the Subcommittee on Educational Policy made a resolution, and they gave me this resolution and asked me to present it to the Deans Council, which I did. And as a result of that, the Provost wrote a letter to the Deans of the Colleges asking them by next fall to adhere to the standard hourly schedule. And it seems to me that, in some quarters, this might be viewed as a trivial accomplishment; but somehow, in the quarters that I’ve gotten used to, this becomes a major, or at least a discussable accomplishment. So I feel sort of good about that.

“Another item that I want to talk about is results of the faculty ballot. The results of the faculty election for faculty to staff the University Committees are on the table outside; I will not read them (Appendix A, attached).

“Let me tell you about the status of the Governance proposal. The Governance proposal was discussed twice in the FCR. Comments were made, and the Committee went back and looked at the comments and adjusted the proposal to accommodate several of the comments. It had been my plan to submit that proposal to the FCR at

either this meeting or the meeting that just went by. I discussed it with Hunter Rawlings several months ago, and he is supportive of this plan, or something like this plan—I won't overstate his degree of support—but he's interested in it and thinks that it has a great deal of virtue. But he felt that he would prefer not having a plan adopted prior to receiving his input; and he was reluctant to give his serious input prior to his becoming President. So he asked me to hold off on full consideration of that until the fall; and that seemed to me like a wise thing to do. So the Executive Committee decided to hold back on it. We decided that the right thing to do in the intervening time was to try to develop a more detailed proposal rather than have a concept where it was hard to answer individual objections or suggestions that people had to make—to actually draft a proposal that would have all the i's dotted and the t's crossed—so that we would have something solid to lay on the table so that people could debate it and amend it and either accept it or reject it. So that process is now going on.

“On your agenda was the approval of a slate of candidates for FCR elections; we changed the procedure this year for how we were going to put together the slate, and it turned out to be a mistake. So we don't have the slate at the moment. The Executive Committee will have to act on your behalf, because the slate isn't ready.

“The last thing I want to say is that on Monday there was a meeting of an organization known as the Academic Leadership Series, which turns out to be some 250 individuals on the campus—two-thirds of them faculty—that have met now on four occasions to discuss items of interest to faculty members and administrators. I was dubious of this effort in the beginning, but I must say, as time has gone on, it seems to me that there is some merit in this exercise. During the last Academic Leadership Series meeting, there was a small group that discussed the Governance proposal, and we got some other interesting reactions to it. What I wanted to report to you was Hunter Rawlings' speech to that organization. I should have taken notes, but I didn't, so I can't tell you exactly what he said; but I want to report to you my impression. My impression is that President Rawlings is intent on making a number of important, significant, and serious changes in the way that we do business academically, quickly. That was my impression on listening to the words that he had to say. I think that it's important to us that we get into a mode of being able to react to, and perhaps not even 'react to,' but 'preemptorily discuss,' some of the issues that he's talking about. And of the issues that he's talking about, none of them are issues you haven't heard of before. One of them we'll be discussing today, namely post-tenure review. But President Rawlings wants to talk about the way we grant tenure; the way we educate our undergraduate students; the way we evaluate what it is we're doing, our teaching and our research, as an institution; the way we engage students intellectually, not only inside the classroom but also outside the classroom; and the way we generate a sense of community amongst ourselves and amongst ourselves and our students. None of these are ideas that we can say we've never heard before. But I have the sense that he really wants to focus energy and discussion on these items as soon as he becomes President. For example, he believes that there should be considerably

more faculty input into the decisions that are made in the central part of the University, and he wants to make that happen quickly. I'm looking forward to an interesting and, I believe, productive discussion. And I have great reason to hope that we're going to become a better university as a result of it. So, I just wanted to tell you that.

"It is, at this time of year, my sad duty to read you the list of our current and prior colleagues who have died during the past year:

W. Harry Everhart, Professor Emeritus, Natural Resources, October 1, 1994

Philip G. Johnson, Professor Emeritus, Education, October 3, 1994

Harry G. Henn, Edward Cornell Professor of Law Emeritus, October 11, 1994

Catherine Personius, Professor Emeritus, Food and Nutrition,
October 31, 1994

Warren T. Johnson, Professor Emeritus, Entomology, November 9, 1994

Clifton W. Loomis, Professor Emeritus, Farm Management, December 2, 1994

Harrison M. Trice, Professor Emeritus, Industrial and Labor Relations,
December 5, 1994

Dana C. Goodrich, Professor Emeritus, Agricultural, Resource, and
Managerial Economics, December 10, 1994

Arthur J. Pratt, Professor Emeritus, Vegetable Crops, December 14, 1994

Nelson H. Bryant, Professor Emeritus, Electrical Engineering,
December 22, 1994

Hollis R. Davis, Professor Emeritus, Agricultural Engineering,
January 13, 1995

Alan G. Newhall, Professor Emeritus, Plant Pathology, January 31, 1995

Bernard E. Dethier, Professor Emeritus, Meteorology, February 22, 1995

R. William Shaw, Professor Emeritus, Astronomy, March 14, 1995

Joseph L. Rosson, Professor Emeritus, Electrical Engineering, April 1, 1995

Norman S. Moore, Professor Emeritus, Clinical Medicine, April 3, 1995

Frank V. Kosikowski, Professor Emeritus, Food Science, April 6, 1995

Laurence D. Stifel, Visiting Professor, CIIFAD, April 19, 1995

"Will the Faculty please rise in remembrance of these colleagues."

Speaker Martin: "Are there any questions for the Dean? The Chair next calls on Professors Joseph Calvo and Richard Schuler, Faculty Trustees, for a report."

2. REPORT OF THE FACULTY TRUSTEES

Professor Richard E. Schuler, Civil and Environmental Engineering, Economics, and Faculty Trustee: "Joe and I will co-present, but as the junior of Faculty Trustees, I get to go first and report on the facts of the events. Joe, with the benefit of his experience, will follow up with the interpretation.

"Joe and I thought it would be a good idea to speak with you briefly and reintroduce, I think, what had been a tradition until about a decade ago of regularly having the Faculty Trustees report back to the Faculty to give you a sense of what's going on. And since there has been this hiatus, it might be useful just to remind you briefly who the Trustees are—their composition and their duties. Those are the facts and the easy part of it. There are 42 voting Trustees. Of those, all but five are elected on six-year terms. There are four ex officio Trustees: the President of Cornell, the Governor of New York State, the Speaker of the Assembly, and the President of the New York State Senate; and, of course, their terms depend upon their terms in those offices. There's also one Life Trustee position, currently held by Ezra Cornell, a direct lineal descendant of Ezra Cornell. The remainder are all elected, but they are elected according to various constituencies. The largest group is the Trustee-elected Trustees; there are 21 of those, and there is some requirement that they have some diversity in their representation. Two represent labor, as an example; two represent agriculture; and two must represent business—although the normal composition is such that that latter category doesn't appear to be a problem. In addition, there are eight Alumni-elected Trustees, one Employee-elected Trustee, two Faculty-elected Trustees, and two Student-elected Trustees. Also, three are appointed by the Governor of New York State. So those are the 42 voting Trustees. But, in addition, there are 22 'Trustee Fellows.' This is a bit of a tradition. At one time, about a decade ago, the Board of Trustees was much larger at Cornell. The idea was that this group was too unwieldy and was shrunk to the present 42. And then they discovered that, since most of the work is actually accomplished through committees, there weren't enough Trustees to staff all the committees, and so they added this 'Trustee Fellow' category. Furthermore, there are currently 42 'Trustees Emeritus'; those are Trustees who have served repeated terms, who are loyal Cornellians, who continue to be invited to the meetings. And their number is growing rapidly, because many of the existing Trustee-appointed Trustees are getting the feeling that, just as we've been

uncapped in terms of our longevity, they have served too long; and they sense that there aren't enough young and new ideas coming into the Board. So they have graciously and voluntarily decided not to run but then have been appointed to the Trustee Emeritus category.

"As a new Trustee, my first duty was to read this incredible heap of legal documents telling me our powers, duties, and obligations. And it was astonishing. It's an eye-opener. Our charter with New York State makes the Trustees all-powerful. They have the right to set budgets, appoint tenure; it's unbelievable. But in the Bylaws, we virtually cede all of that power to the President of the University. And so, by the Bylaws, the President is the all-powerful person. And that leaves, in fact, the most significant act of the Trustees, in my view—eighteen years ago to select Frank Rhodes and this past year to select Hunter Rawlings as the President—because that is really dictating the power. Joe will describe some of the events and the actual goings-on. But let me just wind up by saying that most of the action does take place in the committees, and there are a large number of standing committees; let me briefly describe them and their functions.

"There is an Executive Committee. The Trustees themselves meet four times per year, and all of the committees meet at least four times per year. But the chief among the standing committees, the Executive Committee, normally meets eight times per year. It is essentially the committee on personnel and the committee on setting the budget. There is a Committee on Board Membership. There is the Investment Committee, and that is, in my view, an incredibly important committee of the Trustees. Because, in that capacity, the Trustees actually provide a line function and benefit to the University. It's staffed by people who are major principals in investment banking houses and financial institutions in New York City; their expertise is unbelievable. Sitting in on the meetings, I was pleased to see the level and intensity of debate among themselves over investment policy. I drew a great deal of comfort seeing that that kind of skilled discussion was happening for managing the portfolio. There is an Audit Committee, which, interestingly, is the one committee in which President Rhodes is not allowed to sit in on as an ex officio member. There is a Committee on Land Grant and Statutory College Affairs. There is a Buildings and Properties Committee; that is also a committee that seems to take on a bit more of the line activities of the University, and Joe is a sitting member of that. There is a Committee on Alumni Affairs and Development. There is a Committee on Academic Affairs and Campus Life; that is a committee deeply concerned, in these days, with the living units on campus. And finally, there is a special committee, the Trustee-Community Communications Committee, which is occasionally wheeled into service when there is a local blow-up. Those are the facts, and I let my experienced colleague, Joe Calvo, relate to you some of the concerns that have involved the Trustees this past year."

Joseph M. Calvo, William T. Keeton Professor of Biology and Faculty Trustee: “Some of you probably don’t have a very clear idea about who the Trustees are and what they do, and I certainly had no conception about the Trustees before I took this position. Dick’s idea was that we should report to you once a year, at least, and tell you something about what’s happened during the past year. We thought we’d use this first meeting just to say something about the general structure of the Board and how it operates. So I’m going to continue in that vein with these few remarks.

“First of all, what happens at Board meetings? There are four Board meetings per year, as Dick mentioned, and those meetings generally take place over a three-day period—a Thursday, Friday, and Saturday. The main Board meets all day Friday and usually Saturday morning. Basically, what that is is a lot of sitting and listening to the reports from the President and Provost; Peter Stein regularly reports about the concerns of the Faculty. And there are reports from a variety of administrators. For example, Beth Warren gave a very thorough report about the Medical Benefit Plan for the employees; John Wiesenfeld, when he was Vice President for Planning, routinely gave a variety of reports, for example, on analysis of student satisfaction with Cornell; Susan Murphy, when she was involved with financial aid and admissions policies, regularly reported to this group.

“The agenda of the Board meetings is set by the administration. It’s not that the Board has an active agenda; the administration determines what comes to the Board. At each one of the meetings that I’ve attended, the administration tries to bring something to the Board members that is, in a sense, educational—to give some flavor of what’s happening on campus. For example, at one meeting, Bruce Ganem gave a description of a course that he teaches, a non-majors course in Chemistry; that was very interesting. At the last meeting, Lynn Jelinski gave a report on what happens in the Biotechnology Program; and at an earlier meeting, Steve Ealick, a colleague of mine, described a new program at Cornell, a drug design program using x-ray crystallography and computer graphics, a new and exciting program. So this is in the way of educating Board members as to what is happening here.

“At the end of each meeting, Stephen Weiss, the Chairman of the Board, tries to reserve some period of time for a general discussion of any issues that are of interest to Board members.

“Other activities, especially on the Thursday of the meetings, are tours. For example, there was a very nice tour of the Language Lab and the Johnson Museum. Committee meetings take place on Thursday, so most people are involved for a good part of Thursday in those committee meetings. Most of the business of the Board takes place in committees. The Board meetings themselves are not, I would say, filled with debate;

it's mostly sitting and listening to a lot of reports. The commentary is brisk, and it moves right along. Also on Thursdays, a number of Board members have particular interests in departments or colleges, and they serve on Advisory Boards and on Councils for Deans; and so they generally are involved in meeting with individuals on that Thursday and also during the evenings.

"Many of you, and also I, don't often think about the Medical School; but in some circles, the Medical School is considered to be one of the jewels in Cornell's crown. You should understand that a considerable amount of the energy and effort of the central administration goes into managing the affairs of the Medical School; that's a very important part of what they do. I'm sure many of you—probably all of you—are aware of the changes that are occurring in medical education, and they're having a particular impact on the Medical School. So there are very major things that are happening right now. They have to change their whole way of thinking of medical education, and that's currently in progress. In an education that was based primarily on the training of specialists, they now have to think more about the training of generalists. There are major financial problems in terms of the antiquated facilities that they have in the Medical School; but beyond that, there are things that are happening in medicine right now that involve the large-scale formation of private HMOs. Cornell Medical School, together with the New York Hospital, is involved in a fierce competition to the signing of participating hospitals in the Long Island and Westchester area. All of that's going on right now; it's a very tumultuous time. On the Board, we get lots of reports of what's going on in that area.

"As you can imagine, the search for a new president occupied a good part of our time, especially for some of us. Strategic Planning has been an ongoing effort that's involved a lot of you, and those same issues are brought to the Board, and so there are frequent discussions within committee meetings on Strategic Planning.

"One particular committee that I'm on and that I enjoy very much is Buildings and Properties. I might mention that you don't choose a committee assignment; you're given assignments of one or two or three committees—usually two. So I'm on Buildings and Properties and Academic Affairs. There's an enormous program that's going on on the campus that involves some new building but mostly renovation. Those issues come to this Buildings and Properties Committee and are thoroughly discussed. One of the main issues is deferred maintenance—certainly a function of this committee is to ensure that we all have adequate facilities and that those facilities are maintained. This committee spends some time reviewing master plans of colleges for new buildings and renovations. An issue that has come before us quite a lot is the Lake Source Cooling Project, which is still under consideration. And also, of course, the denial of building permits by the City; that's been something that interests many of us.

“There are some issues that the Board shows consistent interest in over time. Those are tuition; admissions—are we maintaining our competitive position?; financial aid—can excellent but needy students come to Cornell?; and surveys of student satisfaction—how are we doing, relative to our competitors? Finally, this particular year there were a couple of very emotional issues that occupied us, especially the issue of charges against James Maas. There the Trustees had the same concerns that all of us here had—the issues of confidentiality and the interest of fairness. And finally, I would mention the issue of Program Houses has been a special concern to the Board of Trustees. I’d like to note that on this particular issue, this is an example of how the Board acts in an advisory capacity. That issue was brought by the administration, by Mal Nesheim, in particular, a particular plan to establish a new living center. The Board reacted by essentially acceding to the request, because the Board basically supports the administration—that’s a major function of the Board. But there were a number of concerns on the part of the Board members on the wisdom of going ahead with this program without there being in place a general policy with respect to program houses. And so the Board urged the administration to do that, and as you know, that’s already in progress. Thanks.”

Speaker Martin: “Are there questions for the Trustees?”

Professor Danuta Shanzer, Classics: “I just was wondering—what is the nature of the Trustees’ involvement in tenure cases?”

Professor Calvo: “The Board has that as one of its major responsibilities; in my experience, it’s pro forma. There are very extensive descriptions of each individual who comes up for tenure, so all of that information is available to Board members. But, in my experience, I have not seen any real discussion, and I’ve only heard of one case where there was a formal—I’m not sure whether ‘challenge’ is the right word—but somebody questioned a case brought to the Board.”

Dean Stein: “You might also report, Joe, what the President said at that point. He made a statement which, I’m told, is repeated time and again: ‘The role of Trustees is noses in, fingers out.’ They have adopted that consistently as their rule of operation.”

Speaker Martin: “Thank you, Joe and Dick. The Chair next calls on Professor Charles Wolfram for a resolution pertaining to Enhanced Budgetary Management and Control.”

3. RESOLUTION PERTAINING TO ENHANCED BUDGETARY MANAGEMENT AND CONTROL

Charles Wolfram, Charles Frank Reavis Sr. Professor of Law: “Thank you. If I knew you better, this could perhaps take thirty seconds; but since I don’t, let me say a couple of remarks about the resolution. I’m a member of the Financial Policies Committee that is bringing forward this recommendation. I’m pleased to say that it has universal

support among the committee members. We had a meeting with Fred Rogers and Nathan Fawcett, administrators principally concerned with financial planning on the administration side, and I'm pleased to say that both of them seemed pleased and—I think I can say—enthusiastically supportive of the resolution.

“A couple of words about the history of the resolution: In November 1993, Bob Cooke presented a report to the Cornell Faculty Commission on Higher Education that essentially looked at the ten-year change in the number of employees at Cornell and what this portended. It showed differential, dramatic growth in administration and very modest growth or no growth in the faculty. It also made the point, which is the point of the resolution today, that there is no method available on campus for getting figures showing head-count: the number of people supported by what funds and with what destiny as far as numbers are concerned—that is to say, in five years, what will it cost to have that person on the Cornell work force? And will that person be on the work force? If so, at what cost? In an institution like ours, where personnel costs are such a huge factor, it seems essential that Cornell be able to report, currently, what those costs are and what the head-count is. And, perhaps, from this committee's point of view, we ought to be able to project those numbers into the future to a certain extent. Among many other things, one worries at a time of financial stringency, such as we are heading into, that wise decisions about faculty cuts ought to be made with that kind of information available. It's simply not available, and it ought to be. To end on a cheery note, I think that information would be also terribly important in fat times, in times when the money seems to be pouring in with very little restriction on it. At the very least, it seems to me, this is something we need to know for discussion and certainly for decisions about financial policy matters. I guess without elaborating any further I'd be happy to respond to any questions.”

Speaker Martin: “The resolution is on the floor for discussion.”

Professor Howard Howland, Neurobiology and Behavior: “Could you read the resolution? Some of us do not have a copy with us.”

Professor Wolfram: “Sure. It's from the Financial Policies Committee.

WHEREAS, Cornell University is likely to encounter an increasingly challenging financial prospect, and

WHEREAS, direct costs (salary and benefits) and indirect personnel costs (buildings and infrastructure) are the primary and controlling budgetary items,

THEREFORE, BE IT RESOLVED, that the FCR recommends to the administration that the budgeting process be expanded to include procedures for tracking and allocating the present and multi-year projection of both the number and the cost of personnel positions, including academic and non-academic, statutory and endowed.

FURTHER BE IT RESOLVED, that the FCR recommends that the University Administration maintain budgetary records such that the source of funding for positions by major categories can be monitored more effectively.

"The rationale reads: 'To moderate the rapid growth in the number of employees and to reduce the prospect for abrupt changes in the number of employees due to internal factors, a longer term view of personnel commitments is essential. A budget on positions would help forestall practices such as using salary income released by retiring senior faculty to make long-term commitments for an expanded number of lower-paid junior faculty, whose salaries inexorably ratchet upward in the long-term personnel costs.'"

Speaker Martin: "Discussion?"

Professor John Abowd, Industrial and Labor Relations: "I'm wondering if the prospects for implementing this resolution are rosier than they were in the two years when I was on the Financial Policies Committee, where the information was also missing. What will it take for the recommendation of the Financial Policies Committee to actually be acted upon?"

Professor Wolfram: "I'm not quite sure I can answer that; it's certainly a question for the administration."

Ronald G. Ehrenberg, Irving M. Ives Professor of Industrial and Labor Relations, and Acting Vice President for Academic Programs and Planning: "This recommendation will be implemented, but it will not be implemented until the new payroll system is developed—and the expected horizon for that is two years. We'll work toward implementing the resolution, and it will be part of the new system; but I understand it will take a while."

Professor P.C.T. de Boer, Mechanical and Aerospace Engineering: "Do you have any idea about the positions—how many extra personnel it will take?"

Professor Wolfram: "You mean to implement this program? Again, I think that's a question for the administration. I gather it's chiefly a matter of a new software program, really a new system for accounting for a large number of things. Part of the enthusiasm, I think, speaking for others, is that the administration is very concerned to be able to support the propositions that would be needed by that system."

Professor Daryl Bem, Psychology: "A very trivial point: There's a typographical error in the last sentence. 'Inexorability' should be 'inexorably.'"

Joel Porte, Ernest I. White Professor of American Studies and Humane Letters: "I don't quite get a sentence in the rationale which reads: 'A budget on positions would help forestall practices such as using salary income released by retiring senior faculty to make long-term commitments for an expanded number of lower-paid junior faculty whose salaries inexorably ratchet upward the long-term personnel costs.' Is your concern that these lower-paid junior faculty are lower-paid, or that they get benefits which they shouldn't be getting?"

Professor Wolfram: "It's possibly not the best way to word it. The point is that when senior faculty retire at a salary setting—using the Law School's figures—a \$100,000 salary is released and made available. The Dean could take that, split it in four, and hire four junior faculty at \$25,000 each. The Dean hasn't received his budget, but the financial implications of that for the future are significant. There are four people whose growth in salary, whose need for supporting personnel, etc., are now on the premises. It's that automatic conversion of money to money without consideration of the implications."

Professor Porte: "But it's my understanding that currently, in the Arts College, at least, there's a freeze on hiring; and, almost invariably, retiring or expiring senior faculty are having their lines closed down. So I don't agree that that is a significant issue."

Dean Stein: "Let me try to make a comment. The questions are a little bit tricky, but people who have tried to look at these problems—Bob Cooke and myself and others have tried to understand these for a period of years—at least, have come to a conclusion, which is that the fundamental planning tool for an institution like this, if you want to understand its future financial viability, is that you have to understand the number of people who are here and what exactly it is that they're doing. It's as simple as that. There's no replacement for that particular information. If you say, 'Well, the budget of this unit is now so many millions of dollars,' that doesn't answer the question that really tells you what's going to happen five years from now, which is: 'How many people have you got, and what exactly are those people doing?' In addition to dollar budgets, we ought to have budgets that give that particular information. The belief is that there would be various kinds of vision that one could get about the future and future problems if one had a systematic way of having budgets like this. That's really what it's speaking to. With regard to the cost, I think the feeling is that it's important for the institution to develop systems whereby it can answer questions like this in short order, so that the cost of doing it will not be high. I mean, any kind of question like this can be answered, with sufficient effort at great cost, by actually going through and doing some stuff by hand. But the concern was that you ought to be able to ask a large range of questions without incurring great cost to answer them. A system is being asked for which would do that."

Professor Abowd: "Dean Stein made most of my points. I just want to add that most of the budgetary tools that Cornell uses are more appropriate for a business that can make rapid adjustments to its personnel, which is not something that Cornell normally does, although it certainly has happened this year. What we need are budgetary tools that acknowledge the fact that, even when we hire a staff person, we're generally making a multi-year commitment to that person, so we should identify the sources and uses of those funds. I don't really think that anyone disagrees that these are appropriate tools. It's nice to know that within two years we might be able to have them, so we should certainly support the effort to put it in place."

Speaker Martin: "Further discussion? All in favor of the resolution, say 'aye'; opposed, 'no'; it is carried. Thank you, Charles."

"The Chair next calls on Professor Richard Baer for discussion on a subcommittee report on post-tenure review."

4. DISCUSSION OF A SUBCOMMITTEE REPORT ON POST-TENURE REVIEW

Professor Richard Baer, Natural Resources: "A number of the other members of the subcommittee are here; I saw Iain Boyd, Sarosh Kuruvilla, Michael Gold, and several others. Peter Stein, also, has had some input into this at various points. So I hope that they will also feel free to respond to questions and comments during the discussion."

"Just one or two prefatory comments. There was a very strong consensus in the subcommittee that wrestled with this over a period of three or four meetings that the intent of any reviews that we did institute, if we did institute them, ought to be positive and in the direction of faculty development, not oriented toward the very rare instances where a faculty member is not performing well. There may be a few of those instances, but it was our conviction that, by far, the great majority of faculty at Cornell are working very hard, are very serious about their work, are reasonably productive, and so on. We should not panic at feelings on the part of some of the public that we're all sitting around with our tenured positions and not doing much. The orientation ought to be essentially positive; it ought to be in the direction of faculty development, not in terms of mainly looking for deadwood or in terms of any kind of discipline."

"The references to sabbatic also provoked quite a bit of discussion; I had very strong feelings of my own about that. There's a very serious danger of compromising the meaning of sabbatic; that is, if sabbatic is tied too closely to production schedules and a need to demonstrate very explicitly how much you produce during that year, it could very well be destroyed. In my judgment, sabbatic is a time when you are free to take risks, you are free to play with new ideas, and you are free to attempt some things that may not be successful and things that we ordinarily cannot do with the press of teaching and other responsibilities. There was the danger that post-tenure review, if it were instituted, could be tied closely to the granting or not-granting of sabbatics."

There's also been some indications that some of that may already be done in terms of how productive a faculty member is. The committee felt reasonably strongly, perhaps not quite as much as I did, that that would be a mistake: We ought to preserve the integrity of the sabbatic. I had reminded colleagues that the very derivation of 'school'—*scholé*, *schola*—has to do with leisure; school—university—is the place of leisure where we ought to be freed from some of the practical concerns. At least, if we don't accomplish this very often during the six years, then the seventh year, we ought to make the special effort to take those kinds of risks. It is my judgment that the productivity of the American universities—the better ones, and particularly our better graduate schools, such as Cornell's—is precisely related to the fact that we have a high level of trust in each other. We don't want to go around micro-managing what each other is doing and trying to control each other. We have a very high level of confidence and trust; sometimes, that doesn't pay off. But in the great majority of cases, it seems to me, that works extremely well. It gives us the freedom to think new thoughts, toy with new ideas, and try new things that simply is not present in some institutions. I don't know Japanese universities first-hand, but I've been told that the chairs and those in the management positions have a very high degree of control over what individual faculty do, and I think that that, at least, possibly is related to the fact that we don't see all that many Nobel Prizes—and so on—coming out of Japanese universities and graduate schools. There probably are many other reasons, but that, at least, could be one of them. Those are some of the things that went into this. You have the report before you (Appendix B, attached), and I think our purpose now is simply to be open to comment, discussion, and questions. Again, I urge other committee members to jump in and respond as you see fit."

Speaker Martin: "The floor is open for discussion."

Professor Bem: "Our department is almost completely tenured now, and the notion of doing a review for every faculty member every year sounds as if it would be quite burdensome on both the chair and the faculty as a whole."

Professor Baer: "Our feeling was that we really think of these as very simple reports—the kind of thing that you could literally do in an hour or less. It has some value both in terms of communication between the faculty and the chair and in terms of long-term planning. Also, perhaps, it may be one way of heading off whatever public pressure or other pressure there may be to do more extensive reviews. We had a very strong feeling that doing really intensive reviews say, every five years, with, perhaps, outside people coming in, would not be cost-effective. We really did not see the need for that. So one of the reasons we suggested this very short review was that it would partly meet that kind of objection, but it would also serve a positive role, giving us a chance to reflect a little on what we're doing, to communicate with others in the department—particularly the chair; and we saw it as not being at all burdensome timewise. This is the kind of thing that we ought to be able to sit down at the computer and do in an hour."

Professor Abowd: "I want to make a few comments about this report, mostly on the basis of a review of six of these post-tenure procedures that I did at other universities in conjunction with the Academic Leadership meetings that we had on Monday. I believe that the faculty need to take the bull by the horns here. Whether we do it as a one-year annual review, as this report suggests, or we do it in a more formal five to seven year form, as the six that I looked at all chose, we need to clearly distinguish it from the annual review process and make sure that it's clearly labeled a 'post-tenure review.' There are basically two models for post-tenure reviews. In the University of California system, which is the only university comparable to Cornell that has a history of extensive post-tenure review—Wisconsin has recently adopted it but doesn't have a history of it—it's a formal part of the personnel practices, and there are ranks inside the University of California system that you can't go past without a full post-tenure review that includes external letters and committee reviews comparable to the appointment to full professor or the appointment to tenured associate professor."

Dean Stein: "Is that a pay step that you're talking about?"

Professor Abowd: "Well, it's a rank; there are actually fifteen ranks. For conformance with the outside world, some of the faculty members are labeled 'Assistant Professor,' some are labeled 'Associate Professor,' and some are labeled 'Full Professor'; but full Professor, level six, is the dead-end rank; you can't get out of it without a full post-tenure review. It's normally expected that you come out of the other rank-step combinations in roughly a three-to-four year period; and that's the interval for review within them. If the University of California actually committed most of its salary budget to true merit raises, there would be a lot of teeth in their post-tenure review procedure. But historically, it has committed most of its salary improvement to the cost of living component and not to the merit component. As a consequence, most University of California professors don't really feel the teeth in the post-tenure review procedure.

"The other system is to constitute a committee every five to seven years that does not get external letters, that does not necessarily do a full tenure review, but which does issue a report. If it identifies problems, it tries to implement with the faculty member a faculty development plan. It's a two-way thing. It's not as positive as the suggestion that your subcommittee has made, so I think that's an excellent suggestion and we ought to keep that in mind. The two universities that bear the longest looking at are Colorado and Hawaii. At Colorado, there's a great deal of dissatisfaction among the faculty. It has had a post-implementation review, and that post-implementation review has been very critical of how the post-tenure review system works there. At Hawaii, which has also had a post-implementation review, there seems to be a lot more administrative pleasure. As far as I can tell, the facts are basically the same: About five to ten percent of the post-tenure reviews result in the faculty member being asked to do something identifiable to change what he or she is doing. When the plans are put in place, a large proportion—about a quarter of the people for whom this is the

case—simply retire. Another quarter actively complete this plan over the next review period, and we don't know what happens to the rest.

"I believe that those universities, for all their flaws, can say that they do a serious job of monitoring the post-tenure activities of their professors and can explain how they do it. We ought to try to avoid the time commitment, but we ought to have something that we can point to that says 'This is how we do it, and this is our goal.' It is distinct from an annual review process."

Professor Baer: "Does anyone on the committee want to respond to any of that?"

Professor Clifford Earle, Mathematics: "I'd agree that for the individual faculty member, turning out the one-page document once a year is not burdensome; it seems quite reasonable. We turn out such documents regularly in any case, in connection with grant proposals or the annual department report, something of that sort. But I discussed this with our department chair, and our department has more than thirty tenured people. Once a year struck him as being an unnecessary time burden on the chairman. It would strike me that a review for each faculty member every five years seems very reasonable, and it could be cost-effective if it does not involve an elaborate review with outside letters, like a promotion review."

Professor Baer: "Let me make just one response to an earlier comment. Part of the discussion that we had involved the observation that most of us have a pretty good idea of those rare faculty who are really goofing off. We really pretty well know what's happening. At least for myself I could say I think we have a really touching confidence in evaluation—if we can get numbers and quantities of data, we somehow think that some kind of alchemy takes place and we get a reliable result. I don't have that confidence. I think about what's happened just with our tenure reviews—you'd have to have a graduate student carry the files around for you, they're getting larger and larger. I'm not sure that we make better decisions as a result of that. Part of the drive behind this was to take account of the fact that in most cases, we know what's going on. And we ought not to burden ourselves with this. That would fit in, Cliff, with your comment, that maybe once a year is too often. We ought not to burden ourselves by playing games with numbers and lots of data and sheets that do not really mean that much."

Dean Stein: "The whole thing is subtle, and it's hard to really get a grip on it. I think the feeling of a lot of people is that this is an intermediate proposal. It's intermediate between what has become the custom of the trade, which is a full-fledged post-tenure review with outside letters every five years. The people who drafted this proposal thought that you wouldn't accomplish a whole lot more with it than you would with an internal review. Also, it would be a whole lot more effort and a whole lot more costly than the kind of review that we're talking about. Another thing that people felt was a deficiency with the five-year tenure review is that it does not come often enough to

deal with the rare malingerer. I think we have to face the problem of the malingerer. We all believe that the number of malingerers is small, and I believe that also. But I think we can no longer take the point of view that because the number is small, we can forget about them and think that they're not a great harm. I think that they become a focus—a lightning rod—for complaints about the academy. You can hear it on television and radio. Believe me, I am saddened by the number of times I hear the question raised by Trustees at the meetings when I sit down at a social affair—there's always someone who'll come up and talk about this. I believe we have to take some action.

“Now the problem I see with the five-year, full-scale review with outside letters is that you get one about someone and you say, ‘Well, you're not performing; you really should do something about it.’ And this person says, ‘Well, okay, I'll do something about it.’ And then the clock starts ticking, and another five years go by, and you come back and say, ‘Have you gotten any better?’ And the person says, ‘No.’ So you say, ‘Well, maybe you ought to try some different tactic.’ By the time you've gotten to a point where you could consider doing something about it, and doing something about it would be possibly considering this to be a case where tenure could be revoked, the time would be over—it couldn't work. The feeling of some of the people was that, in these extreme cases, it was important to build up a record—a record of laying out what annual goals would be with respect to the faculty member responding to them. Then it would be possible to more effectively deal with those few cases of malingerers. Anyway, that's the theory behind it. It wouldn't be too burdensome, because everybody knows where the problems are. It sort of is a way of forcing the departmental chair not to turn away from a problem; it would have the problem come up to the nose of the departmental chair on an annual basis.”

Acting Vice President Ehrenberg: “It's hard to go against motherhood, and this resolution is pure motherhood. It really isn't any different than what currently is done for all faculty members in the Statutory Colleges. We all file detailed annual reports—much longer than one page, and they all take a lot more than one hour to fill out. That's also what's done in my other department—Economics, in the Arts College—and I'm sure it's done in most departments in the University. So I think the first thing is that we should not pretend by this proposal that we're making a proposal about post-tenure reviews: This is a *non-proposal* about post-tenure reviews.

“My second comment is that this acts as if the world hasn't changed. This basically says that a tenure commitment, which at one time was a commitment to age 65—and then it became a commitment to age 70—and now it's an indefinite commitment, does not imply any need for any changes of faculty procedures. Notice I say this is a change in faculty procedures, which leads to my third point.

"All of the discussion has been about administrative heavy-handedness, but you come back with a proposal where the review basically is done by the chairman of the department, and you don't talk at all about the notion of what academic community is really supposed to be. The way the tenure process actually works is we, as peers, evaluate our colleagues in some detail. The final point is that if you look at the Faculty Handbook, you'll see a statement to the effect that sabbaticals are not a right; they're a privilege. And so the notion is not that we should tie this to reviews and suggest to people to do a review a year before a sabbatical—there's been this deficiency in your teaching, and we'll provide some funding if you spend the time concentrating on learning this type of teaching technique or refreshing your background in this particular area. The notion really is that it's not just the sabbatical that is in the interest of the faculty member; the sabbatical is also supposed to be in the interest of the University."

Professor Baer: "Well, in some ways we are dealing with different philosophies. I have heard our dean—and Dean Call is clearly the best dean I've ever worked with—talk about the production of knowledge; I've heard him talk at times as if we were a factory, cranking out knowledge products. That's not my vision of the University. I think the University is very different from a factory or a business. I think it involves high levels of trust, it involves a great deal of freedom, and it involves a great deal of possibility of risk-taking. I think the problem with our reviews now is that yes, we do them, but nothing happens. This, at least, suggests that there be a process by which the chair is obliged to respond to those problem situations. So I think part of it is, what is our overall philosophy of the University?"

Professor Howland: "I find myself in large agreement with what Professor Baer said and with many points in the report. I'm particularly in agreement with the policy on sabbatic leaves. I think the faculty is being swayed by a mood which has come upon the nation and which regards many institutions with great suspicion. I think we should stand against that. Promotion to tenure in my section of Neurobiology and Behavior has been one of our major concerns, and we work extremely carefully to make good decisions. There are sometimes heartbreaking decisions—an enormous amount of thought and control and restraint goes into those decisions. What do we get for that? We get academic freedom. We get, once and for all, out from underneath the thumb of the administrator. And I think we should fight for that right. I'm definitely going to go along with the annual reviews, and I'm perfectly willing to go along with the use of them as Dean Stein suggests—if a person is really, egregiously abusing his privileges as professor, we should do something. But that's as far as I'm willing to go. I want to stick with tenure, and I want to defend it. I want to be able to say that if you have tenure, you have your academic freedom; and you can go on sabbatical and do what you want."

Professor Terrence L. Fine, Electrical Engineering: “I guess I’m inclined to favor some notion of post-tenure review, probably not on an annual basis, but from a broader term. I understand that five years may be too long a term, as Dean Stein pointed out. But there is one thing still that I don’t understand how to do, and it isn’t addressed here—but Ron Ehrenberg raised it a little bit. The reviews we do participate in in our college are always done by a superior to an inferior, if you will; that is, the tenured faculty look at the non-tenured faculty—the full professors look at the associates. This really bears on the full professor, because everybody else will get reviewed willy-nilly. So it really is, who’s going to be looking at the full professors? It’s quite a departure from being chair. I don’t think the chair really performs the right function. I don’t understand how to do this myself. But I would like to see some mechanism where, in effect, the full professors are very much a part of the review of the full professors, although I have no suggestions as to how to do that. It is a departure from the way we have been doing business, but something along those lines is what I would like to see. For the time scale, I’d like to see somewhere between one and five years. I think one year is too soon, and five years may be too long. Some way to draw the faculty, as part of their own responsibilities for keeping the standards up, would be nice.”

Alice M. Isen, S. C. Johnson Professor of Marketing: “I think that several of the points that were made by Professor Howland are really important to think about. Dean Stein mentioned the occasional malingerer, but I think we also need to think about the other side of that—the reason for which tenure exists, and you all know what it is, and that is for academic freedom from the hopefully occasional administrator or department chair who will try to influence, inappropriately, what people teach. With this kind of system, there’s no protection for individual faculty against that. I would like to see equal concern with that as there is with the occasional malingerer. All of our discussion has been based on the lack of trust on the part of the faculty member and complete trust—more than trust—in the administrators. So I was wondering whether there would be any statements about what the criteria should be, whether there would be something like ad hoc committees, which we’d have to make sure that some school or department isn’t running roughshod over independent faculty members.”

Professor Schuler: “A couple of observations: It seems to me that there are three different reasons that are given for conducting the post-tenure reviews, and I want to reflect on that a moment, because those reasons suggest some inconsistencies among the ways that one would pursue them. One reason is personnel development; that’s something that I applaud—to give feedback and then assessment as to how people might grow and develop. The second reason given is for a variety of managerial purposes; again, at the one end, to handle the malingering problem. It was also suggested at the Academic Leadership Series on Monday that it really is essential to have formal post-tenure review if one is going to think about various incentive schemes to encourage retirement for people beyond the age of 70. The third reason is the public relations reason. Let me handle that one first. It seems to me that if we’re trying to do something to avoid external adverse opinions on the University,

then we better do something serious, or else the *Sun* will find us out and report about it, as will any other news agency. So it seems we cannot do a superficial kind of review if we are responding in a positive way to apparent external pressure.

“On positive feedback, the dilemma I see in conducting that is that many of the units on campus have department chairs who turnover; we don’t have a system in many units of professional managers. Providing and interpreting information and feeding it back to faculty in constructive ways takes people who have some skill and experience in dealing with people in that kind of fashion. So I would think, at the very least, that would require some training of department chairs in order to be effective.

“Let me get back to the second point—the managerial function. There it becomes a question, ‘How are these key issues to be conducted? Will they be purely internal affairs, or will they also have a strong external component?’ Now, it seems to me, that’s a critical issue, because we know that we all work, in a way, for two constituencies: yes, the inside constituency, but also the peer approbation we get externally to the University. Unfortunately, what that means is that we must do a lot of research and publish a lot, perhaps to the exclusion of some of the other internal activities. If you’re doing this for an internal management purpose, you may say that you’d like to see a faculty member whose real skills have evolved in the educational role to take on a more prominent role there. You’re going to find a very difficult problem in motivating that faculty member if post-tenure review is predicated primarily on external reviews. Again, I really don’t have much in the way of suggested solutions other than to say that I certainly think if we’re going to do it, we ought to be serious about it. That probably means more periodic review than every five to seven years. If we’re going to do it, and we want to have positive feedback, we need to consider proper training of the people who are going to administer it. So I leave to your debate how we handle that internal managerial problem.”

Professor Baer: “I just want to come back briefly to your earlier comment. We also were concerned on the committee about academic freedom. In one of the earlier drafts we had a statement that said whatever the chair resolved, or whatever was done, was grievable. For some reason, we left this out; I guess we ended up assuming that we all knew that. I can’t remember why we took that out, as that clearly was a concern. If there was a sense that this review was not fairly executed, we would have all the formal procedures for grieving it and reaching an equitable resolution for it. That point is very important.”

Professor Isen: “And would that be across the University or within the colleges?”

Professor Baer: “Well, we would hope that it would be across the University. I assume at present we can grieve issues like that, can’t we?”

Dean Stein: "The reason we left it out was because we have a procedure that's already in place for how we grieve academic decisions, so we didn't think it necessary to point to that."

Professor Isen: "I think that one problem is that grievances are currently within the college. Sometimes, if you're in a large college, then you have some access to people other than the very administrators who made the decision. But in some of the colleges you don't have access to a grievance procedure from anybody but the same people who already made the decision."

Professor Abowd: "I wanted to respond to two of the points that Dean Stein made. First of all, none of the systems that I looked at other than the University of California—and these were the only ones that the Office of Institutional Planning had located—required getting external letters. But they all allowed it. Secondly, there's no documented case, even in systems that have been in place for more than a decade and a half, of anyone ever being de-tenured as a consequence of a tenure review. I don't know what the numbers we're talking about are, but we don't have a frequency estimate of the rate. The third thing I wanted to say was that in the ones I looked at, if the interval is five years and you get a problematic post-tenure review, you're not checked again five years later. A plan is put in place, and that plan is monitored over the next five years. The idea is that the interval of five years is intended to reflect the fact that tenure did grant the right to take a long-term view on teaching and research, and something ought to be there. No one said it had to be completed projects; no one said it had to be fully developed work; but something ought to be there over the course of five to seven years; that's what's being monitored. I believe that if we did that, all the constituencies that Dick Schuler identified would believe that it was a real process, but it would be relatively cost-effective. We wouldn't be doing something low-key every year that might not fill the bill, and we wouldn't be doing something that would identify problems if there were any. It would also reward good performances to the extent that we have resources to do that."

Dean Stein: "I just want to respond to a couple of things that Professor Ehrenberg said earlier. Whether in fact this is anything more than motherhood or not remains to be seen, of course, once it's put into action. But I would point your attention to the third paragraph, which would not have been written five years ago—with the reference to de-tenuring. That's a significant acknowledgment of the changed circumstances that we now face. The acknowledgment by the faculty, if in fact this passes at a future meeting, is that tenure is not a sinecure, and we should be concerned with hypothetical people who take advantage of it."

"About the sabbatic not being a right or an entitlement: It's true that sabbatic is not an entitlement, but on the other hand, what I think is trying to be said in this document expresses something of the concern that Professor Isen laid out. Should the sabbatic be viewed as a reward for what the department chair sees as good performance?"

There's a feeling that that's not what it should be. It shouldn't just be an entitlement to say, 'Well, it's the seventh year; I think I'll go sun myself in the Riviera at your expense—that is an abuse of what the sabbatic is meant for. There should be a plan, and it should reasonably fit in with the development of the faculty member. It should not be denied to a faculty member because the chair does not like the direction in which that faculty member's thoughts are taking. So, that's really what I think we're saying when we don't like the post-tenure review to be tied to the sabbatic. This is an idea that came up a long time ago; we had some report called 'Cornell in the Seventies' that was written 25 years ago and had this idea in it. There, the sabbatic was labeled as a reward for someone who conformed to the manager's view of what the intellectual discipline should be. A lot of people, including myself, reacted very violently to that. There's some concern that this idea's resurfacing under a separate name and that's why we're trying to disassociate it. But in disassociating it, we are not taking the view that the sabbatic is an entitlement that you can use however you see fit."

Associate Professor Michael Gold, Industrial and Labor Relations: "I served on the Academic Freedom Committee, which wrote this report. I think it's a pretty good report, although I don't agree with its conclusions. I listened to the discussion today—it's been very interesting, but that doesn't matter either. What really matters now is the next step: What is the next thing to do? This report is not a motion; there will be no vote on whether to adopt this motion or something else. I'd like to suggest, as a possibility for the next step, that the FCR, together with the administration, create an ad hoc committee for the purpose of studying the matter and presenting a proposal within a year on post-tenure review. Some work has already been done through the Academic Leadership Series. The Committee on Academic Freedom has already done some work on it. I think that now it's time for a formal procedure to move forward toward a resolution of some sort."

Acting Vice President Ehrenberg: "Well, it's interesting. There's only one person in this room over the last twenty years whose tenure or promotion case was challenged by the Board of Trustees, and that was me in 1977. Actually, there was a happy outcome. President Rhodes, who had just gotten here, told the Trustees to sit down and that they were out of order. They studied the matter for a year and came back with a resolution, which I now have a copy of in the minutes. It basically says the Trustees have three things to do in tenure and promotion cases. One: Make sure the procedures are followed; delegate the right to the President. Two: Make sure that there is money to support the position. And three: Make sure that there aren't too many Cornell Ph.D.s on the campus; we don't want to get too inbred. So this is not a discussion about academic freedom. What this is a discussion about—a point that President Rawlings made at the Academic Leadership Series meeting on Monday—is that we live very privileged lives as faculty, relative to the people out there who ask for our support. If we are to justify to society the support that we want from them, we have to provide evidence that we very seriously are monitoring ourselves. And I emphasize

that: We are monitoring *ourselves*. It keeps coming back to some arbitrary department chairman, when actually what post-tenure review should be is a peer review process, just like the tenure and promotion process. I know that there are certain departments that are very careful in the tenure process and really agonize over it. But if we look at recent data, we see that our promotion rate is 65 percent. In the last cohort of people who have come through, 65 percent of the people who have ever been assistant professor at Cornell have gotten tenure. Maybe we do a wonderful job of initial selection, and we would like to believe that. But I think that there is room for us to continually review ourselves on a regular basis.”

Professor Earle: “I would just like to reinforce what an earlier speaker said. The notion of having a periodic review over a period of, say, five years, does not preclude the possibility of keeping track of malingerers and dealing with problems on a timely fashion when they are uncovered. When I go to my doctor for a periodic checkup, if everything is well, maybe he tells me to come back in 18 months—and I feel very pleased with that. But if something’s not so well, then he tells me to check in to the hospital next week. Surely a five-year periodic review can have a feature like that built into it.”

Professor Subrata Mukherjee, Theoretical and Applied Mechanics: “Just a few thoughts. I favor post-tenure review, but I really feel it should be serious, and it should be peer review, maybe every two or three years, I don’t know. If we don’t have the resources for that, I don’t think we should do it. We already do a sort of annual thing. Okay, should this thing have some sort of teeth on it? I feel, yes. If this person is doing well, he or she should be rewarded. If the person is not doing well, there should be some advice and so on, but if the person is really a dead tree, and no amount of watering or food will rejuvenate him or her, denying sabbatic may be okay, in my opinion. But when you talk about denying someone tenure, I think that is a very serious issue. I remember as a student at Stanford, there was this guy who was a radical, and he asked the students to go and burn the computer center. They did finally fire him, but they had a six-month commentary, spending lots of the university’s money. The issue is academic freedom, certainly. I’m not saying that we should just goof off and have our jobs, but this is something that many of us value a great deal; that’s why we’re here, instead of somewhere else, making much more money.”

Professor Howland: “I think we have two issues here. One is promotion to tenure. If we have departments within the University that have suspiciously high promotion to tenure rates, then that’s something we should handle with program review. But I’d like to separate that out from promotion to tenure itself, as there are other departments which do not have such high rates—they work very carefully on it—so they deserve the academic freedom that comes with it.”

Professor James John, History: "I would just like to mention a few reservations that I have about this. If, Dick, as you said, we usually know who's doing well and who's not doing well, we may be wasting our time going through this process. In History, for example, we do make annual reports. I think the chairman of the History Department rewards people who do well, and there is a system of punishment through not raising salaries that's in effect already. The suggestion was made—I like the suggestion if we're going to have this—that we'd have a serious review in five years, and then if you find a real problem, you'd monitor things thereafter. The suggestion was also made that this would be a sort of peer review, not left in the hands of the chairman of the department. I don't want to spend all my time reviewing my 30 full professors in the History Department, monitoring their work and seeing if they should be commended or not commended—I have better things to do with my time. I also think that the chairmen of the large departments might be overburdened if they have to respond to 30 different cases in a serious and official way. Then I share the view that maybe the chairman is given too much power."

Professor Baer: "Thank you, Jim. Just one brief comment on the latter. Our assumption—and perhaps it's the wrong one—was that in most cases, there would not be much of a response, because most of us are doing well, and the chair would not need a huge amount of time."

Professor John: "This is based on the new policy of no retirement age. I'm wondering whether we ought to wait until we find out whether people actually don't retire by 70 and see how serious that problem is."

Professor Isen: "I was wondering what the relationship between this proposal and tenure is. Is it supposed to be a first step in doing away with tenure?"

Professor Baer: "No, we certainly did not see it in that way."

Dean Stein: "It's supposed to be a first step in *protecting* tenure."

Professor Isen: "But it seems like it makes it more possible to be taken away."

Speaker Martin: "If there is no further business, we are adjourned. Have a good summer."

Adjourned 6:00 pm

Robert Lucey
Secretary of the Faculty

REPORT OF UNIVERSITY FACULTY ELECTION* Spring 1995

The referendum amending the Organization and Procedures of the University Faculty (OPUF), Part Two, Section V.F. *Selection of Dean*, was adopted by a vote of 279 in favor to 15 against. The ballot for the Dean of Faculty election will now use the Hare System voting procedure as opposed to election by a plurality.

AT-LARGE MEMBER, FCR - 3 seats, 406 ballots cast

Ronald R. Kline, Associate Professor, Electrical Engr. & Science & Tech. Studies
Marvin P. Pritts, Associate Professor, Fruit and Vegetable Science
Michael B. Timmons, Professor, Agricultural and Biological Engineering

COMMITTEE ON MEMBERSHIP OF THE UNIVERSITY FACULTY - 1 seat, 380 ballots cast

Jean-Yves Parlange, Professor, Agricultural and Biological Engineering

NOMINATIONS AND ELECTIONS COMMITTEE - 2 seats, 428 ballots cast

Carl F. Gortzig, Professor, Flor/Orna. Hort; E.N. Wilds Dir. of Plantations
Jean N. Locey, Professor and Chair, Art

REVIEW AND PROCEDURES COMMITTEE - 3 seats, 425 ballots cast

John Eckenrode, Associate Professor, Human Development and Family Studies
Douglas A. Haith, Professor, Agricultural and Biological Engineering
Kathryn S. March, Associate Professor, Anthropology and Women's Studies

UNIVERSITY-ROTC RELATIONSHIPS COMMITTEE - 2 seats, 389 ballots cast

James A. Bartsch, Associate Professor, Agricultural and Biological Engineering
Deborah J. Trumbull, Associate Professor, Education

COMMITTEE ON ACADEMIC PROGRAMS AND POLICIES - 3 seats, 410 ballots cast

Kevin M. Clinton, Professor, Classics
Ileen DeVault, Associate Professor, Industrial and Labor Relations
Ritch Savin-Williams, Professor, Human Development and Family Studies

COMMITTEE ON ADMISSIONS AND FINANCIAL AID - 2 seats, one of which is non-tenured, 417 ballots cast

Louis D. Albright, Professor, Agricultural and Biological Engineering
Nina Glasgow, Assistant Professor, Rural Sociology

COMMITTEE ON AFFIRMATIVE ACTION - 1 seat, 424 ballots cast

Joan Jacobs Brumberg, Professor, HD/FS and Women's Studies

*Terms commence July 1, 1995 and are for three years unless otherwise stated.

(over)

FACULTY ADVISORY COMMITTEE ON ATHLETICS AND PHYSICAL EDUCATION -

1 non-tenured seat, 366 ballots cast

Don Ohadike, Assistant Professor, Africana Studies and Research Center

**COMMITTEE ON FINANCIAL POLICIES - 2 statutory seats, one of which is non-tenured,
403 ballots cast**

Nandinee K. Kutty, Assistant Professor, Consumer Economics and Housing

Ann T. Lemley, Professor, Textiles and Apparel

COMMITTEE ON RESEARCH POLICIES - 2 seats, 463 ballots cast

Stephen F. Hamilton, Professor and Chair, HD/FS

Geoffrey W.G. Sharp, Professor and Chair, Pharmacology

UNIVERSITY ASSEMBLY - 3 seats, two-years terms commencing June 1, 1995,

496 ballots cast

George L. Good, Professor and Chair, Flor/Orna. Horticulture

Andre T. Jagendorf, Liberty Hyde Bailey Professor of Plant Physiology

Betty Lewis, Associate Professor, Nutritional Sciences

A REPORT FOR DISCUSSION

Post-tenure Review at Cornell University

A. Introduction

This policy statement grows out of faculty and administrative concerns regarding (1) the impact on the university of ending mandatory retirement at a given age, (2) public criticisms of colleges and universities for not disciplining and/or dismissing severely delinquent faculty members, and (3) the fact that one or more colleges at Cornell are linking the granting (or not granting) of sabbatic leave to faculty performance.

B. Basic Assumptions

This policy rests on the following assumptions:

1. Most faculty are deeply committed to their professional disciplines, to their students, and to the university. This fact should remain central in formulating a post-tenure review policy, and should not be overshadowed by the few cases where individual faculty members abuse the high level of trust placed in them.

2. Comprehensive, detailed post-tenure reviews of all faculty members, conducted, say, every five years, will consume a very substantial amount of time, energy, and money. This is especially so in today's world where the threat of lawsuits is a significant factor in formulating university policy. Such comprehensive reviews are neither warranted nor would they likely prove cost-effective.

3. More modest post-tenure reviews would, however, be valuable for both individual faculty and for the university--ideally, as a means to a happier, more productive faculty, but also in rare cases as a means of identifying "dead wood."

4. Although concern about the impact of lifting mandatory retirement at a given age has been one factor that led to the formulation of this policy, post-tenure reviews should in no way be targeted especially to those faculty who choose to stay on beyond the traditional retirement age. Such a linkage would almost surely be seen by the courts as discriminatory towards older faculty.

5. Sabbatic leaves should not be directly linked to post-tenure reviews. Sabbatic should be a time when faculty are free to explore new ideas and should not be associated with success and failure and production schedules. This is a case where more may be a good deal less. To try to guarantee that every faculty member uses his or her sabbatic productively may very well compromise and even destroy precisely what is most valuable about sabbatic, namely the potential for encountering new ideas and looking at the world in fresh ways.

6. Post-tenure reviews should be oriented mainly towards faculty development, not towards punishment of underperforming faculty. They should have a positive focus: how the department, college, and university can help faculty members become happier, more productive members of their college or department.

7. Consistent with overall departmental, college, and university needs, assigned duties and responsibilities of individual faculty members should be adjusted when appropriate to fit changing abilities and interests.

C. Details of Post-Tenure Review Policy

1. A short, straightforward, simple post-tenure review of each faculty member should be done every year. These reviews should be based on a one or two page activity report written by the faculty member. These typically would give details on (where relevant): scholarly accomplishments during the preceding year; teaching evaluations; extension activities; service on departmental, college, and university committees; work with graduate students; career trajectory when significant changes appear likely; community activities; institution-building activities such as important visits with alumni; and other significant activities pertaining to professional growth, involvement with students, and institution building.

2. Department chairs (or in those colleges without departments, the dean) should give each faculty member a written response to the faculty member's annual report. This should be preceded and/or followed by a face to face meeting. Chairs (or deans) should speak honestly and specifically about strengths and/or weaknesses reflected in the report. In some cases, the chair or dean may want to involve one or two other faculty members in this process. Annual reviews should be oriented toward faculty development, not toward punishment, and they should be used as a basis for granting merit raises. The university should provide adequate funds to underwrite faculty development.

3. If a series of annual reviews reveals that a faculty member has not maintained a minimum acceptable teaching competence or commitment to his or her other professorial responsibilities, and efforts to correct this situation have failed, the dean should initiate a longer, more formal review of that faculty member's work, a review analogous to a promotion review. This longer review should be used to plan remedial action for the faculty member, or in some instances it might form the basis for disciplinary actions by the department or college. In extreme cases, the dean may invoke established procedures for dismissing the faculty member in question.

MINUTES OF A MEETING OF THE FACULTY COUNCIL OF REPRESENTATIVES

September 13, 1995

First Meeting of the Academic Year

(Numbers in parentheses indicate attendance at meetings to date)

Present: **Afr. Ctr.:** Greene, S.E. (1). **CALS:** Brown, D.L. (1); Corradino, R.A. (1), Davis, P.M. (1), Gebremedhin, K. (1); Halseth, D.E. (1); Krasny, M. (1); Liebherr, J.K. (1); Lucey, R. (1) (also elected member); Luckow, M.A. (1); Nasrallah, M.E. (1); Setter, T.L. (1); Trumbull, D.J. (1); Willett, L.S. (1); Yavitt, J.B. (1). **Geneva:** Nyrop, J. (1); Rao, M.A. (1). **AAP:** Cruvellier, M. (1); Kord, V. (1). **A&S:** Albrecht, A. (1); Christensen, T.J. (1); Connelly, R. (1); Fay, R.C. (1); Geber, M.A. (1); Gross, M. (1); Harris-Warrick, R. (1); Hyams, P. (1); Janowitz, P. (1); Kalos, M.H. (1); Mermin, D.M. (1); Mermin, N.D. (1); Pelliccia, H.N. (1); Pinch, T.J. (1); Regan, D.T. (1); Roldan, M.J. (1); Santiago-Irizarry, V. (1); Shapiro, G. (1); Stacey, G. (1); Viramontes, H. (1). **Engr.:** Boyd, I.D. (1); Cohen, C. (1); Fisher, E. (1); Hartmanis, J. (1); Lo, Y-H (1); Lynn, W.R. (1); Mukherjee, S. (1); Resnick, S. (1); Sachse, W.H. (1); Tardos, E. (1). **Hotel:** Sherry, J. (1). **H.E.:** Wethington, E. (1). **ILR:** Ehrenberg, R.G. (1); Kuruvilla, S. (1). **JGSM:** Isen, A.M. (1); McAdams, A.K. (1). **Law:** Green, R.A. (1); Wippman, D. (1). **Libr.:** Atkinson, R.W. (1). **Vet. Med.:** Bertram, J.E.A. (1); Cooper, B.J. (1); Farnum, C.E. (1); Randolph, J.F. (1). **At-Large:** Abowd, J. (1); Bierman, H. (1); Garza, C. (1); Holcomb, D.F. (1); Kline, R.R. (1); Pritts, M.P. (1); Schuler, R. (1) (also Faculty Trustee); Schwartz, P. (1); Timmons, M.B. (1).

Guests: D. Randel; H.R. Rawlings; N. Scott.

Absent: **CALS:** Churchill, G.A. (0); Helmann, J.D. (0); Krall, D.W. (0); Neal, J.C. (0); Reeve, H.K. (0); Whitlow, T.H. (0). **Geneva:** Taylor, A.G. (0). **A&S:** Ashcroft, N.W. (0); Davis, T. (0); Fredericksen, D. (0) (fall only); Monosoff-Pancaldo, S. (0). **Engr.:** Liboff, R. (0); Liu, P. (0). **Hotel:** Chase, R.M. (0). **H.E.:** Brenna, T. (0); Cornelius, S.W. (0); Hahn, A. (0); Obendorf, K. (0). **ILR:** Lieberwitz, R. (0). **ROTC:** Kehoe, M.J. (0). **Vet. Med.:** Baines, J.D. (0); Dubovi, E.J. (0); Kalfelz, F.A. (0). **At-Large:** Howland, H.C. (0). **Faculty Trustee:** Calvo, J.M. (0).

1. ELECTION OF SPEAKER

Peter Stein, Dean of the University Faculty, welcomed all to the first meeting of the FCR. He indicated that it is tradition at the first meeting of the year to elect a Speaker. Professor Emeritus Russell Martin was nominated and unanimously re-elected.

Dean Stein: "Russ, for the twenty-first year, congratulations. I must take this opportunity to tell you that earlier this year, Russ was married, and he took a long honeymoon in Alaska. So I want to extend to him my congratulations, and I ask you to join me in doing that."

Professor Emeritus Russell Martin, Communication: "I've always said that a strong campaign with a good wife really pays off. Thank you very much for the honor of again serving as your Speaker. I'm not sure that it's twenty years, but it's awfully close to it.

"Have all FCR members signed in? If not, would you please do so at the close of the meeting. The Speaker now calls on Dean Stein for remarks."

2. REMARKS BY THE DEAN

Dean Stein: "My remarks today will be lengthy—not because I have anything particular to say—but because I'm in the position of serving as a warm-up band for the feature attraction, which is an address by President Rawlings. Unfortunately, he had previously scheduled a meeting at the Law School and said that he would not be able to be here until 5:00 PM. So I thought I might take the occasion to give you a report of last year's activities.

"We had a busy year. I actually went through all of the minutes and wrote down the various things that we had considered and accomplished.

- We talked about the graduate tuition policy, which was a hotly debated subject; in the end, the view that we expressed was, in fact, adopted, and it became the graduate tuition policy.
- We talked about an issue on which we did not come to a resolution—namely, the question of confidentiality in sexual harassment cases. Michael Gold gave a presentation wherein he talked about the problems on both sides of that question. That still remains an open question on the campus. The Provost, I believe, is planning to put together a committee that will look at the whole question of sexual harassment policies on campus, and he has asked us to be closely involved in formulating that policy.
- We had a resolution on budget management where we asked the managers of the budget to take careful account of position counting as well as dollar counting, and my understanding is that was not in contradiction to the way they felt management of the budget should be done.
- We had a presentation on another 'non-subject' called 'post-tenure review.' A plan was laid before you but was not voted on; that consideration continues. There's a committee that's now in the process of trying to assemble information on what we do in the area of post-tenure review, hopefully with the goal of formulating a proposal that would be a campus-wide policy on this subject.

"Another thing that occupied us that I would like to talk a little bit about was the strategic planning process. If you remember—those of you who were here last year at the first meeting—there was a lot of talk about the strategic planning process. There had been a report that was issued; many faculty members that belonged to the Executive Committee were exercised by that report, as were many other faculty members around the campus. I probably got more telephone calls and e-mail messages on that subject than on any other. The Executive Committee, expanded by members of other committees, spent time over the summer before last trying to think through that issue and wrote a report on what they thought was the right way to approach strategic planning. One element of that report said that they felt that faculty input to the whole strategic planning process was a condition that had to be satisfied before one could legitimize the strategic planning process, and indeed, that it was a good place to start from.

Following that and other suggestions in that area, a lot of time was spent by a faculty committee trying to think through this whole question of 'What is the appropriate way for faculty to participate as faculty, not as individuals, but as a faculty, in the various decision-making processes that go on at this University?' The result of that, which was turned into a year-long endeavor, was the Governance Proposal, which will be before you later on in the meeting, if all goes according to the agenda. That proposal has been mailed to you along with a brief summary of it.

"I would like to talk about one aspect of that proposal about which I am very pleased to report to you. A key part of that proposal says that when the Central Administration decides to involve faculty in committees that have important policy issues to address, they will jointly, with the faculty governance structure, take the responsibility for appointing members to those committees. I think that's an extremely important step; that may be, in my mind, the most significant part of the Governance Proposal, because I think that it ties together the Faculty and the Administration in a partnership. I think that the difficulties we have had are not only one-way. The strategic planning process was a prime example of that—where a lot of effort was spent with a lot of faculty members' time. In the end, it was my belief that the vast majority of faculty members on campus said, 'Well, that's not *my* plan, that's *their* plan; I've had nothing to do with that.' But then they went ahead and implemented it and disassociated themselves from that. That, I think, was an unfortunate occurrence. I think that, if we develop a system whereby, from the very beginning there's a binding together of the Faculty and the Administration on how it is that these things are going to be pursued, that the Faculty signs on in the beginning and will come out with a plan in which there will be a sense of 'ownership'—to quote a word that Frank Rhodes used a lot in this context—by the Faculty over the process and the product of that particular plan. I think that's a critical part of the proposal. I'm pleased to announce that I had discussions with Don Randel and with Hunter Rawlings at the beginning of the term, and we talked about this proposal for governance, which they support. We decided to start a process whereby we could begin jointly appointing members of the Faculty to the committees. We are now in the process of doing that for several major search committees that are being put together and for a committee to examine the whole question of program review. I think that's an important step, and I congratulate the leaders of the Administration for taking that forward-looking view. I think that this will be the start of a new way of interaction between the Faculty and the Administration, which will only do all of us good. So I would like to thank Don and Hunter for taking part in that.

"I think that a lot of the time that I have been involved in these matters has been used to talk about *process* rather than *substance*. Of course, process by itself is no end; substance is the end. The question is: 'What is it that we are worried about?' I'm going to say—because I have a few more minutes to use up—some of the things Frank Rhodes has said many times over the past year or two which I think were really right on the money. We are facing hard times. You can't put your head in the sand and not see what's going on. Over the course of time that I've been a faculty member, which is now approaching 40 years, there has been a fundamental change. When I first came to Cornell, I went to work in the Synchrotron over in Newman Laboratory in a program funded by the Office of Naval Research. And I thought to myself, 'Isn't that odd. Why in

the world is the Office of Naval Research funding a program in abstract physics that has absolutely no connection whatsoever to anything concrete?’ And I remember talking about this to the program officer who came over, and I asked him why they fund this. He said that they just have a ‘fundamental belief’ that new technology, whether it’s directly related to naval problems or not, can only increase the strength of our nation and be in the best interests of our national defense. And I thought to myself, ‘What a forward-looking point of view!’ What we were doing was wonderful. When I entered Cornell it was the beginning of the ‘Golden Years’—the halcyon days; everybody thought we were doing a good thing, including the Office of Naval Research, parents of students, and the State of New York. And, of course, they were right. I fundamentally believe that, in no small part, the accomplishments of our nation are attributed to the educational and research establishments of which we are a part. They were right to trust us and to have faith in us. But a sad thing has happened: they don’t trust us anymore. The Office of Naval Research said, a long time ago, ‘We don’t want any part of that.’ And now the National Science Foundation doesn’t say that; Congress doesn’t say that; parents don’t say that; nobody says that anymore. We certainly know that the Governor, the Legislature, and the people of the State of New York, no longer have that kind of faith in what we do for the common good of New Yorkers. It’s all gone; it’s disappearing very fast. We face very difficult times. It’s critical that we somehow reestablish that faith with the people in the enterprise in which we’re all engaged. Because if we don’t, we will fail. I think we can no longer do that by simply ignoring it and saying, as I have heard faculty members saying over the years: ‘Faculty governance? Don’t bother me with that. That isn’t my work. My work is over in that carrel in the library and the classroom and the laboratory; I don’t care, let the administrators take care of that—they’re paid fat salaries to do that. I don’t want to worry about it. The administrators will just do it and support me in this effort.’ Those days are gone forever. That may have been the right thing to say 25 years ago, but I honestly don’t think that it’s the right thing to say today. We’ve got big things to do. We’ve got important problems; we share in the problems of the Administration: the problems of the Administration are our problems—there’s no doubt about that whatsoever. We have to share with them the burdens, and we have to share with them in finding the solutions, and we have to share with them the pain, doing the things that we have to do to reestablish our proper place in the American society. So I think that this proposal, this boring proposal that goes on for 40 pages of underlines and bolds and lots of silly words, is a very important thing. But it is a very important thing only, I stress *only*, under one set of conditions: namely that we, as a group—all 1,600 of us—understand what our problems are and tighten our belts and do what we have to do to attack and solve the problems that we face. Well, I think that’s about enough.”

3. ANNOUNCEMENT OF FACULTY DEATHS

Dean Stein: “There’s a sad point that comes during every meeting at the beginning of the year, and I’m getting to the age where in this sad moment, I read the names of a lot of friends. At this time, I will read the names of our colleagues who have died since the last time we did this exercise. After reading, I will ask you to stand for a moment of silence.”

Lemuel D. Wright, Professor Emeritus, Nutritional Biochemistry, May 12, 1995

Richard M. Ramin, Vice President for Public Affairs, May 27, 1995

W. Hubert Allaway Sr., Professor (retired), Soil, Crop & Atmospheric Sciences, May 2, 1995

Therese Wood, Professor Emeritus, Food and Nutrition, May 29, 1995

Robert S. Pasley, Frank B. Ingersoll Professor of Law, Emeritus, June 21, 1995

Lyman G. Parratt, Professor of Physics, Emeritus, June 29, 1995

Elizabeth Wiegand, Professor Emeritus, Consumer Economics and Housing, July 30, 1995

O. Ernest Bangs, Professor Emeritus, Hotel Administration, August 10, 1995

Peter Gergely, Professor, Civil and Environmental Engineering, August 25, 1995

Gerard Salton, Professor, Computer Science, August 28, 1995

Robert L. Raimon, Professor Emeritus, ILR, August 31, 1995

J. Gormly Miller, Professor Emeritus, ILR, September 12, 1995

"I'd like to ask you to join me in a moment of silence. Thank you."

4. APPROVAL OF SUMMARY MINUTES

Speaker Martin: "Our next item of business is approval of the minutes for February 8, March 8, April 12, and May 10. Are there any corrections to any of those minutes? There being none, they stand approved as distributed."

"At this time it is my pleasure and privilege to present our new President, Hunter Rawlings, for remarks."

5. REMARKS BY THE PRESIDENT

President Hunter R. Rawlings III: "Thank you very much. It's a real pleasure to be with all of you this afternoon, and I look forward to discussion. I'm not going to speak for a great long time, but I do encourage you to ask questions and make comments. Though I want to agree right now with many of the things that Peter just said. In spite of the fact that he's been here for almost 40 years and I've been here for two-and-a-

half months, I do want to disagree on one thing, at least to some extent. As I've traveled around this state in this two-and-a-half month period, I have found enormous support for this University. And I've found it—believe it or not—in the Governor's Office; I've found it among a number of legislators; and I've found it very broadly among individuals in New York State. So while it is true that we continue to hear lugubrious news in Washington and in Albany and elsewhere, this University has the great admiration of most people in this state, and I think we can continue to count on that as long as we do an effective job of transmitting to the people of the State what it is we do—not just on their behalf, but globally as well. Now I really do mean that, and I hope that all of you will take the opportunity, in fact, to test that as you travel around the state of New York. I've been especially impressed by how much New Yorkers are taken by the work done by our Statutory Colleges. I've heard this time and time again in small towns; I've heard it in Albany; and I've heard it in New York City, where a large number of individuals benefit from the outreach programs there. So I hope we don't become too discouraged about public opinion and leading opinion makers and their views of Cornell.

"It is a pleasure for me to join this intellectual community, and I look forward to working with all of you, individually and collectively. I want to say a few words about shared governance, and in this case, I wish to agree strongly with what Peter said. I would like to have the Faculty continue to have a strong voice in decisions made at Cornell. I do believe firmly in shared governance; I do believe firmly in consultation with the Faculty before making decisions; and I do indeed plan to consult with the Faculty widely before making decisions. We do have to face the question, however, of what the 'Faculty' means at Cornell. I learned elsewhere, and I'm finding it at Cornell too, that there is rarely a single 'Faculty position' on any issue; so, in fact, it's important to test different faculty positions on every issue, and it's important to provide a representative forum where these views can be made clearly known. The Faculty Council of Representatives, while valuable, has not, I think, gained the full confidence of either the Faculty or the Administration at Cornell; and for that reason, I am a proponent of the new governance structure that Dean Stein has been working on so assiduously for a long period of time. He was kind enough to consult with me earlier this spring, well before I officially came to Cornell. We had a meeting in Iowa City, and we've had several meetings since then on this proposal; and I do indeed support it. We collaborated, as he said, this summer, on minor revisions to the proposal, and I'm pleased with the process itself as well as the current draft. The new structure is very similar to the model that I have become accustomed to, so I don't see anything that's foreign in this structure, to my own experience. I certainly hope that it represents the interests of Cornell effectively, and I offer my best wishes to you in an effort to have it passed.

"I wanted to mention a few of the administrative changes that have been made at Cornell in the past few months. Most of these you may be familiar with, but there may be a bit of new information here for some of you. James Morley, as I think all of you are probably aware, departed this summer for his new post at NACUBO, and Fred Rogers has now taken on the responsibilities of Senior Vice President as well as Chief Financial Officer, and by so doing, has reduced the number of Vice Presidents at Cornell by one. That, I think, is helpful on several accounts. Every Monday morning, I

meet with Fred Rogers and six other individuals whom I regard as the 'Senior Staff'; and it might be helpful if I simply listed those for you, so you will know who they are. They include Provost Don Randel; Vice President for Student and Academic Services, Susan Murphy; Vice President for University Relations, Henrik Dullea; Acting Vice President for Public Affairs, Inge Reichenbach; University Counsel, James Mingle; and Dean and Provost for Medical Affairs, Bob Michels, who usually joins us by telephone from New York City. So every Monday morning, that group of eight, including myself, meets to help formulate University policy.

"Every two weeks, we have meetings of sixteen members of the Administration: the eight I just named and eight additional ones, including Dean of Faculty, Peter Stein; Vice President Norman Scott; Vice President Hal Craft; Vice President David Lambert; Vice President Ronald Ehrenberg; Associate Vice President Joycelyn Hart; Associate Vice President Beth Warren; and Dean of Students, John Ford. And once a month, I meet at different points around the campus with the President's Council (what used to be called the 'Deans' Council'), which is a group of about 35 individuals, including School and College Deans. All of these meetings are designed to help us consult widely and to form policy at Cornell, and we will, of course, also have the opportunity to consult frequently with you in whatever faculty governance structures we develop.

"I have consulted with a fair number of individuals over the past several weeks about an issue that is important to me—and I think it's important to you—that is, affirmative action. And I felt it essential in light of the decision by the University of California Board of Regents to declare Cornell's position on affirmative action, and I have developed a statement on affirmative action (Appendix A, attached) which, I think, is quite important in terms of the sense of direction for Cornell. This statement strongly affirms affirmative action; it has great benefit to the Cornell community as well as to other institutions of higher education, and we should continue to uphold it. I take this quite seriously; I hope that all of you support this position, and we will continue as much as we can to implement it. The statement also says what I think affirmative action is *not*: it is not a quota system; it is not a preference system. But it is a program that is designed to help those who have not had opportunities in the past to gain those opportunities in the future.

"I'd like to speak briefly now about some of the issues that I think will occupy us in the coming year, and I look forward to discussing them with you. In dealing with these issues, it is my hope that we can begin implementing some of the recommendations that have come from the strategic planning process that Peter referred to, as winnowed by the Academic Leadership Series (ALS) that we have had broadly across the Cornell campus. While I think I agree with Peter's general remarks about that process, I think, nonetheless, that a number of recommendations in the Task Force reports that were developed over the past year-and-a-half were very positive recommendations; some of those have received lengthy commentary in ALS and, it seems to me, are now ready for implementation. Chief among those is program review. It strikes me that it is a good plan for Cornell to undertake program review. The Faculty, at least as recommended by the ALS members, have strongly supported program review, and I think you will move rather soon to implement a program review process at Cornell. Some of

the Colleges and some of the Departments at Cornell already engage in program review, and we are engaged now in creating an inventory of the programs that we have already on campus. We don't want to reinvent those programs. In many cases, they will suffice, or at least in some cases, they might suffice; but we do want to ensure that we have some broad standards across Cornell which can be applied to program review, and we do hope to implement that quite soon.

"I would also like to see us develop greater synergy among the Colleges at Cornell. I recognize the tradition of College autonomy at Cornell and value it; but on the other hand, I think that for a number of reasons, it now behooves us to create as much synergy among the Colleges as we possibly can. Provost Randel has begun discussing this with the Deans already. It is our intent to encourage, by every means possible, greater synergy among our Colleges, especially given the tight economic times we find ourselves in—but also to help pool our resources as much as possible in order to create greater efficiency and to offer, particularly at the undergraduate level, programs that reflect the strengths of our different Colleges and open opportunities to students no matter what College they might be in.

"I would also like to see us implement greater uniformity in tenure standards across Cornell, and I have asked Provost Randel to begin investigating means by which to conduct a substantive tenure review at the Provost's level. There has always, of course, been some measure of review at the Provost's level of tenure in the past, but I would like to see us have a much more uniform system and process and standard for tenure at Cornell. As part and parcel of that same goal, I would like to see us consider much more broadly new faculty appointments at Cornell, so that when a unit in a particular college is undertaking a search, units in the other colleges that might be impacted by that search or have some stake in that search will indeed be involved. Such initial appointments should come, to some degree, then, through the Provost, so that the right hand knows what the left hand is doing. I think that's especially important at a time when resources are scarce, when we do not make many initial appointments in any given year, and when each appointment, therefore, is all the more precious. It might also help us avoid redundancy or replication which, as I think in some instances, has been a factor at Cornell.

"In addition to these points, I would like to see us undertake an improvement of undergraduate education at Cornell. This has been, I think, a priority at many institutions and has certainly been a priority at Cornell, but I would like to see it become a higher priority. It is clear from reading the surveys of student opinions that a large number of undergraduates here do not feel that, by the time they are ready to graduate, they know a single faculty member well enough to ask for a letter of recommendation. That, I think, is a real indictment of our undergraduate education, and I hope that we can move to remedy that. Some of that, it seems to me, is the responsibility of the student; but it is also our responsibility to ensure that students get to know their faculty well and that they have the opportunity to ask for letters of recommendation from faculty members who can speak seriously about their undergraduate careers. So we will certainly be putting an emphasis upon undergraduate education and upon good teaching.

“An additional issue is a procedural one that I know has generated strong feelings at Cornell, and that concerns how we handle sexual harassment cases on the campus. Sexual harassment disputes are inherently difficult for all three parties involved: they are difficult for the complainant, who genuinely feels victimized and seeks redress; they are difficult for the accused employee who contests the charge and seeks a fair opportunity to do so; and they are difficult for the institution, which bears the responsibility to enforce sexual harassment laws and may be legally assailed by either or both of the two parties. To protect the interest of all parties, I think we need to have thoughtfully developed and fairly enforced procedures. The College of Arts and Sciences is currently reviewing its procedures, with particular emphasis on a locked file policy, now in effect. It is my own view that such a policy may not be necessary to protect complainants from fear of retribution, without unduly impinging on the interests of those accused. There are a number of different models that might be used to deal effectively with these cases, ranging from a central office inquiry process to school-administered investigative panels. We will review this matter broadly from the campus standpoint and see what improvements we might want to recommend during the course of this fall.

“Finally, I would like to see us put students first, to the greatest degree possible. Students are the reason that Cornell was founded in the beginning; we are committed to students, and we’re certainly going to try administratively to be a good deal more user-friendly than we have been in the past—to create processes that are much easier for students to understand, to try to shorten long lines (if not eliminate them)—and I hope that the Faculty would be committed to putting students first, not only inside the classroom, but outside the classroom, where I think, often, the very best education takes place. Now I’m certainly going to try to do a bit of teaching myself, and I look forward to getting back into the classroom whenever possible, joining my colleagues in the Classics Department; and I hope that all of you will devote a great deal of your time and attention to putting students first during the course of this academic year.

“It is a real pleasure for me to join this community. I look forward to working with each of you, and I would be happy to take any questions now that you might have or any comments that you might want to make.”

Speaker Martin: “Are there questions for the President?”

Professor Douglas A. Haith, Agricultural and Biological Engineering: “You referred to an ‘ALS’ process. What exactly is that?”

President Rawlings: “It’s the Academic Leadership Series, which has met, I think, on four or five occasions at Cornell. The session that I attended in May had about 250 individuals present and had not only a general discussion but also broke down into smaller groups for individual discussions. This has been going on, I think, for about two years.”

Professor James W. Gillett, Natural Resources: “I certainly support your programs that you’ve put forward for both post-tenure review and departmental program review, but

they're going to take an enormous amount of resources—faculty resources and others. From where are these resources going to come?"

President Rawlings: "That's a good question, and I'm quite sensitive about that issue. We're more interested in instituting program review now than post-tenure review. I think that's something we ought to put on the back burner and consider later. But I think program review is important to devote some faculty time to; we will be taking an inventory, as I said earlier, of the different methods already in place at Cornell, because we don't simply want to reinvent some of those methods. Certainly, the Statutory Colleges have been undergoing a form of program review for a large number of years; they may be able to use, to a great extent, the model that they already have in place. But I take your point, and I don't think that we want to create a system that creates a vast new burden for faculty members outside of their teaching and research responsibilities. I've certainly had a good deal of experience with program review, and I'm especially sensitive to the point you've raised."

Professor Karen W. Brazell, Asian Studies: "I'm interested in how we're going to go about putting students first. Recently I've found, in dealing with students, that so many times the new measures are rationing our resources and making little or no difference; they seem to be coming between students and faculty. We're not allowed to do certain things; the deans' offices do a lot more of the advising; the Registrar has more power. There's a lot less freedom just to interact with faculty members, and I find this rather disconcerting. I don't know if this is anything that you've observed in your experience; but how is the faculty supposed to make students first in such situations?"

President Rawlings: "Well, I think I at least partially agree with you. I do think that to some significant extent advising, for example, has been turned over to others to do. I personally would like to see faculty members engage in advising to the greatest extent possible; and I know that in the majors, faculty members certainly spend a great deal of time with advising. But I don't think that this should stand in the way of faculty members forming very close relationships with students, both inside and outside the classroom, in the intellectual sense. I think we have lots of opportunities to do that, and many faculty members are, in fact, committed to that. My intent is to say that I value that very much; I think that we do have improvements we need to make at Cornell, especially at the undergraduate level—though we also are taking a look at the graduate level—and that we should devote a good deal of our effort to doing so. I don't see that there are barriers to it, frankly. There may be regulations, as you say, that slow us down to some degree; we'd be happy to look at those that you think are the worst offenders."

Associate Professor Marianne Krasny, Natural Resources: "I was wondering if you had any comments or reflections on the extension or outreach function of the University."

President Rawlings: "I do. I have spent a bit of time in the last two-and-a-half-months visiting our extension programs, and I was particularly taken with the programs on 34th Street in Manhattan. These are extremely dedicated people who, I think, are making a

serious difference in the lives of many people who live in the Five Boroughs. And our efforts are greatly appreciated—I want to emphasize that point—by individuals and by legislators who, to some degree, are increasingly interested in these programs because there are ways in which we can be a real impact on society. I also paid a visit to the State Fair in Syracuse, primarily to see how it compared with the Iowa State Fair: ‘not well’ was the answer. It’s because there’s more commitment in Iowa; there’s a little less going on, you might say. (I try to be very careful about these comparisons. I don’t always succeed.) But I will say this: it seems that one of every two or three people at the State Fair—and I met hundreds—was either a Cornell employee or a member of Cornell Extension or had been influenced by Cornell Extension or had a cousin who had been so influenced; and in every single instance, the comments were positive. I want to assure you that I’m used to hearing more on the negative side than on the positive side. The respect that Cornell has generated through its extension programs is really remarkable. And it’s not simply the substance of the program, it is the tone of the program that has been conveyed to these individuals who just have the deepest respect. I met two young African-American women from Brooklyn, about 14 years old, who teach reading to younger children through the Cornell Extension Program. And their commitment to their program was written all over their faces. They’re very proud to be part of Cornell Extension; they’re very proud to be teaching reading to eight-year-olds; and they were at the State Fair to tell the public how proud they were of that program. So this, I must say, hits home; it certainly made a deep impression on me. I think it’s repeated throughout the state. So I’ve really been deeply impressed with the Extension Program in a short period of time. Now I realize that we’re under very severe pressure in terms of our statutory budgets. But it is essential that I be able to go to Albany and say what I have seen when arguing in favor of our statutory budgets, and I now feel well equipped to do that—on the basis of very limited experience—but, nonetheless, strongly personal experience. That’s a long-winded answer, but I’ve been quite struck by what I’ve seen.”

Professor Frank C. Moon, Mechanical and Aerospace Engineering: “We have heard over the past several years that faculty should spend more time teaching vis-à-vis doing research. But most faculty interpret teaching as taking place at both the graduate and undergraduate levels. Will we hear more public expressions from the new administration supporting both the teaching at the graduate program level as well as at the undergraduate level? I think this has not been emphasized, and it has hurt the image of graduate research universities nationally.”

President Rawlings: “I think you’re absolutely right about that. Often this issue is seen in the most simplistic terms: every moment spent in the laboratory is a moment not spent with students. In fact, most moments spent in the laboratory *are* spent with students—both graduate and undergraduate. It is very difficult to distinguish whether that is purely ‘teaching’ or ‘research’; of course, we know that it is *both*. That is the great glory of the American research university. There is no question that that is one of the leading reasons why American research universities are the best in the world, without any question or argument. So I start from the same premise, and I take your point: we should not simply be teaching about teaching excellence at the undergraduate level; we should be talking about it at the graduate level. That’s where, often, of course, as

you well know, each hour spent with a student is intense and takes a great deal out of a faculty member compared with, let us say, giving a lecture and then leaving the lecture hall. So I think you've put your finger on something quite important and we should, in our public rhetoric, make that point more often."

Professor Lee Lee, Human Development and Family Studies: "I was hoping someone else would make this comment, but since no one has, I will. I want to commend the President for taking the initiative and writing such a good statement on affirmative action. Thank you."

President Rawlings: "Thank you very much for that comment. But let me say something in return, if I could. In effect, it's easy to *make* such statements; it is difficult to *implement* them. I am aware of the fact that my first few appointments have not been 'affirmative action appointments'—let's be clear about that. All of us have to work very hard at this, and, while we're just getting started, I think we realize how important it is at the presidential level, the vice-presidential level, and all through the institution to act affirmatively and to do our utmost to get results. So we will certainly commit to doing that, and I hope that you will as well. But it does indeed require follow-through."

Associate Professor John Forester, City and Regional Planning: "Could you say a little more about your idea of 'synergy' with and among the Faculty?"

President Rawlings: "That's a fair question, because it's one of those words that's easy to bend around. I think that what might lie behind your question is: 'Does this mean *consolidation*?' for example, to use another euphemism. Let me, if I could, ask Don Randel (Don, I hate to do this; it's not rehearsed.) to say a couple more words about this, because your question deserves a good response. Don has done a good deal of thinking about this—we have jointly done so—but he's really working on this with the Deans. So I think it would be valuable to hear Don on this."

Provost Don Randel: "Everyone will know here that there has been a certain set of relationships among the colleges, much of it driven by New York State Education Law; and so we have talked endlessly within this University about accessory instruction payments and what happens when a student goes from College A to College B. In that regard, we have often, I fear, allowed our bookkeeping mechanism to drive educational policy. My belief is that we ought to let educational principle drive the way we make the finances work, and I believe we can do much more of that than we have done in the past. Cornell's great strength is the combination of colleges it has and the intellectual diversity that those colleges represent. The students of every last college have something to learn from the students in the other colleges, and I think we can facilitate the degree to which students cross those boundaries and the degree to which faculty cross those boundaries to teach subjects in common. We have made some progress in this realm already, I hope. This semester, for example, one of the sections of Economics 101—one of the largest courses overall in the University—is being taught by a faculty member from Industrial and Labor Relations. This we have managed to do without getting tangled up in the accessory instruction problem. It's good for both of the Colleges and, I believe, good for the students. We have, for a number of

years, shared the teaching of Calculus for Engineers between Engineering and Arts and Sciences without having, once again, elaborate agreements within the two Colleges. The students can benefit from the strengths of this set of relationships amongst the Colleges, and with the application of some imagination, we can overcome much of what has inhibited us in the past from encouraging traffic across College lines, both of faculty and of students.”

Dean Stein: “I have just a comment to follow up on what Frank Moon said about the question of the ‘zero sum game’ of teaching and research—if you spend more time on teaching, you spend less time on research. It’s the kind of rhetoric that you can read all over the newspapers, because people don’t know how to think very deeply about things, but I would think that the right way to pose the question would be: ‘How can we improve the quality of the education that we give students?’ It is not, necessarily, that a faculty member must spend twenty percent more time per week doing it. Surely, that’s not the only way that we can increase the quality of the educational experience. If we are to maintain ourselves as a premier research institution, we must find solutions that, in fact, do not mean that.”

President Rawlings: “I think that’s well said, and I’m much more interested in quality here than some quantitative measures, as you may be implying. I want to say firmly that this should not mean, in any respect, a diminution of our commitment to the research enterprise. I believe fervently in that and in scholarship. We would not be the institution we are if we did not have the quality that we do in scholarship and research. That having been said, I do believe that we could improve our instruction at the graduate as well as undergraduate level. And it won’t take presidential proclamations; it will only take individual faculty members really devoting themselves to good teaching.”

Speaker Martin: “Other comments? President Rawlings, you may never again get off so easily. Thank you very much.

“The Speaker now calls on Dean Stein to initiate discussion of the Governance Proposal.”

6. DISCUSSION OF THE GOVERNANCE PROPOSAL

Dean Stein: “I have initiated this discussion so often that I think I have nothing more to say. I’ve said it before this body; I’ve written it in something that I’ve sent to you. So here it is, it’s on the table, and I place it on the floor for discussion.”

Speaker Martin: “Do you all have the Proposal (Appendix B, attached) in front of you? If not, there are extra copies down front. The floor is now open for discussion and debate.”

Professor John Abowd, Industrial and Labor Relations, and Chair of the Executive Committee of the FCR: “The Executive Committee has considered the Governance Proposal several times—I’ve lost count of how many. In the process of developing the

document, we essentially recreated the position of Secretary of the Faculty; and in the process of our last meeting, in trying to deal with the terms with Robert Lucey, we realized that what we created was something that's more like an 'Associate Dean of the University Faculty.' So I have a motion, which you have in front of you, and which is an amendment to the governance procedure, that essentially just changes 'Secretary of the University Faculty' to 'Associate Dean of the University Faculty.' Outlining the duties of Associate Dean of the University Faculty isn't included in the amendment, but it is essentially what was intended in the Governance Proposal. So I rise to amend the Governance Proposal, which we have not yet suggested the faculty adopt, essentially to correct an oversight of not changing the title of 'Secretary' to 'Associate Dean.' So the amendment is before you."

Speaker Martin: "This comes from the Executive Committee of the FCR. The floor is now open for debate on the amendment."

Professor Walter R. Lynn, Civil and Environmental Engineering: "Just a point of information, Mr. Speaker. Does this mean that everywhere the words 'Secretary of the University Faculty' appear in this draft document, we should substitute 'Associate Dean of the University Faculty'?"

Speaker Martin: "Yes, that's my understanding. Other comments or debate?"

Professor Frederick M. Ahl, Classics: "The term 'Secretary' has a long and venerable history, and while I understand the desire for clarification, the creation of what reads as 'Associate Dean of the University Faculty' does seem to alter the *flavor* of the position. While I think it would be very important that the present Secretary of the University Faculty should be enabled, as described in the amendment, to take over and serve as Acting Dean of Faculty when necessary, there is a certain sort of flavor to the Dean of Faculty's Office and things associated with it that makes the term 'Secretary of the University Faculty' more appealing. This is perhaps a pointless argument, but it is one to keep alive a word that has a sense of service rather than a sense of adjunct administration. So, I'd just like to offer that thought, for what little it may be worth."

Professor Emeritus Donald Holcomb, Physics: "I'd like to share Fred Ahl's view on this. The creation of a position—or the renaming of an existing position—to 'Associate Dean,' sounds like the creation of more bureaucracy. It's not, but it could be interpreted that way. It seems to me that the simplicity of the term 'Secretary,' which is defined by the document, is much better suited to this position, so I'd like to speak against the amendment."

Professor Abowd: "I'm not going to try to speak for the entire Executive Committee, but I'm just going to say that not very many people in the room had experienced the difficulty of attempting to recruit a Secretary of the Faculty. I guess the title doesn't carry the same degree of significance for potential doers of the job as 'Associate Dean.' I don't feel strongly about this in the sense that I think it's an important enough thing to bring up or down on the proposal. I basically brought the amendment to your attention because it is the feeling of the Executive Committee that the title 'Associate Dean' de-

scribes what we're asking the person to do. Indeed, we're no longer asking the person to actually take and transcribe the minutes of our meetings; that's all done professionally now and supervised by the Secretary of the Faculty. So I don't feel strongly, but 'Associate Dean' does do a better job of describing the significance that we have attached to the number two position in the new proposal. That's all I'll say."

Associate Professor Alan McAdams, Johnson Graduate School of Management: "It strikes me that we could have a nice compromise here—it's the beginning of a new year—if we could have this title changed to 'Associate Dean and Secretary of the University Faculty.' If we did that, we'd maintain our connection with the hoary past and at the same time, maybe, be able to recruit someone. I would like to so move this."

Speaker Martin: "Are you offering an amendment to the amendment to add the words 'and Secretary' to the new title?"

Professor McAdams: "Yes."

Speaker Martin: "Is there a second to the amendment to the amendment? It has been seconded. Discussion on this amendment from Professor McAdams?"

Dean Stein: "I kind of like Alan McAdams' motion. I must say that when this was first presented to me, I didn't like this motion for much the same reasons that Fred Ahl and Don Holcomb have brought up. The word 'Secretary' has an old and venerable history, and I'm not happy about casting it aside. However, the more I thought about it, it seemed to me that the duties were more aptly described as 'associate dean.' But I rather like the compromise to have it both accurate and venerable, so I'll support Alan's motion."

Speaker Martin: "Our former Secretary of the Faculty, Professor Morrison."

Professor Emerita Mary Morrison, Nutritional Sciences: "I don't know if anybody would decide to take this new position of 'Associate Dean' over the old one, which included taking the minutes. I think that the problem of recruiting people for the position of the Secretary of the University Faculty is that there is no recognition of the time it takes to be Secretary of the Faculty, a position which is associated in most minds as the person who is at the meeting to take the minutes. So I'd like to recognize that, even though this is a position that takes more time, it does not need to be called 'Associate Dean.' My viewpoint is to choose the lesser of two evils."

Speaker Martin: "We're getting back to discussing the amendment rather than the amendment to the amendment. What's on the floor now is to add the words 'and Secretary' to the new title."

Professor Ahl: "Perhaps I could just put before you the vision of Secretary of State becoming 'Associate Dean of State.'"

Dean Stein: "I'd like to call the question on the amendment and the motion or the amendment to the amendment and the amendment."

Speaker Martin: "Is there a second? All in favor of ceasing debate and voting on the amendment to the amendment and the amendment say 'aye'; opposed 'no.' Okay, all in favor of adding the words 'and Secretary' to the amendment changing the title to 'Associate Dean,' say 'aye'; opposed 'no'—I remind you, FCR members only may vote. Shall we try it again? FCR members: All in favor of the amendment to the amendment, say 'aye'; opposed 'no.' I think we're going to count. All in favor of the amendment to the amendment, please stand. Now, all opposed, please stand. The amendment to the amendment passes, 37 to 17. Now we will vote on the amendment, as amended, in which the title is changed to 'Associate Dean and Secretary.' All in favor, say 'aye'; opposed 'no'; it is carried."

The amendment as amended follows.

WHEREAS, the Governance Proposal envisions a greater role for the Secretary of the University Faculty—as Chair of the Nominations and Elections Committee and as the Dean's designated representative, and

WHEREAS, the Executive Committee of the FCR believes that the title of Associate Dean and Secretary of the University Faculty better describes this new role,

THEREFORE, BE IT RESOLVED that the Executive Committee recommends that the 8/7/95 Draft of the Organization and Procedures of the University Faculty be amended in that the officer currently designated as the Secretary of the University Faculty be redesignated as the Associate Dean and Secretary of the University Faculty, and

BE IT FURTHER RESOLVED, that the duties as they appear in Article V.A., page 8, of that document be amended as follows:

V. The ASSOCIATE DEAN AND SECRETARY OF THE UNIVERSITY FACULTY

A. Duties. The duties of the Associate Dean and Secretary shall include:

- 1. Assisting the Dean of the Faculty, carrying out such duties as are assigned by the Dean, and serving as Acting Dean on appropriate occasions;*
- 2. Chairing the Nominations and Elections Committee;*
- 3. Holding ex officio membership on each committee of the University Faculty and each committee of the Senate;*

4. *Supervising the maintenance of minutes of meetings and all records of the University Faculty and Senate;*
5. *Supervising publications made in the name of the University Faculty subject to guidelines specified by the Senate.*

Speaker Martin: "The floor is still open for further discussion on the proposal itself."

Professor Gillett: "I'm not a member of the FCR, but I have been working on this proposal for some time. I'm quite concerned that it acts in isolation of the rest of University governance. I would like to see, in the second line (line nine of page one of the draft), the statement 'faculty, staff, and student body' to recognize that this is a holistic University, not just faculty and students."

Professor Lynn: "There are a number of items in this proposal that have to do with the conversion of OPUF (Organization and Procedures of the University Faculty) into this new form, which, it seems to me, involves a lot of detail and concern on the part of this body. Now, as I understand the situation currently, this body is asked to approve this matter so it may be transmitted to the Review and Procedures Committee. The motion reads: 'The FCR recommends that the University Faculty approve the Governance Proposal as a set of amendments to the "Organization and Procedures of the University Faculty," and asks that the University Faculty Review and Procedures Committee take the appropriate measures . . .' to do this. So they're asking this body to approve what has come before it. That means that all of the issues that need to be raised are issues that this body should be prepared to debate before it goes to Review and Procedures for whatever procedures it will go through. Is that correct?"

Dean Stein: "Well, to be honest, Review and Procedures had a meeting, and they approved the document."

Professor Lynn: "Then why has the document come before this body?"

Dean Stein: "Because it also seemed appropriate that this body should send it."

Professor Lynn: "Then this body should have the opportunity to amend it."

Dean Stein: "This body *does* have the opportunity to amend it. It has just done so. My interpretation is that if this body amends it, I would call a meeting of the Review and Procedures Committee to look at the amendments and see what they think about them."

Professor Lynn: "Okay. I would like to offer an amendment. Let me start with a relatively trivial one. I've made an overhead so you can read it. This is an amendment having to do with what has been a continuing problem of the FCR in terms of one of the trivial matters of having people in the audience who take photographs or record the proceedings of the faculty. Traditionally, the practice has been that the debate and arguments of the FCR are its business. This is not to encourage the faculty to grand-

stand, in terms of the press being here. And given that the Secretary of the Faculty has now been changed to the Associate Dean and Secretary, it basically clears up something that has always been a problem with OPUF. I would like to make this motion to amend, and I have used the indication of where it goes in the document, Part Two, Article IV, Section B, line 218.”

Speaker Martin: “Is there a second to Professor Lynn’s amendment? It is seconded. The floor is now open for discussion. Would you care to speak further?”

Professor Lynn: “I think I’ve made my case. What I’m trying to do is to make it so that the Speaker does not have to announce at each meeting: ‘You may not record or photograph the proceedings,’ and you will not have to admonish someone from the *Sun* or from the local press—if it is of interest—to make that part of the change of OPUF.”

Professor Malvin H. Kalos, Director, Theory Center: “Photography is not normally considered to be an electronic means of recording. The amendment reads: ‘All other participants (members, visitors, etc.) are prohibited from photographic, sound recording, video taping, or using any other electronic means to record the proceedings.’”

Speaker Martin: “Further discussion on the amendment on the screen. All in favor, please say ‘aye’—again, FCR members only; opposed, ‘no’; it is carried.”

7. Records of Meetings. The official record of each University Faculty Meeting shall be kept by the Secretary of the Faculty, who may use whatever means he or she finds appropriate to prepare an accurate record of the proceedings. All other participants (members, visitors, etc.) are prohibited from photographing, sound recording, video taping, or using any other electronic means to record the proceedings.

Professor Lynn: “We did the easy one first. In the document you have before you, in the style that it’s been presented, Section B of Article IV, Part Two, in fact terminates all meetings of the University Faculty. It is my motion that all proposed changes be deleted.”

Speaker Martin: “Is there a second? It is seconded. Discussion?”

Professor Lynn: “I was genuinely troubled, Mr. Speaker, by the fact that regular meetings of the University Faculty are no longer called for in this revision: they’re left totally to the discretion of the Dean, the University Committee, etc. I believe that whenever a body is created, as the University Senate, it is ultimately accountable to the University Faculty; and one of the ways that it does that is, in fact, to ensure that it meets on a regular basis. That’s my only purpose in offering this—to ensure that regular meetings are held—whether someone wants to say that the rules require that there be at least three meetings in the year: one in the fall, one in the spring, and one at the end of the academic year. The underlying idea is that whatever this University Senate does, the object is to make its accountability clear to this body of 1,600 people, whether they

come or not. That is the body to whom this new structure will report, and that is the reason for this change. It does not deal with this new University Committee, that starts at paragraph six.”

Dean Stein: “I’d like to explain why the draft appears as it does, and, in the process, speak against this amendment. It’s not a fatal proposal, but I think it’s not a good amendment. I myself get uncomfortable with structures that don’t work, and meetings that don’t attract a quorum are meetings that don’t work. I think it’s important to have quorums. For the past two years, for example, the FCR has had a quorum at every one of its meetings, and I think that has increased the sense of importance of the party. As Professor Lynn knows, there is great difficulty in attracting a quorum for a University Faculty Meeting. We have various tricks for doing it, like having it coincide with an FCR meeting and having the President there when we need a quorum to pass an amendment. I’m comfortable with that. I don’t think there is a real need for a meeting of the University Faculty, unless there is an issue for them to address. Every faculty member is invited to come to the representative body, be it FCR or the Senate, and speak if he or she wishes. And if there is a strong feeling about something, then we should have a meeting of the Faculty, and that will be known as a significant event. But to try to get people out, and to fail every time to attract a quorum because you have no business for them to transact, I think, saps at the vitality of the institution. Twenty-five years ago, when we went from the University Faculty meeting to the FCR, we essentially gave the functions of the University Faculty to the FCR, with an override provisional. I think that essentially got rid of the need for regular University Faculty meetings, and this document, which carries through that relationship between the Faculty and a representative body, acknowledges that fact by getting rid of the fiction of having regular faculty meetings which were, in fact, a fiction.”

Speaker Martin: “The Speaker reminds you that we have a set adjournment time of 6:00. If we’re going to bring this matter to a vote, we should do it soon. Is there further discussion on this amendment? All in favor, say ‘aye’; opposed, ‘no’; it is defeated. Next?”

Professor Lynn: “This will be the last one. This is to be added on line 342. ‘A Faculty member who has served as Dean of the University Faculty for more than three calendar years shall not be eligible for nomination for the office of the Dean for a term commencing less than three years after the expiration of his or her former term.’”

Speaker Martin: “Is there a second to the amendment? It has been seconded. Discussion?”

Professor Lynn: “Let me explain what this is. The whole idea of this new structure is, in fact, to get faculty more involved and to get greater participation of the faculty in a significant way. If you’re elected as a Faculty Trustee, you may not run for reelection without a passage of time. I will confess to all of you that when I was asked to run for the Dean’s office during the last election, it was a serious mistake for me to do that. It was not clear whether the Dean was eligible to run to replace himself or not. I agreed to do that so there would be at least three people involved, which was what the legis-

lation required at that time. So, what this would do is clarify that situation. If you reject this proposal, you are, in fact, saying that the Dean can become a regular, continuing office. The intent, as I understand this proposed legislation, is to get the faculty more involved, to expand the role of faculty in the governance system (and not restrict it), and to increase the level of participation. That's the reason for the motion."

Speaker Martin: "Further discussion on the amendment. All in favor, say 'aye'; all opposed, 'no'; it is carried, unless there is question."

Dean Stein: "Could I call for a division?"

Speaker Martin: "You may. All in favor of this amendment, please stand. All opposed, please stand. The amendment is defeated by a vote of 25 'no' to 24 'yes.'"

Professor McAdams: "Do we still have a quorum?"

Speaker Martin: "Yes, I will check."

Dean Stein: "The sum of those two votes is beyond a quorum. A quorum is only 48."

Professor McAdams: "Nonetheless, could we have a quorum call?"

Speaker Martin: "Certainly. All FCR members, please stand. We do have a quorum."

Harold Bierman, Nicholas H. Noyes Professor of Business Administration, Johnson Graduate School of Management: "I have an amendment. On page 11, take out the word 'Senate' in paragraph one, the logic being that I would like the Nominating Committee to have access to the complete Faculty of Cornell University and not a select subgroup. If the Faculty only wants to elect Senators, so be it. And if the Nominating Committee only wants to elect Senators, so be it. But I do not want to legislate a restriction on this University Faculty Committee. If you want to call it the 'Senate Faculty Committee,' fine; but if it's to be a University Faculty Committee, any member of our Faculty who gets the nomination and the votes should be eligible. My amendment is to eliminate the word 'Senate' in line 490, where it says 'nine members of the Faculty Senate elected at large by the Faculty'; I would say simply 'nine members of the Faculty.'"

Speaker Martin: "Is there a second to the amendment? It is seconded. Discussion?"

Dean Stein: "May I give you the argument on that? It started out the way you're proposing. The reason that it was later limited to members of the Senate was that it was felt that this body acts as an Executive Committee of the Senate, and this body must be a liaison between the Senate and the Administration. Therefore, it seemed wise under that circumstance to have these faculty members be members of the Senate. That was the argument for it."

Speaker Martin: "Further discussion? All in favor of the amendment, say 'aye'; opposed, 'no'; it is defeated. I remind you that we are now at adjournment time. If we are going to vote for this OPUF proposal to go to Review and Procedures, we must do so while we still have a quorum."

Professor Peter Schwartz, Textiles and Apparel: "I have just a point of clarification. On page 8, lines 371 and 375, is that a typo? Should it read 'Senate' rather than 'Faculty Council of Representatives'?"

Dean Stein: "Yes. You are correct."

Associate Professor Daniel Brown, Animal Science: "If this is to be a successful proposal, we're going to have to convince the Faculty—and the Administration as well—that the Faculty has a great deal of authority regarding academic policy and other areas, and we'll also have to prove that the government that you put together is more legitimate than the many things that have been tried over the last several years. I think the bulk of this proposal is set in the right direction, but in one instance, it appears to be in the wrong direction—in terms of the way that the chosen members represent the Faculty: one member from each department regardless of size, unless it's huge, where they get two representatives. I think that the Senate, as proposed, is less representative of the Faculty than the current government system. So I would propose this change: The part of the amendment that starts with line 577 should read that each department or each constituency will have at least one seat on the Senate; but I'd change the rest of it to say that each constituency would have an additional vote for each seven faculty members over the first seven. This way, the Senate would better approximate the Faculty population and would be more balanced in terms of the number of Faculty represented. We go from a system where the Faculty is represented proportionately to one in which the representation is disproportionate. It would be better to have the new system more balanced in terms of the number of faculty represented."

Speaker Martin: "Is there a second to the amendment? It has been seconded. Further discussion? Will you please state specifically what you are proposing?"

Professor Brown: "Beginning on line 577, 'Each constituency will have at least one seat on the Senate, and for each seven faculty members above the first seven will be an additional vote.'"

Speaker Martin: "The Speaker asks all FCR members to please stay, if you will, so we may vote on the OPUF proposal. Is there further discussion on Professor Brown's amendment?"

Dean Stein: "I'll give you the counter argument again. It started out that way, with one for every ten. And the feeling was that that was too many people—it turned out to be something of the order of 180 people, if you do one for ten. The drafting committee thought about it for a long time and felt that the body would be too big to do business. A body of the order of 100 seemed to be the right size to get things done, and that's

how the present proposal came about. We can actually look college by college, and you'll see that a lack of proportionality does not occur. The number of representatives from the colleges is pretty proportionate to the number of faculty in the college. That's the argument."

Speaker Martin: "Further discussion on the amendment? All in favor, say 'aye'; opposed, 'no'; it is defeated.

"The question has been called, if there are no objections, to vote on the OPUF proposal as amended. All in favor, say 'aye'; opposed, 'no'; it is carried.

"Thank you all; we are adjourned."

Adjourned, 6:10 PM.

Respectfully Submitted,

Robert Lucey
Secretary of the Faculty

Statement on Affirmative Action

Given the renewed controversy about affirmative action generated by the recent California Board of Regents' resolution to prohibit the consideration of race, gender or ethnic origin in student admissions, hiring and the awarding of contracts, universities across America are reconsidering whether they will continue to act affirmatively in making such decisions. I intend to maintain a strong program of affirmative action and equal opportunity in education and employment at Cornell.

Affirmative action policies have been an effective means of aiding the formerly disenfranchised, including women and protected-class individuals, and they continue to be the best short-term strategy we have to enlarge the pool of talented, hard-working people from which we can draw faculty, students and staff.

Cornell's current policy of equal opportunity in education and employment derives from its founding as an institution where any person could find instruction in any study. In keeping with that philosophy, which has served the university well for 130 years, Cornell will continue to search broadly for candidates for faculty and staff positions and for admission to its student body and will consider not only quantitative measures of achievement but also qualities such as personal integrity, willingness to work hard, and determination to overcome obstacles, which are often even better predictors of success. The university will go beyond federal guidelines in placing ads for positions in media likely to be monitored by under-represented groups. We will work

through high-quality national and regional career networks to identify candidates and interest them in Cornell. When two candidates with equally strong qualifications emerge as front runners for a given position, Cornell will act affirmatively in making its selection. We will provide academic support, student financial aid, and opportunities for personal and career development so that all members of the Cornell community, regardless of their race, color, sex, sexual orientation, age, religion, or national origin, can contribute fully to the welfare of the university while realizing their personal and professional goals.

Properly administered, affirmative action has been a potent engine in the drive to achieve equal opportunity. It has helped reverse the discrimination that so long has encumbered minorities and women. It has served to ensure that everyone is given a full and fair chance in the quest for jobs and advancement.

Affirmative action is not an excuse to hire the unqualified or admit the incompetent. It has not worked fairly when quotas were fixed, dual selection standards were implemented, or programs were put in place where race, gender or ethnic status became the exclusive or dominant qualification for selection for jobs or academic positions. It should not lead us to make bad choices. Rather affirmative action is an attempt to treat fairly individuals of talent and commitment who might otherwise be denied opportunity because of their race or sex and to strengthen our institutions in the process.

Resourceful recruitment efforts and the broad measurement of merit have produced positive results at Cornell. Minority students, as a percentage of U.S. citizens in the student body, increased from 10.3 percent in 1980 to 22.0 percent last year; under-represented minority students, as a percentage of U.S.

citizens in the student body, increased from 6.7 percent to 9.2 percent over those same years. Affirmative action policies have helped the university almost double the number of women and minorities on the faculty, from 238 individuals in 1980-81 to 449 last year. These gains have not come at the expense of quality. By both qualitative and quantitative measures, Cornell's faculty and student body are stronger today than they were fifteen years ago.

The benefits of affirmative action accrue not simply to the individuals for whom opportunities are expanded, but to the entire university community, which derives much of its vitality from the perspectives of different cultures, races, and individual points of view. While neither Cornell nor America has yet realized the full potential of an ecumenical society, I continue to believe that such a society is our best hope for mobilizing the skills and realizing the potential of all our people. Universities like Cornell must take leadership in developing such a society. For all these reasons, I am committed to maintaining an assertive policy of affirmative action at Cornell.

Hunter R. Rawlings III
September, 1995

ORIGINAL WITH AMENDMENTS

ORGANIZATION AND PROCEDURES OF THE UNIVERSITY FACULTY (OPUF)

PART ONE. INTRODUCTION

The greatness of a university grows out of the talent, diversity and dedication of its faculty and student body. A wise administration will nurture that growth by providing leadership that will forge a sense of community, create the free and stimulating environment suited to intellectual growth, and make the difficult choices that will focus our efforts and prudently allocate our resources.

University leadership functions best when it is derived from the consent of the governed and is able to strike the delicate balance between the twin needs for broad consultation and decisive, timely decision-making. By long tradition the faculty believe that their views should profoundly influence the course Cornell will follow, but the size and diversity of today's faculty make it difficult to ascertain those views. The appropriate role of faculty governance is to facilitate communication between the faculty and the administration, ensuring a full consideration of faculty views, thereby building a faculty-administration partnership that will serve as a firm foundation for effective leadership.

For this partnership to succeed, the Senate, its committees, and members of the administration must all contribute to the common goal. Members of the Senate must establish an ongoing dialogue with faculty in their departments. The University Faculty Committee must maintain communication with the Senate while fostering a working relationship with the administration. The administration must listen to the aspirations and concerns of the faculty, share theirs with the University Faculty Committee, and bring the Senate into the wider consultative process by sharing the responsibility of naming faculty to key committee assignments. If all faithfully carry out these responsibilities, the faculty-administration partnership will create a broadly based consensus of choices and goals that will enable Cornell to fulfil its widest potential.

I. DEFINITIONS. As used herein, the following words and phrases shall have the meanings set forth below:

A. University. The term "University" shall mean Cornell University.

B. President. The term "President" shall mean the President of Cornell University.

C. The University Faculty. The University Faculty (sometimes referred to herein as "the Faculty") shall mean the body defined as such in the Bylaws of Cornell University, as now in effect or as amended from time to time hereafter. At present, the Faculty comprises: (1) as voting members, the President, emeritus professors, University professors, professors-at-large in residence, and all professors, associate professors and

49 assistant professors and all courtesy professorial ranks of the several colleges, schools
50 and separate academic departments, divisions and centers at Ithaca and Geneva; (2) as
51 nonvoting members, the professors, associate professors and assistant professors in (a)
52 the Medical College and (b) those bearing the adjunct, visiting or acting title; and (3)
53 such other persons as may have been, or may hereafter be, elected by the Board of
54 Trustees, upon the recommendation of the Faculty, to voting or non-voting
55 membership therein (Bylaws of Cornell University, Article XIV, Section 1).

56
57 D. Faculty Senate. The Faculty Senate (sometimes referred to herein as the "Senate") is
58 the body established pursuant to Article VIII of this document.

59
60 E. Cornell University Assemblies. The University Assemblies is the body established by
61 vote of the Board of Trustees on January 23-24, 1981 and whose original charter is
62 inserted as an appendix to the Board of Trustees minutes of that date. The current
63 charter document is available in the office of the Assemblies.

64
65 F. Dean of the University Faculty. The Dean of the University Faculty (sometimes
66 referred to herein as the "Dean of the Faculty" or the "Dean") is the chief administrative
67 officer of the University Faculty, as provided for in Article XIV, Section 4 of the Bylaws
68 of Cornell University.

69
70 G. Secretary. The term "Secretary" shall mean the Secretary of the University Faculty.

71
72 H. Speaker. The term "Speaker" shall mean the presiding officer of the University
73 Faculty and of the Senate.

74
75 I. Constituency. The term "constituency" shall mean any one of the colleges, schools, or
76 separate academic departments, divisions, or centers the schools of Hotel
77 Administration, Industrial and Labor Relations, Management, and Law, and the
78 academic departments (or sections in the Division of Biological Sciences) within the
79 other colleges in Ithaca or Geneva.

80
81 J. This Document. The term "this document" shall refer to the organization and
82 procedures set forth herein, or established hereby.

33 34 II. FUNCTIONS AND RESPONSIBILITIES OF THE UNIVERSITY FACULTY

35
36 Under the Bylaws of Cornell University (Article XIV, Sec. 3), the functions of the
37 University Faculty are to consider questions of educational policy which concern more
38 than one college, school or separate academic unit, or are general in nature, and to
39 recommend to the Board of Trustees, with the approval of the appropriate college or
40 school faculty, the establishment, modification, or discontinuance of degrees.
41 The Bethe Committee Report, adopted by the Faculty on September 12, 1969, clarifies the
42 academic responsibilities of the University Faculty as a whole and with respect to the
43 separate faculties of the various units of the University, the Administration, and the
44 student body.

45
46 It is not the function of the present document to change in any way the functions or

responsibilities of the University Faculty, but to provide for its organization and procedures.

PART TWO. THE UNIVERSITY FACULTY

III. ORGANIZATION OF THE UNIVERSITY FACULTY

The University Faculty shall consist of the following elements:

- A. The University Faculty (See Article I-C for definition and membership.)
- B. The President (See Article VI for powers and duties with respect to the University Faculty.)
- C. The Dean of the University Faculty (See Article V for functions, duties, and method of selection.)
- C' The Secretary of the University Faculty (See Article V' for functions, duties, and method of selection.)
- D. Other Officers (See Article VI for functions, duties, and method of selection.)

The other officers of the Faculty shall be:

- 1. The Secretary
- 2. The Speaker
- 3. One or more Parliamentarians
- 4. Such other officers as may be provided for from time to time

- E. Committees of the University Faculty (See Article VII.)
- F. The Faculty Senate (See Article VIII for establishment and organization.)

IV. POWERS AND MEETINGS OF THE UNIVERSITY FACULTY

A. Powers of the University Faculty. The University Faculty as a whole shall continue to have and exercise the following powers:

- 1. Its present power to determine its own membership, subject to Article XIV, Sec. 1 of the Bylaws of Cornell University (summarized in Article I-C hereof).
- 2. Its present power to elect Faculty Trustees for seating by the Board of Trustees pursuant to Article II, Sec. 2a, (4) (c) of the Bylaws of Cornell University.
- 3. The power to participate in the selection of the Dean of the Faculty, in the manner set forth in Article V.

- 145 4. The power to select its officers, other than the President and the Dean, in the manner
 146 set forth in Article VI.
- 147
- 148 5. The power to postpone or nullify any action of the Senate, as set forth in Article XI.
 149
- 150 6. The power to require or request reports from its officers and committees, from the
 151 Senate, and from others in the University community or elsewhere, as may be
 152 authorized or appropriate.
 153
- 154 7. The power to express its views concerning any matter within its responsibilities or
 155 reasonably related thereto, either at a meeting of the Faculty or in such other manner as
 156 may be appropriate.
 157
- 158 8. The power to amend this document in accordance with the procedures set forth in
 159 Article XII.

160 B. Meetings of the University Faculty

161

162 1. Regular Meetings. The University Faculty shall hold three regular meetings in each
 163 academic year, at dates and times to be set by the Dean. One such meeting shall be held
 164 at the beginning of each semester and one toward the end of each academic year.
 165

166

167 2. Special Meetings . Special Meetings of the University Faculty shall be called by the
 168 Dean:

- 169
- 170 a. Upon the request of the Board of Trustees, the Executive Committee of the Board of
 171 Trustees, or the President;
 172
- 173 b. Upon the request of the Senate;
 174
- 175 c. Upon the request of the Review and Procedures Committee of the University Faculty
 176 Committee;
 177
- 178 d. Upon the written petition to the Dean of voting members of the Faculty, equal in
 179 number to **one-half** of the required quorum for such a meeting;
 180
- 181 e. Upon call of the Dean, to consider a proposal to postpone or nullify an action of the
 182 Senate in accordance with the procedures set forth in Article XI;
 183
- 184 f. Upon call of the Dean, to act in an emergency.
 185

186 3. Agenda at Meetings

187

188 a. Regular Meetings. At a regular meeting of the Faculty, any matter may be brought
 189 forward which is properly the concern of the Faculty, but priority shall be given to the
 190 matters specified in the call of the meeting.
 191

192 b. Special Meetings. At a special meeting of the Faculty, only those matters shall be

193 considered which are specified in the call of the meeting, except as this rule may be
 194 waived by unanimous consent of the voting members present.

195 4. Quorum

197
 198 a. Ordinary Business. Except as provided in paragraph b hereof, a quorum for regular or
 199 special meetings of the Faculty shall be five ten percent of the voting members of the
 200 Faculty.

201
 202 b. Extraordinary Business. If a special meeting is called to consider postponing or
 203 nullifying an action of the Senate under Article XI, or if it is proposed to take such
 204 action at any regular meeting, a quorum shall be at least a number of voting twenty
 205 percent of the voting members of the University Faculty . equal to 115% of the
 206 authorized membership of the Senate.

207
 208 c. Failure to Obtain Quorum. In the absence of a quorum, those present may receive
 209 reports, may discuss matters without voting on them, and may set the date and time for
 210 an adjourned meeting, but shall transact no other business.

211
 212 5. Rules of Procedure. Except as otherwise provided herein, or in special rules adopted
 213 by the Faculty, the rules set forth in the then current edition of *Robert's Rules of Order*,
 214 to the extent applicable, shall govern the debates, votes, and other actions at all meetings
 215 of the Faculty. Nonvoting members of the Faculty may attend and participate in
 216 debates, but may not vote.

217
 218 6. Visitors. Visitors may be admitted to meetings of the Faculty. A decision to open or
 219 close meetings to visitors will be made by majority vote of the **University Faculty**
 220 **Committee** Review and Procedures Committee when it establishes the agenda for each
 221 meeting, either to admit accredited members of the press or other public media, without
 222 discrimination, or a limited number of other visitors, or both, for all or a portion of a
 223 meeting. The decision of the **University Faculty Committee** Review and Procedures
 224 Committee concerning a particular meeting may be appealed by a motion properly
 225 made and seconded at the meeting in question. A majority vote of the voting members
 226 present constituting the quorum shall be sufficient to amend, modify, or reverse the
 227 decision of the **University Faculty Committee** Review and Procedures Committee
 228 concerning the status of visitors at the meeting. If visitors are admitted, they shall sit in
 229 the gallery, or otherwise apart from the main body of the meeting, and shall not be
 230 permitted to participate in the debates but, if it is so authorized by the decision admitting
 231 them to the meeting, they may be permitted by the presiding officer to address the
 232 meeting.

233 234 V. THE DEAN OF THE UNIVERSITY FACULTY

235
 236 A. In General. The office of Dean of the University Faculty is one of outstanding
 237 importance for the proper conduct of University affairs, and in the formulation of
 238 policy and the maintenance of flexible communication and mutual understanding
 239 between the Faculty and the rest of the University community. Accordingly, special
 240 qualifications are required for the office, including an acknowledged position of

41 leadership on the Faculty and wide experience in University affairs.

42
43 B. Liaison and Administrative Functions. The Dean is the Faculty's chief
44 administrative officer and its liaison on all matters in which the concerns of the Faculty
45 relate to the President, the Trustees, or other segments of the University community.
46 The Dean, however, is not a member or agent of the University administration.

47
48 C. While the Dean is primarily the representative of and spokesman for the University
49 Faculty, the Dean retains the right to express his or her own personal views, when
50 described as such.

51
52 D. Duties. Without limitation of the foregoing, the Dean shall have the following
53 specific duties:

- 54
55 1. He or she shall represent and advocate the interests, concerns, and needs of the
56 Faculty to the President, the Trustees, and other segments of the University community,
57 and to the public.
- 58
59 2. The Dean, in consultation with the University Faculty Committee, shall advise the
60 President and other senior members of the central administration on matters of
61 educational University policy and shall seek the President's advice on matters of
62 concern to the Faculty.
- 63
64 3. The Dean shall assist the Faculty and the Senate in formulating judgments on
65 questions of educational policy.
- 66
67 4. He or she shall be available for consultation and advice to members of the Faculty, to
68 students, and to other members of the University community on matters within the
69 jurisdiction of the Faculty.
- 70
71 5. The Dean shall use his or her good offices in helping to resolve problems which may
72 arise for individual members of the Faculty in their relationships with other members
73 of the Faculty, with academic or administrative officers of the University, with
74 committees of the Faculty or University, with students, or with other segments of the
75 University community.
- 76
77 6. The Dean shall oversee and expedite the work of all committees of the University
78 Faculty or the Senate and shall keep them informed of problems to which they should
79 attend. He or she shall obtain annual or other periodic reports from such committees
80 and shall be responsible for seeing that the reports, recommendations, and decisions of
81 such committees are brought to the attention of all persons concerned therewith.
82 Where necessary and appropriate, the Dean will arrange for the timely publication of
83 information meriting the attention of the Faculty, and of information concerning the
84 Faculty meriting the attention of other segments of the University community or of the
85 public.
- 86
87 7. The Dean shall be responsible for the selection and appointment, where not
88 otherwise provided for, of (i) members of committees of the University Faculty or of the

89 Senate, (ii) Faculty representatives on other University committees or bodies, and (iii)
 90 temporary replacements to fill vacancies on any such committee or body. In exercising
 91 this responsibility, the Dean will normally consult with the Committee on
 92 Nominations.

93
 94 8. The Dean shall be an ex officio member of each committee of the University Faculty
 95 and each committee of the Senate.

96
 97 9. The Dean shall be responsible for the calling of meetings of the University Faculty
 98 and the Senate and for the preparation and distribution of the agenda for such meetings.
 99

100 10. The Dean shall be responsible for maintaining a file of (i) records of actions of the
 101 University Faculty and of the Senate, (ii) reports of committees of the University
 102 Faculty and of the Senate, and (iii) such other files and records as may be necessary or
 103 appropriate.

104
 105 11. The Dean shall prepare such reports as he or she or the University Faculty or the
 106 Senate, shall deem appropriate.

107
 108 12. The Dean shall be available to sit with the Board of Trustees and its Executive
 109 Committee in discussions of questions of educational policy.

110
 111 13. He or she shall perform such other functions as are provided for herein, or as the
 112 University Faculty or the Senate shall determine.

113
 114 E. Assistants to the Dean; Acting Dean. As may be necessary to assist or represent the
 115 Dean, he or she may delegate any portion of the foregoing functions and duties to the
 116 Secretary of the Faculty, to members of his/her staff, or to other members of the Faculty.
 117 In the absence or inability to act of the Dean, the Secretary of the Faculty shall function
 118 as Acting Dean. In the absence or inability to act of both the Dean and the Secretary, the
 119 Review and Procedures Committee, in consultation with the President, shall designate
 120 an Acting Dean.

121
 122 F. Selection of Dean. The selection procedures for Dean of the Faculty shall be as
 123 follows:

124
 125 1. The Dean must be selected from among the tenured voting members of the Faculty
 126 and shall maintain such status.

127
 128 2. At least three months before the deanship becomes vacant, or as promptly as possible
 129 if the office should become vacant without three months' notice, the Nominations and
 130 Elections Committee shall solicit nominations and canvass Faculty opinion, and shall
 131 prepare a slate of three or more candidates. The Nominations and Elections Committee
 132 should consult the President in this regard.

133
 134 3. The Committee on Nominations and Elections shall conduct a mail ballot of the
 135 voting members of the University Faculty, using the Hare System, and shall promptly
 136 report the results to the President and the Faculty.

337
338 4. Subject to confirmation by the Board of Trustees, the candidate receiving a majority
339 of the votes cast shall be appointed Dean.
340

341 G. Term of Office. The term of office for the Dean shall be three years. The Dean may
342 be reappointed by the Senate for a further period of not more than two years. So far as
343 possible, the terms of office of the Dean and the Secretary shall be staggered so that not
344 more than one of these officers shall be elected in any one year.
345

346 V'. THE SECRETARY OF THE UNIVERSITY FACULTY 347

348 A. Duties. The duties of the Secretary shall include:
349

- 350 1. Keeping minutes of meetings of the University Faculty and of the Senate;
- 351 2. Keeping records of the University Faculty and Senate;
- 352 3. Chairing the Nominations and Elections Committee;
- 353 4. Ex officio membership on each committee of the University Faculty and each
354 committee of the Senate.
- 355 5. Supervising publications made in the name of the University Faculty subject to
356 guidelines mutually agreed upon with the Senate;
- 357 6. Assisting the Dean of the Faculty at the Dean's discretion, serving as Acting
358 Dean on appropriate occasions.
359
360
361
362
363
364
365

366 B. Election Procedure. The Secretary of the University Faculty shall be elected by that
367 Faculty, from among its own members, by a mail ballot using the Hare system, on a slate
368 of candidates provided by the Committee on Nominations and Elections.
369

370 C. Term of Office. The Secretary shall serve for a term of three years, with the possibility
371 of reappointment by the Faculty Council of Representatives, for a further period of not
372 more than three years.
373

374 D. The Secretary shall also serve as secretary and as an ex officio voting member of the
375 Faculty Council of Representatives.
376
377
378

379 VI. THE PRESIDENT AND OTHER OFFICERS OF THE UNIVERSITY FACULTY 380

381 The functions and duties of the other officers of the University Faculty shall be as
382 follows:
383

384 A. The President. The Bylaws of Cornell University (Article V, Sec. 1; Article XVI, Sec.

1) provide that:

1. The President shall be the chief executive and educational officer of the University.
2. Except as the President may otherwise designate, he or she shall be the chairperson and presiding officer of every faculty of the University; and
3. The President shall be a voting member and presiding officer of the University Faculty.

B. The Secretary. The Secretary of the University Faculty and Senate shall be selected by the Faculty with the particular functions and duties to be those specified by legislation of the Faculty and the Senate.

C. The Speaker. The Speaker of the Senate or his or her alternate (see Art. X-A-2) shall serve as Speaker of the University Faculty. By designation of the President the Speaker may, and normally will, moderate meetings of the University Faculty.

D. Parliamentarians. There shall be one or more Parliamentarians, selected by the Speaker. The Speaker may select one or more Parliamentarians to advise him or her on questions of parliamentary law and procedure arising in the course of faculty meetings.

E. Other Officers. There shall be such other officers of the Faculty, with such functions and duties, as may be provided for from time to time by the University Faculty.

VII. COMMITTEES OF THE UNIVERSITY FACULTY

A. Standing and Ad Hoc Committees. The University Faculty shall have the following committees:

1. Committee on Membership. There shall be a standing Committee on Membership, with functions and duties as specified by the Senate.

1'. University Faculty Committee. There shall be a standing University Faculty Committee. The University Faculty Committee shall provide liaison between the Faculty Senate and the President, Provost, and other senior University administrators. Whenever the Provost or the President wish to consult with the University Faculty on major policy issues, they will look to the University Faculty Committee to provide that consultation. Additionally, the University Faculty Committee will act as an executive committee for the Senate and the University Faculty, and perform any other duties assigned to it either by the Senate, the University Faculty, or elsewhere in this document. The University Faculty Committee has the responsibility to inform and consult the Senate on a regular and frequent basis.

2. Review and Procedures Committee. There shall be a standing Review and Procedures Committee. In addition to any other duties assigned to it in this document, the Review and Procedures Committee (a) shall act as liaison between the University

33 Faculty and the Senate, (b) shall (in consultation with the Senate and the University
 34 Assembly where appropriate) continuously review the organization, procedures, and
 35 committee structure of the University Faculty and the Senate and make appropriate
 36 recommendations thereon to the Faculty or the Senate, and (c) shall assist the Dean and
 37 the Secretary in the preparation of agenda for meetings of the University Faculty.

38
 39 3. Committee on Nominations; Committee on and Elections.

40
 41 a. There shall be a standing Committee on Nominations and a standing Committee on
 42 Elections.

43
 44 b. The Committee on Nominations and Elections shall nominate candidates for
 45 election by the University Faculty for Faculty Trustees, for Dean of the Faculty, for
 46 Secretary of the Faculty, for members at large of the Senate, and for elected committees
 47 and offices of the Faculty and of the Senate. The Committee shall propose to the Senate
 48 members and chairs of appointed Faculty and Senate committees and members of
 49 administration and faculty-administration committees when the administration makes
 50 such requests to the Senate. When proposing members and chairs of committees, the
 51 Nominations and Elections Committee shall give preference to members of the Senate
 52 where appropriate. In preparing slates of candidates for the University Faculty
 53 Committee and the Nominations and Elections Committee, the committee will be
 54 mindful of the importance of spanning all parts of the campus, the ethnic and gender
 55 diversity of the faculty, and the major scholarly disciplines of Biological Sciences,
 56 Creative Arts, Humanities, Physical Sciences, Professional Schools, and Social Sciences.

57
 58
 59 c. The Committee on Nominations and Elections shall prescribe procedures for, and
 60 shall supervise, all elections by the University Faculty, all elections by or to the Senate,
 61 and all elections to elected committees and elective offices of the University Faculty and
 62 the Senate; shall decide disputed questions concerning such elections; and shall perform
 63 such other functions as are assigned to it in this document or by the University Faculty
 64 or the Senate. In connection with elections to the Senate, the Committee on
 65 Nominations and Elections shall prescribe or approve guidelines and procedures to
 66 govern the nomination of candidates and the conduct of elections. whether at large or
 67 within constituencies. Such guidelines and procedures shall be consistent with this
 68 document, shall be in accord with the one-person one-vote principle, and shall so far as
 69 practicable apply uniformly as among constituencies.

70
 71 d. In the discretion of the Review and Procedures Committee, the Committee on
 72 Nominations and the Committee on Elections may be combined into a single
 73 Committee on Nominations and Elections.

74
 75 4. There shall be such other elected or appointed standing committees of the University
 76 Faculty as may be created by the Faculty and ad hoc committees as may be created by the
 77 Faculty or the Review and Procedures University Faculty Committee. The Review and
 78 Procedures Committee must designate the procedures for establishing the membership
 79 of any ad hoc committee it creates.

481 B. Membership of Committees

482
483 1. The Review and Procedures Committee shall consist of the Dean and the Secretary,
484 ex officio, and nine members of the University Faculty elected at large by the Faculty.
485 The composition of the other committees provided for under Section A above, and the
486 manner of selecting members thereof, shall be as provided in the legislation or
487 resolution creating such committees.
488

489 **1'. The University Faculty Committee shall consist of the Dean and the Secretary, ex**
490 **officio, and nine members of the Faculty Senate elected at large by the Faculty. Elected**
491 **members shall serve a complete term on the University Faculty Committee even if**
492 **their Senate term expires prior to the end of their University Faculty Committee term.**
493 **No person shall serve more than two complete consecutive terms on the University**
494 **Faculty Committee. The Dean shall serve as chair of the committee.**
495

496 **1". The Nominations and Elections Committee shall consist of the Dean and the**
497 **Secretary, ex officio, and nine members of the University Faculty elected at large by the**
498 **Faculty. The Secretary shall serve as chair of the committee.**
499

500 **1'''. With the exception of the Dean and the Secretary, no person may serve on the**
501 **University Faculty Committee and the Nominations and Elections Committee at the**
502 **same time.**
503

504 **2. Any member of the University Faculty, whether or not a voting member, shall be**
505 **eligible to serve as a voting member of a University Faculty committee.**
506

507 3. Each committee of the University Faculty shall select its own chairperson, except that
508 the Secretary of the Faculty shall serve as chairperson, ex officio, of the Committee on
509 Membership, and the Dean shall serve as chairperson, ex officio, of the Review and
510 Procedures Committee.
511

512 **3'. With the concurrence of the Senate, the Committee may designate one or more seats**
513 **on specific committees other than the University Faculty Committee and the**
514 **Nominations and Elections Committee for non-faculty members.**
515

516 **4. Ex officio members of committees shall not be counted in determining the number**
517 **that constitutes a quorum nor are they to be counted when establishing the existence of**
518 **that quorum.**
519

520 C. Terms of Membership

521
522 **1. Except as otherwise provided in the legislation or resolution creating a committee,**
523 **the term of each elected member of a standing committee shall be three years, provided**
524 **that, so far as feasible, the Committee on Nominations and Elections shall arrange**
525 **staggered terms for the initial election to each such committee so as to provide**
526 **continuity.**
527

528 **2. Except as otherwise provided in the legislation or resolution creating the same, or**

except as reappointed by the University Faculty or the University Faculty *Review and Procedures* Committee, each ad hoc committee shall automatically expire at the end of the academic year.

PART THREE. THE FACULTY SENATE

VIII. ESTABLISHMENT AND ORGANIZATION OF FACULTY SENATE

A. Establishment. There is hereby established a Faculty Senate (sometimes referred to herein as the "Senate") consisting of not less than 75 nor more than 150 voting members.

B. Eligibility for Membership. Any voting member of the University Faculty tenured or nontenured, now eligible to serve on an elected University Faculty committee, shall be eligible for membership in the Senate. (See Section E below for mandatory nontenured membership.)

C. Membership

1. The Senate shall consist of the following as voting members:

a. The President of the University (or the Provost when attending as the Chief Educational Officer), ex officio,

b. The Dean, ex officio,

c. The Secretary, ex officio,

d. The Ithaca-based Faculty Trustees, ex officio,

e. Ten Nine members of the University Faculty (three of whom must be non-tenured) elected at large by the University Faculty, and

f. Constituency members as described in Sections D, E, or F below such that the total membership falls within the limits specified in Section A of this Article above.

2. Within the limits specified in Section A above, and subject to the approval of the University Faculty, the Senate may designate its own future size.

D. Apportionment of Seats

1. All membership seats on the Senate (other than memberships at large and ex officio memberships) shall be apportioned among the various colleges, schools, and separate academic departments, divisions and centers constituencies as defined in Article I., Section I. at Ithaca and Geneva (hereafter called "constituencies") in proportion to the number of University Faculty members (voting and nonvoting) belonging to each such constituency, but exclusive of emeritus professors. For this purpose, a member of the University Faculty shall be considered as belonging to that constituency from which the

77 greater part of his/her base salary derives. Each constituency will have at least one seat
 78 on the Senate, except that constituencies with less than five voting faculty members may
 79 combine with another constituency (with the agreement of both constituencies) to
 80 establish a joint seat. Constituencies with more than 25 voting faculty members will
 81 have a second Senate seat.

82
 83 2. In the case of large constituencies, for example, the College of Agriculture and Life
 84 Sciences and the College of Arts and Sciences, the Committee on Elections may, in
 85 consultation with the faculties of such constituencies, break them down into smaller
 86 units for purposes of apportionment, nominations, and elections.

87
 88 3. Each constituency, no matter how small, shall be entitled to at least one seat on the
 89 Senate. If, however, any such constituency shall fall below five voting members, it may
 90 be combined by the Committee on Nominations and Elections with one or more other
 91 constituencies.

92
 93 4. A fractional quota, over and above the normal quota for one membership or any
 94 multiple thereof, shall entitle a constituency (including any combination of
 95 constituencies under paragraph 3 above) to one more seat if, but only if, such fractional
 96 quota constitutes a majority of the quota for one seat.

97
 98 5. There shall be a reapportionment of seats at least every three years.

99
 100 6. All decisions on apportionment shall be made, and all questions and disputes
 101 concerning the same shall be resolved, by the Committee on Nominations and
 102 Elections.

103
 104 E. Mandatory Nontenured Membership. In the case of any constituency with four or
 105 more seats, one seat out of each set of four shall be reserved for a nontenured member
 106 of the University Faculty. Should such a nontenured member receive tenure during
 107 his/her incumbency, he/she may remain in office until the end of the academic year,
 108 when the position will automatically become vacant. If necessary, a special election will
 109 be held to fill such vacancy. Seats not reserved for nontenured members of the Faculty
 110 may nevertheless be filled by nontenured members, if duly elected.

111 F. Elections

112
 113
 114 1. Members at large shall be elected by the University Faculty by mail ballot, in
 115 accordance with procedures established by the Committee on Elections, from among
 116 candidates nominated by the Committee on Nominations.

117
 118 2. Other e Elected members shall be elected by each constituency to fill the number of
 119 seats assigned to that constituency. Elections shall be by secret ballot. All persons
 120 eligible to vote in a University Faculty election shall be eligible to vote in a constituency
 121 election. The voting faculty members of a constituency may allow other members of
 122 that constituency to take part in the Senate election.

123
 124 3. General elections to the Senate shall be held in the spring and shall be conducted in

625 accordance with procedures established or approved by the Committee on **Nominations**
626 **and Elections**. (See Article VII, Section A-3-c above.)

627
628 4. Special elections shall be held to fill vacancies, or for other sufficient reason as
629 determined by the Committee on **Nominations and Elections**.

630
631 5. Any question or dispute concerning general or special elections, eligibility to vote,
632 assignment to a constituency, or other election procedures, shall be resolved by the
633 Committee on **Nominations and Elections**.

634
635 G. Terms of Office

636
637 1. Elected members shall serve for a three-year term. A term of office shall begin on
638 July 1.

639
640 2. Terms of membership shall be staggered, in the manner determined by the
641 Committee on Nominations and Elections, so that approximately one-third of the total
642 membership of the Senate (exclusive of the ex officio members) shall be elected each
643 year.

644
645 H. Vacancies and Leaves of Absence

646
647 1. Any vacancy, arising from death, resignation, incapacity, or other reason, shall be
648 filled by a special election, except that if the vacancy is for an unexpired term of ninety
649 days or less, it shall be optional with the constituency concerned to leave the vacancy
650 unfilled for the balance of such term.

651
652 2. If a member is granted leave for one or two semesters an alternate shall be appointed
653 by the **officer of the appropriate constituency as defined in Article I, Section I. Dean of**
654 **the College** to take the absent member's seat for the period of the leave. **In the case of**
655 **an at-large member, the Dean of the Faculty shall appoint a replacement.** If a member is
656 granted leave for more than one year, his or her seat shall be declared vacant, beginning
657 with the commencement of the leave.

658
659 3. If any member (other than a member on leave) fails to attend any meeting of the
660 Senate for a period of 120 days or more (exclusive of summer vacation) that member's
661 seat may be declared vacant, either by the constituency concerned, or by the Senate as a
662 whole.

663
664 I. Recall of Members. The Senate may, in its discretion, provide for recall procedures,
665 which shall authorize a constituency to remove a member for reasons specified in such
666 procedures and to declare the seat vacant, provided that any such removal must be
667 initiated upon the petition of at least 10 percent of the voting members of the
668 constituency and must, to take effect, have the approval of at least 50 percent of such
669 membership.

670
671 IX. POWERS, DUTIES, AND MEETINGS OF THE FACULTY SENATE
672

73 A. Powers in General. Except for the powers reserved to the University Faculty under
 74 Article IV-A, and subject to the power of the University Faculty to postpone or nullify
 75 any action of the Senate pursuant to Article XI, all the powers and functions of the
 76 University Faculty are hereby delegated to the Senate.

77
 78 B. Specific Powers. Without limiting paragraph A above, or the other powers set forth
 79 in this document, the Senate shall have the following specific powers and
 80 responsibilities:

81 1. To select its officers

82
 83 2. To provide for the appointment or election of its committees and subcommittees.

84
 85
 86 2'. To approve or reject the nominees presented by the Nominations and Elections
 87 Committee for election by the University Faculty.

88
 89 2". To approve or reject the list of members and chairs presented by the Nominations
 90 and Elections Committee for appointed University Faculty committees, Senate
 91 committees, and administration or administration-faculty committees.

92
 93 3. To adopt, amend, or repeal bylaws or other procedures relating to the conduct of its
 94 business and the duties and functions of its officers and committees

95
 96 C. Exercise of Powers. In exercising its the powers of the Senate it is anticipated that
 97 the its members Senate will take all reasonable measures to ascertain faculty opinion
 98 by means of the regular consultations with their constituency and special meetings of
 99 the University Faculty and other appropriate means, and that the Senate will keep the
 100 University Faculty fully informed of the reasons for its decisions.

101
 102 D. Meetings of the Senate

103
 104 1. Regular Meetings. An organization meeting of the Senate shall be called by the Dean
 105 promptly after the election of its members. Thereafter, regular meetings of the Senate
 106 shall be held once a month during the academic year.

107
 108 2. Special Meetings. Special meetings of the Senate shall be called by the Dean:

109
 110 a. On the request of the President, the Board of Trustees, or the Executive Committee of
 111 the Board of Trustees

112
 113 b. On the request of the Review and Procedures University Faculty Committee

114
 115 c. On the request in writing by members of the University Faculty equal in number to,
 116 or more than, the authorized membership of the Senate

117
 118 d. On the written request of a majority of the members of the Senate

119
 120 e. On the Dean's own motion, whenever it appears to the Dean that such a meeting is

21 necessary or appropriate

22
23 3. Agenda at Meetings

24
25 a. Regular Meetings. At a regular meeting of the Senate, any matter may be brought
26 forward which is properly the concern of the Senate, but priority shall be given to the
27 matters specified in the call of the meeting.

28
29 b. Special Meetings. At a special meeting of the Senate only those matters shall be
30 considered which are specified in the call of the meeting, except as this rule may be
31 waived by unanimous consent of the members present.

32
33 c. The Dean shall make the necessary arrangement to distribute the agenda of regular
34 and special meetings of the Senate to the members of the University Faculty in advance
35 of such meetings.

36
37 4. Quorum. Except as otherwise provided herein, or in the bylaws or other procedures
38 adopted pursuant to Section B above, the quorum for the transaction of business of the
39 Senate shall be one-half of its non-ex officio members. In the absence of a quorum, the
40 Senate may receive reports, may discuss matters without voting on them, and may set
41 the date for an adjourned meeting, but shall transact no other business.

42
43 5. Procedure at Meetings. The rules contained in the then current edition of *Robert's*
44 *Rules of Order* shall govern the deliberations and actions of the Senate in all cases in
45 which they are applicable, to the extent they are not inconsistent with the provisions
46 hereof.

47
48 6. Visitors at Meetings. The provision of Article IV, Section B-6, as amended, relating
49 to the presence of visitors at meetings of the University Faculty, shall apply to meetings
50 of the Senate, except that the Executive Committee of the FCR University Faculty
51 Committee, when establishing the Senate agenda for each meeting shall make the
52 determination as to whether the meeting is to be "open" or "closed" to visitors and with
53 the further exception that all members of the University Faculty who are not members
54 of the Senate shall be entitled and encouraged to attend any meeting of the Senate and
55 to participate in debate, but not to make motions or vote.

56
57 X. OFFICERS AND COMMITTEES OF THE FACULTY SENATE

58
59 A. Officers. The officers of the Senate shall consist of the following:

60
61 1. The President of the University, who will serve as ex officio President of the Senate.

62
63 2. The Speaker, who will serve as an impartial moderator of Senate meetings. The
64 Speaker shall be selected by the Senate, which may also select an alternate Speaker to
65 serve in the absence of the Speaker.

66
67 3. One or more Parliamentarians to be appointed by the Speaker at his or her discretion.
68

4. Such other officers as may be provided for from time to time by the Senate, to be selected in such manner as it may determine.

B. Committees. The committees of the Senate shall be as follows:

1. An Executive Committee, of not more than nine members, selected by the Senate from among its own members in accordance with procedures determined by it. The Committee shall select its own chairperson. In addition to the other duties prescribed herein, the Executive Committee shall act for the Senate in emergencies, shall assist the Dean in preparing the agenda for regular and special meetings of said Council, and shall perform such other functions as may be prescribed by said Council.

1'. A University Faculty Committee, which shall be the same committee, with the members, functions, and duties, as provided above in Article VII-A-1'. In addition to the duties there provided, the University Faculty Committee shall act for the Senate in emergencies, shall act for the Senate in considering nominations of the Nominations and Elections Committee for administration or administration-faculty committees when required by the need for timely action, shall assist the Dean in preparing the agenda for regular and special meetings of the Senate, and shall perform such other functions as may be prescribed by the Senate.

2. A Committee on Nominations and a Committee on Elections (or a combined Committee on Nominations and Elections) which shall be the same committees or committee, with the same members, functions, and duties, as provided above in Article VII-A-3.

3. Such other standing and ad hoc committees and subcommittees, elective or appointive, as may be established by the Senate. The Executive Committee University Faculty Committee may also establish ad hoc committees and subcommittees.

4. Except in the case of the Executive University Faculty Committee, a any member of the University Faculty, whether or not a voting member, and whether or not a member of the Senate, shall be eligible to serve on any committee or subcommittee provided for in paragraph 3 above.

5. The terms of office of members of the aforesaid committees shall be as prescribed by the Senate. In the case of standing committees the terms of office shall normally be staggered to permit a reasonable degree of continuity. In the case of ad hoc committees, the duration of such committees shall be as prescribed by the Senate, subject to extension if necessary. Any standing or ad hoc committee which fails to meet, and does not otherwise act or file a report, for a period of one academic year, shall be automatically discontinued.

6. Each such committee shall select its own chairperson. Each such committee may appoint subcommittees from its own members or from among other members of the University Faculty.

117 PART FOUR. RELATIONSHIPS BETWEEN THE UNIVERSITY FACULTY AND THE
118 FACULTY SENATE

119
120 XI. RELATIONSHIPS BETWEEN UNIVERSITY FACULTY AND FACULTY SENATE
121

122 A. In General. As stated above in Article IX, Sec. A, the Senate is hereby delegated all
123 the powers and functions of the University Faculty not reserved to the Faculty under
124 Article IV, Sec. A, subject to the power of the Faculty, reserved in Article IV, Sec. A-5, to
125 postpone or nullify any action of the Senate.

126
127 B. Effect of Postponement or Nullification

- 128
129 1. A postponement shall be for a specified period not to exceed ninety days.
130
131 2. A nullification may be in whole or in part with respect to any particular action of the
132 Senate.

133
134 C. Initiation of Proposals. A proposal to suspend or nullify an action of the Senate
135 must be initiated within twenty days of the date of such action. It may be initiated:

- 136
137 1. by the President, the Board of Trustees, or the Executive Committee of the Board; or
138
139 2. by written petition of members of the University Faculty who are not members of the
140 Senate equal in number to, or greater than, the quorum of the authorized membership
141 of the Senate; or
142
143 3. by two-thirds of the members of the University Faculty Review and Procedures
144 Committee.

145
146 D. Review and Presentation of Proposals. The University Faculty Review and
147 Procedures Committee shall review any such proposal made under Section C-1 or C-2
148 above. Prior to the meeting of the Faculty at which such proposal is submitted, said
149 Committee shall make its views thereon known by communication to the University
150 Faculty, in the call of the meeting or otherwise, and shall, whatever its views may be,
151 assist the Secretary and the proposers in presenting the proposal to the meeting.
152

153 E. Action on Proposal. Any such proposal shall be promptly submitted to a special
154 meeting of the Faculty or, if the timing permits, a regular meeting, provided notice of
155 such proposal is set forth in the call of the meeting. Provided the necessary quorum is
156 present (see Article IV, Sec. B-4-b above) adoption of such proposal shall require the
157 affirmative vote of a majority of the voting members present. If the proposal is not
158 adopted, the action of the Senate shall stand, subject to Section F below. If two
159 successive meetings (including an adjourned meeting) have been called or set to
160 consider any such proposal, and there is an absence of a quorum at each, the action of
161 the Senate shall stand, subject to Section F below.
162
163
164

365 F. Referendum by University Faculty. A referendum by mail ballot of the University
 366 Faculty may be had on any action of the Senate which has been duly submitted to the
 367 University Faculty for proposed nullification under Sections A through E above,
 368 whether or not such proposal to nullify has been approved under Section E above.
 369 Such a referendum may also be had on any action of the University Faculty taken in the
 370 exercise of its reserved powers (Article IV-A) without any prior action of the Senate.
 371 The following procedures shall govern:

- 372
- 373 1. Any such referendum shall require a petition in writing from the President, the
 374 Trustees, or voting members of the Faculty equal to or greater in number than the
 375 authorized membership of the Senate, filed within twenty days of the last action, or
 376 failure to act, on the matter on which the referendum is sought.
 - 377
 - 378 2. The Dean shall, in cooperation with the University Faculty Review and Procedures
 379 Committee, distribute suitable information concerning the issue to the Faculty.
 - 380
 - 381 3. Only voting members of the Faculty shall be eligible to vote in such referendum.
 382
 - 383 4. The mailing, balloting, and counting procedures shall be prescribed and supervised
 384 by the Committee on Elections, which shall decide any disputed questions in connection
 385 therewith.
 - 386
 - 387 5. Provided at least 25 percent of the voting members of the Faculty cast valid ballots in
 388 such referendum, the majority of the votes cast, whether such majority is in favor of
 389 the original action or in favor of its nullification, shall decide the issue. If the vote is
 390 less than 25 percent, the referendum shall be without effect.
 - 391

392 G. Subsequent Action. Once a proposal to postpone or nullify an action of the Senate
 393 has been initiated, and has been finally approved or defeated by the University Faculty
 394 under the above procedures, or final action has been taken on a matter within the
 395 reserved powers of the University Faculty, the matter (or substantially the same matter
 396 as determined by the Review and Procedures University Faculty Committee) shall not
 397 be brought up again before the University Faculty or the Senate until at least one year
 398 has passed from the date of such final approval, defeat, or other action.

900 XI'. RELATIONSHIPS BETWEEN ADMINISTRATION AND FACULTY 901 GOVERNANCE

902

903 A. University Faculty Committee. The central administration, and in particular, the
 904 Provost and the President, will look to the University Faculty Committee for advice and
 905 consultation on all major policy issues that are of interest to the faculty. To facilitate
 906 that advisory and consultative relationship, the Provost and/or the President will meet
 907 on a regular basis with the University Faculty Committee.

908

909 B. Central Administration Committees. If members of the central administration
 910 constitute a committee to make or advise on policy issues, or carry out searches, and
 911 decide to appoint faculty members to that committee who are not members of the
 912 central administration, college deans or associate deans, or division directors or

associate directors, the expectation is that they will ask the Senate to nominate some faculty members to serve on the committee. The central administration will be expected to select about one-half of the faculty membership on each such committee from names presented by the Senate. The Senate will present as many names as are requested, but in no case more than twice the number to be selected.

PART FIVE. AMENDMENTS

XII. AMENDMENTS

This document may be amended in accordance with the following procedures:

A. Initiation of Amendment. A proposal to amend this document may be initiated:

1. by majority vote of the Senate; or
2. by majority vote of the Review and Procedures University Faculty Committee; or
3. by written petition of members of the University Faculty who are not members of the Senate equal in number to, or greater than, the quorum of the authorized membership of the Senate.

B. Submission to the Faculty. Any such proposal to amend shall, unless initiated by the Review and Procedures Committee, be reviewed by the Senate that committee, which shall make its recommendation thereon. The Dean shall then promptly submit such proposal, together with the recommendation of the Review and Procedures Committee, Senate, to a regular or special meeting of the University Faculty. The five percent quorum requirement shall apply. If the proposal fails to receive the approval of a majority of those present and voting, it shall be deemed to have failed. If it does receive such majority approval, it shall then be submitted to a referendum in accordance with the next section.

C. Referendum. If the proposal to amend has been approved by a majority vote at a meeting of the Faculty under Section B above, it shall then be submitted promptly to all voting members of the University Faculty for a referendum by mail ballot. If approved by a majority of the valid ballots cast, the proposal shall be deemed adopted and this document amended accordingly.

D. Such referendum shall be supervised by the Committee on Nominations and Elections, which shall decide all questions and disputes arising in connection therewith. The Committee may call upon the Dean and the Review and Procedures University Faculty Committee, if necessary, for assistance in conducting such election.

E. Subsequent Action. If a proposal to amend this document is defeated, the same proposal (or substantially the same proposal, as determined by the Review and Procedures University Faculty Committee) may not be initiated until at least one year has passed from the date of such defeat.

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Adopted by the University Faculty, January 13, 1971. Amended by the University Faculty, September 12, 1973, referendum September 28, 1973; February 12, 1975, referendum, March 21, 1975; March 3, 1976, referendum May 4, 1976; September 20, 1978, referendum October 30, 1978; September 19, 1979, referendum October 22, 1979. Announcement by Dean of Faculty to correct gender-specific pronouns, University Faculty Meeting, May 18, 1983, Records, pp. 5643-44F. Amended by the University Faculty, October 12, 1994, referendum April 1995.

MINUTES OF A COMBINED MEETING OF THE FACULTY COUNCIL OF
REPRESENTATIVES AND THE UNIVERSITY FACULTY

October 11, 1995

Second Meeting of the Academic Year
(Numbers in parentheses indicate attendance at meetings to date)

Present: **Afr. Ctr.:** Greene, S.E. (2). **CALS:** Brown, D.L. (2); Davis, P.M. (2), Gebremedhin, K. (2); Halseth, D.E. (2); Krasny, M. (2); Liebherr, J.K. (2); Lucey, R. (2) (also elected member); Setter, T.L. (2); Trumbull, D.J. (2); Willett, L.S. (2); Yavitt, J.B. (2). **Geneva:** Rao, M.A. (2). **A&S:** Ashcroft, N.W. (1); Christensen, T.J. (2); Connelly, R. (2); Fay, R.C. (2); Gross, M. (2); Han, S-K (1); Harris-Warrick, R. (2); Janowitz, P. (2); Kalos, M.H. (2); Mermin, D.M. (2); Pelliccia, H.N. (2); Regan, D.T. (2); Shapiro, G. (2); Viramontes, H. (2). **Engr.:** Fisher, E. (2); Hartmanis, J. (2); Liboff, R. (1); Liu, P. (1); Mukherjee, S. (2); Resnick, S. (2); Sachse, W.H. (2); Tardos, E. (2). **Hotel:** Sherry, J. (2). **H.E.:** Brenna, T. (1); Obendorf, K. (1); Wethington, E. (2). **ILR:** Lieberwitz, R. (1). **JGSM:** Isen, A.M. (2). **Libr.:** Atkinson, R.W. (2). **Vet. Med.:** Baines, J.D. (1); Bertram, J.E.A. (2); Cooper, B.J. (2); Dubovi, E.J. (1); Farnum, C.E. (2). **At-Large:** Abowd, J. (2); Bierman, H. (2); Garza, C. (2); Holcomb, D.F. (2); Howland, H.C. (1); Pritts, M.P. (2); Schuler, R. (2) (also Faculty Trustee); Schwartz, P. (2). **Faculty Trustee:** Calvo, J.M. (1)

Absent: **CALS:** Churchill, G.A. (0); Corradino, R.A. (1); Helmann, J.D. (0); Krall, D.W. (0); Luckow, M.A. (1); Nasrallah, M.E. (1); Neal, J.C. (0); Reeve, H.K. (0); Whitlow, T.H. (0). **Geneva:** Nyrop, J. (1); Taylor, A.G. (0). **AAP:** Cruvellier, M. (1); Kord, V. (1). **A&S:** Albrecht, A. (1); Davis, T. (0); Fredericksen, D. (0) (fall only); Geber, M.A. (1); Hyams, P. (1); Mermin, N.D. (1); Monosoff-Pancaldo, S. (0); Pinch, T.J. (1); Roldan, M.J. (1); Santiago-Irizarry, V. (1); Stacey, G. (1). **Engr.:** Boyd, I.D. (1); Cohen, C. (1); Lo, Y-H (1); Lynn, W.R. (1). **Hotel:** Chase, R.M. (0). **H.E.:** Cornelius, S.W. (0); Hahn, A. (0). **ILR:** Ehrenberg, R.G. (1); Kuruvilla, S. (1). **JGSM:** McAdams, A.K. (1). **Law:** Green, R.A. (1); Wippman, D. (1). **ROTC:** Kehoe, M.J. (0). **Vet. Med.:** Kalfelz, F.A. (0); Randolph, J.F. (1). **At-Large:** Kline, R.R. (1); Timmons, M.B. (1).

Professor Emeritus Russell Martin, Communication, called the meeting of the FCR to order.

1. APPROVAL OF SUMMARY MINUTES OF SEPTEMBER 13 FCR MEETING

The Speaker called for approval of the summary minutes of the meeting of September 13. Hearing no corrections, they were approved as distributed.

Speaker Martin: "Since the Dean doesn't have any remarks, and if there are no objections, the meeting of the FCR will now be adjourned, and the meeting of the University Faculty will be convened. There being no objections, it is so ordered. I think the Dean will have some remarks now."

1. REMARKS BY THE DEAN

Peter Stein, Dean of Faculty: "Yes, I do have a few remarks now. You all know why we're here today. This is a rare meeting of the University Faculty. The University Faculty, 25 years ago, gave all of its power to the FCR and reserved for itself, essentially, only the power to approve changes in the by-laws of the University Faculty. And that's why this meeting is convened—to approve a rather complete overhaul of the rules that structure the University Faculty governance. This is a proposal (Appendix A,

attached) which has been in the making for approximately a year now and has had the input and the help of an enormous number of people. I would like to acknowledge the committee that originally devised this proposal, including Tom Brenna, Cynthia Farina, Howard Howland, Sheila Jasanoff, Geoffrey Chester, Keith Gubbins, Milton Zaitlin, David Brown, and, as always, my friend and colleague, Bob Lucey. They worked together for the best part of the last academic year rethinking this proposal, reshaping it, responding to what people had to say; and the work that they put forth was imaginative and their dedication heroic in trying to create a governance structure that would enhance the interests of this faculty.

“Another group of people who contributed mightily to it was the special committee that was formed by the Executive Committee of the FCR, in particular, Sandra Greene, Gary Simson, John Abowd, David Mermin, and Kay Obendorf, who, together, gave this a very thorough rereading, made significant criticisms of it and reshaped it once again. We owe a debt of gratitude to them. Two years of Executive Committees of the FCR read it and commented on it; likewise, two years of Review and Procedures Committees looked at it and reshaped it.

“In addition to that, there are really dozens of individual faculty members who communicated to me via e-mail, making comments—some supportive and some critical; some finding typographical errors and some finding inconsistencies in the document; and many making suggestions. The people who I remember—although I’m going to forget many others—are Joe Calvo, Monica Geber, and Mikhail Nasrallah. These are names that stick out in my mind as people who had something to say and contributed to the way this document was shaped. How can I forget my colleague and neighbor Beta Fisher, Professor of Mechanical and Aerospace Engineering. You wouldn’t think you would look to a professor of mechanical engineering for creative editing, but she came to my help in several places and changed wording that was awkward and difficult into wording that was smooth and sometimes, I think, even elegant.

“I also want to acknowledge the efforts of the deans of the colleges and the department chairs with whom we met and who commented on the draft; they also significantly affected its shape. Those meetings, which started off very critical and ended up very supportive, as we came to a meeting of the minds, were, I think, very valuable; they helped us make a proposal that, in fact, would work.

“Last but not least, I want to acknowledge the willingness and enthusiasm with which our new administration, Hunter Rawlings and Don Randel, has greeted this proposal. They are clearly enthusiastic for a broad-based faculty input into decision-making at the center; without their support, no structure would succeed. I personally am convinced of their sincerity when they state their desire to have faculty input, and I think that this new structure provides a vehicle to give that input.

“Let me describe the features of the proposal which you have before you. The proposal consists of several major changes. The first is to change the representative structure of the FCR from college-based to department-based. The theory is that representatives elected by colleges do not really work as representatives because they do not have a good enough sense of who it is they represent. When you represent something as large and amorphous as the College of Arts and Sciences, you, in effect,

represent nobody, because you have no way of communicating with the people you represent. Once you start to think about the structure of faculty in a university, you realize that the basic element—the basic cell—is the department. Departments—not in all cases, but in most cases—tend to be coherent structures that have an understanding of where their faculty members are coming from; these are the proper units to supply representation. The Senate attempts to build on that strength by having the representation determined by department rather than by college. Some people might see this as a minor change; but those of us who understand the organization realize that this is a major change.

“A second important change is the creation of a new committee called the University Faculty Committee. We became convinced in looking at faculty governance that the lack of communication we have observed between the present FCR and the University Administration could at least partially be explained by an imperfect structure. If the Administration wants to talk to someone and wants to share and discuss a problem, there is no real group that they can look to that could provide a faculty perspective. The FCR as constituted is too large, meets too infrequently, and, after all, has public meetings. It is not the right forum wherein the Administration can have open and frank discussions with the Faculty. That responsibility, in our by-laws, is given to me—to the Dean of the Faculty—and it is simply impossible for one individual, no matter how hard he or she tries, to properly represent the entire views of this Faculty. The notion was that if we have an organization that is somewhat larger than one but somewhat smaller than 100 that is representative of the Faculty who can (and are willing) to devote the time to keep in communication with the central Administration, this group can provide that critical liaison between the larger, 100-member University Senate—as it’s now called—and the few key administrators in Day Hall. That, then, is what’s responsible for creation of the University Faculty Committee, which is composed of Senate members elected at-large by the University Faculty. These people are charged with representing the Faculty’s points-of-view on a frequent and intense basis with the Administration and having, really, a two-way communication: They are to be able to tell the Administration what the Faculty sees, and they are to be able to tell the Faculty what the Administration sees.

“The third feature which is worth pointing out is the joint responsibility for naming faculty members to committees that advise the Administration. Much of faculty consultation goes on through committees which are aside from the governance structure. The Administration appoints large numbers of committees to advise them on various matters of broad and narrow policy. In our experience, we found lots of instances where the Administration attempted to have a Faculty viewpoint by appointing faculty to committees and where the result was that a report was presented to the Administration which the Administration called a ‘Faculty report’; and the Faculty at-large said, ‘What Faculty report? This is your committee; you did this, and we don’t buy onto that.’ We believe that that dynamic is always there, particularly in a period where unpleasant decisions are apt to be made. It is crucially important that the Faculty be a part and buy onto decisions that will be made in the future; one way of doing that is to share with the Administration from the very beginning the responsibility of naming faculty to these committees. There is a rather complex procedure which I won’t go through, but it effectively says that the faculty governance structure—in this case, the Nominations and Elections Committee—will participate in the naming of half of the faculty members

on all University committees that the Central Administration proposes. These are the central features that make up the new proposal.

"There is a model that we had in our minds, and the model goes something like this. (Sorry that I don't have a transparency; I'll just go through it with my hands.) Over here on one end, we have the 1600 faculty members of the University Faculty. Over here on the other end, we have the Provost and President. Somehow, the problem is to link these two—to communicate the views of the Administrators to the Faculty and vice versa. It's just too big a jump, so what we propose is a structure that does the following: We take the 1600 faculty and contract it to a 100-member Senate, where the Senate is devised so that the lines of communication between the Faculty and the Senate are facilitated by the departmental structure. Then the 100-member Senate is contracted to this nine-member University Faculty Committee, the members of which are members of the Senate and who act as the Executive Committee of the Senate to facilitate the communication there. This nine-member University Faculty Committee is then charged with the responsibility of having discussions on problems of common interest with the President and the Provost. That's essentially what the proposal is.

"Before starting general discussion on the proposal, I was asked by the University Assembly to read to you a letter. It's a letter addressed to President Rawlings which is signed by seven chairs and vice-chairs of various parts of the University Assemblies; and it's a letter which is critical. Let me just read it straight out.

'We, the leadership of the University Assemblies, have reviewed the document creating the new University Faculty Senate and applaud the faculty's efforts to improve the efficiencies of faculty governance and the restructuring of this body to broaden faculty participation. It is further acknowledged that the faculty's involvement, as long-term members of the community and with great expertise in many fields including management, design, law, operations research, and technology, is important to the running of this complex institution. As citizens of this community, we, the members of the University Assemblies, which represent faculty, staff, graduate and professional students, and undergraduate students, see Cornell as a national treasure and recognize that we all have the responsibility to work towards keeping Cornell strong and healthy.

The leadership of the Assemblies herein wishes to express concern with regard to the document titled Organization and Procedures of the University Faculty (OPUF). Our concern lies not with the reorganization efforts or with the desire for the faculty to establish means with which to facilitate communication between the faculty and administration, but rather with the exclusion of other constituencies in the effort to *enable Cornell to fulfill its widest potential*. In lines 8 through 12 of the document it states, *The greatness of the University grows out of the talent, diversity and dedication of its faculty and student body. A wise administration will nurture that growth by providing leadership that will forge a sense of community, create the free and stimulating environment suited to intellectual growth, and make difficult choices that will focus our efforts and prudently allocate our resources.* The extension of the faculty's influence in

all major policy issues that are of interest to the faculty (line 905) and on matters of *University policy* (line 261), not just educational policy, is of concern. As stated above, we are a community, and in order to forge a sense of community, all constituencies need to have the opportunity for input into issues of import to them.

'If the University is to adapt successfully to the present environment where resources are limited, the foresight, commitment, and will of all constituencies will be needed for success. In decisions that impact constituencies other than the faculty, it is important that consultation take place, not just between the faculty and the administration, but between and among all constituencies. The Student Assembly, Employee Assembly and Graduate and Professional Student Assembly exist as a viable mechanism to provide input into University policy decisions that impact these constituencies. Jointly these bodies are reviewing means by which we as a community can discuss and jointly come to resolution on those issues of common interest. To ensure that no constituency views are obfuscated, the forum that currently exists for this exchange to occur is the University Assembly. While we deem it unfortunate that, while restructuring faculty governance and concurrently extending the scope of the faculty's influence, consideration was not given to being more inclusive, we do believe that this concern should not be ignored if the document is approved as presented to the faculty. Hence, recommendations will be forthcoming on how to strengthen the relationship between all parties so that we can, indeed, forge a sense of community.

'We the undersigned respectfully request that you or, in your stead, the Dean of Faculty, seek permission of those assembled to read papers and that this statement be read at the meeting of the University Faculty on Wednesday, October 11.'

"This is not the first communication that I've had from the University Assemblies on this matter. But it is my view that the present document does not attempt to extend the scope of the issues in which the Faculty will engage in dialogue with the Administration. There was one place in the document where it had the statement, 'educational policy matters'; and we changed that to read, 'all matters of concern to the University Faculty' when talking about dialogue—but that was not thought to be a substantive change. It's clear that our traditions are that the FCR, in the faculty governance structure, feels free to discuss the Administration's and Faculty's views on a host of matters, only some of which are actually educational policies. We have traditionally talked about financial aid issues, tuition levels, finances, library funding—all kinds of things which are not, strictly, part of educational policy. It is my view that this document does not attempt to extend that area of responsibility at all but just tries to make that communication more effective. The bottom line of the letter I just read to you is, I believe, a statement that says that on matters other than the narrow issues of educational policy, all concerns of the Faculty should be filtered through the Assembly structure—and that the Faculty should not have direct access to the Administration. I am not willing to accept that point of view, and it is my guess that the Faculty is not willing to accept that point of view either. But, I do believe that the relationship between the FCR and the

University Assemblies has not been good over the years. We have not found an effective way of working together; and I think that we should explore ways to pursue things in common and have closer communities. I have pledged to Ray Oglesby, the Chair of the University Assembly, that I would not forget that concern and that we would try to think of ways for facilitating that communication. I think the change we are going through now would be burdened by having it address those problems as well as these."

Speaker Martin: "Thank you, Dean Stein. The resolution is now on the floor for discussion."

2. DISCUSSION AND RESOLUTION AMENDING THE ORGANIZATION AND PROCEDURES OF THE UNIVERSITY FACULTY

Harold Bierman, Jr., Nicholas H. Noyes Professor of Business Administration: "I'm going to vote 'no' on this proposal for two reasons. Peter described three aspects that were changed by this proposal, and I have no problem with one of them—namely, shifting from college to departmental representation. The other two changes I do object to. First, it seems to me that if the University Administration wants to consult with the Senate for members on its committees, it may do so. If it does not want to consult with the Senate, we are saying—by this proposal—that they *will* consult with the Senate in any event. I object to that. Second, the Committee on Nominations and Elections will choose from the Senate the people on the new University Faculty Committee. I suggest you change the name to the 'University Senate Committee,' because it is in no sense a University 'Faculty' committee. You will have 1500 faculty who will not be eligible given that they are not elected to the Senate. Now, if the Nominations and Elections Committee chooses to *only* Senators, I have no problem. But restricting the Nominations Committee to *only* choosing Senators for this committee is a major mistake, I think, in the sense that we are trying to close the gap between the Administration and the Faculty—not the gap between the Administration and the Senate. By narrowing the gap between the University and the Senate, you're creating a gap between the Senate and the Faculty. I would vote in favor of the proposal if those two concerns were approached in a reasonable manner."

Dean Stein: "I'd like to address the last point that Hal mentioned. Hal presented this motion at the last FCR meeting; I spoke against it, and it was defeated. He then presented another motion to the Review and Procedures Committee today which was also turned down—the motion was a modification of what he just presented, where he asked, essentially, that a maximum of half of the members of the University Faculty Committee be members of the Senate. And I think there is something to what he says. If you are going to have a committee that is to represent the Faculty, it seems to make sense that all members of the Faculty be eligible to serve on it. There's a sort of simple logic there. So why did the Review and Procedures Committee turn it down? Well, there's another concern. And that concern really is this simple model that I laid out to you before: The 1600-member Faculty communicates with the University Senate, which communicates with the University Faculty Committee, which communicates with the Central Administration. There's a deep concern on the part of, really, all of the people who have thought a lot about this. It's like the chain is only as good as its

weakest link—if it breaks in any place along that chain of communication, the whole system collapses. The concern with Hal's proposal is that the University Faculty Committee will assume a life of its own and not maintain strong ties with the Senate, and the Senate will be left out there, not being able to represent the Administration's views to their departments nor being able to have input to the Central Administration through the University Faculty Committee. It seemed better, then, to make sure that the links between the Senate and the University Faculty Committee would be strong by insisting that all members of the University Faculty Committee would be part of the Senate. That's the logic against it."

Professor John M. Abowd, ILR: "I want to say a few words also. I'm always distressed when I'm on the opposite side of the question as Hal, so I was carefully thinking through the logic. I want to report to you that the ad hoc committee of the Executive Committee that considered the OPUF document in its, I think, antepenultimate form—that is, close to the one you actually see—was also concerned, not entirely about the composition of the University Faculty Committee, but about the fact that the departmental structure of the University Senate would make it impossible for a willing and valiant participant member of the faculty to somehow get in, if that person couldn't be elected by his or her department. That's why we restored the at-large members to the University Senate, so that there would be a mechanism for members of the University Faculty who wish to serve to be elected directly to the Senate, and then, presumably, to be able to present themselves as candidates to the Nominations Committee for membership on the University Faculty Committee. Now, it's slightly back-door, because they can't go directly to the University Faculty Committee; but it's not absent from the document. So a willing participant of the Faculty who wants to be elected to the University Faculty Committee should present him- or herself for election to the University Senate at-large and, upon election, for nomination to the University Faculty Committee. There must be nine at-large members of the University Senate, so that allows for a potential of nine directly elected members of the University Faculty Committee (not that I think that's a likely outcome, but that's certainly more than half). This will also restore the representation of non-tenured faculty members to the University Senate, because we put in the document that three of the at-large members should be non-tenured faculty members. So I think that's where the compromise is. It evidently isn't good enough for Hal, but it was good enough for me."

Professor James W. Gillett, Natural Resources: "I still remain concerned, Peter, about the absence of the name 'Assembly' for the body that is to be created by the document. If what is to be called the 'University Senate' is to represent a group—the University Faculty—it will be, in fact, an 'Assembly.' I don't feel the attitude created within the document—with the creation of a formal 'Senate' of 'Faculty Senators'—adds to the harmonization of the University. It seems to permit the Administration to stand off from us in matters of personnel management, parking, and general management of the campus. I feel that this really infringes on our academic and research abilities—when we get ourselves bogged down, for example, in trying to defend the necessity of a research assistant or associate's place on a graduate committee. This seems very disabling toward our effectiveness as a University."

Professor Robert C. Fay, Chemistry: "I'm wondering if, perhaps, what is troubling this Assembly is the complete lack of cognizance in contributions of people other than

faculty and students to the greatness of the University. I think, maybe, it's this first sentence that is a bit of the problem rather than the substantive issues. I'm wondering if it would be possible to acknowledge the contributions of employees—as well as faculty—in that first sentence. It mentions students; but the rest of the document is not concerned with students. Would it be helpful to mention employees in that first sentence, as well as students?"

Dean Stein: "Well, legally, no. The rules under which we operate make amending not possible at this meeting. But, I don't really know how to answer your question, honestly and openly. There's that wonderful remark—I wish I could do this as well as other people I've heard do it—about when General Eisenhower came to Columbia to address a Faculty assembly, somebody said to him, 'Sir, the Faculty *is* the University'—that most ringing remark. (I've forgotten what the statements were that led up to it, though.) A lot of us feel that way, but we don't say that. In this document, we recognize that there isn't such a thing as a great university without a great faculty, and we put parity between the faculty and student bodies. A great university needs a great faculty, and a great university needs a great student body. I do believe, though, that the efforts of the staff are critical. I certainly know from years spent working at the Wilson Laboratory that you can't do anything without staff to build things and to make things happen; but I would be dishonest with you if I said that the contributions of the capable, technical staff at Wilson Lab—critical as they were—were equivalent or comparable to the contributions of the faculty or the students. I just don't see it that way. I may not be politic to say that, but that's the way the authors of this paper feel. This is not meant to deride the contributions that the staff make to this institution. But there is a primacy, I think, in a university, about the faculty and the student bodies as being the key constituent parts that make it work. I mean, we have Trustees; Trustees are critical to what we do—they give us funds—but I wouldn't put them on a par. Alumni are important, for another example. There are large groups of people who contribute to what we do, but, somehow, I think that at our core is a great faculty and a great student body. So that's what we say in this document. That's just the view of the people who drafted this document. This issue has, in fact, come up before, and that was the discussion that led to our outcome as presented in the document."

Professor Harry Shaw, English: "I wanted to point out that the wording here does not say that the faculty and students are exclusively responsible for the greatness of the University; it really says that the greatness grows out of the faculty and students. If you'd like to think of all the other people as—to stretch the analogy a bit—gardeners who are watering the plant, I think that would be appropriate."

Professor Emeritus Donald F. Holcomb, Physics: "I'd like to come at this issue of the 'Assembly' from a somewhat different point of view. It suddenly made me realize that I was the chair of a committee which established the Assemblies as they grew out of the debris of the old University Senate way back, somewhere, in the past. I think the problem here—the problem with the letter Peter read—is that if one tries to couple the University Faculty to the Assemblies and to produce any kind of coherent organization, it's doomed to failure—the interests are simply too diverse. It seems to me that the Assemblies must find their own ways to communicate with the Administration, to select those issues that the Assemblies believe are important and then to go at them with respect to getting a message to the Administration. The Faculty can't do that job for

them. I was struck, a couple of years ago, when the Faculty—well, parts of it, including yours truly—were pushing very hard on the tuition issue. I was actually amazed that the Student Assembly was totally silent on the issue of tuition. You would think, if there were anyone who would be concerned about that and would rise up and find some way to make themselves heard, it would be the students. So, with regard to the Assemblies, I believe the various constituent parts must find for themselves their own ways to establish those issues they believe are paramount and then speak about them with the Administration. To try to combine it all under one organization would lead you nowhere.”

Alice M. Isen, S.C. Johnson Professor of Marketing: “I was wondering what the rationale is for requiring that three of the at-large members of the Senate be non-tenured faculty members.”

Professor Abowd: “In the current structure, there’s also a requirement that in any constituency with four or more seats, one seat out of each set of four be reserved for a non-tenured member. In the proposed structure, given that the votes are all by department, there was no convenient way to insist that some departments be the units to supply the non-tenured voice. So when we added the at-large members, we made sure that we didn’t reduce the amount of non-tenured representation. Essentially, it’s just part of the compromise of restoring another avenue to the University Senate, besides election from your department. The at-large category seemed to be the reasonable place to put the mandatory non-tenured positions.”

Professor Isen: “Well, the problem with that is that it reduces the number of tenured faculty who could be elected at-large. Is there any way, then, to increase that number?”

Professor Abowd: “Well, the total number of at-large members is nine. We were not concerned—perhaps you are—about representation of the tenured faculty. We were more concerned about the problem where a department would house a person whose department shows him or her to be the department’s representative as well as a person whose valuable skills might benefit the University Senate if that person were elected. So, we needed an avenue for that second person to be elected; and that’s what the at-large positions represent. Now, I don’t have a history—but Peter does—in keeping track of nominations and elections; but I don’t think that six tenured positions would be a serious constraint on the availability of talent to this body. I might turn out to be wrong, so I’m sure we could later amend the document to allow for slightly more at-large members who would, normally, be tenured.”

Professor Richard E. Schuler, Economics and Civil and Environmental Engineering: “Just a question that occurred to me as John was speaking: We are talking about possible organizational changes within the University. I’m wondering how the Senate structure might lend itself to a transition if the number of departments are changed. This might be an avenue for opening up more at-large positions, since the discussion has been about reducing the number of departments.”

Professor Abowd: “I can honestly say that the ad hoc committee of the Executive Committee that reviewed the document did not entertain that contingency explicitly, so

I'm not sure we worked through a scenario. The document as it sits does not specify the absolute size of the Senate. So if departments were to disappear, literally, I guess the absolute size would fall, and we could consider as a body whether to replace the removed seats with at-large members. But if departments were to merge, the size of the department rule would come into play, and some would pass the boundary of 25, which would be self-correcting in that sense."

Speaker Martin: "Other comments? If there are no objections, we shall proceed to vote. There being none, all those in favor of the resolution, say 'aye'; opposed 'no.' The resolution (below) is carried."

WHEREAS, the Faculty Council of Representatives, at their September 13, 1995 meeting, adopted amendments to the Organization and Procedures of the University Faculty (OPUF), and

WHEREAS, in accordance with the procedures for amending OPUF, the Review and Procedures Committee of the University Faculty has reviewed these amendments and concurs with the FCR's endorsement,

THEREFORE, BE IT RESOLVED, that the Review and Procedures Committee recommends adoption of the amendments to OPUF (as outlined in the 9/16/95 draft) by the University Faculty, and

BE IT FURTHER RESOLVED, that following approval by the University Faculty, these amendments be promptly submitted to all voting members of the University Faculty for a referendum by mail ballot.

Speaker Martin: "Before we adjourn, the Dean would like a moment."

Dean Stein: "Well, I was thinking of saying this in my remarks before the vote, but I decided that it would be presumptive to assume that the proposal would pass. When I was thinking of what to say, I remembered my colleague Bob Cooke, who has been quite critical of this proposal and with whom I have discussed it in person and through e-mail on numerous occasions. And he makes a very good point, which is that structures, by themselves, can achieve nothing. A structure can only facilitate. Well, it's my belief that this structure facilitates an efficient, effective faculty input—but it hardly assures it. The whole thing depends on whether or not departments are willing to send good people to the Senate to represent their views. Once people go back to their departments and say, 'Yeah, join the Senate, there's nothing to it. All you have to do is go to one meeting once a month, and you don't even have to go to all of those,' then it's doomed to failure. Unless the Faculty as a whole believes this is a worthwhile project—that it's worthwhile to put some effort into it and worthwhile to select good people we have confidence in to staff this Senate—then this structure has a chance. If everyone is willing to do this, it really seems to me that this could bring us into a new era of cooperation and partnership with the Administration. Thank you all."

Speaker Martin: "And thanks to the committee for all their hard work. We are adjourned."

Adjourned: 5:20 PM.

Respectfully submitted,

Robert Lucey
Secretary of the University Faculty

ORIGINAL WITH AMENDMENTS

(deletions italicized and underlined; additions in bold face)

ORGANIZATION AND PROCEDURES OF THE UNIVERSITY FACULTY (OPUF)

PART ONE. INTRODUCTION

The greatness of a university grows out of the talent, diversity and dedication of its faculty and student body. A wise administration will nurture that growth by providing leadership that will forge a sense of community, create the free and stimulating environment suited to intellectual growth, and make the difficult choices that will focus our efforts and prudently allocate our resources.

University leadership functions best when it is derived from the consent of the governed and is able to strike the delicate balance between the twin needs for broad consultation and decisive, timely decision-making. By long tradition the faculty believe that their views should profoundly influence the course Cornell will follow, but the size and diversity of today's faculty make it difficult to ascertain those views. The appropriate role of faculty governance is to facilitate communication between the faculty and the administration, ensuring a full consideration of faculty views, thereby building a faculty-administration partnership that will serve as a firm foundation for effective leadership.

For this partnership to succeed, the Senate, its committees, and members of the administration must all contribute to the common goal. Members of the Senate must establish an ongoing dialogue with faculty in their departments. The University Faculty Committee must maintain communication with the Senate while fostering a working relationship with the administration. The administration must listen to the aspirations and concerns of the faculty, share theirs with the University Faculty Committee, and bring the Senate into the wider consultative process by sharing the responsibility of naming faculty to key committee assignments. If all faithfully carry out these responsibilities, the faculty-administration partnership will create a broadly based consensus of choices and goals that will enable Cornell to fulfil its widest potential.

I. DEFINITIONS. As used herein, the following words and phrases shall have the meanings set forth below:

A. University. The term "University" shall mean Cornell University.

B. President. The term "President" shall mean the President of Cornell University.

C. The University Faculty. The University Faculty (sometimes referred to herein as "the Faculty") shall mean the body defined as such in the Bylaws of Cornell University, as now in effect or as amended from time to time hereafter. At present, the Faculty comprises: (1) as voting members, the President, emeritus professors, University

49 professors, professors-at-large in residence, and all professors, associate professors and
 50 assistant professors and all courtesy professorial ranks of the several colleges, schools
 51 and separate academic departments, divisions and centers at Ithaca and Geneva; (2) as
 52 nonvoting members, the professors, associate professors and assistant professors in (a)
 53 the Medical College and (b) those bearing the adjunct, visiting or acting title; and (3)
 54 such other persons as may have been, or may hereafter be, elected by the Board of
 55 Trustees, upon the recommendation of the Faculty, to voting or non-voting
 56 membership therein (Bylaws of Cornell University, Article XIII, Section 1).

57
 58 D. Faculty Senate. The Faculty Senate (sometimes referred to herein as the "Senate") is
 59 the body established pursuant to Article VIII of this document.

60
 61 E. Cornell University Assemblies. The University Assemblies is the body established by
 62 vote of the Board of Trustees on January 23-24, 1981 and whose original charter is
 63 inserted as an appendix to the Board of Trustees minutes of that date. The current
 64 charter document is available in the office of the Assemblies.

65
 66 F. Dean of the University Faculty. The Dean of the University Faculty (sometimes
 67 referred to herein as the "Dean of the Faculty" or the "Dean") is the chief administrative
 68 officer of the University Faculty, as provided for in Article XIII, Section 4 of the Bylaws
 69 of Cornell University.

70
 71 G. Secretary. The term "Secretary" shall mean the Associate Dean and Secretary of the
 72 University Faculty.

73
 74 H. Speaker. The term "Speaker" shall mean the presiding officer of the University
 75 Faculty and of the Senate.

76
 77 I. Constituency. The term "constituency" shall mean any one of the colleges, schools, or
 78 separate academic departments, divisions, or centers the schools of Hotel
 79 Administration, Industrial and Labor Relations, Management, and Law, and the
 80 academic departments (or sections in the Division of Biological Sciences) within the
 81 other colleges in Ithaca or Geneva.

82
 83 J. This Document. The term "this document" shall refer to the organization and
 84 procedures set forth herein, or established hereby.

85 86 II. FUNCTIONS AND RESPONSIBILITIES OF THE UNIVERSITY FACULTY

87
 88 Under the Bylaws of Cornell University (Article XIII, Sec. 3), the functions of the
 89 University Faculty are to consider questions of educational policy which concern more
 90 than one college, school or separate academic unit, or are general in nature, and to
 91 recommend to the Board of Trustees, with the approval of the appropriate college or
 92 school faculty, the establishment, modification, or discontinuance of degrees.
 93 The Bethe Committee Report, adopted by the Faculty on September 12, 1969, clarifies the
 94 academic responsibilities of the University Faculty as a whole and with respect to the
 95 separate faculties of the various units of the University, the Administration, and the
 96 student body.

97 It is not the function of the present document to change in any way the functions or
98 responsibilities of the University Faculty, but to provide for its organization and
99 procedures.

00
01 PART TWO. THE UNIVERSITY FACULTY

02
03 III. ORGANIZATION OF THE UNIVERSITY FACULTY

04
05 The University Faculty shall consist of the following elements:

- 06
07 A. The University Faculty (See Article I-C for definition and membership.)
- 08
09 B. The President (See Article VI for powers and duties with respect to the University
10 Faculty.)
- 11
12 C. The Dean of the University Faculty (See Article V for functions, duties, and method
13 of selection.)
- 14
15 C.' The Associate Dean and Secretary of the University Faculty (See Article V' for
16 functions, duties, and method of selection.)
- 17
18 D. Other Officers (See Article VI for functions, duties, and method of selection.)

19
20 The other officers of the Faculty shall be:

- 21
22 1. The Secretary
- 23 2. The Speaker
- 24 3. One or more Parliamentarians
- 25 4. Such other officers as may be provided for from time to time

- 26
27 E. Committees of the University Faculty (See Article VII.)
- 28
29 F. The Faculty Senate (See Article VIII for establishment and organization.)

30
31 IV. POWERS AND MEETINGS OF THE UNIVERSITY FACULTY

32
33 A. Powers of the University Faculty. The University Faculty as a whole shall continue
34 to have and exercise the following powers:

- 35
36 1. Its present power to determine its own membership, subject to Article XIII, Sec. 1 of
37 the Bylaws of Cornell University (summarized in Article I-C hereof).
- 38
39 2. Its present power to elect Faculty Trustees for seating by the Board of Trustees
40 pursuant to Article II, Sec. 2a, (4) (c) of the Bylaws of Cornell University.
- 41
42 3. The power to participate in the selection of the Dean of the Faculty, in the manner set
43 forth in Article V.

45 4. The power to select its officers, other than the President and the Dean, in the manner
46 set forth in Article VI.

47
48 5. The power to postpone or nullify any action of the Senate, as set forth in Article XI.

49
50 6. The power to require or request reports from its officers and committees, from the
51 Senate, and from others in the University community or elsewhere, as may be
52 authorized or appropriate.

53
54 7. The power to express its views concerning any matter within its responsibilities or
55 reasonably related thereto, either at a meeting of the Faculty or in such other manner as
56 may be appropriate.

57
58 8. The power to amend this document in accordance with the procedures set forth in
59 Article XII.

60
61 B. Meetings of the University Faculty

62
63 1. Regular Meetings. The University Faculty shall hold three regular meetings in each
64 academic year, at dates and times to be set by the Dean. One such meeting shall be held
65 at the beginning of each semester and one toward the end of each academic year.

66
67 2. Special Meetings . Special Meetings of the University Faculty shall be called by the
68 Dean:

69
70 a. Upon the request of the Board of Trustees, the Executive Committee of the Board of
71 Trustees, or the President;

72
73 b. Upon the request of the Senate;

74
75 c. Upon the request of the Review and Procedures Committee of the University Faculty
76 Committee;

77
78 d. Upon the written petition to the Dean of voting members of the Faculty, equal in
79 number to **one-half** of the required quorum for such a meeting;

80
81 e. Upon call of the Dean, to consider a proposal to postpone or nullify an action of the
82 Senate in accordance with the procedures set forth in Article XI;

83
84 f. Upon call of the Dean, to act in an emergency.

85
86 3. Agenda at Meetings

87
88 a. Regular Meetings. At a regular meeting of the Faculty, any matter may be brought
89 forward which is properly the concern of the Faculty, but priority shall be given to the
90 matters specified in the call of the meeting.

193 b. Special Meetings. At a special meeting of the Faculty, only those matters shall be
194 considered which are specified in the call of the meeting, except as this rule may be
195 waived by unanimous consent of the voting members present.

196 4. Quorum

197
198
199 a. Ordinary Business. Except as provided in paragraph b hereof, a quorum for *regular or*
200 *special* meetings of the Faculty shall be five ten percent of the voting members of the
201 Faculty.

202
203 b. Extraordinary Business. If a *special* meeting is called to consider postponing or
204 nullifying an action of the Senate under Article XI, or if it is proposed to take such
205 action at any regular meeting, a quorum shall be at least a number of voting twenty
206 percent of the voting members of the University Faculty. equal to 115% of the
207 authorized membership of the Senate.

208
209 c. Failure to Obtain Quorum. In the absence of a quorum, those present may receive
210 reports, may discuss matters without voting on them, and may set the date and time for
211 an adjourned meeting, but shall transact no other business.

212
213 5. Rules of Procedure. Except as otherwise provided herein, or in special rules adopted
214 by the Faculty, the rules set forth in the then current edition of *Robert's Rules of Order*,
215 to the extent applicable, shall govern the debates, votes, and other actions at all meetings
216 of the Faculty. Nonvoting members of the Faculty may attend and participate in
217 debates, but may not vote.

218
219 6. Visitors. Visitors may be admitted to meetings of the Faculty. A decision to open or
220 close meetings to visitors will be made by majority vote of the University Faculty
221 *Committee Review and Procedures Committee* when it establishes the agenda for each
222 meeting, either to admit accredited members of the press or other public media, without
223 discrimination, or a limited number of other visitors, or both, for all or a portion of a
224 meeting. The decision of the University Faculty *Committee Review and Procedures*
225 *Committee* concerning a particular meeting may be appealed by a motion properly
226 made and seconded at the meeting in question. A majority vote of the voting members
227 present constituting the quorum shall be sufficient to amend, modify, or reverse the
228 decision of the University Faculty *Committee Review and Procedures Committee*
229 concerning the status of visitors at the meeting. If visitors are admitted, they shall sit in
230 the gallery, or otherwise apart from the main body of the meeting, and shall not be
231 permitted to participate in the debates but, if it is so authorized by the decision admitting
232 them to the meeting, they may be permitted by the presiding officer to address the
233 meeting.

234
235 7. Records of Meetings. The official record of each University Faculty meeting shall be
236 kept by the Secretary who may use whatever means he or she finds appropriate to
237 prepare an accurate record of the proceedings. All other participants (members, visitors,
238 etc.) are prohibited from photographing, sound recording, video taping, or using any
239 other electronic means to record the proceedings.
240

141 V. THE DEAN OF THE UNIVERSITY FACULTY

142
143 A. In General. The office of Dean of the University Faculty is one of outstanding
144 importance for the proper conduct of University affairs, and in the formulation of
145 policy and the maintenance of flexible communication and mutual understanding
146 between the Faculty and the rest of the University community. Accordingly, special
147 qualifications are required for the office, including an acknowledged position of
148 leadership on the Faculty and wide experience in University affairs.

149
150 B. Liaison and Administrative Functions. The Dean is the Faculty's chief
151 administrative officer and its liaison on all matters in which the concerns of the Faculty
152 relate to the President, the Trustees, or other segments of the University community.
153 The Dean, however, is not a member or agent of the University administration.

154
155 C. While the Dean is primarily the representative of and spokesman for the University
156 Faculty, the Dean retains the right to express his or her own personal views, when
157 described as such.

158
159 D. Duties. Without limitation of the foregoing, the Dean shall have the following
160 specific duties:

161
162 1. He or she shall represent and advocate the interests, concerns, and needs of the
163 Faculty to the President, the Trustees, and other segments of the University community,
164 and to the public.

165
166 2. The Dean, in consultation with the University Faculty Committee, shall advise the
167 President and other senior members of the central administration on matters of
168 educational University policy and shall seek the President's advice on matters of
169 concern to the Faculty.

170
171 3. The Dean shall assist the Faculty and the Senate in formulating judgments on
172 questions of educational policy concern to the Faculty.

173
174 4. He or she shall be available for consultation and advice to members of the Faculty, to
175 students, and to other members of the University community on matters within the
176 jurisdiction of the Faculty.

177
178 5. The Dean shall use his or her good offices in helping to resolve problems which may
179 arise for individual members of the Faculty in their relationships with other members
180 of the Faculty, with academic or administrative officers of the University, with
181 committees of the Faculty or University, with students, or with other segments of the
182 University community.

183
184 6. The Dean shall oversee and expedite the work of all committees of the University
185 Faculty or the Senate and shall keep them informed of problems to which they should
186 attend. He or she shall obtain annual or other periodic reports from such committees
187 and shall be responsible for seeing that the reports, recommendations, and decisions of
188 such committees are brought to the attention of all persons concerned therewith.

289 Where necessary and appropriate, the Dean will arrange for the timely publication of
290 information meriting the attention of the Faculty, and of information concerning the
291 Faculty meriting the attention of other segments of the University community or of the
292 public.

293
294 7. The Dean shall be responsible for the selection and appointment, where not
295 otherwise provided for, of (i) members of committees of the University Faculty or of the
296 Senate, (ii) Faculty representatives on other University committees or bodies, and (iii)
297 temporary replacements to fill vacancies on any such committee or body. In exercising
298 this responsibility, the Dean will normally consult with the Committee on
299 Nominations.

300
301 8. The Dean shall be an ex officio member of each committee of the University Faculty
302 and each committee of the Senate.

303
304 9. The Dean shall be responsible for the calling of meetings of the University Faculty
305 and the Senate and for the preparation and distribution of the agenda for such meetings.

306
307 10. The Dean shall be responsible for maintaining a file of (i) records of actions of the
308 University Faculty and of the Senate, (ii) reports of committees of the University
309 Faculty and of the Senate, and (iii) such other files and records as may be necessary or
310 appropriate.

311
312 11. The Dean shall prepare such reports as he or she or the University Faculty or the
313 Senate, shall deem appropriate.

314
315 12. The Dean shall be available to sit with the Board of Trustees and its Executive
316 Committee in discussions of questions of educational policy.

317
318 13. He or she shall perform such other functions as are provided for herein, or as the
319 University Faculty or the Senate shall determine.

320
321 E. Assistants to the Dean; Acting Dean. As may be necessary to assist or represent the
322 Dean, he or she may delegate any portion of the foregoing functions and duties to the
323 **Associate Dean and Secretary of the Faculty**, to members of his/her staff, or to other
324 members of the Faculty. In the absence or inability to act of the Dean, the **Associate**
325 **Dean and Secretary of the Faculty** shall function as Acting Dean. In the absence or
326 inability to act of both the Dean and the Secretary, the Review and Procedures
327 **University Faculty Committee**, in consultation with the President, shall designate an
328 Acting Dean.

329
330 F. Selection of Dean. The selection procedures for Dean of the Faculty shall be as
331 follows:

332
333 1. The Dean must be selected from among the tenured voting members of the Faculty
334 and shall maintain such status.

2. At least three months before the deanship becomes vacant, or as promptly as possible if the office should become vacant without three months' notice, the Nominations and Elections Committee shall solicit nominations and canvass Faculty opinion, and shall prepare a slate of three or more candidates. The Nominations and Elections Committee should consult the President in this regard.

3. The Committee on Nominations and Elections shall conduct a mail ballot of the voting members of the University Faculty, using the Hare System, and shall promptly report the results to the President and the Faculty.

4. Subject to confirmation by the Board of Trustees, the candidate receiving a majority of the votes cast shall be appointed Dean.

G. **Term of Office.** The term of office for the Dean shall be three years. The Dean may be reappointed by the Senate for a further period of not more than two years. So far as possible, the terms of office of the Dean and the Secretary shall be staggered so that not more than one of these officers shall be elected in any one year.

V'. THE ASSOCIATE DEAN AND SECRETARY OF THE UNIVERSITY FACULTY

A. Duties. The duties of the Associate Dean and Secretary shall include:

1. **Assisting the Dean of the Faculty, carrying out such duties as are assigned by the Dean, and serving as Acting Dean on appropriate occasions;**
2. **Chairing the Nominations and Elections Committee;**
3. **Ex officio membership on each committee of the University Faculty and each committee of the Senate;**
4. **Supervising the maintenance of minutes of meetings and all records of the University Faculty and Senate;**
5. **Supervising publications made in the name of the University Faculty subject to guidelines mutually agreed upon with the Senate.**

B. Election Procedure. The Associate Dean and Secretary of the University Faculty shall be elected by that Faculty, from among its own members, by a mail ballot using the Hare system, on a slate of candidates provided by the Committee on Nominations and Elections.

C. Term of Office. The Associate Dean and Secretary shall serve for a term of three years, with the possibility of reappointment by the Senate, for a further period of not more than three years.

D. The Associate Dean and Secretary shall also serve as secretary and as an ex officio voting member of the Senate.

385 VI. THE PRESIDENT AND OTHER OFFICERS OF THE UNIVERSITY FACULTY

386 The functions and duties of the other officers of the University Faculty shall be as
387 follows:
388

389 A. The President. The Bylaws of Cornell University (Article V, Sec. 1; Article XIV, Sec.
390 1) provide that:

- 391 1. The President shall be the chief executive and educational officer of the University.
392
393 2. Except as the President may otherwise designate, he or she shall be the chairperson
394 and presiding officer of every faculty of the University; and
395
396 3. The President shall be a voting member and presiding officer of the University
397 Faculty.
398

399 B. The Secretary. The Secretary of the University Faculty and Senate shall be selected by
400 the Faculty with the particular functions and duties to be those specified by legislation of
401 the Faculty and the Senate.
402

403
404 C. The Speaker. The Speaker of the Senate or his or her alternate (see Art. X-A-2) shall
405 serve as Speaker of the University Faculty. By designation of the President the Speaker
406 may, and normally will, moderate meetings of the University Faculty.
407

408
409 D. Parliamentarians. There shall be one or more Parliamentarians, selected by the
410 Speaker. The Speaker may select one or more Parliamentarians to advise him or her on
411 questions of parliamentary law and procedure arising in the course of faculty meetings.
412

413 E. Other Officers. There shall be such other officers of the Faculty, with such functions
414 and duties, as may be provided for from time to time by the University Faculty.
415

416 VII. COMMITTEES OF THE UNIVERSITY FACULTY

417
418 A. Standing and Ad Hoc Committees. The University Faculty shall have the following
419 committees:
420

421 1. Committee on Membership. There shall be a standing Committee on Membership,
422 with functions and duties as specified by the Senate.
423

424 1'. University Faculty Committee. There shall be a standing University Faculty
425 Committee. The University Faculty Committee shall provide liaison between the
426 Faculty Senate and the President, Provost, and other senior University administrators.
427 Whenever the Provost or the President wish to consult with the University Faculty on
428 major policy issues, they will look to the University Faculty Committee to provide that
429 consultation. Additionally, the University Faculty Committee will act as an executive
430 committee for the Senate and the University Faculty, and perform any other duties
431 assigned to it either by the Senate, the University Faculty, or elsewhere in this
432

document. The University Faculty Committee has the responsibility to inform and consult the Senate on a regular and frequent basis.

2. Review and Procedures Committee. There shall be a standing Review and Procedures Committee. In addition to any other duties assigned to it in this document, the Review and Procedures Committee (a) shall act as liaison between the University Faculty and the Senate, (b) shall (in consultation with the Senate and the University Assembly where appropriate) continuously review the organization, procedures, and committee structure of the University Faculty and the Senate and make appropriate recommendations thereon to the Faculty or the Senate, and (c) shall assist the Dean and the Secretary in the preparation of agenda for meetings of the University Faculty.

3. Committee on Nominations; Committee on and Elections.

a. There shall be a standing Committee on Nominations and a standing Committee on Elections.

b. The Committee on Nominations and Elections shall nominate candidates for election by the University Faculty for Faculty Trustees, for Dean of the Faculty, for Associate Dean and Secretary of the Faculty, for members at large of the Senate, and for elected committees and offices of the Faculty and of the Senate. The Committee shall propose to the Senate members and chairs of appointed Faculty and Senate committees and members of administration and faculty-administration committees when the administration makes such requests to the Senate. When proposing members and chairs of committees, the Nominations and Elections Committee shall give preference to members of the Senate where appropriate. In preparing slates of candidates for the University Faculty Committee and the Nominations and Elections Committee, the committee will be mindful of the importance of spanning all parts of the campus, the ethnic and gender diversity of the faculty, and the major scholarly disciplines of Biological Sciences, Creative Arts, Humanities, Physical Sciences, Professional Schools, and Social Sciences.

c. The Committee on Nominations and Elections shall prescribe procedures for, and shall supervise, all elections by the University Faculty, all elections by or to the Senate, and all elections to elected committees and elective offices of the University Faculty and the Senate; shall decide disputed questions concerning such elections; and shall perform such other functions as are assigned to it in this document or by the University Faculty or the Senate. In connection with elections to the Senate, the Committee on Nominations and Elections shall prescribe or approve guidelines and procedures to govern the nomination of candidates and the conduct of elections. , whether at large or within constituencies. Such guidelines and procedures shall be consistent with this document, shall be in accord with the one-person one-vote principle, and shall so far as practicable apply uniformly as among constituencies.

d. In the discretion of the Review and Procedures Committee, the Committee on Nominations and the Committee on Elections may be combined into a single Committee on Nominations and Elections.

1 4. There shall be such other elected or appointed standing committees of the University
 2 Faculty as may be created by the Faculty and ad hoc committees as may be created by the
 3 Faculty or the Review and Procedures University Faculty Committee. The Review and
 4 Procedures Committee must designate the procedures for establishing the membership
 5 of any ad hoc committee it creates.

6 B. Membership of Committees

7
 8
 9 1. The Review and Procedures Committee shall consist of the Dean and the Secretary,
 10 ex officio, and nine members of the University Faculty elected at large by the Faculty.
 11 The composition of the other committees provided for under Section A above, and the
 12 manner of selecting members thereof, shall be as provided in the legislation or
 13 resolution creating such committees.

14
 15 1'. The University Faculty Committee shall consist of the Dean and the Secretary, ex
 16 officio, and nine members of the Faculty Senate elected at large by the Faculty. Elected
 17 members shall serve a complete term on the University Faculty Committee even if
 18 their Senate term expires prior to the end of their University Faculty Committee term.
 19 No person shall serve more than two complete consecutive terms on the University
 20 Faculty Committee. The Dean shall serve as chair of the committee.

21
 22 1". The Nominations and Elections Committee shall consist of the Dean and the
 23 Secretary, ex officio, and nine members of the University Faculty elected at large by the
 24 Faculty. The Secretary shall serve as chair of the committee.

25
 26 1"". With the exception of the Dean and the Secretary, no person may serve on the
 27 University Faculty Committee and the Nominations and Elections Committee at the
 28 same time.

29
 30 2. Any member of the University Faculty, whether or not a voting member, shall be
 31 eligible to serve as a voting member of a University Faculty committee.

32
 33 3. Each committee of the University Faculty shall select its own chairperson, except that
 34 the Secretary of the Faculty shall serve as chairperson, ex officio, of the Committee on
 35 Membership, and the Dean shall serve as chairperson, ex officio, of the Review and
 36 Procedures Committee.

37
 38 3'. With the concurrence of the Senate, the Committee may designate one or more seats
 39 on specific committees other than the University Faculty Committee and the
 40 Nominations and Elections Committee for non-faculty members.

41
 42 4. Ex officio members of committees shall not be counted in determining the number
 43 that constitutes a quorum nor are they to be counted when establishing the existence of
 44 that quorum.

45 C. Terms of Membership

46
47
48

1. Except as otherwise provided in the legislation or resolution creating a committee, the term of each elected member of a standing committee shall be three years, provided that, so far as feasible, the Committee on Nominations and Elections shall arrange staggered terms for the initial election to each such committee so as to provide continuity.
2. Except as otherwise provided in the legislation or resolution creating the same, or except as reappointed by the University Faculty or the University Faculty Review and Procedures Committee, each ad hoc committee shall automatically expire at the end of the academic year.

PART THREE. THE FACULTY SENATE

VIII. ESTABLISHMENT AND ORGANIZATION OF FACULTY SENATE

- A. Establishment. There is hereby established a Faculty Senate (sometimes referred to herein as the "Senate") consisting of not less than 75 nor more than 150 voting members.
- B. Eligibility for Membership. Any voting member of the University Faculty tenured or nontenured, now eligible to serve on an elected University Faculty committee, shall be eligible for membership in the Senate. (See Section E below for mandatory nontenured membership.)
- C. Membership
 1. The Senate shall consist of the following as voting members:
 - a. The President of the University (or the Provost when attending as the Chief Educational Officer), ex officio,
 - b. The Dean, ex officio,
 - c. The Secretary, ex officio,
 - d. The Ithaca-based Faculty Trustees, ex officio,
 - e. Ten Nine members of the University Faculty (three of whom must be non-tenured) elected at large by the University Faculty, and
 - f. Constituency members as described in Sections D, E, or F below such that the total membership falls within the limits specified in Section A of this Article above.
 2. Within the limits specified in Section A above, and subject to the approval of the University Faculty, the Senate may designate its own future size.
- D. Apportionment of Seats

77 1. All membership seats on the Senate (other than memberships at large and ex officio
78 memberships) shall be apportioned among the various colleges, schools, and separate
79 academic departments, divisions and centers constituencies as defined in Article I,
80 Section I. at Ithaca and Geneva (hereafter called "constituencies") in proportion to the
81 number of University Faculty members (voting and nonvoting) belonging to each such
82 constituency, but exclusive of emeritus professors. For this purpose, a member of the
83 University Faculty shall be considered as belonging to that constituency from which the
84 greater part of his/her base salary derives. Each constituency will have at least one seat
85 on the Senate, except that constituencies with fewer than five voting faculty members
86 may combine with another constituency (with the agreement of both constituencies) to
87 establish a joint seat. Constituencies with more than 25 voting faculty members will
88 have a second Senate seat.

89
90 2. In the case of large constituencies, for example, the College of Agriculture and Life
91 Sciences and the College of Arts and Sciences, the Committee on Elections may, in
92 consultation with the faculties of such constituencies, break them down into smaller
93 units for purposes of apportionment, nominations, and elections.

94
95 3. Each constituency, no matter how small, shall be entitled to at least one seat on the
96 Senate. If, however, any such constituency shall fall below five voting members, it may
97 be combined by the Committee on Nominations and Elections with one or more other
98 constituencies.

99
100 4. A fractional quota, over and above the normal quota for one membership or any
101 multiple thereof, shall entitle a constituency (including any combination of
102 constituencies under paragraph 3 above) to one more seat if, but only if, such fractional
103 quota constitutes a majority of the quota for one seat.

104
105 5. There shall be a reapportionment of seats at least every three years.

106
107 6. All decisions on apportionment shall be made, and all questions and disputes
108 concerning the same shall be resolved, by the Committee on Nominations and
109 Elections.

110
111 E. Mandatory Nontenured Membership. In the case of any constituency with four or
112 more seats, one seat out of each set of four shall be reserved for a nontenured member
113 of the University Faculty. Should such a nontenured member receive tenure during
114 his/her incumbency, he/she may remain in office until the end of the academic year,
115 when the position will automatically become vacant. If necessary, a special election will
116 be held to fill such vacancy. Seats not reserved for nontenured members of the Faculty
117 may nevertheless be filled by nontenured members, if duly elected.

118 119 F. Elections

120
121 1. Members at large shall be elected by the University Faculty by mail ballot, in
122 accordance with procedures established by the Committee on Elections and Elections,
123 from among candidates nominated by the Committee on Nominations and Elections.
124

5 2. Other elected members shall be elected by each constituency to fill the number of
6 seats assigned to that constituency. **Elections shall be by secret ballot.** All persons
7 eligible to vote in a University Faculty election shall be eligible to vote in a constituency
8 election. The voting faculty members of a constituency may allow other members of
9 that constituency to take part in the Senate election.

10
11 3. General elections to the Senate shall be held in the spring and shall be conducted in
12 accordance with procedures established or approved by the Committee on Nominations
13 and Elections. (See Article VII, Section A-3-c above.)

14
15 4. Special elections shall be held to fill vacancies, or for other sufficient reason as
16 determined by the Committee on Nominations and Elections.

17
18 5. Any question or dispute concerning general or special elections, eligibility to vote,
19 assignment to a constituency, or other election procedures, shall be resolved by the
20 Committee on Nominations and Elections.

21 G. Terms of Office

22
23 1. Elected members shall serve for a three-year term. A term of office shall begin on
24 July 1.

25
26 2. Terms of membership shall be staggered, in the manner determined by the
27 Committee on Nominations and Elections, so that approximately one-third of the total
28 membership of the Senate (exclusive of the ex officio members) shall be elected each
29 year.

30 H. Vacancies and Leaves of Absence

31
32 1. Any vacancy, arising from death, resignation, incapacity, or other reason, shall be
33 filled by a special election, except that if the vacancy is for an unexpired term of ninety
34 days or less, it shall be optional with the constituency concerned to leave the vacancy
35 unfilled for the balance of such term.

36
37 2. If a member is granted leave for one or two semesters an alternate shall be appointed
38 by the officer of the appropriate constituency as defined in Article I., Section I. Dean of
39 the College to take the absent member's seat for the period of the leave. In the case of
40 an at-large member, the Dean of the Faculty shall appoint a replacement. If a member is
41 granted leave for more than one year, his or her seat shall be declared vacant, beginning
42 with the commencement of the leave.

43
44 3. If any member (other than a member on leave) fails to attend any meeting of the
45 Senate for a period of 120 days or more (exclusive of summer vacation) that member's
46 seat may be declared vacant, either by the constituency concerned, or by the Senate as a
47 whole.

48
49 I. Recall of Members. The Senate may, in its discretion, provide for recall procedures,
50 which shall authorize a constituency to remove a member for reasons specified in such

73 procedures and to declare the seat vacant, provided that any such removal must be
 74 initiated upon the petition of at least 10 percent of the voting members of the
 75 constituency and must, to take effect, have the approval of at least 50 percent of such
 76 membership.

77 IX. POWERS, DUTIES, AND MEETINGS OF THE FACULTY SENATE

79 A. Powers in General. Except for the powers reserved to the University Faculty under
 80 Article IV-A, and subject to the power of the University Faculty to postpone or nullify
 81 any action of the Senate pursuant to Article XI, all the powers and functions of the
 82 University Faculty are hereby delegated to the Senate.
 83

84 B. Specific Powers. Without limiting paragraph A above, or the other powers set forth
 85 in this document, the Senate shall have the following specific powers and
 86 responsibilities:
 87

88 1. To select its officers.

89 2. To provide for the appointment or election of its committees and subcommittees.

90
 91 **2'. To approve or reject the nominees presented by the Nominations and Elections**
 92 **Committee for election by the University Faculty.**

93
 94 **2". To approve or reject the list of members and chairs presented by the Nominations**
 95 **and Elections Committee for appointed University Faculty committees, Senate**
 96 **committees, and administration or administration-faculty committees.**

97
 98 3. To adopt, amend, or repeal bylaws or other procedures relating to the conduct of its
 99 business and the duties and functions of its officers and committees.

700 C. Exercise of Powers. In exercising its the powers of the Senate it is anticipated that
 701 the its members Senate will take all reasonable measures to ascertain faculty opinion
 702 by means of the regular consultations with their constituency and special meetings of
 703 the University Faculty and other appropriate means, and that the Senate will keep the
 704 University Faculty fully informed of the reasons for its decisions.
 705
 706
 707
 708

709 D. Meetings of the Senate

710
 711 1. Regular Meetings. An organization meeting of the Senate shall be called by the Dean
 712 promptly after the election of its members. Thereafter, regular meetings of the Senate
 713 shall be held once a month during the academic year.
 714

715 2. Special Meetings. Special meetings of the Senate shall be called by the Dean:
 716

717 a. On the request of the President, the Board of Trustees, or the Executive Committee of
 718 the Board of Trustees
 719

720 b. On the request of the Review and Procedures University Faculty Committee

- c. On the request in writing by members of the University Faculty equal in number to, or more than, the authorized membership of the Senate
- d. On the written request of a majority of the members of the Senate
- e. On the Dean's own motion, whenever it appears to the Dean that such a meeting is necessary or appropriate

3. Agenda at Meetings

- a. **Regular Meetings.** At a regular meeting of the Senate, any matter may be brought forward which is properly the concern of the Senate, but priority shall be given to the matters specified in the call of the meeting.
- b. **Special Meetings.** At a special meeting of the Senate only those matters shall be considered which are specified in the call of the meeting, except as this rule may be waived by unanimous consent of the members present.
- c. The Dean shall make the necessary arrangement to distribute the agenda of regular and special meetings of the Senate to the members of the University Faculty in advance of such meetings.

4. **Quorum.** Except as otherwise provided herein, or in the bylaws or other procedures adopted pursuant to Section B above, the quorum for the transaction of business of the Senate shall be one-half of its non-ex officio members. In the absence of a quorum, the Senate may receive reports, may discuss matters without voting on them, and may set the date for an adjourned meeting, but shall transact no other business.

5. **Procedure at Meetings.** The rules contained in the then current edition of *Robert's Rules of Order* shall govern the deliberations and actions of the Senate in all cases in which they are applicable, to the extent they are not inconsistent with the provisions hereof.

6. **Visitors at Meetings.** The provision of Article IV, Section B-6, as amended, relating to the presence of visitors at meetings of the University Faculty, shall apply to meetings of the Senate, except that the Executive Committee of the FCR University Faculty Committee, when establishing the Senate agenda for each meeting shall make the determination as to whether the meeting is to be "open" or "closed" to visitors and with the further exception that all members of the University Faculty who are not members of the Senate shall be entitled and encouraged to attend any meeting of the Senate and to participate in debate, but not to make motions or vote.

7. **Records of Meetings.** The official record of each University Faculty meeting shall be kept by the Secretary who may use whatever means he or she finds appropriate to prepare an accurate record of the proceedings. All other participants (members, visitors, etc.) are prohibited from photographing, sound recording, video taping, or using any other electronic means to record the proceedings.

69 X. OFFICERS AND COMMITTEES OF THE FACULTY SENATE

70 A. Officers. The officers of the Senate shall consist of the following:

- 71
- 72 1. The President of the University, who will serve as ex officio President of the Senate.
- 73
- 74 2. The Speaker, who will serve as an impartial moderator of Senate meetings. The
- 75 Speaker shall be selected by the Senate, which may also select an alternate Speaker to
- 76 serve in the absence of the Speaker.
- 77
- 78 3. One or more Parliamentarians to be appointed by the Speaker at his or her discretion.
- 79
- 80 4. Such other officers as may be provided for from time to time by the Senate, to be
- 81 selected in such manner as it may determine.
- 82

83 B. Committees. The committees of the Senate shall be as follows:

84

85 1. An Executive Committee, of not more than nine members, selected by the Senate

86 from among its own members in accordance with procedures determined by it. The

87 Committee shall select its own chairperson. In addition to the other duties prescribed

88 herein, the Executive Committee shall act for the Senate in emergencies, shall assist the

89 Dean in preparing the agenda for regular and special meetings of said Council, and shall

90 perform such other functions as may be prescribed by said Council.

91

92

93 1'. A University Faculty Committee, which shall be the same committee, with the

94 members, functions, and duties, as provided above in Article VII-A-1'. In addition to

95 the duties there provided, the University Faculty Committee shall act for the Senate in

96 emergencies, shall act for the Senate in considering nominations of the Nominations

97 and Elections Committee for administration or administration-faculty committees

98 when required by the need for timely action, shall assist the Dean in preparing the

99 agenda for regular and special meetings of the Senate, and shall perform such other

800 functions as may be prescribed by the Senate.

801

802 2. A Committee on Nominations and a Committee on Elections (or a combined

803 Committee on Nominations and Elections) which shall be the same committees or

804 committee, with the same members, functions, and duties, as provided above in Article

805 VII-A-3.

806

807 3. Such other standing and ad hoc committees and subcommittees, elective or

808 appointive, as may be established by the Senate. The Executive Committee University

809 Faculty Committee may also establish ad hoc committees and subcommittees.

810

811 4. Except in the case of the Executive University Faculty Committee, a any member of

812 the University Faculty, whether or not a voting member, and whether or not a member

813 of the Senate, shall be eligible to serve on any committee or subcommittee provided for

814 in paragraph 3 above, or in section XI.B. below.

815

816

5. The terms of office of members of the aforesaid committees shall be as prescribed by the Senate. In the case of standing committees the terms of office shall normally be staggered to permit a reasonable degree of continuity. In the case of ad hoc committees, the duration of such committees shall be as prescribed by the Senate, subject to extension if necessary. Any standing or ad hoc committee which fails to meet, and does not otherwise act or file a report, for a period of one academic year, shall be automatically discontinued.

6. Each such committee shall select its own chairperson. Each such committee may appoint subcommittees from its own members or from among other members of the University Faculty.

PART FOUR. RELATIONSHIPS BETWEEN THE UNIVERSITY FACULTY AND THE FACULTY SENATE

XI. RELATIONSHIPS BETWEEN UNIVERSITY FACULTY AND FACULTY SENATE

A. In General. As stated above in Article IX, Sec. A, the Senate is hereby delegated all the powers and functions of the University Faculty not reserved to the Faculty under Article IV, Sec. A, subject to the power of the Faculty, reserved in Article IV, Sec. A-5, to postpone or nullify any action of the Senate.

B. Effect of Postponement or Nullification

1. A postponement shall be for a specified period not to exceed ninety days.
2. A nullification may be in whole or in part with respect to any particular action of the Senate.

C. Initiation of Proposals. A proposal to suspend or nullify an action of the Senate must be initiated within twenty days of the date of such action. It may be initiated:

1. by the President, the Board of Trustees, or the Executive Committee of the Board; or
2. by written petition of members of the University Faculty who are not members of the Senate equal in number to, or greater than, the quorum of the authorized membership of the Senate; or
3. by two-thirds of the members of the University Faculty Review and Procedures Committee.

D. Review and Presentation of Proposals. The University Faculty Review and Procedures Committee shall review any such proposal made under Section C-1 or C-2 above. Prior to the meeting of the Faculty at which such proposal is submitted, said Committee shall make its views thereon known by communication to the University Faculty, in the call of the meeting or otherwise, and shall, whatever its views may be, assist the Secretary and the proposers in presenting the proposal to the meeting.

15 E. Action on Proposal. Any such proposal shall be promptly submitted to a special
 16 meeting of the Faculty or, if the timing permits, a regular meeting, provided notice of
 17 such proposal is set forth in the call of the meeting. Provided the necessary quorum is
 18 present (see Article IV, Sec. B-4-b above) adoption of such proposal shall require the
 19 affirmative vote of a majority of the voting members present. If the proposal is not
 20 adopted, the action of the Senate shall stand, subject to Section F below. If two
 21 successive meetings (including an adjourned meeting) have been called or set to
 22 consider any such proposal, and there is an absence of a quorum at each, the action of
 23 the Senate shall stand, subject to Section F below.

24
 25 F. Referendum by University Faculty. A referendum by mail ballot of the University
 26 Faculty may be had on any action of the Senate which has been duly submitted to the
 27 University Faculty for proposed nullification under Sections A through E above,
 28 whether or not such proposal to nullify has been approved under Section E above.
 29 Such a referendum may also be had on any action of the University Faculty taken in the
 30 exercise of its reserved powers (Article IV-A) without any prior action of the Senate.
 31 The following procedures shall govern:

- 32
 33 1. Any such referendum shall require a petition in writing from the President, the
 34 Trustees, or voting members of the Faculty equal to or greater in number than the
 35 authorized membership of the Senate, filed within twenty days of the last action, or
 36 failure to act, on the matter on which the referendum is sought.
- 37
 38 2. The Dean shall, in cooperation with the University Faculty Review and Procedures
 39 Committee, distribute suitable information concerning the issue to the Faculty.
- 40
 41 3. Only voting members of the Faculty shall be eligible to vote in such referendum.
- 42
 43 4. The mailing, balloting, and counting procedures shall be prescribed and supervised
 44 by the Committee on Nominations and Elections, which shall decide any disputed
 45 questions in connection therewith.
- 46
 47 5. Provided at least 25 percent of the voting members of the Faculty cast valid ballots in
 48 such referendum, the majority of the votes cast, whether such majority is in favor of
 49 the original action or in favor of its nullification, shall decide the issue. If the vote is
 50 less than 25 percent, the referendum shall be without effect.

51
 52 G. Subsequent Action. Once a proposal to postpone or nullify an action of the Senate
 53 has been initiated, and has been finally approved or defeated by the University Faculty
 54 under the above procedures, or final action has been taken on a matter within the
 55 reserved powers of the University Faculty, the matter (or substantially the same matter
 56 as determined by the Review and Procedures University Faculty Committee) shall not
 57 be brought up again before the University Faculty or the Senate until at least one year
 58 has passed from the date of such final approval, defeat, or other action.

59
 60 XI'. RELATIONSHIPS BETWEEN ADMINISTRATION AND FACULTY
 61 GOVERNANCE
 62

13 A. University Faculty Committee. The central administration, and in particular, the
 14 Provost and the President, will look to the University Faculty Committee for advice and
 15 consultation on all major policy issues that are of interest to the faculty. To facilitate
 16 that advisory and consultative relationship, the Provost and/or the President will meet
 17 on a regular basis with the University Faculty Committee.

18
 19 B. Central Administration Committees. If members of the central administration
 20 constitute a committee to make or advise on policy issues, or carry out searches, and
 21 decide to appoint faculty members to that committee who are not members of the
 22 central administration, college deans or associate deans, or division directors or
 23 associate directors, the expectation is that they will ask the Senate to nominate some
 24 faculty members to serve on the committee. The central administration will be
 25 expected to select about one-half of the faculty membership on each such committee
 26 from names presented by the Senate. The Senate will present as many names as are
 27 requested, but in no case more than twice the number to be selected.

28 29 PART FIVE. AMENDMENTS

30 31 XII. AMENDMENTS

32
 33 This document may be amended in accordance with the following procedures:

34
 35 A. Initiation of Amendment. A proposal to amend this document may be initiated:

- 36
 37 1. by majority vote of the Senate; or
- 38
 39 2. by majority vote of the Review and Procedures University Faculty Committee; or
- 40
 41 3. by written petition of members of the University Faculty who are not members of the
 42 Senate equal in number to, or greater than, the quorum of the authorized membership
 43 of the Senate.

44
 45 B. Submission to the Faculty. Any such proposal to amend shall, unless initiated by the
 46 Review and Procedures Committee, be reviewed by the Senate that committee, which
 47 shall make its recommendation thereon. The Dean shall then promptly submit such
 48 proposal, together with the recommendation of the Review and Procedures
 49 Committee, Senate, to a regular or special meeting of the University Faculty. The five
 50 percent quorum requirement shall apply. If the proposal fails to receive the approval of
 51 a majority of those present and voting, it shall be deemed to have failed. If it does
 52 receive such majority approval, it shall then be submitted to a referendum in
 53 accordance with the next section.

54
 55 C. Referendum. If the proposal to amend has been approved by a majority vote at a
 56 meeting of the Faculty under Section B above, it shall then be submitted promptly to all
 57 voting members of the University Faculty for a referendum by mail ballot. If approved
 58 by a majority of the valid ballots cast, the proposal shall be deemed adopted and this
 59 document amended accordingly.
 60

1 D. Such referendum shall be supervised by the Committee on Nominations and
2 Elections, which shall decide all questions and disputes arising in connection therewith.
3 The Committee may call upon the Dean and the Review and Procedures University
4 Faculty Committee, if necessary, for assistance in conducting such election.

5
6 E. Subsequent Action. If a proposal to amend this document is defeated, the same
7 proposal (or substantially the same proposal, as determined by the Review and
8 Procedures University Faculty Committee) may not be initiated until at least one year
9 has passed from the date of such defeat.
10

11
12 _____
13 Adopted by the University Faculty, January 13, 1971. Amended by the University
14 Faculty, September 12, 1973, referendum September 28, 1973; February 12, 1975,
15 referendum, March 21, 1975; March 3, 1976, referendum May 4, 1976; September 20, 1978,
16 referendum October 30, 1978; September 19, 1979, referendum October 22, 1979.
17 Announcement by Dean of Faculty to correct gender-specific pronouns, University
18 Faculty Meeting, May 18, 1983, Records, pp. 5643-44F. Amended by the University
19 Faculty, October 12, 1994, referendum April 1995.

MINUTES OF A MEETING OF THE FACULTY COUNCIL OF REPRESENTATIVES

November 8, 1995

Third Meeting of the Academic Year

(Numbers in parentheses indicate attendance at meetings to date)

Present: **Afr. Ctr.:** Greene, S.E. (3). **CALS:** Davis, P.M. (3), Halseth, D.E. (3); Helmann, J.D. (1); Krasny, M. (3); Lucey, R. (3) (also elected member); Nasrallah, M.E. (2). **Geneva:** Nyrop, J. (2). **AAP:** Kord, V. (2). **A&S:** Albrecht, A. (2); Ashcroft, N.W. (2); Christensen, T.J. (3); Connolly, R. (3); Fay, R.C. (3); Gross, M. (3); Han, S-K (2); Harris-Warrick, R. (3); Hyams, P. (2); Janowitz, P. (3); Mermin, D.M. (3); Mermin, N.D. (2); Pinch, T.J. (2); Regan, D.T. (3); Roldan, M.J. (2); Stacey, G. (2). **Engr.:** Boyd, I.D. (2); Cohen, C. (2); Hartmanis, J. (3); Liboff, R. (2); Lo, Y-H (2); Mukherjee, S. (3); Resnick, S. (3). **Hotel:** Chase, R.M. (1); Sherry, J. (3). **H.E.:** Brenna, T. (2); Obendorf, K. (2); Wethington, E. (3). **ILR:** Kuruvilla, S. (2). **JGSM:** Isen, A.M. (3); McAdams, A.K. (2). **Law:** Green, R.A. (2); Wippman, D. (2). **Libr.:** Atkinson, R.W. (3). **ROTC:** Kehoe, M.J. (1). **Vet. Med.:** Baines, J.D. (2); Randolph, J.F. (2). **At-Large:** Abowd, J. (3); Bierman, H. (3); Garza, C. (3); Holcomb, D.F. (3); Howland, H.C. (2); Pritts, M.P. (3); Schuler, R. (3) (also Faculty Trustee); Schwartz, P. (3). **Faculty Trustee:** Calvo, J.M. (2).

Guests: Cohen, W.; Ford, J.; Gillett, J.

Absent: **CALS:** Brown, D.L. (2); Churchill, G.A. (0); Corradino, R.A. (1); Gebremedhin, K. (2); Krall, D.W. (0); Liebherr, J.K. (2); Luckow, M.A. (1); Neal, J.C. (0); Reeve, H.K. (0); Setter, T.L. (2); Trumbull, D.J. (2); Whitlow, T.H. (0); Willett, L.S. (2); Yavitt, J.B. (2). **Geneva:** Rao, M.A. (2); Taylor, A.G. (0). **AAP:** Cruvellier, M. (1). **A&S:** Davis, T. (0); Frederickson, D. (0) (fall only); Geber, M.A. (1); Kalos, M.H. (2); Monosoff-Pancaldo, S. (0); Pelliccia, H.N. (2); Santiago-Irizarry, V. (1); Shapiro, G. (2); Viramontes, H. (2). **Engr.:** Fisher, E. (2); Liu, P. (1); Lynn, W.R. (1); Sachse, W.H. (2); Tardos, E. (2). **H.E.:** Cornelius, S.W. (0); Hahn, A. (0). **ILR:** Ehrenberg, R.G. (1); Lieberwitz, R. (1). **Vet Med.:** Bertram, J.E.A. (2); Cooper, B.J. (2); Dubovi, E.J. (1); Farnum, C.E. (2); Kallfelz, F.A. (0). **At-Large:** Kline, R.R. (1); Timmons, M.B. (1).

The Speaker, Professor Emeritus Russell D. Martin, Communication, called the meeting to order. He indicated that action on the minutes would have to be postponed until a quorum was present. He called on Dean Stein for remarks.

1. REMARKS BY THE DEAN

Peter C. Stein, Dean of the Faculty: "I guess that you all know that the Senate structure was approved overwhelmingly in the mail ballot—it was a victory like those in politics could only dream of—it was nine to one: 684 votes to 78. I would guess that probably more than half of the faculty who could vote voted for it. And what I mean by that is that 684 is not a majority of the Faculty, but there are people who sent in defective ballots, and there are people who are on leave. It's my guess that that's a very large turnout, and it's much bigger than we generally get for Faculty elections. So, we're going to have a Senate. I'm thinking a lot about how we will go about making the Senate successful. My own belief is that we have roughly a year to establish it—that the Senate has to establish itself. It has to have credibility with the Faculty, proving that it speaks for the Faculty; and it has to gain credibility with the Administration, proving that it speaks for the Faculty and that its views are worth listening to. It has to gain credibility with the Faculty in that it both accurately reflects faculty views and succeeds in effectively communicating those views with the Administration. All of those things have to happen, and I think that we roughly have a year to have it happen in.

"I've been thinking a lot about the way that the Senate will be elected, and I think that it will be very important that the first Senate be composed of people who actually can represent the needs of their department. The whole structure depends strongly on the fact that the representative in the Senate will stay in touch with his or her department and be able to communicate those views of the department to the Senate—and be able to communicate back to the department what is seen by the Administration: the current state of affairs, what issues are being talked about in the central Administration, and all those sorts of things. The word 'communication' is key, and I think that the Senate cannot succeed without it. There are a lot of ways it could fail but only a few ways it can succeed. A *sine qua non* for success is that this kind of communication between the representative and the people represented actually goes on and that the views of the department are actually reflected in the debates of the Senate. The only way that can happen is that people in their departments must decide that this activity—namely, being a representative to the Senate—is a worthwhile activity and that it is worth recruiting people of substance; and the people of substance must take their jobs seriously. That has to happen in the majority of cases, or else the Senate cannot succeed. I urge you to bear that in mind when the departments are getting together in the next couple of weeks to select their representatives to the Senate.

"The only other item I want to comment on is that I sent you all an e-mail asking you to please send your nominations for people to serve on the search committee for University Librarian; I'd like to receive them by next Monday. Please do that; this is an important position to be filled. There has been a lot of talk in the last couple of years about the Library in the FCR and what people view as a deteriorating situation in the Library. It's clear that the University Librarian has a key role to play in reversing that. I think that this is a very important position, and I'd like you to think a little bit about who would be a good person to represent your views on the search committee that will select the University Librarian.

"Now, do we have a quorum?"

Speaker Martin: "Secretary Lucey says 'no.' Are there any members of the FCR who have not yet signed in?"

Dean Stein: "Well, wouldn't that be embarrassing."

Professor S. Kay Obendorf, Textiles & Apparel: "They thought they were disbanded."

2. DISCUSSION OF THE TRANSITION BETWEEN THE FCR AND THE SENATE

Dean Stein: "Well, we have a document that we have to consider today, and I guess I better talk about that. It is something that was passed on to you in the mail, and it speaks to the transition between the FCR and the Senate (Appendix A, attached). As we looked at the timetable, it seems that there are a couple of things worth discussing. One is that it seemed it would be possible by the end of this semester to get all of the people elected to the Senate and to be able to hold the first meeting of the Senate, so the timetable we adopted was one that assumes that this meeting of the FCR will take place, then another meeting of the FCR will take place in December, and then the FCR

will be disbanded. In February, the first meeting of the Senate will take place on the same schedule that the FCR currently has.

"Now, there are a lot of elections that have to take place to bring this Senate into working order. One is for the Nominations and Elections Committee. There's a Nominations and Elections Committee which is an extension of the Nominations and Elections Committee we have at the moment but which has much wider responsibilities. We thought that, instead of disbanding the old Nominations and Elections Committee, we would simply have the Faculty Nominations and Elections Committee turn into the Senate Nominations and Elections Committee and have elections occur as vacancies occur on that committee. The duties of the new Nominations and Elections Committee are somewhat different than that of the old one, but it seemed that they were close enough so that we could simply take that committee and turn it into the Senate Nominations and Elections Committee.

"There are nine at-large members of the Senate to be elected, and the suggestion that was made was that we not have those elections but simply take the six most senior at-large members of the FCR and make them at-large members of the Senate. The reason for doing this is that there is a large number of elections that have to be carried out, and it seemed to us that it made sense to reduce the number rather than increase the number. Essentially, those people were elected by the Faculty to have the same job—namely to be at-large representatives of the Faculty on a body which is roughly the same size as this body. So, it seemed natural to do that. We do, however, have to have elections for the three non-tenured at-large members of the new Senate, because none of the current at-large members of the FCR are non-tenured.

"The other transition point is that we think there are going to have to be a lot of changes in committees and their responsibilities. But we thought that, as a transition, all of the committees of the FCR would simply become committees of the Senate, until the University Faculty Committee—which operates as an Executive Committee of the Senate—decides to abolish them or change their mandate and so forth—so that it would not require special action to keep a committee going, but it would require special action to change either the role or the existence of that committee."

Professor John M. Abowd, ILR: "Peter, you haven't yet said what the allocation of representatives will be to the four small colleges without departments. Could you comment on that?"

Dean Stein: "Well, they're treated like departments in this document, so they all have two representatives to the Senate. They have two representatives because they have more than 25 voting faculty members."

Professor Richard E. Schuler, Economics and Civil & Environmental Engineering, and Faculty Trustee: "How do you define seniority in transferring the at-large members?"

Dean Stein: "It's seniority of service in the FCR, not seniority in service at Cornell."

Professor Abowd: "It depends on the amount of time left on the term."

Dean Stein: "Right. Any other questions?"

Speaker Martin: "Is there further discussion concerning the transition?"

Professor Abowd: "Peter, do you know the names of the six people who will survive as at-large members of the Senate?"

Dean Stein: "No."

Speaker Martin: "Any further questions or discussion? Well, we now have a quorum, so we can act. All in favor, say 'aye'; opposed, 'no'; it is carried.

"We will now back up for approval of the summary minutes of our October 11 meeting."

3. APPROVAL OF SUMMARY MINUTES

Speaker Martin: "Are there any corrections to those minutes? There being none, they are approved.

"The chair next calls on Professor Peter Schwartz of the Subcommittee on Educational Policy to introduce a resolution regarding Cornell 101."

4. RESOLUTION REGARDING CORNELL 101

Professor Peter Schwartz, Textiles & Apparel: "Professor Robert Kay, chairman, couldn't be here today, so I'm presenting the resolution from the subcommittee for him. You all received the document that contains the proposal for Cornell 101 and also another proposal with the call to meeting. We, as a subcommittee, looked only at the Cornell 101 proposal in our deliberations. We spent two meetings looking at this proposal, and, from that, we came up with this resolution:

WHEREAS, the Subcommittee on Educational Policy reviewed the proposal for a University-wide course known as Cornell 101, and

WHEREAS, the Subcommittee concluded that the course should not be required and that its academic content is insufficient to justify academic credit,

THEREFORE, the FCR declines to make Cornell 101 a required course with academic credit and urges the Dean of Students to prepare a module of academically oriented information about Cornell for use by the Colleges in their orientation programs.

"Just as a way of explanation, let me summarize the rationale we used to come up with this decision. The major one was that the course was being proposed to be offered for academic credit, and the majority thought that there really was not sufficient academic content in the course to justify the granting of academic credit. We also felt—and we stepped a little bit away from just considering the course, because it is a part of this entire package—that programs that serve one worthy goal should not be confused

with those that serve another. Even though we feel that the rationale held by the people who proposed Cornell 101 was a worthy objective, we felt that this was the wrong instrument to use in achieving that objective. We felt that there was concern about having an additional requirement for all students. We saw logistical—staffing and administrative—problems and, although the proposal talks about faculty to teach the course, it's not very specific as to whether these faculty are in place; it alludes to faculty who might teach the course but does not have a specific commitment of faculty to teach it. We estimated that it would take approximately 160 faculty members from across the University, and those 160 or so had not been well-defined or obtained. Also, we found that many colleges were offering orientation programs of their own, in terms of acclimating students to the University and to their colleges in particular, and we felt that there might be a duplication of efforts with this particular program. All of those factors led us to the resolution."

Speaker Martin: "Thank you, Peter. The resolution is now on the floor for discussion. As this proposal comes from a committee, it does not need a second. Any questions?"

Professor Abowd: "Are either Susan Murphy or John Ford here?"

John L. Ford, Robert W. and Elizabeth C. Staley Dean of Students: "Yes."

Professor Abowd: "Are you planning to speak in defense of the proposal—not of the resolution here but of your original proposal?"

Dean Ford: "I'm here mainly to answer questions. I think that the resolution speaks for itself; I can't really offer a counter-resolution. I do take issue to some of the rationales: I don't think the proposal duplicates anything else that is going on on campus, for example. The main reason for requesting some kind of mechanism to have this required and have it offered for credit was that it was the feeling of the committee and of some others who looked at some of the needs of freshmen that there *is* a need for a common experience for freshmen to help them feel more connected to the University. I don't know that any of the college orientation programs are fulfilling that. But we are perfectly willing to try, through a pilot, to develop some academically oriented modules; and, if the FCR is interested in entertaining a revised proposal at some later time and in considering that for credit, we would be most happy."

Dean Stein: "One of the unfortunate results of putting things in resolution form is that they come out very stark. Some people might feel that the way this came out reflects that the committee that looked at it was totally unsympathetic to the whole idea and to the goals of Cornell 101. And that, indeed, is not the case. They were convinced that there is a problem with undergraduates establishing a sense of identity with Cornell at-large and that to try to make something that made students feel like a part of something bigger, and something nobler, and something greater, was a good thing to do. But the committee was simply not convinced that this particular proposal would be very successful at doing that—that was one thing; and they felt uncomfortable at what they saw as a blending of academic and social, or academic and non-academic, together by giving credit for something that they saw as being below the threshold for granting of academic credit. They did, for instance, feel that the statement about having something in the college orientation was not a throw-away one. There was the feeling that

the college orientations are probably good—we've heard good things about them. We think they are going to expand and that the idea of putting something in the college orientations that would knit the colleges together and give a sense of what Cornell is—what its traditions are, what its goals are, why it is, why it's wonderful—is probably a good thing to do. The committee thought that something within the orientation process, then, might have a better chance of success at achieving this goal."

Professor Obendorf: "However, Peter, there's a different mix if you have people sitting in an orientation by college versus sitting in an orientation that has a university cross-section in the classroom."

Dean Stein: "That is a weakness of the alternate proposal, no question."

Joseph M. Calvo, William T. Keeton Professor of Biology, and Faculty Trustee: "How important is it for the success of this course to offer it for academic credit? Is there anything we can learn from the experiences of other institutions that do similar things?"

Dean Ford: "I think it's very important to the ultimate success of the course to be able to offer it for academic credit. As you all know, one of the main occurrences for helping students decide how to spend their time as freshmen is to consider whether the University thinks such an activity is valuable enough to grant credit. I think that in order to get students involved and actively participating in some small group discussion-format assignments outside of class, giving academic credit would be helpful. Also, I think that to get a common experience—that is something that we, as a University consider to be important—it would be helped by offering credit for it. I cannot really take issue with the decision of the committee that these particular activities may not merit academic credit. That's a very valid attitude for the committee to take."

Professor Abowd: "My understanding is that the graduation requirement would also be augmented."

Dean Ford: "That's the way it's proposed; but it could be done in other ways in order to work the credit in."

Professor Abowd: "I have a comment based on ILR's experience in introducing the Freshman Seminar, which is a one-credit course taken in the first semester of the freshman year. The feeling was that it had to be for credit in order for the students to take it seriously, which is, I think, the same thing that you're saying here. The other thing was that if it was going to be for credit and taught by regular faculty, it basically takes the one-semester commitment of ten faculty members—it's equivalent in teaching-time to us of five semester courses. I hope this generalizes how significant a source commitment such a program as this would take on the part of the University. I don't personally agree that such a course has to be taught by regular faculty in order to be done and in order to be done well; but I think that the point is well taken in that when we introduce students to Cornell, we want to introduce them to the breadth of what Cornell has to offer. So I do think that the point about the major faculty commitment is something we should consider further."

Professor James W. Gillett, Natural Resources: “My typical freshman advisee has 18 hours of credit right now, unless he or she has advanced placement. So I’m wondering whether we are supposed to ask the freshmen to give up their four-hour chemistry class—because you really need to sacrifice something to add one more hour and take up to 19 credits. That’s a little bit extreme, especially for a first-semester freshman. Those other courses are considered as prerequisite for most of the other courses starting in the sophomore year. It’s very difficult, given the conflicts as they are.”

N. David Mermin, Horace White Professor of Physics: “John, I understand the point about building community, but what are your views about how important this is for this to be a *required* course?”

Dean Ford: “Well, for starters, we would not want to require any experience that is not a high-quality experience. So we were proposing at least three or more semesters of pilot study where we would try to get quality learning experiences. If we were able to get a course to that point, I think that requiring Cornell 101 would offer the advantage of allowing (and encouraging and insisting) students from across the University to participate in it. The way the things are now, we are a very splintered campus—by residence hall areas, by race, by academics. We have some very good data from senior surveys about students’ dissatisfaction with the freshman year, and to some extent, their whole undergraduate experience here. I think that requirement would give us the opportunity to have a common experience across the undergraduate curriculum.”

Professor Mermin: “Do you think, then, such a program would be successful if it weren’t required?”

Dean Ford: “It *could* be successful, but it would be a very different kind of experience—it wouldn’t be a *common* experience. There might be some whole colleges that would opt out. As Professor Gillett was just saying, there are some students who are taking 18 credits and who would not be able to fit it into their schedule, even if they wanted to. So I think that if Cornell 101 were required, there could be some arrangements made that would make allowances for freshmen who have extra-heavy loads.”

Professor Cutberto Garza, Nutritional Sciences: “John, is there any mechanism we have to distinguish something that is academically valuable from something that is important? I don’t think that any of us argue that this isn’t important; I think most of the concern stems from taking something that is important and trying to make it academically valuable.”

Dean Ford: “In the best of all possible worlds, it would be easy to make that kind of distinction and say to students: ‘We think this is important; please do it’—and the majority of students would do it, without receiving academic credit. We think this is important, though, and want every student to participate in it. In this world, which is that of an academically challenging university, I think students will vote with their feet. As much as we say, ‘This is important,’ they will not participate in this, and they will continue, as seniors, to say, ‘Gosh, I’m about to graduate, and there are half-a-dozen really important resources here that I have missed forever.’”

Professor Garza: “There are courses for which students will register and not receive

academic credit—they will, in fact, receive zero credits on their transcripts. Is it possible that, in fact, you could require this experience and have students get zero credits for it—that it could go on their transcript and have a zero next to it in the credit column?”

Dean Ford: “That’s a possibility.”

Professor Mikhail Nasrallah, Plant Biology: “I want to speak as a parent of a sophomore at Cornell. I have seen in the past year a president go and come, but I do not feel that there was excitement and a feeling among the freshmen or the sophomores about these events that took place—and I’m not talking about students who are not doing very well, I’m talking about students who are doing exceptionally well. I think that students would benefit with a course with content like that in Cornell 101; as a parent, I would like to see my child take a course such as Cornell 101 and be a greater part of this community.”

Associate Professor Elaine Wethington, Human Development and Family Studies: “I’m going to preface my remarks by saying that I teach a lot of freshmen, almost every year. That doesn’t give me perfect insight into what they would think about this course, but I do think it offers a different perspective. I think that when students are expressing dissatisfaction—what they say is a ‘lack of community’ at Cornell—they’re not necessarily talking about the lack of opportunities to do more things. They already feel overwhelmed by the amount of social things that they want to do, in addition to all the deadlines and assignments in their academic classes. When I read the description of Cornell 101 and tried to look at it from the point of view of one of the freshmen in my classes, they’d say, ‘Oh, fine—ten more deadlines. I don’t need ten more deadlines; I don’t need ten more little bureaucratic things to do.’ I think that one way of looking at what the Educational Policy Subcommittee was trying to get at in terms of its comment to the committee that drafted the Cornell 101 proposal is that the students were apt to misinterpret and not derive academic benefit—or derive benefits which are competitive with their academic goals. In the long run, it might undermine their sense of community because they have less time to participate in other sorts of things—which would probably include the sorts of things in Cornell 101, but they’d be done by the student’s own volition. I think that if the University should be concerned in making those introductory experiences better for the student, some of these problems would take care of themselves in a completely different way, and it would be more academically coherent, and the Subcommittee would be more comfortable.”

Professor Dorothy M. Mermin, English: “I also teach freshmen just about every year, and I’m the mother of a recent graduate of Cornell, and I agree with everything Elaine said. Also, if you *require* taking Cornell 101, you will have many people who will not do it and will regard it as silly. So what will happen at the end of their senior year—will you not let them graduate—just as if they have not completed the physical education requirement?”

Associate Professor Paul R. Hyams, History: “I’m a parent too. My daughter is a high school senior who is, at this moment probably filling out applications. Okay, it’s probably my wife who’s filling out the forms. I think I’d like to speak against the resolution—and therefore for the Cornell 101 proposal; the first reason is about my daughter. This

is the kind of thing that good recruits like my daughter see in a college catalogue and are attracted by, among the plethora of apparently attractive colleges that are around. Most of the comments I've heard in support of the resolution, or against the proposal, seem to be comments about the overloading of the freshman year—and possibly not just the freshman year. It seems to me that one credit in 121 is no very big deal and that most of us sitting here could probably point to other people's courses that aren't worth the four credits they carry (and, in some cases, aren't worth one credit).

"The other question that was asked was, 'Why do students need a credit to make them take a course seriously?'—and one might ask, 'Why do faculty need funding in order to make them willing to do jobs such as faculty fellowing?'—which is also in this report, and which some of us have done at other universities in other places simply as part of a job in which we were paid a salary. I think it's not a perfect proposal, but it's a serious one, and we should support it."

Professor Robert C. Fay, Chemistry: "I am concerned about these visits to persons listed on the 'Who's Who at Cornell' list. It seems to me that that is probably the strongest academic component of the program, and I am wondering how practical this really is. If three percent of the freshmen wanted to talk to a particular Nobel prize-winner, then the professor would be spending the entire academic year talking with a handful of students each day."

Dean Ford: "That list was demonstrative, not mandatory or complete by any means. Those were examples of the kind of things which could be done. If that proposal ever passes, a lot of work will have to go into making sure that every one of those windows under each category is a useful component to it."

Professor N. David Mermin: "Since the issue of the attractiveness of the Cornell 101 proposal as a recruiting device has been raised, I have to say that I can imagine other prospective students, like my own kids, who would not have been attracted to a program like that. It can be read as, kind of, a Boy Scout-merit badge affair that I think some people might find uncomfortable: being forced to do things that you should want to do on your own initiative."

Associate Professor Alan K. McAdams, JGSM: "I'd like to comment on the requirement. We have courses in oral and written expression that are widely elected. The people who teach these get among the highest teacher ratings in our school, and the courses get similar high ratings. A number of our sister schools have courses like Cornell 101 required; uniformly, those are derided—they get the lowest ratings, and they're treated like Mickey Mouse. So I think there's something in inherently forcing people to do things they really should want to do on their own that can then destroy the value of doing it."

Professor Richard L. Liboff, Electrical Engineering and Applied & Engineering Physics: "The purpose of introducing this course is, supposedly, to make the freshmen feel less ill at ease about adjusting to Cornell. Now if you make a thing like this required, it becomes an affront. Suppose a freshman doesn't want to take the course. How would that be welcoming the student to Cornell? The recent trend at Cornell has been, if anything, going toward more freedoms. Speaking about engineering, we tried turning

ourselves inside-out to give our students more room for electives—there's hardly even any time for that. It just seems to me that this is a self-defeating effort.”

Dean Stein: “I think there are three aspects to the Cornell 101 proposal that are getting mixed up in this discussion. The first is, is it a good idea to have something like this as an option for students to take who want to take it? The second is, does a course like this deserve academic credit? If we keep the words ‘academic credit’ attached to the proposal, do we view it as we have so far, or do we need to expand it? The third is, should an experience like this be required of all students? Those three issues, I think, are really independent. I don't think anybody on the Educational Policy Subcommittee would have argued against the first one—they would have all agreed that something like this is a good idea. I think it would answer some of the concerns that have been brought up in discussion: If these people think that this would be a good idea for students, and the students find it attractive, well, they ought to do it, and we should let the students take it. The second issue of academic credit forces us to actually look at the program and try to decide whether or not it is deserving of academic status. The third issue, I personally feel extremely uncomfortable with. I can't speak for the rest of the Subcommittee, but I think that you have to be very careful when you require adults to do something. When we make up the physics curriculum, for example, we say: ‘Well, if you want to major in physics, you have to take this course and that course and twelve hours of this and four hours of that—because we are professional physicists, and we know what you have to know to be able to call yourself a B.A. in physics.’ I think that in the department, people feel pretty comfortable making that kind of statement; and we all do, in various ways. But I myself feel very uncomfortable about making the same statement about this particular course—saying that every student at Cornell, in order to get a degree, must be required to take this, because, if they haven't taken it, we don't think it's proper to confer a degree upon them. So we're caused to look at this as a package of all of those things: Is it a good idea to offer it? Should it have credit? And should it be required? And to that package, the Subcommittee says ‘no’; but it doesn't say ‘no’ to all of the component parts, be they however mixed in the different ways as we have seen.”

Associate Professor Marianne E. Krasny, Natural Resources: “I'm not a parent of a student who's currently in college or currently thinking about college, but I am a survivor of the freshman experience at Cornell—as well as the whole undergraduate experience. I do have a lot of concerns about the whole undergraduate experience, because I was one of the students who was basically too shy, maybe not assertive enough to really take control of being at Cornell, so I didn't come away with a sense of community. I think that in the proposal, there are a lot of things mixed up. For one, I don't think that most freshmen are like me; I work with some alums now who had a very different undergraduate experience, so I guess that's an argument against the requirement. I think what Cornell 101 is trying to get at are four different things: community-building, self-confidence, intellectual passion, and service—and I think the types of things you might want to do to help create self-confidence are potentially quite different from those that create a sense of community. Maybe the students that have problems with self-confidence have the need for some of these other goals; so it seems like the proposal is trying to do a lot of things. Our discussion has primarily been on just one of these, which is community-building.

"Another thing is that, apparently, two-thirds of universities have the freshman experience course now—the University 101—and I guess we've pointed out how much can be lost in trying to put these costly productions together. I would feel more comfortable if we would look at some of these other models and see how they are working before we jump in and implement this particular model."

Professor Emeritus Donald Holcomb, Physics: "The thing that I'm uncomfortable about, perhaps this goes along with what Peter was saying, is that this resolution from the Educational Policy Subcommittee and the proposal are sort of on two railroad tracks which pass one another without really coming into any sort of dialogue. It seems to me that the proposal tries to come to grips with a very important feature of life here, and if the FCR approves this resolution, it should not be viewed as closing its eyes to the issues which are raised in the Cornell 101 document. If indeed we go away with this resolution being passed, I for one think we should then engage in dialogue and attempt to come to grips with the real issues. One thing that's been talked about here is that, for many students, unfortunately, at this university, life consists of going to class or going down to the Chapter House (or whatever its present name is) to drink beer. And that's a poverty-stricken experience. We should be very much concerned about the issues that are raised here."

Dean Ford: "I have just a quick comment that ties in with these last comments. A lot of emphasis has been put on the fact that we probably should not offer 'academic' credit for this course; but we do offer credit for other experiences that are not academic. So I think it is in the spirit of what was just said—this is not a physical education course either. But we do think that that kind of experience is important, so we wish to compensate the student in some way by offering some sort of recognition. It's not physical education, it's not academic, but it's perhaps something else."

Speaker Martin: "Are we prepared to vote?"

Associate Professor Rebecca Harris-Warrick, Music: "Just a quick question: What happens if we vote in favor of the resolution? Accompanying the Cornell 101 proposal in the call to meeting was a letter from Susan Murphy that says they hope to do a pilot version of Cornell 101 in the spring semester of 1996. So what will happen to that pilot if we vote for this resolution? Will it disappear?"

Dean Stein: "One of the reasons for the forcefulness of the resolution and the timetable is that Vice President Murphy asked me for an FCR response to the proposal to require Cornell 101 for all students. She was on a fast-track with this, and she told me she wanted an FCR response by early November. So this resolution is in response to making a decision—either yes or no—for this particular course to be required for credit of all students. Now, there was to be a phase-in period while they studied the program, but my understanding is that she wanted the faculty's decision to be made. This is what the resolution is in response to, but there's certainly nothing in here that either forbids or discourages people from carrying on a pilot of this sort; in fact, it asks people to develop some sort of module to go into the college-based orientations. So I don't think this does anything except to stop the planning for a required course for credit."

Professor Obendorf: "I have a question about how what we do is used in the public press and across campus as we try to move in so many directions. I can just see it in the newspaper: 'FCR Tuns Down Cornell 101.' Then what do the people who are trying to work on the experience do? Is it better to take some other course of action so that we're not approving it for credit but we're not having those kinds of headlines result? That sort of negative publicity—that the faculty doesn't like some aspect of the idea—will make it more difficult for the group to really work on the other objectives. If we just say this is important but then turn the whole thing down, there will be a lot of unintentional negativity on the campus that those working on the proposal will have to overcome."

Dean Stein: "Well, we were asked to make a judgment."

Professor Obendorf: "Does that mean we must have a resolution as well?"

Speaker Martin: "We are approaching the time limit that was allotted to discussion of this matter. So are there any further questions or comments? Let us vote: All in favor of the resolution regarding Cornell 101, please say 'aye'; opposed, 'no'; it is carried.

"The Speaker again calls on Dean Stein, who will introduce a resolution on the policy on romantic and sexual relationships between students and staff."

5. RESOLUTION ON THE POLICY ON ROMANTIC AND SEXUAL RELATIONSHIPS BETWEEN STUDENTS AND STAFF

Dean Stein: "Let me tell you a little about the history of where this comes from. This is more complicated than you might think, at first blush. This started about a year ago, or maybe a little more than a year ago, when the Graduate School passed a policy that is similar to this and that addressed similar relationships between graduate faculty and graduate students. The then-provost, Mal Nesheim, came to me and said, 'Well, we've got a policy now on sex between faculty and graduate students. Do you think the FCR would have any interest in a policy governing faculty and undergraduate students?' And that seemed to me to be a reasonable thing to think about. So we put the question to a committee; we were going to appoint a special committee, but the then-chair of the Executive Committee, Kay Obendorf, noted that we had a committee called the 'Committee on Membership of the University Faculty,' which has had people duly elected to every year but has not met in, probably, ten years. So we asked, 'Why appoint another committee?' We called upon that committee to consider this question, and they did.

"The first question is, 'Why is it that one ought to be worried about sexual relationships between faculty members and students?' There was a lot of talk in the higher education community about a year ago—it seems to have disappeared now—but there was a lot of talk at that time about exposing universities to lawsuits when romantic relationships between faculty and students—which had started off as wonderful and blossoming and providing great pleasure for both parties—turned sour. And then there were a couple of cases where, when they turned sour, the student-end of the relationship decided to sue the university and, as a result, collected a lot of money from the university.

The student claimed that the university *allowed* this to go on, and the student was, therefore, psychologically damaged by this experience. So there was a lot of concern about doing that, and a lot of universities began looking into policies.

“Then there was another legal concern that came up—a legal concern from the other side, which said that if you write down a policy like this, you subject yourself to the danger of lawsuits. After all, you’re inhibiting the private lives of adults, and the university has no business standing in the way of true love between two consenting adults—so someone, either the faculty member or the student, could sue the university for interfering with their privacy. Privacy, we all know, is constitutionally protected, so we’re really treading on very thin ice.

“So the first thing the committee did was to have a lot of discussion with the University Counsel’s office—the discussion went on and on, in meeting after meeting. Finally, we came to an understanding of the situation. (I mean, talking to lawyers, you don’t always understand what they’re saying, because they speak this different language; but if you stick with it long enough, you can understand what they’re saying.) The result of all those discussions was that this had no legal significance whatsoever: A document like this, if a faculty member chose to ignore it, would not protect the university from a lawsuit. The university could not hide behind this paper shield and say to the court, ‘Look, we have this policy,’ because the court would say, ‘Well, you didn’t enforce your own policy; therefore, you’re liable.’ So having a policy neither hurts you nor helps you in some subsequent lawsuit. That was point number one.

“Point number two is that the law in the second instance is not settled. In New York, we’re told that the precedents are that, in fact, a private employer may, for reasonable cause, interfere in the private lives of its employees—the famous Wal-Mart case comes to mind, where it turns out that Wal-Mart does not allow fraternization between its employees. Employees sued, and the court decided in favor of Wal-Mart—that there was legitimate reason for Wal-Mart to make that a condition of employment. Anyway, all of this went away, so there is no legal significance to this document one way or another.

“Then the other question that the committee thought about was, ‘Should we make such a document at all?’ We decided that we probably ought to make a document, because, in talking about it, we thought that there was an ethical issue involved. The more we talked about it, we thought it was somehow not appropriate for faculty members to be engaged in love affairs with students over whom they held some form of authority. I don’t know—each member could speak for him- or herself about this issue, but it seems that the committee unanimously felt that it was inappropriate; that it was a potential abuse of power; and that it, in some sense, transformed a professional relationship between teacher and student that we think is very important. The line of business we are in thinks that the relationship between teacher and student is an important one, and we ought to take pains to keep that relationship as a professional one.

“Some people felt that we ought to take a more extreme approach—like the approach taken by the United States Navy, for example. The United States Navy has two classes: officers and enlisted personnel. The policy says that there shall be no romantic relationships between any officer and any enlisted personnel. Cornell probably said that one hundred years ago—that there could not be these kinds of relation-

ships between any faculty member and any student. On thinking about that, the committee decided that it would not be appropriate—that that would be considered as interfering in the private lives of adults—*so long as there was no authority relationship between the two members of this romantic pair*. So if it was a professor in the Physics Department or a Law student or a student in Human Ecology, where there was absolutely no interaction between the two—no advising, no teaching—there was absolutely no reason in the world why this should be of interest to the university one way or another. We also thought that it was important to think of all of these relationships of authority. On thinking about it, it became clear that it is more than just faculty who are involved in these relationships with students: there are teaching assistants, research assistants, coaches, and other people who have this certain relationship. When we thought about it, we decided that the *student* was a special class at the university; and the university ought to inhibit anyone who was in a power relationship with a student from having an amorous relationship with that student.

“Another question that came up was the question of enforcement. We talked about that and wrote some language about enforcement, and thought about it some more, and then decided to take it away. Anything we wrote seemed to be murky and got into questions we didn’t want to address. Finally, we came out feeling that there were lots of things that faculty members aren’t supposed to do, but these things aren’t all written down. We don’t have this huge law saying faculty members shall not do certain things, and, if a faculty member does this, here’s the person who will hear the case, and here’s the schedule of penalties, and so forth. We don’t do that. For example, we know that if you took a very substantial gift from a student who you were grading, that would not be the right thing to do, and you probably should be disciplined by your department chair if you did that. We don’t write down exactly what the sets of rules are about that, and we decided that this should be written down as a policy or a normative document, or something like that. It should become obvious to a department chair, that if he or she hears about a faculty member who is violating the code, it is the department chair’s responsibility to take whatever disciplinary action is appropriate. So that’s the policy.

“The last paragraph addresses those peculiar situations which we thought we couldn’t think of. We only could come up with one hypothetical situation: A married couple—he’s a Professor of Physics, and she’s a student in Human Ecology—and all of a sudden, she decides that she must have a particular physics course to add to her curriculum, and he’s the only person teaching this physics course. So, should we say, ‘Absolutely not—that’s not allowed?’ And the answer is, ‘probably not.’ Probably there ought to be exceptions made in this policy for valid academic reasons, so we fingered somebody who is to make these exceptions. The way that’s written—and this is a subtle point—is not meant to be read in the following way: ‘It’s a bad idea for a faculty member and a student to have an amorous relationship. On the other hand, we recognize that these things will happen, boys and girls being boys and girls. So they can sort of happen, and if they happen, you should just ask for an exception.’ The last paragraph is not written to be read in that particular way. It is supposed to evoke unusual circumstances, not the usual ones that accompany amorous relationships between faculty members and students.

"The last thing I have to say before opening the floor for debate is the following. If you remember, at the last FCR meeting, I read a letter that had been written to me by the University Assemblies, where they essentially asked us to cooperate more closely with them considering issues that might be of interest to them as well. In keeping with that, I sent copies of this to the Student Assembly and to the Graduate and Professional Student Assembly (GPSA) asking them for comments to present to you. Actually, I got back one comment, which resulted in a subtle change in the document from the one that was distributed to you in the mail. That person was concerned that the use of the word 'staff member' in the last paragraph might not be broad enough to include a teaching assistant, so I changed that wording so there would be no such confusion.

"I got some other responses which I feel duly bound to pass on to you. Essentially, from both the GPSA and the Student Assembly, I got messages saying it was totally illegitimate for the FCR to consider this resolution—the FCR had no business sending this resolution to the Administration because this is a resolution about community activities—we really ought to report to the University Assembly with this. They would prefer that we not go to the Administration with this but rather send it to the University Assembly and have them do with it as they will. The vice-chair of the GPSA said that the FCR had no business legislating about graduate students and that the graduate students would not be bound by this legislation. I declined to send it to them—the FCR has every right to express its views to the Administration. The reason why it says, 'Be it resolved that the FCR . . . recommends it to the Administration for adoption' instead of just, 'the FCR . . . adopts it as policy' is because we recognize that we cannot adopt a policy that binds graduate students or coaches. We could adopt a policy that bound only faculty members, but it seemed more sensible to us to write a broader policy rather than a narrower policy and to recommend that the Administration adopt a broader policy."

Speaker Martin: "The floor is open for debate."

Walter I. Cohen, Dean of the Graduate School: "As Peter said, the starting point for the FCR committee was the previously established proposal toward the graduates from the General Committee of the Graduate School which we've relied on greatly for two years. In any case, I had some discussions with Peter about this this fall, and he showed me drafts, which I passed on to the General Committee. The committee was generally hostile toward the differences between the two documents, though, I must say, they were emphatically supportive of the general policy, which was still supported unanimously. What was most striking to me was that the strongest hostility came from new members of the committee—that is, from members who did not work with the old document in the past. What they were experiencing, as I take it, was that thinking about graduate education, they did not like the way the policy read—especially the last paragraph. Peter, I think, accurately laid out what the implications of the last paragraph are; but the point of view of the General Committee was that this policy nor any other would, in fact, *prevent* staff from entering into amorous relationships with graduate students in particular. Therefore, what a policy should do is get people out of them—and that is a higher priority. Now, this is a difference in philosophy, and you should think about each way you see it.

"I will give you one case which has come to me this fall: A graduate student and a faculty member were in an affair and were quite open about it, and this came to the attention of the General Committee. So one of the members of the committee spoke to me and told me that this was the last semester for the student before receiving the degree, and the student and the faculty member who were having the affair argued strongly that the academic relationship couldn't be severed at this point—that the faculty member was the only person who could advise the student. So the couple proposed something that I accepted, which was that the faculty member would appoint a proxy for the B-exam—the defense-of-thesis exam—and that faculty member would not attend the exam. The other members of the General Committee felt comfortable with that. Now, if it had been earlier in the program, it might have been another matter, but it seems to me that what we did was an appropriate thing at the time. But clearly the intention of the policy you have in front of you is to prevent situations like what I just described from happening, because these are, in fact, routine. They happen—I won't say to most people—but I do know of many cases. In deciding which way you want to go on that point, I think you should think about whether the effect of this policy will be to drive such relationships underground—which would be the worst case if you're trying to avoid conflicts of interest—or to prevent them—which is, I think, what the aspiration of the policy itself is. I'm not a member of the FCR, so I don't know whether I can propose amendments, but I polled members of the General Committee, and they said, though they didn't feel totally happy with this resolution, that they could live with this policy as it stands, provided the parenthetical phrase in the last paragraph, 'e.g., a romantic or sexual relationship that precedes the University relationship,' was removed. In other words, the members of the committee believe the expression in the last paragraph implies quite an unusual case, as Peter exemplified. My feeling is that that case will almost never arise. And if that's the only exception, then it seems to members of the General Committee to be too narrow. To remove the parenthetical phrase will leave more room for discretion in the system. But it seems to me that anybody in that position might feel pretty uncomfortable about saying 'no,' because you are going to routinely produce hardships in the procedure with this policy."

Speaker Martin: "Is there an FCR member who wishes to move that amendment?"

Professor Howard C. Howland, Neurobiology and Behavior: "I'll move it."

Speaker Martin: "Thank you. And a second?" [Seconded] "The amendment is to delete the phrase in parentheses in the last paragraph. Is there discussion?"

Dean Stein: "I'm a little confused about the case that you cited, Dean Cohen."

Dean Cohen: "Well, I did not want to reveal too many details."

Dean Stein: "No, no; I'm not asking for details. It seems to me—actually, I will ask for details, now that I think about it—that, in fact, the academic relationship was severed in that instance."

Dean Cohen: "But the relationship is continuing, Peter, at this very moment."

Dean Stein: "I've got nothing against amorous relationships, but I just find that the notion of someone approving a thesis for someone he or she is having a relationship with doesn't sit right with me. If I interpret this correctly, I would think we'd have to say, 'No, I'm sorry; you have to find somebody else to approve the thesis and to give the B-exam.' And then, you would have abided by this policy. You would have had a finite period of time when you were not in compliance with it, but then you went and removed the difficulty. And that's just what you did, in the instance you described. So I don't really see why you think what you did was inconsistent with this resolution as it is written."

Professor N. David Mermin: "I think we have good reason for deleting the parenthetical remark in the third paragraph, because it seems to imply that there is less of a conflict of interest in a pre-existing relationship, and I think that's unfortunate."

Alice Isen, S.C. Johnson Professor of Marketing: "Doesn't removing the parenthetical expression raise the problem that Dean Stein was just saying we were trying to avoid, in that it would look like you could have an exception anytime you wanted to?"

Professor Howland: "I agree with Dean Cohen that these things might happen more frequently than you might think, and I think that the appropriate deans need the ability to handle these things in a humane way. I think that we, as faculty, have plenty of protection."

Speaker Martin: "Are you ready to vote on the amendment to remove the statement in parentheses? All in favor of the amendment, say 'aye'; opposed, 'no'; it is carried. Further discussion about the resolution?"

Professor Isen: "I wonder as to what extent we did confer with the student bodies—the Assemblies. While, I have to admit, it didn't occur to me when Dean Stein passed on the information that the student bodies had asked us to consider, it does seem as if that would have been a reasonable thing to have done. While I agree with Dean Stein that we have the right to make a resolution to the Administration, I don't think that bypassing the student groups is the most appropriate thing to do."

Professor Andreas C. Albrecht, Chemistry: "I have another question as to the meaning of 'staff,' which, in one sense, could be very inclusive—including the janitorial staff, machinists, professors, and so on. Or is it simply academics who we are considering here?"

Dean Stein: "The word 'staff' is taken out of the new version; we've replaced it with 'person in a position of authority.'"

Professor Albrecht: "But it says 'staff' in the first paragraph."

Professor Abowd: "It's in the 'whereas' clauses, but not in the 'therefore, be it resolved.'"

Dean Stein: "Yes, it's in the title and also in the first 'whereas'; but the whole three paragraphs only talk to one relationship—namely a relationship of authority."

Professor Albrecht: "Even custodial staff?"

Dean Stein: "It includes janitors if janitors have a position of authority over students."

Professor Obendorf: "For example, if they have a job and are being supervised by another staff person, that's a relationship of authority."

Professor Krasny: "I think where I'm confused is that it seemed like Dean Cohen said that when this relationship in the example happened, the people took care of it in a responsible manner. So I'm confused whether we're trying to say whether these relationships shouldn't happen or not. I don't see anything in this resolution that says if such relationships happen, we should handle them such as was handled. This document does not seem to provide any in-between. It says that they shouldn't happen, but then it says 'when they do . . .'"

Dean Stein: "Yes, it's a tricky point. It says that they shouldn't happen, and then says, if they do happen, they shouldn't go on. It says in the last sentence of the second paragraph: 'Individuals in such positions of authority must not allow these relationships to develop'—so that says they don't happen—'or continue'—which doesn't make any sense, if you were to say that they never develop. So the 'or continue' recognizes the fact that the world isn't perfect—that writing this document is not automatically going to make all transgressions stop. For example, you're not supposed to drink and drive. If you're drunk, you're not supposed to drive home from the bar. But you're also not supposed to drive to Cortland. If you allow it to continue, you increase the transgression, it seems to me."

Professor Krasny: "So you're saying what shouldn't continue is the romantic relationship, not the relationship of authority?"

Dean Stein: "No, it's the simultaneous relationship that shouldn't continue. You could break either one, and then you're in compliance once again."

Professor Schwartz: "I agree with the idea of the resolution, but I'm a bit concerned with the example you gave. The example about drinking and driving concerns the *illegality* of such an act; but this resolution says to me, 'thou shalt not behave unprofessionally'; and I thought we all knew that."

Professor Trevor J. Pinch, Science and Technology Studies: "I'm a little worried about the bite of the resolution. I'm at the moment acting chair of my department. If we introduce this policy, what, in fact, will the chairs have to do, in terms of people who have such relationships in the department at the moment? Am I supposed to, then, advise these people with this policy that they should not continue these relationships?"

Professor Gillett: "Peter said, 'one relationship or the other.'"

Dean Stein: "Yes, you're supposed to do something. Certainly, though, nothing in this policy requires you to become the FBI or to ask for annual reports on romantic involvements. It seems to me that if this becomes a policy, this is now University policy,

and as a responsible department chair, if it comes to your attention that somebody is violating University policy, you're supposed to tell them about it."

Dean Cohen: "Just a small response to Professor Schwartz's comment of a moment ago: When I started in on this, I read the Faculty Handbook. The Faculty Handbook explicitly rules against any nepotism—defined as marriage or parental relationships—and then it has one of those great escape clauses: 'As for people who are not married, we leave it to the consciences of the individuals,' or something like that. So I would say that right now, the University's own record allows romantic and sexual relationships between whomever. There's no doubt about how to interpret that. And this is currently defined as professionally acceptable conduct, and I think that's wrong. Now I think people have said we can't legislate everything, but with this one, we are reversing University policy; and that would be the reason we're doing this."

Professor Hyams: "I thank Dean Stein; for I now understand the meaning of the term 'declaration of interest.' I think there's always a danger, particularly in bodies like this, of being too nihilistic with respect to policy statements. A policy, to me, is a guideline; it isn't a rule. In a sense, the third paragraph ought to be unnecessary, because we're not laying down rules here. It's a declaration of what we think is important."

Professor Wethington: "I have a question about the meaning of the phrase in the second paragraph of the policy, 'or supervises in any way.' How broadly or narrowly is that being defined, and is there a possibility that that will be somewhat contextual by department? I'm thinking, in particular, of authority relationships between graduate fields and graduate students where, for the most part, the graduate committee is in control of the grad student's program, and there are also sometimes ad hoc committees that have authority over the progress of a particular student. Does this have an impact on this resolution?"

Dean Stein: "I don't know; that would be up to whoever thinks about the application of this. If a person were on a committee in a department or in a graduate field making rules that govern all graduate students, I would not think that would be a violation of this policy. But if a person were on a committee that awarded fellowships within a department or looked at the progress toward a degree, or something like that—where they had to make an individual judgment about an individual student—I think it would not be consistent with the policy."

Professor Wethington: "So then the resolution would be contingent on whether or not that faculty member could serve on a particular ad hoc committee or participate in a certain decision."

Dean Stein: "I would think so."

Assistant Professor Thomas J. Christensen, Government: "It seems to me that the last question gets at the major problem—what we're really talking about is how to get around this after it happens. I think it gets to the basic problem, that it's going to happen; everyone agrees that it's non-professional behavior, but these are real people, and they're going to be your colleagues and your graduate students, and no one's going to want to kick anybody out. It seems to me that the example that was given,

particularly from the point of view of a junior faculty member, creates an unprofessional situation, as you could imagine. I can see the position that the University is taking: they don't want to kick the person out—it's not like he or she is a criminal; the graduate student probably is worthy of the degree he or she will get, for example. But as a junior faculty member, I can't imagine having a senior faculty member coming to me saying, 'I can't sit in on Jane's Ph.D. defense because she's my girlfriend. But I've been advising her thesis, so would you sit in on the defense and tell me what you think?' It puts you in a very different position when you're judging that person's work, when it's Senior Professor X's girlfriend or wife. At the same time, I don't think that I would actually want to take the hard line and say, well, 'Stop! Put an end to it'—taking the tough position and putting it in stone. What you end up with is that you're just saying, 'bad,' and you're sort of shaking your finger at the whole thing. I don't know whether this puts any more teeth into what I already understood was my professional relationship with students—which is not to have amorous relationships with them. I'm surprised to hear it's not on the books."

Dean Cohen: "It's worse than not on the books. A couple of years ago someone called up and said, 'I'm on a committee, and this relationship is occurring between the thesis adviser and the student; is there anything I can do to prevent this from continuing? I've talked to the other members of the thesis committee, and we all feel really uncomfortable about this.' So I told her that we were looking into a policy, but had to tell her that, at the moment, the professor and student were within their rights, so there's nothing she could do. She said that she would probably end up resigning from the committee. The student and the professor made a very persuasive case of the total enmeshing of their love relationship and the research—it's hard to talk about these things without sounding facetious—but the truth of the matter is that sometimes people work closely together, and they get excited about their work, and they get excited about each other. Those things do go together; that's why these things are difficult issues. You have to assume that this will be the regular situation rather than the exceptional case. I think the woman who called me ended up resigning from the committee, but she felt totally sympathetic to the student, while on the other hand, she felt it was unethical. I think that—assuming a policy like this is passed—we will force the supervisors involved to have to make a great number of judgment calls. In my case, I would make the same sort of decisions as I have made before—and as I described in my example—which is to allow the working relations between the two with assistance of a proxy. But if it weren't the last semester, I think I would still say 'no'—even if that caused hardship, forcing the student to go to another university."

Professor Robert Connelly, Mathematics: "My question is similar. I can imagine a situation where somebody goes into a chairman's office and says, 'There's this relationship' And then the chair says, 'Sorry, there's this policy that says you cannot do that.' And the person says, 'okay,' and then goes away. What do you do? What is the chairman supposed to do if the people refuse to follow the policy?"

Dean Stein: "I don't know. What is a chairman supposed to do when a person refuses to teach a class or change his or her office? There are a million things; but we all know that the chairmen have specific responsibilities to do certain things, and we also all know that it's not easy to be a chairman. Somehow, this is yet another policy that the chair is supposed to enforce."

Speaker Martin: "Before we proceed, I would remind you that we are rapidly approaching our adjournment time."

Professor Gillett: "I would just like people to think—not facetiously—about the questions that were proposed by the American Psychological Association: 'Have you treated a patient who had an affair with a therapist?' and, 'Have you, as a therapist, ever had an affair with a patient?' I would like to have members of this room be able to hold up their hands and say that they might have known of a student who had an affair with a professor; but they would not hold up their hand to say that they had an affair with a student. It would just be unseemly."

Professor Albrecht: "Another point, again, is that there's incredible asymmetry in the situation: The person in authority will certainly stay at Cornell, but the other person—the student, say—will have to leave, with one person carrying the burden."

Speaker Martin: "Are you prepared to vote. With no objections, we shall proceed. All in favor of the resolution as amended, say 'aye'; opposed, 'no'; it is carried."

The resolution as adopted follows; the Policy is attached as Appendix B.

WHEREAS, the Committee on Membership of the University Faculty has formulated a Policy on Romantic and Sexual Relationships Between Students and Staff,

THEREFORE, BE IT RESOLVED, that the FCR approves the document and recommends it to the Administration for adoption as a Cornell policy.

Speaker Martin: "Is there further business to come before the body? There being none, we are adjourned."

Adjourned: 6:00 PM

Respectfully submitted,

Robert Lucey,
Associate Dean and Secretary
of the University Faculty

The Transition between the FCR and the Senate

October 31, 1995

1. The formation of the Senate shall occur as expeditiously as possible. There shall be at most two meetings of the FCR following the determination that a mail ballot of the faculty has approved the changes in OPUF.
2. The current membership of the University Faculty Nominations and Elections Committee (NEC) will continue as the Nominations and Elections Committee, assuming such new duties and procedures as are mandated by the changes in OPUF, i.e.:
 - a. Oversee the formation of the Senate.
 - b. Conduct elections to choose three non-tenured faculty members as at-large members of the Senate. The six at-large members of the FCR with the greatest length of service on the FCR will become at-large members of the Senate until the end of their FCR terms.
 - c. Take the responsibility for nominating and conducting elections for the UFC as expeditiously as possible. The FCR Executive Committee will assume the functions of the University Faculty Committee (UFC) until such time as the UFC is organized, which will take place no later than two months after the determination that a mail ballot has approved the changes in OPUF. The FCR Executive Committee will then be dissolved.
3. The meeting schedule for the Senate will be the same as the FCR schedule for the remainder of the academic year.
4. All FCR and University Faculty committees will continue with their current charge and membership until such time as the Senate recommends abolishment or amendment of the charge of the committee. As the terms of members end, new members will be chosen by the new OPUF procedures.

RESOLUTION ON
POLICY ON ROMANTIC & SEXUAL RELATIONSHIPS
BETWEEN STUDENTS AND STAFF

WHEREAS, the Committee on Membership of the University Faculty has formulated a Policy on Romantic and Sexual Relationships Between Students and Staff,

THEREFORE, BE IT RESOLVED, that the FCR approves the document and recommends it to the Administration for adoption as a Cornell policy.

POLICY ON ROMANTIC & SEXUAL RELATIONSHIPS
BETWEEN STUDENTS AND STAFF

The relationships between students and their teachers, advisors, coaches, and others holding positions of authority over them should be conducted in a manner that avoids potential conflicts of interest, exploitation, or personal bias. Given the inherent power differential, the possibility of intentional or unintentional abuse of that power should always be borne in mind. For example, a conflict of interest arises when an individual evaluates the work or performance of a person with whom he or she is engaged in a romantic or sexual relationship.

Romantic or sexual relationships between students and persons in positions of authority compromise the relationship between students and the University. No member of the University community should simultaneously be romantically or sexually involved with a student whom he or she teaches, advises, coaches, or supervises in any way. Individuals in such positions of authority must not allow these relationships to develop or continue.

In unusual circumstances the supervising dean¹ of the person in a position of authority may grant an exemption from this policy when full severance of the University relationship would create undue academic or financial hardship for the student.

¹The supervising dean shall mean the Dean of the School or College of the staff member's primary appointment, the Dean of the Graduate School in the case of graduate students, the Vice President for Research and Advance Studies for staff members holding appointments in centers, and the Vice President for Student and Academic Services for staff members holding appointments in that division.

Adopted as amended by the Faculty Council of Representatives, November 8, 1995.

MINUTES OF THE LAST MEETING OF THE
FACULTY COUNCIL OF REPRESENTATIVES

December 13, 1995

Fourth Meeting of the Academic Year

(Numbers in parentheses indicate attendance at meetings to date)

Present: **Afr. Ctr.:** Greene, S.E. (4). **CALS:** Brown, D.L. (3); Davis, P.M. (4); Helmann, J.D. (2); Krasny, M. (4); Liebherr, J.K. (3); Lucey, R. (4) (also elected member); Nasrallah, M.E. (3); Neal, J.C. (1); Yavitt, J.B. (3). **Geneva:** Rao, M.A. (3); Taylor, A.G. (1). **A&S:** Christensen, T.J. (4); Fay, R.C. (4); Geber, M.A. (2); Han, S-K (3); Hyams, P. (3); Janowitz, P. (4); Kalos, M.H. (3); Mermin, D.M. (4); Mermin, N.D. (3); Monosoff-Pancaldo, S. (1); Pelliccia, H.N. (3); Regan, D.T. (4); Roldan, M.J. (3); Shapiro, G. (3); Stacey, G. (3); Viramontes, H. (3). **Engr.:** Hartmanis, J. (4); Lo, Y-H (3); Mukherjee, S. (4); Resnick, S. (4); Tardos, E. (3). **Hotel:** Sherry, J. (4). **H.E.:** Obendorf, K. (3). **ILR:** Kuruville, S. (3). **JGSM:** Isen, A.M. (4); McAdams, A.K. (3). **Law:** Green, R.A. (3); Wippman, D. (3). **Libr.:** Atkinson, R.W. (4). **ROTC:** Kehoe, M.J. (2). **Vet. Med.:** Cooper, B.J. (3); Dubovi, E.J. (2); Farnum, C.E. (3); Kallfelz, F.A. (1); Randolph, J.F. (3). **At-Large:** Abowd, J. (4); Bierman, H. (4); Holcomb, D.F. (4); Howland, H.C. (3); Kline, R.R. (2); Schuler, R. (4) (also Faculty Trustee); Schwartz, P. (4). **Faculty Trustee:** Calvo, J.M. (3).

Guest: Randel, D.M.

Absent: **CALS:** Churchill, G.A. (0); Corradino, R.A. (1); Gebremedhin, K. (2); Halseth, D.E. (3); Krall, D.W. (0); Luckow, M.A. (1); Reeve, H.K. (0); Setter, T.L. (2); Trumbull, D.J. (2); Whitlow, T.H. (0); Willett, L.S. (2). **Geneva:** Nyrop, J. (2). **AAP:** Cruvellier, M. (1); Kord, V. (2). **A&S:** Albrecht, A. (2); Ashcroft, N.W. (2); Connelly, R. (3); Davis, T. (0); Fredericksen, D. (0) (fall only); Gross, M. (3); Harris-Warrick, R. (3); Pinch, T.J. (2); Santiago-Irizarry, V. (1). **Engr.:** Boyd, I.D. (2); Cohen, C. (2); Fisher, E. (2); Liboff, R. (2); Liu, P. (1); Lynn, W.R. (1); Sachse, W.H. (2). **Hotel:** Chase, R.M. (1). **H.E.:** Brenna, T. (2); Cornelius, S.W. (0); Hahn, A. (0); Wethington, E. (3). **ILR:** Ehrenberg, R.G. (1); Lieberwitz, R. (1). **Vet Med.:** Baines, J.D. (2); Bertram, J.E.A. (2). **At-Large:** Garza, C. (3); Pritts, M.P. (3); Timmons, M.B. (1).

The Speaker, Professor Emeritus Russell D. Martin, Communication, called the meeting to order. He called on Dean Stein for remarks.

1. REMARKS BY THE DEAN

Peter Stein, Dean of the Faculty: "Well, this is the last meeting of the FCR—or, perhaps, the *last* meeting was the last meeting of the FCR, unless three or four more people show up. I don't know what to say. It's an historic occasion, I guess: the last meeting of the FCR, which had a lifetime of about 25 years. I just want to take the occasion to thank all of you for the cooperation and the work that you put into the FCR. I often feel that the FCR was under-appreciated on the campus—under-appreciated in the sense that it accomplished more than it was generally given credit for. It's sort of sad, on a university campus that, in fact, the reality is not necessarily what rules the day, but, like in politics, it's the perception of the reality rather than the reality itself that drives the reality. I heard quite often from a number of people who said, when speaking to them about the FCR, 'Yes, that's the body that never has a quorum, isn't that right?' Well, in fact, that's not true. For the past two-and-a-half years, there has always been a quorum at every scheduled meeting of the FCR. People have also said to me: 'The FCR? That's the place where people spend time arguing about *Robert's Rules* and never talk about anything of substance, right?' In my experience, that is *not* right. In fact, I believe that in the years since I have been watching this very closely—since I was elected Dean of the Faculty—there have been a number of really

substantial discussions of issues that were really important to the future of the University. I believe that we have been looking for our sea legs for a number of years. I know that there is the will among the faculty to take part in the decision-making that will shape our future, and, as of yet, we have not found a way that we, a willing faculty, can couple with what I believe is a willing administration. My hope and belief is that, in the new structure of the Senate, we will achieve that marriage; and, in fact, the substantive discussions that we've had in this body will continue in the Senate with the change that, perhaps, the results will more fully affect the policy that gets made.

"I just want to thank you all. I want to give my particular thanks to the Executive Committees I've worked with and to their chairs, Dick Schuler, Kay Obendorf, and now, John Abowd. We've worked hard together on a lot of important things. I'd also like to thank the many committees—the Admissions and Financial Aid Committee, the Academic Freedom and Professional Status of the Faculty Committee, and the Financial Policies Committee, to name a few—which, at various points, have grappled with important issues that affect our lives and affect the University. To all of them, and to all of you, I'd like to say 'thanks'; I've really enjoyed working with you."

Speaker Martin: "Are there any questions for the Dean? If not, we shall proceed with the agenda."

2. APPROVAL OF SUMMARY MINUTES

Speaker Martin: "The next item is approval of the summary minutes of our meeting of November 8. Are there any corrections to those minutes? There being none, they stand approved as distributed."

"At this time, the Speaker asks that the Dean and Secretary leave the room. Professor Abowd, Chairman of the Executive Committee, will offer a resolution."

3. RESOLUTIONS ON TERM EXTENSIONS

Professor John M. Abowd, ILR, and Chair, FCR Executive Committee: "The resolutions extending the terms of the Dean of the Faculty and of the Associate Dean and Secretary of the University Faculty (I see we're already using the new title) are presented to you as a pair from the Nominations and Elections Committee. The first extends Dean Stein's term until June 30, 1998; and the second extends Secretary Lucey's term through June 30, 1997. The first probably needs no explanation, as the maximum we can extend the term of the Dean of Faculty is two years. The collective memory of the people I have asked does not suggest any time that this has not been done, and the current Dean is willing to serve an extra two years. I believe the Executive Committee strongly believes Dean Stein's term should be extended and recommends passage of that motion. It would have been possible to extend Secretary Lucey's term longer, but Bob would actually like out. He agreed, under some pressure, to serve for one more year. This has a silver lining of staggering the terms of the Dean and the Secretary—which normally would have been staggered but currently aren't. So Bob will serve another year, provided you approve these resolutions; and after that, the terms will be staggered. If there are any questions, I'll

take them; but otherwise, I put these motions on the floor. They do not need a second because they come from a committee.”

Speaker Martin: “The resolutions are on the floor. Is there any discussion? All in favor of the resolutions, say ‘aye’; opposed, ‘no.’ They are carried.”

RESOLUTION EXTENDING THE TERM OF THE
DEAN OF THE UNIVERSITY FACULTY

WHEREAS, the term of the present Dean of the University Faculty, Peter Stein, will expire June 30, 1996, and

WHEREAS, the Executive Committee of the FCR has urged that the Nominations and Elections Committee recommend extension of Dean Stein’s term for an additional two years, and

WHEREAS, the Faculty Council of Representatives (FCR), in accordance with the legislation of the University Faculty, does have the authority to reappoint an incumbent for a further period of not more than two years,

THEREFORE, BE IT RESOLVED, that the Nominations and Elections Committee, having determined his willingness to be reappointed, hereby recommends that the FCR extend the term of Dean of the University Faculty, Peter Stein, through June 30, 1998

RESOLUTION EXTENDING THE TERM OF THE
ASSOCIATE DEAN AND SECRETARY
OF THE UNIVERSITY FACULTY

WHEREAS, the term of the present Associate Dean and Secretary of the University Faculty, Robert Lucey, will expire June 30, 1996, and

WHEREAS, the Executive Committee of the FCR has urged that the Nominations and Elections Committee recommend extension of Secretary Lucey’s term for an additional year, and

WHEREAS, the Faculty Council of Representatives (FCR), in accordance with the legislation of the University Faculty, does have the authority to reappoint an incumbent for a further period of not more than three years,

THEREFORE, BE IT RESOLVED, that the Nominations and Elections Committee, having determined his willingness to be reappointed, hereby recommends that the FCR extend the term of Associate Dean and Secretary of the University Faculty, Robert Lucey, through June 30, 1997.

Speaker Martin: “Would you ask the Dean and the Secretary to join us again.” [Dean Stein and Secretary Lucey enter; applause follows.]

Dean Stein: “Thank you.”

Speaker Martin: "Congratulations to both of you.

"The Speaker next calls on Professor James Gillett, Chair of the Committee on Academic Freedom and Professional Status of the Faculty, for a resolution amending the November 13 draft of the University Sexual Harassment Procedures."

4. RESOLUTION AMENDING THE SEXUAL HARASSMENT PROCEDURE

Professor James W. Gillett, Natural Resources, and Chair, Committee on Academic Freedom and Professional Status of the Faculty: "The Committee on Academic Freedom and Professional Status of the Faculty has had, for at least a year-and-a-half, a continuing interest in the issues of sexual conduct of faculty with respect to students, staff, and colleagues. We've been particularly interested in the impact of this on academic freedom. Moreover, the committee serves as a source of appeal for review by faculty on decisions based on harassment and other charges. Although many of us have expressed concerns—and even misgivings—about consensual romantic relationships, almost all of us see that there is no ambiguity about the personal and institutional destructiveness of any one person who uses power, position, or authority to sexually exploit another person. We assume that the faculty strongly supports a policy of zero tolerance of sexual harassment in the University community.

"We think the faculty represents the basic capital of the University and is the engine that drives its productivity. Therefore, we must be concerned about what protects this capital of the faculty. We were particularly concerned when there were substantive charges against and inappropriate actions by faculty that resulted in an ambiguous resolution within the institution that left the institution and the faculty besmirched, the students and the employees with a feeling of disempowerment, and the public with a very unwelcome impression of a cover-up within the University by the administrators and the faculty. We assume that the protection of this environment of academic relationships requires a special role that is responsible to the faculty in protecting it and that this is threatened both by sexual harassment itself and by policies which simplistically try to eliminate it, as if it were occurring in a generic workplace. That's what we're really trying to get around.

"At the same time, a number of faculty have come to the committee with concerns that they feel are real and potential threats to academic freedom that originate within the classroom and are posed by parts of corrective practices employed or practiced by one college or another. We feel that the defensible barrier between trivial disagreement and sweeping concerns about academic freedom has become so truncated by political correctness of speech that well-intentioned efforts can be perceived as a very real threat to the University as a whole.

"We want to pay particular attention to what we call this environment of 'academic relationships,' and we want to distinguish it from social relationships which involve freedom of association, sexual preference, and a whole bunch of other items that you would call 'social, inter-personal relationships.' We want to distinguish them from employment relations that exist among and outside of these academic relationships. Because this is so important to the University's credibility and productivity, we need to define it in broad terms, including speech within the classroom between teacher and

student or teaching assistant and student—and which must be protected for academic purposes. Speech between the course secretary and teaching assistant or between the janitor and faculty member may constitute part of this academic relationship and may constitute part of creating a hostile environment, but it's also among those actions which may be properly allocated to employment relationships. Similarly, conversations between faculty members and students off-campus at a commercial establishment, where there is no academic relationship between the individuals, constitutes a social relationship and not an academic relationship. Proscribed physical contact, however—unwanted grabbing, touching, etc.—cannot be included in a protected academic environment, because those relationships are more assaultive than they are academic; and relationships, however, can continue far into the future or into the past, and so the temporal barrier doesn't have anything to do with the time that the person is within the University community or in the classroom. The bottom line in protecting academic relationships is that to the extent that we fail and do not expeditiously reduce such actions, the institution will be crippled and subject to recourse by others who either do not understand or do not respect this environment. Unfortunately, even in this institution, as large and complex as Cornell is, some of those people who lack that understanding include the students, administrators, staff, and—unfortunately—some of the faculty as well. So that's the battle that we're facing.

“In the course of this, we know that the University Assemblies and the Board of Trustees are going to come up with their own due process for governance and that we, through the FCR and now the Senate and the Dean of the Faculty, will be traditionally regarded as protecting this environment. We'll be the arbiters of faculty conduct, and we are responsible to see that this is carried out. We could not find any evidence that any of our colleagues had been injured to the same extent as feared in those colleagues' minds about the disapproval or dissent over sexual harassment. Many students and staff, however, feel that faculty have abused their power; and they feel that we have created a hostile environment. For these reasons, they are pushing for a much more stringent and restrictive code that is not included in the policy that is in front of us today. Any process or policy that is developed must give all members of the community, though, confidence that fear of real false positives has been eliminated and that the covertness of false negatives will not distort the vitality and function of this community.

“Without going into all the details of the Assemblies' draft policy, which is much more complicated, the major issue between us and them at this point is that they do not bring a charge against a faculty person explicitly to a faculty committee, as is requested by the American Association of University Professors and their policy; that's essentially how we'd like to see it happen as well. There's a very good policy that we did come across, recommended by the University Ombudsman, which comes from M.I.T. It's a very simple policy. With their policy, complainants find a confidential person who will help them write a letter that has three components. The letter outlines the facts of what the complainant felt was wrong about the conduct of the person he or she is complaining against, it tells the person how the complainant feels about that conduct, and it explains what the complainant would like to see happen as an end result—just those three simple things. They've found, at M.I.T., that this handles the vast majority of complaints in a confidential manner, in a manner that's simple and

applicable to all types of relationships within the university community, and in a manner that does so without litigation.

“Now you’ll notice that in the commentary that goes along with the amendments, one of the areas we couldn’t decide upon was whether lawyers should be participating in this process. The majority of the committee feels it’s not necessary; a law professor felt it should be. [Laughter] I need to give Bob Green some credit; he prepared an awful lot of material for us on the issues of academic freedom, freedom of speech, classroom speech, restrictions of speech, etc.—issues that are extremely convoluted at times. We were also helped with this by people who have served along the line as department chairmen. Other people who were in that role, who have had to deal with these issues on a front-line basis, have seen that this policy—the policy we’re talking about—is way down the line. The policy that we have in front of us, in terms of the University policy and the policy that the Assemblies put together, is one that works way down the line. The problems aren’t solved in the trenches, where the administration of our lives takes place. Adopting a mechanism for doing that would seem to be a very important part of this. We’re satisfied that this comes from the Ombudsman’s Office, and if the Ombudsman is in fact incorporated into the process as we see it being done by the amendments to the policy offered in the resolution, then we think this will solve a lot of the problems and will bring this forward with a simplicity of manner—which should cut down on the problems.

“So it basically comes down to us. If we don’t resolve it, somebody will resolve it for us. On the basis of evidence from other institutions, the result will be unhappy for us. We want to be on the forefront—not necessarily of putting people’s heads on posts around campus, but of putting people on notice that this is not acceptable to us as a faculty. We don’t like it—we don’t want these types of relationships upsetting our classrooms and affecting the academic program. That’s the main thing that we want to get across in our motion.”

Speaker Martin: “Thank you, Jim. These eight items will now be treated seriatim. You will notice in the material distributed that those marked with an asterisk indicate unanimous endorsement by the committee. Is there discussion on number one?”

Professor Howard C. Howland, Neurobiology and Behavior: “Yes, I’d like to offer an amendment to number one. On the first page, the italicized paragraph: ‘Speech occurring in an academic context shall not be considered to violate clause (3), above, unless it is directed against a specific person, and is abusive’—here’s where I would like to make the first change. I’d like to strike the word ‘is’ and put ‘or severely humiliating.’ Then I would terminate the sentence there, striking the clause, ‘or persists despite the objection of the person targeted by the speech.’

Speaker Martin: “Is there a second to the amendment? [Seconded] Discussion?”

Professor Howland: “The problem here is that a faculty member may make a blunt statement that somebody feels targeted by. This clause allows the targeted person to object and say, if the professor says it again, ‘Ooh—he said it again! That’s sexual harassment.’ The person is in control, therefore, of what the faculty person says by simply identifying himself or herself as a targeted person. I see that as a danger. I

don't think it's necessary that the clause is in there. It's very clear, if the faculty member singles someone out, that that's sexual harassment. If he hasn't singled someone out, then I don't think that's sexual harassment, and I don't think this provision that a person can object simply by saying, 'I feel singled out,' is valid."

Speaker Martin: "Further discussion on Professor Howland's amendment?"

Associate Professor Robert A. Green, Law: "I'm also on the committee, I would certainly go along with that amendment. Let me just explain that the concept here is not that if you fall within the language, it is sexual harassment; instead, you must fall under clause three in order for it to be sexual harassment. In addition, whatever is objectionable must be directed against a specific person and must be abusive or humiliating or persistent, despite objection. The idea was not that a student could object, and that would all develop to make it a case of sexual harassment; rather, it would have to otherwise be sexually harassing. By having said that, I don't object to the proposed amendment."

Dean Stein: "I'd like to ask Professor Howland whether he would consider the following to be sexually harassing: A professor has a female student in his class, and he compliments her on her—I don't know—clothing, figure, what have you—in a way that's neither abusive nor severely humiliating, but it's personal. So she objects, but the professor does it again; and she objects again, yet the professor persists, and he won't stop doing it. Would you not consider that sexual harassment? I think that if your amendment were to pass, if I understand it properly, what I have described would not be considered sexual harassment."

Professor Howland: "I think that by the clause, it would count as speech directed against a specific person."

Dean Stein: "But there's an 'and' in there; it isn't an 'or.' It must be not only directed toward a specific person, but it must also fall into one of these three classifications listed in the document. I think the concern that you raise is contrary to this wording, because a statement in general that someone considers harassing but is not directed against a specific person would never pass this test. It has to be both specific *and* fall into one of those three classifications."

Professor Green: "And it must fall under clause three."

Dean Stein: "Right."

Speaker Martin: "Is there further discussion on the amendment?"

Professor Danuta R. Shanzer, Classics: "I just have a question. The document says, 'in an academic context.' I assumed that this amendment was about speech specifically in the classroom, and I'm not sure whether the Dean's example would typically occur in a classroom context, like in a lecture or something of the sort. It seems as if something like that would occur in the hallway after lecture, so would that be an academic context? It doesn't exactly meet the classroom criteria. I'm wondering whether that could be clarified."

Professor Gillett: "I think that could be considered an academic context. When we talk about a non-academic context, we're talking about things which clearly have nothing to do with operational activities of the University as an employee. Social opportunities people have as individuals are fairly well identified. What you say to the professor in the hall after class—or what the professor says to you—I would consider to be still within the academic context. Sometimes you have a hard time getting away from the class because you're still talking, even though the class is officially over, about things that are substantive. So I think that's still an academic context."

Professor Shanzer: "Well, it might be good to clarify that somewhere."

Professor Gillett: "True, but it's a tricky distinction. If you're at a social engagement where a professor is talking with several graduate students—two or three of which are his advisees and two or three of which are from another department—is that an academic context? That's what we come to the University for. I consider that an academic context, even though it's being carried out in a social environment."

Speaker Martin: "Is there further discussion on Professor Howland's amendment? All in favor, say 'aye'; opposed, 'no'; it is defeated. Is there further discussion on the original amendment number one?"

Professor Emeritus Donald F. Holcomb, Physics: "If I understand the way this is written at the moment, it's the logical 'and' here—in other words, this has to be a specific person *and* the case has to conform to one of these other three cases. I can certainly imagine a situation in which it would not be a specific single individual but two or three or four in a class who might be subject to a faculty member's comment. For example, a faculty member may say to a group, 'I can tell by the way that the three of you folks are dressed that you're not taking this class seriously, and I'll take that into account.' It seems to me that one would not want to restrict the possibilities to a single individual receiving comment."

Dean Stein: "We talked about that in the committee—that situation—and thought of modifying the amendment, but we thought that that type of situation was against a single individual times three."

Professor S. Kay Obendorf, Textiles and Apparel: "Yes, three cases of harassment."

Dean Stein: "It's hard to define where a 'class' of people turns into 'not an individual person'; but it would seem to me that reasonable people would think that directing a comment toward *you* and *you* would not necessarily exclude someone else from consideration."

Professor Isabel V. Hull, History: "I had a question along those lines—two of them, actually. Did the committee imagine that remarks along the lines, 'all women are . . . '—insert your favorite indelicate sexual phrase—that a remark like that would not constitute sexual harassment in that context? The second thing was about the phrase 'severely humiliating.' I'm curious about the inclusion of the adverb, which I find really rather extreme. I'd like to hear what the committee's thinking on that was."

Professor Gillett: “The committee thought about your first question as being fully included in clause three; that would be an example of a class of people being singled out, and that would be considered inappropriate speech. However, there were many examples of instances where that would be defensible academically under certain conditions. So, you can’t categorically make that a broad, sweeping statement. In general, it would come under clause three of adversely treating a class of people.

“The ‘severely’ was to distinguish between a reprimand which might be given out in class for a number of reasons and might be taken as sexual harassment by a person who chose to take it that way. In other words, the comment has to be pointedly harassing—so we chose to include the adjective ‘severely’ in the description—as opposed to a remark that was not directed as sexual harassment but might be qualified as ‘intellectual harassment.’ It might be a number of other things, as well: it might be politics, it might be poor judgment, it might be impolite behavior; but it wouldn’t be sexual harassment.”

Associate Professor Alan K. McAdams, JGSM: “Why not just say again, ‘specific person or persons’? Wouldn’t that take care of several of these problems?”

Professor Gillett: “I agree. I originally had ‘person(s).’ So I will suggest that as an amendment—to change it to ‘person or persons.’”

Speaker Martin: “Is there a second to the amendment? [Seconded] Discussion?”

Alice M. Isen, S.C. Johnson Professor of Marketing: “I guess I’d like to amend the amendment to say ‘or class of people.’ In your remarks, you said ‘or class of people,’ but I don’t see that in the documentation anywhere. Let me explain. I agree with the point that was made earlier that there could be something that is humiliating to a whole class of people. The distinction that I would see here is whether it’s relevant to the topic of instruction or not. I see that all of the examples in this document are relevant to some real point of instruction; but if someone stands up and makes an irrelevant gratuitous, negative, or lewd comment, then it seems to me that it should be treated differently from something that pertains to the topic of instruction. So I’d add to the amendment ‘or class of people’ to have it read ‘a specific person, persons, or class of people.’”

Speaker Martin: “Is there a second to the amendment to the amendment?”
[Seconded]

Professor Green: “I do think you have to deal with at least one example. Suppose that somebody said, ‘I believe that women, on average, are not as capable as men at conceiving and manipulating spatial relationships.’ It seems to me that that is speech of a sexual nature that’s targeted to a class, and some students might find that very humiliating or offensive. Again, I believe that should be protected speech.”

Speaker Martin: “Further discussion on the amendment to the amendment? All in favor, say ‘aye’; opposed, ‘no’; the amendment to the amendment is defeated. We are now considering Professor McAdams’ amendment to add ‘or persons’ to the amendment. Is there further discussion?”

Dean Stein: "I move the question on Professor McAdams' amendment."

Speaker Martin: "All right, are there any objections? All in favor of the amendment to the resolution say 'aye'; opposed, 'no'; it is carried. We're now back to item number one, as originally amended in your documentation. Is there further discussion on amendment number one, before we vote on it? All in favor of amendment number one, as amended, say 'aye'; opposed, 'no'; it is carried."

"Now we're to item number two; we'll follow the same procedure. Is there discussion?"

Professor Howland: "I'd like to amend item number two, the last sentence of the last paragraph. I move to strike the sentence which reads, 'If the Office of Equal Opportunity and the faculty ombudsman determine that the allegations in a complaint are grave and may be well-founded, then they reserve the right to continue any investigation that the complaining party does not wish to pursue.'"

Speaker Martin: "Is there a second? [Second] It has been seconded. Discussion?"

Professor Howland: "It worries me very much that, if this goes forward as foreseen here, suddenly the Ombudsman and the Office of Equal Opportunity become prosecutors. They were previously people who were investigating, but they are now, suddenly, taking on a prosecutorial role, which I don't think is appropriate for them. It worries me very much that we could have a complaint with no complainant. It seems to me that sexual harassment, as we have been very careful to delineate, is against a particular person or persons. If nobody's willing to stand up and say, 'I was sexually harassed,' it seems to me that we're letting ourselves in for very broad units of power that could be used politically."

Professor Gillett: "This was well disputed in the committee meetings, for obvious reasons. At the advice of our resident attorney, because of the law, the sentence was left in there. The University is charged with doing that whether or not the complainant pursues pressing charges. If, in fact, the original complaint was real, the University is charged with pursuing that to some degree to make sure that there is, in fact, no real problem or that it is resolved or that something happens. That's because of their responsibility under the FEPC and under the EEC rules. So a lot of this comes down to where it is us against Day Hall; we may not like that situation, but it exists and is real. The Board of Trustees and the corporate attorney have the legal responsibility to follow through with this, so we're stuck with this."

Professor Howland: "Let me say one thing directly to that. It seems to me that if the complainant drops the complaint, that is the resolution."

Associate Professor Jeremy A. Rabkin, Government: "This is the part of the whole resolution that I'm most uneasy about; I think everything else is terrific, so the amendment is very well taken. Just as a practical matter, if you were trying to mediate and resolve this in an informal way—that's not contradictory, but I believe it doesn't pay to get aggressive—you want people to be in a conciliatory mood. Practically, it's very awkward for an accused professor to be forthcoming and conciliatory when he's got to know in the back of his mind that anything he says may be used against him and

pursued at a later stage. So you should try to separate mediation as much as possible from the rest of it.

“And I'd like to respond to what Professor Gillett said earlier about us having no choice—this is what the Trustees are going to do. . . .”

Professor Gillett: “It's not what they want to do, it's what they *have* to do.”

Professor Rabkin: “Whatever they have to do is their own judgment of what they have to do. Let the faculty express its preferences, and let the Trustees do what they think they have to do; that's their responsibility. Why do we have to say, ‘Yes; we agree?’”

Dean Stein: “This is a point that was much debated. Let me give you my view on it. I oppose the Howland motion. One thing I've learned on the third floor of Day Hall is that I'm getting this amateur course in the law—I get talking about these matters more than one would think. It's kind of like the difference between a civil matter and criminal matter. If your tree falls on my property, then I sue you. If I decide I don't want to sue you anymore, then that's the end of it—the state has no interest. It's between you and me. Criminal matters are different. If you rob my house, I lodge a complaint, and the police investigate. If I decide that for some reason, because of my interest in maintaining a relationship with you—or whatever—if I decide not to pursue the case, it doesn't matter: This is a crime against society; it is a crime that we in the state cannot permit. So, it is no longer in your hands, if a crime against the people is committed, it must be pursued. Now, on a practical matter, often if the complainant withdraws the complaint, it's difficult to pursue, so it's dropped also. That's not because the state has no interest. It seems to me that this is a matter of the same sort. If sexual harassment is taking place, and even if the complainant feels, for his or her best interest, that the wise thing to do is to drop the case, nonetheless, it is in our interests, as members of the Cornell community, that this kind of alleged behavior not be allowed—even if the complainant doesn't wish to pursue the issue. It's for that reason why these words are in there.”

Professor Richard E. Schuler, Economics and Civil & Environmental Engineering, and Faculty Trustee: “Let me put on my Trustee's hat on this issue, Jeremy. I would say that, as a Faculty Trustee, I would much rather have the faculty making these difficult decisions, even though we may say that it is outside of our purview. I'd rather have us adopt a process than have the Trustees or some external body doing an independent audit impose an unduly legalistic process on us. If we can find accommodating language that satisfies the broader dicta of the law, I would prefer that kind of resolution for this issue, even if it is outside of our narrowly conceived interests.”

Professor Hull: “I think there are two very good reasons, in addition to what's been said here, to support Professor Howland's amendment. The first is one that you mentioned at the end, Peter, and that is that it's really very hard to conceive how this would really work in practice—it's simply impossible, and things that are impossible ought not be written in law. What the complainant will then naturally do would be simply to refuse to cooperate, and there won't be any basis to proceed. That's number one.

“Number two, I think that such a sentence, as well-meaning as it is, will have the unintended consequence of deterring complainants from bringing complaints under this process. Very many people come to talk over cases of alleged sexual harassment who aren’t sure whether they want to proceed. If they’re faced with this, they’ll think against it maybe twenty times, where they really should only be thinking twice. I think that, in order to have really effective procedures, you have to set them up in such a way that people will take advantage of them. I fear that this will be a very great disincentive for legitimate complainants to come forward.”

Mary Beth Norton, Mary Donlon Alger Professor of American History: “Along the same lines, I’d also like to support Professor Howland’s motion. I would argue that, if, in fact, the University was going to continue this clause in the procedures—that is, if the University reserves the right to continue any investigation if the complaining party does not wish to pursue—if that is done, the University has to take specific steps in such cases to protect the complaining party from retaliation. There are steps taken here for retaliation against people who have complained, but this is not a complainant. And yet, a person who has not complained or not officially complained can, under this procedure, be retaliated against, without protection by the University. So I think that if this clause is retained—and I would argue that the FCR should strike it—but if it is ultimately the decision of the Trustees, and they do decide to retain such language, the Trustees also must provide some mechanism for protecting people under these circumstances.”

Associate Professor Hayden N. Pelliccia, Classics: “Could I ask Professor Green to speak to these points?”

Professor Green: “I don’t believe I can speak very usefully, even though Jim attributed this opinion to me. In fact, Peter is the source of it. [Laughter] Nonetheless, it sounds very plausible to me that the University always has the power to investigate, even without a complaint, if it has a basis for believing that a violation of the law took place. I cannot independently assert that there is a legal basis for this; I simply have the feeling that Peter’s point is plausible.”

Dean Stein: “Does the Provost want to offer an opinion on this weighty matter?”

Don M. Randel, Provost: “I share the concern. If you have knowledge that a crime has been committed, are you entirely free not to pursue it?”

Associate Professor Joseph C. Neal, Floriculture and Ornamental Horticulture: “I will comment that one problem of this resolution is the transient nature of the academic community. It’s very plausible that harassment occurs, and the individuals involved are very rapidly leaving the area. Because they are leaving the area, they do not want to pursue or to jeopardize their careers by these proceedings. A case could very easily be dropped should this language or this option not be available to the investigative body.”

Professor Gillett: “There is one other angle here. If a complainant drops the complaint because of pressure caused by the person being complained against hearing about the complaint in any way, then that’s additional harassment; but the person wouldn’t

qualify for protection because he or she has already withdrawn the complaint. That's the reason we think that the M.I.T. process has so much merit. It establishes a record of a complaint without a complaint being filed; that is, you have a letter with the details in it—you don't have a formal 'complaint'—but, if there is any harassment that results because of that action, that harassment becomes part of the record, which would then become a complaint. You're building credibility for the incident, without making a formal complaint. That's, I think, where you could get some real leverage in getting something done."

Professor Holcomb: "I'll offer one more vote of support for Professor Howland's motion. If I understand what's been said, that the existing law may in fact put obligations upon the issue, then it is not necessary for them to reserve the right."

Dean Stein: "I'd like to move the question on this matter—Professor Howland's amendment."

Speaker Martin: "The question has been moved; is there a second? [Seconded] If there are no objections, we shall proceed to vote on the amendment offered by Professor Howland. Hearing no objections, all in favor of the amendment say 'aye'; opposed, 'no'; it is carried.

"We are now back to a discussion of number two, as amended."

Professor Holcomb: "I have a question of fact. I'm puzzled at the phrase 'faculty ombudsman.' I thought we had a University Ombudsman."

Dean Stein: "The explanation is that we do have a University Ombudsman, but it is my understanding that that person must be a faculty member; this terminology was just used to reinforce, for those reading it, the understanding that, in fact, there had to be a faculty member as part of this investigation."

Professor Holcomb: "I move to eliminate the word 'faculty' as a modifier of 'Ombudsman.'"

Speaker Martin: "Is there a second to Professor Holcomb's amendment? [Seconded] Discussion?"

Professor Holcomb: "It seems to me that this brings up the opposite side of Peter's comment, which puts it as faculty involvement in the process. On the other hand, this reading of 'faculty' ombudsperson seems to put emphasis on the fact that it is a faculty member, whose primary responsibility is to look-out for the interests of faculty. It seems to me to be a subject for misinterpretation."

Professor Dorothy M. Mermin, English: "Are there assistant ombudspeople who are not faculty members?"

Dean Stein: "Yes."

Professor Mermin: "That would make a significant distinction, then, and we should leave the word 'faculty' in as a modifier. What we're saying, then, is that it has to be a faculty member in that position."

Professor Norton: "I actually have a question that relates to the whole issue of the participation of the Ombudsman in this process: Why is the Ombudsman there? Perhaps you'll want to rule me out of order, Mr. Speaker, because it's not technically on the topic of the amendment, but it does relate to the whole issue of the Ombudsman. The reason I ask that is because the Office of Equal Opportunity is in this procedure specifically as an investigator, and the Ombudsman is typically involved in mediation procedures. It seems to me that this is not necessarily the same thing that the Ombudsman usually does."

Professor Gillett: "The answer to the question is that we wanted a faculty person who would be considered to be relatively neutral and who would be pro-students, pro-employees, and pro-faculty members as *people*, not as *entities*. That person would be the faculty person who serves as University Ombudsman. The AAUP policy suggests that for faculty charges, they should come before a faculty committee or a faculty person versus the accused's dean or department head or some other administrative person. So this was the person who was identified as having these properties—as being supportive of the people involved."

Professor McAdams: "Couldn't we change the wording here to be 'the Ombudsman himself or herself'? That, then, rules out assistant ombudspeople; and you would make sure you have a faculty member without using the term 'faculty.'"

Professor Holcomb: "I think we have begun to confuse two roles. If I understand the role of an Ombudsman, in any enterprise, its fundamental, historical role is that of a *neutral* person. If we're looking at this person somehow, in some subsidiary way, to represent faculty interests, then I think we have now changed our understanding of the ombudsman's role."

Dean Stein: "This is not the neatest provision in the whole world, and all the things that you people are saying here were said around the committee table. The concern is that it was not clear to all of us—particularly with people who had dealt with the Office of Equal Opportunity in this context—that the OEO, as constituted, understood the particular environment of the classroom and of the student-teacher relationship—and the whole set of relationships of the faculty members to their workplace and to the people they instruct and so forth. The feeling was that there had to be somebody in that position who was not polarized on this particular issue and who had a lifetime of experience as a faculty member to take part in these particular investigations. The only people that we could think of and who could conceivably fit that role were the Ombudsman and the Dean of the Faculty. As the Dean of the Faculty was sitting at the table, it was the Ombudsman who won the nod. [Laughter] Now, you're quite right. It is not traditionally part of the Ombudsman's role; but, nonetheless, we could not think of a better way of solving this particular problem than that. The Ombudsman's Office was informed of this and did not raise a substantial objection to it."

Professor Isen: “Doesn’t the Ombudsman’s Office report to the President’s Office? And isn’t the Ombudsman appointed by the President? If that’s the case, then it seems to me that that position does not serve the function that we’re discussing now and that we would need a new position to represent the faculty or to present understanding of the faculty.”

Associate Professor Dan L. Brown, Animal Science: “It seems to me that part of the reason the role of the Ombudsman seems unclear is that the role of the OEO is quite muddled in literature. They are the investigators, the counselors, the mediators; and they have a huge judicial function in this overall proposal. They mix a lot of different roles that shouldn’t be mixed, and they do it all without people having legal advice at the point of contact with the OEO. I think that, if we’re going to have some kind of sexual harassment policy that’s going to work, we should chose as our goal not *zero tolerance* but *zero harassment*. And if that’s going to happen, we’re going to have to make believers out of potential victims, potential perpetrators, potential false accusers—anybody who might be involved or who might goof up the system. By putting all of the different duties in one group, which we don’t have enough confidence in to send people to without an ombudsperson, I think there’s a basic flaw in the overall plan that needs to be reworked. I think you need to separate the investigatory role from the hearings and the final decision-making procedures. I think it’s relevant to this issue.”

Dean Stein: “Could you remind us what’s on the floor, Mr. Speaker?”

Speaker Martin: “Professor Holcomb’s amendment to strike the word ‘faculty.’ If there are no objections, we shall proceed to vote on that amendment. All in favor of Professor Holcomb’s amendment say ‘aye’; opposed, ‘no’; it is carried.

“Now we’re back to number two, as amended. Is there further discussion?”

Harold Bierman, Jr., Nicholas H. Noyes Professor of Business Administration: “I’ll speak against the amendment as a whole. If you look at the basic document, given the arguments that have been made, it’s not at all clear to me that this person—the Ombudsman—should participate in all phases of the investigation. I see no reason why that person should do so, so I’d like to eliminate the sentence that has been proposed by the basic amendment.”

Speaker Martin: “Is there further discussion on the amendment? If not, we shall proceed to vote on number two, as amended. All in favor say ‘aye’; opposed, ‘no’; it is carried.

“Now number three. Is there discussion? Being none, we shall vote. All in favor or amendment three say ‘aye’; opposed, ‘no’; it is carried.

“Number four. Discussion?”

Professor Schuler: “I have a question about the meaning of this proposal, as it refers to page two in the draft procedures. There sanctions are listed, but the sanctions seem to be directed against faculty and employees, not to students, who may be the

complainants against whom these sanctions are directed. So it seems to me that we need clarifying language to be introduced here if we are to provide effective sanctions to complainants who raise false charges.”

Speaker Martin: “Are you proposing an amendment to number four?”

Professor Schuler: “No, I’m just raising a problem. I haven’t thought through the wording.”

Professor Gillett: “I thought that the problem was that we proposed ten or fifteen things that could happen, and you don’t want to have a separate list—you want to say, *quid pro quo*, if a faculty member can be dismissed, a student can be dismissed. We’re not trying to draw a fine line; we’re just trying to say that if you falsely charge, you will be sanctioned to the same extent. It may seem convoluted in many cases, though.”

Professor Pelliccia: “Does that mean that all bad-faith complaints constitute sexual harassment, and, if so, should we include that in the definition?”

Professor Gillett: “Yes, and somebody raised this as a very legitimate problem. If, in fact, my dean finds that I’m incompetent, the easiest thing for me to do to prevent the dean from firing me is to claim that he is sexually harassing me by his charges. One has to be very careful, the way that this language is. You could draw an umbrella over somebody who is a real menace to our community and who is drawing a sexual harassment blanket around him- or herself—if we’re trying to protect the person who is pressing charges. If it’s false, we shouldn’t be able to take action against that person, *per se*.”

Speaker Martin: “Further discussion on number four?”

Professor Norton: “I just have a question for the committee. Are penalties for malicious complaints imposed under the Campus Code of Conduct, and, if so, what are they?”

Professor Gillett: “I don’t know what they are. We did have a discussion with Ray Oglesby about this, regarding the Assemblies’ position. My understanding is that they can be severely punished through monetary fines and community service and the like.”

Speaker Martin: “Further discussion on amendment four? If not, we shall proceed to vote. All in favor of number four, say ‘aye’; opposed, ‘no’; it is carried.

“Number five. Discussion? There being no discussion, all in favor of number five say ‘aye’; opposed, ‘no’; it is carried.

“Number six. Is there discussion?”

Professor Howland: “I’d like to amend number six to insert the phrase, ‘Whenever there is a dispute about facts,’ before the first sentence, which, as it now stands, begins, ‘The Procedures should include a provision for a hearing where both parties

are present,' et cetera. The reason for making this amendment is that the phrase, as it stands, is very vague. It just says that you'll have a procedure where both parties are present—it doesn't say why or when or for what reason."

Speaker Martin: "Is there a second to the amendment? [Seconded] Further discussion on the amendment? All in favor say 'aye'; opposed, 'no'; it is carried. Is there further discussion on number six, as amended?"

Professor Brown: "As I understand it, these hearings are to be before whom? Is it before the OEO, or is this a hearing held before the Faculty Ethics Committee or before the dean?"

Dean Stein: "We are in the fortunate position of not writing legislation. This is not legislation; it doesn't have to be perfected. A committee looked at this draft and found substantial failures in it, but they did not take it upon themselves to rewrite the draft from beginning to end. They pointed out things that they found were deficient. One thing that the committee found was deficient was that there was no place in the procedure for this kind of hearing; without figuring out exactly where that should come in, we wanted to point out that somewhere in the process there should be such an opportunity."

Professor Brown: "Well, I think it's a major improvement, but I think we could also make the suggestion that the investigation and the judicial functions be separated."

Dean Stein: "I would caution you from trying to rewrite the legislation on the floor. Our experience at two rather lengthy meetings was that it's complicated; we felt that the draft, as written, wasn't a particularly good starting place. We're just trying to tell those who were responsible for writing the draft what we saw as deficiencies."

Professor Howland: "I realize I have a second amendment, because I saw the note about lawyers. I'd simply like to take the phrase from the existing Arts College Procedures and add it here, as: 'In addition, the complainant and the accused have the right to be represented by a friendly adviser and/or advised by legal counsel, if they desire.' That's the procedure I recommend."

Speaker Martin: "Is there a second to the amendment? [Seconded] Discussion?"

Professor Gillett: "We talked about it, and there are two issues at hand. The committee has talked to Henry Shue, and we've agreed to review the Arts College Procedures report, once it's formulated. This is part of a process—and this speaks to what Professor Brown said earlier—in which the University Assemblies, the Board of Trustees, the OEO, and a whole bunch of people are putting forward pieces of legislation. Like Dean Stein said, we are not writing legislation; rather, we are trying to put our perspective on the issue. So, we want to keep it that way, and one way to keep it that way was to keep the lawyers out. You can always go outside the system to a lawyer anytime you want to in this process. You can go outside our system, which is our community's way of dealing with such problems. We're trying to create a system in which our community deals with its own problems before somebody gets ahold of them who has no idea of what our community is about."

Professor Brown: "I'm just wondering in these investigations or hearings or whatever's going on here if the complainant couldn't throw away his or her rights without the advice of a lawyer. If they do go outside the system, the University now has the resources—the OEO's investigation—to use against that person, and she or he gave it away in the early part of the investigation. People can be pretty upset in these types of situations. We always make lawyer jokes and that sort of thing, but some good preventative legal advice could save all parties a lot of trouble. I think that by excluding them, we're facilitating the idea that, 'Well, there's Cornell, trying to pull something that wouldn't hold up in court again,' and I think that's the other side—the public relations side—that we must consider as well."

Speaker Martin: "Is there further discussion on Professor Howland's amendment? All in favor say 'aye'; opposed, 'no'; it is carried.

"We are now back to number six, as amended. Is there further discussion before we vote? All in favor say 'aye'; opposed, 'no'; it is carried.

"Number seven. Is there discussion?"

Professor Hull: "I again have a question for the committee. Could you explain a little about what you understand 'clear and convincing evidence' means? Would anything in which there were no witnesses involved other than the complainant and the person against whom the complaint was made be automatically out?"

Professor Gillett: "I'll have to ask our lawyer to explain this, because it's very technical."

Professor Green: "I believe that you could meet the 'clear and convincing evidence' standard if the only evidence is the testimony of the accused. I think it's very difficult to articulate exactly what this language means. It's a very standard legal burden of proof, but it's very hard to articulate what any legal burden of proof means. [Laughter] I'll follow that by saying that it is in between 'a preponderance of evidence' and 'beyond a reasonable doubt.' I will also point out that 'clear and convincing evidence' is the standard for all hearings before the Hearing Board of the Campus Code of Conduct—including student versus student sexual harassment cases. So what we're really doing is bringing this draft in line with the Campus Code of Conduct. I believe that there could be circumstances where you could meet this term with nothing more than testimony of the person who's accusing someone of sexual harassment."

Professor Charles S. Levy, English: "I'll ask the committee why you stopped short of 'beyond a reasonable doubt.' This is a very serious business, and the difficulty of proving the negative makes it imperative that the burden of proof fall clearly on the complainant; it cannot be a matter of "A" says-"B" says, and we'll choose between the two."

Professor Green: "Was that directed to me? I think the only real reason was that this is not a criminal procedure, and about the only place you see 'beyond a reasonable doubt' is in a criminal context."

Professor Levy: "I think within the context of the profession, it comes about as close to a criminal procedure as we can imagine. The guarantees of tenure are designed not simply to keep somebody in place but to allow that person to profess free and unhampered. The various penalties that it is possible to level against somebody who is found guilty of the acts we are concerned with come close to the penalties of criminal action, so far as we are concerned as a professional body. It comes fairly close when it becomes a matter of dismissal. That's a capital punishment for a professor. Therefore, I would very strongly urge that the presumption of innocence be given the greatest possible weight. It seems to me in the Arts College Procedures, one of the problems that the College encountered arose from a failure to operate on that basis. I understand what you're saying; indeed, the notion that that reasonable basis is enough stems, I think, from the attitude of the University Counsel that this is no more than a simple proceeding and that, indeed, it is a proceeding analogous to an indictment proceeding for later review. One of the further difficulties with that is if we have leaks of what has taken place in the indictment proceeding, and we do not have an open proceeding—open court at the appellate level—then it becomes very difficult for the accused to defend him- or herself. We saw that happen as well. It's for that reason that I'd like to see us use the model of, as you rightly said, 'criminal' procedure, to protect those accused against anything but proof beyond a reasonable doubt."

Professor Isen: "I'm wondering whether the standards that we adopt in this case will play any role at all in what we already dealt with in regard to bad-faith complaints. Could anybody clarify that for me? If a complaint is simply not upheld, does that play any role in it being considered a bad-faith complaint?"

Dean Stein: "I have no reason to think so."

Professor Green: "A bad-faith complaint would be a matter of intent. We have to show that not only was there no basis for the complaint but also that the person bringing the charge brought it with the intent of maliciously injuring someone."

Speaker Martin: "Is there further discussion on number seven?"

Dean Stein: "This one we talked about at great length also. There was some belief in the committee that what we needed was a matrix, because the standard of proof ought to depend on the severity of the accusation. Some people felt that a mere preponderance of evidence ought to be enough for a warning, and then we could have a complicated formula that related severity of crime with severity of punishment and level of proof; and people decided the whole thing was unmanageable. This is an attempt to say that, at some level, it ought to be possible to discipline a faculty member against sexual harassment—where it is not absolutely clear, at the level of 'beyond a reasonable doubt,' that harassment has actually taken place. The concern was that if one did place this very high level, for all possible types of sexual harassment, one would essentially make it impossible to get a conviction. Now, I would remind you that for the dismissal, there's yet another procedure—far beyond this one—that allows lawyers and allows the faculty member involved to appoint half of the members who will hear his or her case—the full legal set of due process. I think it's unfair to bring the dismissal part of it into this particular arena."

“The last thing I’ll say is that in a conversation with the Dean of the Law School, he assured me that it doesn’t matter at all what you write down for the level of proof. Juries decide by themselves how to interpret that.”

Professor Gillett: “All we were trying to do was to create an atmosphere which is less than criminal. If, in fact, this is assault we were talking about, we wanted to ensure that one could go to the criminal proceedings and get the same treatment with the same level of security in terms of justice. We wanted a system, as Bob said, in which it doesn’t matter whether it’s a misdemeanor or capital crime—a system where we have one standard of proof for criminality and criminal justice.”

Speaker Martin: “Are you prepared to vote on number seven. All in favor say ‘aye’; opposed, ‘no’; it is carried.

“Number eight. Is there discussion?”

Professor Hull: “Again, I have a question of the committee. Essentially, what you’re doing here is addressing the second part of the procedures here as in the draft, those which come after the appeal. Why is it that you picked the Committee on Academic Freedom and Professional Status of the Faculty as the appeal board and not, for example, the University Appeals Board, which—it seems—should make such decisions?”

Dean Stein: “What we saw in the draft was a convoluted procedure that we didn’t like.”

Professor Hull: “I have no problems with that.”

Dean Stein: “There’s a committee that had two roles that were all mixed up. It didn’t sit well. We tried to think of some way to fix it. We have the Committee on Academic Freedom and Professional Status of the Faculty, which is the designated committee to hear appeals of faculty members who believe they’ve been treated unfairly at the University level. The University Appeals Board meets to hear appeals of tenure promotion, but that’s different. That board is a group of people who never meet as a group and where selections are made from that group to form committees to hear appeals. It’s not a committee in itself. If we were going to use an existing committee, the Committee on Academic Freedom and Professional Status of the Faculty seemed to be the right one to choose.”

Professor Gillett: “If you were bounced today, we would be the committee you would eventually lead your path to for an appeal for retention of your services here. That’s the only reason we chose the Committee on Academic Freedom and Professional Status of the Faculty. We don’t want the work; we don’t need the work; but we were the right committee for the job.”

Speaker Martin: “Are you prepared to vote on number eight? All in favor say ‘aye’; opposed, ‘no’; it is carried.

“The Speaker now recognizes Hayden Pelliccia for an additional resolution on the amendments as a whole.”

Professor Pelliccia: “The basic thrust of this amendment to the resolution as a whole is simply to try to make sure that the matter before us goes before the Faculty Senate. As you see, the language that is prefixed to the Resolution Amending Sexual Harassment Procedures starts out: ‘Resolved, that the FCR recommends to the Provost that the November 13 Cornell University Sexual Harassment Procedures be amended in the manner indicated below.’ I propose to amend, following ‘indicated below,’ ‘; be it further resolved that opportunity for recommending additional amendments be accorded to the new Faculty Senate and that no new procedures be put into effect until the Senate has met and discussed the proposed procedures.’ The purpose of this proposed amendment is simply to try to make sure that we don’t rush into this. The ideology of the proposal is simply that the recent experience in the Arts College has indicated that, with respect to this extremely complicated matter, haste makes waste. In our difficulties with this topic and our experiences in the Arts College, we asked the then-dean to appoint a committee to review our procedures that were, at that point, four years old; and that committee was appointed this term. Its report has not yet come in, but we were recently told by the chair of that committee, Henry Shue, that the report would not be ready until February; so it would be in our interest to wait until we get the results of that report. I think the FCR’s entire proposal—in my opinion—contains excellent amendments to the proposal, and the findings of the Shue committee should be brought before the faculty as a whole and then specifically brought before the Senate. The purpose of this amendment is to urge that this subject, which is of such great interest both to the outside and the inside world at Cornell, be brought before the Faculty Senate.”

Speaker Martin: “Is there a second to the amendment? [Seconded] Is there discussion? All in favor of the amendment say ‘aye’; opposed, ‘no’; it is carried.

“We are now at the stage of voting on the entire package. All in favor of the entire package say ‘aye’; opposed, ‘no’; it is carried. (Appendix A, attached)

“Is there further business? If not, we are adjourned—for good.”

Adjourned: 6:00 PM

Respectfully submitted,

Robert Lucey,
Associate Dean and Secretary
of the University Faculty

RESOLUTION AMENDING SEXUAL HARASSMENT PROCEDURES

Adopted as amended by the Faculty Council of Representatives, December 13, 1995

Resolved, that the FCR recommends to the Provost that the November 13 Cornell University Sexual Harassment Procedures be amended in the manner indicated below; be it further resolved that opportunity for recommending additional amendments be accorded to the new Faculty Senate and that no new procedures be put into effect until the Senate has met and discussed the proposed procedures.

I. Sexual Harassment Defined (page 1). The definition of "sexual harassment" needs to be better tailored to the academic environment in light of the distinctive nature and requirements of teaching and scholarship. The Draft Procedures define sexual harassment in language that is virtually identical to the language of the EEOC's 1980 guidelines governing workplace discrimination. The Draft Procedures merely expand the scope of these guidelines to include the academic environment. In particular, the EEOC guidelines prohibit "verbal . . . conduct of a sexual nature" that "creat[es] an intimidating, hostile, or offensive working environment." The Draft Procedures use identical language, but change the word "working" to "working or learning."

The FCR is concerned that this language could apply to speech that is and should be protected by academic freedom. The language also fails to provide a clear, ascertainable, and administrable standard for the academic environment. The language requires faculty members and students to guess at where the zone of forbidden expression lies, and therefore is likely to have a chilling effect on academic speech well beyond the intended reach of the policy.

These concerns should be addressed by adding the following sentence to the definition:

Speech occurring in an academic context shall not be considered to violate clause (3), above, unless it is directed against a specific person or persons, and is abusive, is severely humiliating, or persists despite the objection of the person targeted by the speech.

Examples of Sexual Harassment (page 2). The above change in the definition of "sexual harassment" could be further explained by adding the following language at the end of this section:

Speech in academic settings is ordinarily protected by academic freedom and will not be considered to constitute "hostile environment" discrimination. Thus, for example, a faculty member or student who argues that certain psychological differences between men and women are the result of biology rather than culture does not commit sexual harassment, even if some listeners find such ideas offensive. Similarly, a faculty member who assigns and discusses lewd and sexually explicit but relevant literature does not commit sexual harassment, even if some students find the discussion offensive. In both cases, the speech is not targeted at a specific person, but constitutes the permissible expression of ideas.

II. Complaint Procedures (page 4). The FCR is concerned that the OEO will not by itself be capable of applying the definition of "sexual harassment" in the academic context with sufficient understanding of the distinctive nature and requirements of the academic enterprise. This problem can be addressed by having the faculty ombudsman participate in all phases of OEO investigations involving the environment of academic relationships. The faculty ombudsman is an appropriate officer because this position is an existing one with other functions; the occupant of the office is relatively unlikely to bring a strong personal agenda to bear in the investigations. The only other suitable person for this role would be the dean of the faculty. The FCR thus recommends that the second paragraph on page 4 be amended to read as follows:

Role of the Office of Equal Opportunity:

The Office of Equal Opportunity is the University office responsible for the enforcement of the University's non-discrimination obligations, which include accepting and processing sexual harassment complaints. Managers, supervisors, deans, department heads and sexual harassment counselors should notify the Office of Equal Opportunity when they receive complaints. Investigations will be conducted as promptly and in as confidential a manner as possible. *The Ombudsman shall participate fully in all phases of Office of Equal Opportunity investigations involving the environment of academic relationships.*

III. Time period for filing a complaint (page 6). The Draft Procedures state that, "ordinarily, complaints should be filed with the Office of Equal Opportunity within one year after the last act occurred." The FCR believes that a one-year period is too short in cases involving harassment by faculty members of students. The special nature of the faculty-student relationship, which often involves subjective judgments, might make the student unwilling to bring a complaint until the academic relationship is terminated. Thus, the following (italicized) language should be added to page 6:

Ordinarily, complaints should be filed with the Office of Equal Opportunity within one year after the last act occurred. The complaining party's unwarranted failure to file a complaint within the one-year period may lead to the dismissal of the complaint. *In the case of alleged harassment by a faculty member of a student over*

whom the faculty member exercises direct academic authority, however, the complaint ordinarily will not be dismissed if it is brought within one year after the termination of the formal academic relationship between the faculty member and the student.

IV. Charged Party: Protection from Bad Faith Complaints (page 7). The following sentence should be added to this paragraph:

Such disciplinary action may include any and all of the sanctions listed under the previous heading, "Disciplinary Sanctions." [Reference to page 2 of the Draft Procedures].

V. No Cause Finding (page 8). This sentence should be amended to read as follows:

In any case in which allegations of sexual harassment are not substantiated, the University shall, if appropriate and unless requested otherwise by the charged party, take reasonable steps to restore the reputation of the charged party

VI. Scope of Investigation (page 11). Whenever there is a dispute about facts, the Procedures should include a provision for a hearing where both parties are present, hear the same testimony, and have the opportunity to question those giving testimony. In addition, the complainant and the accused have the right to be represented by a friendly adviser and/or advised by legal counsel, if they desire.

VII. Investigation Report (page 13). The FCR believes that the Draft Procedures establish an inappropriate burden of proof in the OEO investigatory process, i.e., "a reasonable basis to believe sexual harassment occurred." A "reasonable basis" standard could be interpreted to mean that a finding of sexual harassment must be made if *any* reasonable basis exists for such a finding, regardless of the weight of the evidence as a whole. "Clear and convincing evidence" is a more appropriate standard as a burden of proof, and should be adopted in the Procedures.

VIII. Disposition by Dean or Vice President (page 14) and **Faculty Grievance Procedure** (page 15). All references to the University Faculty Professional Ethics Committee should be deleted from the Draft Procedures. The Draft Procedures inconsistently charge this committee with reviewing the OEO's investigative report as an advisor to the dean or vice president and then, if a faculty member contests the sanction, with conducting a de novo investigation. The dean or vice president should make his or her own decision, and the faculty member should then have a right of appeal to the Committee on Academic Freedom and Professional Status of the Faculty. Thus, in the section titled "Disposition by Dean or Vice President," the second sentence should be deleted. In addition, the section titled "Faculty Grievance Procedures" should be amended to read as follows:

A faculty member may contest the imposition of minor sanctions, such as a reprimand, by filing within 30 days of the dean's decision a grievance with the *Committee on Academic Freedom and Professional Status of the Faculty*, which will conduct an inquiry in accordance with procedures governing faculty grievances and report its determination and recommendation to the dean

MINUTES OF THE FIRST MEETING OF THE FACULTY SENATE
Wednesday, February 14, 1996

1. REMARKS BY THE DEAN

Peter C. Stein, Dean of the Faculty: "Happy Valentine's Day. Welcome to the first meeting of the Cornell Faculty Senate. We don't have any traditions, we don't have any rules, we don't have anything; as this is our first meeting. Relying on some precedent to get started, we're using the same room, the same wine, and the same cookies as belonged to the FCR. But beyond that, we don't—as I've said—really have any rules of procedure.

"I wondered whether to have this meeting or not. We don't have an Executive Committee in place, so we don't have an agenda that was approved by anybody. But it seemed worthwhile just to have this meeting at the usual time. We do have some business—to elect a Speaker, first of all. After that, we're going to have the first of what I hope will become a standard feature of the Senate Meetings: When the President and/or the Provost are able to fit this into their schedules, they will come here for a period of fifteen minutes and perhaps make remarks, but hopefully not. [Laughter.] They will hopefully listen to your concerns in free and open discussion—what's called in politics 'Q & A time.' We will have the first of those meetings today.

"The other item is from an ongoing committee. We decided that we probably would want to change a lot of the committee structures, but in the absence of an Executive Committee to think through these matters, the transition document that we passed at the last FCR meeting said we'd continue the committees of the FCR and make them Senate committees until we decide to do otherwise. One of the continuing committees is the Committee on Academic Programs and Policies, and they have passed a resolution on grading policies which they bring to you for your consideration. We will not take action on the resolution—because you have clearly not consulted your constituencies—but it seems like it will be worthwhile to get your reactions to it and have some discussion. In the rest of the time, we'll just have a committee of the whole meeting, where you will talk about what it is that's on your mind and what it is you think we ought to do and how you think we ought to proceed."

2. ELECTION OF SPEAKER

Dean Stein: "We'll proceed to the first item of business, which is the selection of a Speaker. We have sort of a new tradition in the Senate, which I think is a good one—it's that the positions on the Senate are contested. We have not had a tradition of that in the past for many of the FCR committees and, in particular, for the Speaker. Everyone agreed that it would be a good idea to have you make a choice, so we have two candidates, both of whom would carry out the position of

Speaker with great distinction. I thought that I would ask them to stand up, introduce themselves, and make a few remarks. After that, we will have an election. So, in alphabetical order, let me first call on Professor Gottfried."

Professor Herbert Gottfried, Coordinator, Landscape Architecture Program: "This is a position for which I never imagined I would be a candidate, any more than you perhaps imagined you would have a Senate. So I haven't the slightest idea what to say about being the Speaker of this body, since my job would simply be to mediate discussion or be some sort of transmission device among all the motions, amendments, and other things that happen. The last time I did this was running for the class treasurer of Trenton Central High School in 1957—an election which I won. But you should know that my campaign manager was a guy named Charlie who was elected in the class yearbook as the most popular person in the class and the best looking person in the class—plus he was All-State in two sports and lettered in the third. So I think what happened in that election was that the students voted for Charlie and got me.

"I don't have any other qualifications for this job, other than having been the treasurer of the high school class of Trenton, New Jersey. I'm in design, where we teach by analogue, and I tried to think of an analogy that would be fitting. So I'm a rower—a skuller. It is part of my life to know my fore from my starboard and my bow from my stern. If I lose track of any or all four, I know the consequences."

Dean Stein: "I now call on Professor Kay Obendorf."

Professor S. Kay Obendorf, Textiles and Apparel: "I'm Kay Obendorf, and I'm in the Department of Textiles and Apparel. In the last two to four years I've been involved in some committees of University-level faculty governance and served on the Executive Committee of the Faculty Council of Representatives, where I met Peter Stein. Now Peter has had some interesting activities and ideas—and I'm not sure why I let him talk me into this—but his other ideas have been very fun and fruitful. Through faculty governance I got to participate in selecting our President; that was a good choice, I think we would all agree. So, for some reason, I let Peter convince me to say 'yes' for one other adventure. So I would be willing to serve as Speaker if that's your pleasure."

Dean Stein: "Thank you. And now in the best fourth-grade tradition, I will ask both candidates to leave the room. Mr. Provost, would you count this side of the house; Mr. President, would you count this side of the house; and I'll count the middle. Would those voting for Professor Gottfried please stand. And now would those voting for Professor Obendorf please stand. In a very close vote, you have selected Kay Obendorf to be the Speaker." [Candidates enter, followed by applause.]

Speaker Obendorf: "Thank you. I'm dependent on all of you to run an orderly meeting. This morning as I was dropping my husband off at work, he said, 'I hope you get this job if you want it'; and I said, 'I'm not sure.' Professor Gottfried and I

had a discussion outside, and we said we weren't sure who the winner would be—the one who got to go back to his office or the one who would have to stay. So thank you for your confidence; I will do my best. Everything is a learning experience, as I tell my sons. Learn from your bad mistakes, and go on."

3. APPROVAL OF SUMMARY MINUTES OF DECEMBER 13, 1995 FACULTY COUNCIL OF REPRESENTATIVES MEETING

Speaker Obendorf: "The next item on the agenda is to approve the summary minutes for the December 13 meeting of the Faculty Council of Representatives. Those are available on the World Wide Web. I don't know how many of you have found that site yet, but I would encourage you to do that, as it will help reduce the amount of paper that has to come out of the Dean of Faculty's Office."

Dean Stein: "Unfortunately, we decided to change the Web Site after sending you the wrong name. The Web Site is now 'Faculty_senate.' So it's 'http://www.cornell.edu/Faculty_senate.'"

Speaker Obendorf: "We would hope that the new Faculty Senate would have a Web Site with a different name than that which belonged to the FCR. So I think that's a good change, Peter."

"Are we ready to approve the minutes? [Moved/Seconded.] It has been moved and seconded that we approve the minutes. Are there any changes, or is there any discussion? If not, all in favor of approving the minutes, please say 'aye'; opposed, 'no.' Well, that went pretty smoothly."

4. QUESTIONS AND ANSWERS WITH THE PRESIDENT AND PROVOST

Speaker Obendorf: "The next item is the question-and-answer session. We have both the President and the Provost here today, so you may address your questions to either of them. I'd also welcome them to say a few words if you'd like them to get you warmed up."

Don M. Randel, Provost: "I only want to welcome this body into being, to congratulate all of us as faculty members for having created it, and to say how much I personally—and how much I know the President and our colleagues in Day Hall—look forward to working with this body in creating the kind of institution that we all want it to be. I hope that this will be a genuine partnership. It will require hard work on both sides to make it work, but we're certainly committed to making that effort on our side. I hope Peter will confirm that we have every intention of continuing to be in close touch with him and with yourselves."

Speaker Obendorf: "In the tradition of the FCR, please identify yourself and your department right before you ask your question."

Isaac Kramnick, Richard J. Schwartz Professor of Government: “Don, can you tell us what our role will be in the shaping of the Sexual Harassment Policy.”

Provost Randel: “It will be, in some degree, a continuation of the role that the FCR began to play. There is a committee, and as a new draft emerges of that policy—which is being created in response to a wide variety of people, including the FCR—you will have access to that in whatever committee structure is devised and will presumably address it in that way. But it will certainly come back to this body.”

Speaker Obendorf: “I believe that is the Committee on Academic Freedom and Professional Status of the Faculty.”

N. David Mermin, Horace White Professor of Physics: “I’ve had a feeling in the last couple of weeks that the post-Campaign rhetoric may be having a bad effect on faculty morale. One reads about an \$80 million windfall and \$250 million more than we had hoped for in the newspapers, for example. But, at the same time, the administration is trying to squeeze blood out of the Arts College in the amount of about a million. Now, I understand this is a complicated issue, but the amount of information available to the faculty about the Campaign at the moment is extremely small. Everything I know about it I have learned from *The Cornell Daily Sun*, *The Ithaca Journal*, and the *Cornell Chronicle*—and the numbers are not consistent. I could deduce from the article in the *Sun*, for example, that the endowment has gone up, as a result of the Campaign, by \$372 million—and that involved a calculation. But I think it’s the right calculation, because when I added the four other categories they quoted, I got a total of \$1.5 billion. But it wasn’t clear to me what any of the other categories meant. And then in the *Workplace* of last week, there was an interview with Fred Rogers where there was this little graph of sources of income—one of which is ‘gifts.’ If you look at ‘gifts,’ they averaged pretty steadily for the last ten years at about \$50 million a year. I multiply that by ten and get \$500 million. So I wonder about the \$1.5 billion total. There’s a lot of information floating around, and I was wondering whether you were planning to try to inform the faculty of what actually happened, if anything, with this Campaign.”

Provost Randel: “Well, approximately 1.5 billion things happened. There is certainly going to be an effort to explain this in considerable detail—including some of the kinds of things that you have observed here that are difficult to understand, if you don’t have all the pieces of the puzzle. The total amount of the endowment, for example, was misreported in *The New York Times*, of all places, so it just goes to show you what you can count on and what you can’t count on. The chart that you were looking at in the *Workplace* was in real dollars and not in inflated dollars, for example. We have, in fact, developed most of the material for this and have talked about it some within the administration and with the relevant Trustee committees, and we will assemble that information into a presentation for the whole community which will try to make clear what was collected where, and so forth.

“A number of things could be said quickly about the Campaign. For one thing, the Campaign went on for more than five years—there was a pre-Campaign period. For another thing, we have for some time been raising \$150 million dollars a year. So if you count all that into the Campaign, multiply that by five or seven, say, and then subtract that from what was actually raised, you see that the incremental amount is not what one would expect by just hearing the big number. And, of course, a significant part of the addition to the endowment was in the form of professorships raised under a challenge program. Although the list price for a professorship was \$2.0 million, the street price was \$1.25 million—with the understanding that that \$1.25 million had to be locked up in the bank until it grew to be the full \$2.0 million—and so we don’t get any income from those for the next few years. There are a number of reasons why we don’t feel rich even though the Campaign was a very important thing to have done, and we are worlds better off than we would otherwise be.

“One last example of how this works and why it feels the way it does: We could show you, and will, a nice chart of how much we added to the endowment for student financial aid. We all know that student financial aid is one of the most pressing needs that we have in the general context of the budget. You’ll see a nice line going up for student financial aid, and you’ll see a nice line that goes down for financial aid from federal and state sources. So part of the Campaign was, alas, to fill holes that are being steadily dug for us by other people. But we will lay all of this in front of you in great detail.”

Associate Professor Jeffrey G. Scott, Entomology: “Could we have an approximate time frame?”

Provost Randel: “There is some hope that we might actually produce such a thing by next week; the basic pieces are in place.”

Professor Emeritus Donald F. Holcomb, Physics: “It seems to me that the people in Albany have lost track of the purpose of public higher education in our society. I’m not now thinking so much of Cornell—although we are obviously part of it—but I know of colleagues at the City College of New York who are watching that university system being slowly disassembled. So I’m wondering what, if anything, has been the role of Cornell on the public scene to attempt to educate people as to what the purpose of public higher education is today.”

President Hunter R. Rawlings III: “I think you’re absolutely right—that there is a strong sense throughout New York that the purposes of public education really are being lost in a lot of this budget debate that we see every day. Specifically, we have been meeting quite regularly with our colleagues at SUNY to talk about the impact of budget cuts to SUNY within Cornell. Those discussions, as you might imagine, have been difficult. I think it’s fair to say that we have not felt satisfied that even within SUNY there is a strong enough recognition of *quality* as the driver of

decisions versus other factors such as across-the-board cuts. So we are not satisfied with that conversation we're having, even with SUNY.

"I, as a newcomer to New York, have been surprised at how little public outcry there has been to these massive reductions in funding of public higher education. In fact, I'm shocked at how little reaction there has been in the public. Last year there was a very large cut of something like \$150 million, and this year it's another \$100 million of public tax funds that were cut from public higher education at the state level. And I don't see much of a public outcry to that.

"So your question is a very good one. First, we've been working very intensively with SUNY on our own relationship—we're not entirely satisfied with that yet. And second, I think we do need to begin to plan a strategy—it will take a long time to implement such a strategy, though—whereby Cornell can have a major role in the public discussion of this issue. We're not prepared to do that, frankly, in the next month or two; I think this is going to take a good long time to develop such a public strategy. But I think it is needed, because I don't see that SUNY is having much impact in the public debate. I'm being very candid about that, but that's what I see."

Professor Donald J. Barr, Human Service Studies: "Back to the Sexual Harassment Policy: Who's going to make the decision on that?"

President Rawlings: "Well, the Administration will make the decision on the final form of that policy. It's our effort, as you are no doubt aware, to have a single policy across all of Cornell. We are committed to that. We'd like to have as much consultation as possible—and there has already been a great deal of consultation. We now have the second draft in preparation; we will have more consultation; and then, frankly, there will be a decision made on what form that set of procedures should take for the campus as a whole."

Professor David B. Wilson, Biochemistry, Molecular and Cell Biology: "One thing that concerns me greatly is related to what has already been discussed, and that is general faculty morale at Cornell—which I think is getting pretty low, basically. I think there is a real need for some sort of leadership from the top to encourage people that Cornell will, in fact, be here in five years and there will, in fact, be some faculty, and the whole place will not just disappear. There really hasn't been much going on to counteract all of the discouraging news that we've been hearing recently regarding the status of higher education."

President Rawlings: "Well, there is, as you say, some discouraging news. But there's also some very encouraging news—and we see that on a day-by-day basis, so we tend not to be pushed too far in one direction by it. It is important to make certain that people realize that there are good things happening at Cornell, despite the cutbacks and such. The faculty, for example, has been very successful in keeping up a great deal of its research activity. Its grant success—the percentage of grants

won versus those applied for—continues to be very high. We do exceptionally well in competition for federal funds. And the Campaign ended on a very high note, despite the fact that, as has been pointed out, you don't see the immediate implications of that. I think it's quite important that we, in fact, do our best to convey a lot of that positive information (as well as the negative). I also think it's important for faculty members to understand what most faculty members across the country have had to undergo in the last few years; it's certainly not unique to Cornell nor New York State. The State of California, for example, has gone through a tremendous upheaval. Those are wonderful institutions in California, but they have gone through one shock after another. The same has been true at many private institutions that have had a very hard time because they don't have very big endowments to maintain their support. Our enrollment, for example, continues to be very healthy; the demand for Cornell continues to be very healthy; the sense of support from our alumni has never been stronger than it is today—and those are all features of the landscape as well.

"I do think we have a lot of work to do in terms of academic planning at Cornell, because we're doing a large number of things here. The question is, 'Can we continue to do such a vast array of things, given the fact that public support for education these days is declining?' I think that's something that we should all be interested in and invest in in terms of the future."

Professor Cutberto Garza, Nutritional Sciences: "As a follow-up to that: As we go through these very difficult times, what are we doing to integrate the endowed and statutory sides? From the faculty perspective, we often view the endowed and statutory faculty pieces as separate and scream at each other, 'Your end of the canoe is sinking!' What we don't realize when we do that is that it is *a* canoe." [Laughter.]

Provost Randel: "This is a subject on which I can speak with evangelical fervor. We must overcome much that has inhibited things that we ought to want to do that derive from the statutory-endowed boundary. Much of that is imposed upon us by the State of New York; they wish to be assured that New York State dollars are spent for specific purposes and so forth. Similarly, we have to assure the parents of students who pay \$20,000 a year to send their kids to endowed that their money is being used appropriately. But we can lick a lot of the bureaucracy and a lot of the internal friction that we have lived with for a long time. If we have the will, we can get out of the mood of saying that certain things cannot be done at Cornell because of the statutory-endowed boundary. That is not the only boundary: the Hotel School has its own fence around it and, similarly, the Johnson School and the Law School. We have spent an incredible amount of energy in this institution figuring out how to pass money back and forth from one to the other and then let that, somehow, dictate our educational and academic needs. I think if we'd see an application of some of the kind of creativity that's represented in the faculty, we'd be enabled to put academic policy in the driver's seat and keep those bookkeeping methods in line much better.

"I should say one thing in response to a previous remark as well. It is our aim—we are fully committed to the notion—that we are going to continue to have good, honest academic fun in this institution by doing some new and exciting things, even in these times. In the case of Biochemistry, within the last 24 hours we have been talking about some specific initiatives to take there. The Materials Science Center affects a lot of people; we are putting new energy into that. Southeast Asian Studies is another field in which there is a range of things that go on. We can't do everything, as the President says, but we do have some resources that we want to invest in areas where we can galvanize the faculty action, where we can bring together new combinations, or where we can move into fields where we ought to be but are not now in.

"The sad fact is that much of what we confront now is not new. Dale Corson, on retiring from the presidency, was asked to write a report about the State of the University and its finances. If you were to read the title page, you would have thought it was written yesterday. It begins by saying, 'Less support in society for higher education. Tuition going up too fast. Faculty salaries going up too slowly.' Et cetera, et cetera; it's the same set of issues. What's required here is an application of imagination and energy. We *will* be here in five years, and we'll be better."

Professor Elizabeth D. Earle, Plant Breeding and Biometry: "There's considerable concern among the faculty about having a substantive review of tenure decisions take place in Day Hall. Would you comment on the rationale for this change in procedures and whether you expect any further changes in how these matters would be handled."

Provost Randel: "I thought everyone understood that it was a ruthless usurpation by the Central Administration of the Faculty's prerogatives. This is a subject that I have discussed with all and sundry—I've been to a couple of college faculty meetings and meetings of departments, and I've talked with Peter about it at great length. It is my expectation that one of the most fruitful things that could emerge from this body is elaboration and development of a system by which we bring about more uniform standards and more uniformly high ones—that we see the highest standards in the University prevail broadly, and that that judgment be fundamentally vested in the Faculty recognizing that it does have to have real standards and real teeth in it. The Central Administration is not now doing anything that my predecessors did not themselves do. In fact, the cast of characters is exactly the same but for me. If one goes back to the days of W. Donald Cooke, there are accounts of similar kinds of difficulties and things being turned down by the Central Administration. I think that we must have the ability to insist that everybody become as good as the best of Cornell; but I'm fully prepared to see us develop a system that will include somewhat broader faculty participation than we now seem to encounter."

Associate Professor Kerry H. Cook, Soil, Crop and Atmospheric Sciences: "I'm wondering how firm Cornell's commitment to need-blind admissions is. If that

commitment is going to waver, how will the public react, and how will Cornell be affected?"

President Rawlings: "That's a good question. Our commitment is very, very strong to need-blind admissions. We want to maintain that policy. For the foreseeable future, I don't think there will be any problems with maintaining that policy. It does cost us a great deal to maintain, however. And that comes back to the earlier question: Why, after you raise so much money, do you still have financial pressure? That's the way I would characterize it—we're under financial pressure. We don't have a terrible financial problem; we're not in the red and we're able to maintain our budget, but it's tight. And one of the things making it tight, in addition to the elements Don mentioned earlier, is the fact that to maintain the need-blind admissions policy, we lose a little more money each year. It's the two-percent problem: We don't bring in quite enough revenue to meet the need, so we have to take some of our own money each year to do so. We're committed to it; it's painful financially to have to do it each year, but we do it. I think we're going to need more help—even more successful fund-raising in the future—to enable us to do it five years from now and ten years from now and twenty years from now. It's a most difficult thing to maintain within the budget, but we're committed to doing it."

Professor Cook: "So you don't see any wavering of that commitment, and you don't see any need for debate?"

President Rawlings: "No, I don't see any wavering. The only point that I want to make, after saying we're committed, is that it takes money from our budget to do that each year. And each year, it takes a little bit more, because the revenue simply doesn't keep up with the need. It's one of the things that creates the sort of pressure on budgets that we're all familiar with."

Professor Richard E. Schuler, Economics, Civil and Environmental Engineering, and Faculty Trustee: "This is really a follow-up observation and question, in a way, to your response to Kerry's question. With the wind-down of the capital Campaign, I know there's some discussion of whether we maintain the same level of development staff with respect to the views of the future. My observation would be that, during the end of the Campaign, the development staff began to operate more closely with individual faculty members in terms of exploring their needs and connections with the alumni. I've seen that work very well with other universities and would urge you to consider that form of transition for the future for Cornell."

President Rawlings: "Let me say two things in response. First, you're absolutely right—that model works effectively, and it works very well here, and it did work very well in the Campaign. I personally know quite a few alumni who were drawn to give to Cornell by a faculty member and their interest in the faculty member's work. Having said that, we can't let all faculty members run off individually—without very careful coordination to make sure that we have targeted fund-raising;

otherwise, frankly, donors aren't so happy, because they hear from too many different people. So, we have to coordinate it carefully, but I think it works exceptionally well.

"On the first part of your question as to whether there will be changes in the development staff now that the Campaign is over, the answer is 'yes.' Those had been planned, even before the Campaign began. There was a ramping up of development staff for the Campaign and then there will be ramping down at the end of the Campaign—that will, indeed, occur. Now that's unfortunate in some ways, but in other ways, it was planned for and needs to occur within the overall budget."

Dean Stein: "I'd like to thank you, Hunter and Don. I think this has been a very interesting discussion and that a lot of the issues brought up are *the* issues, and I hope that this will be a regular and ongoing part of our meetings."

President Rawlings: "Thank you. I'd like to make just one final comment. I think the fact that the faculty voted for the Senate so overwhelmingly—there was a good turnout in that vote—and that you had people willing to serve on the Senate and on different committees and, as people have told us, even put their names up for competition for the University Faculty Committee—I think all of this is a very good sign that people want to participate. We're eager to participate with you, as Don said earlier; we'd like to make decisions where we have ample opportunity to consult with you. And I hope—this is my last point—that a great part of our discussion will be on academic matters. It is very easy to have bodies such as this one spend most of their time on what I would call 'semi-political' matters—and you all, I think, know what I'm talking about. It's natural; we all want to say something about those matters. They're important. But the most important matters are the academic ones—the choices we're making academically: where we want to go and where we no longer want to go. If we don't reserve the bulk of our time for that, I'm afraid these will be much less productive sessions than they could be otherwise. We're busy and you're busy, and we'd rather spend our time on those central academic matters of the University."

Dean Stein: "I'd just like to make one or two comments to follow up on what got said here. One, in answer to my colleague David Mermin, who wants to know where the money is: I think that's an interesting question. I've been working with the Financial Policies Committee to try to understand that and to put out a report from our perspective. One of the things you discover when you look into this is that the way we as faculty tend to define categories of where the money is and comes from and goes to—those are not the same categories that the people in development come up with. If you just look at those graphs, you don't understand what the words mean. We are trying to translate those words into words that are more meaningful to us."

Professor Mermin: "And when will we get your translation?"

Dean Stein: "As soon as it's done. First I have to learn what everything means, so it will take a little longer than a week.

"And the other thing is that if you rank order all the decisions we make in this University, the ones that really count—you can have all the rest of them—are those concerning which non-tenured faculty members are given tenure and what students we admit to the University. Those are the only real matters that make Cornell a great place or a mediocre place. In one way or another, those issues have been raised here. It's my hope that we as an organization can learn how to contribute to the mechanisms that make those decisions in a way that benefits the University.

"The last thing is that if you haven't signed in outside, please remember to sign in on your way out. If you forget to sign in a couple of times, you get a stern letter from me."

Speaker Obendorf: "I would like to call on Professor Kevin Clinton, a member of the Committee on Academic Programs and Policies, to introduce a resolution regarding grade reporting."

5. RESOLUTION AND DISCUSSION ON GRADE REPORTING

Professor Kevin Clinton, Classics: "On behalf of the Committee on Academic Programs and Policies, I'd like to give you some background on this resolution (Appendix A, attached) and an explanation of some of the details.

"This procedure for grade reporting has been in operation at many Canadian universities for several years now and was adopted by Dartmouth College in May 1994. It first came to the attention of many of us when it was very briefly discussed at a meeting of the Faculty of the College of Arts and Sciences in the fall of 1994. In that meeting, it came up in the context of grade inflation and what may be done about it. It's fairly well known that the percentage of 'A's given at Cornell has been steadily increasing. In fall 1966, they amounted to 16.3 percent of all undergraduate grades. In fall of 1988, they were at 28.0 percent; and in fall of 1994, they were at 34.0 percent. Over a span of nearly 30 years, the percentage of 'A's given out has more than doubled. The rise has come largely at the expense of 'C's and 'D's, which amounted to 39.9 percent in 1966 but only 14.0 percent in 1994.

"There seemed to be a lot of interest in the issue at that meeting and with the way Dartmouth decided to deal with it. The Committee on Academic Programs and Policies took up the matter at meetings over the last three months or so. However, we were not convinced that this grade-reporting procedure would turn out to be a cure for grade inflation. But we did finally think that it had a lot of merit as a way of reporting grades—more meaningfully than is currently done—and that it deserved to be given serious consideration by the University Faculty.

"The advantage of reporting grades in this new way is briefly described in the rationale that accompanies this resolution. The proposal has considerable advantages for both students and instructors. Expanding on the explanation given in the rationale, we would point out that in the current situation, where grades are relatively high, students who take courses with low median grades get grades that seem disproportionately low. But if the median is published on the transcript, a student need not feel so bad about having attained, say, a 'B-' where the median is a 'C+', or in any case, a grade that's close to the median. A student who gets a 'C' in a large course where the median is 'A' will naturally, we hope, not be pleased. But this is precisely the sort of student who should be encouraged to do better, especially in a course where the median is so generous. Furthermore, this more accurate recognition of performance should offer some encouragement to students to take courses that have a relatively low median.

"Although we have no reason to think that this policy will cure grade inflation, the logic of it is as such that it is not likely to encourage grade inflation and may well serve as a damper. At Dartmouth, the overall GPA did go down very slightly last semester—one hundredth of a grade point—after a general increase of about the same amount over the last few years. Coming as it did after several years of increase, it does, at least, look significant. And last year, the new procedure was not in effect for the entire college but only for the freshmen. Although this procedure in itself may not be a cure for grade inflation, it does, at least, have the potential to be of help in dealing with the problem—if departmental or college faculties are interested in bringing about change. The changes that will have to take place, will, most likely, need to take place at the departmental level.

"The second part of this resolution calls for the information on grades to be made public. In the present state of affairs, such information is not easily accessible and therefore is not conducive to discussion. But with the information readily available, it is a bit more likely that discussion will take place. A discussion of the current state of affairs can only be a healthy development.

"Another reason for making the information available is the matter of accuracy. If it is not published, a student group will probably attempt to recreate it by polling students for median grades on their grade reports; and their result may be somewhat inaccurate.

"One concern that came up in our discussions was whether or not the proposed change would promote competitiveness among the students. Of course, we hope that it would promote a certain kind of competitiveness—whereby students strive to improve their performance to the levels of their abilities—but not the prudish sort of competitiveness that is reflected in pages being ripped out of library books, cheating, and sabotaging others' experiments. We were inclined to think that an increase in that sort of act would be unlikely. In fact, we were told by the Dartmouth Registrar that they have not noticed any greater competitiveness of this sort than usual.

"I turn now to details. Why did we choose the median grade instead of the mean or average grade? Although a plausible case can be made for using the mean, we decided in favor of the median because it tends to give a better sense of the distribution of grades. In a class of ten, for example, where the grades are all 'A' except for two very low grades, the low grades have a pronounced effect on the mean, although the median remains 'A.' And these results can be extrapolated to larger classes.

"The course enrollment allows a reader of the transcript to assess how meaningful the roll of grading plays in a course. A class with relatively low enrollment with a high median grade is not unusual, especially among upper-division courses. But in a course with a relatively high enrollment and a high median, the grading is probably not a meaningful part of the course. This is not to say that the course is poor or not worth taking—just that the grading is not a significant component of the course. On the other hand, if you consider the other end, in a course where the enrollment is high and the median grade is low, grading would be seen to be a serious business.

"The exemption for honors, independent study, and individual research courses has to do with the fact that such courses are often given a single number in a department's office, even though students sign-up individually with different instructors. In effect, a single number refers to several courses, so it would not make sense in these cases to calculate median grades.

"This policy cannot be put into effect immediately, as the present computer program is not capable of handling it, according to the University Registrar, David Yeh. A new system is in development and is expected to be operational in 1998, hence the stipulation in the resolution, 'as soon as technically feasible.' The system, according to David Yeh, would be able to handle the proposed procedure, but it will entail a redesign of the transcript, which is not a trivial matter. The Dartmouth Registrar's Office had only three months to accomplish this, and it was a bit of a scramble. We assume that the additional lead time for Cornell will not put undue pressure on the Registrar's Office. Mr. Yeh has also informed us that it will be relatively easy to make the information publicly available, either through a public server or in some other form, and we could do this fairly soon. So we put a definite date on the implementation of Part 2 of the resolution, believing a year's time would be ample.

"With regard to rounding the median grade down in the event of an exact tie, we did this for practical reasons—to keep the transcript as simple as possible, mainly. Rounding down rather than up, of course, works in favor of the student. Dartmouth does not round the median but puts both medians on the transcript. Calculating the median only once instead of recalculating after resolution of incompletes, et cetera, was done, again, in sake of simplicity.

“So it is now before you: The resolution will allow you to impart significantly more meaning to our transcript grades than they now have. As you know, this lack of meaning in much of our grading has not been lost on the outside world. Some of our peer institutions have now taken steps—both large and small—in an attempt to correct the situation. A couple of years ago, Stanford took what might seem to us a very small step when they restored their failing grade. To them, evidently, it was a momentous step. Recently, Columbia has made a change to its transcript grade-reporting procedures. At the time of Stanford’s change, the issue caught the attention of the national press. *The New York Times*, as you may remember, called for universities ‘to get their houses in order.’ I’m sure if we pass this resolution it will be regarded by the world outside our campus as a very positive sign.”

Speaker Obendorf: “The floor is now open for questions or discussion.”

Assistant Professor Tony Simons, Hotel Administration: “What about multiple sections of the same course? How will they be treated?”

Professor Clinton: “Do they have separate grades?”

Professor Simons: “Yes. They have different teachers as well.”

Dean Stein: “Whatever the Registrar calls a ‘course,’ a median will be established for that course.”

Professor Simons: “So for all courses, all students with that course number will be grouped together, even if they have different professors?”

Dean Stein: “Presumably, yes.”

Speaker Obendorf: “Let me remind the body that this is for discussion only today; we will not take a vote.”

Associate Professor Michael O. Thompson, Materials Science and Engineering: “There are courses in the Engineering School—Engineering 150 in particular—that have 28 sections with 28 different professors, all with the same course number. The fairness of grading would be very difficult to handle.

“The second point I’d like to make is that there’s another part that has to go onto this, and that’s education of the recruiters that come to campus. There are, unfortunately, arbitrary rules among a number of companies that require a minimum GPA in order to be interviewed by them, which has driven some of the grade inflation in the upper-level courses in the Engineering School, at least.”

Associate Professor Leonard W. Lion, Civil and Environmental Engineering: “My concern is that there’s a stigma attached with being below the median, no matter where the median is. If a professor judged that all students in his or her class did

very well and gave, say, 'B's and 'A's, those who fell below 'B+' would be stigmatized even though their performance was quite good. That's my concern, and we really haven't dealt with that.

"And I have a question in regard to the overall GPA calculation: Would this be extended to that? In other words, would you have a median GPA for all the classes a student took and include his or her relevant standing?"

Professor Clinton: "No, we didn't contemplate that at all. We're thinking only about the individual courses. You say students would be stigmatized, though."

Professor Thompson: "Do you want to be below the median?"

Professor Clinton: "No, but I'd like to be close to the median, at least. Hopefully this could be a motivating factor."

Professor Frederick M. Ahl, Classics: "Kevin, what would you propose to do in a class of 60 people of whom 20 were taking it pass/fail?"

Professor Clinton: "We're only talking about letter grades."

Professor Ahl: "Right, but this could also skew the perspective of the class."

Professor Clinton: "S/U grades are not calculated into the averages."

Professor Ahl: "That's precisely it. Many students, for example, decide to take a course as an elective if they know they are not going to expend a large amount of effort for the course. They are aware that if they take the course for credit, they may get a less-than-stellar grade. So they will register for the course S/U. And if you don't count 20 out of 60 people in a class who are taking it S/U and whose grades aren't so hot, you will get the impression that the median grade in that class is much higher than it really is. (Now, that's not necessarily to say that the S/U students always don't do that well; sometimes an S/U student will get the equivalent of an 'A' on an exam, but the vast majority of S/U students come in at the 'B' and 'C' levels.)"

Professor Kenneth A. Strike, Education: "In the courses that I teach, there are selection effects that produce very different audiences to courses. One of the courses has a body of students who are much more able on the whole than in the other. But I think my grading standard across these two courses is quite consistent. On the other hand, in the course where the students are on the whole more able, I would suspect that the mean grade is a bit higher. This policy, in fact, seems to me to degrade the value of the achievement of the students who are in your classes, as a consequence of stating the mean."

Professor Peter Schwartz, Textiles and Apparel: "I'd like to add on to Professor Ahl's comment. In his case, he was concerned about not including the S/U grades and that skewing the meaning of the mean. I'm concerned about counting the students who are taking the course S/U in this total number that you're giving. If a sizable percentage are taking the course S/U and a smaller percentage are taking it for a grade and then you report the larger number, the argument that you're talking about bigger classes versus smaller classes may or may not be valid. You say that a median grade in a larger class is somehow different than a median grade in a smaller class. But if half or a significant portion of the students are taking it S/U, and you don't eliminate them from the number of students listed as being in the course, then the median grade is somewhat meaningless. It's like a small class—if 90 students are taking it S/U, and only ten are taking it for a grade, and you report 100 students with a median grade of 'B-,' that may be a problem."

Professor Clinton: "Is that a typical distribution, though?"

Professor Schwartz: "I think it happens in some of the larger elective courses, all across the colleges. It may not happen in freshman courses, but it certainly happens in some of the upper-level courses."

Professor Clinton: "It's conceivable to me that one way of dealing with that would be to state the number of students only taking the course for letter grades."

Mary Beth Norton, Mary Donlon Alger Professor of American History: "In your discussions with David Yeh about the upgrading of the Registrar's system, was there any mention on his part of the ability of the new system to, in fact, deal with cross-listed courses? At least twice a year, I teach courses that are cross-listed between History and Women's Studies, and the computer continues to regard them as two separate courses. Under the new system, would the students be melded into one 'class,' or would they remain as two separate courses? I should point out that if I had a course of, shall we say, 15 students with six registered in one way and nine registered in another, the six wouldn't be reported where the nine would. Is the new system going to be capable of dealing with the fact that we have courses that are, in fact, the same course but are listed under different departments?"

Professor Clinton: "I assume so. It's apparently supposed to be a fairly sophisticated system."

Dean Stein: "A couple of important points have been made. Yes, the program will deal with the cross-listing problem. Presumably, one could choose either option; and that's something that has to be thought through. Also, the S/U problem has been brought up by a number of people; that wasn't thought of by this committee—I think that's fair to say. If I could just speak as someone who supports this resolution, I think that everything everybody has said against the proposal is true, but it certainly is true now that nobody really knows what a grade means at the moment. Grades are individually determined by each faculty member; some

people grade hard, and some people grade easily—and that has a certain unfairness to it when one looks at a transcript. It seems to me that this just adds more information for anyone to read as he or she sees fit. Arguing against it on the basis that this information which is honestly presented will be misinterpreted by the outside—I find that claim difficult to support. There's a lot of information now that's being misinterpreted one way or another; this gives more information on the transcript for those who choose to use it."

Professor Gary A. Rendsburg, Near Eastern Studies: "As someone who regularly teaches courses of more than 100 students at the 200-level, I normally get six, seven, maybe at the most ten S/U students, and I don't think it's a major issue as to how to calculate S/U students if we decide to go with this. I would like to state, now that we're moving to the point of debate as opposed to discussion, that I have major ideological oppositions to the resolution to the transcript system that's being proposed. I give my students the speech once or twice each semester that I still am a little bit old-fashioned about this, and I like to think that the purpose of college is for education—with grades as a necessary evil in our lives. I think there's far too much emphasis among the students on their individual grades as it is. As I walk the corridors of my building and hear other students as well talking about the means and saying, 'I was so many points above the standard deviation,' et cetera; they've lost track of the purpose for education. Now I realize that we've just heard the importance of grades to engineering companies that come to recruit students for jobs and things like that; but from an ideological perspective, I would say that this type of grade reporting will only enhance and increase that kind of concern and presence among students. As a Faculty, I think we should be discouraging that type of action instead of encouraging it."

Professor Robert Ascher, Anthropology: "I'd like to agree with Professor Rendsburg. I do know what grades mean. 'A' is excellent, 'B' is good, 'C' is average, 'D' is poor, and 'F' is failing. I have no problem with that. But I also don't think that there has been one iota of evidence presented that this type of resolution—for what it intends to do—will, in fact, affect grade inflation. There's no evidence whatsoever of that here. I am concerned about, in fact, the first line of the rationale, which reads, 'Students will get a more accurate idea of their performance, and they will be assured that users of the transcript will also have this knowledge.' That exactly leads into the kind of thing Professor Rendsburg was talking about. Cornell already has the reputation of having a highly competitive, highly cut-throat kind of student body, and I think this is just going to add to it. I think it would be a very poor move to punish us by, in fact, encouraging bad educational practices."

Professor Clinton: "I would point out that 34 percent of the grades we're now giving out are 'A's.'"

Professor Ascher: "That is the problem of the professors, and it is indeed a serious problem. But I don't think that this resolution answers that; I think that has to be discussed elsewhere—not with a resolution like this."

Professor Clinton: "I'm not saying that it's going to be answered."

Speaker Obendorf: "Please, it would be better if we could keep this to discussion instead of debate."

Assistant Professor J. Ellen Gainor, Theatre Arts: "I'm wondering if there is any evidence of how this type of system impacts students, regarding applications to graduate schools and the like. My concern would be that this might actually skew in certain unforeseen ways the ways the grades are being considered by other institutions."

Professor Clinton: "It's a bit too early to tell, because Dartmouth only put it into effect for the freshman class."

David I. Grossvogel, Goldwin Smith Professor of Comparative Literature and Romance Studies: "It seems to me that what this does is to advertise courses in terms of the grades that the students receive. If there is a tendency among students to look for a course that is going to help them get a job when the interviewers come onto campus, it seems to me that this isn't going to help."

Assistant Professor Anna Marie Smith, Government: "If the concern is grade inflation, I suggest that this information be made available for professors to be discussed at the departmental level; it does not necessarily have to go onto the student's transcript. We should be looking at this and discussing this among ourselves as colleagues. The rationale and the data as it is being presented are really two different things."

Professor Thompson: "I get very mixed feelings about this. In one of the courses I teach, I'd like to see this. For the other course, I think it's biased, because depending on the year, I may give everyone 'B's, or I may have a broad distribution. Is there any technical feasibility of making it an optional basis on the part of the professor, who would choose which courses this information is offered about?"

Professor Clinton: "I should say that this is the system that's practiced at many Canadian universities and now at Dartmouth, too. A variation on it has just been passed at Columbia about three weeks ago. There they decided to put on the transcript next to the course grade the percentage of 'A's given in the course."

Associate Professor Robert A. Corradino, Physiology: "I have some fundamental issues with the whole concept of grade inflation. We have two numbers, from 1966 and 1994, in which the percentages of 'A's given were 16 and 34 respectively. Aren't there other conclusions possible as to the reason for that percentage going up other than grade inflation? For example: better students, higher SAT scores, higher GPAs from high school, or better teaching? How much of this is departmentally related, if

this is grade inflation? And why penalize the whole University if it's just a few departments or one or two schools?"

Professor Clinton: "Well, if you're all prepared to say that Cornell students are twice as better today than they were in 1966. . . ."

Speaker Obendorf: "I can hardly wait until you actually make a decision on this. I'd like to take a couple more comments, and then we'll move on to the new business."

Professor Howard C. Howland, Neurobiology and Behavior: "I must say that I'm a bit shocked and surprised at the unwillingness of the faculty to increase the information on the transcript. I think it's one thing in a philosophy class, where you're trying to really encourage intellectual thought and de-emphasize the grade; but it's quite another when you're certifying people who will be going to medical school and who will be operating on you later. I think in those situations, you would really like to know that the very best people are getting into those schools and doing that—and that people who are basically incompetent are kept out; that's what the grading system contributes to in this situation. Right now, we have a grading system where it's highly skewed to the upper end. It does not distinguish between the very good students; but it distinguishes exquisitely between degrees of badness. All the information in the grading system is down in the 'C's and 'D's; if you get a 'C' or a 'D,' you're really marked, for that's where the information is. That's not what we're trying to do, I think. I would make a plea for this resolution."

Professor Ahl: "Is that why we don't have 'C's in the Graduate School at all?"

Seymour Smidt, Nicholas H. Noyes Professor of Economics and Finance, Johnson Graduate School of Management: "I still think that it would help to have more information available, at least to the students. I think it would help if we could add the median of some reference group of the grades those students got in other courses. A number of other people referred to the selectivity. This would help the interpretation of the grades with respect to what that class is like compared to some larger group. That would be very complicated, but I think it could be worked out, at least to provide information to the students. With computer technology, we can be a little more selective; we can give information to students that isn't necessarily reported to the whole world. Basically, I think the students should have control of what gets reported to the whole world; but we should be able to give them more details so they can judge their own progress."

Professor Obendorf: "Well, I hope that you all have lots of good conversations with your constituents on this, and I'm sure that this will be back for some action in the body in the near future. It was a tradition in the body that has been replaced to have a few minutes to cover new business, and I think it's particularly important for you, as a new body, to bring up at this time anything that's of concern to you, because that can be used by the University Faculty Committee in helping to set the agenda for this body. At this time, we're open for comments, concerns, and other statements."

6. NEW BUSINESS

Professor Locksley G.E. Edmondson, Africana Studies: "I'm sorry, but I'm sticking in a footnote to this last discussion. Do we have a time frame for getting this to our departments and getting back to the Senate?"

Dean Stein: "It may well come back at the next meeting. I would say you have a month. We are departmentally based, so you ought to be speaking to your departments about what they think about this and other issues."

Speaker Obendorf: "Yes, since the committee has it already in resolution form, it could come back fairly quickly. Be prepared. Now we're on to other topics."

Professor John M. Abowd, Industrial and Labor Relations: "A question for Peter: What's the status of the committees of which this body might be participating—having to do with campus-wide tenure reviews and campus-wide program evaluation?"

Dean Stein: "Everything's on hold, until we get the University Faculty Committee selected. But it will be selected in a week or so, so I was kind of hoping to have some sense of what it is you want us to be involved in."

Professor Abowd: "Maybe I should follow up. What have you been *invited* to supply faculty leadership on, with regard to what's on hold?"

Dean Stein: "Those questions are open now. There's a proposal for program review that's sitting around waiting for something to happen to it; presumably, it will come to this body. There is, as near as I know, no model for the way that faculty at-large might participate in tenure decisions, but there is a lot of feeling that there should be some way to do it. That remains undesigned, waiting for this body to tackle it. Those are two things that I think are important."

Speaker Obendorf: "If I understand the other part of John's question, it has to do with what committees have been asked to provide faculty members for the specific issues raised."

Dean Stein: "On the specific issues, there's nothing pending."

Professor Lion: "Dean Stein, I'm asking for a statement on what this body should be doing. It would be helpful to me if you could provide us with a mission statement—what the mission of the Senate is, if one exists. If not, I'd like to know your thoughts on what this body is empowered to do and what it is not empowered to do."

Dean Stein: "Well, that one's easy. The mission statement is that this body represents the views of the Faculty to anyone who wants to know what the views of the Faculty are. Its empowerment is educational policy matters that affect more than one college. Grading scheme, for instance, is one example of empowerment. I think that, probably, the most important of these two is to represent the views of the Faculty to the Central Administration."

Professor Ahl: "I was just wondering if any members of the group share one of the main reasons that I got myself involved in the Senate, and that is the concern with the lack of what I call 'downward accountability' within the Administration of Cornell. That is to say, there is a constituency to which the Administration administers but which is not necessarily fully held accountable. This could be a problem with a deanship or with the way other offices are run, for example. I wondered if there were any places within the function of the Senate for ensuring that positions made at upper-level Administration within the individual colleges and in Day Hall would be reviewable in some way by this group in some official manner. I think that's very important to faculty governance to get a foothold on faculty opinions."

Professor Ascher: "Having just read the legislation that established this body, I still find somewhat unclear the relationship between this body and the University Faculty Committee. It almost appears as if the University Faculty Committee is going to go off as a vague construction at the top; I would really like to see some clarification of what that group of nine people does and what we do. Are they, for example, going to be bound to us in making their decisions, or will they pick up issues independently of us? What is the relationship between us and them, in other words?"

Dean Stein: "It's in the process of being defined. The way I see it, that committee will mediate between this body and the Central Administration. That's number one. Number two, they act as an Executive Committee to this body in the usual way. But I certainly think they are bound to this body's decision; there's no doubt about that."

Professor Edmondson: "I know none of you can answer for President Rawlings, but I must express some concern about the distinction I heard him make between us being concerned strictly with academic matters as opposed to political ones. Is sexual harassment political or academic? Is affirmative action political or academic? I do hope that this body will not at all circumscribe its activities to what seems to me to be a narrowing of the agenda in advance of our deliberations from the Administration, which is very activist and very interventionist. I think we should make very clear that we as a faculty have a right not to just address narrow, technical academic issues but anything of concern to us as a faculty in a university community. And I hope the rest of us share that concern."

Professor P.C.T. de Boer, Mechanical and Aerospace Engineering: "What's the status of the University Faculty Committee. When is it going to be elected?"

Dean Stein: "It's in the process of being elected. You have all had ballots distributed to you, and some 400 of you have returned them to my office where they're being entered by our able assistant Steven into an Excel file so we can count them. They're counted by the Hare system, and that's pretty complicated. The cut-off date is February 21; they have to be received in my office by then. And on the next day, we will know who the members of the committee are, and we'll call a meeting just as soon as we possibly can."

Assistant Professor Mark Cruvellier, Architecture: "Concerning the University Faculty Committee, I noticed that there were no non-tenured faculty nominations, and I looked in the draft by-laws and did not find a stipulation that members of the University Faculty Committee had to be tenured. I wondered if this group is supposed to be representing the body, how can it do so without having any non-tenured faculty members on it?"

Dean Stein: "That's a good point. There are certainly no stipulations against non-tenured faculty members on the University Faculty Committee. The reason that there were none on the ballot was because the Nominations and Elections Committee, in its wisdom, decided not to nominate any non-tenured people. I sat in on that meeting, and the feeling was that it was too big a burden. We have always had problems with the participation of non-tenured people in faculty governance in the past, because they felt that the pressures on them were too great, and that even the attending of one meeting a month was thought to be considerable pressure. Now, we don't know what's going to happen to the University Faculty Committee. But if it works, it will really be a lot of effort. If it doesn't work, it's not worth being on. The feeling was that it just didn't make sense to ask non-tenured faculty people to take part in the University Faculty Committee with an anticipated major workload. Now, maybe that decision was wrong, but that was the reason why that decision was made."

Professor Cruvellier: "I'd just like to follow up with a comment. Reading through the roster of Faculty Senators, if one counts them up, roughly 80 percent of this body is male—and only 20 percent is female. This is a concern that a number of us had before this body was formed, and if this is going to be a representative body. . . ."

Dean Stein: "My guess is that's representative of the faculty. It may be sad, but I don't believe it is unrepresentative of the faculty at-large."

Professor Emeritus Holcomb: "I'd like to make a response to Professor Ahl's comment on downward-accountability. After-the-fact accountability is much more difficult to affect the course of events than before-the-decision accountability. If the University Faculty Committee works, we will have knowledgeable people at the

right place at the right time, before decisions are made, and that will likely be the key to a successful organization.”

Joel Porte, Ernest I. White Professor of American Studies and Humane Letters: “Could I suggest that, when planning these meetings, a larger, more comfortable room could be found? I’m standing up because my legs could not take the seat-backs. It seems to me that it would raise our spirits by making our bodies more comfortable with a larger room.”

Speaker Obendorf: “It’s nice to be asked to have a larger room, because we came to the smaller room because of poor attendance. This seems to be a nice direction to be going in.”

Dean Stein: “That’s a problem I know a lot about. I spent some time thinking about it. We used to meet in Uris Auditorium—boy, there’s a room that’s big enough for you. The general feeling among people was that it just didn’t feel right. There were a few people in the room who were scattered all over; you couldn’t hear anybody; and it was hard to believe that one could establish a sense of community with roughly 75 people in a room that seats 400. It just didn’t feel good. We tried to look for a room that held about 150 and that was somehow central on campus—and there wasn’t any. We went down the whole list of rooms, and there was no room for 150 that was always available on Wednesday afternoons. Another criterion was that it be the same room. I know my faculty colleagues, and if they’re asked to change rooms, they get lost. So it had to be a room that was available all the time. This room was the best we could do, but it does seem a bit small. The only alternative is Uris Auditorium or Schwartz Auditorium in Rockefeller, both of which are large, cavernous rooms that don’t feel right.”

Professor Porte: “How about Kaufmann Auditorium?”

Dean Stein: “Well, Kaufmann is not central; Kaufmann gets quite far from the Engineering School and from the upper campus. That’s the feeling; and maybe it’s wrong.”

Speaker Obendorf: “I like to see how well we’re following the advice on staying on academic matters.”

Associate Professor Joseph Laquatra, Design and Environmental Analysis: “I was on the FCR when we met in Ives, and I don’t know whether a similar room is going to be available for us when the Ives construction project is done or not. So this might be temporary; and in the interim, it may be helpful to find a more comfortable room. Even if Uris is too big, it may be a temporary measure if we’ll eventually relocate to Ives.”

Speaker Obendorf: "Are there any other issues to be raised other than size or location of the room? If not, I want to thank all of you for coming."

Adjourned: 5:50 PM

Respectfully submitted,

Robert F. Lucey, Associate Dean and
Secretary of the University Faculty

RESOLUTION RE GRADE REPORTING

WHEREAS, the Committee on Academic Programs and Policies, has determined that it is desirable for Cornell University to provide more information to the reader of a transcript and produce more meaningful letter grades,

THEREFORE, BE IT RESOLVED, that the Faculty Senate adopts the following policies on grade reporting:

1. Transcripts and grade reports for undergraduate students shall indicate, along with the grade earned, the median grade given in the course and the course enrollment. Independent study, honors, and individual research may be exempted upon recommendation by the department and appropriate college committee. Courses with enrollments of fewer than seven students will also be exempt from this policy. This policy shall become effective as soon as technically feasible.
2. The Office of the University Registrar shall publish at the end of each semester, a list of median grades and enrollments of all undergraduate courses with seven or more students. This policy shall become effective in Spring 1997.

Technical details:

The record of a course on an undergraduate's transcript now reads, for example:

RELATIVITY AND CHAOS PHYS 209 3.00 B-

This indicates the course title and number, credits received, and grade.

Under the new proposal the record would read:

RELATIVITY AND CHAOS PHYS 209 3.00 B- (110) (B-)

This indicates, in addition, that the course had an enrollment of 110 and that the median grade was B-.

The letter grades of all students registered in a course, whether regular Cornell undergraduates or not, will be used in calculating the median grade for the class. The median grade is the grade below and above which there is an equal number of grades.

If there is an exact tie for the median grade in a class, the median grade will be rounded down to the lower grade. For example, if half the grades in a course are B or below and half are B+ and above, so that the median would therefore be B or B+, the median will be rounded down to the lower of the two grades: in this example B would appear as the median grade.

The calculation of the median course grade will be made when all grades for the course have been submitted at the end of the semester. The median course grade will not be recalculated to take account of grade changes, resolution of incompletes, etc. that are made at a later date.

Rationale

Students will get a more accurate idea of their performance, and they will be assured that users of the transcript will also have this knowledge. A grade of B- in a course of substantial enrollment in which the median was C+ will often indicate a stronger performance than, e.g., a B+ in a large course in which the median is A. More accurate recognition of performance may encourage students to take courses in which the median grade is relatively low.

Faculty members who offer courses in which the median grade is relatively low will have the satisfaction of knowing that student performance will be more accurately recognized.

Outside users of the transcript will have more information on which to base their assessment of a student's performance in his or her courses.

The provision of exempting a course with enrollment of fewer than seven students was suggested by the University Counsel, in order to conform with the terms of the Family Educational Rights and Privacy Act of 1974 (the Buckley amendment).

MINUTES OF A MEETING OF THE FACULTY SENATE
Wednesday, March 13, 1996

The Speaker, Professor S. Kay Obendorf, Textiles and Apparel, called the meeting to order. She then called on Dean Stein for remarks.

1. REMARKS BY THE DEAN

Peter C. Stein, Dean of Faculty: "Well, this is the election season, and you've all seen democracy in action. Since this is the day after Super Tuesday, I'll report on the vote—taken on the day of the New Hampshire primary—on the burning issue of whether to have this meeting in this room (Hollis E. Cornell Auditorium) or in the room in Statler Hall. I watched the returns come in: I had them in an Excel file and watched the numbers vary. But, in the end, it turned out that roughly 60% of you preferred to have the meeting here. Most of you voted in this election, so we will, in the future, have our meetings in this room. I tell you, I think it is a bad mistake, but the people have decided, so here we are.

"I had a couple of things I wanted to talk about today. When I requested fifteen minutes, I had something else in mind, but I've decided not to talk about it. So I'll have to try to stretch out the rest of my remarks. The first is that a couple of people have written to me about the degree of consultation that there has been between Senate members and departments on this issue now facing us—the transcript issue. I don't mean to nag, and I don't mean to complain, but I will say that this thing only works—the governance system only works—to the extent that you are willing and able to consult your departments about such issues. We have to figure out the right way to do that; we have to figure out the right way to do that in this month period between meetings. That month-long period quickly disappears unless one thinks about how to do it efficiently. The last time, we decided to make a heroic effort in my office to put the minutes on the Web as soon as we got them. The effort was heroic, but I only discovered—I was a little bit chastened to discover—that one of you told me they couldn't be read, because the background was the same color as the text. The fact that only one of you reported this may, in fact, demonstrate how worthwhile this heroic effort was—or wasn't. Anyway, we will try to do that again—but correctly this time.

"Now, about the transcript resolution. One of you suggested that we send the grading policy to the department chairs and ask them to try to organize something, and we duly did that, although there wasn't much time. This issue is deceptively controversial, and I think that I have learned a lot in thinking about it and talking to people about it. I'm sure you have also. I don't know if we'll come to a conclusion on this this hour, but if we don't, I think we need to keep at least one thing in mind with respect to this issue and the other issue—program review, which is also controversial in another way. The thing to keep in mind is: If we're going to make a success of this—that is, the whole Senate governance—I think that

it's necessary that you speak not only what you think about the issue but also for your colleagues in an authoritative way.

"I want to report to you about the activities of the University Faculty Committee which has been elected since our last meeting. I sent around to you a notice of its membership: John Abowd, Fred Ahl, Joan Brumberg, S. Gordon Campbell, Elizabeth Earle, N. David Mermin, Mary Beth Norton, Benjamin Widom, and David Wilson. We have met once, and the first thing we did was to talk about what we thought were the most important issues to discuss amongst ourselves and to discuss with the administration. We came up with a list, which I'll just read off to you.

"The first thing on our list was the procedure by which we make appointments to tenure, which is, as I'm sure you all know, something that has been talked about a great deal recently. Second, we want to talk about program review. Third, we believe that the issues of sexual harassment and its first-cousin, romantic relationships, will come back to occupy us in due course. Fourth, we're interested in the large process to reengineer the administrative systems of the University, which has the potential to make our lives much simpler—but also the potential to bankrupt us. Fifth, we are interested in the question of mentoring of younger faculty and particularly the problem of mentoring women and minorities. Sixth is another issue which a number of us wants to discuss—though we don't know how to bite into it—the question of faculty salaries. Faculty salaries is an old issue that's been talked about as long as there has been faculty governance. Mostly, it's talked about in terms of averages and comparing our averages to other institutions. That's a venerable discussion that we will no doubt continue. But there's another issue that's not revealed by the averages, namely the distribution. How are these numbers determined throughout the faculty? That's nothing that the faculty governance has looked into as of yet. It's not clear how we can look into that issue, but there are those on the University Faculty Committee who feel very strongly that the policy whereby we actually determine faculty salaries is something we should actually look into. Those are the issues that we have thought about. There surely are items on that list that we should be thinking about but haven't thought of yet. So I invite you to tell me about them. Either e-mail me or call me up or write me a letter about it, and it will certainly go on the list and be talked about with my colleagues.

"What I was intending to spend fifteen minutes talking about today was the Campaign. At the last meeting, I told you that I was engaged in a personal project of trying to answer the question as to where the \$1.5 billion actually is. But I myself have not been able to formulate a satisfactory enough understanding so I could answer related questions about that. I would point out to you that in the last issue of the *Cornell Chronicle*, there was a lengthy article by Fred Rogers and Inge Reichenbach about that question. I have attempted to make an independent analysis to try to answer the 'Where is the \$1.5 billion?' question, and I thought I had some understanding of it which made sense to bring before you, and I came to

believe—after I presented it to the Financial Policies Committee—that I probably should rethink it. And I didn't have time to rethink it prior to this meeting. But I expect to pursue the issue, and I hope at the next meeting I'll be able to give you a very brief report on one person's conclusions made by looking at the numbers that have come through with regard to the Cornell Campaign."

Speaker Obendorf: "Thank you, Dean Stein."

2. APPROVAL OF MINUTES OF FEBRUARY 14 FACULTY SENATE MEETING

Speaker Obendorf: "The next item on our agenda is to consider approval of the minutes of the meeting of February 14. Do I have a motion for approval? [So moved] A second? [Seconded] All those in favor of the minutes as presented, please say 'aye'; opposed? Thank you. The minutes are approved."

3. QUESTIONS AND ANSWERS WITH THE PROVOST

Speaker Obendorf: "I'd now like to call on Provost Randel for a question-and-answer period. We'll entertain the first question now."

Professor David B. Wilson, Biochemistry, Molecular and Cell Biology: "I was wondering if we could get an estimate for the Cornell 2000 Project in terms of cut-backs and goals."

Don M. Randel, Provost: "There is a goal of reducing our administrative costs around the institution by \$20 million."

Professor Wilson: "From what base?"

Provost Randel: "Well, I can't tell you that right off; it's more easily asked than answered. We're talking about the general purpose budget—that's \$300 million—but that's mostly faculty and staff salaries. So it's probably on a base of \$150 million, but don't hold me to that. This is on the basis of Fred Roger's analysis with respect to what he thinks we can achieve. The difficulty with that is first, whether that number proves to be real. It's important that it does prove to be real; otherwise, we ought not to be getting into this. I have been trying to insist that we must understand where that's going to come from before we embark on spending very much more money.

"We have set aside some funds from the general purpose budget to get this project going. We are not yet close to having spent what will be available over the next few years. But before we go very much farther in the next year, we must understand precisely where the savings are going to come from, and we must plan now for how to recapture them. The difficulty here is that the expenditures have to be made centrally; much of the saving will occur in the units, colleges, departments, and so forth. It's a little bit like the question of how we pay for fundraising. We can

demonstrate that we can raise money for 10¢ on the dollar; but if the dollar goes into one pocket and the 10¢ comes out of another pocket, you can go broke by that method. So I do propose that we have a very disciplined approach on defending this. Part of what has to be said means that we will undertake these activities in the future with fewer people. But if we're going to save money in this realm—as in any other at the University—it means doing it with fewer people, and I'm bound and determined that we will do that responsibly, planning ahead to the maximum extent possible so we don't walk up to a cliff and, say, all of a sudden, tens of people have lost their jobs. The example of corporate America is not one that an institute like this ought to want to follow."

Assistant Professor Anna Marie Smith, Government: "Could you please clarify the procedures by which you will be engaging in consultation with the Senate on the issue of the sexual harassment policy review. Could you also clarify what the timetable is for that consultation process. And finally, could you tell us now what the status is of the Shue Committee report which is coming from the Arts College."

Provost Randel: "We have been receiving opinion from all and sundry, and it was only about a week ago that we received both the Shue Committee report and the response of the University Assembly. In that context, it should be understood that the flyer we were given at the door was, at least in that respect, inaccurate. The University Assembly—including the Student Assembly and the Graduate Student Assembly—has been working on a response and has now given it to us. We've had that for just about a week now. Mr. Mingle and I will do our level best to produce a new draft that will incorporate, to the best of our abilities, the wide-spread set of suggestions, sometime over the course of the next week. We've already met about it once, but we hope, by the Monday after spring recess, to have a draft that we will circulate to anyone who has sent us any advice, to all the deans, to the Shue Committee itself, to the Assemblies, to the faculties, and to the individuals who have sent us specific comments. It is our expectation now that we will allow probably four more weeks for a further round of responses, with the hope of reaching a final version of this before classes are over. We'll have, essentially, from March 26 to April 24, leaving us two weeks of class."

Associate Professor Hayden N. Pelliccia, Classics: "What do you think of the grading resolution?"

Provost Randel: "I favor a scheme that puts the median grade on the transcripts or, at least, provides some context for reading the transcripts. Some of the first discussions in recent history of this issue on this campus happened when the Arts College hosted a meeting of Deans of Ivy League schools. On that occasion, perhaps a year ago, we compared notes on this issue. Dartmouth was about to institute such a thing; Penn was working on such a project. So we actually compared our experiences. Lynne Abel did quite a bit of research trying to determine what the truth of grade inflation was between the various institutions, in terms of who grades harder and who doesn't—because we're all told by our students that we grade

harder than everybody else. We then tried to find out whether this was true, but it's not so easy. Some institutions are not so eager to let it be known what their standards are in that. My conclusion, from all those discussions, is that it's a good idea. If this body were to recommend such a thing, you could count me among your supporters or allies."

Associate Professor Michael O. Thompson, Materials Science and Engineering: "I'm wondering what the University is planning to do with regard to capital expansion—in particular, the engineering research facility."

Provost Randel: "It's my view that we have not had much of a history of systematic planning for capital expenditures. We've spent a lot of time worrying about the annual operating budget, and we're now trying to think about that on a five-year horizon so we understand where we're going. But we've never really had, in any systematic way, a capital budget; and we've certainly never done much to plan the relationship between those two. One of the things we don't think about systematically is how to finance capital projects—whether they are to be done only from gifts, for example. And what fraction of the capital budget can be supported with debt, for example? Any company of this size would have a good understanding of how much debt they could afford to carry, what it costs to carry that much debt, whether the revenue streams would off-set it, and so forth. We're trying now to think about those things in a coherent way. It will require, in the end, our ability to queue up capital projects and to try to assign priorities to capital projects and know which ones we're working on. Part of what's at work now in rethinking the structure of the development organization is to enable us to have a development organization that's flexible enough to work on the capital project that is the top priority but then move those people to work on the next one, when the first one nears completion. So we should understand the order in which we have to tackle these plans. It's not easy to control that, but we are going to make the attempt.

"One of the things we need to try to understand with respect to the facility you described—the proposed Materials Science Center, which is potentially a \$40 million project that would support certain kinds of research in the sciences of engineering, chemistry, physics, and so forth—is how much money should we be prepared to risk just to find out what this project would look like. How much money do we have to spend to get the project far enough along so that we then have something to sell? And what fraction of the total budget—less than 100%—do we have to have in hand before we launch the project and go for it? Obviously, if we sit around and wait for every last nickel, we waste time, and the cost of the project goes up. These are things we've not really thought about very systematically before, and we're trying to do it now. We have determined, with respect to that project, to spend about \$100,000 to do a planning study; and you know that there's been fairly broad consultation across the campus regarding the need for such a center in the scientific community. It is 'in the queue,' in that sense, but it has not been assigned a specific number; and it will take some more study to figure out what to do next."

Professor John E. H. Sherry, Hotel Administration: "Last fall, one of the things that President Rawlings alluded to was the consideration of an undergraduate business school. Speaking for the Hotel School, for my colleagues in Agricultural, Resource, and Managerial Economics, and for others who are affected by this, could you please give us some idea of the direction of that. Have you formulated any plans yet, for example? I know that a committee has been appointed to look at it; but could you give us an idea of where you are along the scale."

Provost Randel: "It has to be said that we're not very far along. That is a discussion that will take place among the relevant deans. It is hardly a matter about which the Central Administration will retire to a closet and make a plan. The discussion, as I've said, has not proceeded very far; but I remain persuaded that it's a discussion that needs to take place. We have lots of undergraduates going off to get business education at Pennsylvania because there's a named undergraduate business school there; and yet we probably produce as many undergraduate business degrees at Cornell as they do. But mostly, people don't know that. If we're going to be in that business, we ought to be in it on purpose; and we ought to be in it in such a way that we compete effectively with other institutions that are also in that business. What shape that should take at Cornell—especially given that some of it's being done on the statutory side, with less than half the tuition with which it's done in the Hotel School—adds a certain level of complexity to that discussion. We will carry on the discussion; but, as I've said, it's still quite tentative. Whether it would ever result in something called an 'Undergraduate Business School' is quite another matter. I somehow doubt it; but that remains to be seen."

Speaker Obendorf: "Thank you, Provost Randel."

"Now I'd like to call on Professor Roger Loring, the Chair of the Committee on Academic Programs and Policies, to introduce the resolution on grade reporting."

4. RESOLUTION ON GRADE REPORTING

Associate Professor Roger Loring, Chemistry: "The proposal that you discussed at your last meeting was a draft of a work-in-progress. The resolution that you should have gotten by campus mail (Appendix A, attached) has been slightly revised. So just to make sure that we're all discussing the same document, I'd like to begin by reviewing the proposal as it currently stands. In doing so, I'd like to point out some of the revisions we've made since your last meeting. These revisions, I'll say, are not substantive, philosophical changes; they're technical changes, many of which came from comments you made at your last meeting. And as far as the Committee on Academic Programs and Policies is concerned, the document is in its final form."

"The current proposal consists of two parts. The first part is a revision of the format and content of undergraduate transcripts at Cornell. According to this proposal, if a student takes a course with a letter grade, that student would have printed on his or her transcript three things: (1) the letter grade received, (2) the number of

students in that course taking that course for a letter grade, and (3) the median grade achieved by those students. Independent studies, independent research courses, and such would be exempted from this rule, as would any course that has fewer than 10 students taking the course for a letter grade.

"The second part of this proposal calls for the Office of the Registrar to publish, perhaps electronically, a list of Cornell courses and the median grades that go along with those courses at the end of each semester. So that is the proposal.

"Let me just point out some of the revisions that have been made since the last version you saw. At the last meeting, there was some concern with students taking courses for 'S/U' marks rather than for letter grades. Under this proposal, those students simply would not enter into the bookkeeping. 'Class size,' as far as the transcript will be concerned, will equal the number of students taking the course for a letter grade.

"Another concern was raised for cross-listed courses. If we take a hypothetical example: there's a course, Chemistry 501, which is cross-listed with, let's say, Biochemistry 602—they're the same course, but students may sign up for either number. In this scheme, the courses will be treated as a unit, so students signing up for either Chemistry 501 or Biochemistry 602 get the same median printed on their transcripts.

"As you know, also, the calculation of a median is not totally without ambiguity. For example, we might imagine a course in which half the students got a grade of 'B+' or higher, and the other half got a grade of 'B' or lower; in that case, you could legitimately choose either 'B' or 'B+' as the median; we suggested picking the lower grade arbitrarily. So in this example, 'B' would be reported as the median grade.

"Lastly, there was a change with regard to a recommendation as to how this procedure would be implemented if, indeed, it is adopted. We proposed that it be implemented with a given freshman class. Otherwise, we would run into the obviously unsatisfactory situation with upperclassmen graduating with transcripts that were hybrid between two different bookkeeping systems; and that, really, wouldn't do.

"So those were the changes that were made. Let me also mention a couple of facts that might assist you in your deliberations. You may have heard that the Student Assembly had a referendum on the topic of this proposal; it was done in conjunction with the Student Assembly elections held last week. The results, if you haven't heard, were 1,593 students against the proposal and 1,343 students in favor of it. So, the nays had it in that particular vote; but I would say, given that the Student Assembly, at least as I could tell, was dead against it, and that the *Sun* was against it, and that nobody went out and campaigned for it, I would say that that small margin indicates that there is certainly a substantial base of support among the students.

"Also, there's been discussion of Dartmouth's proposal; obviously, we don't want to be dictated by who does what—but people are asking whether this crazy idea was conceived at Cornell or whether this is an idea that's blowing in the wind. So I would suggest to you that this is an idea that's blowing in the wind. Columbia University recently adopted a proposal that was clearly conceived in a very similar spirit but, I think, is nowhere near as good as this proposal. Starting in the fall of 1996 for Columbia College—the undergraduate unit at Columbia University—the transcripts, in addition to the course grade, will give the percentage of 'A's given in that course, subject to various restrictions. I think that's a lot less informative than the median grade. This idea's out there. Also, the University of Toronto has had this plan in place since 1978, and a number of other Canadian institutions use it as well.

"So much for the facts. I'd like to take a minute just to give you my opinion, since I didn't speak at your last meeting. In particular, I would like to address one main issue that came up at your last meeting and has run through the debate on this subject that I've seen in the student newspaper and elsewhere—and that is the question of grade inflation. Much of the debate is centered on the questions: Is there grade inflation at Cornell? If so, is it a problem? And if it's a problem, will this fix it? I would like to suggest to you that this is not a remedy for grade inflation, if, indeed, there be a problem called 'grade inflation'. So I would say to those of you who are worried about grade inflation that that is a topic for another day. This is not going to fix it, if, in fact, it is a problem. I do not believe that this proposal, if it is adopted, will cause instructors to lower their grades. I don't think the mere fact of students knowing what the mean is will cause us to change our long-standing grading policies. In many of our courses, students have that information anyway, through informal channels. I do not believe that this proposal is going to change anybody's behavior—either the students or the instructors. So this is not, I think, a proposal about grade inflation; and I suggest to you that debate about grade inflation is somewhat beside the point here.

"What do I think this will accomplish? What this will do is provide some more information as to what the significance of a grade is. It will calibrate grades. The problem that this addresses is not grade inflation—it's not whether grades overall at Cornell are relatively high or relatively low. The problem is rather one of grade inconsistency—the fact that we instructors who hand out these grades are not computers programmed by a single hand. We all have our own ideas about grades, and we all act accordingly; that's as it should be. My 'B+' is not your 'B+'; that's the bottom line here. This proposal would go some way toward rectifying that ambiguity. Clearly it doesn't lift the ambiguity, though; as any time you try to summarize the performance of a human being over 14 weeks by a symbol, there is going to be some ambiguity. The proposal would provide more information and would therefore give grades more meaning.

"Let me also just take a minute to say something about another issue that was raised at your last meeting, and that is whether this resolution, if adopted, would increase

student competitiveness to some destructive degree. I think that's a very legitimate concern, but I don't think it should be an overriding concern here. What this proposal does, which is new, is that it puts some information on the transcript on how students stand relative to each other. That was clearly unpalatable to many of you, judging from your last discussion. But I would like to point out that that information is sought after by the people who read transcripts: prospective employers, fellowship committees, admissions committees of graduate and professional schools, and so forth. We know that, because all of you, as I do, write lots and lots of recommendation letters for Cornell students. And, in addition to writing these letters, we usually fill out a form. The form has a row of boxes on it, and we get to decide whether the student is in the top 5% of his or her class, or the top 10%, and so on. That information is wanted both by the students and by the outside world. And the extent to which that information is not provided on the transcript raises the significance of letters of recommendation. It makes letters of recommendation a kind of 'shadow transcript,' in which the information of how students relate to each other is actually conveyed from the faculty to the people who want that information. The students, of course, have checked the little box that waives their right to see that piece of paper. And so I would put it to you that, since the need is there for the people who judge these students to have some idea of how these students stand relative to each other, we can either sneak it to them in sealed envelopes, or we could put a little bit about it on the transcript. I would suggest to you that putting it on the transcript—where the student can see it as well—is not a bad idea."

Speaker Obendorf: "Thank you, Professor Loring. This is coming to us from a committee, so the resolution is now open for discussion."

Associate Professor Robert L. Harris, Jr., Africana Studies and Research Center: "Our faculty has discussed this resolution, and we strongly oppose it. I also understand that we're disfranchised at this meeting and are not able to vote on the resolution because our representative, elected by our faculty to serve on the Senate, is in Jamaica, where he has a son who is seriously ill. Since there's no provision for a proxy, we will not be able to vote on the resolution. We oppose the resolution, because we do not understand what the problem is. I'm glad the issue of grade inflation is being brought up, even though this resolution does not address it. Is there a problem with our students being admitted to graduate schools? Are they losing out to students from other institutions because of their transcripts? Are our students losing jobs? Have employers complained about the quality of our transcripts, saying our students are coming to them with inflated profiles? Are too many students graduating with honors? Isn't that one of the distinctions that individuals can note when they look at students who graduate from Cornell? And, finally, aren't we really putting the cart before the horse? We have this proposal for program review: shouldn't there be first some program review, some understanding, some data? We have no information on which to base this particular judgment. Shouldn't that come first? Then we can have a discussion about changing the grading procedure."

Associate Professor Joseph Laquatra, Design and Environmental Analysis: “My department was also very much opposed to this. The wide-spread feeling was that this is a ‘band-aid’ issue, in that it gets at what’s perceived to be addressing grade inflation or what’s believed to be grade inflation or grade ambiguity. It seems to presume that we cannot do anything about our grading system. Maybe a better approach would be to start at the beginning—the very beginning—and ask the question of whether Cornell should have grades, and then take it from there. Also, the median was not thought to be the best indicator. If another indicator were to be placed on the transcript, maybe rank in class would be more meaningful.”

Dean Stein: “I was not terribly enthusiastic about this resolution when I first heard it. But the more I thought about it, the more I became convinced that it’s the right idea and that in a certain sense it doesn’t even require an excuse. The more I thought about the grading system, the more I realized how totally arbitrary it was. We have measures that we use, which have no consistency whatsoever, which we then add up, average, and give to five significant figures, with no real meaning to it whatsoever. The problem I see is not any of these hypothetical problems that Professor Harris raised. The problem is that the way we’re doing it just isn’t the right way to report grades. The more I’ve thought about the issues today that confront us—what the public is saying, what appears in the *Wall Street Journal*—I believe that once we accept the notion that giving grades is a legitimate function, it seems to me that grades ought to have some consistent meaning. At the present time, though, they don’t. I also believe that one could argue the other side of that and say we aren’t a licensing bureau and that we shouldn’t be giving grades—we should just be educating those who wish to receive our education. But that is another discussion.

“I think that, in a certain sense, these public demands for accountability are justified. The public has the right to ask us, ‘What do you mean when you give grades? What does an ‘A’ mean? What does a ‘B’ mean?’ And so on. Well, it doesn’t mean anything. At the last meeting, Professor Ascher quoted the words that were in the Faculty Handbook, and it’s a joke, if you read them. If you believe that in all parts of the campus an ‘A’ or a ‘B’ or a ‘C’ grade corresponds to the paragraphs in the Faculty Handbook, you’re wrong. They do not correspond. So then the question comes up, ‘Well, what does a given grade mean?’ I believe that those who read our transcripts, whoever they are, have the right to ask that question; and likewise have the right to an answer to that question. In particular, the students, their parents, their employers, and the public at large should be able to find out what these grades mean.

“After the last meeting, Roger Loring and I went to the Student Assembly, and we testified before them. And we were flamed. Sitting around the room were 15 members of the Student Assembly; and, to a person, they were opposed to this proposal, sometimes in very strong terms. They raised legitimate issues, and after leaving the room, I thought these issues needed addressing. So I thought I should tell you what the four main questions were that were raised regarding this proposal.

“One, this proposal hurts students. Two, there are problems caused by honors sections of courses: If you give the average grade in an honors section of a course, doesn’t that degrade the meaning of having an honors section? Three, there’s the senior course with good students: A professor has a group of 17 students who are just all wonderful—they all have insight, they all understand everything, and they write the most brilliant papers you’ve ever read. So you want to give them all an ‘A,’ and you do so; but then the appearance of the median grade on the transcript degrades the performance of the students. And four, I heard questions raised about increased competition. So I’d like to talk a little bit about all of these.

“Let me show you some data that indicates, if you didn’t believe it beforehand, that, in fact, we use disparate yardsticks. I got a copy of the grades that we give from the registrar, and I computed the average GPA that’s given in the various colleges and in some selected departments. (See Figure 1.) They obviously are quite different. It’s hard to believe, looking at those numbers, that you could say Human Ecology uses the same yardstick when giving grades that the Hotel School does. Well, what does this mean? Why is it that there should be different average grades in Human Ecology than in Hotel? And is it fair to students, in fact, to assign those grades when they mean different things in different colleges? As a matter of fact, there are those who say, ‘Yes, but everybody knows that’; but I did not find this list exactly intuitive. And neither will you. Also shown on Figure 1. are the average GPAs given in various departments. For instance, Landscape Architecture gives an average GPA of 3.54, and the old conservative group in Physics gives an average GPA of 2.86. Now that is a remarkable spread. I challenge you to look at this chart and tell me why it is that Landscape Architecture, Chinese, Rural Sociology, and Classics, for some reason, give considerably higher grades than do Economics, Chemistry, Mathematics, and Physics. The question is, ‘Is that fair to the students who are taking those particular courses?’ What we’re doing is using disparate yardsticks and then, somehow, adding up the results, averaging them, and saying we have measured the performance of a student with great accuracy. You’ve got junk if you do something like that.”

Professor Thompson: “Are these grades for majors in the field?”

Dean Stein: “No, these are grades for all courses given in the particular department.”

Professor Thompson: “Well, it seems that there is a bias toward departments with large courses where many of the students are outside their major fields.”

Dean Stein: “There are large courses in all of these departments, though, except, perhaps, Chinese. The Assembly feared that if we do this, if we attempt to somehow make a first-order calibration of what students do in various courses by giving a median grade, we will disadvantage our students. That’s a very serious accusation, so I tried to find out whether that was, in fact, right. Let me tell you what I did.

"I called up the admissions officers at the Cornell Law School and the Cornell Medical School and the Johnson School and the Duke business school, and I spoke to the Director of the Career Center, to try to understand whether this would, in fact, disadvantage students. Well, the first message I got was that it's hard to get a comparison of GPAs with other institutions, but I actually got one. In the course of making these telephone calls, I learned that law schools deal with transcripts in an interesting way. If you're an undergraduate who wants to apply to a law school, you don't send your transcript directly to the law school. Instead, you send your transcript to some central place, which then takes that transcript and puts it into a standard format and then sends it out to the schools. So that central place knows what the average GPAs are for all students from a particular institution who apply to law schools. I got that information, and I'll present it to you. (See Figure 2.) It varies from 3.41 at Stanford to 3.15 at Virginia—and there's Cornell at 3.16. The problem isn't grade *inflation* at Cornell, it's grade *deflation*. If we wanted to help our Cornell undergraduates, we could do two things. We could all raise our grades, or we could tell the world that, in fact, what is commonly believed by Cornell students, is, in fact true—namely, we grade harder. One way of showing that is to demonstrate that a 'B+', which at Stanford is practically a failing grade, is a decent grade at Cornell. I think this will, in fact, help our students.

"When I spoke to the admissions officers I called, none of them felt that Cornell students would be disadvantaged by our transcript resolution. As a matter of fact, several of them felt that Cornell students would be advantaged by having that information on the transcript. Another cut I got of the relative grades at various institutions comes from COFHE—a consortium of universities that does studies of various aspects of universities. Now, this is not exactly what you want, as these are self-reported grades, but they did a study of graduating seniors and asked them what their GPAs were. If you look at all these institutions (the list is shown in Figure 3), Cornell is the third from the bottom in the reported GPAs. While these are self-reported scores, there's no reason why Cornell students are more or less honest than other students. (By the way, they're all about 0.2 higher than the actual GPAs.) In fact, assuming a uniformity of honesty among these institutions, it becomes clear that we do grade very much harder. Out here in the sticks, we haven't kept up with the modern trend of inflating grades, so we do grade harder and, in some sense, disadvantage our students.

"Now I want to comment on the problem with honors sections. This is a real problem; I don't believe the right way to solve it is to have one instructor handle honors sections in one way and another instructor handle them in another way. We ought to have some uniform way of identifying, with our course numbering, what is an honors section and what isn't, so that the person who reads the transcript can take that into account by him- or herself.

"As regards the senior course with the 17 Einsteins, I think there is no answer for that problem; that obviously is a defect. My guess is that it happens less often than you might think. The disparity among the GPAs across the University is a more

serious problem than the problem of the senior course with a lot of good students in it. I've been on the other side of the table, reading transcripts for admissions to graduate school—and you know what you're looking at. If you have, for example, a transcript of a student from Berkeley who was median or just a little bit better than median in a senior-level physics course, you know you have a good student. We're not fools when we read these transcripts. If a Cornell student with a 4.0 sends a transcript somewhere, people on the outside don't know what that means. They don't in fact know that that's a really good student and not that we just grade that way, unless they have something to compare the 4.0 to. So we advantage a student by giving the median information.

"Let me make a last comment about competition. To my mind, competition is not a bad thing. Competition is the engine that drives progress. Competition is what drives all of us. I didn't really learn about competition until I became a graduate student in physics, where we spent all our leisure time worrying about who was better than whom. We compete with each other, and we believe that that is, in fact, one of the things that motivates and drives us. But we do not compete with each other by pulling the plugs on each others' equipment and ripping pages out of library books. Somehow, we have taught ourselves character, whereby we compete according to a set of rules; and we have to teach our students that also. But the notion that a student is somehow driven to do better because someone is telling the meaning behind the grade is not necessarily a bad thing. One of the beauties of the median grade, by the way, is that you cannot raise yourself with respect to the median grade by hurting somebody else—except that one person who's in the middle. If you manage to lower someone with a 'C+', to a 'C,' the median grade will not change unless that is the middle person in the class. Once you realize that, you will realize that the way to change your position with respect to the median grade is to, in fact, increase your own score and not decrease others'.

"It being a political day, I'll tell you about some of the support we have for this. The Provost has indicated his support, and the Acting Dean of the College of Arts and Sciences has indicated qualified support. I think the 46%-to-54% loss, representing student opinion, was, in the words of Pat Buchanan, a 'victory, given the circumstances of the election.'"

Speaker Obendorf: "We'll take some more comments or questions at this time."

Frank C. Keil, William R. Kenan Jr. Professor of Psychology: "Peter, I want to suggest that the problem with the senior classes is perhaps more severe than you purport. It is especially prevalent in my department, where the following problem comes up. We have a lot of 400-level courses wherein there might be 100 students trying to sign up for only 20 or 30 spots. So we look at the grades to decide who gets into the class. Among those 20 or 30, they're going to get mostly 'A's, because they're all good students. And now they're going to be penalized, even after we've selectively filtered them out. So one possible revision is to restrict this to courses that are much larger—not just ten but, say, 100 students. Or maybe it could be

restricted to just 100- or 200-level courses. But the 400-level courses in departments where we can't service all the students will have much higher median grades. So the students who take these classes are going to be hurt. We're already selecting based on grades, and we expect them all to do well."

Professor Trevor J. Pinch, Science and Technology Studies: "Our department was generally in favor of the resolution, but we wondered about the competition aspect. Our suggestion was that we change the words 'shall publish' in number 2 and make the list available to faculty only. This would be in order to reduce the competition aspect."

Speaker Obendorf: "Are you making that as a suggestion only or moving an amendment?"

Professor Pinch: "I suppose it's an amendment. I would propose that we change the wording of number 2 in the resolution from 'shall publish' to 'shall make available to the faculty.'"

Speaker Obendorf: "Is there a second to the amendment? [Seconded] Now the amendment is open for discussion."

Professor Barry K. Carpenter, Chemistry: "I oppose the amendment, because I think one topic that hasn't been discussed so far—at least in my hearing—is that part of our role as educators is to provide the students with feedback. I don't believe that students are universally smart or universally stupid; rather, they are good at some things and not so good at other things. So part of our role as educators is to let them know which is which. I think it's actually valuable to let the students have this information, and I don't think it should be restricted just to faculty."

Professor Thompson: "The students will have access to this information in any event, since they do have access to their transcripts. What is the advantage to be gained by not publishing the list? I see no effective impact on competition among the students."

Professor Harris: "I think that students usually have this information available to them in courses. After prelims are returned, for example, they always want to know the mean and median. But I'm concerned about this information going out to parents, in those instances where students do share their grades with parents. I think they're going to be less likely to share their grades with parents if this median is published. That's why I would support this particular amendment. I had a very sad case occur a number of years ago where a family pulled its child from Cornell University because she did not make the Dean's List. They felt that since they were paying Cadillac prices, their child should do well. If these things go out and parents see that their children aren't always making the median in every class, I think this is going to create serious problems for us."

Professor Peter Schwartz, Textiles and Apparel: "I support Trevor's amendment because, while I agree with Dean Stein's sentiments, I am less confident as to what will happen when institutional number-crunchers, both at Cornell and elsewhere, and other administrative figures get ahold of these numbers. While I think it is important that students know their relative standings, I agree with Professor Thompson in that they will see these on their transcripts. I don't see the necessity for publishing them world-wide though, because I think there is a danger for them being used improperly."

Professor Robert Ascher, Anthropology: "I have to interpret this in terms of how my department would have instructed me. We didn't think of this particular amendment, but they asked me to speak to it in two ways. First, a number of my colleagues are concerned about a situation like the following: In a 200-level course, there are 200 pages to read a week plus five five-page papers. Within a few weeks, a large percentage of the students sign out and find a more accommodating class. So, only the 'best' students are left, and everybody ends up with an 'A' or a 'B.' Well, when students go looking for an easier class, they will go to classes with published medians that are relatively high, and they assume that they won't have much of a problem in those classes. The second point is that members in my department are very concerned with the University turning toward a 'market mentality.' I don't think students should think of the University as a marketplace; even though it should be competitive."

Speaker Obendorf: "Let me remind you that we are speaking to the amendment, which is to make available the list of median grades only to the faculty at the end of each semester."

Assistant Professor Carlo D. Montemagno, Agricultural and Biological Engineering. (At-Large): "The biggest problem that I see is that when you apply this additional information to the transcript, we're in essence giving a recommendation on the transcript. It's no longer just abstract numbers; we're providing some additional value to the transcript. It's very much like when a student comes to you and asks you to write a letter of recommendation. It would seem that if the information would be good to have, the students would request it and request to have it released. But we shouldn't have it so that it goes out in blanket form. If we would modify the amendment to allow the student to determine whether this information is released on the transcript, I think that is a reasonable way of doing it. In essence, what we would be doing here is providing a relative ranking of the student among his peers. That's providing a letter of recommendation for that student."

Speaker Obendorf: "We've been allowed until 5:30 to discuss this issue. Would you like to discuss the amendment more, or should I move the question? [Question moved] Those in favor of the amendment—to have the list of median grades made available only to the faculty—please say 'aye'; opposed; the amendment fails. Now we're back to the original resolution. Is there more discussion on the main motion?"

Dean Stein: "I'd like to move to postpone for another month. I think this is a rather important issue, and I'm not sure that there's been enough discussion. I, personally, would like to have some discussion with students and get their opinions. So I would like to move a postponement for a month."

Speaker Obendorf: "Is there a second?" [Seconded]

Professor William H. Lesser, Agricultural, Resource, and Managerial Economics: "Dean Stein, I would suggest, perhaps, that you or one of the committee members, during the coming month, speak to some of the recruiters on campus, as they are probably the second major users of our students' transcripts, and see whether they feel there is any need or value to this. As you've indicated for those of us who have been on admissions committees, we're often quite familiar with the schools from which many of our students apply, and we can probably judge the values of the grades ourselves without the additional information."

Professor Emeritus Donald Holcomb, Physics (At-Large): "Could I urge that in this intervening, people really try to find students to ask about this. Lying behind this, I think, is that the student grapevine has an enormous amount of information and ability for persuasion. But for us to proceed, imagining that the students are ignorant of many of these distributions of grades, really represents a point of view that may not be correct. So is it better to have accurate information available, or is it better to have students making judgments on the basis of inaccurate information pulled from the grapevine?"

Professor Kraig Adler, Neurobiology and Behavior: "I would agree with the previous sentiment. I've had discussions with my students in introductory biology over the last week—almost 500 students. Out of that number, only two had actually seen and read the resolution until I put it on the overhead. We had a short discussion, but there were obviously other things to talk about that day besides that proposal. In the meantime, I had a lot of student interest, in terms of e-mail messages and notes in my mailbox. Today I took a show of hands in both of my lecture sections, having given them a week to think about it, and the split was about 50-50."

Professor David Gries, Computer Science: "Dean Stein, I would hope that you would go back to the Student Assembly in the meantime with the figures you showed to us. And I think it would be helpful if they could be made available to us so we can show them to our faculties."

Dean Stein: "Yes, I'll put them on the Web."

Speaker Obendorf: "All in favor of postponing the vote on this resolution until next month's meeting say 'aye'; opposed? All those in favor of the motion please say 'aye'; opposed? The motion to postpone for another month is approved. Thank you."

"The next order of business is to have Dean Stein open our discussion of the Academic Program Review."

5. DISCUSSION OF ACADEMIC PROGRAM REVIEW

Dean Stein: "The floor's open. You've read it; you've gotten it in the mail twice; and I don't think it's necessary to describe what it is (Appendix B, attached). I'm hoping this can just be an open discussion where you can say what you feel about it."

Mary Beth Norton, Mary Donlon Alger Professor of American History: "I wonder, Dean Stein, whether you could talk about the question of why seven years was the period selected. Or maybe Dean Cohen could speak about this, since he's here. Was seven years intuitive, the way the seven-year balanced budget plan is?"

Dean Stein: "I have to answer that very carefully. When I was earlier asked why we cut off the grading proposal at classes with an enrollment of ten, I said, 'Well, it's an arbitrary number. We have ten fingers on our hands; there are Ten Commandments.' And that was consequently quoted in the *Sun* as the Dean of Faculty's opinion on the issue. I think there wasn't any real reason to it, Mary Beth. Somehow, it's a number that occurs to you in this business, and it's a common number that's used when people talk about program review or post-tenure review. Is that correct, Walter?"

Walter I. Cohen, Dean of the Graduate School: "I guess. Ten years is too long, and five years is too short."

Professor Norton: "Could I follow my question with a comment? The way the program review is described here, it will take an enormous amount of time for the departments to put something together. I have been on visiting committees that have evaluated three different history departments, and I know, from getting the stacks of material that the departments put together for such committees, how much time goes into these things. So, since such things are envisioned in this proposal, it occurred to me to ask whether a seven-year time frame was, in fact, the most efficient use of faculty time, because it does take such an enormous amount of energy to prepare for these things. I'm not against the idea, but unless there is some explicit, strategic reason why seven years is an appropriate time frame, maybe something like ten years would at least keep the department from ending one review and getting to work immediately on the next one."

Dean Stein: "But why ten years?"

Professor Norton: "Yes, it's arbitrary; but I think that would be frequent enough."

Professor Cutberto Garza, Nutritional Sciences (At-Large): "As a member of the committee, we did put thought into why seven years. We did think ten years was

too long and five, too short, so we compromised with seven. Most of us thought a seven-year time frame was reasonable. It wasn't all that arbitrary."

N. David Mermin, Horace White Professor of Physics: "Another reason why we decided on seven years was that one-seventh of us are lucky enough to have our sabbaticals lined up so that we'd miss every single program review."

Professor Garza: "Yes, those of us on the committee in that situation planned it that way."

Professor Norton: "Well, that's the best reason I've heard."

Professor Smith: "I know there is some concern that diversity is not included in the reviews of graduate students, and I'm wondering whether I could get a response to that."

Speaker Obendorf: "The question is about diversity. Walter, would you like to speak to that?"

Dean Cohen: "Pure oversight. We've received many comments about that, and we'll address it in future versions of the report."

Associate Professor Kathleen M. Rasmussen, Nutritional Sciences: "It isn't at all clear to me what is to be done with the information that will be collected by this proposal. In one sense, for this to be valuable, the departments should be encouraged to describe their strengths and weaknesses. However, that will not fend off the budget axe. On the other hand, if you want to fend off the budget axe, there is a tendency to report everything in glowing terms. Until we know what is to be done with the information, it is very difficult for us to tell how we should position ourselves. I think we need some guidance not only from the committee but also from the Administration about what will be done with the results of these reviews."

Professor Frederick M. Ahl, Classics: "I would like to support the point just raised by Professor Rasmussen. The last time our department was subjected to a total evaluation, nobody, except for the dean, perhaps, got any insight as to the results of the review. I think the department chair saw it, perhaps, but the information itself was never made available even to the department, much less to the community as a whole."

Professor Lesser: "I would additionally agree to the statements just made, that there should be some discussion here as to the use of the information generated. In addition, I would like to propose that the Introduction of the report have more of a statement of what the justifications for these reviews are or what the particular problems are that the reviews are supposed to address. It's referred to only indirectly, by stating the purpose as 'to clarify existing and potential linkages among related units on campus' on page 1. Although the committee should be

commended for doing a good job stating procedures, I'd like the report to go back to the committee so that a justification statement could be formulated."

Speaker Obendorf: "It's my understanding that this is just discussion today; the committee has not brought the report forward for a vote. But I'm sure they'll hear your comment."

Professor Milton Zaitlin, Plant Pathology: "This kind of thing has been going on for a long time in the Agriculture school, supported by the USDA Cooperative State Research Service. I've been involved in both ends of this—both giving and taking. And one of the features of those reviews is to have an exit interview. This has been very salutatory. Quite often the report may take a year to come out, and the faculty is very apprehensive about what's going to happen. So they sit down with the committee at the end of the process and discuss with them certain issues. I think it's a very beneficial part of this process."

Professor Gary A. Rendsburg, Near Eastern Studies: "I'm from a small humanities department, and we do not go through these types of outside accreditations that I'm familiar with through colleagues in other departments. I believe that there are formal accreditation procedures that probably lots of departments undergo for a variety of reasons, so how would this procedure differ from those? How many departments are already doing something similar on five-, seven-, or ten-year cycles?"

Dean Stein: "Let me try to answer a couple of questions that have been raised. The other accreditation studies, such as the CSRS accreditations and those of various professional programs, were kept in mind by the committee. The committee was trying very hard not just to dump on more work. But it's clear that not all of those studies fit neatly into this seven-year cycle, but it was supposed to be that these reviews would be a part of that; maybe those departments would only do it on a timetable that's externally mandated for that. This was not meant to be another level of review. There was a lot of discussion about the utility of these reviews. So we thought of specifically writing into the Introduction that the use would be made of this review system in the allocation of resources, but we debated over that for many meetings. We're still not united on that issue. There were those of us who felt that that shouldn't be explicitly stated up front and those of us who felt that explicitly stating it up front would give the specter of a kind of machine generated in Day Hall that would make everybody lie as much as they possibly could and avoid facing issues and cutbacks. How successfully you could negotiate that, I don't know. But the feeling was, amongst all of us, was that we could all benefit from a deep introspection about the futures of our disciplines and our departments every so often. Sometimes, just being forced to do it makes you better at what you do than if you don't do it. That's really what's behind it.

"The other part is that these reviews are supposed to be owned by the deans. The dean is supposed to own these so that the deans will use them. If they end up on a

shelf somewhere, they're just wasted action. Then there's a higher level, area review, which is, in some ways, owned by the Provost. Through this, we thought that institutional priorities would be set or opportunities for distribution of institutional funds would be seen. But we shied away from a mechanical statement of how these reports would be used."

Seymour Smidt, Nicholas H. Noyes Professor of Economics and Finance, JGSM: "There are two issues to address. First is 'How often?' and the second is 'What are we to do with it?' Possibly the committee could consider a more flexible arrangement in which the people who owned the reports could be given some opportunity to plan the reviews every five to ten years to address issues on the agenda. The Provost might then group departments with common problems, instead of just routinely having reports come along every seven years."

Dean Stein: "If you read the report carefully, it's supposed to say that."

Associate Professor Marianne E. Krasny, Natural Resources: "I was wondering about how these reviews will affect the extension program, especially relative to the research criteria. For example, I know of faculty who receive sizable grants for extension which departments would want to include if they wanted to show how much money they were raising. On the other hand, looking at the extension criteria, I wondered whether these criteria really address the self-evaluation and introspection issues. Or are they even superior to the research criteria in reaching those goals? I'm not sure how that should be dealt with, but I did notice that there are some things that are mentioned that I don't think would represent all the types of things that extension people do."

Professor Keil: "We did actually get input from extension, and we would appreciate more. We did get some, but we didn't get a lot."

Professor Krasny: "To whom should we direct that information?"

Professor Keil: "Walter Cohen."

Assistant Professor J. Ellen Gainor, Theatre Arts: "I'm concerned about the disparity in the whole process for fields and undergraduate departments. In other words, sometimes you have fields that are essentially synonymous with departments, but other times you have fields that are completely separate from the departments. So, essentially, departments that are homes for fields where most of the faculty reside outside that department would be doing twice the work as compared to fields that are identical with departments that would be doing only one review. The report doesn't seem to be addressing that at all."

Associate Professor Jeffrey G. Scott, Entomology: "I could follow up on a lot of points that were raised, because our department is currently about to have a CSRS-EPS review for USDA in two weeks. We've been planning this for nine months,

writing reports, writing summaries; in the midst of all of this, we are currently undergoing a college-wide review. This review has 140 programs that are all supposed to come up with four-page reports that are all going to be evaluated. When Frank Rhodes gave his State of the University addresses—I used to like to hear him speak—but he always gave the same message to us: You're going to have to do more. You're going to have to teach more classes with bigger enrollments, and you're going to have less funding. The message we're getting now is that we're going to have a lot more administrative duties—more committees, more reviews that will lead to reports that, potentially, may do very little for anybody as far as helping the University go forward. So, yes, I'm venting frustration because we have to do those reviews. Somewhere there were job descriptions for all of our faculty in entomology that were 60/40 research/teaching, whatever; but none of them included all of this horrendous amount of self-examination that we're supposed to be undergoing. I doubt that it's going to have the benefit that will justify the cost." [Applause]

Professor Scott C. MacDonald, Philosophy: "I want to second that remark. I was concerned that the report did not address the enormous costs of this enterprise, with one small exception—the generosity of the Provost's Office to offer to pay for the travel expenses and the honoraria of the external members. The one enormous expense is the one that's been mentioned—the service of the research and teaching faculty that would be involved. There's no indication as to whether or not chairs would receive any sort of recompense for what would be a substantial increase in their duties; and there's no mention of whether or not there would be additional administrative staff required—and that would have to be paid for. There's no mention as to how the departments are to pay for photocopying costs, and so forth."

Dean Cohen: "Just two thoughts. First, I have to say that I think that most people on the committee think that it would be possible to do these reviews in ways that would not eliminate any work, obviously, but would not be reproducing the work of doing CSRSs, for example. I've been through CSRSs for the last several years, and they seem out of control in terms of the work that goes into them. I have to say that my image of this is not that. I'm not saying that there's a way of writing this as to guarantee that it won't produce tons of work; but I would be happy to put in some sort of statement about approximate numbers of pages and things like that to get some sort of sense of a scope for it. But I don't believe we should take nine months for it, or anything like that. There have been reports from the Engineering College over the last couple of years where it's clear that those departments weren't spending anything even remotely like that; but the results were useful.

"The second point is a more general point that Professor Scott raised. Can you imagine performing a program review that would be worth more to you than to someone else? That's really the request. If there is no possible scenario in which that is the case, then we should just trash the whole idea. But if the answer is 'yes,' then we should try to figure out what the parameters of that would be."

Professor Ahl: "I have had the privilege of serving, as I'm sure many of us have had, on reviews at other universities and other departments. The general experience, from my part, is that I've been dutifully wined and dined and entertained by people who have not otherwise spoken to me in years. Furthermore, there's a sort of confidence they come to you with, when they say, 'Ah, we're so glad we managed to get you on the committee and not so-and-so.' There's this sense all the time that you're almost involved in a political manipulation. The complaints I've had are always over the inordinate amount of time that was taken collecting information, very often for defensive purposes. The very strong suspicion in each of the cases involved in—and one of these was at a sister Ivy League institution—was that there were some sinister motives underlying the selection process as to who gets on whose committees. The thing that I really, really urge is that this committee make sure that any kind of review process is, as little as possible, open to being manipulated by groups within departments who clobber other groups within the same departments. This seems to be almost the general paranoia that, I think, comes from those review committees I've served on."

Speaker Obendorf: "I would now like to move on and open the floor up to new business."

6. NEW BUSINESS

Professor P. C. T. de Boer, Mechanical and Aerospace Engineering: "For the discussion that was postponed, I think we should have made available to us what the grades actually mean. Last time, those rules were partly incorrect and certainly incomplete. The descriptions really are meaningful, and I think that they could be helpful if they were included in the minutes."

Cornell University Grading System (Faculty Handbook, page 68)

- A *Excellent to Very Good:* Comprehensive knowledge and understanding of subject matter; marked perception and/or originality.
- B *Good:* Moderately broad knowledge and understanding of subject matter; noticeable perception and/or originality.
- C *Satisfactory:* Reasonable knowledge and understanding of subject matter; some perception and/or originality.
- D *Marginal:* Minimum of knowledge and understanding of subject matter; limited perception and/or originality.
- F *Failing:* Unacceptably low knowledge and understanding of subject matter; severely limited perception and/or originality.

Professor Lesser: "I'd like to raise an issue and make a proposal regarding the recent decision by the President's Office not to advance three candidates' names to the Board of Trustees for consideration of promotion and tenure. The point I want to make is purely a procedural one. For example, the Faculty Handbook contains no discussion of the process for reaching a negative decision at the President's level, but the Academic Appointment Manual sets out a detailed consultation procedure. I think we need to have some decision with discussion about what the relationship is between those two documents in that regard—and which one should prevail or how they should be combined. In addition to that, the Dean of Faculty's office released an Ad-Hoc Procedure for Appealing a Negative Tenure Decision of the Provost, following a positive recommendation by a dean. But to my knowledge, that procedure was never voted upon by any faculty body. I think there's a question as to what the stature is of that particular procedure and how other procedures of that possible nature might advance in the future. There are a number of other procedural matters that we cannot get into at this time. But I would like to propose that a small subcommittee of the Senate be selected and report back in a month or two about the identification of some possible procedural issues that regard this factor that the Senate may discuss and act on."

Speaker Obendorf: "So you are making a motion?"

Professor Lesser: "Yes. It's that the Senate select a small, ad-hoc committee to consider and make recommendations for procedural matters that were raised by a recent decision by the President's office regarding not advancing candidates' names for consideration by the Board of Trustees for promotion and tenure." [Seconded]

Speaker Obendorf: "It has been seconded."

Professor Terrence L. Fine, Electrical Engineering: "This is, in fact, within the purview of the Academic Freedom and Professional Status of the Faculty Committee. That committee does plan to come to the Senate with a proposal, so I really think this motion is out of place. A committee with that purview does exist."

Dean Stein: "This is a complicated issue and is much in flux at the moment. The University Faculty Committee, which was just elected to serve as the executive committee of this body, has in fact decided to look at that issue themselves. What they will do with it is not clear, but they want to think about how to proceed with that issue. But they have not ignored it."

Professor Scott: "Do we have any representatives from the departments or colleges that were directly impacted by those negative decisions on your committee?"

Dean Stein: "Yes, the chair is from the college."

Professor Donald J. Barr, Human Service Studies: "I would just like to say, as Dean Stein just said, that this is a complex issue at the moment; but I would like to add

that we have three colleagues who are caught like pinballs in this chaos at the moment. I'm sure what's happening to them is unpleasant, so I hope that whatever happens will happen soon."

Speaker Obendorf: "It's my understanding that we have a motion before us regarding setting up a small group to consider and make recommendations on the procedures for a negative Provost decision after a positive dean's recommendation."

Professor Norton: "Now that I have heard Professor Fine explain that a standing committee of this Faculty is already considering the issue, I think I will vote against the motion."

Dean Stein: "I fear I don't understand the motion. If it passes, I wouldn't know what to do. I'm not quite sure what you're asking this body to do. Are you asking the University Faculty Committee to lay aside its own consideration and set aside another group to do that?"

Professor Lesser: "Rather than to attempt to respond to that, given the new information about the Committee on Academic Freedom and Professional Status of the Faculty, I would like to withdraw my motion and hold it in abeyance until such time as this committee reports to the Senate."

Speaker Obendorf: "If I hear no objections, I will allow Professor Lesser to withdraw his motion with the understanding that his issue is already being considered by the Academic Freedom Committee and the new University Faculty Committee. All in favor, say 'aye'; opposed? Thank you. The motion is withdrawn."

Professor Garza: "Could I request that by the next time the Senate meets we could have some kind of presentation about this topic. I am concerned, as is Professor Barr, that we need to deal with this with some expediency."

Associate Professor Alan K. McAdams, JGSM: "I've just heard that there are two different committees that are going to consider the same matter. That doesn't sound to me like an appropriate way to proceed. It seems to me that there has to be some resolution to that."

Speaker Obendorf: "Could we ask the Dean of the Faculty to resolve which committee is taking precedence?"

Dean Stein: "They are really two aspects of a larger problem."

Professor McAdams: "But if you get conflicting reports, that will be a lot of fun at the next meeting."

Professor Ascher: "I would like to make a quick motion that either one or both of these committees give us an oral report on this issue." [Second]

Dean Stein: "May I please assure Professor Ascher that we will, in fact, comply with your issue without bringing this to a vote."

Professor Ascher: "Thank you."

Speaker Obendorf: "Did I hear a motion for adjournment? We are adjourned."

Adjourned: 6:05 PM.

Respectfully submitted,

Robert F. Lucey, Associate Dean and
Secretary of the University Faculty

RESOLUTION RE GRADE REPORTING

WHEREAS, the Committee on Academic Programs and Policies, has determined that it is desirable for Cornell University to provide more information to the reader of a transcript and produce more meaningful letter grades,

THEREFORE, BE IT RESOLVED, that the Faculty Senate adopts the following policies on grade reporting:

1. Transcripts and grade reports for undergraduate students shall indicate, along with the grade earned, the median grade given in the course and the course enrollment. Independent study, honors courses, and individual research may be exempted upon recommendation by the department (or program) and appropriate college committee. Courses with enrollments of fewer than ten students will also be exempt from this policy. This policy shall become effective as soon as technically feasible, but will apply only to classes entering after the effective date.
2. The Office of the University Registrar shall publish at the end of each semester, a list of median grades and enrollments of all undergraduate courses with ten or more students. This policy shall become effective in Spring 1997.

Technical details:

The record of a course on an undergraduate's transcript now reads, for example:

RELATIVITY AND CHAOS PHYS 209 3.00 B-

This indicates the course title and number, credits received, and grade.

Under the new proposal the record would read:

RELATIVITY AND CHAOS PHYS 209 3.00 B- (110) (B-)

This indicates, in addition, that the course had an enrollment of 110 and that the median grade was B-.

This procedure will be introduced so that each undergraduate class will have a uniform transcript. For example, if the procedure goes into effect in Fall, 1998, it will affect only students who begin their first year in 1998 or later years.

The letter grades of all students registered in a course, whether regular Cornell undergraduates or not, will be used in calculating the median grade for the class. The median grade is the grade below and above which there is an equal number of grades.

The enrollment indicates the total number of students who took the course for a letter grade. In the case of cross-listed courses this enrollment will indicate the aggregate number of students in the course (not the number of students who signed up under a particular number).

If there is an exact tie for the median grade in a class, the median grade will be rounded down to the lower grade. For example, if half the grades in a course are B or below and half are B+ and above, so that the median would therefore be B or B+, the median will be rounded down to the lower of the two grades: in this example B would appear as the median grade.

The calculation of the median course grade will be made when all grades for the course have been submitted at the end of the semester. The median course grade will not be recalculated to take account of grade changes, resolution of incompletes, etc. that are made at a later date.

Rationale

Students will get a more accurate idea of their performance, and they will be assured that users of the transcript will also have this knowledge. A grade of B- in a course of substantial enrollment in which the median was C+ will often indicate a stronger performance than, e.g., a B+ in a large course in which the median is A. More accurate recognition of performance may encourage students to take courses in which the median grade is relatively low.

Outside users of the transcript will have more information on which to base their assessment of a student's performance in his or her courses.

March 4, 1996

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Outside users of the transcript will have more information on which to base their assessment of a student's performance in his or her courses.

March 4, 1996

ACADEMIC PROGRAM REVIEW

AT

CORNELL UNIVERSITY

(DRAFT)

February 12, 1996

Introduction

We recommend that Cornell adopt University-wide academic program review. Our proposals aim not simply to establish consistent standards across the University (see Appendix A) but also to clarify existing and potential linkages among related units on campus. The purpose of the entire process is to improve Cornell by encouraging the faculty throughout the University to critically evaluate their academic programs, by providing a sounder basis for planning, and by promoting more effective cooperation across traditional boundaries. Currently, the frequency of review varies considerably from college to college. Those units systematically engaged in such formal evaluation have generally found it valuable. The procedures outlined here are designed to build on, rather than to repeat, these ongoing efforts. In that spirit, the review process can minimize bureaucracy while maximizing self-improvement and University-wide program development.

We propose a seven-year cycle of reviews for departments, graduate fields, and research centers. In each unit a self-study prepares the way for an evaluation by an ad-hoc evaluation committee consisting of both specialists from outside the University and Cornell faculty members from outside the unit under review. The primary responsibility for carrying out the reviews will rest with the college deans. The report calls as well for the establishment of a University-wide Faculty Committee on Program Review (FCPR) to oversee the entire process. The FCPR will also organize a distinct, annual evaluation of a broad, cross-departmental area of scholarship. These reviews, often extending across several colleges, will foster more effective cooperation and higher quality in academic fields where the University has an ongoing, substantial, but often dispersed commitment of resources.

Early this Fall, President Hunter Rawlings and Provost Don Randel established a committee to propose guidelines for University-wide academic program review. The committee, whose voting members are all from the tenured faculty, was jointly selected by the FCR and the Provost. (For membership, see Appendix B.) The committee received its charge from the Provost, interviewed the Provost and several college deans, studied reports of program review at a number of universities around the country, met regularly to discuss possible approaches, and formulated the attached proposal.

This draft is directed to the University community as a whole, and especially to the faculty, for the purpose of eliciting suggestions and ideas. We expect to have all replies by March 15 (just before Spring Break), with the hope of submitting a final report shortly after classes resume at the end of March. Please feel free to contact Walter Cohen, 100 Sage Graduate Center, 255-5810, e-mail: wic1@cornell.edu.

Program Review at Cornell

DRAFT
February 12, 1996

1. All departments¹, degree-granting graduate fields, and centers² will be reviewed every seven years³. Whenever possible, fields and centers that can be associated with a department will be reviewed with that department. Where the interdisciplinary nature of the field or center⁴ makes combined reviews unfeasible, independent field and center reviews will be carried out.

2. The college dean⁵ will be responsible for the unit reviews. A departmental review will consist of two phases: a self-study by the department faculty and an evaluation by an ad-hoc evaluation committee. The department will find appropriate mechanisms to involve a broad spectrum of students in the self-study.

The self-study will address specific issues raised by the dean, the unit under review, and the University administration, and will include:

a. A description of the fundamental questions that organize and motivate the current scholarly, teaching, and outreach activities of the department, showing how the faculty share intellectual discourse and purpose;

b. A critical analysis of the current state of the work of the department, including graduate and undergraduate teaching, research, and outreach, with whatever quantitative information required by the dean;

c. A vision of the seven year future, including staffing and resource allocation, and its relationship to the fiscal guidelines supplied by the dean.

Additional university-wide review criteria and required information may be specified by the Faculty Committee on Program Review (see paragraph 3). Examples of possible criteria are given in Appendix A.

The ad-hoc evaluation committee will consist of two Cornell faculty members from outside of the unit being reviewed⁶, and at least three specialists in the field from

¹Sections in the Division of Biological Sciences (DBS) and the ILR, Hotel, Law, and JGSM schools will be treated as departments.

²"Centers" as used in this document includes institutes, programs, and laboratories.

³Evaluations will be carried out more frequently when dictated by external mandates.

⁴The Dean of the Graduate School estimates that there are 10 such fields. The Vice President for Research estimates that there are 9 such centers.

⁵In DBS, the "dean" will be the Director of Biological Sciences and the deans contributing to the section acting together. For independent field and center reviews, the Dean of the Graduate School and the Vice President for Research will respectively have the responsibility for the review.

⁶No more than one Cornell faculty member can come from the same college as the unit being reviewed. Furthermore, none of the members of the evaluation committee can have a significant ongoing relationship with the work of the department.

outside of Cornell. The chair of the ad hoc evaluation committee will be one of the outside specialists. It is anticipated that the committee will be formed after consultation with the faculty of the unit under review.

The review will conclude with responses from the head of the unit being evaluated and the administrator to whom the unit reports. The dean will send the report of the ad-hoc evaluation committee to the department and to the Provost, with a copy to the chair of the Faculty Committee on Program Review.

The travel, subsistence, and honorarium expenses for the external members of the ad-hoc evaluation committee will be provided by the Provost.

3. The Faculty Committee on Program Review, a new university-wide professorial faculty committee, will oversee the program review process. The Committee will consist of ten faculty members serving staggered three year terms, selected jointly by the Provost and the Senate, in addition to the Vice-President for Academic Programs, Planning and Budgeting ex officio. The chair of the Committee will be chosen jointly by the Provost and the Senate. Functions of the Committee will include:

- a. Determining (after consultation with appropriate deans) the cycle for reviews of departments, fields, and centers to facilitate the Area Reviews (see paragraph 4);
- b. Monitoring the quality of the review process by:
 1. Reviewing and approving the dean's (or other administrator's) detailed plan for each review, including the appointment of the ad-hoc evaluation committee,
 2. Establishing and maintaining minimum criteria for reviews to ensure the regular collection of uniform data from the entire University,
 3. Receiving copies of the individual program reviews, including (a) the self-study, (b) the ad hoc evaluation committee, (c) a response by the unit being reviewed, and (d) a response by the dean of the unit being reviewed,
 4. Receiving annual reports from all deans engaged in a review cycle (including the Provost in the case of area reviews) giving an overview of the school or college review process;
- c. Commissioning reviews of selected centers, fields, and cross-departmental groupings to be carried out by the Dean of the Graduate School, the Vice-President for Research and Advanced Studies, or a college dean.

Departments will have full access to the Faculty Committee on Program Review, and will serve as a resource to the Committee in discharging its responsibilities.

4. Area Reviews: Each year, the Faculty Committee on Program Review will organize a review of a broad area of scholarship. The areas should be broad enough so that a seven year cycle touches a significant part of the University's instructional, research and outreach activities. Wherever possible, the Area Reviews will be carried out by Area Review Committees, whose members will be drawn from the ad-hoc evaluation committees. In addition, selected alumni with expertise in the area may be included. The Provost will appoint the Area Review Committees and construct their charge. In the Area Review process, the relationship between the Provost and the Faculty Committee on Program Review will be parallel and similar to the relationship between a college dean and the Faculty Committee on Program Review. Departments and units included in area reviews will also be consulted by the Provost in planning and executing these reviews.

Appendix A

Undergraduate Teaching:

1. Undergraduate and graduate course enrollments* Number of FTE faculty*
2. Quantitative summaries of course evaluations*.
3. Number of majors in each department*, with measures of the quality and diversity of those students.
4. Number of undergraduates engaged in independent research or study with faculty*.

Graduate Education:

1. Number of students who apply to a field, who are admitted, and who matriculate. Average GRE's of matriculants*. Data provided by the graduate school.
2. Competitive fellowships awarded to graduate students*. Data provided by the graduate school.
3. Measures of graduate completion rates and times to degree*. Data provided by the graduate school.
4. Complete list of initial professional placements of all students*. List should include: institution/company, specific administrative unit/department, and title of appointment.

Faculty Research and Scholarly activity:

1. All faculty publications and invited addresses.
2. Grants and contracts in which department faculty are substantially involved. Sources of support, duration, and amount of grants.
3. Information on faculty professional service and consulting outside the university including editorships, and membership on editorial boards and national advisory boards.
4. All faculty awards and honors.

Faculty Service at Cornell and within the Immediate Community:

1. Service on Cornell committees and in other capacities that reflect important contributions to the Cornell community.

Extension review:

1. Description of outreach groups served* and their economic roles in NYS.

2. Description of process used to determine issues of importance to client groups and to develop resources addressing those issues.

3. Description and self-evaluation of extension programs and resources developed, including comparative information on strongest similar programs in other states. Description of how resources are linked to ongoing research.

4. Evaluations by outreach groups of departmental extension resources and extension programs including: technical quality and utility, educational quality, and responsiveness*.

*This information is to be provided for each year since the last program review (up to a maximum of 7 years).

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Appendix B

Members of the Committee

Nina Bassuk, Floriculture and Ornamental Horticulture
Valerie Bunce, Government
Walter Cohen, Dean of the Graduate School, Chair (ex officio)
Cutberto Garza, Nutrition
Kent Hubbell, Architecture
Katherine Houpt, Veterinary Physiology
Peter Hurst, Institutional Planning and Research (ex officio)
Frank Keil, Psychology
Sidney Leibovich, Mechanical and Aerospace Engineering
Maureen O'Hara, JGSM
David Shalloway, Biochemistry
Peter Stein, Dean of the Faculty
Lloyd N. Trefethen, Computer Science

Undergraduate GPA for Colleges & Selected Departments

Human Ecology	3.28
ILR	3.28
Arts & Sciences	3.15
AAP	3.14
ALS	3.12
Engineering	3.10
Hotel	3.07
Landscape Arch	3.54
Chinese	3.54
Rural Sociology	3.51
Classics	3.45
Textiles & Apparel	3.37
Education	3.33
Material Science	3.26
History	3.18
Computer Science	3.17
Art History	3.16
ARME	3.03
Economics	2.94
Chemistry	2.91
Mathematics	2.88
Physics	2.86

Figure 1. Average GPA of all courses given by Cornell colleges and various Cornell departments. Data is for the most recently available academic year.

Average GPAs of Applicants to Law Schools
by Undergraduate College of Applicant

Stanford	3.41
Brown	3.37
Columbia	3.37
Yale	3.37
Harvard	3.33
Amherst	3.32
Dartmouth	3.26
Princeton	3.26
Duke	3.24
Williams	3.24
Penn	3.22
Northwestern	3.21
Berkeley	3.17
Cornell	3.16
Virginia	3.15

Figure 2. Average GPAs of applicants to law schools graduating from various undergraduate institutions. Data supplied by the Law School Admissions Council.

COFHE Participating Colleges

Amherst
Barnard
Brown
Bryn Mawr
Carleton
Columbia
Cornell
Dartmouth
Duke
Georgetown
Harvard
Johns Hopkins
MIT
Mount Holyoke
Northwestern
Oberlin
Pomona
Princeton
Radcliffe
Rice
Smith
Stanford
Swarthmore
Trinity
University of Chicago
University of Pennsylvania
University of Rochester
Washington University
Wellesley
Wesleyan
Williams
Yale

Figure 3. List of institutions participating in the COFHE sponsored exchange of institutional data.

MINUTES OF A MEETING OF THE FACULTY SENATE
Wednesday, April 10, 1996

The Speaker, Professor S. Kay Obendorf, Textiles and Apparel, called the meeting to order. She then called on Dean Stein for remarks.

1. REMARKS BY THE DEAN

Peter C. Stein, Dean of Faculty: "I have two remarks to make. The first is on this transparency (Appendix A, attached), just to remind you. I sent out a mailing to all faculty in solicitation of names for people to run for Faculty Trustee and the Nominations and Elections Committee. If you recall, under our new procedures, we no longer have those massive lists of committees to vote for—all of that is entrusted to the Nominations and Elections Committee. Essentially, they are the only elected committee, except for the University Faculty Committee; so it is important to nominate good people for that committee, where the prime responsibility is to name members to other committees. I would appreciate your input on that. The Nominations and Elections Committee will be meeting this Friday (April 12) to make up the list for replacements for itself and for nominees for Faculty Trustee and also to name people to all of these other committees. As Senators representing your departments, if you would just take a moment's time to think of people in your own departments who would be good on these committees and send them to me by e-mail or regular mail, I would be much appreciative. The committee will meet at noon on Friday, and I would hope to have your input by then.

"Last time—or two times ago—I said that I had been looking into the Cornell Campaign and trying to understand it a little bit better. I would like to make a brief presentation to you on what I have found out. What I have to say will come as no news to any of you who have an understanding of the Campaign or who participated in it or who have thought about it. Rather, this is meant as help to non-experts—of whom there are many—who have, in one way or another, asked the question, 'Whatever happened to the \$1.5 billion?' Or, 'How can it be that an institution that raised this enormous amount of money can, at the same time, be telling you, "No, I don't have \$1,000 to fund this, that, or the other thing," because these amounts of money seem very small, compared to the \$1.5 billion?' I think I understand the answer to that question, and I would like to tell you about it.

"In trying to understand the Campaign, I have worked with the people in the Development Office, and they have been very helpful to me by responding to whatever requests I have made for numbers or information—but what I'm about to tell you is my own, and I take full responsibility for it. I'll present to you numbers, and they may or may not be entirely correct. But I have confidence that the gist of what I'm going to say is correct, even though the numbers may be off by something

like five percent. It's a very complicated picture, and it's hard to actually pin down accurate totals in all situations.

"So, why doesn't Cornell have an *extra* \$1.5 billion in the bank, now that the Campaign is over? I think there are some seven reasons that explain why it is that Cornell doesn't have this excess of cash (Appendix B, attached).

"The first reason is that this Campaign was not a single event that, all of a sudden, just happened—it was a seven-year effort. We announce it as one event, but it was really the sum of seven years of fund-raising. That's reason number one.

"Reason number two is that the Campaign was not an *extra* thing: While there was a particular effort to increase fund-raising over this seven-year period, it is nonetheless not all new money—or money that wouldn't have come in—had there been no campaign. Development work—soliciting of contributions—is an ongoing part of the operations of all universities, and Cornell is no exception. The Campaign took, as part of that \$1.5 billion, the money that would have been raised had there been no campaign. That's reason number two.

"Reason number three is that many of the contributions come with strings attached. This means the following: If you're a person who happens to be in a program which was funded as a result of the Campaign, you wouldn't be asking the question. You'd be saying, 'Yeah, I know about the Campaign; it's this particular thing that was done in order to support my activities.' If you're not part of what has been directly funded, then you don't think of yourself as directly benefiting from the Campaign.

"A fourth reason is that some of the contributions go into the endowment, so only the interest on them can be spent. That is not money that is readily available to be spent.

"Another reason is that we share the receipts with the Medical College in New York City—it doesn't all go to the Ithaca campus. That \$1.5 billion includes contributions to the Medical College.

"A sixth reason is that some of the \$1.5 billion is in the form of IOU's—it's money that hasn't come in yet but rather people who have promised to give money.

"And the last reason is that it costs money to raise money. Now I'd like to go through all of these very briefly with you.

"In trying to think through the Campaign, I have come to the conclusion that you have to think of the Campaign as composed of contributions going into several different pots (Appendix C, attached). One pot is money that comes in with strings attached, where people tell you you have to spend the money in a certain way. That's what's called, in this business, 'restricted gifts.' Those, I think, are nicely divided into three different categories. One category for restricted gifts is support for

activities that we're already doing at the present time. For reasons I'll show you later, there's good reason to identify that as one category. A second is that the gift is support for some new activity that we're not doing. And the third is that it's money that comes in that is dedicated to facilities—either building a new building or renovating an old building or adding on to an old building.

"Then, of course, the other contribution type is unrestricted—and this is the type we really like—where people give us money and say, 'Here, you decide; you know the University better than I do, and you spend the money however you think it ought to be spent.' When we think of \$1.5 billion in the bank, that's really what we're thinking about—we're thinking of money that comes in and which is spendable by our Provost or deans in whatever ways they think are appropriate. The other important distinction that is important to make is that some of the money, as I said, can be spent directly; but some of it comes in and goes directly to the endowment, where only the interest can be spent. To understand the Campaign, I think one needs to think of these categories.

"Let me give you some examples of the restricted categories (Appendix D, attached). It just makes sense to try to understand what these restrictions are and what kinds of gifts there are. Let me talk about, first, the two classes of restricted gifts that I've talked about. The first class is used to support things that we are currently doing. Those neatly break down, really, into two major categories. First are contributions for endowed chairs. (These aren't chairs in the Endowed Schools; they are rather endowments for chairs, either in the Endowed or Statutory Colleges—the words get a little bit complicated.) What that is is when someone wishes to honor a particular faculty member who's already at Cornell, she or he gives money to support the salary of that particular faculty member. So that support is directed to that particular individual; but, nonetheless, it's something that we're already doing, because we're already paying the salary of that particular individual. And the other category is financial aid: Someone wants to support financial aid; they give money to support it; but, on the other hand, we're already giving financial aid. So that's support for an activity that we're already doing. Support for financial aid isn't extra financial aid, it's essentially there to replace the financial aid that we're already giving.

"The other restricted category is what are called 'new academic initiatives.' I just made a list, to give you some sense of what new academic initiatives are. I took the list—there were about 250 items on this list—and I arranged them in order of size. The ones that are items a-i (see Appendix D), which you may just peruse, are the largest gifts. Those items represent something of the order of 20% of the so-called restricted gifts. So, if you're in the Art Museum, you would know about the gifts that have been given. There'd be paintings, I guess, or pieces of art that had been given or purchased. At the bottom of the page, until I ran out of space on the word processor, I listed some smaller gifts, which are not directly below the first few. These are all important parts of our academic programs, but they are nonetheless enhancements—new or special things that we are not already doing.

"In trying to understand all this, I think there are some important observations to make (Appendix E, attached). The first is particularly important. If someone gives us a gift that is restricted to doing something that we're already doing or committed to do, then that's entirely the same as giving money that's unrestricted, because it just frees up the money that we're already spending to use for something else. So you can think of these as equivalent. But there's some argument about that; not all endowed chairs support current faculty members—some hire new faculty members, so, of course, that's not a replacement. There is also an issue about financial aid, whether gifts to financial aid should be considered as replacements for ongoing activities. Some people argue that, in fact, had that money not gone to fund financial aid but had been given to us as unrestricted, we wouldn't have chosen to spend it that way, and we would have backed away from our policy of meeting full need. It is the same as an unrestricted gift only to the extent that we intend to continue this policy of meeting full need. It is my personal belief that this commitment is very deeply held by this University and that whether or not we had those gifts, we would have continued this policy—we would have found the money to continue this policy of meeting full need. But I may be wrong. Under that assumption, that endowed chairs and financial aid are simply doing things that we would have been doing had we not gotten the gifts, then those restricted gifts are essentially unrestricted. That's observation number one.

"Observation number two is that a contribution of \$100 to the endowment gives only \$3.60 a year, but it gives that in perpetuity. The other side of that is that a contribution of \$100, unrestricted, can meet a pressing need that we have at the moment, but it can meet it only once. It is not obvious which one of these two is the right decision to make. We all know the tale of the profligate son, who went out and spent everything he had on ice cream and candy; but we also know the story of the hermit who died eating dog food with \$1 million in the bank. Both of these are seen as errors of judgment in our society, and someplace in between is the right answer. But the two poles should be noted.

"The other point that I think is worth making is that the costs of fundraising are debatable. The official view, from the Vice President for Financial Operations, is that it costs us \$8.70 to raise \$100.00. One could argue that it costs more than that; and I made an estimate—that you could disagree with—that it costs \$17 to raise \$100. Why so much? If you ask the questions, 'What is the Alumni Office doing?' and 'Why do we have an Alumni Office?' you'll understand. Why is it that M.I.T. writes me once a month—and has been writing me once a month for 40 years—to tell me all the wonderful things that M.I.T. is doing and telling me about tours I could go on and asking my opinion about what M.I.T. should do? (I never answer, but they continue to ask me.) My presumption is that they're looking for money from me; it's as simple as that. You may think that I'm wrong; you may think that M.I.T. values me as an alumnus and therefore values my opinions. It's my guess that it's the former and not the latter. To the extent that it's the former, then our expenditures on the whole alumni operation should be considered as part of the fundraising. Also, there's this magic item called 'overhead.' We say that, if a federal

grant comes in, it costs us an extra 60% beyond the direct expenses. They don't pay that, but it costs us an extra 60%, on top of the salaries, to pay for the institutional overhead. And I believe that it does cost us that. If it costs us that for sponsored research, it also costs us something in overhead for our Development Office. If you put on what I think is a reasonable, even understated, 40% charge and add on the Alumni Office, you get \$17. It costs us \$17 dollars for every \$100 raised, according to my calculations. And as Dean Lewis points out to me every time I talk to him about this, there's yet another charge, which is hard to put a dollar figure on, and that is all of the time that the academic administrators spend doing this, where they could be doing something else, namely thinking about the academic programs of the institution. It's hard to put a dollar charge on that.

"The last important point is that the fundraising costs for all gifts—either this \$8.70 to \$17.00—whether it's used to raise a restricted gift or an unrestricted gift, must be paid out of the unrestricted funds. That gets paid out of the current operating income of the University.

"To sum up, it seems that these are the appropriate categories to consider when we look at gifts (Appendix F, attached): The gifts which are effectively unrestricted—the unrestricted gifts plus those that are restricted to doing what we would do anyway, new initiatives, facilities, and promises. I've tried to divide the numbers into those four categories, and keep in mind that it costs us somewhere between \$8.70 and \$17.00 to raise each \$100.00.

"My last transparency (Appendix G, attached) shows you how these numbers break down. So where does an average \$100 raised go? Well, something like \$9 goes into unrestricted current funds, something like \$20 goes into endowment for current funds; the current new initiatives take \$30, and so on and so forth. The interesting point, as I've said before, is that if you happen to be working with some program that's funded as a 'new academic initiative,' you're not asking the question as to where the \$1.5 billion is, because you know. If you're not in one of these programs, you're looking at the 'effectively unrestricted' pot, because that's the only place you can get money if you don't happen to be associated with a restricted program. You can expect to get the money from either the unrestricted funds or the interest from the endowment. And now the whole thing becomes somewhat clearer if I lay on top of the transparency the costs associated with fundraising. The costs associated with fundraising are either \$8.70, if you take Fred Rogers' estimate, or \$17.00, if you take my estimate. If you look at that, you can immediately understand that there's no money. This is the charge for raising all of the money on this transparency—plus the other \$22 that are in the form of promises. Indeed, if you're thinking to get money from this \$1.5 billion—this immense amount of money—out of the unrestricted funds, you find that there isn't anything there to hand out. The \$8.70 to \$17.00 cost must be paid out of the \$9.00 raised that was 'effectively unrestricted.' Well, then you ask about the interest on the endowment. If you calculate the amount of interest from that pot (i.e., the 'effectively unrestricted' endowment), it's something like \$0.80 per year. In order to get up to that \$17.00, you have to take the

interest on 10 years of the unrestricted endowment that comes in in order for you to have paid for the cost of raising everything. So that's my insight.

"I want to close by saying I don't want to be misinterpreted. This is not to say that the Cornell Campaign was a failure. What it did was to give us this big black bar (see Appendix G)—the restricted initiatives—and that's all good stuff that we wouldn't have otherwise had. Essentially, the costs for paying for the fundraising associated with all funds, both restricted and unrestricted, cancels out the unrestricted funds. So there aren't any unrestricted funds left, and that's where the \$1.5 billion went."

Speaker Obendorf: "Thank you, Dean Stein."

2. APPROVAL OF MINUTES OF MARCH 13 FACULTY SENATE MEETING

Speaker Obendorf: "The next item on the agenda is to approve the minutes of the March 13 meeting of the Senate. Are there any corrections to these minutes? They were distributed on the Senate Web page. Hearing no corrections, the Chair notes that the minutes stand approved."

3. QUESTIONS AND ANSWERS WITH THE PROVOST

Speaker Obendorf: "I would like to turn next to Provost Randel. Maybe he's happy that Dean Stein answered the question as to where the money went, but the Dean might have generated some more questions. We're open for questions."

Professor Terrence L. Fine, Electrical Engineering: "We just heard a very interesting report from the Dean about the Campaign. Since you also just heard it, do you think it was substantially correct?"

Don M. Randel, Provost: "It was, in the main, correct. There are things that could be added to it, of course. For example, when Peter talked about gifts for endowing existing positions or gifts to financial aid endowments as offsetting money that we would otherwise be spending anyway, on the financial aid side, you have to clarify that a little bit by recognizing that the financial aid budget has been going up rather more steeply than any component of our revenue. So part of the money that has been raised for financial aid cannot really be said to have liberated anything that we otherwise would have spent; it has been in order to fuel the growth in that component of the budget. Also, you can make a nice chart that shows our increase in money for financial aid raised balanced almost perfectly by a decrease in money for financial aid coming from the state and federal government. So what we've raised for financial aid has enabled us, more or less, to maintain the policy that we've had for a long time."

Speaker Obendorf: "Other questions?"

Associate Professor Robert A. Corradino, Vet Physiology: "There was an article in the *Ithaca Journal* either last night or the night before indicating that Cornell's investments produced a 34% return in the last year. Upon what base was that 34% return founded?"

Provost Randel: "I didn't see the story, but it apparently said that our investments had performed at the rate of 34 percent. The question is, 'On what base was that?' I don't know exactly what's being talked about there, without having seen the story. It's clear that the market did some 30-odd percent last year, and so anybody who had money in the market—as we did—made 30% on that money. Of course, there have been those years when we have lost absolute value on the market, and so the reason Peter speaks of \$3.60 (I would have thought it was a little bit more like \$4.00, actually, the pay-out on endowment funds.); that is calculated to smooth out all of those things over time."

Professor Corradino: "But on what base? There has to be some funds set aside for investment. What is the total of all that?"

Provost Randel: "The sum total of money invested is in excess of \$1 billion dollars. I don't remember what it's current book value is, but not all of that is in equities. A good deal of it is in fixed incomes, securities, preferred stock, or stock without a public market—so it has to be evaluated in a different way. Supposing that we have \$1 billion, though, we did not produce \$334 million worth of gravy. The policy for managing the endowment recognizes that not all of it is in equities, and that the part that grows the most is also the part that falls the most. So what we have under the oversight of the Trustees is aimed at producing a steady source of income for the University over time that is inflation-proof. When we have a windfall, we don't want to blow it, because we know there will be years like 1987, if you can remember what happened then."

Assistant Professor Linda K. Nicholson, Chemistry: "Dean Stein made the point that we have to share this \$1.5 billion with the Medical College. Could you give us an idea what the breakdown of initiatives is?"

Provost Randel: "Of new initiatives? Peter may know better than I what their goal was—it was a couple of hundred million."

Dean Stein: "I thought that the new initiatives was about 25% of the total we raised."

Provost Randel: "I didn't think it was quite that much, but it was a few hundred million, at least."

Professor Howard C. Howland, Neurobiology & Behavior: "One thing that Peter made clear was that we would have been collecting money over this period anyway. So I wonder whether people have looked at the additional money collected through

the Campaign, compared them to the additional costs, and then asked whether it was a good idea to have had the Campaign.”

Provost Randel: “Well, it was certainly a good idea to have had the Campaign; we are better off than we otherwise would have been, in ways that have to do not just with money. We went into the Campaign raising something of the order of \$150 million per year, so if you multiply it out and subtract that from the goal (\$1.25 billion), not all that much was ever anticipated to be really new money. Part of the reason for having the Campaign was to raise the annual level of fundraising to a higher level that we would hope to sustain. The other thing was that, over the course of the Campaign, we identified 17,000 new, now tracked, prospects—people who weren’t on our lists before and who are now on our lists. We received some substantial number of gifts from people: million-dollar gifts from people who had never given the University anything, or who had only given, say \$3,000. Part of what the Campaign yielded was a much bigger pool of people to keep track of and to solicit from in the future, and that’s what enables us to sustain the new higher level of annual giving, if we do it right. So that’s why one has to continue spending money to raise money. When we went into the Campaign, we planned to ramp up the amount spent on fundraising, and we planned, at the end of the Campaign, to ramp it back down—which we are doing next year, to the tune of a couple million dollars, about which you have all read. (However, much of what you have read has not been quite straight regarding what’s being accomplished in that organization.) Nevertheless, we aim to bring it down. We are not going to bring it down as much as we had originally intended, simply because we must invest in the personnel to keep track of those 17,000 new donors and keep them interested in Cornell, or else our efforts will be wasted. We can’t just take the money and then sit back and relax.”

Associate Professor Joseph Laquatra, Design and Environmental Analysis: “In looking at the *New York Times* over the past month or so, I get this sense that there is an increase in negative public perception to the University. There was the ‘Can SUNY Afford Cornell?’ story, and then there was President Rawlings’ response to it—but few people read that in relation to the first story. And then, the other day (Monday or Tuesday), there was a story about Taiwan. There was a short section there about President Li coming here, giving his speech, and giving money. The article stated he had received an honorary degree—which is of course wrong, since we don’t give honorary degrees. Is the Administration concerned about the ramifications this public perception may have in terms of state funding, for example? And do you have any plans of addressing them?”

Provost Randel: “Well, we’re certainly very concerned about that. Much considerable effort goes into public relations, both to the public at large and to our friends in Albany. A good deal of effort went into the Albany scene following that story. You should know that Emily Bernstein, who wrote that story, spent a couple of days on the campus before writing it; and she had been given figures—quite different from the ones she reported—that showed the ways in which she reported

were defective, in fact. But the person most often quoted in her story was a Trustee from Buffalo, and the State University of New York at Buffalo has been the origin of a very considerable amount of energy to see Cornell's allocation as a State University reduced. Evidently, she talked to SUNY Trustee Gardner after she had talked to us, and even though she had the ammunition to know better, what she printed was, in fact, factually incorrect in many respects. So, a good deal of effort went into the Albany scene after that, to make sure people understood. Interestingly enough, the biggest single complaint from legislators in Albany about that story was that they had not gotten their names in the story as supporters of Cornell. We, in fact, enjoy much greater support in the legislature than the State University does; and this is part of the tension with our relation with the State University, because they resent the fact that we have better friends in the legislature than they do. That's one specific kind of case.

"There are many other things you've read about—financial aid, for example. In the *Wall Street Journal*, there was a story that told some quite devilish tales about the way other institutions manage their financial aid budgets. There have been stories in the *Philadelphia Inquirer* recently about high tuition and high costs—that continues to be a theme. We have, in fact, pushed down the rate of growth of tuition rather faster than our peers have, although they are all getting the idea. From the days we were going up 10.0% annually, we are now only increasing by 4.5 percent. Other institutions are starting to get that idea; but there are still institutions who are a thousand or two more than us in total price for endowed tuition. But, yes, we are combating that both on the public relations front and by, in fact, trying to address directly in our policies some of the critical things that have been said about higher education."

Speaker Obendorf: "Thank you very much, Provost Randel."

4. DISCUSSION OF THE SEXUAL HARASSMENT PROCEDURES

Speaker Obendorf: "I'd now like to call on Professor James Gillett, who will introduce the discussion on sexual harassment procedures."

Professor James W. Gillett, Natural Resources, and Chairman, Committee on Academic Freedom and Professional Status of the Faculty: "You've seen the resolution amending the University's sexual harassment procedures (Appendices H and I, attached). I want to deliver the Committee's report to you. I hope this will be the last time we present new material on this. I particularly want to thank the Provost for his cooperation after our March 27 meeting; on March 31, he responded to and agreed to practically all of the changes in the letter. We had agreed to review the findings of Henry Shue's committee—working on parallel tracks with us—but it was quite clear that we weren't going to be able to review them and get back to their committee. Dean Stein and I met with them after our meeting and went through the process with them, so I think that I can state that they substantially agree with our position in the letter and in the resolution as well. They may have some of

their own comments and concerns to add to this—over and above our concerns—but I greatly appreciate their cooperation in this. With that said, I'd like to leave our time open for questions from the floor."

Speaker Obendorf: "I think that's very helpful, because I think we will have several people who would like to speak on this issue."

Mary Beth Norton, Mary Donlon Alger Professor of American History: "Madam Chair, I'd like to move that we divide the question on this, so we consider each of these five clauses separately."

Speaker Obendorf: "Is there a second to that motion? The motion is to consider each item—Roman numerals I through V—as individual motions. [Seconded] It's my understanding that the motion to divide is not debatable, so we'll move ahead to the questions. With the issues today, I would like to ask you to stand. Those in favor of dividing the motion, please stand; those opposed; and abstentions; thank you. It is clear to the Chair that the motion carries to divide, so we will proceed to consider the first item, Roman numeral I. This item deals with footnote three on page three, and we have substitute wording recommended. Since you have it in writing before you, I won't read it all to you. Are there comments on item I?"

Professor Norton: "Yes, Madam Chair. I'd like to speak against the adoption of recommendation number one in the motion we have before us. It's not that I have any quarrel with the intent, but I think it is easier to revert to the language in footnote three than to try to perfect the language in the proposed motion before us. Let me explain to you what my problems are with this language. I absolutely agree that there should be something in the sexual harassment procedures that protects academic speech; there's really no problem with that. But if people here will look carefully at the proposed language as opposed to the language that is in the original footnote, among the words that were taken out are 'generally' and 'ordinarily,' so that the language that we have in front of us is much more all-encompassing and allows for absolutely *no* occasions under which speech of this sort might *not* be protected by academic freedom. I think it is, in fact, possible to have occasions that occur when such speech should not be, in fact, protected by the principle of academic freedom. I think we should have language in this statement that allows for that. I would also point out that the language in front of us substitutes the word 'academic' in the first line for the word 'instructional'; I assume that's to include things that happen, for example, in advising contexts. (But since I was not a member of the committee, I don't know; but I'm assuming maybe that that's what they had in mind.) I'm not sure how I feel about that—it's possible that the broadening of that language is all right; but it does, in fact, broaden the language, and I would like to point that out to people.

"Frankly, my most severe objection to this language that's here before us is the word 'and' in the third line from the bottom, where it says, 'either abusive or severely humiliating and persists despite the objection of the person(s) targeted by the

speech.’ The original language has the word ‘or’ there, and I would point out that, in fact, if this language is adopted, Cornell is requiring the subject of sexual harassing speech to do something that nothing else requires them to do—that is, specifically, to complain about it. We have, legally, no basis for doing that. The law does not require a person who is making a complaint of sexual harassment to specifically complain to the person whose conduct they’re objecting to before they file a complaint. If this language goes through, we’re saying that Cornell is setting a higher hoop—or setting a higher hurdle—that a complainant would have to jump through or over than, in fact, is legally required. I suspect that it would open us up to lawsuits. So I believe that the word ‘or’ should be retained: it allows the possibility of such objections, but ‘and’ is, in fact, more than we should legally be required to do. As I say, there are so many problems with this new language that I think we should just vote it down and stick with the original language in the footnote.”

Speaker Obendorf: “I think that that was a fairly clear statement in opposition to the proposal. Now I’d like to take speakers in favor of the resolution.”

Dean Stein: “Let me tell you the history of this recommendation. First, we desired to bring this from a footnote into the main document; this was probably the most important reason why the committee wanted to change this. It went back to the committee’s original wording and did not like several features of the wording that was adopted by the Mingle-Randel draft. As I was reading through it, Mary Beth, the thing I think people found most objectionable was the word ‘ordinarily’ in the Mingle-Randel draft. Even if some listeners find objection, ‘ordinarily’ will not be considered to constitute ‘unless.’ The feeling was that that left open a big hole, and people are very sensitive about this. There have been cases in the academic community where people have made statements that we normally think of as being protected by academic freedom and our principles of openness, and people were concerned about that word ‘ordinarily.’ That’s my memory of the debate that went on in the committee.”

Speaker Obendorf: “I’d like to remind the body that we have five items to get through, and we’d like feedback on all of them.”

Joel Porte, Ernest I. White Professor of American Studies and Humane Letters: “Responding to Mary Beth Norton’s preference for the footnote language on page three, I also have a problem with the footnote. It speaks about speech being targeted at a specific person that is ‘unreasonably offensive.’ I have trouble understanding the difference between something that is ‘unreasonably offensive’ and ‘reasonably offensive.’ Who decides the difference? The footnote language does not seem clear to me as it stands.”

Professor Gillett: “I just wanted to help out on the ‘academic’ versus the ‘instructional’ division here. ‘Academic’ is much broader than ‘instructional’ for a reason. When you leave a class and the students are trailing along beside you back

to your office, where can the instructional/academic line be drawn? Anything can happen in that interim, so we felt that it was very difficult to make that an absolute division."

Speaker Obendorf: "So is the body ready to deal with the first item, which is to substitute language in footnote three and bring it into the main text?"

Professor Frederick M. Ahl, Classics: "I move that we substitute as suggested in the resolution."

Speaker Obendorf: "I believe that's the motion that's on the floor and has already been seconded. Are you moving the previous question?"

Professor Ahl: "Yes."

Speaker Obendorf: "Then I need a second for that. [Seconded] We're moving the previous question, which requires a two-thirds vote. Those in favor of voting on this question, please stand. You're just saying you're ready to vote when you vote for this. Could I have those opposed? I think it's clear to the Chair that we will address the question. The question that's before us is to vote on the substitute language in Roman numeral I in the resolution. This is footnote three on page three; it should be deleted, and the substitute wording should be inserted."

Professor Cutberto Garza, Nutritional Sciences: "Question: In voting for the motion, if this motion is defeated, it does not automatically mean that we accept the present language. Is that correct?"

Speaker Obendorf: "That's correct. So, all those in favor of the motion before us—adopting the substitute language as Roman numeral I puts forth—please stand. I think we'll need tellers. Okay, you may sit. Those opposed, please stand. We count 43 to 47 against. And I've been asked to take abstentions. Thank you. The motion is narrowly defeated, with a vote of 47 to 43. The resolution does not pass."

Associate Professor Alan K. McAdams, Johnson Graduate School of Management: "It seems to me that we have two words that need to be changed in number I, and then I would strongly support it. The first change would be to take the 'and' and replace it with 'or'; the second change would be to reinsert from the footnote language the word 'generally.' If that would happen, I think we would support the resolution."

Speaker Obendorf: "Since we've already dealt with the issue, I don't know if we can take additional commentary at this point."

Professor Norton: "May I propose a parliamentary solution? The solution I would propose would be to go through all of the items on the agenda, since the motion has been divided in front of us, because that's on the floor—that's from the committee."

After that, it would then be germane to address other motions that members of the Senate would like to make with respect to material that would go from the Senate to the Provost as a recommendation.”

Speaker Obendorf: “So we will go through the other issues first. Then it will be in order for Professor McAdams to frame a new motion—his resolution—after we consider the other four issues. Okay. Now what is before you is Roman numeral II, and it has a part ‘a’ and ‘b.’ Part ‘a’ states, ‘In the “Faculty Co-Investigator” paragraph on page 11, the words “Office of Equal Opportunity” should be replaced with “Dean of Faculty” in line 5’; and part ‘b’ states, ‘The words “elected pool of faculty members with experience in conducting administrative investigations and hearings” shall be replaced with “a pool of faculty members chosen by procedures to be established by the Faculty Senate.”’ This is open for discussion.”

Dean Stein: “I move the previous question.”

Speaker Obendorf: “Is there a second? [Seconded] So now we will vote on whether you’re ready to vote on this issue. Could you please stand if you’re prepared to vote. Thank you; at least you won’t get bored. [Laughter] Could I have those opposed, please. It’s clear to the Chair that that has passed by more than a two-thirds majority. So we move immediately to voting on Roman numeral II. Could you please stand if you’re in favor. And if you’re opposed, please stand. Are there any abstentions? Okay, Roman numeral II has passed and been approved by the body.”

Professor Ahl: “Madam Chair, there seems to be a discrepancy between the number of votes cast and the number of Senators present. That is, the number of votes that were cast exceeds the number of Senate members present. Perhaps some of us have not signed in?”

Speaker Obendorf: “Secretary Lucey, how many are you showing present?”

Robert F. Lucey, Associate Dean and Secretary of the University Faculty: “I have that 86 have signed in.”

Speaker Obendorf: “Do we have any non-Senators present who were voting? And do we have any Senators who have not signed in? Okay, there are three. Does that bring us up to the number that is the discrepancy? That brings us up to ninety.”

Professor Ahl: “I was just curious, as 92 was the vote: 43 for, 47 against, and two abstentions.”

Speaker Obendorf: “Could I please call on Dean Stein for some insight.”

Dean Stein: “I fear that we will get hung up in this way and not be able to finish this job, which is important. Provost Randel would like to have a procedure in two weeks, and we’ve done the best we can in counting votes, but it’s not always going to

work. But I feel that we have to trust the Speaker and the people she appoints to count the votes properly, and I don't think we should have instant replays. I think we ought to have calls by the umpire and just let the chips fall where they do."

Professor Ahl: "I think this should serve as a reminder, perhaps, to non-members of the Senate that voting is restricted to members of the Senate."

Professor Corradino: "But are we voting on the entire sexual harassment policy today, up or down?"

Speaker Obendorf: "No, we are voting on the five changes that were brought to us by the Committee on Academic Freedom and Professional Status of the Faculty."

Dean Stein: "I'm wondering if the body is willing to give unanimous consent to doing the other three all together instead of ad seriatim."

Professor Norton: "I object."

Dean Stein: "Okay, sorry. I thought maybe they were all non-objectionable."

Professor Norton: "They're not."

Speaker Obendorf: "We're ready for item number III."

Professor Norton: "Madam Chair, I do have a question about III. I think that the committee, in making this recommendation, did not think of a particular possibility that might occur. Again, the committee, by taking the language 'may include appropriate' and changing the word 'may' to 'will,' provides that in the case of a no-cause finding, all records will be expunged. It strikes me that, in fact, a charged party—who has been cleared—might very well want to have the records retained, to keep on record the fact and details of that clearance, just in case a vindictive, potentially paranoid, complainant might come back again in the future with a similar complaint. Therefore, it seems to me that what the committee is concerned about is the discretion—that it's not fully at the discretion of the charged party. Now I know I can't make a speech and then propose an amendment, but, if I could, I would propose that the language, instead of being replaced with 'will include,' be replaced with 'may include, at the discretion of the charged party'—to make it very clear that that's what's going on. It strikes me that there are, in fact, occasions where a charged party might very well wish to have these records retained, and this change would not allow that."

Dean Stein: "Again, in the interests of moving it along, we are in the fortunate position of not writing legislation. I will tell you that the committee, in writing this, did not even notice the point that you're making. What they were worried about was the part that said 'reasonable steps to restore the reputation of the charged party' in the "No Cause" Finding' paragraph on page 13—and then they stopped reading."

I certainly stopped reading at that point. The point they were trying to make was that seemed always appropriate: If there had been damage to the reputation, reasonable steps should be taken to restore that reputation. The rest of it, they just didn't notice. So it's in that spirit that this is offered. It was not meant to be that prescriptive."

Speaker Obendorf: "In the interest of time, with your consent, we will vote on Roman numeral III of the resolution. Will those in favor please stand. All right, would those opposed please stand. Thank you. Any abstentions? From our count, we have 44 in favor and 41 opposed or abstaining. Since the abstentions don't count, we have 44 to 33. So resolution III passes. Now to Roman numeral IV."

Professor Norton: "Madam Chair, I'd like to speak against the adoption of this particular Roman numeral, which adds a new sentence in the case of a contested finding. It says that 'the standard of proof shall be clear and convincing evidence that sexual harassment has taken place.' A number of people here may not be aware that the words 'clear and convincing evidence' have a particular legal meaning. The usual standard in civil procedures or administrative procedures such as this is something called 'preponderance of the evidence' or even something less. In fact, if this language is adopted by this body and incorporated into the procedures, this is a higher hoop than Cornell has to jump through for anything else on campus. It makes sexual harassment a total anomaly. It will be sure to get us sued by complainants. Cases that meet a preponderance of evidence standard—which is all that Cornell needs to have anybody dismissed for anything else other than sexual harassment—would not happen under this standard. I think that it is, in fact, inappropriate to adopt this standard."

Professor Gillett: "This was done under the advice of Bob Green, a member of the Law School, and of Mr. Mingle, that this was the standard applicable, in this case, for dismissal of a faculty member. That's what we were concerned with."

Professor Norton: "My understanding was that this language does not just apply to dismissal for cause, but it applies for other less severe sanctions than dismissal. I'd agree that this should be the standard for dismissal. But the language that's here is not just for dismissal."

Dean Stein: "This is, of course, not the highest level of proof. In order to be convicted in a criminal court, it has to be 'beyond a reasonable doubt' or something like that. It seemed to the people on the committee—and it seems reasonable to me—that a faculty member who is deprived of a raise pool or not allowed to teach or advise students or who is dismissed—or any of those things—it ought to be more than a 51 to 49 decision. It doesn't have to be 99 to one, but it ought to be more than 51 to 49. That tries to incorporate that thought into the resolution, and I think it's proper."

Associate Professor Jeremy A. Rabkin, Government: "Aren't we required to have clear and convincing evidence, anyway?"

Speaker Obendorf: "In the expedience of time, with your permission, could we consider the question? Those in favor of Roman numeral IV, please stand. And those opposed, please stand. Are there abstentions? Thank you. Roman numeral IV has passed.

"Now we will consider Roman numeral V. 'In the "Faculty Grievance Procedure" paragraph, the words "severe sanction such as" in lines 8-9 should be deleted in the interest of specificity.' This is open for discussion. Seeing no discussion, we'll move to consider this resolution. Would those in favor of resolution V, please stand. Those opposed; abstentions. It clearly passes."

Dean Stein: "We're past the hour of the day. I'm wondering if we could have unanimous consent for another five minutes to allow Professor McAdams to make his resolution."

Speaker Obendorf: "We will extend for five minutes, and I will call on Professor McAdams."

Professor McAdams: "I move that we substitute the footnote three on page three with the paragraph appearing under item number I, with the introduction of the word 'generally' in the second line after the word 'harassment' and the deletion of the word 'and' at the end of the third line from the bottom and substitution of the word 'or.' It would read '. . . specific person and is either abusive or severely humiliating or persists.'"

Speaker Obendorf: "Is that clear, or should I read it again? Is there a second? [Second] We now have the motion open for discussion."

Assistant Professor J. Ellen Gainor, Theatre Arts: "A point of clarification: I believe the 'generally' should follow the 'is' in line two and should read 'is generally protected.'"

Speaker Obendorf: "Thank you for that point of grammatical correction."

Professor N. David Mermin, Physics: "That text just doesn't work. It says that if the speech is not abusive or severely humiliating, providing it persists, despite the objection of the person targeted—that's no good."

Dean Stein: "But I think that's what it's supposed to say. If something is directed against a specific person—remember, the separation that's made is a statement about generalities. 'All women are, blank, blank, blank.' That is not sexual harassment. Saying something to somebody who objects—but then saying it again—that would be sexual harassment."

Professor Ahl: "Would it help if we said 'is abusive, severely humiliating, or persists' in the text?"

Speaker Obendorf: "Are you discussing or amending?"

Professor Ahl: "I'm amending. I'm doing what my colleague Professor Gainor just did, making a grammatical correction."

Professor McAdams: "It sounds fine to me that way, with the commas."

Speaker Obendorf: "Okay, now even the Speaker has it. He's made a series and connected it at the end with an 'or.'"

Professor Gainor: "Except grammatically—I'm terribly sorry—we can't have a series of three after an 'either.'"

Professor Ahl: "We got rid of 'either.'"

Professor Gainor: "Oh, I'm sorry. I didn't hear that."

Professor Fine: "I call the question."

Speaker Obendorf: "Okay, with no objections, the Chair is moving ahead for you to vote on the resolution by Professor McAdams, as grammatically amended. Would you like me to read it?"

Professor Corradino: "I object to moving ahead and voting."

Speaker Obendorf: "Then we will call the question, which requires a two-thirds vote. Would those in favor of going ahead and voting on this resolution, please stand. And now those opposed, please stand. I think it's clear to the Chair that this is passed, and we will go directly to voting on the resolution that is before us. I heard that you did not want me to read it again, so would you please stand if you are in favor of the resolution. Thank you. Would you please stand if you are opposed. Now, could I have abstentions. It's clear to the Chair that this resolution has passed." (The resolution as amended appears as Appendix J, attached.)

Dean Stein: "Could we have orders of the day?"

Speaker Obendorf: "Thank you. With orders of the day, we move on to the next agenda item. I now call on Dean Stein to introduce a discussion on the academic grading policy."

5. DISCUSSION OF THE ACADEMIC GRADING POLICY

Dean Stein: "We've talked about this twice before (Appendix K, attached), and I would hope that we could come to a vote. I'd just like to report, very quickly, on three things that happened in the intervening month. Number one, we held a forum, as you suggested, with students; essentially, they didn't show up. We had a forum in Uris Auditorium, but only maybe 10-15 students showed up. And there was desultory, albeit interesting, discussion. One issue persistently raised by the students that I tried to look into was the question, 'Will this grading policy hurt us in our searches for jobs and admission to professional schools and graduate schools?' It's hard to think this through; people give plausible reasons on both sides. Professor Adler made a suggestion, which I thought was a good one, which was to call up the folks who have such a grading policy. So I made phone calls to a number of deans and directors of placement at McGill, Toronto, and Vancouver. McGill and Toronto have such a policy, but Vancouver does not—although they are now in the process of adopting it. I can tell you honestly that I probably spoke to ten different people at those institutions, and not a one had ever heard of any complaint by any students that this policy hurt them. I said, 'Aha! But perhaps those students are competing in an environment where everyone does this.' They hotly replied, 'No, no. Our students compete for jobs and places in graduate and professional schools in your nation as well as ours, and we have never heard that it hurts them.'

"The second thing I'd like to report is that I've received a number of phone calls from a number of you about the problem of the senior-level course, which has only very, very good students who all get 'A's. So the median grade will be 'A,' and someone will say, 'Aha! That's a gut course.' That strikes me as a problem, but I had an idea as to how to look at it. So I got the grade distributions for all of the 300- and 400-level courses in ten diverse departments—English, Government, Physics, Math, Rural Sociology, Human Development and Family Studies, and a couple of others. I looked at all of the 300- and 400-level courses and came up with 126 courses in those departments, and I defined the problem in the following way: I looked for courses where the median grade was 'A' wherein two-thirds or more of the students got an 'A.' Out of those 126 courses, I came up with six courses that satisfied that criterion. So I convinced myself, at least, that this was not a serious problem. It's something that should be thought about, but it shouldn't, in itself, sink this whole proposal.

"The third comment I want to make is that I was discussing this with Donald Kagan of Yale, who came to give a seminar. He was laughing uproariously when he said, 'I read in the *Sun* that this hotly debated issue wouldn't take place for another six years.' He thought that was the funniest thing he'd ever heard of. Of course, that's true—it really won't appear on a transcript for another six years. I'd like to point out that that gives us a lot of time to evaluate the experience of Dartmouth, which will have happened, the experience of the University of British Columbia, which will have happened—that gives us time to think about the impetus of these individual problems that have been raised about honors courses and the senior courses with

smart kids. Maybe, this will give us the opportunity to address these problems by the way we number courses or how we write the transcripts with regard to these or perhaps other problems. If we do not pass this, then, of course, it will disappear, and we will not be considering it in the future. That's what I wanted to bring to your attention."

Speaker Obendorf: "It's my understanding that since we postponed this for a definite time period and since the resolution is before you, it is now open for discussion."

Professor Reeve Parker, English: "I want to propose an amendment and then speak briefly to it. The amendment addresses language in the first and second items of the resolution. In the next-to-last sentence of item 1, it says 'courses with enrollments of fewer than ten students will also be exempt from this policy.' I would change the word 'ten' to '35.' I would like to make the same change in the first sentence of item 2, which would read '. . . a list of median grades and enrollments of all undergraduate courses with 35 or more students.'"

Speaker Obendorf: "Is there a second to the amendment? [Seconded] You may now speak to the amendment."

Professor Parker: "My concern comes straight from my colleagues in the English Department, and it addresses the problem that Dean Stein has spoken about as well as other kinds of courses going up and down our curriculum, mainly writing courses at both the lower and upper levels. At the upper level especially, my colleagues are strongly opposed to the situation Peter was addressing, where there are often self-selected enrollments in the courses. I would also add to this a general sentiment of the department. I put the minutes of the earlier meetings on display in the department office, and approximately 25 colleagues got in touch with me individually to say that they were opposed to the resolution itself, but they would strongly support the resolution with the amendment I have proposed. With that comment, I propose the amendment."

Speaker Obendorf: "It's my understanding that we're discussing the amendment, and that is to change the cut-off number of enrollment from ten to 35."

Professor Peter Schwartz, Textiles and Apparel: "I am generally opposed to the amendment, because I remember Dean Stein's figures regarding how many courses would be included. A large percentage of courses would be excluded if we increase the minimum enrollment to 35, and that would pretty much defeat the purpose of the policy."

Dean Stein: "I don't have the number in front of me, but I can say that it would eliminate practically all 300- and 400-level courses that I analyzed when I did my study, except for, I think, computer science, which had larger enrollments in its upper-level courses. It may sound good, but I think it's a mistake. You may aid

some students, but you'd hurt others. My guess is that it's something like a third of the courses that a student takes would be eliminated by this. Imagine the student who excels in 300- or 400-level courses. I think of the student who is a physics major and who doesn't do so well in the psychology or sociology courses, so he won't appear good in that measure. But he loves physics and excels in all of the upper-division courses given in the Physics Department and the Math Department. Look at that student's transcript: That student's transcript will have a lot of 'A's on it, with nothing to give median grades in those courses. In the Physics Department, that student would have stood out very well. In our 300- and 400-level courses, we don't give 'A's as the median grades. So what will appear on that student's transcript will hurt him. In fairness, if we do it, we ought to do it across the board. These little patches may get rid of some of the problems you see, but we can continue to think about them. I think it's a very special problem, but your fix would create a lot of unfairness for a lot of other students."

Speaker Obendorf: "Let's have one more comment, and then we'll move to consider the amendment."

Professor Ahl: "If I could speak to the same point as Peter. If we had the number 35 as a minimum for counting, then there would regularly be only two faculty members in our department whose courses would ever be subject to such a marking. This would, in effect, isolate those two particular professors and would be unfair, giving a distorted impression of the department's grading policy as a whole. I think we should either say, frankly, that we should have this apply to all courses, regardless of size, or to none. However, if the group is in favor of having a cut-off point, ten makes more sense to me, I think, than 35."

Dean Stein: "We're required to have the ten because of the law, by the way. We'd violate the Buckley Amendment if we went below eight, I believe."

Speaker Obendorf: "I've had a busy day, but if there are no objections, we'll vote on the amendment. The amendment is to change the number from ten to 35 students in both parts 1 and 2 of the resolution. Could I have those please stand who are in favor of the amendment. And those who are opposed, could you please stand. Thank you. Do I have abstentions? The Chair rules that the amendment has failed."

"Now we're back to the main motion on the grading policy."

Professor Mermin: "I'd like to speak against the motion. I have always regarded grades as a necessary evil. I see the point of giving grades, but I think they are quantifiers placed on something that really cannot be quantified. They are very imprecise, crude markers. At the end of four years of college, when you have a transcript and you are applying somewhere, it is possible for people to look and see something like thirty-such numbers and form an impression that is about as accurate as those numbers deserve. I think that by passing this proposal, we will be giving a spurious sense of precision to those numbers and we will suggest that those

numbers are more precise than they actually are. I think it will heighten interest in grades, and it will result in grades interfering even more than they already do in the educational process. For those reasons, I will vote against the proposal."

Speaker Obendorf: "The Chair will recognize someone speaking in favor of the motion."

Benjamin Widom, Goldwin Smith Professor of Chemistry: "I am very rarely on the opposite side of an issue from my colleague Professor Mermin, but I am in this case. I'm from the Chemistry Department, and our department, as a whole, very strongly favors this proposal. We consider it such a good idea that we have resolved, among ourselves, that we will report the median grades of our courses. At the moment, the grades carry no information, and we would like them to carry at least the minimal information—the median grade and the course enrollment."

Speaker Obendorf: "The Chair realizes that we have one more important item on the agenda."

Professor Robert Ascher, Anthropology: "Madam Chairman, I would like to speak against the motion. The first time we heard this, it was called a resolution that would be used to inform the students better. Then we were told that it had to do with grade inflation. At our second meeting, we were told that it had nothing to do with grade inflation. Dean Stein has presented on several occasions his opinion leaning toward why we should do this, and yet it has been wrought with problems, because several people have brought up at least twelve or fourteen caveats about problems this may cause. We're in the position where we'll be voting on something where we have no idea what it will do. There's no evidence that it has anything whatsoever to do with grade inflation. There is no evidence that it would, in fact, be good for the students rather than do harm. In fact, we have some evidence that it might be harmful for them. The simple case that it might be harmful for the students is sufficient for me—and I hope everyone else in this room—to vote 'no,' against the resolution."

Dean Stein: "I move the previous question."

Speaker Obendorf: "Is there a second? [Seconded] We've all learned this one very well. When he's moved the previous question, that means we will vote on whether we are ready to vote on the previous question. Can I have those stand who are ready to vote. And the same for those who are not ready to vote. Are there abstentions? The Chair moves that we have approved the vote on the previous question, so we will go immediately to voting on the grading resolution, as written and distributed with the call to the meeting. May I have those stand who are in favor of the resolution regarding grade reporting. And now those who are opposed. Are there abstentions? The Chair rules that we have voted in favor of the grading report, with a vote of 44 in favor and 36 opposed."

Dean Stein: "Would people be willing to stay for five minutes to hear a report from Professor Fine?"

Speaker Obendorf: "Is there a second? [Seconded] All those in favor of staying the additional time, please raise your hands. And those opposed; thank you. Now we'll hear from Professor Fine."

6. REPORT FROM THE COMMITTEE ON ACADEMIC FREEDOM AND PROFESSIONAL STATUS OF THE FACULTY ON APPEALS FOR DENIAL OF TENURE AT THE PROVOST LEVEL

Professor Fine: "You've all been given, I hope, our rather brief report about the ad hoc process for appealing a negative tenure decision made by the Provost when he is the first negative—that is, when the dean has sent a positive decision forward (Appendix L, attached). The procedure that was distributed here was created largely by Dean Stein and was then reviewed by the Committee on Academic Freedom and Professional Status of the Faculty. Some suggestions for changes were made and were incorporated into this draft. Essentially, what happened was that the procedure for appealing a negative decision by a dean was raised up by one. That is, the dean was replaced by the Provost, and the Provost was replaced by the President. The final arbiter of things where there is an irreconcilable conflict now becomes the President. This process is currently being used by an appellant; in fact, the process is underway at this point. So it's actually in use now, for the person for whom it was originally created.

"A sub-committee of the Committee, Professor Robert Green from the Law School and I, met with the Provost on Monday to ascertain his objections toward this process. He's not completely happy with it; but, basically, he said he would accept it for the moment, as it is constituted. But he keeps in mind that if there will be revisions for the whole tenure process, perhaps in the next academic year, that the whole appeals process would have to be revised accordingly. At the moment, what we have is this ad hoc process that is, in fact, operational. It may not need any further action on your part if you don't wish it, because we may have to look at all of the appeals processes all over again in the next year. But this is what we have at the moment. End of story."

Professor Richard E. Schuler, Economics, Civil & Environmental Engineering, and Faculty Trustee: "As I read over the grounds for an appeal, the first four are purely procedural. Only number five deals with appearance. It seems to me, however, that the legal standard that is set, 'arbitrary and capricious'—that is, the decision by the Provost would have to be *so* inconsistent with the evidence—is a remarkably strict standard—so strict that one would think the Provost would almost have to be mad in order to think something along those lines. [Laughter] Of course, that excludes the current provost." [Laughter]

Provost Randel: "Right. He's just *crazy*." [Laughter]

Professor Schuler: "It is my understanding that the process of bringing the Provost into the process on a more regular and thorough basis is one of highly gauged, relative equity across the campus and within the disciplines. Is this standard so difficult on demerits to make it, essentially, a non-standard at all? And is there an opportunity to provide a somewhat lesser standard that still is quite stringent but doesn't engage in the mad Provost syndrome."

Professor Fine: "This standard is precisely the standard that is used in all of our appeals processes; nothing new was created here. We are not holding the Provost to any different standard than we already do the deans."

Professor Gillett: "Here's just a point. The process has to stop before it gets to the Board of Trustees. It is in the hands of the President now, and it can go no further. If we go to a University-wide committee, as evoked by the Dean of Faculty, that will radically change this whole process. So we don't see the point in going much further. With one case in hand, we don't know how many other cases there will be in the interim, but it should not be many."

Professor William H. Lesser, Agricultural, Resource and Managerial Economics: "Professor Fine, I'd like to ask if the committee considered the authority of this ad hoc procedure. I don't really know all the processes of the University, but it seems to me reasonable that the procedures in the Faculty Handbook are passed by some University Faculty groupings. But to my knowledge, it wasn't done; at least, it wasn't discussed either in an open forum like this or in any other context. Hence, does it have any legitimacy? Since someone's future at the University is being decided, in part, by the wording of this process, how will this all be considered? And what about the other matters that have been raised here? Were they issues that weren't addressed, such as the conflicting procedures in the Faculty Handbook and the Appointment Manual?"

Professor Fine: "If you'd like me to speak to legitimacy, we are a legitimate faculty committee performing our legitimate function."

Professor Lesser: "You're legitimate to accept procedures. Do procedures for the Faculty as a whole have to be adopted by the Faculty Senate or its predecessor?"

Professor Fine: "Generally, procedures would have been adopted by the FCR."

Professor Gillett: "Excuse me, I'll speak to that. Absent this procedure, the matter is moot. Absent this procedure, the decision is made by the Provost. Under current rules, as it stands, there is no appeal beyond the Provost, even in the case of that being the first negative decision. We felt that that was, in our mind, unfair, and we wanted to provide at least some recourse to this. That hasn't been satisfactory, as with the current case, there is no appeal."

Dean Stein: "Professor Lesser, this is not ideal. I won't pretend that for a moment. It is a situation that arose; there was no procedure that covered it. It seemed to the people involved in it that the choice was between giving a faculty member no avenue to appeal what he considered to be an unfair decision or clobbering together something that, while not totally legitimate, was at least based, very substantially, on documents which had been legitimized by the faculty governance structure and which had been used successfully for 15 years. That's the choice we saw at the time."

Speaker Obendorf: "Let me remind you that this is not for vote; it is discussion only. We will take one more question and then deal with our time."

Professor Kenneth A. Strike, Education: "I think this procedure has some problems. One is that it's vacuous, and second, it addresses the wrong problem. It's vacuous because the grounds that justify the appeal, on the whole, refer to the kinds of events that are not likely to occur beyond the department or college level, so they really provide little substance for anyone on the defensive of a genuine appeal. It addresses the wrong problems because, it seems to me, that, unlike the kinds of processes that go on at the department and college levels, each of those processes involves some sort of mandate related to procedure, which provides advice or counsel or reflection on the substance of the case. At the Provost level, it seems to me that the problem to be addressed regards some sort of deliberate procedure at each level, such that the body will be sure that the opinions are good."

Speaker Obendorf: "Our time is now up. Does anyone wish to move to adjourn?"

Professor Donald J. Barr, Human Service Studies: "I'd like to ask for a clarification. Do I hear right that the appeal is already in process?"

Professor Fine: "Yes."

Professor Barr: "So something is already going on?"

Professor Fine: "In one case."

Professor Barr: "So what are we doing with this?"

Speaker Obendorf: "You are being informed. This is a report, Don, and not a resolution to be voted upon."

Professor Fine: "This was requested at the last Senate meeting."

Professor Lesser: "A point of clarification: Essentially, the option for the individual was to follow these procedures or not do anything at all. I think that the question before this body is whether that was an appropriate action for the administration to have taken. I'd like to have that answer. Essentially, we've been told that this is the only option. It's not at all clear to me, if there indeed was no appeals procedure, why

the appeals procedure could not have been brought before the FCR or the Senate for our deliberation. Why was it essential that it was established with an ad hoc committee? Is there essentially no choice in this whole procedure? This doesn't seem appropriate to me, as I think we should have the opportunity to deliberate the processes that have been employed and which are now determining the fate at the University of one of our colleagues."

Speaker Obendorf: "Some of your colleagues have voted to adjourn by leaving. Are we ready to consider whether we are ready for a motion for adjournment? [So moved] Do I have a second? [Seconded] Could you please stand if you are in favor of adjournment. Okay, I'm interpreting that as a unanimous 'yes.' The meeting is adjourned."

Adjourned: 6:10 PM.

Respectfully submitted,

Robert F. Lucey, Associate Dean and
Secretary of the University Faculty

ELECTED POSITIONS:

Faculty Trustee

Nominations and Elections Committee

APPOINTED POSITIONS:

Academic Freedom & Professional Status Committee

Academic Programs and Policies Committee

Admissions and Financial Aid Committee

Affirmative Action Committee

Faculty Advisory Committee on Athletics & Physical Education

Financial Policies Committee

Minority Education Committee

University-ROTC Relationships Committee

The Cornell Campaign:

Whatever happened to the \$1.5 Billion?

Why doesn't Cornell have an extra \$1.5 Billion in the bank?

1. The Campaign covers seven year's worth of fundraising.
2. The \$1.5 Billion is not all additional funds: the Campaign is part of an ongoing fundraising process.
3. Many of the contributions come with strings attached.
4. Some of the contributions go into the endowment, and only the income can be spent.
5. We in Ithaca share the receipts with the Medical College.
6. Some of the \$1.5 Billion is in the form of IOUs
7. It costs money to raise money.

An Overview of the Campaign

Two types of contributions

1. Strings attached directing where they are to be spent (**Restricted**)
 - A. Support for things we are already doing
 - B. Support for new academic initiatives
 - C. Facilities (new buildings, or additions or renovations to existing buildings)
2. No strings attached regarding where they are spent (**Unrestricted**)

Further important distinctions between contributions

1. Contributions are to be invested and only the income spent
2. Contributions may be entirely spent in the current year

Some Examples of Restricted Contributions

- Things we are currently doing
 - a. Endowed chairs
 - b. Financial aid
- New academic initiatives
 - a. Gifts to the museum (Johnson Museum)
 - b. Computer graphics equipment (Engineering)
 - c. Equipment for the University
 - d. Gift to the Library
 - e. Instructional equipment (Engineering)
 - f. Center for Advanced Human Research Studies (ILR)
 - g. IBM equipment match (University)
 - h. International legal studies (Law)
 - i. Equipment for the theory center
 - • • • •
 - m. Jewish studies program (Arts & Sciences)
 - n. Drug design laboratory (CALs)
 - o. Commitment to diversity (University)

Some Observations

- A contribution that must be spent on things we are already doing (and will continue to do) is equivalent to a contribution with no strings attached.
 - Endowed chairs
 - Financial aid
- A contribution of \$100 to the endowment gives \$3.60 a year now and forever.
- A contribution of \$100 to the current budget can meet a \$100 pressing need, but only once.
- The costs associated with fundraising are debatable
 - Low estimate: \$ 8.70 per \$100 raised (only fundraising)
 - High estimate: \$17.00 per \$100 raised (+ alumni affairs + overhead)
 - Even higher estimate: (+ attention of academic administrators)
- Fundraising costs for all gifts (restricted, unrestricted, and promised) are paid out of the unrestricted operating budget

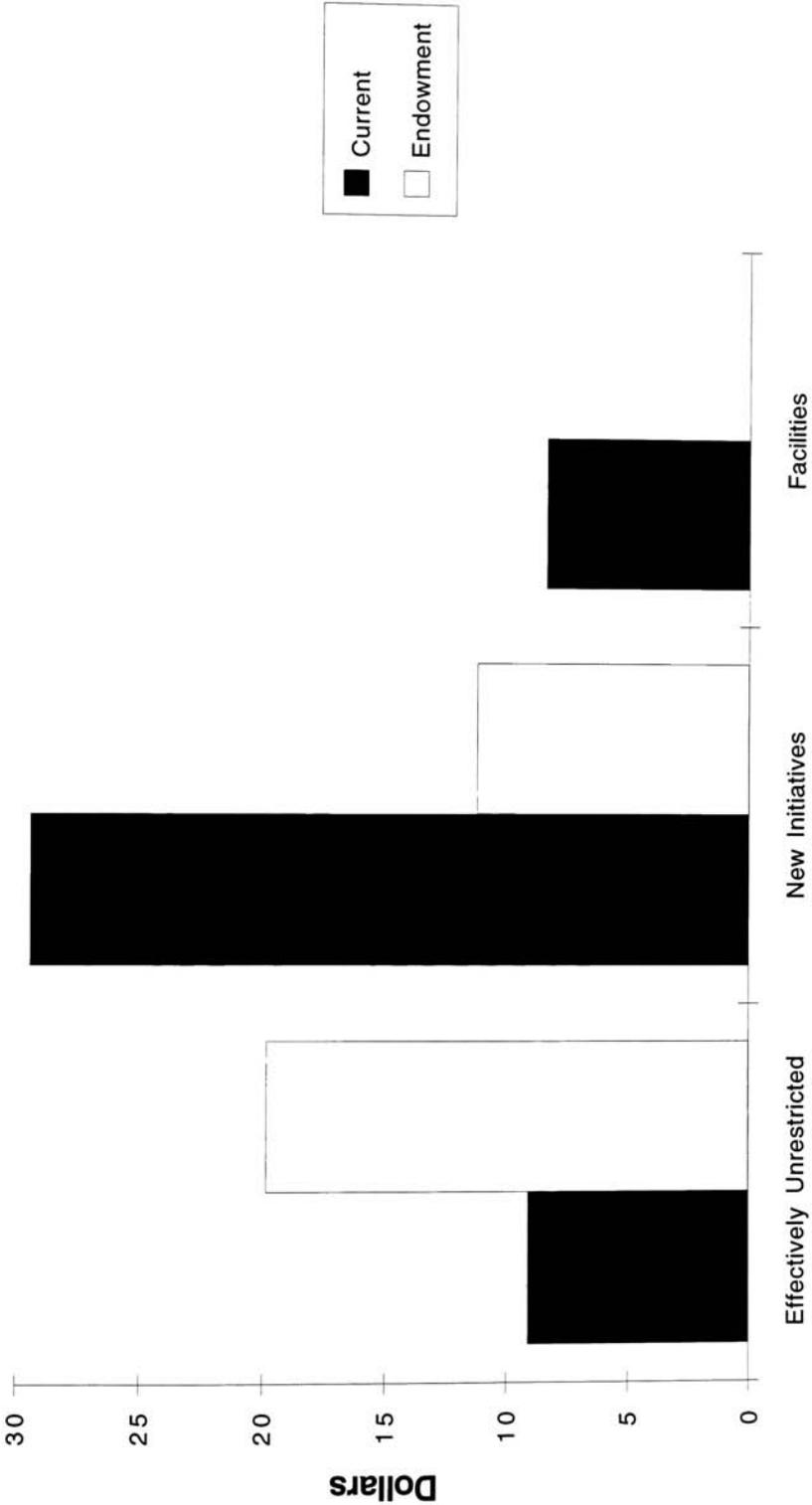
Major Categories of Campaign Gifts

1. Effectively Unrestricted (unrestricted + restricted to current activities)
 - Current
 - Endowment
2. New initiatives
 - Current
 - Endowment
3. Facilities
4. Promises

Costs

Estimates range from \$8.70 to \$17.00 per \$100 raised

Where Does a \$100 Contribution Go?



RESOLUTION RE REVISED DRAFT PROCEDURES FOR SEXUAL HARASSMENT OF MARCH 21, 1996

BE IT RESOLVED, that the Senate recommends that the University Faculty Committee transmit to the Provost the following suggestions for amending the Revised Draft Procedures for Sexual Harassment of March 21, 1996:

I. Footnote 3 on page 3 should be deleted, and in its stead, the following wording inserted as a separate paragraph following numbered paragraph (3) in "Prohibited Conduct: Sexual Harassment Defined" on page 2.

Speech occurring in an academic or research context which otherwise might be considered sexual harassment is protected by the principle of academic freedom, even if some listeners find it objectionable. Such speech will not be considered to constitute "hostile environment" discrimination unless it is directed at a specific person and is either abusive or severely humiliating and persists despite the objection of the person(s) targeted by the speech.

II. a. In the "Faculty Co-Investigator" paragraph on page 11, the words "Office of Equal Opportunity" should be replaced with "Dean of the Faculty" in line 5.

b. The words "elected pool of faculty members with experience in conducting administrative investigations and hearings" shall be replaced with "a pool of faculty members chosen by procedures to be established by the Faculty Senate".

III. In the "No-cause finding" paragraph on page 13, in line 7, the words "may include, if appropriate" should be replaced with "will include".

IV. In the "Cause Finding - Contested" paragraph on page 14, the following concluding sentence should be added. "In situations resulting in disciplinary sanctions, the standard of proof shall be clear and convincing evidence that sexual harassment has taken place."

V. In the "Faculty Grievance Procedure" paragraph, the words "severe sanction such as" in lines 8-9 should be deleted in the interests of specificity.

4/3/96

Cornell University

Sexual Harassment Procedures

REVISED DRAFT

MARCH 21, 1996

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INTRODUCTORY PROVISIONS

Purpose and Scope of These Procedures

Cornell University strives to provide an educational and working environment for all faculty, staff, and students that is free from sexual harassment. Sexual harassment in any form is unacceptable behavior and will not be tolerated. These procedures are designed to promote the following purposes:

- ensuring that all victims and potential victims of sexual harassment are aware of their rights;
- notifying all members of the University community of what conduct is proscribed; and
- informing members of the University community about the proper procedure to address and resolve sexual harassment complaints.

These procedures are University-wide; they supersede and replace any other campus or school-based conduct code, policy, or administrative practice with respect to reports or complaints charging a faculty member or staff employee with sexual harassment.

Prohibited Conduct: Sexual Harassment Defined

Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct or written communication of a sexual nature is sexual harassment when:

- (1) submission to such conduct is made either explicitly or implicitly a term or condition of employment or academic standing;
- (2) submission to or rejection of such conduct is used as the basis for employment or academic decisions affecting such individual; or

- (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work, academic performance, or participation in extracurricular activities or creating an intimidating, hostile, or offensive working or learning environment.¹

Examples of Sexual Harassment

Sexual harassment can take different forms and the determination of what constitutes sexual harassment will vary according to the particular circumstances.²

Possible examples of sexual harassment may include but are not limited to the following:

- Seeking sexual favors or relationships in return for the promise of a favorable grade or other academic opportunity;
- Conditioning an employment-related action (such as hiring, promotion, salary increase, or performance appraisal) on a sexual favor or relationship; or
- Intentional and undesired physical contact, sexually explicit language or writings, lewd pictures or notes, and other forms of sexually offensive conduct by individuals in positions of authority or co-workers, that unreasonably interferes with the ability of a person to perform his or her employment or academic responsibilities.

The first two examples illustrate what is characterized as the "quid pro quo" form of sexual harassment. The third example illustrates the "hostile environment" form of sexual harassment.

¹ This definition essentially tracks the "Sexual Harassment Guidelines" the Equal Employment Opportunity Commission adopted in 1979 implementing Title VII of the Civil Rights Act.

² Sexual harassment may involve behavior by a person of either gender against a person of the same or opposite gender.

Hostile environment is unwelcome sexual behavior toward another employee or a student that is (1) persistent, pervasive, or severe; and (2) has the purpose or effect of interfering with the work or educational environment in a way that a reasonable person would find hostile or offensive.³ Isolated instances, e.g., a sexual overture, comment or joke, ordinarily will not constitute sexual harassment unless the circumstances are egregious. Nor does such sexual behavior constitute harassment if it is welcomed (i.e., voluntary and consensual).⁴

Disciplinary Sanctions

Disciplinary action for sexually harassing behavior may include any and all of the following: a verbal warning, a written reprimand, requirement to attend training, work restrictions, salary reduction or limitation, suspension or dismissal.

Educational Programs

It is the responsibility of the Cornell Office of Equal Opportunity to provide educational and training programs that will assist members of the University community in understanding what sexual harassment is and is not, and that sexual harassment is illegal under federal and state law and will not be tolerated.⁵

Specifically, the Office of Equal Opportunity will distribute copies of these procedures to all schools, departments, and programs at the University; present periodic workshops and seminars; and publish on a semi-annual basis publicly available reports summarizing the number, type, source, and outcome of sexual harassment complaints⁶.

³ Speech occurring in an instructional or research context is generally protected by academic freedom principles. Consequently, such speech, even if some listeners find it objectionable, ordinarily will not be considered to constitute "hostile environment" discrimination, unless it is targeted at a specific person(s) and is unreasonably offensive, or persists despite the objection of the person(s) targeted by the speech.

⁴ It is important to note, however, that a consensual sexual relationship between a faculty member and a student who is subject to the faculty member's supervision may raise a conflict of interest which violates professional ethics standards.

⁵ In addition to imposing certain responsibilities on the institution, these laws expose individuals culpable of sexual harassment to personal liability.

⁶ The purpose of these periodic reports is to publicize the availability and effectiveness of these sexual harassment enforcement procedures. For confidentiality reasons, the reports will not disclose the identities of complaining and charged individuals.

The Office of Equal Opportunity will also make available in its own office, and at other offices to which victims of sexual harassment would be likely to go for counseling and advice, a brochure that explains in simple, comprehensible terms the University's policies and procedures concerning sexual harassment.

**Responsibility of
Managers and Supervisors**

It shall be the responsibility of managers, supervisors, deans, and department heads (1) to inform employees under their direction or supervision of these sexual harassment procedures; (2) to notify the Office of Equal Opportunity when they receive reports or complaints of sexual harassment; and (3) to implement any corrective actions that are imposed as a result of findings of sexual harassment.

COMPLAINT REPORTING

Any faculty member, staff employee, or student who believes she/he has been victimized by sexual harassment is encouraged to promptly contact the Office of Equal Opportunity.

**Central Role of the Office
of Equal Opportunity**

The Office of Equal Opportunity, which is charged with the enforcement of the University's non-discrimination obligations, has the exclusive responsibility of accepting and processing complaints charging a staff employee or faculty member with sexual harassment. Efforts to resolve complaints, through mediation or investigation will be undertaken as promptly and in as confidential a manner as possible.⁷

⁷ Complaints will ordinarily only be investigated when the complaining party so elects. In extraordinary circumstances, however, the Office of Equal Opportunity may determine to investigate on its own particularly serious (e.g., coerced sexual acts) and evidently well-founded allegations even where the complaining party is reluctant to pursue such charges.

**Support Function of
Harassment Advisors**

Each college and major administrative unit has designated harassment advisors or counselors who are available to provide advice and guidance to individuals who believe that they have been the targets of sexual harassment. These advisors are especially conversant about these procedures, and thus can be particularly helpful to complainants in explaining the definition of sexual harassment, offering guidance on the appropriate recourse (including direct action, mediation, and/or complaint investigation), and providing information about psychological counseling and support services available to students and employees. Harassment advisors are required to notify the Office of Equal Opportunity when they receive reports or complaints of sexual harassment.⁸ Harassment advisors are not authorized to conduct investigations; nor will they maintain records of confidential consultations.

**Student Versus Student
Sexual Harassment**

Student complaints of sexually harassing or threatening behavior by other students are covered by certain provisions of the Campus Code of Conduct which is administered by the Office of the Judicial Administrator. The Office of Equal Opportunity, however, will process undergraduate student complaints related to the conduct of graduate teaching assistants in accordance with these procedures.

**Reacting to Sexual
Harassment: Direct
Action**

Sexual harassment is demeaning and degrading. It affects an individual's self-esteem, and can have a negative impact on an individual's work or academic performance. Employees or students who believe they are being sexually harassed are encouraged to react to the harassment by taking direct action: The appendix entitled "Reacting to Sexual Harassment: What You Can Do" explains practical steps to thwart harassing behavior at an early juncture. While direct action is encouraged and can, in some cases, stop the harassment, employees and students are not obligated to react before pursuing one of the other alternatives listed below, including filing a complaint.

⁸ The University Ombudsman is likewise required to refer any sexual harassment complaints to the Office of Equal Opportunity.

Initiating a Complaint

The complaint procedure is initiated when the complaining party files a written complaint with the Office of Equal Opportunity. The complaint must describe the act or acts complained of, identify the person or persons purportedly responsible, and indicate the date or approximate date on which the discriminatory act or acts occurred.

Confidentiality

All individuals who are involved in the complaint reporting, mediation and/or investigation process are obliged to maintain confidentiality of the proceedings.⁹ Confidentiality does not mean that the details of the complaint will be withheld from the charged party, or that the University is constrained from divulging the outcome in appropriate circumstances.¹⁰

Time Period For Filing a Complaint

Prompt reporting of a complaint is strongly encouraged, as it allows for rapid response and resolution of objectionable behavior. Ordinarily, complaints should be filed with the Office of Equal Opportunity within one year after the last act occurred. However, in instances involving a student complaint against a faculty member charging harassing behavior occurring in the context of a subordinate-supervisory academic relationship (e.g., teaching, advising, thesis or dissertation supervision, or coaching), the time period may be extended until one (1) year after the student is no longer under the faculty member's academic supervision or three (3) years from the date the alleged harassing behavior occurred, whichever is earlier. The complaining party's failure to file a complaint within the relevant limitation period will lead to the dismissal of the complaint.

⁹ The Office of Equal Opportunity will underscore the importance of confidentiality in meetings with the parties and witnesses. Furthermore, breaches of confidentiality during the fact-finding process could result in charges filed by an aggrieved party under applicable disciplinary or grievance procedures. Notwithstanding these cautions, the University cannot, and does not, guarantee that confidentiality will be maintained by parties and witnesses.

¹⁰ For example, the University may publicly divulge details of the outcome if the charged party discloses selective or self-serving portions of the proceedings, or in the event a lawsuit emerges where the complaining or charged party contests the findings or results of the University's investigation.

**Election To File
Internally versus
Externally**

The Office of Equal Opportunity is the University office responsible for accepting and handling discrimination complaints. The complaining party may elect to have the complaint mediated or investigated internally in accordance with these procedures; or may elect instead to file a formal charge of discrimination externally with a federal or state agency authorized by law to investigate such claims. The complaining party is free at any time (before or after the filing of a complaint with the Cornell Office of Equal Opportunity) to file a charge or institute formal proceedings before a federal or state agency. If a formal proceeding before a federal or state agency is instituted or a lawsuit is filed, the Office of Equal Opportunity may in such case elect to expedite or suspend its own investigation understanding that this external action alters the University's role from independent investigator to a respondent or defendant.

**Complaining Party:
Protection from
Retaliation**

Federal and state law and University policy prohibit any form of retaliation against a person who files a discrimination complaint, including a charge of sexual harassment. It is the responsibility of the Office of Equal Opportunity to state clearly to the charged party that any form of retaliation against a person for having filed a complaint is expressly prohibited and will result in serious disciplinary sanctions.

**Charged Party:
Protection from Bad
Faith Complaints**

The University also has a duty to protect the charged parties from bad faith complaints. If the Office of Equal Opportunity's initial investigation reveals that the complaint is fundamentally frivolous, malicious, or knowingly false, such charges will be dismissed and the investigation will be promptly terminated.¹¹

¹¹ As with any complaint brought in bad faith, the aggrieved individual may resort to any applicable disciplinary or grievance procedure.

MEDIATION PROCESS

Mediation Option

A complaining party who files a timely written complaint may elect to proceed by either mediation or investigation. A complaining party who elects initially to proceed by mediation may thereafter elect at any stage during or upon the conclusion of the mediation process to proceed by investigation. While a complaining party may elect to resort directly to the investigation process without initially attempting mediation, the Office of Equal Opportunity encourages complaining parties to participate initially in the mediation process¹².

Initial Review

Upon filing of the written complaint, the complaining party will be asked whether he or she consents to initial processing by mediation. If so, then a trained facilitator designated by the Office of Equal Opportunity will conduct an interview of the complaining party to determine the factual allegations on which the charge of sexual harassment is based and the terms satisfactory to the complaining party upon which the complaint could be conciliated. As soon as possible following the initial interview, the Office of Equal Opportunity will notify the charged party that he or she has been named in a complaint.

Mediation Process

Because each case can involve many variables, it is neither desirable nor practical to prescribe a mediation process applicable to all cases. The primary objective of the mediation process is to permit the parties to resolve the dispute on their own, quickly and confidentially. Except in unusual circumstances (and except as provided in the following paragraph), no person other than the complaining party and the charged party will be contacted by the Office of Equal Opportunity during the mediation process. Both parties will be instructed by the Office of Equal Opportunity to respect the confidentiality of the process.

¹² The mediation option may be particularly suitable for addressing and resolving certain instances of suspected sexual harassment, for example, where the charged party's conduct was unintentional or unknowingly offensive or which potentially implicates free speech or academic freedom concerns.

Mediation Agreement

If the complaint is successfully mediated, the Office of Equal Opportunity will prepare a form (the "successful mediation form") describing the agreed-upon terms. It shall be the responsibility of the Office of Equal Opportunity to ensure, through consultation with appropriate University officials, that the terms comport with University policies and procedures. The complaining party and the charged party will be expected to read and sign the successful mediation form. The successful mediation form will state that, by signing, the complaining party and the charged party agree that the dispute is fully and finally resolved, subject of course to the charged party's compliance with any stipulated commitments. In the event a party fails to comply with the commitments or conditions contained in the mediation agreement, the other party may seek the intervention of the Office of Equal Opportunity which may contact the party's supervisor to assist with enforcement, or institute an investigation of the underlying complaint.

Mediation Record

The Office of Equal Opportunity will not retain any written record of the mediation process except the complaint and the successful mediation form, which shall be made available to the complaining party and charged party upon request. The Office of Equal Opportunity will discard all other documents and notes as soon as the mediation process has been concluded.

INVESTIGATION PROCESS

If either party is dissatisfied with the outcome of the mediation process, or the complaining party elects to proceed directly to the investigation process, then that process is conducted in accordance with the following procedures.

**Investigation and
Mediation Distinguished**

The investigation process differs from the mediation process in several respects:

- (1) An investigation may involve persons other than the complaining party and charged party including witnesses and the charged party's supervisor.
- (2) The complaint, any written statements of the complaining party, charged party, and witnesses, and the investigation report become part of a written record. The record will be made available upon request to the complaining party and the charged party. The record may be used as documentation for any corrective actions recommended to the appropriate dean or vice president.

**Purpose and Scope of
Investigation**

The purpose of the investigation is to ascertain the facts and to determine whether prohibited harassment occurred. It is an informal fact-finding process, which is undertaken by interviewing the parties and any witnesses and by examining any pertinent records or documents. Except in extraordinary circumstances described below, adversarial hearings (including confrontation, cross-examination by the parties, and active advocacy by attorneys) are neither appropriate nor applicable during the investigation process¹³. In conducting the investigation, the Office of Equal Opportunity will keep both parties informed as to the status of the investigation. The precise features and steps of the investigation process, which is conducted by the Office of Equal Opportunity, are set forth in the Appendix entitled "Features and Steps of Investigation Process". In making investigative findings, the Office of Equal Opportunity will apply the conventional "preponderance of evidence" standard, i.e., whether it is more probable than not that the purportedly prohibited conduct occurred.

¹³ The complaining and charged parties are free, of course, to seek the advice of personal advisors and attorneys, who may attend investigatory meetings. But these representatives are not permitted to speak in lieu of the parties or to question witnesses.

Faculty Co-Investigator In instances in which a faculty member is the party charged with sexually harassing behavior that is alleged to have occurred in the context of an academic relationship (i.e., teaching, advising, research thesis or dissertation supervision), the Office of Equal Opportunity will designate a faculty member to serve as a co-investigator. The faculty co-investigator, who will be selected from an elected pool of faculty members with experience in conducting administrative investigations and hearings, will collaborate with the Office of Equal Opportunity investigator in conducting the investigation and preparing the investigative report.

Investigative Hearings The investigation conducted by the administrator and faculty member co-investigators concerning student allegations against a faculty member in the context of an academic relationship will ordinarily adhere to the informal fact-finding process prescribed in the Appendix entitled "Features and Steps of Investigation Process." In extraordinary circumstances, however, the co-investigators may conduct an investigative fact-finding "hearing" if they decide, in their discretion, that such a proceeding would significantly assist in reaching a determination as to the merits. "Extraordinary circumstances" which may warrant a fact-finding hearing are:

- (1) the initial interviews of the parties reveal fundamentally conflicting factual accounts, e.g., the charged party denies that the purportedly harassing behavior occurred; and
- (2) the complaint charges a serious sexual harassment offense which, if factually established, would likely lead to imposition of a serious sanction¹⁴;

¹⁴ A "serious offense" means "quid pro quo" sexual harassment or "hostile environment" sexual harassment where the sexual behavior is alleged to have been persistent, pervasive, and severe. A "serious sanction" means reduction in salary, suspension, or dismissal.

If circumstances (1) and (2) apply in the judgment of the co-investigators, they may convene a private hearing in which the parties to the dispute are invited to appear and to confront adverse witnesses (with the assistance of personal advisors or attorneys). In addition to hearing from the parties, the co-investigators may call witnesses, and gather whatever additional information they deem necessary in order to present their findings and recommendations in the investigative report. The co-investigators shall preside over, and determine the scope of the investigative hearing.

Record-Keeping

The Office of Equal Opportunity will maintain all records of written complaints according to the following schedule:

Records of investigated complaints in which sexual harassment is factually determined not to have occurred (i.e., "no cause" findings) will be confidentially maintained for three (3) years, or until the conclusion of any external agency investigation or legal action, whichever is later.

Records of complaints which, following investigation, resulted in a factual determination that sexual harassment had occurred will be maintained permanently.

Consultation with University Counsel's Office

Whenever an investigation is conducted, the Office of University Counsel may be consulted as necessary, and that office will be provided with a copy of the written report before the report is forwarded as provided in the "Investigation Report" paragraph below.

Investigation Report

At the conclusion of the investigation, the investigator (or co-investigators, if applicable) will prepare a written report. The investigation report will address the factual allegations in the complaint, explain the scope of the investigation, present factual findings, and determine whether sexual harassment occurred. The Office of Equal Opportunity will forward the investigation report in confidence to the appropriate dean (if a faculty member is the charged party) or vice president (if a staff member is the charged party)¹⁵.

¹⁵ In instances in which a dean or vice president is the charged party, the report will be provided to the President.

If the investigation results in a factual determination that sexual harassment occurred, then the report will include recommendations concerning (1) corrective actions to be taken against the charged party; and (2) specific make-whole provisions for the benefit of the complaining party where appropriate.

Disposition by Dean or Vice President

The dean or vice president¹⁶ to whom the investigation report is forwarded may either accept, modify or reject the findings and recommendations. Prior to making any final decision, however, the dean or vice president shall first forward to the complaining party and the charged party copies of the investigation report and provide both a reasonable opportunity to submit written comments (i.e., within 30 days).¹⁷

Following review of any comments, the dean or vice president will make a preliminary or final judgment (as explained below) and notify in writing the complaining party, the charged party, and the Office of Equal Opportunity.

"No Cause" Finding

- (1) If the dean/vice president's decision affirms a factual determination that sexual harassment has not occurred (i.e., "no cause" finding), the University's internal complaint resolution process is concluded and the complaining party will be informed of her or his rights with regard to other external avenues of complaint processing. Furthermore, the decision may include, if appropriate, reasonable steps to restore the reputation of the charged party (such as expungement of records, and, unless the charged party otherwise requests, notification to persons who participated in the investigation of the charge, and/or public announcement of the outcome).

¹⁶ Or the President, if appropriate (see note 15).

¹⁷ The dean or vice president may also confidentially consult with the Associate Vice President for Human Relations, University Counsel, and/or the charged party's supervisor or department head concerning the sufficiency of the investigation, the factual findings, and the related recommendations (if any).

**"Cause" Finding -
Uncontested**

- (2) If the charged party does not contest an investigation finding that sexual harassment has occurred (i.e., "cause" finding) and the recommended corrective action(s), the dean/vice president may determine to accept the report and notify the parties that the complaint resolution process is concluded (subject to implementation of and compliance with the corrective actions).

**"Cause" Finding -
Reduced Sanction**

- (3) If the dean/vice president makes a preliminary judgment to accept a "cause" finding but indicates an intention to reduce the recommended sanction(s), the dean/vice president will communicate this preliminary judgment to the Associate Vice President for Human Relations who must concur with the proposed reduction in sanction(s) before a final decision is rendered.

**"Cause" Finding -
Contested**

- (4) If the investigation report results in a "cause" finding and the charged party specifically contests the recommended disciplinary sanction and/or the underlying factual findings of sexual harassment, the charged party may seek recourse in accordance with the applicable adjudicatory procedures described in the "Staff Grievance" or "Faculty Grievance" sections set forth below. In these circumstances (i.e., a contested cause finding) the dean/vice president will defer a decision until the conclusion of the applicable adjudicatory/grievance process and review of the related report and recommendations.

**Staff Grievance
Procedures**

In instances involving staff employees or administrators, the Employee Complaint and Grievance Procedure will govern the adjudication of any contested disciplinary action. Unionized employees may resort to the arbitration procedures provided pursuant to the applicable collective bargaining agreement. Non-professorial academic employees such as librarians may similarly seek recourse under applicable grievance procedures. The applicable adjudicatory/grievance report and recommendations will be forwarded to the appropriate vice president who will make the final decision.

**Faculty Grievance
Procedures**

A faculty member may contest the investigation report's recommendation of minor sanctions by filing, within 30 days of the dean's transmittal of the investigation report, a grievance with the Committee on Academic Freedom and Status of the Faculty, which will conduct an inquiry in accordance with procedures customarily governing faculty grievances and forward its report and recommendation to the dean, who will make the final decision. Where a severe sanction such as suspension of duties or dismissal is contemplated (i.e., recommended in the investigation report and preliminarily accepted by the dean), the Board of Trustees-established faculty dismissal procedures will govern the adjudication.

Effective Date

These procedures govern any and all complaints of sexual harassment reported or filed on or after July 1, 1996.

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REACTING TO SEXUAL HARASSMENT: WHAT YOU CAN DO

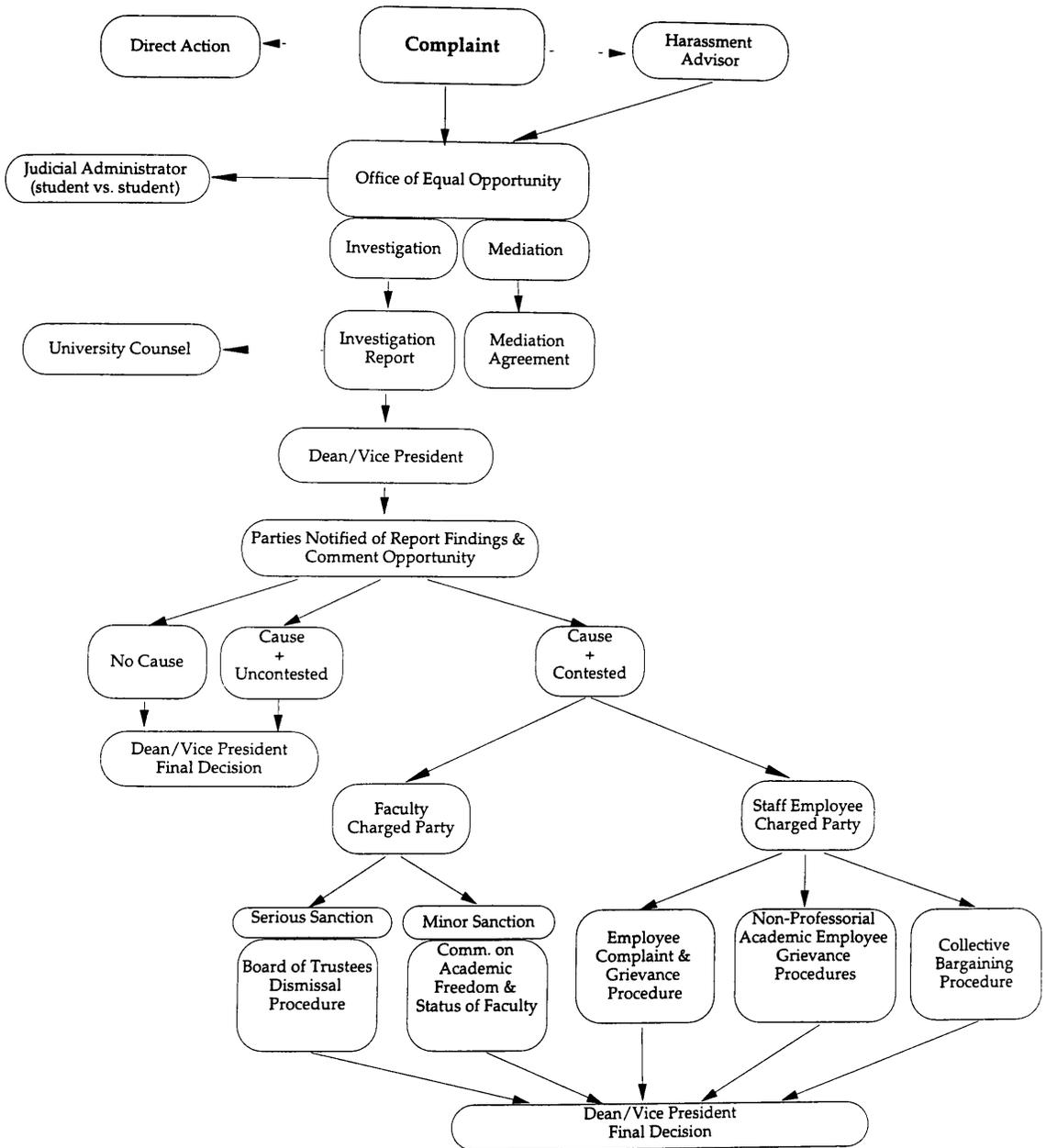
- Say "NO" to the harasser. Ignoring the situation will not make it go away. An unequivocal response will help prevent any misunderstanding about whether the behavior is welcome. Be direct: "I'd like to keep our relationship strictly professional." If you know of others who have had similar experiences, approach the offender together.
- Write a letter to the harasser: describe the offensive behavior and why you object to it. State that you want the harassment to stop. Keep a copy.
- Keep a record of what happened. Include the date, time, place, names of the people involved and of witnesses, and who said what to whom.

FEATURES AND STEPS OF INVESTIGATION PROCESS

Investigations conducted by the Office of Equal Opportunity will be guided by the following process:

- (1) Identify the alleged harasser (the charged party).
- (2) Thoroughly ascertain all facts in connection with the alleged incident, beginning by initially and separately interviewing the complaining party and the charged party.
- (3) Ask how the complaining party responded to the alleged harassment and determine what efforts, if any, at informal resolution of the matter were made.
- (4) During the first interview with the charged party, remind the alleged harasser of University's policy against retaliation for making a complaint of sexual harassment.
- (5) Determine the frequency and type of the alleged harassment and, if possible, the dates and locations where the alleged harassment occurred.
- (6) Develop a thorough understanding of the professional relationship, degree of control and amount of interaction between the two parties.
- (7) Determine whether the complaining party knows of or suspects that there are other individuals who have been harassed by the charged party.
- (8) Determine whether the complaining party informed other parties or supervisors of the situation and what response, if any the complaining party received from these individuals.
- (9) Interview any witnesses who observed or were told about the alleged harassment.
- (10) Review relevant files and records (including personnel files maintained by departments and/or administrative units; records of the Office of Equal Opportunity regarding the disposition of any previously investigated complaints against the charged party; and any other documents deemed relevant by the Office);

COMPLAINT PROCESSING FLOW CHART



RESOLUTION RE REVISED DRAFT PROCEDURES FOR SEXUAL HARASSMENT OF MARCH 21, 1996

BE IT RESOLVED, that the Senate recommends that the University Faculty Committee transmit to the Provost the following suggestions for amending the Revised Draft Procedures for Sexual Harassment of March 21, 1996:

I. Footnote 3 on page 3 should be deleted, and in its stead, the following wording inserted as a separate paragraph following numbered paragraph (3) in "Prohibited Conduct: Sexual Harassment Defined" on page 2.

Speech occurring in an academic or research context which otherwise might be considered sexual harassment is generally protected by the principle of academic freedom, even if some listeners find it objectionable. Such speech will not be considered to constitute "hostile environment" discrimination unless it is directed at a specific person and is abusive, severely humiliating, or persists despite the objection of the person(s) targeted by the speech.

II. a. In the "Faculty Co-Investigator" paragraph on page 11, the words "Office of Equal Opportunity" should be replaced with "Dean of the Faculty" in line 5.

b. The words "elected pool of faculty members with experience in conducting administrative investigations and hearings" shall be replaced with "a pool of faculty members chosen by procedures to be established by the Faculty Senate".

III. In the "No-cause finding" paragraph on page 13, in line 7, the words "may include, if appropriate" should be replaced with "will include".

IV. In the "Cause Finding - Contested" paragraph on page 14, the following concluding sentence should be added. "In situations resulting in disciplinary sanctions, the standard of proof shall be clear and convincing evidence that sexual harassment has taken place."

V. In the "Faculty Grievance Procedure" paragraph, the words "severe sanction such as" in lines 8-9 should be deleted in the interests of specificity.

Adopted as amended by the Faculty Senate, April 10, 1996.

RESOLUTION RE GRADE REPORTING

WHEREAS, the Committee on Academic Programs and Policies, has determined that it is desirable for Cornell University to provide more information to the reader of a transcript and produce more meaningful letter grades,

THEREFORE, BE IT RESOLVED, that the Faculty Senate adopts the following policies on grade reporting:

1. Transcripts and grade reports for undergraduate students shall indicate, along with the grade earned, the median grade given in the course and the course enrollment. Independent study, honors courses, and individual research may be exempted upon recommendation by the department (or program) and appropriate college committee. Courses with enrollments of fewer than ten students will also be exempt from this policy. This policy shall become effective as soon as technically feasible, but will apply only to classes entering after the effective date.
2. The Office of the University Registrar shall publish at the end of each semester, a list of median grades and enrollments of all undergraduate courses with ten or more students. This policy shall become effective in Spring 1997.

Technical details:

The record of a course on an undergraduate's transcript now reads, for example:

RELATIVITY AND CHAOS PHYS 209 3.00 B-

This indicates the course title and number, credits received, and grade.

Under the new proposal the record would read:

RELATIVITY AND CHAOS PHYS 209 3.00 B- (110) (B-)

This indicates, in addition, that the course had an enrollment of 110 and that the median grade was B-.

This procedure will be introduced so that each undergraduate class will have a uniform transcript. For example, if the procedure goes into effect in Fall, 1998, it will affect only students who begin their first year in 1998 or later years.

The letter grades of all students registered in a course, whether regular Cornell undergraduates or not, will be used in calculating the median grade for the class. The median grade is the grade below and above which there is an equal number of grades.

The enrollment indicates the total number of students who took the course for a letter grade. In the case of cross-listed courses this enrollment will indicate the aggregate number of students in the course (not the number of students who signed up under a particular number).

If there is an exact tie for the median grade in a class, the median grade will be rounded down to the lower grade. For example, if half the grades in a course are B or below and half are B+ and above, so that the median would therefore be B or B+, the median will be rounded down to the lower of the two grades: in this example B would appear as the median grade.

The calculation of the median course grade will be made when all grades for the course have been submitted at the end of the semester. The median course grade will not be recalculated to take account of grade changes, resolution of incompletes, etc. that are made at a later date.

Rationale

Students will get a more accurate idea of their performance, and they will be assured that users of the transcript will also have this knowledge. A grade of B- in a course of substantial enrollment in which the median was C+ will often indicate a stronger performance than, e.g., a B+ in a large course in which the median is A. More accurate recognition of performance may encourage students to take courses in which the median grade is relatively low.

Outside users of the transcript will have more information on which to base their assessment of a student's performance in his or her courses.

March 4, 1996

Ad Hoc Procedure for Appealing a Negative Tenure Decision of the Provost Following a Positive Recommendation by a Dean

If the Provost's preliminary negative decision follows a positive recommendation by the college dean, the Provost shall, within three weeks of receipt of the dean's recommendation, furnish the candidate, the dean, and the department with a preliminary written statement of the reasons for that decision. For a two-week period following receipt of the statement, the candidate, dean and/or department shall have the opportunity to respond to the Provost, prior to the Provost's decision.

A. Filing an Appeal

If the Provost's decision is negative, the candidate or the college or the candidate and the college in concert may appeal that decision. The appeal must be filed in writing with the Provost and the Dean of the Faculty within two weeks of notification of the Provost's decision and must state the specific reasons for the appeal. The reasons must be based on one or more of the grounds listed in the following Section (B.). Failure to raise a particular reason may be treated as a waiver of such a claim in this or any subsequent procedure.

B. Grounds for an Appeal

The grounds for an appeal shall be limited to one or more of the following:

1. During the appellant's probationary period, he or she was unfairly and seriously hindered in meeting the department's standards
 - a. by having been put under obligation to accept unusual and unreasonably heavy duties for the department, college, or University or having been denied departmental support, contrary to the normal departmental practices, or
 - b. by having been given misleading information or information so inadequate as to be fully the equivalent of misleading information by the department chair or dean concerning the departmental or college expectations of candidates.
2. In the conduct of the tenure review, there were violations of the established procedures and practices of the department, the college, or the University. These violations were so serious that the appeals committee believes they affected the outcome of the tenure review.
3. The evaluation of the appellant was influenced by unlawful discrimination.
4. The evaluation of the appellant was substantially influenced by consideration of factors unrelated to the performance of the appellant in carrying out the professional and collegial responsibilities of his or her position, or by improper and unprofessional consideration of factors which, if properly considered, would be

material and relevant. The violations were so serious that the appeals committee believes that they affected the outcome of the tenure review.

5. The decision was so inconsistent with the evidence in the record that it must be judged arbitrary or capricious. [The term arbitrary and capricious fundamentally describes actions which have no sound basis in law, fact or reason or are grounded solely in bad faith or personal desires. A determination is arbitrary and capricious only if it is one no reasonable mind could reach.]

C. The University Appeals Panel

An appeal shall be heard by an Appeals Committee composed of five tenured University faculty members. At least four members of the Appeals Committee shall be members of the University Appeals Panel. The Dean of the Faculty shall be responsible for establishing the University Appeals Panel, and maintaining a list of members. Each college shall elect five tenured faculty members, or five percent of its tenured faculty, whichever is greater, to the Panel. In addition, the President of the University shall appoint ten tenured faculty members to the Panel. The term of office shall be five years, with a rotation system developed at the time of the initial election.

D. Selection of an Appeals Committee

Within two weeks after the appeal of a Provost's negative decision, the Dean of the Faculty shall be responsible for forming and charging an Appeals Committee to hear the appeal. Members of the Appeals Committee shall be selected in the following manner:

1. The appellant and the Provost shall each nominate four members of the University Appeals Panel. The appellant's nominees shall choose two of the Provost's nominees, and the Provost's nominees shall choose two of the appellant's nominees. The four so chosen shall then choose a fifth tenured University Faculty member, who shall chair the committee. The chair shall be from the college of the appellant, except in those colleges where all tenured faculty members participate in each tenure decision.

2. Any person nominated who has previously participated in the review of the appellant or feels unable to render an unbiased judgment or perceives a conflict of interest shall disqualify him or herself. However, in those colleges where all tenured faculty participate in each tenure decision, the automatic disqualification of that college's Appeals Committee members shall be waived if that is agreeable to both parties.

E. Principles and Restrictions to be Observed by the Appeals Committee

In its deliberations and findings, the Appeals Committee shall respect the following principles and restrictions:

1. The Committee's review shall be limited to determining whether any one of the five possible grounds for appeal (listed in Section B.) has been established. The Committee may, if circumstances warrant, investigate and return findings concerning possible violations of the grounds for appeal (listed in Section B.) not raised by the appellant.
2. The Committee shall recognize the central role of peer judgment in tenure decisions. Hence, the Committee shall avoid substituting its assessment of the appellant's professional qualifications for those of the department and the experts outside the department who have been asked to submit evaluations. The Committee's role in judging professional merit shall be limited to determining whether the recommendations of the Provost were arbitrary and capricious as defined in B.5., or based on the inappropriate considerations listed in B.3. and B.4.
3. The Provost has a major responsibility in maintaining the standards of Cornell. Therefore, the Committee shall avoid substituting its judgment in those matters for that of the Provost.
4. It is impossible to make precise and universally agreed-upon evaluations of candidates. Therefore, the possibility that a different group of reasonable people might have come to a different conclusion concerning the merits of the appellant is insufficient grounds to sustain the appeal.
5. Comparisons with other tenure review cases may be used by the Committee in certain cases (See F.1.). However, the Committee shall recognize the right and duty of departments to improve their quality or take into account different departmental needs, so long as this is not done as a pretext. A weak previous tenure appointment shall not by itself be taken to define the University standard.

F. Appeals Committee Procedures

The following procedures shall govern the activity of the Appeals Committee:

1. The Committee shall have access to the tenure file of the appellant. If the appellant charges that the decision was arbitrary or capricious as defined in Section B.5. or based on the inappropriate considerations listed in Sections B.3. and B.4., and if the Committee finds it essential to read the files of recent comparable cases within the college of the appellant to examine that charge, it shall have access to those files as well. However, the Committee shall not as a matter of course request access to

the files of recent cases within a department or college. The Committee shall scrupulously protect the confidentiality of all documents and testimony.

2. In addition to examining written material, the Committee may hear the views of the principal parties and others it deems appropriate.

3. The Committee shall not be required to keep a transcript of its proceedings. The Committee shall maintain a record of the names of the persons interviewed and the titles of the documents considered.

4. The Committee shall report in writing within eight weeks after being formed. The report shall be furnished to the appellant, the Provost and the college dean. It shall give the Committee's findings, and the reasons for those findings. These findings should be directly responsive to the grounds for appeal listed in Section B. Before issuing the report, the Committee shall circulate a draft to the appellant and the Provost and invite responses.

G. Findings by the Appeals Committee

The Appeals Committee shall make one or more of the following findings. The ensuing action shall be as stated:

1. If the Committee finds that none of the five possible appeal grounds (see Section B.) has been established, it shall reject the appeal. This decision shall not be subject to further appeal within the University.

2. If the Committee finds that the ground for appeal in Section B.1. has been established, it may recommend that the appellant's appointment be extended for a fixed period, after which a new tenure review shall be undertaken. It is expected that the Provost will follow the Committee's recommendation. If the Provost chooses not to grant the recommended extensions, the Committee's report and the written response of the Provost shall be forwarded to the President. Within four weeks, the decision of the President and the reasons for it shall be given in writing to both principal parties, and a copy shall be sent to the Committee. The decision of the President shall not be subject to further appeal within the University.

3. If the Committee finds that any other ground for appeal in Section B. has been established, it may return the case to the Provost for reconsideration. The Provost shall promptly take appropriate action to correct the deficiencies that the Committee has found, and shall provide a written report of the reconsidered decision to the Committee, the dean, and the appellant. If the reconsideration results in an affirmation of the original decision, this judgment shall be reviewed by the original Appeals Committee, which shall take the following action:

a. If the Appeals Committee finds that the tenure review process no longer has serious deficiencies, it shall reject the appeal. This action shall not be subject to further appeal within the University.

b. If the Committee finds that the tenure review process continues to have serious deficiencies and that an independent academic evaluation is appropriate, a panel of professionally qualified and not previously involved expert scholars from inside or outside Cornell shall be appointed to review the case and make a recommendation as to the granting of tenure. The panel's review shall not constitute an additional appeal from the Provost's decision, but shall constitute a new independent judgment concerning the candidate's academic qualifications for tenure. The panel shall be appointed jointly by the chair of the Appeals Committee, the Dean of the Faculty, and the President of the University. The panel shall be entitled to all of the evidence on which the original substantive decision was based and shall be entitled to collect such further evidence deemed necessary to reach a new substantive judgment. The recommendation of the panel of expert scholars and the response of the Appeals Committee, the dean, the Provost, and the appellant shall be forwarded to the President. Within four weeks, the decision of the President and the reasons for it shall be given in writing to both principal parties, and a copy shall be sent to the Committee. The decision of the President shall not be subject to further appeal within the University.

[Note: Nothing in this document shall be construed to prevent an appeals committee from attempting to arrange an informal settlement of the complaints if it believes that fairness can, thereby, be served and that such an arrangement best serves the interests of the appellant, the department, the dean and the University. No action may be taken under this provision unless it is agreed to by the dean, the department, and the appellant.]

DISPOSITION OF RECORDS AND FILES

A. The Dean of the Faculty shall maintain copies of all reports of Appeals Committees and shall maintain records of all subsequent actions within the University that occur in these cases. At the completion of an appeal, all case files shall be returned to the dean of the college.

B. On completion of the appeal, the chairperson of the Appeals Committee shall provide to the Dean of the Faculty a letter describing any difficulties encountered in applying or interpreting these procedures. The Dean of the Faculty shall maintain a file of these letters, a digest of their central points, and other documents useful to subsequent appeals committees or to anybody authorized by the FCR to evaluate these procedures.

4/10/96

MINUTES OF A MEETING OF THE FACULTY SENATE
Wednesday, May 8, 1996

The Speaker, Professor S. Kay Obendorf, Textiles and Apparel, called the meeting to order. She then called on Dean Stein for remarks.

1. REMARKS BY THE DEAN

Peter C. Stein, Dean of Faculty: "This is my usual role of ensuring that the meeting starts at 4:30, even though there is still a good number of people outside signing in. On this occasion, we do have a full agenda, so I would like to cede my time for making remarks to one of our Faculty Trustees, Joe Calvo. As you know, we have two Faculty Trustees, the other being Dick Schuler; and we're now in the process of selecting a replacement for Joe. Joe has been a Faculty Trustee for four years now, and I'd just like to say a few words about him.

"There's a phrase that kind of warms my heart that has fallen into disuse and has been debased; the phrase I like is 'public servant.' Every politician calls him- or herself a public servant, and very few are. But it's a nice phrase, and it indicates someone who really desires to serve the community that has selected him or her. Joe, to me, is a perfect example of that phrase, 'public servant.' He is indefatigable. He has gone on that bus to New York City more times than I can count. Joe tirelessly reads material, thinks things through, talks about them with faculty members, and tries to understand where we are and to communicate that to the Trustees. I have often disagreed with Joe on many issues, but never once has my admiration for him flagged. I think he has been a wonderful public servant, in that role, and it's a pleasure for me to acknowledge his four years of service."

2. REMARKS BY A FACULTY TRUSTEE

Joseph M. Calvo, William T. Keeton Professor of Biology; Faculty Trustee: "Well, I didn't expect an introduction—and certainly not one like that. Thank you. Dick Schuler and I would like to establish a tradition whereby the Faculty-elected Trustees, at least once a year, bring to you some issue that is before the Board and that is of interest to all of us. As you can imagine, it's a little difficult to do this, because most of what the Board does, it does in private. But I'm going to try to give you some sense of the thinking—of at least some individuals on the Board—on the issue of residential communities, and I'll try to do that in just a few minutes.

"Let me start by trying to give you some sense of the background of the Board members. The working Board is made up of some sixty individuals, plus four ex-officio members. Of the sixty, thirty-eight are voting members; but, in fact, one can hardly distinguish between the voting members and the non-voting members. Essentially, all of the sixty work together and come to decisions as a whole. In

addition, there is a sizable number of emeritus Board members, and of that number, some eight of them are presently very active and have committee assignments.

“So how are Board members selected? Some are elected, as you know: one by the employees, two by the students, and two by the Faculty; and then there are eight alumni who are elected, two each year. And I’d like to point out that there is some considerable effort and expense that’s involved in running these elections. The student election is hotly contested and involves organizing an election for more than 10,000 students. Also, consider what’s involved in running an election, each year, for alumni trustees. We have more than 100,000 alumni, and just the cost of a mailing to all of those alumni is considerable. Most of the Board members are elected, however, by the Board itself. That includes the Trustee Fellows—the non-voting members who make up part of the sixty—and other members at-large. Also, it’s stipulated in the charter that at least two come from labor and two from agriculture.

“In terms of their association with Cornell, fifty-five out of the sixty have gotten a degree from Cornell. The Arts College and Engineering College are highly represented; also, there is a considerable number from the College of Agriculture and Life Sciences and Industrial and Labor Relations.

“In terms of age distribution, it won’t surprise anybody that most of the members are between fifty and sixty-five; so that represents, essentially, the group that graduated in the late 1950s and the early 1960s.

“In terms of where Board members come from, something like two-thirds of them come from the Northeast and the Mid-Atlantic region, with half of the members just coming from New York State alone. And then there’s a smattering of Board members coming from other parts of the country, and there are four who come from outside the U.S.

“In terms of their professional affiliations, there is a majority who come as the ‘captains of industry’—they come from the financial world, real estate, and so forth. Another point is that they represent a large range of interests; this group certainly makes the Board an interesting group of individuals.

“In terms of how long individuals have served on the Board, a little more than half are just in their first term. There’s about another third who are in their second term, and there’s a smaller number of individuals who have served three terms or more. There are several individuals who have served the Board in the range of twenty-five years. As you can imagine, some of these Board members with long service are very influential members.

“With this background, let me now turn to this issue of residential housing. What I did was to call up a number of members of the Board—I reached a total of nine—and I had a conversation with each in the range of a half an hour or so. I didn’t

prompt them with questions; I just threw out this subject. Mostly, what they had to say focused on the freshman experience because, as you know, everybody is intensely interested in that question right now. So what I am relating to you are opinions of individuals; none of them would want their opinions taken to be the reaction of the Board as a whole. You can think of this as a kind of 'snapshot in time.' There's going to be a full debate at the coming Board meeting at the end of this month; and, certainly, some views may change after the debate. But here's what I heard from this group of individuals.

"Clearly there's a fear on the part of some of these individuals regarding the 'Balkanization' of the Campus. Essentially, this has a negative impact on the atmosphere and the environment here at Cornell. One of the Board members specifically spoke of the reputation of Cornell, and she personally knows of students who elected *not* to come here because of the feeling that the polarization on campus was a serious problem at Cornell. A number of her friends have questioned her about this and have wondered what was going on. So this, at least, was a factor in the minds of some. Then, there were more than several who keyed in on this point: our responsibility to ensure that freshmen have a broad, rather than a narrow, experience. One individual in particular referred to the Greek system and to the situation at Cornell in the early 1950s, when freshmen could start rush right when they first came to Cornell. Now, it's pretty much universally agreed that the system has worked out well, not having freshmen immediately joining the Greek system. In that same vein, these several individuals felt that that could be extended to the program houses. And one individual pointed out that in other institutions, random assignment of freshmen works perfectly well—there are not major problems with that at other universities.

"Several other individuals talked about a responsibility to ensure that freshmen have a good first-year experience. I'd like to convey to you a sense that I got that that's more than platitude. These individuals understand that making a real change in the environment of the dormitories at Cornell is going to cost us. The sense I got was that they felt it was worth the cost, even understanding that there are going to be trade-offs: putting in money to do that means not having money to do other things. I got a clear sense of that. Also, I got a sense that President Rawlings is very committed to making this a major part of his administration. Because of that, there's a good chance that something really will happen. One of the aspects of the current proposal is the idea that there should be a common experience for freshmen. I want to say that that's not something I've heard a lot in these conversations. One individual pointed out that she was very taken by the idea of something like a 'Cornell 101,' but that was not a theme I heard over and over again.

"Another thing that you might imagine is that individuals would voice support for the President. After all, the Board basically acts to support the President and the Administration. But I didn't hear that even once as a rationale, that 'we should do this because we should support the President.' What I did hear was that Rawlings' plan is a sensible plan that is moving Cornell in the right direction.

"In terms of whether there is a hidden agenda within the Board for wanting to do away with program houses—that's a question that arose several times—I can say that only one individual that I talked to made it clear that he would be happy not only to have freshmen not living in program houses—but that if we altogether had no program houses, we would be better off. Outside of that one individual, six others said they were strongly in favor of program houses and, indeed, that they should be strengthened.

"One individual again made a comparison to the Greek system. He pointed out that, in the early 1950s, when there was a lot of discussion about this issue, there was a lot of worry about the demise of the Greek system. Without the enthusiasm, energy, and financial support from the freshmen, the Greek system wouldn't be able to survive. There were also concerns about a hidden agenda at that time. His point was that that has not proven to be the case.

"Finally, I would like to mention that two individuals talked about their sympathy for the point of view of those students living in program houses who feel that it's absolutely a critical experience for them. In talking with students, they began to change their perspective or, at least, began to be not so sure about their previous stance on the issue. One of them has come around to feel that the real problem lies in this sort of 'Animal House' environment of West Campus, so what needs to be done is to put our efforts into trying to improve that environment—and to leave the program houses alone. That was one person's perspective. And two people mentioned that they fully expect to hold the Administration to their pledge of not putting in the part of the plan that deals with freshmen not living in program houses until all the residential units are improved.

"Those are the comments that I have to make to you, and I'd like to point out as a final remark that if you read the proposal of the Administration, you will find it laced with allusions to faculty involvement. In fact, on the two pages that I was just skimming, there were five references to an intent to try to get the Faculty more involved in residential communities. This is something that we clearly need to become engaged with as a faculty and discuss whether, in fact, that's feasible and whether there's the energy and the will out there to really cooperate with the Administration on this issue."

Speaker Obendorf: "Thank you, Joe."

3. APPROVAL OF MINUTES OF APRIL 10 FACULTY SENATE MEETING

Speaker Obendorf: "I would like to turn to the consideration of the minutes of the April 10 meeting of the Faculty Senate. Do you have any corrections for those minutes? Hearing none, we can approve them by acclamation.

"I would like to move on to having the question-and-answer period with Provost Randel."

4. QUESTIONS AND ANSWERS WITH THE PROVOST

Professor William H. Lesser, Agricultural, Resource, and Managerial Economics: “Provost Randel, in a few minutes we are going to be discussing the proposal for a major revision in our tenure evaluation process. Before that, I’d like to take just a minute, if I could, to consider some recent past events, and I’m concerned particularly with the ad-hoc procedure of appealing a negative tenure decision of the Provost following a positive recommendation by a dean. I believe Dean Stein prepared that procedure, perhaps at your request, and certainly, most likely, at your consent. During the Senate meetings this spring, I’ve tried on three occasions to get some substantive discussion here about the role and the appropriateness of a procedure like this, not influenced by the University Faculty Committee. And in all three cases, no substantive discussion has ensued. I believe, Provost Randel, that you were present during these three meetings. Most recently working through one of the members of the University Faculty Committee, I tried to get a little bit of time to get some discussion of that matter in their meeting, but that didn’t advance, either. Apparently Dean Stein indicated, from his perspective, that that matter was closed.

“My question is this, Provost Randel: Since Dean Stein both drafted the procedures and maintains a significant role in establishing the agenda for the Senate, there’s certainly a minimum appearance of a conflict of interest in his failure to withdraw himself from discussion on this matter. I’m wondering, Provost Randel, did you advise him with respect to that appearance and suggest that he might consider a different approach to the matter of the agenda?”

Provost Randel: “The short answer to that question is ‘no’; that is, I did not advise the Dean in that way. But, in order to understand what’s being talked about here, I think the Senators need to have a fuller understanding of the circumstances. Without wishing to discuss a particular question or case here, I will consider some of the fundamentals.

“What is at issue? In the first instance, this question has been asked—but it has not always been correctly understood. Does the President, or his designee—at present, the Provost—have the authority to turn down a positive recommendation that some member of the Faculty be promoted to tenure? That is, if the department is positive and if the dean sends a positive recommendation to the Provost, the President’s designee, does the President always have the authority to say ‘no’ at that point? The answer is clearly ‘yes.’ The Faculty Appointments Manual makes clear that at all other levels, a ‘two-no’ system prevails—that is, if you get a ‘no’ at the department, you have a right to appeal. Likewise, if the college says ‘no’—and that’s the first ‘no’—you have the right to appeal at the University-level. But the Appointments Manual makes it perfectly clear that that principle does not apply at the level of the President’s Office. So the President’s Office does have the authority to say a first ‘no’—and that’s it, without any provision for appeal.

"Such a case did arise last fall, in which the President's Office, namely I—acting as the President's designee—denied a positive recommendation from a dean for promotion to tenure, and this was the first 'no' in that case. A good deal of discussion ensued around the Campus, as many of you may know, about three cases, as it turned out, that were sent back in varying ways—but one was returned with a definitive 'no.'

"There was no obligation on anybody's part to offer any further appeal because the procedures are perfectly clear: the authority to issue a first and final 'no' does lie and does rest with the President's Office. Given the discussions, however, and given the fact that there had been a change in the Administration and that this particular case had been launched by one dean and went over the summer into the new Administration where there was not only a new dean but a new Provost, I, in consultation with Dean Stein, agreed that we would allow for an appeal of that decision. There was no obligation on anybody's part to offer such a mechanism of appeal. Similarly, there was no obligation on the part of the person in question to accept any mechanism for appeal. You have to understand that the background of this is that there is no right of appeal in this matter. Dean Stein and I, as I have said, determined that we would offer an appeal, so as to go the extra mile in a case which had been through two different sets of hands, as it were, to be sure that we were not taking actions that I, in particular, seemed to be doing something that was precipitous or what have you.

"In that view, a procedure was drafted that, in fact, mimics exactly the existing procedures when a second 'no' is permissible. But, let's back up: You're absolutely right. That procedure was ad-hoc, and it was drawn up for this particular case—in our view so as to allow an extra option for the individual in question. But there was no obligation on anybody's part to offer such an option. If that appeals procedure is judged by anybody to be unfair or illegal, it's perfectly clear that the solution is not to exercise the option that we've offered, and it ends there. So I saw nothing to advise Dean Stein about, in that this was a conflict of interest or anything else."

Speaker Obendorf: "Okay, we could take time for one or two more questions."

Associate Professor Robert A. Corradino, Vet Physiology: "I was just curious as to the precedent as to your actions regarding these cases."

Provost Randel: "I have had some exchange with Professor, Vice-Provost, and Dean Emeritus W. Donald Cooke, who was the drafter, and indeed the sole author, of the University Appointments Manual, known often, therefore, as the 'Cooke Book.' In the course of our exchanges, he was the sole author of that, and it was discussed by the Faculty, but only barely at the time. He was involved in the Central Administration for a good many years over time, and, in fact, reports that in his day, in the Central Administration, a committee consisting of himself and various other Vice-Provosts and such did conduct these reviews—and he reported that they

turned down one a year or so. I, as Dean of Arts and Sciences, was under no illusion about Mal Nesheim's confidence that he had the right to turn back a promotion. Indeed, we received a few in our day in which he said, 'If I ever get another one like this, I will turn it down.' So, I think, the precedent is clear, and every incumbent of the office, going back quite some time, would assert forcefully that the right was there and that it had, in fact, been exercised."

Professor P. C. T. de Boer, Mechanical and Aerospace Engineering: "In view of what you said, do you believe the current system needs to be changed?"

Provost Randel: "My most profound belief about this—and a good many other matters—is that the Faculty should really assume the responsibility for maintaining its own very live nature. I think that should be, with respect certainly to academic quality, but also with respect to a great many other things: conflicts of interest, financial irregularity—you name it. If the Faculty wishes—and please believe that I speak as a member of the Faculty—if *we* wish to be taken seriously in the governance of the Institution and in higher education in general, we will have to assume the responsibility to maintain our own standards, to police ourselves (I shudder at the phrase!) to be able to look the public in the eye and insist that we expect high standards from our students and from ourselves—and that we do not need others to police us. If we don't do it for ourselves, others will, in due course. You know there's plenty of talk about such matters. So I think this is a perfect example of the way in which the Faculty could exercise the kind of responsibility for maintaining its own standards that would be, altogether, appropriate and welcome. The ultimate authority will continue to rest with the President or his designee; there's no doubt about that. But I, for one, would welcome a much greater collaboration on this end between the Administration and the Faculty—so we can break out of this notion that, somehow, once you go into the Central Administration, you become some sort of administrative hack and take leave of your academic thoughts and judgment and do crazy things. I would much rather, as Provost, be advised by a committee of wise people from the Faculty who represent the Faculty's perspective of what our sense of academic standards ought to be."

Speaker Obendorf: "Thank you, Provost Randel.

"I think that we should move along with our agenda. Before I introduce Professors Mary Beth Norton and S. Gordon Campbell to preface the next discussion, I believe that all the Senators received information that it is the University Faculty Committee's decision that today we will be functioning for informal discussion of the committee of the whole. There will be a meeting one week from now, on May 15, wherein we will formally amend or debate and take vote on the issues. So today we're going to function for discussion only. With that, I'd like to introduce Professor Norton and Professor Campbell."

5. DISCUSSION ON A PROPOSAL TO ESTABLISH A PROCEDURE FOR UNIVERSITY FACULTY REVIEW OF TENURE APPOINTMENTS

Mary Beth Norton, Mary Donlon Alger Professor of American History: "I'm pleased to be here today to introduce this extremely important discussion on behalf of the University Faculty Committee. I'd like to underscore that the members of the University Faculty Committee agree that wide-ranged input is needed from the Faculty as a whole, and that is why the entire Senate agenda today is, essentially, devoted to this topic; and that is why all of next week's agenda will be devoted to this topic as well.

"The members of the University Faculty Committee have been discussing this topic intensively and almost—but not quite—exclusively, ever since you all elected us a couple of months ago. We are, however, only nine people; and we do not represent all fields, as some of you have pointed out in your comments that we have received so far on this draft that we present here to you today. The proposed structure of the University Faculty Committee on Appointments, which my colleague Professor Campbell will discuss in a moment, is, as our cover letter indicated, modified and adapted from a system used at the University of Wisconsin. This represents our best effort to solve a series of knotty problems; but I think that I can safely say for my colleagues on the University Faculty Committee that we are not firmly wedded to the specific solutions proposed in the current draft if many faculty members find them unacceptable. What we are wedded to, however, is the notion that we should establish this committee and that we should do so with dispatch—this spring, if possible, or as soon as possible in the fall, if a consensus of the Senate cannot be reached in the next few weeks. Now why do I say that? I have four reasons for making these points, and I'm drawing here on the discussions we've had in the University Faculty Committee meetings, in part—but also, I have to say, on some of my own experiences.

"First, it is perhaps unnecessary to point out to this body, which includes many people who have taught at other major university institutions, that Cornell is unusual, and perhaps even unique, in not having a committee like this to review appointments to tenure at the University level. Now that alone is not an adequate justification for establishing such a committee. But there are good reasons why most universities have found such committees desirable—most notably, as Part I of the draft states, to ensure that consistently high standards of evaluation are applied across different disciplines and different colleges. This is especially important in our current era of severe fiscal constraints, where mistakes that are made in tenure decisions—whether those mistakes are positive or negative, I might add—can have significant long-term implications for departments, colleges, and the University as a whole. It seemed to us that we could only benefit from increased scrutiny by scholars at the University level.

"Second, it's no news to anyone in this room that we have a new President and a new Provost and that our University's new leaders are changing the way things are

done around here—and not just with respect to appointments to tenure, as we, of course, were reminded by Trustee Calvo's presentation at the beginning of our meeting and as all of us were reminded during the presentations that occurred on Campus last week. It is important, I think, that the Faculty take part in this process of change and in the new leadership of the University. What's relevant here, in particular, to the establishment of the University Faculty Committee on Appointments, is the movement toward greater integration of course offerings and faculty appointments across colleges as well as the desire of the Central Administration to remove unnecessary duplication. We believe that the University Faculty Committee on Appointments will assist in achieving this goal. (And those of you who are economists will know that this process is already proceeding apace with respect to certain discourse.) Increasingly, faculty members on this Campus are going to have an increasing stake in the decisions that are made about appointments to tenure in colleges other than their own. The University Faculty Committee on Appointments will regularize and formalize that voice which, I might say, is now unheard—except in those rare cases in which a member of one college's faculty is asked to serve on an ad-hoc committee in another college. I have to say that in twenty-some-odd years here on Campus, that's happened to me exactly once, whereas I've repeatedly served on ad-hoc committees within in the Arts College. So if the Faculty in general wants to have a voice in appointments across colleges, we need a mechanism like the University Faculty Committee on Appointments to provide that voice.

"Third, as the Provost has just explained, he has made it clear today and by his actions this past year that he believes that the Provost-level review of tenure recommendations—which some of us have come to regard as somewhat *pro forma*—that that level of review is going to be a serious and rigorous review from this time on—and consistently so, even if in the past it was only occasionally exercised. He has indicated to the University Faculty Committee what he just indicated to the Senate here a few minutes ago, which is that he would welcome the creation of a University Faculty Committee on Appointments to advise him on tenure decisions. We believe it's imperative for the Faculty to accept this invitation to participate in these reviews and that the University Faculty Committee on Appointments be, in large part, elected. Professor Campbell will explain to you why we set it up the way we did, in terms of some elected members and some appointed members. We think it's important that the University Faculty Committee on Appointments be elected in large part, because that will ensure that the members of the area subcommittees are respected by their colleagues. We also think it's very important that the advice on tenure decisions be separated:—that we separate intellectual assessments from financial assessments. That is, one could predict (or imagine) a future provost—in times even more fiscally constrained than our own—deciding to turn down recommendations to tenure primarily to save money or to achieve some other administrative goal not related to scholarly excellence. I'm sure we've all heard stories from other universities around the country where exactly this is happening, in ways to prevent too much of the faculty or too high a percentage of the faculty from becoming tenured. It is not to say that if the

University Faculty Committee on Appointments votes positively on an appointment that the Provost will not turn it down, still; because, as Provost Randel explained, this power does lie in the Office of the President or to the designee of the President. However, I think that the University Faculty Committee feels very strongly that it's going to be much more difficult for a future provost, who might have some sort of hidden agenda, to turn down an appointment, if there is a strongly positive recommendation from a faculty-elected and University-wide tenure committee. I also want to align myself with what the Provost just said: I think it's crucial that faculty take on this responsibility. Those of you who know what I have done over the years here at this University—including my own years as a Faculty Trustee—and those of you who happened to see my essay on sexual harassment that was printed in the *Chronicle of Higher Education* in December—know that I have long argued for the Faculty taking responsibility, and the Faculty policing itself, and the Faculty being responsible for upholding its own standards. And that's why I so firmly align myself with this particular proposal.

"Fourth, let me deal with the issue of timing. Some of you have said or have recommended that this decision be postponed until fall to allow for further discussion and reflection. Of course that's possible, and it very well might happen that after two meetings of the Senate: We might decide that we have not had enough discussion or debate, and we might want to postpone this decision. I would argue, however, that we should listen to what's said by everyone here, and let's listen to what's said and decided next week before we make a decision about postponing it until the fall. I think the decision should be resolved now, if possible. And the reason for that is the following: If this committee is not in place during the next academic year, the Provost and three other administrators that he has designated to assist him on this will continue to conduct these reviews, just as they did this year. In addition to the fact that there are better things that they could be doing with their time, postponement will simply delay the implementation of Faculty input at the University level. In short, it seems to me that the choice the Senate is facing is *not*, 'Will there be serious reviews of tenure appointments at the level of the Provost's Office?'—that's not the choice. The choice is rather, 'Who is going to conduct those serious reviews?' Are those reviews going to be conducted by a large group of faculty, elected largely by their peers; or are they going to be conducted by a small group of administrators named by the Provost. Therefore, I think we need to move with dispatch to adopt some form of this proposal. I'll now turn the lectern over to my colleague, Professor Campbell, who will talk about some of the specifics of what we are proposing to you today."

Professor S. Gordon Campbell, Veterinary Microbiology: "Good afternoon. My name is Gordon Campbell, and I'm from the Veterinary College. I have been asked by the University Faculty Committee to say something about the structure of what is proposed. Since it is before you, I shall be very brief.

"The University Faculty Committee looked at several models before preparing this one, and the one in front of you is based on the structure used at the University of

Wisconsin at Madison, with some modifications. At Wisconsin, they also have four areas within the University, and they have twelve faculty members elected from these areas. Our proposal consists of nine faculty members in four areas, which have been specified; six of these faculty members will be elected by the Hare system, and three will be appointed by the Administration. We felt that was a better mix, because this will allow for some adjustment by discipline if there is bad skewing in the elections. For instance, we have found that in the University Faculty Committee, the College of Engineering is not represented by an elected member, and that is, on occasions, disadvantageous at the meetings. We are hoping with this mix of elected and appointed faculty members to these area subcommittees that we will have the ideal mix.

“The four subcommittees will receive the assembled dossiers from the Provost, and they will report back to the Provost. They are essentially advising committees to the Provost, as he mentioned in his remarks earlier. I would like to reiterate that the choice of areas within these four divisions that are in front of you will be entirely up to the individual faculty members, as will any changes that he or she chooses to make at a later date. It is hoped that, with this structure, we’ll have fairly broad University-wide perspective on these promotions and that these subcommittees will gain experience as time goes on and as they review more dossiers for promotion.

“I’d like to give you a few numbers that have been provided to me, so that you get some idea of the dimension of this work. There are presently about forty appointments advanced per year. Given four area subcommittees, this will require each subcommittee to scan and make recommendations concerning approximately ten folders each year, which is, we feel, a reasonable amount.

“Lastly, on a personal note, because of the area I represent, I’ve had some concerns expressed to me by faculty members—notably those in extension and in the clinical sciences and in the Veterinary College. Various members of the University Faculty Committee have talked with people at the University of Wisconsin, and the reports that have come back have not always been exactly the same. But, in general, they have been reassuring and quite positive. That’s all I have to say about the structure. The members of the University Faculty Committee are all here, and I’m sure they’d be delighted to answer any questions you may have.”

Speaker Obendorf: “Thank you. I want to remind you that we’re having discussion, and I’d like to try to get to as many of you who would like to speak as possible. With that in mind, I would like to begin discussion.”

Associate Professor Lois S. Willett, Agricultural, Resource, and Managerial Economics: “I would like to thank Dean Stein and the University Faculty Committee for adjusting the plan for this meeting so that no vote will be taken at this meeting. I’d also like to thank the thirty or so members who responded to the

e-mail from Bill Lesser and me regarding our concerns with the speed with which this issue has been raised and we have been asked to discuss the issue.

"I have several concerns regarding the proposal to establish a University Faculty Committee on Tenure Appointments. First of all, I feel that a proposal of this magnitude and importance ought to be accompanied by some kind of statement that identifies the problem that the proposal is to address, identifies alternative ways to address that problem—their advantages and disadvantages—and then includes a justification for the selected alternative proposal. I found little of this material accompanying this proposal, although some of that justification has been clarified already by the comments this afternoon.

"Second, it is quite clear to me that this proposal appears to be not well thought out or scrutinized by the University Faculty Committee. For example, I know that the proposed committee is first referred to as the 'University Faculty Committee on Tenure Appointments' in paragraph I, and it is referred to as the 'University Faculty Committee on Appointments' in paragraph II. These, to me, have different connotations, and I think that some sort of clarification needs to be made with respect to that. I also found no justification for identifying four area subcommittees rather than five or six; and I also found no justification for the linking of subject areas within these area subcommittees. For example, why is law associated with social sciences, when they follow completely different reasonings?

"I'd also like to note, thirdly, that there is no identification as to how this proposal fits in with the references to the tenure and appointment procedures that are contained in our Faculty Handbook and in the Faculty Appointments Manual that was referred to by Provost Randel. There is, I feel, some ambiguity as to how the members of the area subcommittees will be selected. There's reference that the Provost and the Nominations and Elections Committee will be mindful of diversity when nominating the remaining members, but we're not clear how that diversity will be maintained. Again, earlier this afternoon, it was mentioned that there would be a Hare system for election, and then the Provost would attempt to achieve diversity with appointments after that.

"I'd also like to indicate that in the proposal as it is presented, the role of the Provost is not clearly identified. Provost Randel did say to us this afternoon that he feels—and others feel—that the role of the Provost as the President's designee is, I suppose in my words, 'all-powerful.' I think that, if, in fact, that is the case, that should be indicated in the proposal.

"Also, the proposal indicates that a positive recommendation requires a simple majority of the review participants. However, the criteria for a negative recommendation from the committee is not identified at all in the proposal. Henceforth, I think that because of the importance of the issue, the limited information provided with the proposal, and the discrepancies and ambiguities within the proposal, I feel that the proposal should be sent back to the committee

and that that committee—the University Faculty Committee—ought to establish a special committee to look further at this issue and to prepare a well-thought-out, complete, detailed proposal for the Senate to consider in the fall.”

Associate Professor Michael O. Thompson, Materials Science and Engineering: “I have actually a question for the committee. The University of Wisconsin’s model has been brought forward. Could you tell us how often and how successful it has been at the University of Wisconsin? In other words, how do the faculty at large react to a denial of tenure when it is given by this committee?”

Dean Stein: “I guess it must depend on who you talk to. I myself don’t consider as a figure of merit the number of tenure appointments that are turned down.”

Professor Thompson: “Have there been any?”

Dean Stein: “Yes, there have been. I actually spoke to the person who administers that at some length, and the number of appointments that get turned down varies by the divisional committees. Some turn down more than others. I can’t remember now which ones turn down more, but I believe that the physical sciences committee turns down the greatest percentage and that the humanities turns down the least of the four.

“I’ve talked with a number of people, and what I heard, at least, was general acceptance. At Madison, it’s been a part of their process for a long time, so people—at least the ones who talked to me—think of it as being successful. I spoke to one dean, though, who said it was a disaster. So I asked him why he thought it was a disaster, and he said he didn’t think faculty outside his college had any business interfering in appointments. I asked him how many were turned down, but he said they only actually turned down one in the last ten years or so. That dean was the only person who responded in a vociferously negative way. The rest of the people were, for the most part, positive about the system.”

Associate Professor Kathleen M. Rasmussen, Nutritional Sciences: “Our faculty has discussed this at some length, because ours is a department that doesn’t fit very nicely into the scheme that has been laid out. We have everyone from molecular biologists to food economists in our department. We feel there are four reasons that the committee should think further about this proposal in its current form.

“First, the proposal, in its current form, does not address the appeals process—if there is or isn’t one—and if there is one, what it should be. Basically, it’s the situation that the Provost just addressed.

“Secondly, there is very little allowance in this proposal for people who do interdisciplinary work. You have to pick one of these areas or another, and if the fit isn’t good, there is no allowance for something else. Being reviewed by two areas and having twice as many people look at your dossier isn’t really a solution. Some

recognition of that is needed, and some solution for that problem, which we can anticipate will occur often, needs to be reached.

“Thirdly, there is no accounting in this current proposal for differences in departmental expectations of faculty. We have faculty who have appointments that are seventy percent extension. That produces a very different dossier than a fifty-fifty appointment or a sixty-forty appointment in the other direction. How that would be accounted for isn’t clear in this document, and I think it needs to be, if we’re going to continue to hire people with different effort distributions.

“Lastly, particularly our faculty who have yet to go through this process are concerned that the process be timely and not too bureaucratic. It’s *very* slow as it is now. I think that whatever we propose needs to be something that can happen with a reasonable degree of speed. It wasn’t clear to us in looking at this that what is offered is going to be able to happen with a reasonable degree of speed.

“I second the motion of my colleague that this be sent back to the University Faculty Committee for further thought on these issues which are in addition to the ones previously raised. Thank you.”

Professor David M. Bates, Bailey Hortorium: “I’m concerned about two things at the moment. One, I would like to see an explanation and a full clarification of what’s meant by ‘excellence.’ This is certainly not defined in the draft, and this draft makes no reference to existing documents; by consequence, there’s no way to judge how this is to be determined—or it might be determined by the committee itself, determined by their own experiences and by what they consider to be ‘excellent.’

“The second point, which I think is a crucial point for people in my department, is that this proposal essentially moves the decision-making process out of the college and expresses it, then, on the level of the University. Whether this is desirable or not depends on one’s opinion; it effectively negates the influence of both the department and the colleges and their decisions. We would like that issue debated and clarified in discussion.”

Professor Terrence L. Fine, Electrical Engineering: “I have so much to disagree with in this proposal that I’m finding myself disagreeable; and I’m having trouble knowing where to begin.”

Speaker Obendorf: “We’ll ask you to be as brief as possible.”

Professor Fine: “First, what is the problem? The problem that I’ve heard is that the Provost has turned back a case—that seems to be the key problem—and perhaps he threatens to do so in the future. I’m not sure that I’m enormously upset by his exercise of that one case out of, roughly, forty; I’m not sure that it particularly bothers me. Is this a problem that needs fixing, I wonder?”

"The first thing, to me, that the Provost should be doing when he has a problem with appointments coming from a department is going to the dean. The dean sets academic standards in his or her college, and the chair and the tenured faculty members maintain academic standards in their department. Those are the units you talk to when you have a problem in appointments coming out of a department. If you want to respect the Faculty, you don't form a pick-up committee of faculty—three from here and six from here and six from column 'd'—that maybe covers this entire University (and this is a very hard university to cover)—you don't do that; you respect the decision-making ability of the tenured faculty in the department, of the chair of the department, of the ad-hoc committee in the college, and of the dean of the college. That's what you respect—not some group of people that perhaps has no conception of what's going on across these areas. I'm not interested in really revising the proposal; I'd just like to send it into the trash can. But it has this view of the University that made me wonder where I'd put Hotel and Architecture (I found their letter quite compelling) and the Law School and all these other things. Yes, maybe I'd stick some of engineering with the physical sciences, and I guess you'd put mathematics with the physical sciences, because that's the way it's done in the Graduate School, blah, blah, blah. But none of it makes a great deal of sense. The fact that it happens at other universities does not mean that it's going to be easier here. So the system is based on one at Wisconsin—which, by the way, according to the ratings I'm familiar with, doesn't yet achieve the rank of Cornell—nor does Iowa, nor does Colorado—none of these places have yet reached our ranking. They have their own histories, and they've come to whatever system they've come to, for their own reasons—and those are not necessarily our reasons. We've had a system—and I've been here for thirty years—and it seems that this system has worked very well, at least in the College of Engineering. We're doing quite fine. If there's a problem in other departments, address that problem. This is not a fix for a problem. This is just another band-aid on top of other band-aids. It does not help the wound—if there is one. (I'm not convinced that there is one.) If there is a problem and the Provost wants to be activist, let him go to the people who are most intimately involved with it.

"That brings me to one other point, which I'm going to raise here. It's this metaphor of excellence and uniform standards of excellence. I think also of the phrase 'raising the bar'—we hear about that, too. When it's pole vaulting, I know what you're talking about. You push the bar up against gravity, and it goes up. Most of us know which way gravity goes, so we know how to 'raise the bar.' But when it comes to judging a faculty member in Electrical Engineering or in Personnel Management of the Hotel School or wherever, the bar goes in many different directions. I think that precious few of us, as individual faculty, are fit to judge that. The people who are fit to judge that are the faculty and the dean of that particular college. I can perfectly well grant the Provost the right to say that he's dissatisfied with what's coming out of a college and perhaps to take one out of forty or a hundred cases and send it back. That does not bother me if he wishes to spend his time that way. What bothers me is that this does not respect faculty governance to have this committee—it disrespects it. There's a very strong grass-roots system of

faculty governance here with regard to the contribution to tenure decision. This just spits in the face of that.”

Associate Professor Vincent Mulcahy, Architecture, said that: “A number—if not the majority—of his colleagues would probably agree with what Professor Fine said.”

He then read the May 3, 1996 memorandum that was prepared by a number of his colleagues and himself. This memorandum referred to the Proposed New Tenuring Procedures. Professor Mulcahy also commented on the document (see below) that accompanied the memorandum. It is titled: “An Architecture Department Response to: Draft Text for the Institution of a University Faculty Committee on Appointments (Dated April 22, 1996).”

Absence of a Documented Rationale

Neither the document distributed to faculty members nor the accompanying memorandum from the University Faculty Committee suggest any reason to believe that the academic and/or research standards of Cornell University would improve with the adoption of a tenure procedure currently being practiced at the University of Wisconsin at Madison. We have been presented with no evidence of qualitative improvements at the University of Wisconsin, Madison, nor with any indication that our situation more closely resembles that at the University of Wisconsin than at any other American university. (The University of Wisconsin at Madison has no professional architectural program, for example.)

Implicit Biases and Absence of Standards

There are two reasons given for the establishment of such a committee. The first is that “a dean’s recommendation to grant tenure was very rarely denied by the Provost,” implying that such a condition is a deficiency in the system rather than a testament to the quality of our currently tenured faculty or of the tenuring procedures in which University-wide cross-disciplinary input is provided in the context of a College ad-hoc committee.

The second reason is that “the same high standards of excellence [should be] applied throughout the University.” This implies that Cornell University has until now either been granting tenure based upon lower standards of excellence, or upon diverse standards of high excellence. Surely, the latter is the case. This raises the following issue that must be discussed before instituting such a radical change in procedures of tenuring: what is a “consistent standard of excellence” and does not the concept of uniformity across disciplinary boundaries already suggest an increased valuation to the more superficially identifiable measures of interdisciplinary quality with a collateral devaluation of those qualities that may be specific to a discipline?

The proposal never mentions the standards that would be applied in the evaluation of tenure cases. How would the committee locate those external experts who are “appropriately knowledgeable and impartial”? Would the standards for tenure established by the individual colleges and their departments be superseded by some new standards determined by the subcommittees on an ad hoc basis? Or will new,

interdisciplinary standards be drafted by the UFCA? Will the candidate be informed of these standards?

Power Shifts and Their Implications

While we support in principle the creation of a new entity to advise the Provost on tenure appointments, this proposal represents a potentially dangerous shift of power from the offices of the academic deans to the office of the Dean of Faculty. A college dean and an ad hoc committee have the ability to make recommendations based upon sophisticated criteria or combinations of criteria that can adequately locate an individual within a discipline or across relevant disciplinary boundaries. The individuality of the faculty member and the uniqueness of the faculty member's contribution can be recognized. Under the present proposal, the Dean of Faculty and the Area Subcommittee can only approximately locate the tenure candidate within a generalized, prefabricated version of a mythically homogenous university. This does no service to the candidate, nor to the candidate's discipline, nor to the University.

The Four Areas

Architecture is not easily or adequately represented by any one of the four area subcommittees to be established under the proposal. Architecture is not *just* an art or humanity, not *just* a biological science, not *just* a social science, and not *just* a physical science. The necessity to conform to any one of these areas can only hobble the tenure chances of a faculty member in architecture.

Having no "constitutional" protection against majority actions promulgated by the larger voting entities on campus, many smaller departments, especially those involved with the professional, performing and/or creative arts, found themselves excluded from the development of this proposal. It is likely that members of these same departments would be similarly excluded from the proposed area subcommittees. This deficiency would be calamitous in the evaluation of faculty members in programs such as architecture—a professional, nationally accredited program that has specific and unique standards of teaching, service, practice and research.

The Problem of Timing

We are very careful not to make significant changes in degree requirements once students have begun a specific academic program. Once a faculty member has accepted a tenure track contract based upon certain published tenure policies and procedures, changing the rules seems at best disingenuous on the part of the University; at worst, unethical. Any significant new procedures should not be implemented until they have been published, and they should apply only to those faculty members who were informed of these procedures at the time of their hiring.

Necessity for Further Discussion

In the past, issues raised by the University Faculty—issues such as financial aid and conflicts of interest and commitment—have been discussed amply and thoroughly at all levels of faculty participation, beginning with the departmental. Tenure procedures are too important to the formation of a faculty and to the construction of an academic discipline to commit to a course of action without engaging the faculty itself in a comprehensive discourse. To inform the faculty and then, two weeks later, hold a vote on any issue is difficult enough if done in the midst of a semester. To present the faculty with a sketchy, flawed proposal and then propose to vote on it during the hectic last

two weeks at the end of a semester, can be interpreted as either an underestimation of faculty workloads or a tactical attempt to furtively pass unsound legislation.

In either case, the only logical and ethical procedure would be to reintroduce this legislation to the faculty at the beginning of the fall semester and then proceed with extensive faculty consultation and discussion.

Summary

The Department of Architecture in the College of Architecture, Art, and Planning supports the idea of high standards in the granting of tenure. We also support the President and the Provost's position that a new entity is necessary to assist in the vastly consequential yet increasingly onerous task of evaluating faculty members for tenure. However, we also believe that the University Faculty Committee on Tenure Appointments as proposed by the Members of the University Faculty Committee is flawed both conceptually and structurally so that it could not possibly accomplish such an objective fairly and in full recognition of the diversity of academic disciplines that constitute Cornell University.

Specifically, we are troubled by the absence of any clearly stated rationale for the recommendations as they are made. Moreover, there are substantive ideological biases that underlie the proposed procedure, biases specifically pertaining to the concept of uniform and consistent standards of excellence. These biases have not been discussed. Nor have there been discussions of the consequences of the power shifts implied by the document, or the ethical issues raised by a sudden change in tenuring procedures.

There are a number of crucial gaps in the document, suggesting potentially serious problems in the implementation of a fair and equitable procedure for evaluation. Clarity is a general problem with the proposal. The vagueness of the document is especially troublesome in its insistence on consistent standards of evaluation without ever enumerating those standards, or even indicating the sources from which those standards might be garnered.

Insofar as the Department of Architecture is primarily a professional program that does not easily conform to most generalized systems of academic categorization, the proposed system of four area subcommittees appears to be wholly inadequate for our purposes.

We urge that discussion of this important issue be allowed to occur at the various departmental and college levels, argue that sufficient time and appropriate consultative process have not been permitted or attempted since the April 23, 1996 distribution of the proposal, and request that the proposal be tabled pending such appropriate procedure.

Professor Katherine V. Stone, Law: "Let me tell you that we at the Law School are uniformly and resoundingly opposed to the proposal. We have four main objections to it, which I'll elaborate on briefly.

"First, it adds a level of bureaucracy to an already lengthy appointments process, adding burdens to busy faculty members in addition to the deans. It will change the timing of tenure evaluations so they will have to be completed much earlier in the year, which will put an immense burden on our appointments process.

Furthermore, and most important, to us it will undercut flexibility in lateral appointments, which are a major source of Law School appointments and court appointments; and these are appointments where timing is often very tight, and it's very crucial to have some flexibility in order to attract truly excellent scholars. So we feel that it will undermine our ability to make the most important kinds of appointments that we make.

"Secondly, we think that it will actually end up lowering academic standards, as it will permit faculty and even the Provost to 'pass the buck' on weak or dubious cases, assuming that it will be on somebody else's shoulders instead of their own if they want to turn someone down. We think, instead, that faculties and schools should be forced to make the hard decisions themselves, especially since they are the ones who will live with the results of their tenure decisions.

"Third, we think the proposal impedes in the disciplinary worth. It divides the intellectual universe into four boxes, and it is therefore apparently impossible with respect to any efforts at interdisciplinary work. Law is sometimes humanities, sometimes social sciences, and sometimes accountable to its own professional culture and norms. The proposal requires that people be shoehorned into positions of these Arts College categories and is therefore inappropriate, especially for professional schools such as the Law School.

"Fourth, we question whether members of the committee, who have little knowledge of a particular field, can make a meaningful assessment on the merit of a candidate's worth—and particularly whether they can make a better assessment than the relevant department's faculty can. It's likely to be a committee of somewhat randomly selected generalists with no particular qualifications of specialty in any particular field that may come before them. Let me just add to that, parenthetically, that based as this is on the University of Wisconsin, at least the University of Wisconsin Law School over the past number of years has taken a precipitous drop in every rating—a more dramatic drop than any other law school in the country. Now there's more that one could say to that. But let me also say that we do believe that there should be a tough and substantive review of tenure decisions by the Provost. That is the Provost's job, and that is what we want the Provost to do and to do well. If there are cases, we acknowledge that you've raised some concerns that perhaps something irregular has happened regarding promotion in various schools. But in those cases, the Provost should be able to appoint a special ad-hoc review committee composed of experts in the particular field of the review. We would want that to be composed of, perhaps, two members from the relevant school or faculty and, perhaps, three from outside that school—and maybe even someone from outside Cornell to advise the Provost only on the candidate's scholarship. We think that a model like that would work better here; you'll find one similar to that at UCLA and other places, and we think a model like that should be explored. But we are, as I've said, absolutely opposed to the proposal that's before us today."

Professor Barry K. Carpenter, Chemistry: "I'm a little puzzled by the logic of the last three speakers, and perhaps you can help me out. If a faculty committee is going to have all this difficulty assessing who is excellent, how is the Provost able to do it? Is the Provost super-human? I have great respect for the Provost, but these decisions do have to be made. So I suppose the question to be asked is, 'Is this decision going to be made by administrators, or is it going to be made by faculty?'"

Professor David Gries, Computer Science: "I think the Provost may need some help in some cases, but not in all forty cases—to have ten faculty members read these very long dossiers—every single one of them—is a waste of time. And as Professor Willett said earlier, I think the right thing to do is to have the Provost review the cases. If he sees one that he feels needs further looking into—that he may feel he wants to turn down—that's the time to institute a committee to look at it. Those are the only situations wherein such a committee should be necessary."

Associate Professor Alan K. McAdams, Johnson Graduate School of Management: "It's pretty clear from what we've just been listening to that the various colleges in this University have different missions. These different missions need to be evaluated by different criteria. When you say 'uniform excellence,' I don't know how you achieve that over the vast range of missions that we have. Let me give you a couple of examples.

"A fellow Senator serves on a committee in Agricultural, Resource, and Managerial Economics, and he has brought to our attention—and to the attention of other members of the Johnson School—the job description for the person who is being evaluated. Few, if any, of my colleagues would apply for that position. And we would be very unlikely to hire anyone who met the job description. We are different schools. How do we achieve excellence across these areas? I think we can, but I do not believe that some ad-hoc group of faculty members who does not know our school and does not fully understand the School of Agriculture and Life Sciences is likely to understand it.

"Similarly, in Operations Research, there are many people who are highly qualified and excellent who we would not hire. And we would not hire them because our school is a professional school, and we have to deal with applied disciplines, and we have to be 'relevant.' Similarly, we have many highly qualified people who would not be hired by the Department of Operations Research but who are outstanding in our own school. So what we see is a vast range of missions and great difficulty in responding to a vague statement of 'uniform excellence.'"

Professor Richard E. Schuler, Economics, Civil & Environmental Engineering, and Faculty Trustee: "I've a great deal of sympathy with some of the problems that seem to emerge with relation to people who have joint appointments. Let me just address a narrow, technical example. In my own case, I have a fifty-fifty appointment in two colleges that span two of these particular areas. While I appreciate the flexibility of allowing the faculty member to choose his or her

affiliation and to be able to change this affiliation, it still is an all-or-nothing kind of choice. My first question is, 'When is that choice to be made?' If that faculty member makes that choice before his or her own department and college has evaluated the individual for tenure, he or she risks losing the approbation of the other fifty percent of the faculty in the other department. So it would seem to me, just as a technical matter, the candidate would keep his or her cards close to his or her vest until after everything went through the college. Only then could he or she declare an affiliation. Is this the kind of poker we're playing in this process?"

Ronald G. Ehrenberg, Irving M. Ives Professor of Industrial & Labor Relations and Vice President, Academic Programs, Planning, and Budgeting: "I used to think of tenure decisions very much as tools for the endowment campaign. We just completed a very successful endowment campaign, and yet we often seem much poorer when we start thinking about it—except in the specific programs that benefited. The reason that we did the Campaign was so that we'd be better-off in the long run. Tenure decisions are very much like that. All of the pressure in many parts of the University is to give people tenure because of something central that they are doing in the college, and because of their department, and because of the feeling that if you don't give them tenure you may lose the position. Although the dean has promised to give it back to you, there's no guarantee that you'll get it back in the short-run; or there may be the concern that it will take you a number of years to find a person who could do part of the job that the candidate does well. So I think that's part of the reason why there's a case for central review of these tenure candidates.

"For the past sixty of these files, I've had the pleasure with two other people of reading each of these files before it gets to the Provost. The way we do it is sort of interesting. It turns out, rather coincidentally, that one of us is a humanist, one is a social scientist, and one is a scientist. What we do is that we each look at the files, and I would say that in ninety percent of the files, you can sort of see the answer before you even start reading closely. The fact that there are ten or fifteen files per group will not impose a lot of work on the committee, because in most cases, the Faculty will be making the right decisions. In the cases where there is some concern, what we do is that each of us writes down what our concerns are on a sheet. We don't see other people's sheets until after each of us has read the file. Remarkably, if any one person has a concern, each of the other people also has the same concern. So I guess what I'm saying is that there's been a lot of concern expressed here about being able to define 'excellence' and standards across colleges. If you read enough files, it's *obvious*. That's exactly the reason why the committee has to look at all of the files. Because unless they see the good files, they will not have an understanding of what questionable files are."

Associate Professor Anil Netravali, Textiles and Apparel: "I believe that all departments and all our colleges on campus do away with having the excellent standards of their faculty members. There's more to it than that. I represent the physical sciences area, where there are several departments and several colleges

involved, and I feel that the standards are not level for all faculty members who enter these departments and colleges in the level of support that's given to those faculty members. One example is the division of commitment given to different faculty members in different colleges. Given time, all those faculty members will be valued for their own levels of teaching and research and service. When it comes to the support, we point fingers at the department and the college; when it comes to standards, we turn to the University. The question is, 'Is that fair for all the faculty members?' If their support is fueled by the department and college, is it correct also to have standards that we try to apply from the University level? We need to have consistent standards at the University level, but we also need to discuss how we can make them more beneficial for all the faculty members."

Professor Howard W. Howland, Neurobiology and Behavior: "I want to take great exception to the position taken by my friend and colleague Professor Ehrenberg. I think that's an incredibly cynical view. I think that what goes on in our department and every department in the Section of Biological Sciences is that we make our very best effort in putting forward people for tenure. We make heart-breaking decisions about our junior faculty; that's the price we pay for excellence. But I think we do that across the entire University. If we adopt such a cynical view that people are putting professors forward for tenure simply to hold the position, then I think that's going to become a self-fulfilling prophecy that will kill the spirit of this University. I feel very strongly that Professor Fine is absolutely right—that tenure is something that comes from the grass-roots. It's been successful, and we are successful because we've held to these standards. If we adopt this other position I think we're just doomed to go down the drain."

Associate Professor Mary H. Tabacchi, Hotel Administration: "We've been silent for a while, but I'd think that I'd like to mention the fact that we, too, object to this proposal. We're not even mentioned here. Maybe we're like the Law School or the Johnson School, etc. But I have a hard time with this, and our faculty has a hard time with this. We are very concerned about our junior faculty. We have a couple here, in fact, who are very outstanding people. And we work very hard to make sure that our people will be excellent. But excellence may mean something different from school to school, and I urge this body to consider that seriously."

Associate Professor Kerry H. Cook, Soil, Crop and Atmospheric Sciences: "I'd like to underscore the point that was made by Professor Netravali about the different financial streams that come into different colleges. In the College of Agriculture and Life Sciences, for example, we've suffered decreases—five percent per year—and that's going to be going on for some time. We wish that if we are one University for the tenure decisions, perhaps we could be financially one University also."

Professor John E. H. Sherry, Hotel Administration: "About six to eight months ago, this subject was broached in your prior FCR Executive Committee. So it would be hypocritical for me now to criticize either Dean Stein or the Provost for raising an issue that came up with Frank Rhodes a year ago, because I think we have to face it."

The problem really is not so much our tenure review procedures but rather that we have too heavy a ratio of tenured faculty to total faculty population. I'm not sure this solution is the right one for that problem. I would suggest, yes, that we tighten up our tenure review procedures—but we do that in our colleges. In the Hotel School, we've had to make two very critical decisions recently. I can testify to that, because I was the chair of one of those, and I was the chair of a tenure review matter that is now on appeal and that is being discussed by a University Appeals Board.

"I'm wondering if we're aiming our barbs at the wrong target. If our ratios are too high, compared to other comparable schools, we can help to encourage older faculty, like myself, to relinquish our positions—I think most of us would do so graciously, as I've had the pleasure to serve Cornell for some twenty-five-odd years by some sort of inducements. But I think that's an important consideration. Why should we belabor ourselves with another level of bureaucracy, when the problem could be resolved more simply by saying that we need to encourage those, one way or the other—either negatively or positively—to move on; and those can be done on individual bases. There are not very many of those, particularly on the negative side. But I agree with my colleagues that I don't find we are lax or irresponsible with our tenure review procedures at the college level or that we've appointed incompetent persons for cynical reasons—I certainly reject that outright, because that would be condemning myself and condemning all of you. You can see the folly of that, can't you? I think, perhaps, that we ought to address some of that concern next week. If the Provost would be willing to make any comments about that, I think it would help us quite a bit. So I do support the position of Mary Tabacchi and the others at the Hotel School, and we are very concerned about this—not so much the idea of tenure review by a University committee—but by the way this has been brought up at almost the last moment and that we're rushing to judgment on this. We may be providing a solution for a problem that doesn't exist when we ought to be providing a solution for one that does exist. And we could do that better, I think, with alternate mechanisms."

Speaker Obendorf: "It's been the tradition of this group to have the time for new business. I don't know whether we have anyone bringing new business forward today, though. So if we don't, I suppose we could have a few more comments on this issue."

Dean Stein: "I seem to detect a negative response. I'm not sure that I have it quite right, but that is what I seem to be hearing. We have scheduled a meeting next week, and I think we should do that. We need help, obviously; it's obvious that you don't like this position. And you could take the position that you don't like any proposal—that you're happy with the one we're following at the moment, where the Provost's committee of four is reviewing it and that you're happy with that. As someone who has always believed that the Faculty ought to run their own ship, that's somewhat disappointing to me. But if that's your will, that's what we'll do. But if you don't feel that way—if you feel that there is an appropriate way for faculty to play in this kind of critical decision, then you might try to think a little bit about

how this role might be structured over the next week. We as a group—the University Faculty Committee—thought this was a good idea, but you clearly don't. Maybe there's another way, or another way of thinking about it, that you could help us with. If you really think this is a bad idea and that what you like is what we're doing now, you should say so and save all of us time. But I think that, by the rules, this is not the right place to make that statement."

Speaker Obendorf: "Well, it looks like we have an item of new business, so we'll switch to that and continue this discussion on the proposal for the University Faculty Committee on Tenure Appointments next week."

6. NEW BUSINESS

Professor Locksley Edmondson, Africana Studies and Research: "If I'm out of order, please rule me that way. I'm not going by any procedures, but I'm just curious to know what the purpose of the initial presentation by Trustee Calvo was all about. A presentation was made, and there was no opportunity for asking questions or discussing an issue that has rapped the Campus to the core over the last week. The presentation was based on very impressionistic, unscientific judgments and also on some false information—we were told that there would be a full debate with the Trustees, and then we were told that there would be no debate. It was based on a statement that a plan will not be put into effect until residences are approved. What was the purpose, may I ask, of the introduction of that issue, based on so many faulty statements?"

Professor Calvo: "Could I respond to that? I would like to take full responsibility for that. That sort of presentation was my own idea; no one asked me to go about it in that way. I would look forward to an opportunity to discuss this further."

Professor Edmondson: "I must say that I began to worry when you said that 'one person said this,' 'nine were spoken to,' 'two people said this'; I really think that that was insensitive to what happened on Campus this past week. I do not know what to call this—'old business,' 'new business'—but I think I should make that statement on behalf of a concerned member of the Faculty. The Board of Trustees has only seen President Rawlings' plan, and they have seen no counter-proposal. So it's very unfair for you to introduce that, although I now understand that you wanted to alert us to something. I ask you, please, on our behalf, to refigure that approach."

Professor Corradino: "I would request that Professor Calvo actually distribute something in written form over the Web, perhaps on the Faculty Senate Web site, describing his comments along with his tables and figures. If it's important enough to bring up at this Senate meeting, it's important enough to include in the minutes."

Dean Stein: "Could I make just one announcement: The meeting next week will not be in this room, because next week is the middle of finals. The most convenient

room we could find for a meeting is Bache Auditorium in Malott Hall. If you enter the building from Tower Road, go up the ramp and then go to your right."

Speaker Obendorf: "We need a motion for adjournment. [So moved] Well, then, we are adjourned."

Adjourned: 6:03 PM

Respectfully submitted,

Robert F. Lucey, Associate Dean and
Secretary of the University Faculty

MINUTES OF A MEETING OF THE FACULTY SENATE
Wednesday, May 15, 1996

The Speaker pro tem, Professor Emeritus Russell D. Martin, Communication, called the meeting to order. He then called on Dean Stein for remarks.

1. REMARKS BY THE DEAN

Peter C. Stein, Dean of Faculty: "Well, we've been through a lot of rooms. I thought to myself when I first got here, 'What a nice room'—because I sat out there and looked around. But let me tell you: From down here, it doesn't look like a warm, friendly room. The reason we're in this room is because during finals week, there is essentially no free room at this hour. Between Tower Road and the Vet Campus, I think there were only this room and an auditorium that is no nicer in Martha Van Rensselaer; so we chose this room.

"This is a special meeting of the Senate that follows last week's meeting. And I'd like to talk just a little bit about my own views of last week's meeting, the future of the Senate, and the proposal that is before you today. I will formally introduce a proposal from the University Faculty Committee after finishing these remarks. The point of this period of time is to wait for a quorum; but I'd also like to give a personal perspective on faculty governance and offer some thoughts that occurred to me and the rest of the University Faculty Committee after last Wednesday's meeting.

"After last Wednesday's meeting, I thought a lot about the future of the Senate, faculty governance, what we should do and what we shouldn't do, what kinds of mistakes we've made, and how to go forth positively from here. Let me first say that, speaking for the University Faculty Committee, we were in absolute agreement that our judgment was wrong in bringing you a finished proposal at that particular time. Professors Lesser and Willett were correct in their assessment that it was too complex an issue to bring to you in the format that we brought it. Our hope for having resolution and that everyone would sort of be in consensus that the particular approach that we had chosen was the right approach, was an error in judgment. I don't think that it's necessary to apologize—though we obviously feel bad that we made that error—as we made it in good faith and did the best job that we could. I summed it up for myself by saying that complex issues require some brooding time before people can come to some kind of resolution. So, by the way, we will not put that proposal before you today. Instead, we will present another proposal which you may not understand—a lot of people did not really understand what we were trying to do through the e-mail message. So I'll try to explain that proposal a little more later on.

"One thing that I thought about a lot more than how we ought to make decisions about tenure appointments at the Provost's level was what the future of this organization was and how the Senate should be organized to have it fulfill its mission and to be the voice of the Faculty in decisions that are made at the central level. First, it's clear to me, both from the meeting last Wednesday and from a lot of things that many people have said, that we don't have our sea legs yet. We've got a new organization; we don't have a lot of experience; and we haven't quite figured out the right way to make it work. There are a lot of issues, and this is only the first in a series of complicated issues. I think we have not really settled on the right way to consider them and the right mixture of what sort of issues ought to come from the outside—the outside being the Administration—and what sort of issues ought to come from you. And we need to consider *how* the issues come from you and how we will consider issues that are complicated, like the one we presently have.

"I don't claim to have an answer to these questions. Later I'll have a proposal for another way to try, but we understand that we haven't figured out how to make this organization work. I say that with a sense of sadness but also with a sense of hope and purpose, because I think that this is really an historic moment. Faculty governance, in the past, has not worked. It has deteriorated. I've been here for a long time—maybe as long as anybody else in this room. And over that period of time, I certainly have seen a sense of deterioration on the part of the Faculty in the degree to which they believed that what they felt was the basis for decision-making at the central level. A long time ago, people felt pretty happy about that; more recently, people have not felt happy about that. And I've heard a lot in the past five to ten years about the growing gulf between the Faculty and Day Hall; so I've thought a lot about that. In my own mind, there are a number of reasons why that deterioration has occurred over the past several years and why faculty governance didn't work. I'll just tell you what I think the four major reasons are.

"First is the growing complexity of the Institution.

"A second is that we've become out of practice. We, I think, in a lot of ways—especially in the FCR—fell into what I call the 'Nancy Reagan' form of governance, which is, 'Just say no.' People laughed at people involved in faculty governance—not only here but elsewhere as well—as people who were incapable of doing anything else. The Administration came forward with a proposal on parking or on investments in South Africa or something else, and the Faculty marched down in large numbers and made speeches against it and why they thought it was bad. So there was a resounding 'no'; but then they returned to their labs and classrooms and carrels in the library and said, 'Okay; we've now spoken. You may fix it up.' I think that is a form of governance that just plain doesn't work. In a small number of times, when the Administration has gone off in the wrong direction, that's a way for the Faculty to exert influence on an ongoing basis that doesn't work. In a certain sense, we have gone more and more into that way of thinking.

"A third reason for the deterioration of faculty governance is that we have lived through a relatively long period of expansion. In expansion, this might be the right way of operating, where mostly the answer from the Administration is 'yes' and not 'no.' In that sense, there may not really be a need for faculty governance.

"I hesitate, perhaps, to say the fourth out loud. But I've decided I will, because we need all the practice we can get in telling the truth. This pertains to the old watch of the Administration that preceded the current one. And I honestly believe, because they were people of good will, that they did not recognize it themselves—but I really think that in their hearts, they didn't want to have an effective faculty governance that channeled the way their thinking went regarding matters of how to run the University. I think they felt a certain amount of confidence that they knew what to do; so faculty governance was not something that was close to their hearts. Well, we live in a new era; things are different now. And although things are different, I think that, in a couple of ways, they are the same. I think we are still out of practice with regard to faculty governance, and I think that we're still a complex institution. Both of those things have not changed. But the two things that I believe have changed are, first, the era, and second, the Administration.

"The number that strikes me the strongest as being indicative of the fact that we are now a fundamentally different institution is that we used to make one hundred new appointments per year—or something of that order. And we now make roughly thirty new appointments per year. That is an enormous change. It's just hard to overestimate the effect of a change like that. It simply changes a whole lot of things about how we structure the Institution. This is not, as some people may assume, a momentary lapse; I don't believe we can assume that that number will ever be back to one hundred again. Thirty is our future, and I think that really demonstrates, in one way, a large number of forces that have impinged on our University. So we will have to learn to cope with it.

"And the second is the we have a new Administration; and I think that's important. I tend to be a skeptical person, and I'm skeptical about declarations of goodwill. But, nonetheless, I must tell you—again, I'm speaking honestly and telling you what I think—the current Administration is much more open and much more desirous of having effective, fundamental faculty input into the major shaping of the Institution and the future of the Institution. I think they are much more open to it, much more desirous of it, and much more understanding of the fact that it is important for them to make the right decisions to have a proper and effective faculty voice. I think they fundamentally desire it and that we have a unique opportunity—an opportunity that will not last forever. Either we make it work soon, or it isn't going to work at all. If we don't learn how to form that partnership with the new Administration in a constructive way—making these decisions together in a way that recognizes our mutual prerogatives, interests, skills, and capabilities—the opportunity for working together with them in a cooperative manner will disappear after a time. So I feel, personally, a certain amount of time pressure to make this thing work. I hope—I'd like to say I'm confident—but I'm

cautiously optimistic that, in fact, together with the Administration, we can find an effective way for making this kind of partnership and cooperation work."

Speaker Martin: "Are there questions for the Dean? If not, I will again call on Dean Stein to introduce discussion on whether the University Faculty should play a formal role in tenure decisions at the level of the Provost's Office."

2. DISCUSSION ON WHETHER THE UNIVERSITY FACULTY SHOULD PLAY A FORMAL ROLE IN TENURE DECISIONS AT THE LEVEL OF THE PROVOST'S OFFICE

Dean Stein: "Okay, here I go again. As I said before, in my previous remarks, we agreed that it was not right to vote on a detailed proposal at this point without a whole lot more discussion and interaction from you. It's clear that you didn't like the last proposal, but what was not clear was how we could go about forming a proposal that you will like and that will answer whatever needs we have and will permit us to achieve some kind of consensus. We—the University Faculty Committee and I—thought about this, about what we should do at this point; and we came to the following way of formulating the question, which I hope you will be willing to answer. It is something like this: I listened to the whole meeting again that went on last Wednesday and tried to settle in my own mind what it is that you were saying, and it wasn't clear to me. I couldn't tell whether you were saying you just didn't like the proposal—that was clear—but I didn't hear any messages as to what you *did* like. Some people were saying, 'Yes, we ought to look at this, but we shouldn't do it in that way'; other people were saying, 'This is legitimate, but there are many flaws in the proposal'; and others were simply saying that we shouldn't get into this business at all. There was a whole spectrum of views going on.

"One possibility is that we shouldn't get into this business at all—the Faculty has no role to create a new system and is happy with the way things are being done regarding tenure at the present time. We should just move on to other issues. We are, of course, your servants. I and the University Faculty Committee try to represent your views. If that's what you think, we drop this, and we go on to something else.

"If you think that we ought to be thinking about this issue in some way—and there is a variety of different frameworks of how we could interact with the Provost regarding making appointments at his level—then we came up with the following way of dealing with the issues: We would have in the fall a half-day session of the Senate devoted to this particular issue. This was inspired by something called the Academic Leadership Series (ALS) that some of you may have participated in; but I have myself been skeptical of the ALS. Now, it has a lot of good things going for itself. It's a way that people can get together and talk about complicated issues in small groups; and, in principle, it gives the mechanism for finding some sort of consensus. The problem with the ALS, from my point of view, is that it never went anywhere. They never came out with any type of solution, and it gave the

appearance of being controlled by some outside forces. But it seemed to us that we could structure something that would be similar yet different. Suppose we got all of us together and heard presentations from different groups on different ways of looking at this problem in plenary sessions; afterward, we would break up into small groups of seven or eight people and sit around to talk together—someone would take notes—and try to come to a consensus. Then we'd correlate these notes, and the University Faculty Committee, in its role as Executive Committee, could figure out whether they saw consensus in these views; and then they could perhaps make a proposal out of all of this, charge a committee to make a proposal from this, or something like that. Then they could bring that proposal to this group for debate and amendment and adoption. That seemed like a way that there would be sufficient time to hear the arguments that people make and also sufficient opportunity for each of you to offer your two cents about what's good or bad about it or whatever.

"So, if you say we ought to stay in this issue, that would be our proposal: We would try to organize something like this early in the fall semester. The insistence would be that after that one meeting we would come up with some sort of plan that we would either vote up or down or amend so that something would be accomplished. If you say 'yes,' that's how we think we'd like to proceed. If you say 'no,' we'll drop it and talk about the next thing. That's the proposal; and I'm offering this as a motion."

Speaker Martin: "Is there discussion?"

Professor Emeritus Donald F. Holcomb, Physics: "I'd like to direct this to the Dean, who I think has gotten too much angst over last week's meeting. I personally thought that last week's meeting was a somewhat disorderly triumph for this body. We dealt with an important issue where there were many points of view—obviously many of them contradictory—and we found that the University Faculty Committee had attacked an important issue, gotten involved in trying to put together something in response to it, and brought it forward. It was an issue that people had thought a lot about, but the Senate decided that you had started off and gone down the wrong track. Well, let's get back to it and deal with that important issue. I really don't think that one should take that debate as a sign that this body is deficient. I thought it was a triumph of this body. Personally, I feel that this issue is indeed one that we should deal with, for the benefit of the University, the Provost, and the President—not, in some limited way, for the Faculty. The issue of standards across the University—defining them and making sure we live up to them—is in our interests as well as everyone else's, and I think we need a mechanism to do it. It's clear that we need to take several proposals, turn them against one another, and see how everything comes out."

Isaac Kramnick, Richard J. Schwartz Professor of Government: "May I ask the Dean: Will this become a precedent? When important issues come before this body, will we always have to have a half-day retreat where we talk about them?"

Dean Stein: "I sure hope not."

Professor Kramnick: "It might well be taken as such a precedent."

Dean Stein: "I can't see us doing more than one of these a year, but I think it might be a mode for attacking something complicated. We haven't had a lot of experience in doing construction—and by that, I mean devising a new procedure—in faculty governance for some time. It seemed to me that this might be a way to try to attack it and see how it works."

Professor Kramnick: "But surely we can't operate on such an ad-hoc fashion, having a half-day session to see if we could clarify what we couldn't clear up in our regular meetings."

Professor William H. Lesser, Agricultural, Resource, and Managerial Economics: "Dean Stein, one of the things I came away with from our meeting last week was one of the reasons why there seemed to be such a mix of opinions and viewpoints. It wasn't particularly clear as to what the underlying issues we were attempting to address really were. The proposal dealt with the question of whether the Faculty should have additional input in the Provost's decisions on tenure appointments. That's one point. But what you said about having only thirty appointments per year—there's another issue regarding those who get tenured. Should we be additionally careful about tenure decisions in that environment? I think we really need to consider which issue it is. We say 'issue,' but what issue are we dealing with? And what's the best approach to resolve the matter? I think that's part of the underlying disagreement."

Associate Professor Philippe C. Baveye, Soil, Crop, and Atmospheric Sciences: "I think this body would miss a unique opportunity if we focused only on the question that Dean Stein has raised. The question about the Administration is the following: Does the Provost want to have much more input or say in the tenure and promotion decision than perhaps in the past? And does he want the Senate or certain faculty members to back him up? Isn't the question that we should be considering, is what is the role the Provost should be playing in the process of promotion to tenure? Is what he considers his prerogative really what the Faculty considers to be his prerogative? In other words, should tenure and promotion decisions be made preferentially at the college level, with minor input from the Provost and the President only in extreme cases?"

Assistant Professor Tony Simons, Hotel Administration: "I'd like to amplify some of the points that other people have made. What was offered last time was a rather complete approach—a solution. And what you're doing this time is offering us a solution, only this time it's more vague. The question is whether the Faculty should have input at the Provost's level. But I still haven't seen a clear statement of what, exactly, the problem is. I think we should probably have a discussion of that before we try to vote on solutions. I've heard a few things proposed: One is the

concern of diversity of standards within the University; I've heard the question of whether faculty should have input on tenure decisions in other departments and the question of whether that's a problem; there's the issue that eighty percent of our faculty are already tenured—with an implication that, perhaps, too many of them are tenured; finally, there's the question of whether there is concern that Cornell has become lax when awarding tenure. I'd like to see discussion of the underlying problem, and then we can talk about solutions."

Dean Stein: "It was just those questions that were raised that led me to think that a longer session with a more open set-up for discussion was the right way to look at this. I would hope that part of that half-day session would be devoted to an exposition as to what people see as the problem. Why is it that we are talking about this? What are the reasons? Then, having laid that out, what are possible solutions?"

Professor Simons: "But what drove this proposal that stirred all this up? What is the original problem to which the proposal was the solution?"

Dean Stein: "The problem to which the proposal was a solution was that the Provost was feeling that there ought to be a closer scrutiny of tenure appointment decisions, and he asked the Faculty to become involved in it. That's where it came from. It would be good, in an open meeting, to have a fuller discussion of it. Does that make sense? Is there a problem?"

Associate Professor Robert A. Corradino, Vet Physiology: "I'd just like to add that the problem in all of this is defining this. I would like to see the Provost offer a declaration of what he sees as a mechanism for ensuring excellence across Campus, in the College of Arts and Sciences, in the College of Agriculture and Life Sciences, and in all the other colleges. What is the problem, as he sees it? A written declaration could be read and responded to in a logical manner."

Associate Professor Jeffrey G. Scott, Entomology: "I'd like to follow up on some of these comments. What is this trying to fix? The Provost asked for this but didn't say why, leaving us with a proposal that had too complex a solution without any clear, underlying issues to be addressed. He didn't say that our tenure rate is too high or that one college is sending him terrible packages and he wanted some input to back himself up. He didn't give any indication at all as to why we should be thinking about these issues, and I think we do need, as Professor Corradino stated, an indication from him regarding what he wants us to fix.

"I would like to digress from that for a moment to disagree, Dean Stein, with your opening remarks. I think this body works well. You may suggest that we're too pessimistic, but I would suggest that perhaps the proposals we get don't warrant unqualified optimism. This body has voted on a number of resolutions: The grade resolution, for example, was passed. So we are not voting down everything. And I would have to respectfully disagree: I think this body *does* work. And if our votes

are predominately negative, I think that may be more a reflection of the materials that we are given and asked to change—rather than the fact that we all are a bunch of . . . whatever.”

Associate Professor Lois S. Willett, Agricultural, Resource, and Managerial Economics: “I’d like to follow up this discussion a bit by saying that if we have further discussion on this issue, I think it’s critical to define the problem before we continue on. If there is a half-day meeting in the fall without any definition of the problem prior to that meeting, my thoughts are that it will be a wasted meeting.”

Dean Stein: “I totally agree with you.”

Professor Terrence L. Fine, Electrical Engineering: “I agree with Professor Holcomb’s opening remarks about the excess of angst here. My own understanding of this is that maybe if there is a problem, it’s that we’re trying to lead this group too much from the front. I think that we do not seem to develop these resolutions ourselves, and then we have to vote them up or down or perhaps modify them slightly. I don’t think that’s a sign that this organization is malfunctioning. I’m not so sure about the complexity of the situation, though that’s been one of the issues of debate today. The other one is excellence. After last week’s meeting, I thought about the numbers involved—the Provost turned back one out of forty and perhaps questioned two or three others. It’s clear to me that that is not an excellence issue—not at those numbers. If there were a problem with excellence, the numbers would be much higher, more than two or three. This is an issue, really, of minimum standards. If it is such an issue, then I think I’d address the problem in a different way rather than by having faculty committees look at everything. If that is the issue, then I’m certainly willing to hear it defined. It may well be enough for the Provost to do what a provost should: Set academic standards, inform the deans and chairs as to what these standards are, and, in case an occasional mistake is made, correct it. He gets advice from many levels, as it is now. If it’s beyond that—if it is more than that issue—then let’s see it defined.”

Professor Kenneth A. Strike, Education: “I guess I lack a good context to respond very successfully to the resolution before us. It depends on what I envision as the alternative to it. If the alternative to having faculty have input at the University level is a fairly activist role of the Provost, exercised independently from any advisory function of the Faculty, I’m rather opposed to that, and I would very much like to have faculty have some input. On the other hand, it seems to me that the real tradition around here has been to have tenure decisions made de facto at the department or college level, and I would also understand a higher-level involvement of the Faculty at the University level, replacing, essentially, a more college-oriented system in which the Provost merely exercises judgment when things go egregiously wrong. Now I have very different reactions as to whether I want more faculty input at the University level, depending on what it is I think is the consequence of that—and what it is I think is the alternative to that. I also find now that how I vote on this has something to do with whether or not I have to go

to a half-day meeting in the fall, which further confuses my judgment. [Laughter] The facetious remark is connected, however, with a more serious one about how this body functions. I'm not sure whether or not we've done a good job sorting things out. But it does strike me that legislative bodies that are successful need some sort of more differentiated internal systems for venting proposals, thinking about them, considering them at length over a period of time—in what's generally referred to as a 'committee system' and in which there is generally more than one of the same. It seems to me that if everything that is going to come before this body is to be vented by a single committee, that will stress the time and the expertise of a single group of individuals. Before we begin to deal with complex issues of university governance on a systematic basis, we need to develop some sort of internal organization that will allow us to do that more successfully."

Professor Peter J. Trowbridge, Landscape Architecture: "These topics have represented department-wide views in the Department of Landscape Architecture. First, given the motion on the floor, we're in full support of having more faculty involved in the tenure review process. However, listening very carefully last time to the proposal on the floor, I think that many of the professional schools which we heard from felt that standing committees would not serve the University Faculty at-large very well. I heard not a lot of confusion, but I was hearing certain things that were repeated. One was that the lineal process of department to dean to Day Hall—the lineal process was a very divisive one that is very confusing and very protracted. In response, I guess, to the motion, we would say, 'Yes, more faculty support would be nice.' But as a recommendation to the committee and to this body, we'd like to see Day Hall and the deans have a much closer relationship rather than duplicate efforts of having double committees, it would be worthwhile for the deans of the colleges and the Provost to have collectively one committee that would reduce redundancy and speed up time. That same committee, then, would give advice to both bodies. It wouldn't be duplicative; it wouldn't be redundant; it wouldn't be divisive. In fact, it would be a singular set of advice; and both parties could participate in selecting that committee. Both could be equally invested in that process. Subsequently, both would hear the advice and base their individual decisions on that. So I not only support the motion on the floor but feel that there could be a much more streamlined, much less administrative, much less lineal and divisive process to make this happen—and to make things happen quickly."

Assistant Professor Lily H. Chi, Architecture: "I appreciate Dean Stein's proposal for a longer discussion on this matter regarding how the Faculty might get involved in these decisions, but I would have difficulty voting on the motion put forward today, because I see the option of the Faculty getting involved as one option among others—and this really, then, rests on the question of what is at issue. I'm wondering if this vote on whether the Faculty should be involved could be deferred until after that general discussion."

Dean Stein: "Sure."

Mary Beth Norton, Mary Donlon Alger Professor of American History: "I'd like to respond to the comments by Professor Strike and Professor Trowbridge. I think that Professor Trowbridge raised a very interesting idea, and that would be just the sort of thing we should talk about at this meeting in the fall, should we decide to have it. But with respect to Professor Strike, let me comment that I think the Provost has made very clear that, indeed, he is going to be more active than provosts traditionally have been. That is certainly what I understood him to say to the Faculty Senate last Wednesday; and it's certainly an extension of what he's said at meetings with him of the University Faculty Committee. In my mind, the alternative, in fact, to adopting this motion (although, if we wanted to defer it until the fall, that's another issue) is, indeed, to see a continuing activism on the part of the Provost in this regard, without input from the Faculty—other than the people who the Provost picks to assist him. At the moment, those are three other top administrators. So, I think that the alternative, as far as I am concerned, is clear.

"With your second issue on the question of the structure of this body, this is something that has, in fact, been discussed by the University Faculty Committee. As people may or may not be aware, what's happened is that the FCR committee structure has been incorporated in some strange way into the Faculty Senate; but that has not been fully integrated yet. One thing the University Faculty Committee has started talking about—precisely because we don't want to draft every proposal that comes before this body—is to establish genuine committee structures from the members of the Senate. That would mean, of course, more meetings for all of us—not just for members of the University Faculty Committee. So, I mean, everybody has to keep that in mind. But that is, in fact, the way we ought to go."

Seymour Smidt, Nicholas H. Noyes Professor of Economics and Finance, Johnson Graduate School of Management: "Unfortunately, I missed the last meeting; so I haven't benefited from all of that discussion. But it seems to me that what we have going on here is a fundamental change in the way the University is being led administratively. Of course, Cornell has immense diversity; and I thought that people would view that as a real strength of the University. The real power of this University, in the time I've been here, has been at the level of the schools. It has not been in Day Hall. When I describe Cornell to my colleagues at other institutions, I say that this is not an organization. This is a feudal society with a weak king and strong knights. In many cases, the deans of the various schools are much stronger than the Central Administration. It has its problems, however. It's certainly not very deep. The range of activities that we do does not have any logical sense, perhaps; but it seems to work. Cornell is a better place today, certainly, than it was three or four decades ago. It may not work for the future, though. Members of the Administration in Day Hall have to reconsider what their roles are and what our roles are. This debate is, I think, just a symptom. If they can control the faculty tenure without a broad look at the whole unit that is being involved, that doesn't seem, to me, to make any sense. There are units in which fundamental positions are subject to change. It would have been inconceivable to me ten years ago if somebody had said the State might withdraw support from some of the colleges

here. But that's not inconceivable today. Since this proposal can control that at the level of tenure without a broad look at the whole picture doesn't make any sense at all. Before we talk about the procedure, I think we need to talk about the fundamentals. Where is the leadership going to come from? Is Cornell going to continue to be a decentralized organization with Day Hall providing everything or nothing? Or is it going to become a centralized organization, which is a very different structure than we've had for years?"

Professor Frederick M. Ahl, Classics: "I think one of the main difficulties that we're all facing is that many of us are unfamiliar with one another. There are, since people are very individualistic on the faculty, as many opinions on the faculty as there are individual people. And what we're doing at these meetings is spending a great deal of time discovering the degree of individuality that prevails in terms of ideas and opinions on a complex subject. This is one of the reasons why I find that Dean Stein's suggestion of some mechanism of getting us together in smaller groups for discussion, whereby we can, in fact, discover more about one another, may be a very productive affair. I think we could end up spending many more general meetings trying to figure out who we are, what our interests are, and who are constituencies are. I think this is something that is very much missing now. We could, presumably, have the differences in opinion addressed by virtually every member of the Senate here—and anyone else who cares to make an impression. One of the first things we really need to do is to get together in smaller groups and find out who we are and what common ideas we may have regarding this issue of faculty governance. So I will certainly encourage members of the Senate to think about trying to get together in, perhaps, even random groups rather than colleges speaking en bloc—so that people do find out what the differences of opinion are and what the problems are and how we can address them. Each speaker who stands up and says something is pointing out a different angle from one that I had thought about or heard about earlier. I think this is what we must get in order before we can really get things in gear to try to achieve a consensus of individuals. If we spend all our time simply quibbling over details here and details there, we are going to end up making the whole Senate a dysfunctional body. What I think has been achieved is that we've at least established that there are multiple opinions here. But I think that we now have to find a way to organize them, sort them, and group them."

Dean Stein: "I'd like to respond to a number of people. First is my declaration of angst. My angst was not at the fact that this body clearly rejected what the University Faculty Committee brought forward. I didn't say, 'Bad Senate!' for rejecting what the UFC brought forward. (I may think that, but I certainly didn't say that.) [Laughter] What really bothers me is the fact that we could have gotten so out of sync. This proposal came to you unanimously from a committee that was elected broadly by the whole Faculty. That is what I was trying to think about. How will we find a way to have the committees that will make proposals and the UFC, which is supposed to act as a liaison between the Provost and you and you and your departments—how does that whole thing work if we've gotten so out of step with the rest of the group? That's the source of my angst. I accept your verdict on that proposal. I don't argue.

You were right; it was no good; end of story. But the question is, 'How do we go about getting a proposal that will achieve consensus?'

"As for Lily Chi's comment, a 'yes' on this vote, to my mind, would not answer that question. The 'yes' on this proposal is simply your permission to go ahead and try to find this new mechanism for generating a proposal that we can all sign on to. As for the people who want to know what the problem is, right on. That is how I think this meeting ought to open—with a frank and open discussion of what the problem is and what we are trying to cure. I think that's too hard to do in this constrained setting with these time limits. So, all of those things, in my mind, speak toward this proposal that we're laying on the table.

"And the last thing, to Professor Strike: There have been three substantive motions that have been voted on by this body. One was the proposal we just brought you; another was the sexual harassment procedures; and the other was the median grade proposal. Now, the other two came from committees of this body. The median grade proposal and the sexual harassment proposal went through a committee structure. So it isn't true that everything goes through the University Faculty Committee, it was just this one proposal."

Professor James W. Gillett, Natural Resources: "I strongly urge support of this, because it gives us time to develop some data that we don't have about this problem. We'll be able to develop data on promotion and tenure evaluation—and that hasn't been done yet. It would be good to gather information on our experiences at other universities and what others have told us about what is, really, a serious issue."

Professor Trowbridge: "Just a response, I think, to Peter's comments: It seems to me that the committees that bring recommendations to this body might want to hear ideas from the body prior to bringing their recommendations to the floor. I think that they may be well served by that process. Otherwise, considering the way the recommendation was brought to us last time, I might as well have sat in my office and voted electronically."

Professor Howard C. Howland, Neurobiology and Behavior (At-large): "I think the reason we're in the dilemma we are is that we've gotten two different messages from the Administration. One, as brought to us by Professor Norton, is that the Provost says he's going to exert much more scrutiny on tenure appointments. At the same time, we heard from the Provost at the last meeting, when he stated—in response, I believe, to a question from the floor—that his turning back of one of, say, forty proposals was not anything exceptional. So I think that's the real problem we're facing.

"I'd like to make one comment about the failure of this motion at the last meeting. I certainly share Professor Holcomb's belief that that was a really good meeting; I think the Senate really spoke well. Possibly together with this 'retreat,' as it were,

and not having to have a retreat for every big question that comes up—I think that if that proposal in, perhaps, a draft or tentative form had been e-mailed to all of the Senators and we were asked for our opinions—say, we were given a couple days to talk with our departments and get back to Dean Stein—the Dean and the UFC would have known right off not to bring it to the floor.

“Lastly, I would like to mention my own anxiety here. . . .”

Dean Stein: “That’s *angst*.”

Professor Howland: [In German] “Thank you, Professor.” [Laughter] [Resuming in English] “That is, we have been going through downsizing, and different colleges have handled this in different ways. It came up at the last meeting that there was some worry on the part of the Administration that colleges would bring forward tenure appointments simply to maintain the line. I responded to that and didn’t think that was likely. But since then I’ve found that some colleges, at least, are freezing tenure-track lines. That is, if someone fails to get tenure, then that line gets frozen. But I’d like you to know that that’s not universal. The college that’s undergone the greatest shrinking in the last five years is the College of Agriculture and Life Sciences—but they have never frozen or lost a tenure line. That’s not true for all colleges. That’s not true for Engineering, for example: Engineering lost twenty positions, and they froze and stopped appointments everywhere. I hope it’s not going to be true in the College of Arts and Sciences. And that’s why, under ‘new business,’ I will make this motion that I’ve brought with me today.”

Speaker Martin: “Are you clear as to the motion on the floor? Dean Stein, would you restate it?”

Professor Corradino: “I have it written right here.”

Speaker Martin: “Would you please read it, then.”

Professor Corradino: “Should the University Faculty play a formal role in tenure decisions at the level of the Provost’s Office?”

Professor Kramnick: “A point of information: Does a vote ‘yes’ require us to have a half-day session? If we do, will the Dean explain how we explain this to our students.”

Dean Stein: “With your unanimous permission, I would like to change the motion to say, ‘Shall the Senate continue its investigation into the role that the Faculty should play in the tenure appointments at a central level?’ That’s really what’s meant by it. So, if no one objects, I would like to transform that.”

Professor Kramnick: “Again, if we vote ‘yes,’ will we have the half-day retreat? Or may we separate the questions?”

Dean Stein: "You'd like to separate the questions? Okay."

Professor Simons: "May I speak to the proposal? If we invoke some kind of faculty involvement at the Provost's level, we're talking about some sort of committee. I would just like to raise a concern—recognizing that I am an involved party, as I am an untenured faculty member. If we assembled committees of faculty from different schools, what will be triggered are scripts or routines—and the routine that will be elicited is that the committee is making tenure decisions. Consequently, in order to feel useful, each committee will feel that they have to turn down someone among the people whom they are taken to review, whether it is five or whether it is ten. And that will result in a larger proportion than the one in thirty or forty that was shot down by the Provost. Also, if the Provost is reserving the right to override the committee's decision, then, in fact, we are not replacing the Provost's decision with a University Faculty decision; we are, in fact, adding another hurdle. I just wanted to make clear what people are voting for."

Speaker Martin: "If there are no objections, we shall vote."

Professor P.C.T. de Boer, Mechanical and Aerospace Engineering: "This is not an objection, but if the Speaker would like to close off debate, he should ask for a motion for the previous question."

Speaker Martin: "If there are no objections, we shall close debate and vote. Hearing no objections, the previous question passes. Thank you, Professor de Boer. We're now dividing the motion. Would you like to restate the first part, Dean Stein?"

Resolve that the Senate shall continue its investigation into the question as to whether the Faculty should play some role in decision-making on tenure at the central level.

Speaker Martin: "Okay. All in favor, say 'aye'; opposed, 'no'; it is carried. Now we will vote on the second half, regarding the half-day session."

Professor Kramnick: "Could the Dean explain this motion? Would it be on a weekday or a weekend, for example?"

Dean Stein: "The motion is that we devote a half-day, sometime early in the fall term, with unspecified parameters—that means I'm not saying 9:00 to 12:00, and I'm not saying Monday or Saturday or before registration or after, because we haven't talked about it at all—to devote an extended period of time for looking into all of the issues that have been raised on this floor regarding this particular motion, with a view to coming to some kind of conclusion. Possibly other topics will be discussed as well. The format is, at the moment, as free as that."

Assistant Professor Mark Cruvellier, Architecture: "Could I offer a point of clarification? It seems that everything is vague but the following: Is the intent that

after this half-day meeting, the results will go back to the UFC and the UFC will draft some new proposal? Or could that end conclusion be open as well?"

Dean Stein: "That conclusion could certainly be left open, as far as I am concerned. It has not been thought through. The only thing that has been thought through is to have a large block of time and to break up into smaller groups to be able to discuss the problems—and to have presentations as to what the problems are and what some solutions are. That's what we talked about, and that's what we're proposing."

Professor Scott: "This would occur after we've received something from the Provost indicating what he believes the problem is?"

Dean Stein: "It is my hope that preceding this meeting, we could distribute to you written documents from various people—I can make no promises for anything, though—which might be a definition of the problem and some possible solutions for it. But I would like to give you something to bite on so you have something to think about in advance of the meeting. I don't have a written proposal—that's obvious. But what I'm building on is what went on in the Academic Leadership Series. I'm hoping we can come out with a real solution, or real understanding, and be able to bring all our thoughts to bear and come out with something we can all sign on to. One thing this sort of thing requires is some preparation: You can't come in cold to something like this, so there have to be papers distributed. I can't promise anything except to try to make it productive."

Speaker Martin: "We're running short of time. Are these points of information?"

Professor Gary A. Rendsburg, Near Eastern Studies: "I don't know if you'd call it a 'point of information,' but I would like to raise the same question for which we still don't have an answer. In other words, my vote here is very much dependent on whether I'm going to go into this meeting, whenever it might be, being asked to, first, determine what the problem is and then determine what the solution to the problem is—or, will we have a document in front of us, from the Provost, detailing what the problem is so that we can, then, look for a solution? That's a crucial issue which I still haven't heard an answer for."

Dean Stein: "I'm going to give it my best, Gary. I understand what you are saying, and I will try. I can't speak for the Provost, but I see his hand raised."

Don M. Randel, Provost: "Yes. Don Randel, Department of Music. [Laughter] Alas, I think it is, in some degree, up to the Faculty to decide whether there is a problem. The University Bylaws say that the President recommends to the Board of Trustees the promotion to tenure of faculty. The University Bylaws are not subject to amendment by the University Faculty. The agenda of the Board of Trustees says: 'The President recommends that Professor So-and-So be elected. . . .' The President, being a responsible person, tries to make that a serious recommendation and asks the Provost to advise him. I came into the office simply intending to exercise my

responsibilities appropriately. Seeing a range of cases, I think anyone in this room would be bound to conclude that the range was quite considerable. I made what seemed to be a responsible judgment. I'm perfectly happy to continue to carry on in that way, because I think I do exercise my responsibilities as honestly as I can, and I have some colleagues who do it with me. But there was a considerable sense within the Faculty, I judged, that somehow, by definition, members of the Central Administration somehow cannot do right by exercising their judgment. It was in response to what I perceived to be the opinions of some members of the Faculty that I began to speak with Dean Stein about the degree to which it would be useful to have a mechanism in which the Provost (or whatever designee the President chooses) could be advised about this. You should understand that the responsibility will always lie, ultimately, with the President. To that end, there is no appeal to that judgment. But, a provost will find it very difficult to turn down a case that is presented to him or her from a faculty committee that is set up for the purposes of maintaining the Faculty's own standards. The responsibility will always remain in the hands of the President, however. If it is the judgment of the Faculty that I was wrong in perceiving that there was some dissatisfaction with the current arrangement, in which I and the infamous 'gang of four' make decisions to the best of our ability, then the Faculty can, in fact, decide that they do not wish to have any further mechanism. I have since heard some faculty members say that they'd rather take their chances with me and the gang of four than with a committee of their own making. I found some irony in this, but I am perfectly willing to accept this.

"To return to the original point, I think that it is, in fact, the Faculty that has to decide whether there is a problem and how it wishes to address it. If, in fact, it is the sense of this group that doing things the way we're doing them is okay, then that's fine with me. And what we will try to do is what we have thus far tried to do: We'll look at the range of cases that comes before us and make a reasoned judgment as to whether they all, in fact, represent, in some common way, the standards to which we all aspire. I should say that I don't wish to debate whether we can define 'excellence,' either. I think that was one of the least productive parts of last week's meeting. We won't be able to do that to anyone's satisfaction in any way that will be useful. Sensible people will try to make a sensible judgment."

Speaker Martin: "We have far exceeded the time allotted to this matter, and we have other business to come before the body."

Professor Kramnick: "This motion has not been discussed. I would like to persuade my colleagues to vote against it. We are setting a dangerous precedent. Whenever we have a difficult issue, you are suggesting that we cannot have a meeting at 4:30 for two successive weeks, but we must take a half-day out of teaching to have a retreat. This will be constantly looked back on, and we will say, 'Well, we did it on that issue. Let's have a retreat.' I urge my colleagues to oppose this motion."

Speaker Martin: "Okay, if there are no objections, we will vote."

Professor de Boer: "I move to postpone indefinitely."

Speaker Martin: "There's been a motion to postpone this matter indefinitely. Is there a second?"

Professor Corradino: "I'll second it."

Dean Stein: "Do we all understand this motion?"

Professor de Boer: "A motion to postpone a matter indefinitely is not amendable but is debatable, and it means that the proposal would be defeated for this session—it cannot come up again at this meeting. The reason that I'm moving it is that I don't think it is a good motion—we don't really know what to do; but on the other hand, I don't think I want to defeat it directly. I respect very much the intent of the motion, but I think that at this time, it isn't properly formulated."

Speaker Martin: "It has been seconded. Is there further discussion on the motion to postpone indefinitely?"

Dean Stein: "I think that you ought to either turn it up or turn it down. We thought about this thing, and we thought it was a good way of proceeding to examine this motion, and I think you ought to give us a 'yes' or 'no' vote on it. I don't really see the point of that parliamentary maneuver."

Speaker Martin: "Further discussion? If not, all in favor of postponing this motion indefinitely—which means it cannot come up again at this meeting—say 'aye'; opposed, 'no.' The Chair is in doubt; we will take a standing vote. Only Senators are permitted to vote. All in favor of the motion, please stand. Thank you. All opposed, please stand. Thank you. This was a point of how loud the voices were. The motion is defeated by a vote of 46 to 20. We are now back to the motion itself."

Dean Stein: "I move the question."

Speaker Martin: "Is there a second?" [Seconded] "All in favor of the previous question—ceasing debate and voting—please say 'aye'; opposed, 'no'; it is carried. We will now take a vote on the motion. Would the Dean please care to repeat it before we vote?"

Dean Stein: "The motion authorizes the University Faculty Committee to prepare for a half-day session early in the fall semester to discuss the issue of faculty involvement in tenure appointments at the University level—plus other issues that they wish to raise that will address all of the questions that have been raised on this floor."

Speaker Martin: "Is that clear? All in favor, please say 'aye'; opposed, 'no'; the motion is defeated."

Professor Norton: "Division, please."

Speaker Martin: "Okay, we will take a standing vote. All in favor of the motion, please stand. You may sit. All opposed, please stand. Thank you. The motion is defeated by a vote of 30 to 40."

Professor Howland: "May I ask a question of the Provost, who was out of the room when I made an interpretation which involved what he said last time? What happened was that at the beginning here, it was voiced that we didn't really know what the question was we were trying to solve. I floated the proposal that the reason we didn't know was because Professor Norton had conveyed your opinion—or your statement—that you were going to scrutinize tenure appointment cases much more carefully than had been done in the past at the Provost's level. And then I said that that seemed to be a contradiction to what you said at the open assembly last time, when you said what you had done in turning a tenure appointment back was nothing out of the ordinary. I said that I felt that that was what led to the confusion. And since I said that while you were out of the room, I felt I should say that with you in the room."

Provost Randel: "Actually, I was in the room when you said that. One's perspective depends on one's interpretation of the past. When I was a witness like you, I looked at things differently. Part of the difficulty that divides us is that there is a difference of opinion about how seriously this has been done in the past. If you were to ask Don Cooke, Bob Barker, or Mal Nesheim what they did, they would tell you that they looked at these things seriously. And indeed, last year, the same four people were doing this, except for me. Mal wrote letters to college deans saying, 'If I get another one like this, I'll turn it down.' He never did, in fact, turn one down, but he certainly made it clear that he was prepared to do that. That could lead to an interpretation that what I propose to do isn't any different from what has ever been done. So, leaving aside that point, all I can assert is that I propose to take seriously the responsibility that the President gives me. If you think that's different from the past, fine. If you think that's not different from the past, fine also. All I'm saying is that I believe I will continue to exercise that office to the best of my ability. The office has always entailed the responsibility to review tenure cases."

Professor Corradino: "I have a question for the Provost. With all due respect, is it too much to ask that you define what you consider to be appropriate standards for promotion to tenure? I don't mean you have to do it right now, but I'd actually like to see something in written form, so that we know, as faculty, what you're looking for. You must have something in mind; Vice President Ehrenberg certainly did last week."

Provost Randel: "Sure, I have something in mind. And so does every department and every dean—and that is not the same thing as saying it can be codified in so many words in a way that the effect could be found satisfying. I could clearly produce some descriptive language that would speak of 'high this' and

'distinguished that'; but I don't think it would get us very far. I don't think we need more rules about this. I think we need to look at these packages of things that come along and ask, 'Do they seem to represent similar standards, or is there too great diversity in them?' Then we should make the decisions accordingly."

Speaker Martin: "We have another item of business coming up, so this better be relevant."

Professor Simons: "I'd like to make a general motion. I might be off base, but it might cut through some of the general confusion. Provost Randel proposed that the problem we were trying to address was faculty discontent with his exercise of power over this past year, where he turned down something of the order of one in forty tenure appointments. I'm wondering whether we might want to get a sense of the body as to whether the Faculty is discontent with that exercise of power. We don't have to do it, though."

Speaker Martin: "I'm sorry, but we are out of time. The chair calls on Professor Elizabeth Earle, for a message from Trustee Calvo."

3. RESOLUTION AND DISCUSSION OF WAYS TO MAKE THE FACULTY SENATE AND THE UNIVERSITY FACULTY COMMITTEE REPRESENT THE FACULTY MORE EFFECTIVELY

Professor Elizabeth D. Earle, Plant Breeding and Biometry: "I've been asked to read a statement by Trustee Joe Calvo, who could not be here in person because he is giving an exam. So I will read his statement."

The University Senate should be the education arm of the faculty with respect to important university issues. Indeed, part of the rationale for adopting our new structure for faculty governance was the possibility of bringing these issues to faculty members in individual departments. During these first months in the life of the University Senate, it is important that procedures be established that support this role of the Senate as the education arm of the faculty.

I see two major problems in realizing this aspect of our mission. First, the extent to which individual Senators report to their colleagues on issues brought before the Senate undoubtedly varies widely. The faculty of some department may not meet on a regular basis, and the agendas of scheduled meetings may not allow time for adequate discussion of issues taken up by the Senate. The second problem has to do with the ability of Senators to adequately convey the pros and cons of issues to their colleagues, sometimes weeks after the issues have been discussed. Sometimes the advantages of a proposal or resolution are laid out in a written summary, but it is not usually the case that disadvantages or alternatives are included in such a written summary. Is it reasonable to expect a Senator to synthesize a balanced and accurate summary of the pros and cons of an issue after attending one or a few meetings and perhaps after reading the minutes of those meetings? No one would question the ability of Senators to do so, but how many have the time?

I request that the University Faculty Committee consider how to structure Senate procedures so as to enhance the education function of the Senate. At a minimum, I would hope for a requirement that proposals deemed to be exceptionally important to the faculty have written descriptions of both advantages and disadvantages and that they contain a description of alternatives to the proposal.

Professor Earle: "That is Joe Calvo's statement."

Speaker Martin: "Okay, we have seven minutes for discussion. At five minutes before six o'clock, the Speaker will call for new business. The floor is now open for discussion of Trustee Calvo's message."

Ronald L. Breiger, Goldwin Smith Professor of Sociology: "I believe that the message is relevant to some of the concerns that have been vexing us with respect to the ability of the University Faculty Committee to put forward a proposal that would have wide support. We are in a bit of a conundrum, because we voted that the Faculty Senate should continue its consideration of the issue of faculty involvement in tenure decisions at the Provost's level, but we've decided not to pursue this particular half-day plan. It goes along with the educational functions of the Senate and our representatives on the University Faculty Committee to suggest that one way out of our conundrum might be to ask the Dean of the Faculty to call upon volunteers to be on a committee that would work with the University Faculty Committee and would, in particular, contain representatives of the professional schools, which were, in my observation, a source of much discontent over the proposal as presented last time. From this set of volunteers working with the University Faculty Committee, a proposal could be returned to the Senate that would deal with faculty involvement in tenure decisions at the Provost's level."

Professor Barry K. Carpenter, Chemistry: "I wonder if one idea might be to set up a Senate electronic bulletin board, to which only Senators could post things—by way of a password—but which anybody in the University could read. It seems to me that such an amendment might address some of the issues that Dean Stein and the University Faculty Committee were trying to address in this meeting. But it would have the advantage that people could access this information at a time that is convenient to them."

Assistant Professor Linda K. Nicholson, Biochemistry, Molecular and Cell Biology (At-large): "I would like to make a motion that we pursue this type of idea and have a structured mechanism by which we can educate the rest of the Faculty. I've taken the 'at-large' part of my representation very seriously, and I have been frustrated, because I have not had the time that I felt has been required to present issues to enough people. So I think that this kind of electronic bulletin board would be very useful, and I make a motion that this happen."

Speaker Martin: "Is there a second?"

Professor John E.H. Sherry, Hotel Administration: "Yes, I'll second it."

Speaker Martin: "Is there discussion? All in favor of the motion, say 'aye' . . . Yes, there is a question."

Professor Fine: "I'm sorry, I don't have my legs under me here. For the first time I hear a letter read to me, and while I'm still trying to digest what it was about, I get a reasonable suggestion that turns into a motion, and before I have time to think about it, we're ready to vote on it already. I'm not under that pressure, though. I don't know that this is the issue we need to be dealing with. I have some concerns here that we are confronting issues that may be not of our concern, and this may be one of them. I'll just quit with that."

Dean Stein: "I move to refer this matter to the University Faculty Committee."

Professor Norton: "Second."

Speaker Martin: "There's been a motion to refer this to the University Faculty Committee, and it has been seconded. Is there discussion? All in favor, say 'aye'; opposed, 'no'; it is carried."

Professor Lesser: "It seems to me, and I think the bringing of this letter before the Senate—though it was a reasonable letter—raises the issue further: Basically, we have no clear process, or at least no process that I'm aware of, as to how items get on the agenda. How is it that that letter got on the agenda? It may be perfectly appropriate, but it seems to me that if we're going to have an organizational system here, that's the first thing we need to clarify. Is it, as I understand, an issue to individually write a letter to the Dean of Faculty requesting an item to be on the agenda? Should the University Faculty Committee be required to respond in writing if the Dean does not include something on the agenda or chooses to postpone discussion until a later date? What is the procedure? We've recognized that our time as a body is extremely limited, and we have to make clear decisions as to how to use that time most effectively. I would hope that we could clarify, at least, that issue about our procedures in the near future."

Speaker Martin: "Is there further discussion? If not, the floor is now open for new business."

4. NEW BUSINESS

Professor Howland: "Thank you. I'm going to move the motion on this blue sheet that's before you (attached). I left off the words 'Be It Resolved:'—so please add them.

In order to maintain and improve the quality of education and research at Cornell, faculty lines that are vacated because of failed tenure decisions should remain in the affected department (or section) and be filled

expeditiously using established University procedures for the search and appointment of faculty.

“Due to the shortness of time, I will just summarize the points listed below, which I hope you’ve read.”

Speaker Martin: “Is there a second to the motion?” [Seconded]

Professor Howland: “The first one says that when a faculty line is vacated by a failed tenure decision, that means we’ve lost a junior faculty person. And that person was often heavily involved in teaching. So to find that position frozen leaves a real hole in the development of the department—and also in the educational duties of the department. It hits it very hard. The practice of hiring instructors—which is often the only alternative left—to take care of core curriculum courses really cheats our students and, I think, should be avoided at all costs. Lastly, and quite important to me, is that freezing faculty lines vacated by failed tenure decisions is a ‘dis-incentive’ of the Faculty to forward negative tenure decisions. It encourages departments and sections that should have no impact whatsoever on the academic qualifications of their candidates.

“As I mentioned before, the practice across the University is quite diverse. In fact, the College of Agriculture and Life Sciences, which has undergone tremendous shrinkage of faculty, has not engaged in this practice—it has managed to downsize without doing this. I don’t know why, but I was talking to someone in Engineering, and I found that their college has lost twenty positions since 1990, and they have frozen everything in sight. I don’t know how they got into that box, but somehow they did. I would hope that could be avoided. In my own college, the College of Arts and Sciences, and in particular in the Division of Biological Sciences, three of our Arts positions have been frozen. That has had a terribly destructive effect on our curriculum. I think if that keeps up, it is, indeed, going to introduce into tenure reviews certain considerations outside those of academic qualifications. I firmly believe in what I said last week—that the Faculty should resist this in every way it can. But, on the other hand, there are pressures that one is going to respond to. If your curriculum is falling apart because you don’t have the basic faculty, that’s really putting people under a lot of pressure not to appoint someone who is clearly unqualified—but it is awfully difficult to be in that position. So that’s why I recommend this motion to you.”

Speaker Martin: “The floor is open for discussion.”

Professor Emeritus Holcomb: “I’d like to oppose this motion strongly. This is an exceedingly blunt instrument, and it deals with an area in which it’s not clear to me that it’s appropriate for the Faculty Senate to act to instruct, college by college, what the administrators should do with respect to managing their resources.”

Professor Reeve Parker, English: "I just want to say that I understand that this would apply only to lines vacated when tenure promotions fail, not upon retirement. Is that correct?"

Professor Howland: "That is right."

Professor Kramnick: "I second what Professor Holcomb said: I think this is an inappropriate motion. I also find shocking what's implied by the second rationale—that junior faculty often teach *more* than senior faculty. Is that, in fact the case?"

Assistant Professor Carlo D. Montemagno, Agricultural and Biological Engineering (At-large): "I would like to support this motion. I think this motion goes to the very heart of the tenure process: If there is any type of persuasion to assuage the integrity of the reviews, the idea of having that line removed if a review is not favorable to the candidate from the department, it becomes strongly possible to reduce the quality of tenured faculty before it gets to the Provost's level. If there is anything that the Administration can do to harm the integrity of the tenure review process, it is to place the pressure that if a selected candidate is not awarded tenure, the department might lose a tenured line."

N. David Mermin, Horace White Professor of Physics: "But guaranteeing that a line will continue is an equally dangerous thing to do, because it can excite all kinds of visions of what could be done other than promoting the candidate. This is an extremely complicated issue. I don't see how we can possibly decide in five minutes whether to support it or not."

Professor Montemagno: "The fact of the matter is that the line should remain with the department, because that's where it belongs."

Professor Scott: "I'd like to point out that not everyone at the University has a teaching position. We have a number of faculty in our department (Entomology) who do extension, and I would argue that this proposal is a little on the dangerous side, because a failed tenure promotion could entail, over time—perhaps eight or nine years—that the department might find a better way to use this. I would also argue that, as Professor Kramnick brought up, if there's a vacancy in teaching the core curriculum, it's up to the senior faculty to pitch in—it's not just the assistant professors who we should demand to teach our core classes."

Speaker Martin: "Does anyone else wish to speak before I return to Professor Howland?"

Professor Howland: "With all due respect, Professor Holcomb, I don't think this is a blunt instrument; it is, instead, a very sharp instrument. It singles out a practice which I think is incorrect, and it makes a recommendation of the Faculty not to do that. We obviously are not the Administration, but we've all agreed that the role of the Faculty is to advise the Administration. With regard to teaching—in fact, in the

sciences, one does come in with a heavy teaching load. As one becomes more senior, one's research develops—certainly in biological sciences—and one fills one's laboratory with post-docs. Generally speaking, the amount of actual teaching of the curriculum at the undergraduate level does often decrease."

Professor Kramnick: "That's shocking."

Speaker Martin: "Before Professor Norton calls for Orders of the Day, the Speaker will ask for a vote to be taken. All in favor of the proposal, say 'aye'; opposed, 'no'; the proposal is defeated. We are adjourned; have a good summer."

Adjourned: 6:05 PM

Respectfully submitted,

Robert F. Lucey, Associate Dean and Secretary
of the University Faculty

Motion

to be moved by Prof. H. Howland
Member at Large

Text of the motion

In order to maintain and improve the quality of education and research at Cornell, faculty lines that are vacated because of failed tenure decisions should remain in the affected department (or section) and be filled expeditiously using established University procedures for the search and appointment of faculty.

Rationale (not part of the motion)

1. Faculty lines vacated by failed tenure decisions are particularly important to departments and sections since they are occupied by junior members who forge the future of academic units. Freezing these faculty lines seriously thwarts the normal development of academic units already negatively affected by the negative tenure decision.
2. Junior faculty often have teaching commitments that are larger than those of senior faculty; thus the freezing of junior faculty lines disproportionately affects the quality of education in negative ways.
3. The practice of hiring instructors to continue the teaching of core curriculum courses in the absence of faculty replacement undermines the quality of education on campus. Cornell students can expect to be taught by the faculty, especially in core courses.
4. Freezing faculty lines vacated by failed tenure decisions is a disincentive of the faculty to forward negative tenure decisions.
5. Freezing faculty lines vacated by failed tenure decisions encourages departments and sections to consider issues that should have no impact whatsoever on the review of the academic qualifications and promise of tenure candidates.

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